

## **CHAPTER 6: PUBLIC HEALTH AND SAFETY**

### Article

- 1. GENERAL PROVISIONS**
- 2. ANIMAL CONTROL**
- 3. FAIR HOUSING**
- 4. CIVIL DEFENSE EMERGENCY PREPAREDNESS**
- 5. CURFEW REGULATIONS**
- 6. LITTERING, ALCOHOLIC BEVERAGES, AND GLASS CONTAINERS**
- 7. LOITERING AND UNLAWFUL ASSEMBLIES**
- 8. FIREARMS**
- 9. DANGEROUS KNIVES**
- 10. WEED CONTROL**
- 11. BURNING OF TRASH, REFUSE, AND OTHER MATTER**
- 12. NUISANCES**
- 13. FIRE PROTECTION SERVICES**



## ARTICLE 1: GENERAL PROVISIONS

### Section

- 6-1 Town's authority to regulate
- 6-2 Preservation of public peace and order
- 6-3 Authority to regulate air and sound
- 6-4 Authority to regulate public gatherings
- 6-5 Authority to establish a police and law enforcement system
- 6-6 Authority to establish a firefighter and fire prevention system
- 6-7 Offenses against public health, order, and decency
- 6-8 Resisting official action
- 6-9 Fireworks

#### ***Statutory reference:***

*Authority to establish a police and law enforcement system, see I.C. 36-8-2-4*

*Authority to establish a firefighting system, see I.C. 36-8-2-3*

*Authority to preserve public peace and order, see I.C. 36-8-2-2*

*Authorization of the regulation of air and sound, see I.C. 36-8-2-8*

*Authorization of the regulation of conduct and property for reasons of public health, safety, and welfare, see I.C. 36-8-2-4*

*Authorization of the regulation of public gathering, see I.C. 36-8-2-4*

*Like offenses, see I.C. 35-45-1-1 et seq.*

### **§ 6-1 TOWN'S AUTHORITY TO REGULATE.**

The town may regulate the conduct, or use or possession of property which might endanger the public health, safety, or welfare of its citizens.

(1995 Code, § 6-1)

### **§ 6-2 PRESERVATION OF PUBLIC PEACE AND ORDER.**

The town may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.

(1995 Code, § 6-2)

**§ 6-3 AUTHORITY TO REGULATE AIR AND SOUND.**

The town may regulate the introduction of any substance or odor into the air, or any generation of sound.

(1995 Code, § 6-3)

**§ 6-4 AUTHORITY TO REGULATE PUBLIC GATHERINGS.**

The town may regulate public gatherings, such as shows, demonstrations, fairs, conventions, sporting events, and exhibitions.

(1995 Code, § 6-4)

**§ 6-5 AUTHORITY TO ESTABLISH A POLICE AND LAW ENFORCEMENT SYSTEM.**

The town may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.

(1995 Code, § 6-5)

**§ 6-6 AUTHORITY TO ESTABLISH A FIREFIGHTER AND FIRE PREVENTION SYSTEM.**

The town may establish, maintain, and operate a firefighting and fire prevention system and may provide facilities and equipment for that system.

(1995 Code, § 6-6)

**§ 6-7 OFFENSES AGAINST PUBLIC HEALTH, ORDER AND DECENCY.**

All offenses against public health, order, or decency not addressed by this code shall be governed by applicable state statute.

(1995 Code, § 6-7)

**§ 6-8 RESISTING OFFICIAL ACTION.**

It shall be unlawful for any person or persons to knowingly or intentionally interfere, or attempt to impede or interfere, with any town official or employee in the performance of his or her official duties.

(1995 Code, § 6-8)

**§ 6-9 FIREWORKS.**

It shall be unlawful for any person or persons to discharge fireworks except as noted:

(A) Fireworks can only be discharged between the hours of 9:00 a.m. to 12:00 midnight on Memorial Day, Fourth of July, Labor Day, and New Year's Eve;

(B) Only individuals over the age of 18 can purchase fireworks;

(C) A person 18 years of age or older has to be present when anyone younger than 18 is using or possessing fireworks;

(D) Fireworks can only be used on the user's property, the property of someone who has granted permission for fireworks to be discharged, or a place designated by the State Fire Marshal for the discharge of consumer fireworks;

(E) Anytime in which the State Fire Marshal has issued a commercial permit for public fireworks viewing; and

(F) In the case of inclement weather, an alternate date will be scheduled and announced by the Marshal's Office.

(Ord. 2009-04, passed - -2009)



## ARTICLE 2: ANIMAL CONTROL

### Section

#### *Division I: General Provisions*

6-11 Definitions

#### *Division II: Licensing*

6-13 Licensing required

6-14 Obtaining a license

6-15 Fees

6-16 Violations and penalties

#### *Division III: Animal Health Regulations*

6-19 Restraint and confinement

6-20 Animals in heat

6-21 Vicious animals

6-22 Violations and penalties

#### *Division IV: Impoundment*

6-25 Period of impoundment

6-26 Payment of impoundment

#### *Division V: Nuisances*

6-29 Public nuisance prohibited and violations

#### *Division VI: Animal Care Regulations*

6-31 General animal care required

6-32 Poisoning of animals

6-33 Motor vehicle accidents involving animals

6-34 Animals in motor vehicles

6-35 Abandonment

6-36 Violations and penalties

**Hope - Public Health and Safety*****Division VII: Rabies***

- 6-38 Rabies vaccination required
- 6-39 Animals biting persons
- 6-40 Violations and penalties

***Division VIII: Payment of Violations***

- 6-42 Payment of violation notices; time period

***Division IX: Animal Control Officer***

- 6-44 Officer
- 6-45 Duties, jurisdiction, and powers
- 6-46 Penalty for interference with Animal Control Officer
- 6-47 Compensation

***DIVISION I: GENERAL PROVISIONS*****§ 6-11 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ABANDONMENT.*** To deposit, leave, drop off, or otherwise dispose of any live domestic animal on any public or private property.

***AGENT.*** Person(s) 18 years or older authorized by an owner to act in the owner's behalf.

***ANIMAL.*** Any live non-human vertebrate creature, domestic or wild.

***ANIMAL SHELTER.*** Any facility operated by a humane society or other municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under their jurisdiction or state law.

***AT LARGE.*** Any animal that is not under restraint. (I.C. 15-2.1-21-8 addresses recklessly permitting a domestic animal to run at large.)

***CONFINEMENT.*** Limited or restricted within the bounds of the real property of the animal's owner or agent.

**DOMESTIC ANIMAL.** Any animal that is a member of one of the following species:

- (1) Dog;
- (2) Mouse;
- (3) Rat;
- (4) Guinea pig;
- (5) Chinchilla;
- (6) Mink;
- (7) Ferret;
- (8) Hamster;
- (9) Gerbil;
- (10) Poultry;
- (11) Cat;
- (12) Cattle;
- (13) Horse;
- (14) Donkey;
- (15) Pig;
- (16) Sheep;
- (17) Goat; or
- (18) Rabbit.

**EXPOSED TO RABIES.** Any human or non-human warm-blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected of having been infected with rabies.

**FRESH PURSUIT.** The immediate following of an animal that is found to be at large and not on the owner's property.

**HARBORING.** The actions of any person who permits an animal habitually to remain or lodge or to be fed within his or her home, store, enclosure, yard, or place of business or any premises on which the person resides or controls. An animal shall be presumed **HARBORED** if it is fed or sheltered for three consecutive days.

**OWNER.** Any person age 18 or older owning or harboring one or more animals.

**PET.** Any domestic animal, other than cattle, horse, donkey, pig, sheep, goat, chinchilla, or mink, kept for pleasure rather than for utility.

**PUBLIC NUISANCE.** Any animal or animals that:

- (1) Molest passers-by or passing vehicles;
- (2) Attack other animals;
- (3) Damage public or private property; and/or
- (4) Bark, whine, or howl in an excessive, untimely, or continuous fashion.

**RESTRAINT.** The securing of an animal by leash, lead, or secure enclosure.

**STRAY.** Any animal that is not under restraint and/or upon reasonable inquiry does not appear to have an owner.

**VICIOUS ANIMAL.** Any animal that, by its behavior, constitutes an immediate and serious physical threat to human beings or other animals.  
(1995 Code, § 6-11) (Ord. 1990-1, passed 10-1-1990)

## ***DIVISION II: LICENSING***

### **§ 6-13 LICENSING REQUIRED.**

Any person owning, harboring, or having custody of a dog or cat over six months of age within the town must obtain a license under this article for each dog or cat over the age of six months.  
(1995 Code, § 6-13) (Ord. 1990-1, passed 10-1-1990)

### **§ 6-14 OBTAINING A LICENSE.**

Applications for a license shall be made to the Clerk-Treasurer.  
(1995 Code, § 6-14) (Ord. 1990-1, passed 10-1-1990)

**§ 6-15 FEES.**

Applicants must pay to the Clerk-Treasurer \$3 per animal per year.  
(1995 Code, § 6-15) (Ord. 1990-1, passed 10-1-1990; Ord. 2009-02, passed 1-19-2009)

**§ 6-16 VIOLATIONS AND PENALTIES.**

Persons who violate any of the provisions of this division shall be subject to a fine of \$25 for the first offense, with the fines increasing by an increment of \$25 for each subsequent offense within one year of the first offense, but not more than \$1,000.  
(1995 Code, § 6-16) (Ord. 1990-1, passed 10-1-1990; Ord. 99-03, passed 2-15-1999)

***DIVISION III: ANIMAL HEALTH REGULATIONS***

**§ 6-19 RESTRAINT AND CONFINEMENT.**

(A) All animals shall be confined and/or restrained at all times as defined herein.

(B) Each animal owner is responsible for, shall remove, and dispose of all waste material left by the animal on any park property or other designated areas of the town.

(C) The Animal Control Officer and staff shall have the authority to order animals be restrained by the owners and/or agent for repeated violations of division (A) above.  
(1995 Code, § 6-19) (Ord. 1990-1, passed 10-1-1990; Ord. 97-04, passed - -1997)

**§ 6-20 ANIMALS IN HEAT.**

Every female animal in heat or rutting shall be restrained within a building or secure enclosure so that the animal cannot come into contact with a male animal of the same species except for planned breeding.  
(1995 Code, § 6-20) (Ord. 1990-1, passed 10-1-1990)

**§ 6-21 VICIOUS ANIMALS.**

Every vicious animal, as directed by the Animal Control Officer, shall be restrained by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner.  
(1995 Code, § 6-21) (Ord. 1990-1, passed 10-1-1990)

**§ 6-22 VIOLATIONS AND PENALTIES.**

Persons who violate any of the provisions of this division shall be subject to a fine of \$25 for the first offense, with the fines increasing by an increment of \$25 for each subsequent offense within one year of the first offense, but not more than \$1,000.

(1995 Code, § 6-22) (Ord. 1990-1, passed 10-1-1990; Ord. 99-03, passed 2-15-1999)

***DIVISION IV: IMPOUNDMENT*****§ 6-25 PERIOD OF IMPOUNDMENT.**

Any animal that is found by the Animal Control Officer or other employee of the town to be at large, stray, nuisance, inhumanely or cruelly treated, neglected, or has bitten another animal or human being or is being kept in conditions which violate this chapter may be impounded at the County Humane Society and/or a holding facility maintained by the town and there confined in a humane manner until released to the owner or agent.

(1995 Code, § 6-25) (Ord. 1992-1, passed 1-6-1992; Ord. 99-06, passed 5-17-1999)

**§ 6-26 PAYMENT OF IMPOUNDMENT.**

When known, the owner or agent of the impounded animal shall pay to the Clerk-Treasurer of the town the amount of \$35 per impoundment.

(1995 Code, § 6-26) (Ord. 1992-1, passed 1-6-1992; Ord. 99-06, passed 5-17-1999)

***DIVISION V: NUISANCES*****§ 6-29 PUBLIC NUISANCE PROHIBITED AND VIOLATIONS.**

(A) No owner shall fail to exercise due care and control of his or her animal(s) to prevent them from being a public nuisance.

(B) Persons who violate any of the provisions of this division shall be subject to a fine of \$10 for the first offense, with the fines increasing by an increment of \$10 for each subsequent offense within one year of the first offense, but not more than \$1,000.

(1995 Code, § 6-29) (Ord. 1990-1, passed 10-1-1990)

***DIVISION VI: ANIMAL CARE REGULATIONS***

**§ 6-31 GENERAL ANIMAL CARE REQUIRED.**

Every owner of an animal within the town shall see that his or her animal:

(A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;

(B) If chained or tied outside, shall have available at all times for that animal a chain, leash, or lead not less than ten feet or two and one-half lengths of the animal, whichever is the greater; however, this chain, leash or lead cannot allow the animal to enter onto or into another person's property or onto or into the public right-of-way;

(C) Has sufficient and wholesome food and water, proper for that species of animal;

(D) Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction;

(E) If ill, diseased, or injured, receive care as necessary to prevent the transmittal of the disease to other animals, or prolong the suffering of the injured animal; and

(F) Is not beaten, cruelly ill-treated, overloaded, overworked, or otherwise abuse any animal, or cause, instigate, or permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.

(1995 Code, § 6-31) (Ord. 1990-1, passed 10-1-1990)

**§ 6-32 POISONING OF ANIMALS.**

It shall be unlawful for any person to throw or deposit any known poisonous substance in any of the streets, alleys, parks, commons, yards, or other places, whether public or private, within the town so that the same shall be liable to be consumed by any animal; provided that it shall not be unlawful for a person to expose on his or her own property common rat or mouse poison, unmixed, or mixed only with vegetable substances.

(1995 Code, § 6-32) (Ord. 1990-1, passed 10-1-1990)

**§ 6-33 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.**

Any person who, as the operator of a motor vehicle, strikes any animal, shall at once report the accident to the appropriate law enforcement agency or the County Humane Society.

(1995 Code, § 6-33) (Ord. 1990-1, passed 10-1-1990)

**§ 6-34 ANIMALS IN MOTOR VEHICLES.**

No animal shall be left in a vehicle when the condition in that vehicle would constitute a health hazard to the animal.

(1995 Code, § 6-34) (Ord. 1990-1, passed 10-1-1990)

**§ 6-35 ABANDONMENT.**

It shall be unlawful for any person to abandon any animal.

(1995 Code, § 6-35) (Ord. 1990-1, passed 10-1-1990)

**§ 6-36 VIOLATIONS AND PENALTIES.**

Persons who violate any of the provisions of this article shall be subject to a fine of \$25 for the first offense, with the fines increasing by an increment of \$25 for each subsequent offense within one year of the first offense, but not more than \$1,000.

(1995 Code, § 6-36) (Ord. 1990-1, passed 10-1-1990)

***DIVISION VII: RABIES*****§ 6-38 RABIES VACCINATION REQUIRED.**

It is unlawful to own or harbor any dog or cat the age of six months or older without a valid rabies vaccination.

(1995 Code, § 6-38) (Ord. 1990-1, passed 10-1-1990) Penalty, see § 6-40

**§ 6-39 ANIMALS BITING PERSONS.**

(A) Every person who knows, learns, or suspects that a warm-blooded stray or at-large animal has bitten, scratched, or caused an abrasion of the skin of any human being within the town shall immediately report that fact to the Animal Control Officer.

(B) All reports must be submitted on a form approved by the Town Council entitled "Animal Bite Report". Upon receipt of the animal bite report, the Animal Control Officer shall contact the owner of the animal, if known, and advise him or her or them of the quarantine requirements.

(C) The Animal Control Officer shall contact the victim and notify him or her of his or her responsibilities.

(D) The Animal Control officer has the right to check and make inquiry at any time during the quarantine period to verify that the animal is being quarantined in a manner that does not violate the quarantine requirements.

(1) Any warm-blooded stray or at-large animal which has bitten, scratched, caused an abrasion of the skin or which is known or suspected of being rabid, shall be confined for a period of not less than ten days from the date of the incident. This animal shall be quarantined in a building, secure enclosure with no means of escape or in any other manner approved by the Animal Control Officer that will keep the animal from coming in contact with any other animal. If an animal is a house pet and the owner must allow the animal outside in a manner that would violate this section, then the owner must have the animal on a leash or lead, be present at all times the animal is outside, and keep the animal on the owner's property. If the owner is unable or refuses to quarantine the animal as described, then the animal must be quarantined at the Humane Society, a boarding kennel, or licensed veterinarian's office. The owner of the animal is responsible for any costs incurred during confinement. If there is no known owner of the animal, then the animal shall be quarantined at the Humane Society.

(2) At the expiration of the quarantine requirement and prior to the release from quarantine, the animal must be examined by a licensed veterinarian who shall certify the animal as not being rabid. This certification must be presented to the County Health Department within three days of the examination. The owner is responsible for the certification. If the owner is unknown, the town shall be responsible for the certification.

(3) It shall be unlawful for the owner of any warm-blooded animal, when notified that the animal has bitten, scratched, or caused an abrasion of the skin of a human being, or is known or suspected of being rabid, to sell, give away, allow to escape, or be taken from the limits of the town.

(4) If the animal is a wild animal, exotic, or a domestic animal that is injured or diseased, and the owner is unknown, then the Animal Control Officer or Town Police Department may require the animal be euthanized and the head removed by a licensed veterinarian, and transported to the State Board of Health prior to the expiration of the quarantine requirement.

(5) If it should be determined that an animal is rabid, then it shall be euthanized by a licensed veterinarian, the head of the animal removed by a licensed veterinarian, and transported to the State Board of Health. The cost of the euthanasia, removal of the head, and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of the town.

(6) If any animal shall die during the quarantine period, the head of the animal shall be removed by a licensed veterinarian and transported to the State Board of Health. The cost of removal and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of the town.

(1995 Code, § 6-39) (Ord. 1990-1, passed 10-1-1990)

**§ 6-40 VIOLATIONS AND PENALTIES.**

Any person who violates any section of this article shall be subject to a fine as follows. For any violation of § 6-38, a fine of \$25 for the first offense, with the fines increasing by an increment of \$25 for each subsequent offense, but not more than \$1,000.

(1995 Code, § 6-40) (Ord. 1990-1, passed 10-1-1990; Ord. 99-03, passed 2-15-1999)

***DIVISION VIII: PAYMENT OF VIOLATIONS*****§ 6-42 PAYMENT OF VIOLATION NOTICES; TIME PERIOD.**

Payment of violation notices shall be made at the office of the Clerk-Treasurer within 72 hours from date of issuance.

(1995 Code, § 6-42) (Ord. 1990-1, passed 10-1-1990)

***DIVISION IX: ANIMAL CONTROL OFFICER*****§ 6-44 OFFICER.**

The position of Animal Control Officer shall be employed by the Town Council.

(1995 Code, § 6-44) (Ord. 1990-1, passed 10-1-1990)

**§ 6-45 DUTIES, JURISDICTION, AND POWERS.**

(A) The Animal Control Officer shall be sworn to uphold, carry out, and supervise the enforcement of this article within the town.

(B) The Animal Control Officer shall be vested with all of the powers ordinary and necessary under the law to enforce the provisions of this article.

(C) These duties and powers shall specifically include, but not be limited to:

(1) To educate the public concerning humane ethics, consequences of pet over-population and their responsibilities as pet owners;

(2) To make a monthly report to the Town Council concerning the Animal Control Program with the town;

(3) The power to apprehend and impound any animal that appears to be a stray or at large;

(4) The power to apprehend and impound any animal that is on the owner's property without being under physical restraint and posing an immediate physical danger to the community.

(a) The impoundment must be preceded by written certification by a witness or by the Town Police Department; however, no animal shall be apprehended or impounded if the owner is available and capable of restraining the animal or there are other means of restraint available.

(b) I.C. 35-46-3-2, authorizes Animal Control Officers to apprehend and impound animals treated cruelly and inhumanely.

(5) The power to apprehend and impound any animal when the Animal Control Officer has probable cause to believe that the animal has been treated cruelly, inhumanely, neglected, or used by the owner/agent in a fighting contest;

(6) The power to issue official warning or a notice of ordinance violation for violations of this chapter;

(7) The power to enter private real property in fresh pursuit of an animal to enforce this chapter; and

(8) In performing his or her duties, the Animal Control Officer shall, however, be specifically prohibited from entering a dwelling unit or secured areas without the dwelling unit owner's permission or being accompanied by a uniformed law enforcement officer with a warrant authorizing the entry, except when apprehending and impounding an animal pursuant to division (C)(5) above; carrying firearms, or making arrests of human beings.

(1995 Code, § 6-45) (Ord. 1990-1, passed 10-1-1990)

**§ 6-46 PENALTY FOR INTERFERENCE WITH ANIMAL CONTROL OFFICER.**

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes, or interferes with any Animal Control personnel while that person is engaged in the execution of any duties required of the Animal Control Officer under this chapter, shall be subject to a fine of \$50 for the first offense, with the fines increasing by increments of \$50 for each subsequent offense within one year of the first offense, but not more than \$1,000.

(1995 Code, § 6-46) (Ord. 1990-1, passed 10-1-1990)

**§ 6-47 COMPENSATION.**

The salaries and wages of the Animal Control Officer and staff shall be fixed by the Town Council.  
(1995 Code, § 6-47) (Ord. 1990-1, passed 10-1-1990)



## ARTICLE 3: FAIR HOUSING

### Section

- 6-50 Policy
- 6-51 Definitions
- 6-52 Unlawful practice
- 6-53 Discrimination in the sale or rental of housing
- 6-54 Discrimination in residential real estate-related transactions
- 6-55 Discrimination in the provision of brokerage services
- 6-56 Interference, coercion, or intimidation
- 6-57 Exemption
- 6-58 Administrative enforcement of ordinance

### *Statutory reference:*

*Prohibition of discrimination, see I.C. 22-9.5-5-1 et seq.*

### § 6-50 POLICY.

It is the policy of the town to afford its citizens equal opportunity in the purchase and rental of a dwelling.

(1995 Code, § 6-50) (Ord. 1994-07, passed 7-5-1994)

### § 6-51 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGGRIEVED PERSON.** Includes any person who claims to have been injured by a discriminatory housing practice or believes that the person will be injured by a discriminatory housing practice that is about to occur.

**DISABILITY.** With respect to a person, a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. The term does not include current, illegal use of, or addiction to a controlled substance as defined in 21 U.S.C. § 802.

**DISCRIMINATORY HOUSING PRACTICES.** An act that is unlawful under §§ 6-53, 6-54, 6-55, 6-56, or 6-57.

**DWELLING.** Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof.

**FAMILIAL STATUS.** One or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of the individual or the written permission of the parent or other persons. The protection afforded against discrimination on the basis of **FAMILIAL STATUS** shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

**FAMILY.** Includes a single individual.

**PERSON.** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees, trustees in cases under U.S.C. Title II, receivers, and fiduciaries.

**TO RENT.** Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

(1995 Code, § 6-51) (Ord. 1994-07, passed 7-5-1994)

## § 6-52 UNLAWFUL PRACTICE.

Subject to the provisions of § 6-57(B), the prohibitions against discrimination in the sale or rental of housing set forth in § 6-53 shall apply to:

(A) All dwellings except as exempted by division (B) below;

(B) Nothing in § 6-53 (other than § 6-53(A)(3)) shall apply to:

(1) Any single family house sold or rented by an owner where the private individual owner does not own more than three single family houses at any one time; provided that in the sale of the single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption shall apply only to one sale within any 20-hour month period. The private individual owner may not own any interest in, not have owned or reserved on his or her behalf, title to, or any right to all or a portion of the proceeds from the sale or rental of more than three single family houses at any one time. The sale or rental of any single family house shall be excepted from application of this section only if the house is sold or rented: without the use in any manner of the sales or rental facilities or services of any real estate broker, agent, or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, or salesperson, or person; and without the publication, posting, or mailing, after notice of advertisement or written notice in violation of § 6-53, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if: he or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; he or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or he or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.  
(1995 Code, § 6-52) (Ord. 1994-07, passed 7-5-1994)

**§ 6-53 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

(A) As made applicable by § 6-52 and except as exempted by §§ 6-52 and 6-57, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, familial status, or national origin;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status, or national origin;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin, or an intention to make any limitations or discrimination;

(4) To represent to any person because of race, color, religion, sex, disability, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, or national origin;

(6) To discriminate in the sale or rental, or to otherwise make available or deny, a dwelling to any buyer or renter because of a disability of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that person; and

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of that person; or a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or any person associated with that person.

(B) For purposes of divisions (A)(6) and (7) above, *DISCRIMINATION* includes:

(1) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(3) A failure to design and construct covered multi-family dwellings in such a manner that the public use and common use portions of the dwellings are readily accessible to and useable by disabled persons; all the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled person in wheelchairs; and all premises within such dwellings contain the following features of adaptive design (commonly cited as “ANSI A 1 17 1”); an accessible route into and through the dwelling; light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(C) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(1995 Code, § 6-53) (Ord. 1994-07, passed 7-5-1994)

#### **§ 6-54 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.**

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of color, religion, sex, disability, familial status, or natural origin.

(B) As used in this section, the term *RESIDENTIAL REAL ESTATE-RELATED TRANSACTION* means any of the following:

(1) The making or purchasing of loans or providing other financial assistance: for purchasing, constructing, improving, repairing, or maintaining a dwelling; or secured by residential real estate; and/or

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this article prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, natural origin, sex, disability, or familial status.

(1995 Code, § 6-54) (Ord. 1994-07, passed 7-5-1994)

#### **§ 6-55 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.**

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of the access, membership, or participation, on account of race, color, religion, sex, disability, familial status, or natural origin.

(1995 Code, § 6-55) (Ord. 1994-07, passed 7-5-1994)

#### **§ 6-56 INTERFERENCE, COERCION, OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 6-52, 6-53, 6-54, or 6-55.

(1995 Code, § 6-56) (Ord. 1994-07, passed 7-5-1994)

#### **§ 6-57 EXEMPTION.**

(A) Nothing in this article shall prohibit a religious organization association, society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to those persons, unless membership in the religion is restricted on account of race, color, or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(B) Nothing in this article regarding familial status shall apply with respect to housing for older persons. As used in this section, *HOUSING FOR OLDER PERSONS* means housing provided under

any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or intended for, and solely occupied by, persons 62 years of age or older; or intended and solely operated for occupancy by at least one person 55 years of age or older per unit.

(1995 Code, § 6-57) (Ord. 1994-07, passed 7-5-1994)

#### **§ 6-58 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE.**

(A) The authority and responsibility for administering this article and referral of complaints hereunder to the Commission as set forth in division (B) below shall be vested in the Chief Executive Officer of the town.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the ordinance, herein elects to refer all formal complaints of violation of the articles of the ordinance by complainants to the State Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Chief Elected Official of the town shall refer all the complainants to the Commission as provided for under division (A) above to the Commission for purposes of investigation, resolution, and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the town shall administer their programs and activities relating to housing in a manner affirmatively to further the purposes of this article and shall cooperate with the Commission to further those purposes.

(1995 Code, § 6-58) (Ord. 1994-07, passed 7-5-1994)

## **ARTICLE 4: CIVIL DEFENSE EMERGENCY PREPAREDNESS**

### Section

- 6-65 Declaration of local disaster emergency
- 6-66 Effect of declaration of local disaster emergency
- 6-67 Determination of need for declaration of local disaster emergency
- 6-68 Coordination with County Commissioners

### **§ 6-65 DECLARATION OF LOCAL DISASTER EMERGENCY.**

The President of the Town Council or his or her designated representative of the town is authorized to declare a local disaster emergency in accordance with the terms of I.C. 10-4-1-23. (1995 Code, § 6-65) (Ord. 1987-2, passed 5-4-1987)

### **§ 6-66 EFFECT OF DECLARATION OF LOCAL DISASTER EMERGENCY.**

Upon the declaration of a local disaster emergency by the President of the Town Council or his or her designated representative of the town, he or she shall exercise all powers and authority granted to a local officer under the provisions of I.C. 10-4-1. (1995 Code, § 6-66) (Ord. 1987-2, passed 5-4-1987)

### **§ 6-67 DETERMINATION OF NEED FOR DECLARATION OF LOCAL DISASTER EMERGENCY.**

In times of natural disaster or civil emergency, the President of the Town Council or his or her designated representative of the town is authorized to activate the Town Emergency Operations Command Post. The Town Marshal, the Chief of the Town Fire Department, the County Health Officer, the County Emergency Services Coordinator, and the County Emergency Preparedness Coordinator, or their designated representatives, shall assist the President of the Town Council in evaluating the need for the declaration of a local disaster emergency. (1995 Code, § 6-67) (Ord. 1987-2, passed 5-4-1987)

**§ 6-68 COORDINATION WITH COUNTY COMMISSIONERS.**

All action commenced pursuant to this chapter shall be coordinated to the greatest extent possible with the county, and the Chairperson of the Board of Commissioners of the county, pursuant to the Joint Bartholomew County-Town of Hope, Indiana Emergency Operations Plan developed pursuant to this chapter and County Ord. 1985-4.

(1995 Code, § 6-68) (Ord. 1987-2, passed 5-4-1987)

## ARTICLE 5: CURFEW REGULATIONS

### Section

- 6-72 Curfew imposed
- 6-73 Exceptions
- 6-74 Penalty

### § 6-72 CURFEW IMPOSED.

(A) No person under the age of 15 shall remain, loiter, or wander on or about the public streets, sidewalks, alleys, or public parks within the town between the hours of 10:00 p.m. and 6:00 a.m.

(B) No person under the age of 18 shall remain loiter or wander on or about the public streets, sidewalks, alleys, or public parks within the town between the hours of 11:00 p.m. and 6:00 a.m., Sunday through Thursday, and 1:00 a.m. to 6:00 a.m., Friday and Saturday.  
(1995 Code, § 6-72)

### § 6-73 EXCEPTIONS.

The provisions of § 6-72 do not apply:

(A) When the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;

(B) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor; or

(C) When the minor is returning directly home from a meeting, entertainment, recreational activity or dance, lawful employment, a school-sanctioned activity, or religious event.  
(1995 Code, § 6-73)

**§ 6-74 PENALTY.**

Any person violating this article shall be subject to a civil penalty of not less than \$25 for each violation, and the curfew violator shall perform five hours of community service work under the supervision of the Town Marshal.

(1995 Code, § 6-74) (Ord. 1995-09, passed 12-18-1995; Ord. 99-03, passed 2-15-1999)

## **ARTICLE 6: LITTERING, ALCOHOLIC BEVERAGES, AND GLASS CONTAINERS**

### Section

- 6-77 Littering
- 6-78 Alcoholic beverages in public areas
- 6-79 Glass containers
- 6-80 Exceptions
- 6-81 Penalties

### **§ 6-77 LITTERING.**

No person shall litter, leave trash, or other refuse on the streets and public areas of the town or private property of any person or entity which lies within the town.  
(1995 Code, § 6-77) Penalty, see § 6-81

### **§ 6-78 ALCOHOLIC BEVERAGES IN PUBLIC AREAS.**

No person or group shall bring or have alcoholic beverages of any type in the public square and park areas of the town.  
(1995 Code, § 6-78) Penalty, see § 6-81

### **§ 6-79 GLASS CONTAINERS.**

No glass containers of any kind will be permitted in the public square or parks at any time within the town.  
(1995 Code, § 6-79) Penalty, see § 6-81

### **§ 6-80 EXCEPTIONS.**

The provisions of § 6-79 do not apply:

(A) On Heritage Days; or

(B) When the Town Council shall give prior approval.

(1995 Code, § 6-80)

**§ 6-81 PENALTIES.**

The penalty for violation of this article shall be punishment by fines of:

(A) Sections 6-77 and 6-79 shall have fines of:

- (1) First offense: \$25;
- (2) Second offense: \$50; and
- (3) Third offense: \$75.

(B) Section 6-78 shall have a fine of:

- (1) First offense: \$25;
- (2) Second offense: \$50; and
- (3) Third offense: \$75.

(1995 Code, § 6-81) (Ord. 99-03, passed 2-15-1999)

## ARTICLE 7: LOITERING AND UNLAWFUL ASSEMBLIES

### Section

6-84	Loitering prohibited
6-85	Unlawful assembly
6-86	Explanation
6-87	Probable cause defined
6-88	Penalty
6-89	Law enforcement officer defined

### § 6-84 LOITERING PROHIBITED.

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public way, street, highway, place, or alley and refuse to obey the lawful command of a law enforcement officer to move on or provide to the law enforcement officer a lawful reason for remaining on the public way, street, highway, place, or alley if the alleged loitering by the person would create or cause to be created any of the following:

(A) Danger of a breach of the peace;

(B) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place, or alley reserved for pedestrians;

(C) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place, or alley; or

(D) The obstruction, molestation, or interference, or attempt to obstruct, molest, or interfere with any person lawfully on or in a public way, street, highway, place, or alley to fear for his or her safety. (1995 Code, § 6-84) (Ord. 1988-6, passed 9-6-1988) Penalty, see § 6-88

### § 6-85 UNLAWFUL ASSEMBLY.

No person who is a member of a group of three or more persons who are loitering or prowling in a place, at a time, or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public way, street, highway, place, or alley, and refuse to obey the lawful command of

a law enforcement officer to move or provide to the law enforcement officer a lawful reason for remaining on the public way, street, highway, place, or alley, whether the group is stationary or in transit, if the alleged loitering would create or cause to be created any of the following:

(A) Danger of a breach of the peace;

(B) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place, or alley reserved for pedestrians;

(C) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place, or alley; or

(D) The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place, or alley to fear for his or her safety. (1995 Code, § 6-85) (Ord. 1988-6, passed 9-6-1988) Penalty, see § 6-88

#### **§ 6-86 EXPLANATION.**

No person shall be convicted under this article if it appears at trial that the explanation given by the person is true and, if believed by the law enforcement officer would:

(A) Have dispelled the fear for human safety;

(B) Have dispelled the concern for safety of property;

(C) Have dispelled the fear of a breach of the peace; or

(D) Have provided a justifiable reason for obstructing vehicular or pedestrian traffic, subject to the discretion of the court.

(1995 Code, § 6-86) (Ord. 1988-6, passed 9-6-1988)

#### **§ 6-87 PROBABLE CAUSE DEFINED.**

If a person takes flight upon appearance of a law enforcement officer who identifies himself or herself as such, or refuses to identify himself or herself, or attempts to conceal himself or herself, the law enforcement officer has probable cause to believe a violation of this article has occurred and is duly authorized to make an arrest.

(1995 Code, § 6-87) (Ord. 1988-6, passed 9-6-1988)

**§ 6-88 PENALTY.**

Any person, firm or corporation who violates the provisions of this article, and is found guilty for the violation, shall be fined not less than \$25 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

(1995 Code, § 6-88) (Ord. 1988-6, passed 9-6-1988)

**§ 6-89 LAW ENFORCEMENT OFFICER DEFINED.**

Within this article, a law enforcement officer shall mean any member of the Town Marshal's Department, regular or reserved.

(1995 Code, § 6-89) (Ord. 1988-6, passed 9-6-1988)



## ARTICLE 8: FIREARMS

### Section

- 6-92 Definition of firearm
- 6-93 Shooting of firearms prohibited
- 6-94 Exceptions
- 6-95 Penalty

### *Statutory reference:*

*Weapons and instruments of violence, see I.C. 35-47-1-1 et seq.*

### **§ 6-92 DEFINITION OF FIREARM.**

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FIREARM.*** Any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion or any pneumatic or hydraulic propelled projectile as a BB gun or air rifle or a bow and arrow and pistol crossbow.  
(1995 Code, § 6-92)

### **§ 6-93 SHOOTING OF FIREARMS PROHIBITED.**

No person shall fire or discharge or cause to be fired or discharged within the limits of the town, any firearm.  
(1995 Code, § 6-93) Penalty, see § 6-95

### **§ 6-94 EXCEPTIONS.**

This article shall not apply to peace officers or soldiers in the discharge of their official duties and while in the exercise of reasonable care; nor to a person using firearms in necessary self-defense; nor to persons conducting a shooting gallery who have first procured a license therefore in accordance with the license ordinance of the town; nor to shooting clubs conducted at a fixed place of business within the town and in a manner so that there is no danger to any person whatsoever, provided the shooting club has first obtained permission from the Town Marshal to conduct the same.  
(1995 Code, § 6-94)

**§ 6-95 PENALTY.**

Any person violating this article shall be subject to a civil penalty of not less than \$25 for each such violation, and any other of the applicable provisions of § 1-9 of this code.  
(1995 Code, § 6-95) (Ord. 1995-09, passed 12-18-1995)

## ARTICLE 9: DANGEROUS KNIVES

### Section

6-98	Definition
6-99	Possession and sale of dangerous knives
6-100	Exemptions
6-101	Penalty

### § 6-98 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS KNIFE.*** Any knife having a blade more than three and one-half inches in length, any dagger, sword, bayonet, bolo knife, hatchet, straight-edge razor, or razor blade not in a package, dispenser or shaving appliance.

(1995 Code, § 6-98)

### § 6-99 POSSESSION AND SALE OF DANGEROUS KNIVES.

It is unlawful for anyone to knowingly carry concealed on his or her person or in any vehicle any dangerous knife, or to sell or give away to any person under 18 years of age a dangerous knife, or for any person under 18 years of age to purchase or possess a dangerous knife.

(1995 Code, § 6-99) Penalty, see § 6-101

### § 6-100 EXEMPTIONS.

Section 6-99 shall not apply to:

(A) Individual licensed hunters or fishermen while on hunting, camping, or fishing trips;

(B) Any person over 18 years of age carrying the knife in a secure wrapper from or to the place of purchase, to or from a place of repair, or to his or her home or place of business;

(C) Any person while in his or her place of abode or fixed place of business.

(1995 Code, § 6-100)

**§ 6-101 PENALTY.**

Any person violating this article shall be subject to a civil penalty of not less than \$25 for each such violation, and any other of the applicable provisions of § 1-9 of this code.  
(1995 Code, § 6-101) (Ord. 1995-09, passed 12-18-1995)

## **ARTICLE 10: WEED CONTROL**

### Section

- 6-104 Unlawful growth
- 6-105 Notice to remove
- 6-106 Removal and costs

### **§ 6-104 UNLAWFUL GROWTH.**

The owner of any lot or parcel of land within the town shall not permit weeds, unkempt lawn grasses or other rank vegetation to grow to heights in excess of 12 inches. All owners of real estate within the town are required to maintain all vegetation on the real estate to these specifications by removing all weeds, unkempt lawn grasses or other rank vegetation in excess of the specifications from the premises. (1995 Code, § 6-104) (Ord. 2010-02, passed 8-16-2010)

### **§ 6-105 NOTICE TO REMOVE.**

Pursuant to I.C. 36-7-10.1 et seq., the Town Council shall require the owners of real property in the town to cut and remove weeds or other rank vegetation growing on that property. A five-day written notice to remove the vegetation shall be issued by the Clerk-Treasurer and served by a law enforcement officer upon the landowner, if he or she is a resident, or by registered mail addressed to his or her last known address if he or she is a nonresident. The notice shall be effective notice to the landowner for a period of one year for any further and necessary removal of weeds, unkempt lawn grasses or other rank vegetation in violation of this article during the year. (1995 Code, § 6-105) (Ord. 2010-02, passed 8-16-2010)

### **§ 6-106 REMOVAL AND COSTS.**

(A) If the landowner fails to remove the vegetation within the time prescribed, the town shall remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the town in the removal. The statement shall be delivered to the owner of the property by a law enforcement officer of the town, or by registered mail, and the owner shall then make payment to the Clerk-Treasurer.

(B) If the landowner fails to pay the amount within ten days after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the auditor of the county in which the

property is located. The auditor shall place the amount claimed on a tax duplicate against the property affected by the work and the amount shall be collected as taxes are collected and shall be disbursed to the General Fund of the town.

(1995 Code, § 6-106) (Ord. 2010-02, passed 8-16-2010)

## ARTICLE 11: BURNING OF TRASH, REFUSE, AND OTHER MATTER

### Section

#### 6-109 Burning regulations

#### § 6-109 BURNING REGULATIONS.

It shall be unlawful for any person or persons to burn or cause to burn in the outdoors any materials except as noted.

(A) The burning of clean wood may be permitted only if a permit is obtained from the town or its designated department prior to the burning. A permit shall only allow burning on a specific day. Each burning by permit:

- (1) Shall be attended at all times until completely extinguished;
- (2) Shall take place only during daylight hours;
- (3) Shall occur away from all structures;
- (4) Shall not occur on any street or sidewalk; and
- (5) Shall not occur on a windy day.

(B) Campfires and cooking fires used solely for recreation or school purposes are permitted where the fires are properly controlled by a responsible adult.

(C) Anyone violating the provisions of this section shall be subject to the penalty provisions set forth in § 1-9 of this code, regarding abatement and fines.

(1995 Code, § 6-109) (Ord. 99-03, passed 2-15-1999; Ord. 99-04, passed 4-5-1999)



## ARTICLE 12: NUISANCES

### Section

- 6-115 Maintaining nuisances prohibited
- 6-116 Certain nuisances designated
- 6-117 Notice to abate nuisance
- 6-118 Contents of notice to abate
- 6-119 Request for hearing
- 6-120 Failure to abate
- 6-121 Collection of cost of abatement

### § 6-115 MAINTAINING NUISANCES PROHIBITED.

No person shall erect, construct, cause, permit, keep, or maintain within the town limits, anything whatsoever which is injurious to the public health or safety, or offensive to the senses of inhabitants, or an obstacle to the free use of property by the inhabitants. The existence of any of the above is declared to be a nuisance and shall be regulated as set forth in this article.

(1995 Code, § 6-115)

***Statutory reference:***

*Definition of nuisance, see I.C. 34-1-52-1*

### § 6-116 CERTAIN NUISANCES DESIGNATED.

The following are declared to be nuisances, but shall not be construed to prevent any other thing from being declared a nuisance pursuant to the standards of § 6-115:

(A) The erecting or using of any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, dense smoke or ash, or other annoyances, becomes harmful to the health, safety, or property of individuals or the public;

(B) Causing or suffering any offal, filth, or waste to be collected or to remain in any place to the prejudice of others;

(C) The obstructing or encumbering by any means whatsoever the private ways and the public streets, alleys, and places so as to create a physical threat to the public; and

(D) Billboards, signboards, and advertising signs whether erected and constructed on public or private property, or overhanging branches or vegetation, which so obstruct and impair the view of any portion of a public street or alley of the town as to render dangerous the use thereof.  
(1995 Code, § 6-116)

#### **§ 6-117 NOTICE TO ABATE NUISANCE.**

Whenever the Town Marshal finds that a nuisance exists, he or she shall cause to be served upon the property owner, as shown by the records of the county auditor, a written notice to abate the nuisance within a reasonable time after the notice. The notice shall be sent to the property owner by certified mail.  
(1995 Code, § 6-117)

#### **§ 6-118 CONTENTS OF NOTICE TO ABATE.**

The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of the act or acts necessary to abate the nuisance;
- (D) A reasonable time within which to complete the abatement; and

(E) A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the town will abate it and assess the costs against the property owner.  
(1995 Code, § 6-118)

#### **§ 6-119 REQUEST FOR HEARING.**

(A) Any person ordered to abate a nuisance may have a hearing with the officer ordering the abatement to determine whether a nuisance does exist. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists that must be abated as ordered.

(B) At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he or she finds that a nuisance exists, he or she must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the Town Council at a time and place fixed by the Town Council. The findings of the Town Council

shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

(1995 Code, § 6-119)

**§ 6-120 FAILURE TO ABATE.**

If the person notified to abate a nuisance neglects or fails to abate as directed, the town may perform the action required to abate, keeping an accurate account of the expenses incurred. An itemized expense account shall be certified and filed with the Clerk-Treasurer.

(1995 Code, § 6-120)

**§ 6-121 COLLECTION OF COST OF ABATEMENT.**

The Clerk-Treasurer shall send a statement by certified mail of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, he or she shall certify the costs to the county auditor. The amount due shall then be collected with, and in the same manner, as general property taxes and disbursed into the General Fund of the town.

(1995 Code, § 6-121)



## **ARTICLE 13: FIRE PROTECTION SERVICES**

### Section

6-125 Resolution required for contractual fire services

### **§ 6-125 RESOLUTION REQUIRED FOR CONTRACTUAL FIRE SERVICES.**

(A) Pursuant to I.C. 36-8-12 et seq., the Town Council may enter into contracts for firefighting services pursuant to the adoption of an appropriate resolution.

(B) Copies of all contracts and resolutions in effect are on file in the office of the Clerk-Treasurer and open for public inspection during regular business hours.  
(1995 Code, § 6-125)

