

MARTINSVILLE, INDIANA

CODE

Codified through

Ord. No. 2006-1590, adopted Oct. 2, 2006.

Supplement No. 1

**MARTINSVILLE, INDIANA
CODE**

Published by Order of the Common Council

Adopted: October 2, 2006

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CC	Tallahassee, Florida 2006

OFFICIALS

of the

CITY OF

MARTINSVILLE, INDIANA

AT THE TIME OF THIS RECODIFICATION

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Mayor

Sheldon R. Buskirk

Gordon Burgin

Gary Lester

David Barger

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Common Council

Roger Laymon

City Superintendent

Rodric D. Bray

City Attorney

Mary Lou Peden

City Clerk-Treasurer

PREFACE

This Code constitutes a complete recodification of the general and permanent ordinances of the City of Martinsville, Indiana.

Source materials used in the preparation of the Code were the 1976 Code, as supplemented through June 23, 1975, and the 1983 Code, and ordinances adopted by the common council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1976 or 1983 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and

local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments

inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and John Welch, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the Honorable Shannon Buskirk, Mayor, Ms. Mary Lou Peden, Clerk-Treasurer, and former City Attorney Robert D. St. Clair for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Martinsville, Indiana. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Martinsville, Indiana.

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ORDINANCE NO. 2006-1589

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF MARTINSVILLE, INDIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MARTINSVILLE, INDIANA:

Section 1. The Code entitled "Martinsville, Indiana Code," published by Municipal Code Corporation, consisting of chapters 1 through 90, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 6, 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$2,500.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Common Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 6, 2004, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective as provided by law.

Passed and adopted by the Common Council of the City of Martinsville, Indiana, this 2nd day of October, 2006.

Shannon L. Buskirk

Mayor

ATTEST:

Mary Lou Peden

City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the [common council], held on the 2nd day of October, 2006.

Mary Lou Peden

City Clerk

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Martinsville, Indiana Code" and may be so cited.

(Code 1983, § 1-1-1-1)

State Law References: Codification of ordinances required, IC 36-1-5-3.

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the common council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language; but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings. This Code shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

City. The term "city" means the City of Martinsville, Indiana.

Code. The term "Code" means the Martinsville, Indiana Code, as designated in section 1-1.

Common council or council. The term "common council" or "council" means the common council of the City of Martinsville, Indiana.

Computation of time. In computing any period of time, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be

included unless it is a Saturday, Sunday, legal holiday, or a day on which the city office in which the act is to be done is closed during regular business hours. In any event, the period runs until the end of the next day that is neither a Saturday, Sunday, legal holiday or a day on which the city office in which the act is to be done is closed. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, legal holidays and days on which the city office is closed shall be excluded from the computation.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected terms, conditions, provisions or events apply.
- (2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

County. The term "county" means Morgan County, Indiana.

Delegation of authority. A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include all other genders.

IC. The abbreviation "IC" refers to the Indiana Code, as amended.

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. Words giving a joint authority to three or more persons give such authority to a majority of such persons.

May. The term "may" is to be construed as being permissive and not mandatory.

Month. The term "month" means a calendar month.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath. A solemn affirmation is the equivalent to an oath, and a person shall be deemed to have sworn if such person makes such an affirmation.

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in

common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term "personal property" means any property other than real property.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real property, personal property and mixed property.

Public place. The term "public place" includes any street, sidewalk, park, cemetery, schoolyard, body of water or watercourse, public conveyance, or any place for the sale of merchandise, public accommodation or amusement.

Real property. The term "real property" includes land, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means that portion of the street between the curblin and the adjacent property line intended for the use of pedestrians.

Signature or subscription by mark. The terms "signature" and "subscription" include a mark when the signer or subscriber cannot write. In such situations, such person's name shall be written near the mark by a witness who writes his own name near such person's name.

State. The term "state" means the State of Indiana.

Street. The term "street" includes any alley, avenue, boulevard, lane, road, highway, viaduct or other public thoroughfare.

Tenant or occupant. The terms "tenant" and "occupant," as applied to premises, include any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Week. The term "week" means a period of seven consecutive days.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.

(Code 1983, §§ 1-1-1-1, 1-1-1-2(a), 1-1-1-3--1-1-3-5)

Cross References: Definitions generally, § 1-2.

State Law References: Similar rules of statutory construction, IC 1-1-4-1 et seq.

Sec. 1-3. Catchlines of sections; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section; nor, unless expressly so provided, shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) A history note appearing in parentheses after a section in this Code indicates the legislative history and is a declaration by the common council that the section to which the history note applies is a restatement or reenactment of an original ordinance or amendment. Cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(Code 1983, §§ 1-1-1-2, 1-1-1-16)

State Law References: Effect of declaration of restatement or reenactment, IC 35-1-5-6.

Sec. 1-4. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any previously repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

(Code 1983, § 1-1-1-6)

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Martinsville, Indiana Code is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Martinsville, Indiana Code is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made by the supplement in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be included from the Code by their omission from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-7. General penalty; continuing violations.

- (a) In this section, "violation of this Code" means any of the following:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation

authorized by ordinance.

- (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine of not more than \$2,500.00. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(d) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief. (Code 1983, §§ 1-1-1-13, 1-2-1-2)

State Law References: Limitations on penalties, IC 36-1-3-8(9), 36-1-3-8(10); enforcement of ordinances, IC 36-1-6-1 et seq.

Sec. 1-8. Severability.

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable; so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the council declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

(Code 1983, § 1-1-1-9)

Sec. 1-9. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Sec. 1-10. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

- (b) The adoption of this Code does not authorize any use or the continuation of any use of a structure

or premises in violation of any city ordinance on the effective date of this Code.

Sec. 1-11. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance:

- (1) Annexing property into the city.
- (2) Deannexing property or excluding property from the city.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed or agreement.
- (5) Making or approving any appropriation or budget.
- (6) Granting any right or franchise.
- (7) Providing for salaries or other officer or employee benefits not codified in this Code.
- (8) Adopting or amending the comprehensive plan.
- (9) Levying or imposing any special assessment.
- (10) Dedicating, accepting or vacating any plat or subdivision.
- (11) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (12) Establishing the grade of any street or sidewalk.
- (13) Levying, imposing or otherwise relating to taxes not codified in this Code.
- (14) Providing traffic or parking regulations for specific locations.
- (15) Not codified in this Code, amending the zoning map or zoning atlas, rezoning specific property, establishing zoning or subdivision regulations, establishing building regulations, stormwater and erosion control measures, or floodplain regulations.
- (16) That is temporary, although general in effect.
- (17) That is special, although permanent in effect.
- (18) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) of this section shall continue in full force and effect to the same extent as if published at length in this Code.

(Code 1983, § 1-1-1-14)

Chapter 2

ADMINISTRATION*

* **Cross References:** Civil emergencies, ch. 22; courts, ch. 26; fees, ch. 34; law enforcement, ch. 46; planning, ch. 58; administration and enforcement of traffic regulations, § 78-41 et seq.; utilities, ch. 82; administration and enforcement of private sewage disposal system regulations, § 82-231 et seq.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.

Article I. In General

Sec. 2-1. Executive departments established.

Sec. 2-2. Fee for annexation, vacation of property.

Secs. 2-3--2-35. Reserved.

Article II. Common Council

Division 1. Generally

Sec. 2-36. Councilmanic districts.

Sec. 2-37. Meetings.

Secs. 2-38--2-60. Reserved.

Division 2. Rules of Order

Sec. 2-61. Scope of division.

Sec. 2-62. Adoption of Robert's Rules.

Sec. 2-63. Roll call votes required.

Sec. 2-64. Commitment of ordinances, reports, resolutions to committee.

Sec. 2-65. Order of consideration of questions.

Sec. 2-66. Councilmen; being seated before being recognized.

Sec. 2-67. Who is to speak when two request recognition at once.

Sec. 2-68. Councilmen; speeches; avoiding personalities.

Sec. 2-69. Councilmen; confining speeches to question at issue.

Sec. 2-70. Motions while question is under debate.

Sec. 2-71. Nondebatable motions.

Secs. 2-72--2-100. Reserved.

Article III. Officers and Employees

Sec. 2-101. City superintendent.

Sec. 2-102. Surrender of effects of office.

Sec. 2-103. Clerk-treasurer's office hours.

Sec. 2-104. City engineer.

Sec. 2-105. Retirement age for firefighters and police officers.

Sec. 2-106. Reimbursement for travel and business expenses.

Sec. 2-107. Sick leave and personal day benefits for nonunion employees.

Secs. 2-108--2-135. Reserved.

Article IV. Boards and Commissions

Secs. 2-136--2-165. Reserved.

Article V. Finance

Sec. 2-166. Statement of financial condition.

Sec. 2-167. Fixed asset ledger.

Sec. 2-168. Participation in associations.

Sec. 2-169. Cash change fund.

Sec. 2-170. Petty cash fund.

- Sec. 2-171. General improvement fund.
- Sec. 2-172. Police department drug fund.
- Sec. 2-173. Building or remodeling, firefighting and police radio equipment fund.
- Sec. 2-174. Purchasing agency; purchasing rules and policies.
- Sec. 2-175. Riverboat wagering tax revenue sharing fund.
- Sec. 2-176. Economic development income tax fund.

ARTICLE I.
IN GENERAL

Sec. 2-1. Executive departments established.

The following executive departments are established:

- (1) Department of law.
- (2) Police department.
- (3) Fire department.
- (4) Street department.
- (5) Sanitation department.
- (6) Department of parks and recreation.
- (7) Department of water/wastewater utility.

(Code 1983, § 2-2-2-1(a))

State Law References: Departments authorized, IC 36-4-9-4.

Sec. 2-2. Fee for annexation, vacation of property.

Any person requesting the annexation or vacation of property shall pay to the city a sum as prescribed in section 34-31 for each annexation or vacation of property, to be used for recording and processing of the ordinance relative to the annexation or vacation of the property so that the property annexed or vacated is properly put on the tax assessment roles in the auditor's office of the county.

(Ord. No. 1256, 11-6-1989)

Secs. 2-3--2-35. Reserved.

ARTICLE II.
COMMON COUNCIL*

* **State Law References:** Common council generally, IC 36-4-6-1 et seq.

DIVISION 1.

GENERALLY

Sec. 2-36. Councilmanic districts.

The established councilmanic districts are described and designated as follows:

District I. All of the land, within the city limits, lying west of the centerline of South Ohio Street extended north to the centerline of East Garfield Avenue extended west to the centerline of South Main Street south to the centerline of Morton Avenue and extending on Morton Avenue southwest within the city limits. Also, all the land lying west and north of the centerline of South Ohio Street extended south to Sartor Ditch and extended southwest within the city limits.

District II. All of the land, within the city limits, lying west of the centerline of Morton Avenue extended northeast to the centerline of South Main Street extended north to the centerline of East Garfield Avenue extended east to the centerline of South Ohio Street extended north to the centerline of East Jackson Street extended west to the centerline of South West Street extended north to the centerline of West Washington Street and extending west on Washington Street within the city limits. Also, all of the land lying north of the centerline of Morton Avenue extended south to the centerline of Hacker Lane extended west to the west boundary of Morton Acres subdivision extended north to the north boundary of Morton Acres subdivision extended north to the south boundary of the Spring Lake Condominiums extended west to the west boundary of the Spring Lake Condominiums and extended north within the city limits.

District III. All of the land, within the city limits, lying north of the centerline of West Jackson Street extended east to South Ohio Street and extended north on Ohio Street to the centerline of East Cunningham Street and extended east to the centerline of North St Claire Street and extended north to the north boundary of the Kivett Parkside subdivision and extending west to the centerline of North Lincoln Street and extended north to the north boundary of the Lincoln Heights subdivision and extended west within the city limits.

District IV. All of the land, within the city limits, lying north of the centerline of East Jackson Street extended west to the centerline of South Ohio Street and extending north on Ohio Street to the centerline of East Cunningham Street and extending east to the centerline of North St Clair Street and extending north to the north boundary of the Kivett Parkside subdivision and extending west to the centerline of North Lincoln Street and extending north to north boundary of the Lincoln Heights and extending east within the city limits. Also, all of the land lying north of the centerline of East Jackson Street extended east to the centerline of South Second Street and extended north to the centerline of East Morgan Street and extended east to the centerline of Grassyfork Lane and extended north to the south boundary of Shireman Estates and extended east to the east boundary of Shireman Estates and extended north within the city limits.

District V. All of the land, within the city limits, lying south of the centerline of East Jackson Street extended west to the centerline of South Ohio Street extended south to the centerline of Mahalaville Road extended east to the east boundary of the Artesians Acres subdivision and extended

north within the city. Also, all the land lying south of the centerline of East Jackson Street extended east to the centerline of South Second Street extended north to the centerline of East Morgan Street extended east to the centerline of Hospital Drive extended southeast within the city limits.

(Code 1983, § 2-3-1-2(b); Ord. No. 2002-1496, §§ 1, 2, 10-7-2002)

State Law References: Common council election districts, IC 36-4-6-4.

Sec. 2-37. Meetings.

The common council shall hold regular meetings on the first and third Monday of each month at city hall at 7:30 p.m., unless otherwise provided by rules of the common council.

(Code 1983, § 2-3-2-1(a))

State Law References: Council meetings, IC 36-4-6-7.

Secs. 2-38--2-60. Reserved.

DIVISION 2.

RULES OF ORDER

Sec. 2-61. Scope of division.

The provisions of this division shall govern all proceedings of the common council.

(Code 1976, § 2-55)

Sec. 2-62. Adoption of Robert's Rules.

To the extent not inconsistent with the provisions of this division, there is adopted and incorporated by reference for the purpose of governing the procedures to be followed by the common council and its several committees, that certain publication known as Robert's Rules of Order, Newly Revised, 1970 edition. Two copies of this publication are on file in the office of the clerk-treasurer for public inspection.

(Code 1976, § 2-65)

State Law References: Authority to adopt by reference, IC 36-1-5-4.

Sec. 2-63. Roll call votes required.

The vote on all motions, ordinances and resolutions shall be by a roll call vote.

(Code 1976, § 2-56)

Sec. 2-64. Commitment of ordinances, reports, resolutions to committee.

All ordinances, reports and resolutions may be committed or recommitted to committees at the pleasure of the common council.

(Code 1976, § 2-57)

Sec. 2-65. Order of consideration of questions.

Except as otherwise provided, all questions before the common council shall be disposed of in the order

in which they are moved.
(Code 1976, § 2-58)

Sec. 2-66. Councilmen; being seated before being recognized.

No councilman shall be recognized to speak unless he is in his proper seat.
(Code 1976, § 2-59)

Sec. 2-67. Who is to speak when two request recognition at once.

Whenever two or more members of the common council request recognition at once, the presiding officer shall decide which member shall speak first.
(Code 1976, § 2-60)

Sec. 2-68. Councilmen; speeches; avoiding personalities.

All councilmen in addressing the common council shall avoid personalities insofar as possible.
(Code 1976, § 2-61)

Sec. 2-69. Councilmen; confining speeches to question at issue.

All councilmen while addressing the common council shall confine themselves to the question under debate.
(Code 1976, § 2-62)

Sec. 2-70. Motions while question is under debate.

Whenever any question before the common council is under debate, no motion shall be received, except motions to amend, to table, to call for the previous question, to postpone indefinitely, to postpone to a day certain, or to commit. Such motions shall have preference in the order in which arranged in this section.
(Code 1976, § 2-63)

Sec. 2-71. Nondebatable motions.

Motions to table or to adjourn made to the common council shall not be debatable.
(Code 1976, § 2-64)

Secs. 2-72--2-100. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Any ordinance providing for salaries or other officer or employee benefits not codified in this Code saved from repeal, § 1-11(a)(7); animal control officer, § 10-2; fire department, § 38-41 et seq.; department of parks and recreation, § 54-1; superintendent of streets, § 70-1.

State Law References: City deputies and employees, IC 36-4-11-1 et seq.; mandatory appointments in third-class cities, IC

Sec. 2-101. City superintendent.

The mayor shall appoint a city superintendent, who shall have general supervision of the various departments of the city, including but not limited to the street department, sanitation department and department of water/wastewater utility. The city superintendent shall serve as a liaison between the various departments of the city and the mayor and the members of the common council and shall devote his best effort and time toward the performance of the duties assigned to him.

(Code 1983, §§ 2-2-2-3, 2-2-2-6)

Sec. 2-102. Surrender of effects of office.

Upon leaving office or terminating their employment, all city employees and city officials shall surrender the effects of their offices or positions to the city.

(Code 1976, § 2-8)

Sec. 2-103. Clerk-treasurer's office hours.

The office hours of the office of the clerk-treasurer shall be from 8:00 a.m. to 4:00 p.m. each day, except Saturdays, Sundays and legal holidays.

(Code 1976, § 2-80)

Sec. 2-104. City engineer.

There is established the position of city engineer. The city engineer shall be appointed by the mayor. The city engineer shall not be required to give a bond. The city engineer shall have the powers and duties assigned to him by law or the mayor.

(Code 1976, §§ 2-150--2-153)

Sec. 2-105. Retirement age for firefighters and police officers.

Every member of the fire department or the police department, who are members of either the firefighters' pension fund or the police pension fund shall retire from the department on December 31 of the year in which he reaches his 70th birthday.

(Code 1976, § 12-1)

Sec. 2-106. Reimbursement of travel and business expenses.

(a) *Travel-related expenses.*

(1) *Authorization required.* The employee must complete a travel authorization form, and all anticipated expenses must have prior written authorization by the appropriate elected or appointed official or department director or his designee. Also included with the authorization form shall be a copy of the registration form or other written material regarding the travel prior to the anticipated travel. The city reserves the right to withhold reimbursement for travel-related

expenses incurred without prior authorization.

- (2) *Expenses which may be reimbursed.* The following expenses shall be reimbursed to the employee who complies with the procedure set forth in this policy:
- a. Air, rail, or bus tickets at the lowest possible fare available.
 - b. Rental car, bus, taxi, and airport limousine expenses, if such ground transportation is reasonable and necessary for the purpose of the trip.
 - c. Normal travel gratuities.
 - d. Use of privately owned vehicles at the mileage rate established by the federally allowed rate at the time of incurrence.
 - e. Necessary parking and storage fees.
 - f. Lodging at actual cost of the room. Employee should request a single room where available.
 - g. Meal expense at actual cost of meal. An itemized receipt must accompany the city claim voucher before any reimbursement will be permitted for same. Meal allowance shall be limited to \$50.00 per day.
 - h. All other expenses necessarily incurred directly related to the purpose of travel, such as taxi fare, tolls, parking, registration, business phone calls and the like, at actual cost.
 - i. Telephone calls.
 1. Business-related telephone calls will be reimbursed.
 2. One five-minute personal call home per day will be reimbursed.
- (3) *Expenses not reimbursed.* Expenses which shall not be reimbursed are as follows:
- a. Personal entertainment;
 - b. Fines for parking, speeding, etc.;
 - c. Alcoholic beverages;
 - d. Travel related to personal entertainment;
 - e. Groceries;
 - f. Items disallowed as stated under previous headings.

- (4) *Extended stay.* If an employee elects to stay longer than was previously approved and such extension is not business-related, the employee will be required to pay all additional expenses arising from the extended stay.
- (5) *City-owned vehicles.* Employees operating a city-owned vehicle shall fuel such vehicle at the city-owned gas pump before leaving the city for any out-of-city business. If out-of-city and fuel is needed, purchase on the road shall be permitted. Every effort shall be made to fill up the vehicle at the city-owned pump whenever possible.
- (b) *Reimbursement procedures.*
 - (1) *Travel authorization.* A travel authorization form, which must include an estimated cost, must be completed and approved by the appropriate elected or appointed official, or department director, or his designee. The city reserves the right to withhold reimbursement for travel-related expenses incurred without prior authorization. Expenses for department directors shall be approved by the mayor or the mayor's designee.
 - (2) *Required documentation.* Upon return, the employee must complete any mileage forms to be reimbursed for such, as well as submit all itemized receipts for any eligible reimbursable expenses. The aforementioned material shall be immediately submitted to the department director. These items shall be submitted to the clerk-treasurer together with the following items:
 - a. A completed and signed city claim form identifying the person to receive payment;
 - b. A purchase order completed by the department director or appropriate person or persons.
 - c. Original credit card receipts and cash receipts certifying all purchases or expenses (original credit card receipts must be accompanied by another receipt for the same purchase). The city reserves the right to withhold reimbursement for expenses for which the employee does not have appropriate receipts.
 - d. If an employee has stayed overnight and wishes reimbursement for such lodging, he must have an itemized list of room charges for such room, which must also show a zero balance when checking out of room.

(Ord. No. 2004-1527, 8-16-2004)

Sec. 2-107. Sick leave and personal day benefits for nonunion employees.

(a) Sick leave and personal days shall be a benefit provided to nonunion employees of the city. Police and fire personnel shall be excluded from the definition of nonunion employees for purposes of this section.

(b) The nonunion employees of the city shall be entitled to nine sick days during the calendar year from January 1 through December 31.

(c) The nonunion employees of the city shall also be entitled to six personal days during the calendar year from January 1 through December 31. These days are in addition to the above referenced sick days. (Ord. No. 2004-1541, §§1--3, 11-4-2004)

Secs. 2-108--2-135. Reserved.

ARTICLE IV.

BOARDS AND COMMISSIONS*

* **Cross References:** Plan commission established, § 58-1; city tree board, § 86-91 et seq.

Secs. 2-136--2-165. Reserved.

ARTICLE V.

FINANCE*

* **Cross References:** Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-11(a)(3); any ordinance authorizing or approving any contract, deed or agreement saved from repeal, § 1-11(a)(4); any ordinance making or approving any appropriation or budget saved from repeal, § 1-11(a)(5); any ordinance levying or imposing any special assessments saved from repeal, § 1-11(a)(9); any ordinance levying, imposing or otherwise relating to taxes not codified in this Code saved from repeal, § 1-11(a)(13).

State Law References: Financial administration generally, IC 36-4-8-1 et seq.; city budgets, IC 36-4-7-1 et seq.

Sec. 2-166. Statement of financial condition.

The mayor shall provide a statement of the finances and general condition of the city to the common council at least once each calendar year.
(Code 1983, § 3-1-3-2)

Sec. 2-167. Fixed asset ledger.

The fixed asset ledger shall contain all fixed assets purchased with a value of \$1,000.00 or greater, and all such purchases and assets shall be entered on the fixed asset ledger of the city.
(Ord. No. 98-1412, 2-2-1998)

Sec. 2-168. Participation in associations.

(a) The city is authorized to participate through duly designated representatives in the meetings and activities of the associations referred to in subsection (b) of this section, and the common council is authorized to appropriate necessary funds to defray the expenses of such representatives in connection with such meetings and activities.

(b) The common council shall be authorized to appropriate necessary funds to provide membership

for the city in state and national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal operations.
(Code 1983, §§ 2-7-1-1, 2-7-1-2)

Sec. 2-169. Cash change fund.

(a) Any officer, official, department head or employee of the city having a duty to collect cash revenues may establish a cash change fund.

(b) The common council shall require the entire cash change fund to be returned to the appropriate fund whenever there is a change in the custodian of the fund or if the fund is no longer needed.

(Code 1983, § 3-2-1-1(a), (c))

State Law References: Change cash funds, IC 36-1-8-2.

Sec. 2-170. Petty cash fund.

Any officer, official, department head or employee may establish a petty cash fund for any of its offices in the manner similar to that prescribed by IC 36-1-8-2.

(Code 1983, § 3-2-1-2(a))

State Law References: Petty cash funds, IC 36-1-8-2.

Sec. 2-171. General improvement fund.

A fund known as the general improvement fund is established, which shall be used to construct, repair or improve streets, alleys, sidewalks, curbs, gutters and sewers.

(Code 1983, § 3-2-2-1)

State Law References: General improvement fund, IC 36-9-17-1 et seq.

Sec. 2-172. Police department drug fund.

(a) There is created a police department drug fund. The fund shall consist of deposits in the form of proceeds recovered by the police department, in part or as a whole, in forfeiture actions filed pursuant to IC 34-4-30.1 and 34-4-30.5, forfeiture actions which are adopted by federal agencies, liquidations of personal or real property obtained from criminal defendants in those actions, and voluntary surrenders of funds and assets from criminal defendants.

(b) The police department drug fund shall be appropriated for funding law enforcement activities conducted by the police department and reimbursement of expenses incurred in pursuing forfeiture and RICO actions.

(c) All moneys collected under this section shall be transferred to the city clerk-treasurer, who shall deposit the funds and disburse them as the chief of police directs, subject to the appropriation requirement of subsection (d). Moneys remaining in the fund at the end of the year shall not revert to any other fund but shall continue in the police department drug fund.

(d) Moneys from this fund shall be subject to appropriation by the common council in accordance with law.

- (e) Such funds, after appropriation by the common council, may be used to:
 - (1) Fund law enforcement activities in enforcement of drug-related crimes conducted by the police department, in whole or part.
 - (2) Purchase drugs, controlled substances, stolen property, the lease and purchase of equipment, training and to pay confidential informants.

(f) The police chief is authorized to place funds appropriated from the drug fund in a NOW account or similar account that may bear interest; the police chief shall account to the city clerk-treasurer for all interest earned on that account; the interest earned shall be kept and retained in that checking account and used for the purposes set forth for the principal sums. In establishing the checking account, the signatures of the chief of police or his assistant chief and one of the police detectives using the funds must both be given in order to withdraw funds from the checking account.

(Ord. No. 96-1369, § 2, 1-16-1996)

Cross References: Law enforcement, ch. 46.

Sec. 2-173. Building or remodeling, firefighting and police radio equipment fund.

A fund known as the building or remodeling, firefighting, and police radio equipment fund is established. The fund shall be used only for the purchase, construction, renovation, or addition to buildings used by the fire department, and for the purchase of firefighting equipment and police radio equipment.

(Code 1983, § 3-2-3-1)

State Law References: Fund authorized, IC 36-8-14-1 et seq.

Sec. 2-174. Purchasing agency; purchasing rules and policies.

(a) The purchasing agency for the city shall be and is hereby established as the city's board of public works and safety with all of the powers and duties authorized under IC 5-22. The purchasing agency shall designate in writing the purchasing agent. The purchasing agency may also designate in writing additional purchasing agents as necessary.

(b) The purchasing agency shall have all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by ordinances adopted by the council and policies adopted by the purchasing agency.

(c) The purchasing agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the city.

(d) The purchasing agency may designate in writing any employee of the city as a purchasing agent.

(e) The purchasing agent may purchase supplies with an estimated cost of less than \$25,000.00 on the open market without inviting or receiving quotes or bids, and it is hereby determined that each agency and/or department may purchase services in whatever manner the purchaser determines to be reasonable.

(f) Supplies manufactured in the United States shall be specified for all purchases and shall be

purchased unless the city determines that:

- (1) The supplies are not manufactured in the United States in reasonably available quantities;
- (2) The price of the supplies manufacturer in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

(Ord. No. 98-1427, §§ 1--6, 7-6-1998)

Sec. 2-175. Riverboat wagering tax revenue sharing fund.

(a) There is hereby established the riverboat wagering tax revenue sharing fund.

(b) According to IC 4-33-13-5(f), riverboat wagering tax revenue sharing may be used for the following purposes:

- (1) To reduce the property levy of the city.
- (2) To fund additional property tax replacement credits.
- (3) To fund sewer and water projects, including stormwater management projects.
- (4) For police and fire pension.
- (5) To carry out any governmental purpose for which the fiscal body of the city appropriates the riverboat wagering tax revenue sharing.

(Ord. No. 2003-1510, §§ 1, 2, 8-18-2003)

Sec. 2-176. Economic development income tax fund.

(a) A fund shall be established known as the city economic development tax fund, and the revenue received by the city from the county economic development income tax shall be deposited into that fund as required under IC 6-3.5-7-13.1.

(b) The revenue deposited into the city economic development income tax fund which results from the county's increase in the county economic development income tax shall be used, once it is appropriated to the city, in accordance with state law and specifically in accordance with IC 6-3.5-7-13.1.

(Ord. No. 2004-1520, §§ 1, 2, 5-17-2004)

Chapters 3--5

RESERVED

Chapter 6

AMUSEMENTS*

* **Cross References:** Businesses, ch. 18; adult entertainments, § 18-71 et seq.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; authority to legislate for public health, safety or welfare, IC 36-8-2-4; authority to regulate public gatherings, IC 36-8-2-9; authority to regulate businesses, IC 36-8-2-10.

Secs. 6-1--6-30. Reserved.

Article I. In General

Article II. Pool Tables

Secs. 6-31--6-50. Reserved.

Division 1. Generally

Division 2. License

Sec. 6-51. Required.

Sec. 6-52. Application.

Sec. 6-53. Fee.

Sec. 6-54. Term.

ARTICLE I.

IN GENERAL

Secs. 6-1--6-30. Reserved.

ARTICLE II.

POOL TABLES

DIVISION 1.

GENERALLY

Secs. 6-31--6-50. Reserved.

DIVISION 2.

LICENSE

Sec. 6-51. Required.

It shall be unlawful for any person to keep or operate a pool table for gain without a license.
(Code 1976, § 15-1)

Sec. 6-52. Application.

All those desiring a license for a pool table shall apply to the clerk-treasurer on a form furnished by the clerk-treasurer. On the application, the applicant shall state all information necessary to determine whether the license shall be issued.

(Code 1976, § 15-2)

Sec. 6-53. Fee.

All those desiring a license for a pool table shall pay an annual license fee per table as specified in section 34-61 when applying for the license or for its renewal.

(Code 1976, § 15-3)

Sec. 6-54. Term.

The term of a pool table license shall be one year.

(Code 1976, § 15-4)

Chapters 7--9

RESERVED

Chapter 10

ANIMALS*

* **Cross References:** Environment, ch. 30; applicability to person riding animal or driving animal drawing vehicle upon roadway, § 78-6.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; general authority relative to animals, IC 36-8-2-6.

Article I. In General

Sec. 10-1. Permitting violations of chapter.

Sec. 10-2. Animal control officer.

Sec. 10-3. Running at large.

Secs. 10-4--10-35. Reserved.

Article II. Domestic Animals

Division 1. Generally

Sec. 10-36. Definitions.

Sec. 10-37. Destruction of abandoned and suffering animals.

Sec. 10-38. Harboring or maintaining certain domestic animals prohibited.

Sec. 10-39. Impoundment of domestic animals.

Secs. 10-40--10-60. Reserved.

Division 2. Dogs

Sec. 10-61. Impoundment.

Sec. 10-62. Rabies immunization required.

Sec. 10-63. Quarantining and vaccination of biting dog.

Sec. 10-64. Dog kennels.

Sec. 10-65. Noise disturbance.

ARTICLE I.

IN GENERAL

Sec. 10-1. Permitting violations of chapter.

It shall be unlawful for any person to allow any animal or fowl which is under his care, custody or control, or which he owns to violate any of the provisions of this chapter.

(Code 1976, § 3-2)

Sec. 10-2. Animal control officer.

(a) There is established the position of animal control officer. The animal control officer shall be appointed by the mayor. The animal control officer shall patrol the city in search of dogs that are in violation of any of the provisions of this chapter and shall apprehend and impound them in conformance with the provisions of this chapter. In addition the animal control officer shall perform such other functions as the mayor may direct.

(b) The animal control officer shall keep an accurate record of all dogs impounded showing the date of impoundment and a brief description of each dog. Such records shall be open to the public for inspection at all times.

(c) The animal control officer shall be allowed such compensation as may be provided by law.
(Code 1976, §§ 3-21--3-25)

Cross References: Officers and employees, § 2-101 et seq.

Sec. 10-3. Running at large.

It shall be unlawful for any animal or fowl to run at large.

(Code 1976, § 3-1)

State Law References: Livestock or poultry at large, IC 15-2.1-21-8; dogs at large, IC 15-5-9-13.

Secs. 10-4--10-35. Reserved.

ARTICLE II.

DOMESTIC ANIMALS*

* **State Law References:** Abandoning domestic animals, IC 35-46-3-7.

DIVISION 1.

GENERALLY

Sec. 10-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means any dog found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or at heel beside a competent person and obedient to that person's command.

Dog means both male and female animals of the canine species whether altered or not.

Domestic animal means cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry or other bird, and any animals of the bovine, equine, ovine, caprine, porcine, canine, feline or avian species.

Free-roaming is defined as a domestic feline/cat that has an owner, but is allowed to roam to other property or streets not owned by the animal owner.

Owner means every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

Stray or abandoned felines/cats are defined as having no owner and are living in the wild or abandoned houses.

(Code 1983, § 7-1-1-1; Ord. No. 2006-1590, 10-2-06)

Cross References: Definitions generally, § 1-2.

Sec. 10-37. Destruction of abandoned and suffering animals.

Any police officer or the animal control officer may destroy or kill or cause to be destroyed or killed any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased or suffering past recovery for any useful purpose.

(Code 1983, § 7-1-1-3)

Sec. 10-38. Harboring or maintaining certain domestic animals prohibited.

No person shall keep, maintain, harbor or stable domestic animals consisting of cattle, calves, horses, mules, swine, sheep, goats or poultry on any property within the corporate boundaries of the city.

(Code 1983, § 7-1-1-4)

Sec. 10-39. Impoundment of domestic animals.

(a) As used in this section the term domestic animals includes feline/cats.

(b) Any free-roaming, stray or abandoned cats shall be captured in a humane live trap as provided by the city animal control officer. Said officer is the only person authorized to pick-up trap and transport animals.

(c) Said trap will be placed only on the property of the complaining homeowner.

(d) The captured animal will be taken to the humane society and held for disposal unless the animal owner or an adoptive person claims the animal. If the animal is not claimed in seven days, it will become the property of the Morgan County Humane Society.

(e) It is ordered that any animal claimed be spayed/neutered and a microchip implanted at the expense of the owner or adoptive person before the animal is released.

(f) If the trapped animal is tagged and already spayed/neutered, then the officer will make one attempt to find the owner and release it to the owner's custody. If the owner is not found, the animal will be transported to the humane society.

(g) The humane society will provide the name and address of the animal owner who claims the impounded animal and that name will be entered in a database for future reference if the animal is trapped a second time or more.

(h) Additional times of capture will require the owner to be cited into city court on a charge of allowing felines/cats to free-roam.

Fines shall be as follows:

- (1) Fines will be no less than \$25.00 and no more than \$500.00, plus court fees.
- (2) If said owner has repeated violations, the Judge may order the animal remanded to the humane society for disposal.

(i) Raccoons and opossums captured will be released to a nature location as determined by the animal control officer.

(Ord. No. 2006-1590, 10-2-06)

Secs. 10-40--10-60. Reserved.

DIVISION 2.

DOGS*

* **State Law References:** Dogs running at large, IC 15-5-9-13.

Sec. 10-61. Impoundment.

(a) Any dog discovered running at large may be apprehended and confined by a police officer, the animal control officer, or other employee of the city and impounded at the dog pound or other suitable place. The apprehending officer or official shall make a good and complete record of each dog apprehended, including the breed, color and sex of each dog.

(b) The owner of any dog impounded under the provisions of this article may reclaim the dog from the city upon payment to the proper authority of the following fees:

- (1) A fee for apprehending and impounding the dog as specified in section 34-91; and
- (2) A storage and maintenance fee per day as specified in section 34-91 during the period the dog is impounded.

(c) All dogs impounded shall be kept and maintained for a period of seven days, excluding the date of impoundment. Any dog not reclaimed within such period of time shall be destroyed in a humane manner or delivered to a duly licensed humane society.

(Code 1983, §§ 7-1-2-3--7-1-2-5; Ord. No. 2006-1590, 10-2-06)

Sec. 10-62. Rabies immunization required.

A tag showing evidence of vaccination as required by law shall be worn by every dog.

(Code 1983, § 7-1-2-6)

State Law References: Harboring unvaccinated dogs, IC 35-46-3-1.

Sec. 10-63. Quarantining and vaccination of biting dog.

Any dog which bites a person shall be held in quarantine by the owner for at least ten days, and the dog

shall be given a rabies shot before being released if a rabies shot has not been given within the past year.
(Code 1976, § 3-19)

State Law References: Rabies control, IC 15-2.1-6-1 et seq.

Sec. 10-64. Dog kennels.

(a) As used in this section, the term "kennel" shall refer to a place where three or more dogs are kept for another person, with the operator charging a fee.

(b) It shall be unlawful to operate a kennel without a license. All applications for a kennel license shall be made to the clerk-treasurer and shall contain all information necessary to determine whether the license should be issued. The annual fee for a kennel license shall be as prescribed in section 34-92, payable to the clerk-treasurer when the application for a license is made.

(Code 1976, §§ 3-47--3-50)

Sec. 10-65. Noise disturbance.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb other persons and interrupt the peace, quiet and good order of the city.

(Code 1983, § 7-1-2-2)

Chapters 11--13

RESERVED

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Environment, ch. 30; fire prevention and protection, ch. 38; planning, ch. 58; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; vegetation, ch. 86.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; local building regulations, IC 36-7-2-3 et seq.

Article I. In General

Sec. 14-1. Designated fire limits.

Sec. 14-2. Building restrictions within fire limits.

Secs. 14-3--14-95. Reserved.

Article II. Electrical Permits and Inspections

Sec. 14-96. Definitions.

Sec. 14-97. Application for permit.

Sec. 14-98. Temporary service permits.

Sec. 14-99. Notice of noncompliance.

Sec. 14-100. Approval of connections.

Sec. 14-101. Disconnection of equipment not approved for service.

Sec. 14-102. Inspection of existing wiring.

Sec. 14-103. Repairs and existing electrical devices.

Sec. 14-104. Disconnection of unsafe or noncomplying equipment.

Sec. 14-105. Certificate of final inspection.

Sec. 14-106. Removal of notices prohibited.

Sec. 14-107. Inspections.

Secs. 14-108--14-140. Reserved.

Article III. Property Maintenance

Sec. 14-141. Applicability.

Sec. 14-142. Maintenance of exterior of premises.

Sec. 14-143. Appearance of exterior of premises and structures.

Sec. 14-144. Storage of commercial and industrial material.

Sec. 14-145. General maintenance.

Secs. 14-146--14-175. Reserved.

Article IV. Unsafe Buildings and Premises

Sec. 14-176. Adoption of state law by reference.

Sec. 14-177. Administration and enforcement.

Sec. 14-178. Hearing authority.

Secs. 14-179--14-210. Reserved.

Article V. Building Numbering

Sec. 14-211. Display of correct number required.

Sec. 14-212. House numbering on streets running north and south.

Sec. 14-213. House numbering on streets running east and west.

Sec. 14-214. Numbers assigned to blocks.

ARTICLE I.

IN GENERAL

Sec. 14-1. Designated fire limits.

The area designated as restricted fire limits within the corporate boundaries of the city is as follows:

Commencing at the intersection of East Washington Street and South Jefferson Street and running north along Jefferson Street to East Morgan Street, then west on Morgan Street to North Main Street, then south on Main Street to Washington Street, then east on Washington Street to the point of beginning.

(Code 1983, § 6-2-3-2)

Cross References: Fire prevention and protection, ch. 38.

Sec. 14-2. Building restrictions within fire limits.

Any and all exterior walls constructed or erected on any building or structure or any addition to any building or structure within the area designated as restricted fire limits described in section 14-1 shall be of masonry (i.e., brick or block) type construction or steel. Any and all roof covering shall be composed of tile, slate, metal or asphalt.

(Code 1983, § 6-2-3-3)

Secs. 14-3--14-95. Reserved.

ARTICLE II.

ELECTRICAL PERMITS AND INSPECTIONS*

* **Cross References:** Electrical contractors, § 18-131 et seq.

Sec. 14-96. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electrical device includes all manner of electrical wiring and power installations of every sort and character.

(Code 1983, § 9-1-4-2)

Cross References: Definitions generally, § 1-2.

Sec. 14-97. Application for permit.

An application for an electrical permit shall state the names of the owners and the location and extent of work to be done under the permit. Applications for electrical permits must be signed by the supervising electrician unless otherwise provided for by law. The fees to be paid to the clerk-treasurer prior to the issuance of an electrical permit shall be based on the nature of the premises in which the work is to be done. Any electrical permit shall be valid only for the location stated in the application.

(Code 1983, § 9-1-4-4)

Sec. 14-98. Temporary service permits.

Whenever an urgent necessity for the use of electrical current in any installation is shown to exist, the city superintendent or city consulting engineer or their authorized delegate may grant permission for such temporary current to any wiring or apparatus or fixtures for a period not exceeding 90 days if such wiring or apparatus or fixtures are in such condition that the electrical current may safely be used without danger to life or property. Permission may also be obtained for temporary use of electrical current during the construction or alteration of any building.

(Code 1983, § 9-1-4-5)

Sec. 14-99. Notice of noncompliance.

The city superintendent, city consulting engineer or their authorized delegate shall condemn any electrical wiring to be covered or concealed if it is not in compliance with the electrical code by giving written notice of such noncompliance to the person engaged in the installation of the work. Within 15 days after notification by the city superintendent, consulting engineer or their authorized delegate of the fact that electrical work or equipment to be covered or concealed does not comply with the electrical code, or within such further reasonable time as may, upon request, be prescribed, the person engaged in the installation of such work or equipment shall alter or remove the same as appropriate and make the necessary changes so that such work complies with the electrical code.

(Code 1983, § 9-1-4-7)

Sec. 14-100. Approval of connections.

It shall be unlawful for any person to make any electrical connection to any electrical equipment, except small plug-in appliances, until approval has been given by the city superintendent, consulting engineer, city building inspector or their authorized delegate.

(Code 1983, § 9-1-4-8)

Sec. 14-101. Disconnection of equipment not approved for service.

The city superintendent, consulting engineer, city building inspector or their authorized delegate is authorized to disconnect or order disconnected the electrical service to any equipment or installation, except a small plug-in appliance, which has been connected before approval for service has been given; upon such disconnection, he shall attach a notice of such fact. It shall be unlawful for any person to reconnect the wiring of any such apparatus before it has been approved by the city superintendent, consulting engineer, building inspector or their authorized delegate.

(Code 1983, § 9-1-4-9)

Sec. 14-102. Inspection of existing wiring.

The city superintendent, consulting engineer or building inspector or their authorized delegate is empowered to reinspect all existing wiring, appliances, devices and equipment coming within the scope of the electrical code.

(Code 1983, § 9-1-4-10)

Sec. 14-103. Repairs and existing electrical devices.

Whenever the installation of any existing electrical wiring, appliance or device or equipment covered by the electrical code is found by the city superintendent, consulting engineer, building inspector or their authorized delegate to be in a dangerous or unsafe condition, the person owning, using or operating the apparatus shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, appliances, devices and equipment in a safe condition and have such work completed within 15 days after notification or within such reasonable time as may, upon request, be prescribed.
(Code 1983, § 9-1-4-11)

Sec. 14-104. Disconnection of unsafe or noncomplying equipment.

The city superintendent, consulting engineer or building inspector or their authorized delegate is empowered to disconnect or order the discontinuance of electrical service to such electrical conductors or apparatus as are found to be in a dangerous or unsafe condition, or to have been installed without a permit, or not in accordance with the provisions of the electrical code. He shall thereupon attach a notice that states that such conductors or apparatus have been disconnected because of having been found unsafe to life or property; and it shall be unlawful for any person to reconnect such defective conductors or apparatus until they have been placed in a safe and secure condition and have been approved by the city superintendent, consulting engineer or building inspector or their authorized delegate.
(Code 1983, § 9-1-4-12)

Sec. 14-105. Certificate of final inspection.

The city superintendent, consulting engineer or building inspector or their authorized delegate shall, upon request, issue a certificate of final inspection when the electrical installation is completed and found to comply with the electrical code. No such certificate shall be issued in the case of a prefabricated building in which the wiring may have been covered in manufacturing until a schematic wiring diagram for the building is submitted to him. No certificate of final inspection shall be issued on any incomplete work nor until the inspector finds that the electrical installation is found to comply with the electrical code.
(Code 1983, § 9-1-4-13)

Sec. 14-106. Removal of notices prohibited.

It shall be unlawful for any person to remove any notice lawfully placed by the city superintendent, consulting engineer or building inspector or their authorized delegate upon any electrical work or equipment.
(Code 1983, § 9-1-4-14)

Sec. 14-107. Inspections.

The city superintendent, consulting engineer or building inspector or their authorized delegate shall be notified in writing by any person installing any new electrical work, first when the roughing-in work is completed, and second when the entire work is completed. The city superintendent, consulting engineer or building inspector or their authorized delegate, upon the receipt of such notice, shall inspect the work; and if the work conforms in all respects with the provisions of the electrical code, he shall post a notice of approval at or near the work. The supervising electrician shall sign requests for all inspections.
(Code 1983, § 9-1-4-15)

Secs. 14-108--14-140. Reserved.

ARTICLE III.

PROPERTY MAINTENANCE

Sec. 14-141. Applicability.

Every residential, nonresidential or mixed occupancy building and the land upon which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this article, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. Furthermore, this chapter shall apply to mobile homes and mobile home parks.

(Code 1983, § 9-3-1-1)

Sec. 14-142. Maintenance of exterior of premises.

(a) The owner or occupant of any building in the city shall maintain the exterior of the premises and all structures on the premises free of all hazards to the safety of the occupant and pedestrians and other persons utilizing the premises, and free of unsanitary conditions; and any hazards shall be promptly removed, cured or corrected and abated by the owner or occupant.

(b) It shall be the duty of the owner or occupant to keep the premises free of hazards, which include but are not limited to the following:

- (1) Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris;
- (2) Dead or dying trees, limbs of trees or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in their vicinity;
- (3) Loose and overhanging objects, which by reason of their location above ground will constitute a danger of falling on persons in their vicinity; and
- (4) Holes, excavations, breaks and projections that are hazardous.

(Code 1983, § 9-3-1-2)

Sec. 14-143. Appearance of exterior of premises and structures.

The owner or occupant of any building in the city shall maintain the exterior of the premises so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property.

(Code 1983, § 9-3-1-3)

Sec. 14-144. Storage of commercial and industrial material.

No person shall store commercial equipment or materials relating to commercial or industrial use at a location visible from the sidewalk, street or other public area unless permitted to do so under the zoning ordinance.

(Code 1983, § 9-3-1-4)

Sec. 14-145. General maintenance.

The owner or occupant of any building in the city shall maintain such building or structure in good repair, free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.

(Code 1983, § 9-3-1-5)

Secs. 14-146--14-175. Reserved.

ARTICLE IV.

UNSAFE BUILDINGS AND PREMISES*

* **Cross References:** Environment, ch. 30.

Sec. 14-176. Adoption of state law by reference.

The provisions of IC 36-7-9 (IC 36-7-9-1 et seq.) is adopted by reference, as if fully set out in this section. Two copies are on file in the office of the clerk-treasurer for public inspection.

(Code 1983, § 9-2-1-1)

State Law References: Adoption by reference, IC 36-1-5-4.

Sec. 14-177. Administration and enforcement.

The building commissioner and the department of law are responsible for the administration and enforcement of this article and IC 36-7-9 (IC 36-7-9-1 et seq.).

(Code 1983, § 9-2-1-3)

Sec. 14-178. Hearing authority.

The hearing authority shall be designated by the mayor in accordance with the provisions of IC 36-7-9-2.

(Code 1983, § 9-2-1-4)

Secs. 14-179--14-210. Reserved.

ARTICLE V.

BUILDING NUMBERING*

* **Cross References:** Streets, sidewalks and other public places, ch. 70.

Sec. 14-211. Display of correct number required.

(a) It shall be unlawful for the owner of any building to fail to place on the building, either adjoining its side, or immediately over its door or entrance, neat, plain figures of not less than two square inches in size, which show the number assigned to the building.

(b) It shall be unlawful to display an incorrect house number.
(Code 1976, § 16-7)

Sec. 14-212. House numbering on streets running north and south.

(a) The house numbers on all streets running north and south in the city shall commence at the Washington Street crossing of every such street and run thence north and south from Washington Street as follows:

- (1) All the even numbers shall be on the west side.
- (2) All the odd numbers shall be on the east side of every north and south street.

(b) All that part of every street running north from Washington Street shall be called the north part of such street, and all that part of every street running south of Washington Street shall be called the south part of such street.
(Code 1976, § 16-4)

Sec. 14-213. House numbering on streets running east and west.

(a) The house numbers on all streets running east and west shall commence on each side of the Main Street crossing of each respective street, and run thence east and west from Main Street as follows:

- (1) All even numbers shall be on the north side.
- (2) All odd numbers shall be on the south side.

(b) The part of every such street, running east from Main Street shall be called the east part of such street, and all such streets running west from Main Street shall be called the west part of such street.
(Code 1976, § 16-5)

Sec. 14-214. Numbers assigned to blocks.

The space or distance of one block along or upon any street shall be allowed and assigned 100 numbers, with 50 numbers being for each side of such street as provided in sections 14-212 and 14-213.
(Code 1976, § 16-6)

Chapters 15--17

RESERVED

Chapter 18

BUSINESSES*

* **Cross References:** Amusements, ch. 6; fees, ch. 34; commercial sales in park regulated, § 54-36; secondhand goods, ch. 62; restrictions on commercial vehicles, § 78-136; parking of commercial vehicles at night, § 78-175; riding bicycles on sidewalks in business district, § 78-223; utilities, ch. 82; vehicles for hire, ch. 90.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; authority to regulate businesses, crafts and occupations, IC 36-8-2-10.

Article I. In General

Sec. 18-1. Fences around junkyards or wrecking yards.

Secs. 18-2--18-30. Reserved.

Article II. Licensing

Sec. 18-31. Purpose.

Sec. 18-32. Licenses required to engage in certain trades or businesses.

Sec. 18-33. Separate license required for each place of business.

Sec. 18-34. Contents of license.

Sec. 18-35. Date and duration of license.

Sec. 18-36. License not transferable.

Sec. 18-37. License certificate to be displayed.

Sec. 18-38. Complaints.

Secs. 18-39--18-70. Reserved.

Article III. Adult Entertainments

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Sec. 18-71. Definitions.

Sec. 18-72. Purpose.

Sec. 18-73. Restrictions, requirements and conditions.

Secs. 18-74--18-95. Reserved.

Division 2. License

Sec. 18-96. Required.

Sec. 18-97. Application procedure.

Sec. 18-98. Standards for issuance of license.

Secs. 18-99--18-130. Reserved.

Article IV. Electrical Contractors

Division 1. Generally

Secs. 18-131--18-150. Reserved.

Division 2. License

Sec. 18-151. Required.

Sec. 18-152. Application.

Sec. 18-153. Fee.

Sec. 18-154. Bond.

Sec. 18-155. Expiration date.

Sec. 18-156. Renewal.

Sec. 18-157. Records.

Secs. 18-158--18-190. Reserved.

Article V. Peddlers, Solicitors and Transient Merchants

Division 1. Generally

Sec. 18-191. Definitions.
Sec. 18-192. Hours.
Sec. 18-193. Obstruction of public places prohibited.
Sec. 18-194. No-peddling signs.
Secs. 18-195--18-215. Reserved.

Division 2. License

Sec. 18-216. Required.
Sec. 18-217. Application procedure.
Sec. 18-218. Standards for issuance.
Sec. 18-219. Exemptions.

ARTICLE I.

IN GENERAL

Sec. 18-1. Fences around junkyards or wrecking yards.

All commercial junkyards or wrecking yards shall be required to enclose the premises occupied by them with a solid fence erected of conventional materials at least eight feet in height.
(Code 1976, § 8-6)

Secs. 18-2--18-30. Reserved.

ARTICLE II.

LICENSING

Sec. 18-31. Purpose.

The purpose of this article is to ensure that, in the conduct of certain businesses and occupations designated in this article, the public health, safety and welfare is maintained. The provisions of this article shall be applicable to all business licenses issued by the city unless otherwise stated.
(Code 1983, § 4-1-1-1)

Sec. 18-32. Licenses required to engage in certain trades or businesses.

No person shall engage in any trade or business for which a city license is required without first applying for and obtaining a license from the clerk-treasurer or other duly authorized issuing authority.
(Code 1983, § 4-1-1-2)

Sec. 18-33. Separate license required for each place of business.

Every person engaging in an activity required to be licensed shall obtain a license for each separate office or place of business conducted by such person.

(Code 1983, § 4-1-1-3)

Sec. 18-34. Contents of license.

Every license shall state:

- (1) By name the person to whom it is issued;
- (2) The trade or business licensed;
- (3) The address of the place where the trade or business shall be conducted; and
- (4) The date of issuance and date of expiration of the license.

(Code 1983, § 4-1-1-4)

Sec. 18-35. Date and duration of license.

A license shall not be valid beyond the expiration date specified in the license and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 1, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issuance of the license.

(Code 1983, § 4-1-1-5)

Sec. 18-36. License not transferable.

Every license shall be issued to a real party in interest in the trade or business; and, unless otherwise provided, no license shall be assigned or transferred.

(Code 1983, § 4-1-1-6)

Sec. 18-37. License certificate to be displayed.

Every licensee carrying on a trade or business at a fixed location shall keep the license certificate posted in a prominent place upon the licensed premises. Other licensees shall carry their license on their person while conducting their trade or business.

(Code 1983, § 4-1-1-7)

Sec. 18-38. Complaints.

(a) On reasonable notice of at least three days to the person complained of, the mayor shall hear any complaint against a person to whom the city has issued a license, and may issue subpoenas to compel the attendance of witnesses, administer oaths to those witnesses, and require them to testify. To the extent they can be applied, the state rules of procedure, including the right to appear by counsel and to compel the attendance of witnesses for or against persons complained of, apply to proceedings under this section.

(b) If the mayor finds that the person complained of has willfully violated a term or condition of his license, or has willfully done or permitted to be done an act in violation of a statute or city ordinance relating to

the business licensed, the mayor shall revoke or suspend the license. He shall file a copy of his findings and determination with the city clerk-treasurer within 24 hours after it is made.

(c) An order of revocation shall become effective upon written notice served upon the licensee or posted upon the premises affected.

(d) An order of suspension shall become effective upon written notice served upon the licensee or posted upon the premises affected. A notice of suspension may specify the reason for suspension and provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the period of time specified, the license may be reinstated.

(Code 1983, § 4-1-2-1)

State Law References: Similar provisions, IC 36-4-5-5.

Secs. 18-39--18-70. Reserved.

ARTICLE III.

ADULT ENTERTAINMENTS*

* **Cross References:** Amusements, ch. 6.

DIVISION 1.

GENERALLY

Sec. 18-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult entertainment activities means one or more of the following activities:

- (1) *Adult bookstore* means an establishment having as a substantial or significant portion of its stock in trade for sale, rent or display, pictures, books, periodicals, magazines, motion pictures or cartoons, appliances and similar material distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities as hereinafter described or an establishment with a segment or section devoted to the sale or display of such material.
- (2) *Adult motion picture theater* means an establishment with a capacity of 50 or more persons having, as a substantial or significant portion of its use, the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities for observation by persons in the theater.
- (3) *Adult mini-motion picture theater* means an establishment with a capacity for less than 50 persons having as a substantial or significant portion of its use the presentation of materials having as a dominant theme or characterized or distinguished by an emphasis on matter

depicting, describing or relating to sexual activities for observation by persons in the theater.

- (4) *Adult stage show theater* means an establishment used for presenting live performances of humans and/or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to sexual activities for observation by persons in the theater.
- (5) *Cabaret* means an establishment that features as entertainers and/or waiters and/or bartenders, male or female impersonators and/or persons, either male or female, who expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region and/or buttocks and/or human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (6) *Massage parlor* means an establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand, which promotes its services by using and/or advertising the use of female attendants and/or masseuses for male patrons.
- (7) *Bathhouse* means an establishment for providing bathing, sauna, steam room and/or lavatory facilities for male and/or female persons, which promotes its services by using and/or advertising the use of homosexual attendants.
- (8) *Taxi dance hall* means an establishment operated as a public dance hall where dance partners, either male or female, are available for hire for a monetary consideration payable either by the dance or as part of an entrance fee or membership fee.

Operator means any individual, partnership, corporation or business entity who establishes and/or maintains a business as its owner or manager.

Owner means any individual, partnership, corporation or business entity who has legal title to real estate, with or without accompanying actual possession, or shall have all or part of the beneficial ownership of any real estate and a right to its present use and enjoyment, including a mortgagee in possession.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic regions;
 - b. Buttock;
 - c. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (Code 1983, § 4-2-4-2)
- Cross References:** Definitions generally, § 1-2.

Sec. 18-72. Purpose.

The purpose of this article is to enhance, preserve and stabilize the city's business district and residential neighborhood and decrease the incidence of crime and juvenile delinquency through control and licensing of adult entertainment activities. It is not the purpose of this article to establish community standards on obscenity nor to allow the establishment of adult entertainment activities that are in violation of state laws on pornography.

(Code 1983, § 4-2-4-1)

Sec. 18-73. Restrictions, requirements and conditions.

- (a) An establishment engaging in adult entertainment activities, except as otherwise provided by laws that may be more restrictive, may not have more than one outside flush to the wall, fascia style sign, not to exceed in size six feet in length (horizontal to the ground) with no flashing lights and with no lettering, wording or pictorial or representational matter distinguished or characterized by its emphasis on matter depicting, describing or relating to sexual activities.
- (b) An establishment engaging in adult entertainment activities may not display its stock in trade or activities in such a manner as to be subject to public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, hallways or passageways.
- (c) An operator engaging in adult entertainment activities may not permit a person under 18 years of age to enter his establishment.
- (d) An operator engaging in adult entertainment activities shall, at all times, cause the entrance of his establishment to be so attended as to ensure compliance with the requirements contained in subsection (c) of this section.
- (e) An adult amusement arcade, except as otherwise provided by laws that may be more restrictive, shall meet the following requirements:
 - (1) Any wall or partition situated so as to create a room, enclosure or booth in which any amusement device is located shall be constructed of not less than one-hour fire-resistive material.
 - (2) The width of the aisles in any room where an amusement device is located shall be more than 42 inches.
 - (3) There shall be no fewer than two doorways of a width no less than 36 inches, which provide ingress or egress from any room in which an amusement device is located; however, one

doorway shall be sufficient if the fire chief should so determine. Doorways shall be unlocked during business hours.

- (4) Over every doorway which provides egress from any room in which an amusement device is located, there shall be maintained an internally illuminated exit sign with letters at least five inches in height.
- (5) Each amusement device located in such establishment shall be situated so as to permit the person using the device to have a constantly unobstructed view of the doorways that provide ingress or egress from the establishment.
- (6) A light level of no less than ten footcandles at floor level shall be maintained in every portion of the establishment to which the public is admitted.
- (7) The numbers of persons in any room or partitioned portion of a room where amusement devices are located shall not exceed one person per 30 square feet. The maximum occupancy load permitted in any room or partitioned portion of a room in which amusement devices are located shall be conspicuously posted by the operator, and shall remain posted, at the entrance of the room.
- (8) The number of amusement devices shall not exceed the maximum occupancy load permitted in any room or partitioned portion of a room in which an amusement device is located. The maximum number of amusement devices permitted in any room or partitioned portion of a room shall be conspicuously posted by the operator, and shall remain posted, at the entrance of the room.

(Code 1983, § 4-2-4-6)

Secs. 18-74--18-95. Reserved.

DIVISION 2.

LICENSE

Sec. 18-96. Required.

- (a) No operator shall maintain, operate or conduct an establishment engaging in adult entertainment activities without a license.
- (b) No owner of property shall permit adult entertainment activities to operate on his property without a license.
- (c) No person shall work or permit himself to be employed at an adult entertainment activity that has not been licensed.
- (d) The license fee for the license required by this division shall be as prescribed in section 34-161; and all licenses shall be for the calendar year January 1 through December 31, or the remaining portion of such

calendar year. The license fee may be redetermined by the common council.

(e) Annual license fees may be prorated at the rate of \$50.00 per month for the remaining full month of the current calendar year, but not to exceed the amount specified in section 34-161.

(f) The license fee shall be paid to the clerk-treasurer upon the filing of an application for a license.

(g) If the license is denied, the license fee, less \$250.00 for the cost of the license investigation and inspection procedure, shall be returned to the applicant.

(Code 1983, § 4-2-4-3)

Sec. 18-97. Application procedure.

All applicants for licenses required by this division shall file a written, sworn application with the clerk-treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications shall be made on forms available in the office of the clerk-treasurer. The application shall contain information, photographs and certificates set forth and described as follows:

(1) *Required information.*

- a. The name and location of the establishment.
- b. The names and addresses of the applicants, owners of the establishment, and if a corporation, the names and addresses of the directors and the names and addresses of shareholders owning capital stock in the corporation, and if a partnership, the names and addresses of the partners.
- c. The names and addresses of the owners of the property on which the establishment is located.
- d. The names and addresses of any rental agent of the property on which the establishment is located.
- e. The nature of the activity or activities to be engaged in at such location.
- f. All criminal convictions of the applicant, owners, directors, partners, shareholders or employees other than misdemeanor traffic violations. This information shall be at all times current. It shall be the responsibility of the operator to notify the clerk-treasurer of any changes in this information.
- g. The name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license.

(2) *Photographs and certificates.*

- a. Such application shall include a photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimensions of such signs.
- b. Such application shall be accompanied by a certificate of occupancy issued by the plan commission certifying that the business is in compliance with applicable zoning laws or has nonconforming use rights.
- c. Such application shall include a certificate from the fire chief that all applicable fire regulations have been met and, in the case of an adult amusement arcade, that all requirements of this article have been met.

(Code 1983, § 4-2-4-4)

Sec. 18-98. Standards for issuance of license.

(a) Upon receipt of a completed application form for a license required by this division, the clerk-treasurer shall forward such application to the chief of police or his assistant, who shall perform a criminal record check on any person named in the application and review for accuracy all information contained in the application within 20 days of receipt of such application.

(b) The clerk-treasurer shall approve the application if all restrictions, requirements and conditions and all applicable requirements of law have been met and unless investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare of the city; except, no license will be issued if the applicant or any owner, director, partner, shareholder or employee has been convicted of any felony within five years of the date of application.

(c) It is further provided that granting of a license under the provisions of this section does not certify compliance with all applicable laws nor does it prevent the city from enforcement of all applicable laws.
(Code 1983, § 4-2-4-5)

Secs. 18-99--18-130. Reserved.

ARTICLE IV.

ELECTRICAL CONTRACTORS*

* **Cross References:** Electrical permits and inspections, § 14-96 et seq.

DIVISION 1.

GENERALLY

Secs. 18-131--18-150. Reserved.

DIVISION 2.

LICENSE

Sec. 18-151. Required.

It shall be unlawful for any person to engage in the business of being an electrical contractor without a license issued by the clerk-treasurer.

(Code 1976, § 4-74)

Sec. 18-152. Application.

All applications for a license for an electrical contractor shall be made to the clerk-treasurer and shall contain sufficient information to determine whether the license shall be issued.

(Code 1976, § 4-75)

Sec. 18-153. Fee.

The annual fee to be paid for a license for an electrical contractor shall be as prescribed in section 34-162.

(Code 1976, § 4-76)

Sec. 18-154. Bond.

Every person who is granted an electrical contractor's license as required by this division shall make, execute and deliver to the clerk-treasurer a bond in the penal sum of \$1,000.00, payable to the city and made for the use and benefit of the owner of, or any party in interest in, the property where the electrical licensee furnished any material or performed any service and shall indemnify such person against loss or damage that may arise by reason of the work done or material furnished, being in violation of the requirements of any law governing such work. Such bond shall be executed by each applicant with any recognized and responsible surety company authorized to do business in the state as a surety.

(Code 1976, § 4-79)

Sec. 18-155. Expiration date.

An electrical contractor's license shall expire on December 31 of each year.

(Code 1976, § 4-77)

Sec. 18-156. Renewal.

All applications for the renewal of a license for an electrical contractor shall be filed on or before January 10 of each year.

(Code 1976, § 4-78)

Sec. 18-157. Records.

The clerk-treasurer shall keep a record of all electrical contractor's licenses issued, their date of issuance

and their date of expiration.
(Code 1976, § 4-80)

Secs. 18-158--18-190. Reserved.

ARTICLE V.

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS*

* **Cross References:** Streets, sidewalks and other public places, ch. 70.

State Law References: Authority to regulate peddlers, solicitors, etc., IC 36-8-2-11; Transient Merchant Law of Indiana, IC 25-37-1-1 et seq.

DIVISION 1.

GENERALLY

Sec. 18-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means the business carried on by any person who is a transient merchant, peddler or solicitor.

Goods means merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

Peddler means any person who:

- (1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
- (2) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

The term "peddler" does not mean any person engaged in making wholesale deliveries or wholesale sales.

Solicitor means any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

Transient merchant means any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle or any place within the city.

(Code 1983, § 4-2-1-1)

Cross References: Definitions generally, § 1-2.

Sec. 18-192. Hours.

It shall be unlawful for any person to peddle or solicit before the hour of 8:00 a.m. of any day, or after the hour of 9:00 p.m. of any day, without the specific prior consent of the prospective purchaser.
(Code 1983, § 4-2-1-6)

Sec. 18-193. Obstruction of public places prohibited.

It is unlawful for any person, either selling, or offering for sale, any article or service by peddling or soliciting in any place, to obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article or service is being sold or offered for sale.
(Code 1983, § 4-2-1-7)

Sec. 18-194. No-peddling signs.

It is unlawful for any peddler or solicitor to ring the bell, or knock on the door or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or apartment at which a sign bearing the words "No Peddlers or Solicitors" or words of similar import indicating that peddlers or solicitors are not wanted on the premises is painted, affixed or otherwise exposed to public view. This section shall not apply to any peddler or solicitor who rings the bell, knocks on the door or otherwise attempts to gain admittance to such residence, dwelling or apartment at the invitation or with the consent of the occupant.
(Code 1983, § 4-2-1-8)

Secs. 18-195--18-215. Reserved.

DIVISION 2.

LICENSE

Sec. 18-216. Required.

(a) Any person who carries on business as a peddler, solicitor or transient merchant shall obtain a license before engaging in such activity within the city.

(b) The license fee for the license required by this section shall be as prescribed in section 34-163 and may be redetermined from time to time by the common council.

(c) The license fee shall be paid to the clerk-treasurer upon the filing of an application for a license.

(d) If the license is denied, the license fee, less \$5.00 for the cost of the license investigation and inspection procedure, shall be returned to the applicant.

(e) All licenses issued under this section shall expire 180 days after the date of issuance.
(Code 1983, § 4-2-1-2)

Sec. 18-217. Application procedure.

(a) All applicants for licenses required by this division shall file a written, sworn application with the clerk-treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the clerk-treasurer. The application shall state:

- (1) The name and address and social security number of the applicant.
- (2) The name of the individual having management authority or supervision of the applicant's business during the time it is proposed to be carried on in the city, and the local address of such individual, the permanent address of such individual, and the capacity in which such individual will act.
- (3) The name and address of the person if any for whose purpose the business will be carried on, and, if a corporation, the officers and directors of the corporation and the state of incorporation.
- (4) The time period during which the applicant desires to carry on business.
- (5) The nature, character and quality of the goods or services to be offered for sale or delivered, and, if goods, their invoice value and whether they are to be sold by sample as well as from stock, and where and by whom such goods are manufactured or grown, and where such goods are at the time of application.
- (6) The nature of the advertising proposed to be done for the business.
- (7) Whether or not the applicant has been convicted of any crime and, if so, the nature of each offense and the penalty assessed for each offense.

(b) All applications for peddler or solicitor licenses shall state, in addition to statements required by subsection (a) of this section:

- (1) A description of the applicant.
- (2) A description of any vehicle proposed to be used in the business, including its license plate number and registration number, if any.
- (c) All applicants for licenses required by this division shall attach to their application the following:
 - (1) If required by the clerk-treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business.
 - (2) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(Code 1983, § 4-2-1-3)

Sec. 18-218. Standards for issuance.

(a) Upon receipt of an application for a license required by this division, the clerk-treasurer shall cause an investigation of the applicant's business reputation and moral character to be made.

(b) The clerk-treasurer shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has:

- (1) Been convicted of a crime of moral turpitude;
- (2) Made willful misstatements in the application;
- (3) Committed prior violations of ordinances pertaining to transient merchants, peddlers, solicitors and the like;
- (4) Committed prior fraudulent acts;
- (5) A record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character.

(Code 1983, § 4-2-1-4)

Sec. 18-219. Exemptions.

(a) Any veteran of the United States armed forces described in IC 10-5-12-1 or IC 10-5-13-1 shall be entitled to a license to vend, hawk and peddle goods, wares, fruits and merchandise in the city without the payment of any license fee upon the presentation to the clerk-treasurer, of a certificate of discharge proving his identity. However, such veteran shall be subject to all other regulatory provisions of this article.

(b) Peddlers, solicitors and transient merchants engaged in interstate commerce shall be exempt from any license fee required by this division. Any person claiming such exemption shall file a verified statement disclosing the:

- (1) Interstate nature of the business;
- (2) Name and location of the company or firm for which orders are to be solicited or secured;
- (3) Name and address of the nearest local or state manager;
- (4) Kind of goods or merchandise to be delivered;
- (5) Place of shipment and method of delivery.

(Code 1983, § 4-2-1-5)

Chapters 19--21

RESERVED

Chapter 22

CIVIL EMERGENCIES*

* **Cross References:** Administration, ch. 2; fire prevention and protection, ch. 38; law enforcement, ch. 46.

Article I. In General

Secs. 22-1--22-30. Reserved.

Article II. Emergency Orders

Sec. 22-31. Definitions.

Sec. 22-32. Proclamation.

Sec. 22-33. Powers of mayor.

Sec. 22-34. Power of chief of police.

ARTICLE I.

IN GENERAL

Secs. 22-1--22-30. Reserved.

ARTICLE II.

EMERGENCY ORDERS

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil emergency means a riot or unlawful assembly characterized by the use of actual force of violence or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law, or any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion, within the corporate limits resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew means a prohibition against any person's walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits during the hours in which it has been imposed, except those persons officially designated to duty with reference to the civil emergency.

(Code 1976, § 5-16)

Cross References: Definitions generally, § 1-2.

Sec. 22-32. Proclamation.

If, in the judgment of the mayor, a civil emergency exists, he shall forthwith proclaim in writing the existence of the emergency.

(Code 1976, § 5-17)

Sec. 22-33. Powers of mayor.

(a) After proclamation of a civil emergency by him, the mayor may also in the interest of public safety and welfare make any or all of the following orders:

- (1) A general curfew applicable to such geographical areas as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.
- (2) The closing of all retail liquor stores.
- (3) The closing of all taverns.
- (4) The closing of all private clubs or portions wherein the consumption of intoxicating liquor and/or beer is permitted.
- (5) The discontinuance of the sale of beer.
- (6) The discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (7) The closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
- (8) The discontinuance of selling, distributing, dispensing or giving away of firearms and/or ammunition.
- (9) Such other orders as are imminently necessary for the protection of life and property.

(b) During a declared state of emergency, the mayor shall have the power to order that no person shall:

- (1) Consume any alcoholic beverages in a public street or place that is publicly owned, or in any motor vehicle driven or parked that is within a duly designated restricted area.
- (2) Carry or possess any rock, bottle, club, brick or weapon and use or intend to use the same unlawfully against the person or property of another.
- (3) Make, carry, possess or use any type of molotov cocktail, gasoline or petroleum-based fire bomb or other incendiary missile.

- (4) Enter any area designated by the mayor as a restricted area unless in the performance of official duties or with written permission from the mayor or his duly designated representative, or unless such person can prove residence in such area.
- (5) Otherwise disobey any of the provisions of the proclamation of the mayor promulgated pursuant to this article.

(c) It is unlawful to violate any order or proclamation entered pursuant to the provisions of this article.

(Code 1976, § 5-18)

Sec. 22-34. Power of chief of police.

In the absence of the mayor, the chief of police shall have the power to do all acts authorized by this article to be performed by the mayor.

(Code 1976, § 5-19)

Chapters 23--25

RESERVED

Chapter 26

COURTS*

* **Cross References:** Administration, ch. 2; law enforcement, ch. 46; offenses and miscellaneous provisions, ch. 50; traffic and vehicles, ch. 78.

Sec. 26-1. City court established.

Sec. 26-1. City court established.

There is established a city court.

(Code 1976, § 2-110)

State Law References: City courts generally, IC 33-10.1-1-3 et seq.; authority to establish city court, IC 33-10.1-1-3.

Chapters 27--29

RESERVED

Chapter 30

ENVIRONMENT*

* **Cross References:** Animals, ch. 10; buildings and building regulations, ch. 14; unsafe buildings and premises, § 14-176 et seq.; parks and recreation, ch. 54; planning, ch. 58; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; vegetation, ch. 86; weeds and rank vegetation, § 86-31 et seq.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; environment generally, IC 13-1-1-1 et seq.; authority to regulate air and sound pollution, IC 36-8-2-8; air pollution control, IC 13-17-1-1 et seq.; authority to prohibit conduct or use or possession of property that might endanger public health, safety or welfare, IC 36-8-2-4.

Article I. In General

Secs. 30-1--30-30. Reserved.

Article II. Stagnant Water

Sec. 30-31. Prohibited.

Sec. 30-32. Service of notice to remove.

Sec. 30-33. Correction by city.

Sec. 30-34. Lien for removal costs.

Secs. 30-35--30-65. Reserved.

Article III. Junk

Sec. 30-66. Prohibited.

Sec. 30-67. Exception to application of article.

Sec. 30-68. Removal by city.

Sec. 30-69. Lien for removal costs.

ARTICLE I.

IN GENERAL

Secs. 30-1--30-30. Reserved.

ARTICLE II.

STAGNANT WATER

Sec. 30-31. Prohibited.

It shall be unlawful for the owner of any property to allow any stagnant water to remain on it.
(Code 1976, § 7-51)

Sec. 30-32. Service of notice to remove.

It shall be the duty of the chief of police, upon direction of the common council, to notify the owner of any land that contains any stagnant water of the order of the common council to fill or drain the land. This notice shall be in writing and shall be served by delivering a copy of it to the owner or his agent if either is within the city, but if neither resides within the city, then by posting a copy of the notice at some conspicuous

place on the premises required to be filled or drained. The notice shall be served at least ten days before the period in which the work is required by the notice to be completed.
(Code 1976, § 7-52)

Sec. 30-33. Correction by city.

If the owner of any property should fail to remove or drain any stagnant water from his property after service of the notice required by section 30-32, the city may enter onto the property and bring such land into compliance with the provisions of this article.
(Code 1976, § 7-53)

State Law References: Authority to enter upon property and correct ordinance violations, IC 36-1-6-2.

Sec. 30-34. Lien for removal costs.

In the event of the removal of any waters by the city as provided in this article, the reasonable charges for their removal shall be levied and are declared to be a lien against the property from which they were removed. The amount of such charges shall be certified by the clerk-treasurer to the county auditor, and the amount of such charges shall become a lien and attach to the property from the time of such filing.
(Code 1976, § 7-54)

State Law References: Authority to obtain lien for correction of ordinance violations on private property, IC 36-1-6-2.

Secs. 30-35--30-65. Reserved.

ARTICLE III.

JUNK

Sec. 30-66. Prohibited.

It shall be unlawful for any person to own, maintain, occupy or control any real property upon which there are any abandoned, dilapidated or unused motor vehicles, refrigerators, washing machines and other types of machines which for any other reason are no longer used or useful in the manner and purpose for which they were originally manufactured, designed or intended, or any trash, junk, garbage, papers or cartons; however, regularly and commercially operated junkyards and business establishments shall be permitted to keep automobiles, refrigerators and washing machines in the ordinary and usual course of such business.
(Code 1976, § 8-1)

Sec. 30-67. Exception to application of article.

The provisions of this article shall not apply to stagnant waters or to weeds and other rank vegetation that are over 12 inches in height.
(Code 1976, § 8-2)

Sec. 30-68. Removal by city.

If any person who owns, controls, maintains or occupies any property that is in violation of this article fails to correct such violation by removing and disposing of the offending materials within 30 days after notice

from the city to do so, the chief of police may then enter onto the property and remove the materials.
(Code 1976, § 8-4)

State Law References: Authority to enter upon property and correct ordinance violations, IC 36-1-6-2.

Sec. 30-69. Lien for removal costs.

In the event of the removal by the city of items that are in violation of this article, the reasonable charges for such removal shall be levied upon and is a lien against such property from which the items were removed, and shall be certified by the clerk-treasurer to the county auditor and shall then become a lien and attach to the real estate from the time of such filing.

(Code 1976, § 8-5)

State Law References: Authority to obtain lien for correcting ordinance violations on private property, IC 36-1-6-2.

Chapters 31--33

RESERVED

Chapter 34

FEES*

* **Cross References:** Administration, ch. 2; businesses, ch. 18.

Article I. In General

Secs. 34-1--34-30. Reserved.

Article II. Administration

Sec. 34-31. Fee for annexation, vacation of property.
Secs. 34-32--34-60. Reserved.

Article III. Amusements

Sec. 34-61. Pool table license fee.
Secs. 34-62--34-90. Reserved.

Article IV. Animals

Sec. 34-91. Dog impoundment fees.
Sec. 34-92. Kennel license.
Secs. 34-93--34-125. Reserved.

Article V. Buildings and Building Regulations

Secs. 34-126--34-160. Reserved.

Article VI. Businesses

Sec. 34-161. Adult entertainment establishment license fee.
Sec. 34-162. Electrical contractor license fee.
Sec. 34-163. Peddler, solicitor, transient merchant license fee.
Secs. 34-164--34-195. Reserved.

Article VII. Civil Emergencies

Secs. 34-196--34-220. Reserved.

Article VIII. Courts

Secs. 34-221--34-250. Reserved.

Article IX. Environment

Secs. 34-251--34-285. Reserved.

Article X. Fire Prevention and Protection

Secs. 34-286--34-345. Reserved.

Article XI. Law Enforcement

Secs. 34-346--34-375. Reserved.

Article XII. Offenses and Miscellaneous Provisions

Secs. 34-376--34-405. Reserved.

Article XIII. Parks and Recreation

Secs. 34-406--34-435. Reserved.

Article XIV. Planning

Secs. 34-436--34-465. Reserved.

Article XV. Secondhand Goods

Sec. 34-466. Precious metal dealer license fee.
Secs. 34-467--34-500. Reserved.

Article XVI. Solid Waste

Sec. 34-501. Solid waste disposal unit fees.
Secs. 34-502--34-530. Reserved.

Article XVII. Streets, Sidewalks and Other Public Places

Sec. 34-531. Excavation permit fee.
Secs. 34-532--34-590. Reserved.

Article XVIII. Traffic and Vehicles

Sec. 34-591. Towing of abandoned vehicle fees.
Secs. 34-592--34-620. Reserved.

Article XIX. Utilities

Sec. 34-621. Filling swimming pools fee.
Sec. 34-622. Water rates and charges.
Sec. 34-623. Building sewer permit fees.
Sec. 34-624. Private sewage disposal system permit and inspection fee.
Sec. 34-625. Sewage rates and charges.
Sec. 34-626. Application fee for commercial sanitarian to deposit waste in city system.
Sec. 34-627. Availability costs.
Sec. 34-628. Connection costs.
Secs. 34-629--34-660. Reserved.

Article XX. Vegetation

Secs. 34-661--34-690. Reserved.

Article XXI. Vehicles for Hire

Sec. 34-691. Taxicab license fee.
Sec. 34-692. Charge for taxicab drivers' list.

ARTICLE I.

IN GENERAL

Secs. 34-1--34-30. Reserved.

ARTICLE II.

ADMINISTRATION

Sec. 34-31. Fee for annexation, vacation of property.

The fee required by section 2-2 is \$25.00.
(Ord. No. 1256, 11-6-1989)

Secs. 34-32--34-60. Reserved.

ARTICLE III.

AMUSEMENTS

Sec. 34-61. Pool table license fee.

The fee required by section 6-53 is \$5.00 per table.
(Code 1976, § 15-3)

Secs. 34-62--34-90. Reserved.

ARTICLE IV.

ANIMALS

Sec. 34-91. Dog impoundment fees.

The fee required by section 10-61(b)(1) is \$25.00, and the fee required by section 10-61(b)(2) is \$5.00 per day.
(Code 1983, § 7-1-2-4)

Sec. 34-92. Kennel license.

The fee required by section 10-64(b) is \$10.00.
(Code 1976, § 3-50)

Secs. 34-93--34-125. Reserved.

ARTICLE V.

BUILDINGS AND BUILDING REGULATIONS

Secs. 34-126--34-160. Reserved.

ARTICLE VI.

BUSINESSES

Sec. 34-161. Adult entertainment establishment license fee.

The fee required by section 18-96(d) is \$500.00.
(Code 1983, § 4-2-4-3(d))

Sec. 34-162. Electrical contractor license fee.

The fee required by section 18-153 is \$10.00 per year.

(Code 1976, § 4-76)

Sec. 34-163. Peddler, solicitor, transient merchant license fee.

The fee required by section 18-216(b) is \$10.00.
(Code 1983, § 4-2-1-2(b))

Secs. 34-164--34-195. Reserved.

ARTICLE VII.

CIVIL EMERGENCIES

Secs. 34-196--34-220. Reserved.

ARTICLE VIII.

COURTS

Secs. 34-221--34-250. Reserved.

ARTICLE IX.

ENVIRONMENT

Secs. 34-251--34-285. Reserved.

ARTICLE X.

FIRE PREVENTION AND PROTECTION

Secs. 34-286--34-345. Reserved.

ARTICLE XI.

LAW ENFORCEMENT

Secs. 34-346--34-375. Reserved.

ARTICLE XII.

OFFENSES AND MISCELLANEOUS PROVISIONS

Secs. 34-376--34-405. Reserved.

ARTICLE XIII.

PARKS AND RECREATION

Secs. 34-406--34-435. Reserved.

ARTICLE XIV.

PLANNING

Secs. 34-436--34-465. Reserved.

ARTICLE XV.

SECONDHAND GOODS

Sec. 34-466. Precious metal dealer license fee.

The fee required by section 62-56(b) is \$50.00.
(Code 1983, § 4-2-3-2(b))

Secs. 34-467--34-500. Reserved.

ARTICLE XVI.

SOLID WASTE

Sec. 34-501. Solid waste disposal unit fees.

The fees required by section 66-1 are as follows:

- (1) Tipping fee of \$38.00 per ton for waste received, with a minimum fee per load of \$20.00.
- (2) Customers delivering more than 1,000 tons per month will pay a reduced fee of \$37.00 per ton.
- (3) For five bags or fewer, a minimum fee of \$10.00 per load for residential waste.
(Ord. No. 2002-1482, §§ 1--3, 5-6-2002)

Secs. 34-502--34-530. Reserved.

ARTICLE XVII.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 34-531. Excavation permit fee.

The fee required by section 70-41(b) is \$25.00.

(Code 1983, § 8-1-1-3)

Secs. 34-532--34-590. Reserved.

ARTICLE XVIII.

TRAFFIC AND VEHICLES

Sec. 34-591. Towing of abandoned vehicle fees.

The fees required by section 78-74 are as follows:

- (1) Daily towing from 8:00 a.m. to 6:00 p.m., Monday through Friday, \$35.00.
- (2) Towing from 6:00 p.m. to 8:00 a.m. daily, and on Saturdays, Sundays and holidays, \$45.00.
- (3) Storage of vehicles, \$7.50 per day.

(Code 1983, § 5-2-3-4(a))

Secs. 34-592--34-620. Reserved.

ARTICLE XIX.

UTILITIES

Sec. 34-621. Filling swimming pools fee.

The fee required by section 82-1 is \$35.00 for pools holding 10,000 gallons or less and \$50.00 for pools holding over 10,000 gallons, plus water.

(Code 1983, § 10-2-3-10)

Sec. 34-622. Water rates and charges.

The rates and charges required by section 82-39 are as follows:

- (1) *Monthly consumption.*

Monthly Consumption	Rate per 1,000 Gallons
First 20,000 gallons	\$1.14
Next 280,000 gallons	0.99
Next 700,000 gallons	0.81
All over 1,000,000 gallons	0.74

- (2) *Monthly service charge.*

a. For all users except those located in the Morgan-Monroe Forestry Area, each user shall pay a monthly service charge in accordance with the following applicable size of meter installed:

Meter Size (inches)	Per Month
5/8	\$2.80
3/4	2.90
1	3.25
1 1/2	3.80
2	5.25
3	15.90
4	19.85
6	29.05
8	39.60

b. For users in the Morgan-Monroe Forestry Area, each user shall pay a monthly service charge in accordance with the following applicable size of meter installed:

Meter Size (inches)	Per Month
5/8	\$10.80
3/4	11.80
1	14.55
1 1/2	18.30
2	28.55
3	104.25
4	132.35
6	197.75
8	272.60

(3) *Fire protection.*

Fire Hydrants	Per Annum
Public hydrants, each	\$345.00
Private hydrants, each	345.00

Automatic Sprinkler Charge	Per Annum
1-inch connection	\$9.60
1 1/2-inch connection	21.55
2-inch connection	38.35
2 1/2-inch connection	59.90
3-inch connection	86.25
4-inch connection	153.35
6-inch connection	345.00
8-inch connection	613.35
10-inch connection	958.30
12-inch connection	1,379.95

(4) *Tap charge.* Each user shall pay a connection fee based upon the size of the meter installed upon tapping onto the water system as follows:

Meter Size	Tap Charge	
	Inside City	Outside City
5/8-inch or 3/4-inch	\$250.00	\$525.00
Larger meters	*	*

*All connections requiring a meter size greater than 5/8-inch or 3/4-inch shall be charged the actual cost of making the connection, including labor, materials, equipment and overhead, but in no event less than \$250.00 for inside the city's corporate boundaries and \$525.00 for outside the city's corporate boundaries per connection

- (5) *Collection and deferred payment charge.* All bills for water service not paid within 17 days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of ten percent on the first \$3.00 and three percent on the excess over \$3.00.
- (6) *Turn-on fee.* After any water service is discontinued to any property serviced by the water utility for any reason, whether at the request of the consumer or because of failure to pay sewer or water bills, there shall be imposed a fee of \$20.00 for turning on the water service.
- (7) *Bad check charge.* Any users of the Martinsville Municipal Water Utility who, upon payment of their account, submit a check that is subsequently dishonored by the bank shall be assessed a \$20.00 charge.
- (8) *Deposit charge.*

Residential renters/buying on contract	\$50.00
Commercial renters/buying on contract	100.00

- (9) *Tampering fee.* The tampering fee is \$50.00.
- (10) *Temporary users.* Water furnished to temporary users such as contractors, etc., shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the waterworks superintendent.

(Ord. No. 97-1404, § 1, 9-15-1997; Ord. No. 2004-1536, § 1, 9-7-2004)

Sec. 34-623. Building sewer permit fees.

The fees required by section 82-133 are \$5.00 for a residential or commercial building sewer permit and \$15.00 for an industrial building sewer permit.

(Code 1983, § 10-2-2-3)

Sec. 34-624. Private sewage disposal system permit and inspection fee.

The fee required by section 82-178 is \$5.00.
(Code 1983, § 10-3-2-4)

Sec. 34-625. Sewage rates and charges.

The fees required by sections 82-266 and 82-277(b) are as follows:

(1) *Monthly metered consumption.*

First 2,500 gallons	\$5.64
Next 2,500 gallons	4.30
Next 10,000 gallons	4.12
Next 20,000 gallons	3.90
Next 65,000 gallons	3.72
Next 200,000 gallons	3.52
Next 500,000 gallons	3.34
Next 700,000 gallons	3.04
Next 1,500,000 gallons	2.90
Monthly minimum charge	\$14.10

(2) *Flat rate, unmetered users.*

No. in Family	Gallons Allowed	
3	3,750	\$19.50
4	4,687	23.60
5	5,769	28.10
6 or more	7,308	34.30
Commercial	225,633	828.00

(3) *Multidwelling additional charge.* The multidwelling additional charge is \$2.76 per dwelling unit.

(4) *Excessive strength surcharge.*

	Per Pound
BOD in excess of 200 mg/l	\$0.10
COD in excess of 400 mg/l	0.10
SS in excess of 250 mg/l	0.10

(Ord. No. 1330, § 1, 10-3-1994; Ord. No. 2004-1546, § 2, 12-6-2004)

Sec. 34-626. Application fee for commercial sanitarian to deposit waste in city system.

The fee required by section 82-329(2) is \$750.00.
(Code 1983, § 10-2-4-3(b))

Sec. 34-627. Availability costs.

The fee required by section 82-352 is \$750.00.
(Ord. No. 2003-1500, § I, 1-6-2003)

Sec. 34-628. Connection costs.

The fee required by section 82-353 is \$450.00.
(Ord. No. 2003-1500, § II, 1-6-2003)

Secs. 34-629--34-660. Reserved.

ARTICLE XX.

VEGETATION

Secs. 34-661--34-690. Reserved.

ARTICLE XXI.

VEHICLES FOR HIRE

Sec. 34-691. Taxicab license fee.

The fees required by section 90-58 are as follows:

- (1) For the first vehicle in service by any licensee, the sum of \$15.00 per year;
- (2) For each additional vehicle, the sum of \$10.00 per year.
- (3) If the license is granted to any applicant after January 1 of any year, he shall pay as a license fee \$1.50 per month for the first vehicle and \$1.00 per month for each additional vehicle, with the time to be computed to the next January 1.

(Code 1976, § 17-10)

Sec. 34-692. Charge for taxicab drivers' list.

The fee required by section 90-88 is \$1.00 per year.
(Code 1976, § 17-30)

Chapters 35--37

RESERVED

Chapter 38

FIRE PREVENTION AND PROTECTION*

* **Cross References:** Buildings and building regulations, ch. 14; designated fire limits, § 14-1; civil emergencies, ch. 22; open burning of solid waste, § 66-37; obedience to fire department officials directing traffic, § 78-7.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; authority to establish, maintain and operate a firefighting and fire prevention system, IC 36-8-2-3; fire safety generally, IC 22-11-14-1 et seq.; fireworks generally, IC 22-11-14-1 et seq.

Article I. In General

Sec. 38-1. Explosives.

Sec. 38-2. Blasting permit.

Sec. 38-3. Installation of fire hydrants.

Sec. 38-4. Obstruction of fire hydrants.

Sec. 38-5. Painting of fire hydrants limited.

Secs. 38-6--38-40. Reserved.

Article II. Fire Department

Sec. 38-41. Salary.

Sec. 38-42. Pension fund and board of trustees established.

Sec. 38-43. Police power of firefighters.

Sec. 38-44. Duty of firefighters to obey orders.

Sec. 38-45. Conduct of firefighters.

ARTICLE I.

IN GENERAL

Sec. 38-1. Explosives.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Explosive means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

(b) *Storage.* It shall be unlawful to store at any time within the city a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the board of public works and safety.

(Code 1983, §§ 6-2-5-1(a), 6-2-5-3)

State Law References: Storage of explosives, IC 22-14-4-3 et seq.

Sec. 38-2. Blasting permit.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the board of public works and safety. The board of public works and safety may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages that might result from the proposed blasting. (Code 1983, § 6-2-5-4)

Sec. 38-3. Installation of fire hydrants.

Before the installation of any fire hydrant that will use water from the city water system, the plans and specifications of such installation shall be approved by the consulting engineer for the city. All such installations shall be of a type of hydrant designated by the fire chief as suitable. (Code 1983, § 6-2-4-3)

Sec. 38-4. Obstruction of fire hydrants.

It shall be unlawful for any person to place, park, plant, build, erect or maintain any object or material that will obstruct or hinder in any manner the operation or use of any fire hydrant within the city. (Code 1983, § 6-2-4-1)

State Law References: Obstructing firefighters, IC 35-44-3-8.

Sec. 38-5. Painting of fire hydrants limited.

No fire hydrant shall be painted except by authorized personnel of the city. (Code 1983, § 6-2-4-2)

State Law References: Malicious mischief, IC 35-43-1-2.

Secs. 38-6--38-40. Reserved.

ARTICLE II.

FIRE DEPARTMENT*

* **Cross References:** Officers and employees, § 2-101 et seq.
State Law References: Employment standards for firefighters, IC 36-8-3.2-1 et seq.

Sec. 38-41. Salary.

The members of the fire department shall receive and be paid such salary as the common council may fix and allow. (Code 1976, § 6-6)

State Law References: Compensation of fire department, IC 36-8-3-3.

Sec. 38-42. Pension fund and board of trustees established.

The city elects to establish a firefighter's pension fund and a board of trustees to manage and administer

it under the terms and provisions of IC 36-8-7 (IC 36-8-7-1 et seq.).
(Code 1976, § 12-13)

Sec. 38-43. Police power of firefighters.

The members of the fire department shall have the powers of a police officer during the continuance of a fire, in order to suppress disturbances, tumults or disorderly conduct upon the part of anyone going to, working or being at, or returning from any fire and to arrest any such person.
(Code 1976, § 6-7)

Sec. 38-44. Duty of firefighters to obey orders.

It is the duty of each member of the fire department to obey the orders of his superior officers.
(Code 1976, § 6-8)

Sec. 38-45. Conduct of firefighters.

All members of the fire department while on duty shall conduct themselves in an orderly manner.
(Code 1976, § 6-9)

Chapters 39--45

RESERVED

Chapter 46

LAW ENFORCEMENT*

* **Cross References:** Administration, ch. 2; police department drug fund, § 2-172; civil emergencies, ch. 22; courts, ch. 26; offenses and miscellaneous provisions, ch. 50; traffic and vehicles, ch. 78.

Article I. In General

Sec. 46-1. Accident report fee.
Secs. 46-2--46-30. Reserved.

Article II. Police

Sec. 46-31. Compensation.
Sec. 46-32. Special police.
Sec. 46-33. Pension fund.

ARTICLE I.

IN GENERAL

Sec. 46-1. Accident report fee.

The common council, under the provisions of IC 9-29-11-1, does hereby give the city police department the authority to charge the amount of \$10.00 for each accident report submitted to the police department. Said fee collected under this section shall be deposited in a separate account to be known as the law enforcement training fund (LETF) established by IC 5-2-8-2.

(Ord. No. 2002-1480, 3-4-2002)

Secs. 46-2--46-30. Reserved.

ARTICLE II.

POLICE*

* **State Law References:** Police department authorized, IC 36-8-2-2; police generally, IC 36-8-3-1 et seq.

Sec. 46-31. Compensation.

All police officers shall receive the compensation provided by law.
(Code 1976, § 14-4)

Sec. 46-32. Special police.

(a) The mayor is authorized to appoint special police. The members of the special police shall serve

as such for such time as may be designated by the mayor.

(b) Special police officers shall not be considered to be police for pension and retirement purposes, and they need not have the same qualifications as regular police officers.

(c) The special police shall receive such compensation as may be provided by law.

(d) All special police officers, while acting as such, shall have the same powers and duties as regular police officers.

(Code 1976, §§ 14-6--14-10)

Sec. 46-33. Pension fund.

There is established a police officers' pension fund, to be administered by a board of trustees in accordance with law.

(Code 1976, § 12-25)

State Law References: Police pensions, IC 36-8-6-1 et seq., IC 36-8-8-1 et seq.

Chapters 47--49

RESERVED

Chapter 50

OFFENSES AND MISCELLANEOUS PROVISIONS*

* **Cross References:** Courts, ch. 26; law enforcement, ch. 46; traffic and vehicles, ch. 78.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; authority to protect public health, safety and welfare, IC 36-8-2-4.

Sec. 50-1. Discharge of weapons.

Sec. 50-2. Slingshots.

Sec. 50-3. Obstruction of ditches, drains or gutters.

Sec. 50-1. Discharge of weapons.

It shall be unlawful to discharge any firearms or airgun, BB gun, or any toy gun projecting lead, or any other type of missiles capable of producing injury to the human body in and about the territorial and jurisdictional boundaries of the city, except in a regularly established shooting gallery or range. However, this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending his person or property, or the property of another that is in that person's care and custody. Any person who violates any provision of this section shall be fined not less than \$50.00.

(Ord. No. 1170, 8-6-1984)

State Law References: Weapons, IC 35-47-1-1 et seq.

Sec. 50-2. Slingshots.

It shall be unlawful for any person to possess or use any slingshot.

(Code 1976, § 10-9)

Sec. 50-3. Obstruction of ditches, drains or gutters.

It shall be unlawful for any person to obstruct or cause or suffer the obstruction of any city ditch, drain or gutter.

(Code 1976, § 16-3)

Chapters 51--53

RESERVED

Chapter 54

PARKS AND RECREATION*

* **Cross References:** Environment, ch. 30; streets, sidewalks and other public places, ch. 70; parking in parks or playgrounds, § 78-183; vegetation, ch. 86.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; general authority relative to public parks, playgrounds, etc., IC 36-10-2-2, 36-10-2-5.

Article I. In General

Sec. 54-1. Department of parks and recreation established; parks and recreation board.

Secs. 54-2--54-30. Reserved.

Article II. Public Use of Parks and Recreational Facilities

Sec. 54-31. Violation of rules prohibited.

Sec. 54-32. Alcoholic beverages in city park prohibited.

Sec. 54-33. Firearms in city park limited.

Sec. 54-34. Prohibited entrance into park; exceptions.

Sec. 54-35. Unlawful to refuse to leave park when so ordered.

Sec. 54-36. Commercial sales in park regulated.

ARTICLE I.

IN GENERAL

Sec. 54-1. Department of parks and recreation established; parks and recreation board.

There is established a department of parks and recreation. The parks and recreation board shall also have two ex officio members as authorized in IC 36-10-3-4.

(Code 1983, § 2-6-5-1; Ord. No. 98-1428, § 1, 7-6-1998)

Cross References: Officers and employees, § 2-101 et seq.

State Law References: Department of parks and recreation, IC 36-10-3-1; park and recreation board, IC 36-10-3-3 et seq.

Secs. 54-2--54-30. Reserved.

ARTICLE II.

PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES

Sec. 54-31. Violation of rules prohibited.

It is unlawful for any person to violate any rules established by the park and recreation board for the use of city parks and recreational facilities by the public.

State Law References: Park and recreation board authorized to promulgate rules for use of city parks and recreational facilities, IC 36-10-3-10(a)(2).

Sec. 54-32. Alcoholic beverages in city park prohibited.

It shall be unlawful for any person to possess, buy, sell or consume an alcoholic beverage on the premises of the city park. The minimum fine for a violation of this section is \$25.00.
(Ord. No. 1010, §§ 1, 3, 7-17-1978)

Sec. 54-33. Firearms in city park limited.

It shall be unlawful for anyone not a police or peace officer to possess, carry or use any firearm on the premises of the city park. The minimum fine for a violation of this section is \$50.00.
(Ord. No. 1010, §§ 2, 3, 7-17-1978)

Sec. 54-34. Prohibited entrance into park; exceptions.

No person shall enter into or be present in the city park between the hours of 10:00 p.m. and 6:00 a.m., with the following exceptions:

- (1) The superintendent of the city park or any person authorized by the superintendent of the city park to be present in the park during those hours.
- (2) Any member on the parks and recreation board or any person authorized by the board to be present in the park during those hours.
- (3) Any peace or police officers on duty.
- (4) Any person specifically authorized by the mayor, the common council, clerk-treasurer, city engineer, chief of police or the fire chief to be present in the park during those hours.
- (5) Any occasion where the park is held open to the public after the hours of 10:00 p.m. pursuant to the authority of the superintendent of the city park or by the parks and recreation board.

(Code 1976, § 11-15)

State Law References: Trespass, IC 35-43-2-2.

Sec. 54-35. Unlawful to refuse to leave park when so ordered.

It shall be unlawful for any person to refuse to leave the city park when so ordered by the superintendent of the park or any peace officer of the city.

(Code 1976, § 11-13)

State Law References: Trespass, IC 35-43-2-2.

Sec. 54-36. Commercial sales in park regulated.

No person shall sell or permit to be sold, in the city park, any food, clothing, objects, material or anything of value without specific prior approval in writing by the parks and recreation board; and any such sales shall be in compliance with all appropriate ordinances of the city. Anyone violating this section shall be fined no less than \$5.00.

(Code 1976, § 11-15)

Cross References: Businesses, ch. 18.

Chapters 55--57

RESERVED

Chapter 58

PLANNING*

* **Cross References:** Any ordinance adopting or amending the comprehensive plan saved from repeal, § 1-11(a)(8); administration, ch. 2; buildings and building regulations, ch. 14; environment, ch. 30; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; vegetation, ch. 86.

State Law References: Planning generally, IC 36-7-4-100 et seq.

Sec. 58-1. Plan commission established.

Sec. 58-2. Time for hearings by plan commission.

Sec. 58-3. Plan commission and board of zoning appeals procedure for notice.

Sec. 58-1. Plan commission established.

There is established an advisory plan commission.

(Code 1983, § 2-6-2-1)

Cross References: Boards and commissions, § 2-136 et seq.

State Law References: Plan commissions, IC 36-7-4-202 et seq.

Sec. 58-2. Time for hearings by plan commission.

The plan commission shall fix a reasonable time for a hearing upon matters coming before it in connection with rezoning, subdivision control, or other matters as it may deem appropriate.

(Ord. No. 97-1391, 1-6-1997)

Sec. 58-3. Plan commission and board of zoning appeals procedure for notice.

This section applies to notices given by the plan commission and board of zoning appeals. Public notice shall be given in accordance with IC 5-3-1 (IC 5-3-1-1 et seq.) and due notice given both by publication and by certified mail, return receipt requested, to the public, and in particular, to each adjoining or abutting property owner, to the subject real estate disregarding any streets, highways, alleys or other public property in determining abutting real estate, all of which notices shall be served at least ten days prior to the hearing as scheduled by the appropriate board. At such hearing, the petitioner shall present the notice as issued, both for publication and to adjoining property owners, together with an affidavit of mailing and the return receipts for all mailed notices. Further, the petitioner shall give notice to the board members of the appropriate board by regular mail, including a copy of the petition and any attachments, at least five days prior to the hearing date.

(Ord. No. 97-1391, 1-6-1997)

Chapters 59--61

RESERVED

Chapter 62

SECONDHAND GOODS*

* **Cross References:** Businesses, ch. 18.

Article I. In General

Secs. 62-1--62-30. Reserved.

Article II. Precious Metal Dealers

Division 1. Generally

Sec. 62-31. Definitions.
Sec. 62-32. Recordkeeping.
Sec. 62-33. Inspection of records.
Sec. 62-34. Retention of items.
Sec. 62-35. Transactions with minors.
Secs. 62-36--62-55. Reserved.

Division 2. License

Sec. 62-56. Required.
Sec. 62-57. Application procedure.
Sec. 62-58. Standard for issuance of license.

ARTICLE I.

IN GENERAL

Secs. 62-1--62-30. Reserved.

ARTICLE II.

PRECIOUS METAL DEALERS

DIVISION 1.

GENERALLY

Sec. 62-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser or solicitor means any person who, as the duly authorized representative or agent of a dealer, shall canvass or solicit for the secondhand purchase or acquisition of any item containing any precious metal.

Precious metal means gold, silver or platinum, alone or in combination, including coins.

Precious metal dealer means a person engaged in the business of purchasing or acquiring secondhand any item containing any precious metal.

Working days means any Monday through Friday of any week, excluding holidays recognized by the city.

(Code 1983, § 4-2-3-1)

Cross References: Definitions generally, § 1-2.

Sec. 62-32. Recordkeeping.

(a) Each precious metal dealer shall keep a record, on such standard form as the clerk-treasurer shall furnish, of each transaction involving the secondhand purchase of any item containing a precious metal. The form shall be prepared in duplicate. The original shall be retained by the dealer, and the duplicate shall be filed by the dealer with the police department by the close of business on the first working day after the completion of the transaction.

(b) The dealer must maintain and record the date, time and amount paid for each transaction.

(c) The dealer must maintain and record the description of each item purchased, to include:

(1) Name of manufacturer.

(2) Serial number.

(3) Distinguishing marks.

(4) Weight.

(5) Pattern or setting of any precious or semiprecious stones.

(d) The dealer must maintain and record the description of each seller, to include:

(1) Name;

(2) Address;

(3) Date of birth;

(4) Age;

(5) Hair;

(6) Race;

(7) Sex;

- (8) Height;
- (9) Weight;
- (10) Build;
- (11) General appearance;
- (12) Distinguishing marks; and
- (13) Social security number.

(Code 1983, § 4-2-3-5)

Sec. 62-33. Inspection of records.

(a) The original record of each secondhand transaction in any item containing any precious metal shall be subject to inspection and examination by any member of the police department, and any member of the police department shall be permitted to examine and inspect any and all items purchased by a precious metal dealer which fall within the scope of this article.

(b) There is specifically excepted from the terms of this article any transaction by a person engaged in business within the city who is either accepting returns for cash, credit or replacement of any item originally purchased from that person, or exchanging an item for another item of greater value. In addition, the terms of this article shall not include any purchase by a retailer from a bona fide manufacturer, nor any banking institution licensed to do business in the state.

(Code 1983, § 4-2-3-6)

Sec. 62-34. Retention of items.

It shall be the duty of each precious metal dealer to retain each and every item containing a precious metal purchased secondhand by him in the same state or condition in which it was received, at the place of business where purchased, for a period of not less than ten complete working days, which time period shall begin to run on the first working day following transfer of the duplicate record of the transaction to the police department. Furthermore, the article may not be resold, exchanged, altered, or otherwise disposed of during the ten-day retention period.

(Code 1983, § 4-2-3-7)

Sec. 62-35. Transactions with minors.

No precious metal dealer shall transact any business involving a secondhand purchase of an item containing a precious metal from a minor unless such minor is accompanied by a parent or guardian.

(Code 1983, § 4-2-3-8)

Secs. 62-36--62-55. Reserved.

DIVISION 2.

LICENSE

Sec. 62-56. Required.

- (a) Any person who carries on business as a precious metal dealer shall obtain a license before engaging in such activity with the city.
- (b) The license fee for the license required by this section shall be as prescribed in section 34-466 and may be redetermined from time to time by the common council.
- (c) The license fee shall be paid to the clerk-treasurer upon the filing of an application for a license.
- (d) If the license is denied, the license fee, less \$25.00 for the cost of the license investigation and inspection procedure, shall be returned to the applicant.
- (e) All licenses issued under this article shall expire 90 days after the date of issuance.
(Code 1983, § 4-2-3-2)

Sec. 62-57. Application procedure.

All applicants for licenses required by this article shall file a written, sworn application with the clerk-treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications shall be made on forms available in the office of the clerk-treasurer. The application shall state:

- (1) The name and address and social security number of the applicant.
- (2) The name of the individual having management authority or supervision of the applicant's business during the time it is proposed to be carried on in the city, and the local address of such individual, the permanent address of such individual, and the capacity in which such individual will act.
- (3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the officers and directors of the corporation and the state of incorporation.
- (4) The time period during which the applicant desires to carry on business.
- (5) Whether or not the applicant has been convicted of any crime and, if so, the nature of each offense and the penalty assessed for each offense.
(Code 1983, § 4-2-3-3)

Sec. 62-58. Standard for issuance of license.

- (a) Upon receipt of a completed application form prescribed by section 62-57, the clerk-treasurer shall forward such application to the chief of police or his assistant, who shall perform a criminal record check

on any person named in the application and review for accuracy all information contained in the application within 20 days of receipt of such application.

(b) The clerk-treasurer shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare; in particular, tangible evidence that the applicant has:

- (1) Been convicted of a crime of moral turpitude;
- (2) Made willful misstatements in the application;
- (3) Committed prior violations of ordinances pertaining to precious metal dealers;
- (4) Committed prior fraudulent acts;
- (5) A record of continual breaches of solicited contracts; or
- (6) An unsatisfactory moral character.

(Code 1983, § 4-2-3-4)

Chapters 63--65

RESERVED

Chapter 66

SOLID WASTE*

* **Cross References:** Buildings and building regulations, ch. 14; environment, ch. 30; utilities, ch. 82.

State Law References: Solid waste management, IC 13-20-1-1 et seq.; municipal waste collection and transportation requirements, IC 13-20-4-1 et seq.; municipal solid waste disposal, IC 36-9-30-1 et seq.

Article I. In General

Sec. 66-1. Solid waste disposal unit fees.
Secs. 66-2--66-30. Reserved.

Article II. Collection and Disposal

Division 1. Generally

Sec. 66-31. Definitions.
Sec. 66-32. Installation of garbage disposal.
Sec. 66-33. Collection of trash.
Sec. 66-34. Penalties.
Sec. 66-35. Board of public works and safety; supervision and control.
Sec. 66-36. Violations.
Sec. 66-37. Open burning.
Sec. 66-38. Trash to be deposited and contained; accumulation of trash prohibited.
Sec. 66-39. Unsanitary deposits.
Sec. 66-40. Bulk household items.
Sec. 66-41. Yard wastes.
Sec. 66-42. Recyclables.
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Secs. 66-44--66-65. Reserved.

Division 2. Containers

Sec. 66-66. Authorized trash container specifications.
Sec. 66-67. Number and size of containers.
Sec. 66-68. Trash containers to be covered.
Sec. 66-69. Placement of trash containers.
Sec. 66-70. Unlawful use of container; deposits of trash by nonresidents prohibited.
Sec. 66-71. Trash picking.

ARTICLE I.

IN GENERAL

Sec. 66-1. Solid waste disposal unit fees.

In accordance with the provisions of IC 36-9-30-21, the common council does hereby establish and maintain just and equitable fees for the use of and the services rendered by the facilities of the solid waste disposal units as prescribed in section 34-501.

(Ord. No. 2002-1482, 5-6-2002)

Secs. 66-2--66-30. Reserved.

ARTICLE II.
COLLECTION AND DISPOSAL
DIVISION 1.
GENERALLY

Sec. 66-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial unit means, but is not limited to, a store, retail or wholesale business, warehouse, industrial plant, professional office, bank, restaurant, hotel or motel.

Depositor means a person who places or directs trash to be placed in a receptacle in which he is entitled to place trash, as required in this article.

Multiple-family unit means a building or part of a building designed or used as an apartment house, apartment complex, tenement house, or other residential use, which structure is used or intended to be used for occupancy by more than one family.

Single-family unit means a house, apartment or mobile home designed and intended for one-family occupancy.

Trash means paper and paper products, empty tin cans, empty bottles, empty glass containers, any off-falls from kitchen and cooking, and plastic products. Exceptions are as follows:

- (1) Liquids.
- (2) Liquid or water-carried wastes, which are normally disposed of in sanitary sewer systems.
- (3) Hazardous and biohazardous wastes.
- (4) Bulk building material, including, but not limited to, lumber, drywall, roofing, carpet, blocks, concrete, brick, etc.
- (5) Appliances, i.e., refrigerators, freezers, water heaters, air conditioners, dehumidifiers, washers, dryers, stoves, dishwashers, and any other refrigerated appliances.
- (6) Automobile parts and accessories, tires and batteries.
- (7) Fences or fencing material.

(8) Bulk household items; i.e., furniture, household fixtures, box springs, mattresses, and/or any similar items.

(9) Yard waste (not to be mixed with trash), i.e., grass clippings, brush, tree limbs, stumps, shrubs, leaves, or any other vegetation.

(Ord. No. 97-1406, § 6-3-1-1, 9-15-1997)

Cross References: Definitions generally, § 1-2.

Sec. 66-32. Installation of garbage disposal.

The owner of every new dwelling unit containing a kitchen, including mobile homes, and each dwelling unit for which a building permit to remodel or add a kitchen is issued, shall cause a garbage grinder connected with the sanitary sewer to be installed prior to use and occupancy for living or residential purposes.

(Ord. No. 97-1406, § 6-3-1-2, 9-15-1997)

Sec. 66-33. Collection of trash.

(a) *Single-family unit.* The city shall systematically collect, remove and dispose of trash from all single-family units, including mobile homes, which units are located within the corporate boundaries of the city.

(b) *Multiple-family unit.*

(1) The city shall systematically collect, remove and dispose of all trash from multiple-family units located within the corporate boundaries of the city provided the trash is bagged and brought to the city street curbside.

(2) Multiple-family units located within the business district, i.e., one block in each direction of the court house square, are exempt from trash collection.

(c) *Commercial unit.* The city shall not collect, remove or dispose of any trash from a commercial unit located within the corporate boundaries of the city.

(Ord. No. 97-1406, § 6-3-1-3, 9-15-1997)

Sec. 66-34. Penalties.

Any person in violation of any of the provisions of this article, for each such offense, may be subject to imposition of a fine of at least \$50.00. First offenders may be given a warning.

(Ord. No. 97-1406, § 6-3-1-17, 9-15-1997)

Sec. 66-35. Board of public works and safety; supervision and control.

In accordance with the provisions of IC 36-9-30-7, the administration and operation of all facilities for the collection of trash, including the scheduling of the hours and days of the week for collection of trash, shall be under the supervision and control of the board of public works and safety of the city; and such board shall adopt rules for the use and operation of the city's facilities for collection of trash, pursuant to their authority under IC 36-9-30-12.

(Ord. No. 97-1406, § 6-3-1-11, 9-15-1997)

Sec. 66-36. Violations.

(a) It will be considered a violation of this article for any person to discard trash in unapproved bags or containers, or to leave trash on any public or private property, unless specifically authorized to do so. It shall also be a violation of this article for any person to tamper with any approved containers.

(b) In addition to the fine imposed for the violation of any provision of this article, the violator shall also be liable to the city for all damages and expenses incurred by the city by reason of such violation in a civil action brought for such purpose.

(Ord. No. 97-1406, § 6-3-1-16, 9-15-1997)

Sec. 66-37. Open burning.

It shall be unlawful for any person to burn or cause to be burned leaves, grass or brush between the hours of 4:00 p.m. and 9:00 a.m. All burning shall be contained in a barrel or other appropriate container having a grate, wire mesh or other similar cover. Further, it shall be unlawful for any person to burn or cause to be burned, at any time, asphalt, building materials, tires, rubber or plastic materials, garbage, rubbish, or any like or similar materials.

(Ord. No. 97-1406, § 6-3-1-12, 9-15-1997)

Cross References: Fire prevention and protection, ch. 38.

Sec. 66-38. Trash to be deposited and contained; accumulation of trash prohibited.

(a) Every person generating trash shall, unless another satisfactory means of disposal is utilized, cause the trash to be deposited and contained in bags for that purpose. No trash shall be allowed to remain exposed in any building or on any premises longer than shall be reasonably necessary to remove and deposit the trash in proper containers. In addition, any kitchen scraps shall be double-wrapped for disposal.

(b) No person shall keep or permit to accumulate on his premises or on any property, public or private, or shall throw or cast upon any property, public or private, ditch, lake, stream, creek or waterway any garbage, trash, refuse or other offensive or unwholesome matter.

(c) Residents of the city may dispose of their own trash at the area trash collection site. A charge will be assessed for this service at the site, which shall be forwarded to the operator of the site.

(Ord. No. 97-1406, § 6-3-1-10, 9-15-1997)

Sec. 66-39. Unsanitary deposits.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon any property any human or animal excrement, garbage or other objectionable waste. Animal waste consisting of dog feces and cat litter must be double-bagged.

(b) No person shall dispose of, for collection, any needles, syringes, lancets or sharp objects unless they are placed in a hard plastic or metal container with a screw-on or tightly secured lid. Broken glass shall be disposed of in a marked container with no sharp edges exposed. Medications are not to be placed in trash but shall be flushed down the sanitary sewer.

(c) No person shall dispose of, for collection, any soiled bandages, diapers, disposable sheets or medical gloves, unless they are placed in a secured fastened double plastic bag.

(Ord. No. 97-1406, § 6-3-1-13, 9-15-1997)

State Law References: Litter control, IC 35-45-3-2.

Sec. 66-40. Bulk household items.

Bulk household items shall be picked up three times a year, i.e., spring, midsummer, and fall.

(Ord. No. 97-1406, § 6-3-1-14, 9-15-1997)

Sec. 66-41. Yard wastes.

The city shall pick up grass clippings, brush, tree limbs, stumps, shrubs, leaves or any other vegetation. Grass clippings must be bagged and cannot be mixed with trash. Leaves shall be raked to the curbside and not bagged, or as directed by the mayor or the city superintendent.

(Ord. No. 97-1406, § 6-3-1-15, 9-15-1997)

Sec. 66-42. Recyclables.

Newsprint, aluminum beverage cans, bimetal and ferrous cans, plastic containers, and glass are recyclable materials. A site is available if residents wish to transport their own recyclable materials.

(Ord. No. 97-1406, § 6-3-1-19, 9-15-1997)

Sec. 66-43. Recycling locations.

(a) The county senior center at 159 West Morgan Street will be the recycling center for the city. Citizens may deposit aluminum cans and newsprint at such location. The profits of such to go to county senior citizens.

(b) The city will furnish advertising for the purpose of promoting such program. Cost of such advertising shall be paid from newsprint revenue already received from curbside pickup. Mailing costs will be absorbed by the senior center.

(c) The city will continue curbside pickup of aluminum cans and newsprint, the first week of each month. All profits will be donated to the senior center, less the expense incurred by the city, a maximum amount of which will be \$250.00 per month.

(d) The city will furnish a location for two trucks, one of which will be for newsprint and the other for aluminum cans. The trucks will be furnished by the buyers. The senior center is to furnish the manpower for loading of trucks.

(Ord. No. 1068, 5-19-1980)

Secs. 66-44--66-65. Reserved.

DIVISION 2.

CONTAINERS

Sec. 66-66. Authorized trash container specifications.

To be eligible for collection by the city, trash must be contained within trash bags not to exceed 33-gallon capacity and at sufficient strength to handle the weight limit. Bags shall contain no more than 35 pounds of trash. Bags shall be placed in 32-gallon or less covered containers at curbside only if an animal problem exists in the immediate area. Absolutely no loose trash will be picked up. All trash must be in plastic bags, and all bags must be securely tied.

(Ord. No. 97-1406, § 6-3-1-5, 9-15-1997)

Sec. 66-67. Number and size of containers.

All trash containers shall have a capacity of not less than five gallons nor more than 33 gallons for each separate family resident upon the premises. The containers for each premises shall be of sufficient number and capacity to contain all trash that may accumulate on the premises during the usual intervals between collections.

(Ord. No. 97-1406, § 6-3-1-6, 9-15-1997)

Sec. 66-68. Trash containers to be covered.

All trash containers shall be kept covered at all times, except when being filled or emptied.

(Ord. No. 97-1406, § 6-3-1-7, 9-15-1997)

Sec. 66-69. Placement of trash containers.

(a) During periods of collection, all trash containers shall be placed at curbside, or in the tree plot, or in some other place located in the public right-of-way; but no such container shall be placed in the street, sidewalk or public thoroughfare, or in such a manner as to obstruct pedestrian or vehicular traffic.

(b) On the day of trash collection, trash shall be placed curbside prior to 7:00 a.m., but not earlier than 6:00 p.m., on the date preceding the scheduled collection.

(Ord. No. 97-1406, § 6-3-1-8, 9-15-1997)

Sec. 66-70. Unlawful use of container; deposits of trash by nonresidents prohibited.

It shall be unlawful for any person to deposit trash into or adjacent to the trash container of another person. Furthermore, it shall be unlawful for any person who is a nonresident of the city to deposit trash generated outside the city into or adjacent to any trash container located within the corporate limits of the city.

(Ord. No. 97-1406, § 6-3-1-9, 9-15-1997)

Sec. 66-71. Trash picking.

It shall be unlawful for any person other than the depositor or any city employee acting in his capacity, or any authorized private scavenger to pick, sort, take, disturb or carry away any substance found in a trash container. Exception shall be made for the three times a year when the city picks up bulk household items.

(Ord. No. 97-1406, § 6-3-1-10, 9-15-1997)

Chapters 67--69

RESERVED

Chapter 70

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Cross References:** Any ordinance levying or imposing any special assessment saved from repeal, § 1-11(a)(9); any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street saved from repeal, § 1-11(a)(11); any ordinance establishing the grade of any street or sidewalk saved from repeal, § 1-11(a)(12); buildings and building regulations, ch. 14; building numbering, § 14-211 et seq.; peddlers, solicitors and transient merchants, § 18-191 et seq.; environment, ch. 30; parks and recreation, ch. 54; planning, ch. 58; traffic and vehicles, ch. 78; utilities, ch. 82; vegetation, ch. 86; vehicles for hire, ch. 90.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; general authority relative to streets and sidewalks, IC 36-9-2-5 et seq.

Article I. In General

Sec. 70-1. Superintendent of streets.
Sec. 70-2. Unloading on streets and sidewalks.
Sec. 70-3. Street and sidewalk obstruction.
Sec. 70-4. Materials on streets and sidewalks.
Sec. 70-5. Structures overhanging sidewalks.
Sec. 70-6. Sidewalks; removal of ice and snow.
Secs. 70-7--70-40. Reserved.

Article II. Excavations

Sec. 70-41. Opening permit required.
Sec. 70-42. Bond.
Sec. 70-43. Method, safety requirements.
Sec. 70-44. Barriers around excavations.
Sec. 70-45. Warning lights.
Sec. 70-46. Repairs.
Sec. 70-47. Restoration.
Secs. 70-48--70-80. Reserved.

Article III. Parades

Division 1. Generally

Sec. 70-81. Definitions.
Sec. 70-82. Public conduct during parades.
Secs. 70-83--70-105. Reserved.

Division 2. Permit

Sec. 70-106. Required.
Sec. 70-107. Application.
Sec. 70-108. Standard for issuance.
Sec. 70-109. Notice of rejection of permit.
Sec. 70-110. Appeal procedure when permit denied.
Sec. 70-111. Contents.
Sec. 70-112. Duties of permittee.
Sec. 70-113. Revocation.

ARTICLE I.

IN GENERAL

Sec. 70-1. Superintendent of streets.

There is hereby established the position of superintendent of streets, who shall be appointed by the mayor. The superintendent of streets shall have charge of all streets and shall have such other powers and duties as may be assigned to him by the mayor; he shall be under the direction and control of the mayor at all times. (Code 1976, §§ 16-8--16-10)

Cross References: Officers and employees, § 2-101 et seq.

Sec. 70-2. Unloading on streets and sidewalks.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk or other public place or public way, without first placing some sufficient protection over the pavement.

(Code 1983, § 8-1-2-1)

Sec. 70-3. Street and sidewalk obstruction.

No person shall obstruct any street, alley, sidewalk or other public way within the city by erecting any fence, building or other obstruction, or permitting any fence, building or other obstruction to remain on such place. Each day any such fence, building or other obstruction is permitted to remain upon such public way or public place shall be deemed a separate offense.

(Code 1983, § 8-1-2-2)

Sec. 70-4. Materials on streets and sidewalks.

No person shall obstruct any street, alley, sidewalk or other public way within the city, permitting it to be encumbered with barrels, boxes, cans, articles or substances of any kind, so as to interfere with its free and unobstructed use.

(Code 1983, § 8-1-2-3)

Sec. 70-5. Structures overhanging sidewalks.

It shall be unlawful for any person to suspend, hang, erect, place or maintain any awning, canvas, cloth, sign or advertisement, of any kind over or above any sidewalk at a height lower than seven feet above such sidewalk, as measured from the lowest point or position of such awning, canvas, cloth, sign or advertisement.

(Code 1983, § 8-1-2-4)

Sec. 70-6. Sidewalks; removal of ice and snow.

It shall be the duty of the owner or of the occupant of each parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice; and it shall be the duty of such owner or occupant to remove all snow and ice accumulated on such parcel within a reasonable time, which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

(Code 1983, § 8-1-2-5)

Secs. 70-7--70-40. Reserved.

ARTICLE II.

EXCAVATIONS

Sec. 70-41. Opening permit required.

(a) It shall be unlawful for any person, other than the city superintendent, consulting engineer, or other authorized person, to make any opening in any street, alley, sidewalk or public place or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.

(b) Each written application for an excavation permit shall be made on a form prescribed by the board of public works and safety; and such written application shall disclose, among other things, the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be required. After the written application for an excavation permit has been approved by the city superintendent or consulting engineer, the permit shall be issued by the clerk-treasurer upon payment of the permit fee as prescribed in section 34-531.

(Code 1983, §§ 8-1-1-2, 8-1-1-3)

Sec. 70-42. Bond.

As prerequisite to the issuance of a street excavation permit, the person applying for the permit shall file with the clerk-treasurer a surety bond in an amount to be determined by the mayor or his delegate to be sufficient to defray the cost of maintaining and making the final repairs at the excavation point. The bond shall have sureties satisfactory to the mayor or his delegate and shall be conditioned on the permittee's performing all duties required by this article.

(Code 1976, § 16-25)

Sec. 70-43. Method, safety requirements.

All material removed from an excavation shall be immediately removed from the site if it is not to be reused as fill, and material to be reused as fill shall be laid in a neat pile adjacent and parallel to such excavation extending not more than eight feet to the street from the curb without scattering.

(Code 1976, § 16-28)

Sec. 70-44. Barriers around excavations.

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley, or other public way or public place, shall have the excavation or opening fully barricaded at all times to prevent accident or injury.

(Code 1983, § 8-1-1-4)

Sec. 70-45. Warning lights.

Any person engaged in or employing others in excavating, or otherwise in any manner obstructing a

portion of or all of any street, sidewalk, alley, or other public place or public way, shall at all times during the night install and maintain at least two illuminated red lamps, which shall be securely and conspicuously posted on, at or near each end of such obstruction or excavation; and if the space involved shall exceed 50 feet, at least one additional lamp shall be installed for each added 50 feet or portion excavated or obstructed.

(Code 1983, § 8-1-1-5)

Sec. 70-46. Repairs.

All final repairs to a street or alley after an excavation and the maintenance period shall be done by the person who did such excavation.

(Code 1976, § 16-26)

Sec. 70-47. Restoration.

All openings shall be closed immediately after completion of the work for which the opening is made, and openings must be compacted as filled. Tree lawns shall be filled with soil, topsoil and either resodded or reseeded; and all other openings shall be backfilled with clean pit run gravel or equal quality material, except that all street and alley openings having improved services must be sealed with cold patch blacktop. Openings not to be so sealed are to be returned to the condition existing prior to opening.

(Code 1976, § 16-27)

Secs. 70-48--70-80. Reserved.

ARTICLE III.

PARADES*

* **State Law References:** Authority to regulate or prohibit processions or assemblages on highways, IC 9-21-1-3(a)(3); marching band parades, IC 9-21-14-1 et seq.

DIVISION 1.

GENERALLY

Sec. 70-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cruising means the repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display in or on any street, sidewalk, park or other public place in the city, or cruising.

Parade permit means a permit required by this article.

Parking lot means any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers.

(Code 1983, §§ 5-3-1-1--5-3-1-4)

Cross References: Definitions generally, § 1-2.

Sec. 70-82. Public conduct during parades.

(a) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parking on parade route.* The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs. No person shall be liable for parking on a street or other public thoroughfare unposted in violation of this article.

(Code 1983, § 5-3-2-9)

Secs. 70-83--70-105. Reserved.

DIVISION 2.

PERMIT

Sec. 70-106. Required.

(a) No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the chief of police.

(b) This section shall not apply to:

(1) Funeral processions.

(2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities.

(3) A governmental agency acting within the scope of its functions.

(Code 1983, § 5-3-2-1)

Sec. 70-107. Application.

(a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

- (b) An application for a parade permit shall be filed with the chief of police not less than five days nor more than 60 days before the date on which it is proposed to conduct the parade.
- (c) The application for a parade permit shall set forth the following information:
- (1) The name, address and telephone number of the person seeking to conduct the parade.
 - (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization.
 - (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
 - (4) The date when the parade is to be conducted.
 - (5) The route to be traveled, the starting point and the termination point.
 - (6) The approximate number of persons, animals and vehicles that will constitute the parade, the type of animals, if any, and the description of the vehicles.
 - (7) The hours when the parade will start and terminate.
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed.
 - (9) The location by street of any assembly area for the parade.
 - (10) The time at which units of the parade will begin to assemble at any assembly area.
 - (11) The interval of space to be maintained between units of the parade.
 - (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the chief of police a communication in writing from the person authorizing the applicant to apply for the permit on his behalf.
 - (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(Code 1983, § 5-3-2-2)

Sec. 70-108. Standard for issuance.

The chief of police shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the contiguous areas as to prevent normal police protection to the city.
 - (3) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and contiguous areas.
 - (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly areas.
 - (5) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire.
 - (6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
 - (7) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designated to be held purely for private profit.
 - (8) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.
- (Code 1983, § 5-3-2-3)

Sec. 70-109. Notice of rejection of permit.

The chief of police shall act on the application for a parade permit within three days, Saturdays, Sundays and holidays excepted, after the date the application was filed. If he disapproves the application, he shall give notice of his action to the applicant in writing, stating the reasons for his denial of the permit.

(Code 1983, § 5-3-2-4)

Sec. 70-110. Appeal procedure when permit denied.

Any person aggrieved shall have the right to appeal the denial of a parade permit in writing to the common council. The written notice of appeal shall be filed within 30 days after the date of written notice of the denial. The common council shall act on the written notice of appeal within 30 days after receipt of such notice.

(Code 1983, § 5-3-2-5)

Sec. 70-111. Contents.

Each parade permit shall state the following information:

- (1) Starting time.
- (2) Minimum speed.
- (3) Maximum speed.
- (4) Maximum interval of space to be maintained between the units of the parade.
- (5) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions of miles.
- (7) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Code 1983, § 5-3-2-6)

Sec. 70-112. Duties of permittee.

A permittee under this division shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade.

(Code 1983, § 5-3-2-7)

Sec. 70-113. Revocation.

The chief of police shall have the authority to revoke a parade permit issued under this division on application of the standards for issuance as set forth in this division.

(Code 1983, § 5-3-2-8)

Chapters 71--77

RESERVED

Chapter 78

TRAFFIC AND VEHICLES*

* **Cross References:** Any ordinance providing traffic or parking regulations for specific locations saved from repeal, § 1-11(a)(14); courts, ch. 26; law enforcement, ch. 46; offenses and miscellaneous provisions, ch. 50; streets, sidewalks and other public places, ch. 70; vehicles for hire, ch. 90.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.; traffic and vehicles generally, IC 9-13-1-1 et seq.; powers of local authorities, IC 9-21-1-2, 9-21-1-3.

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ARTICLE I.

IN GENERAL

Sec. 78-1. Definitions.

The definitions in IC 9-13-2 (IC 9-13-2-1 et seq.) apply to this chapter. In addition, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boulevard means any legally designated street at which cross traffic is required to stop before entering or crossing such boulevard.

Chief police officer means the chief of police or other person authorized to direct the implementation and enforcement of the provisions of this chapter.

Curb means the boundary of that portion of the street used for vehicles, whether marked by curbstones or not.

Park, when applied to vehicles, means to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

Pedestrian means any person afoot.

Play street means any street or portion of a street so designated by the chief police officer and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

Police department means the police department or other persons authorized to perform acts necessary to implement and enforce this chapter.

Public square means all that portion of those streets and sidewalks that form the boundary and are immediately adjacent to the land upon which the county courthouse is located.

Public way means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for purposes of vehicular travel.

Reverse turn means to turn a vehicle on any street in such a manner as to proceed in the opposite direction.

Stopping, as applied to vehicles, means to stop a vehicle longer than is actually necessary to receive or discharge passengers.

(Code 1983, §§ 5-1-1-1, 5-1-1-4, 5-1-1-6, 5-1-1-8, 5-1-1-13--5-1-1-19, 5-1-1-23)

Cross References: Definitions generally, § 1-2.

Sec. 78-2. Drivers of government vehicles subject to application of chapter.

Except as provided in sections 78-3 and 78-4, this chapter applies to the drivers of vehicles owned or operated by the United States, this state, or a political subdivision of the state.

(Code 1983, § 5-1-3-1(b))

State Law References: Similar provisions, IC 9-21-1-6.

Sec. 78-3. Person, team, motor vehicle, and other equipment engaged in road surface work exempt from application of chapter.

Unless specifically made applicable, this chapter does not apply to a person, team, motor vehicle, and other equipment actually engaged in work on the surface of a highway. This chapter applies to a person and vehicle when traveling to or from work on the surface of a highway.

(Code 1983, § 5-1-3-1(b))

State Law References: Similar provisions, IC 9-21-1-7.

Sec. 78-4. Exemptions for authorized emergency vehicle.

(a) This section applies to the person who drives an authorized emergency vehicle when:

(1) Responding to an emergency call;

(2) In the pursuit of an actual or suspected violator of the law; or

(3) Responding to, but not upon returning from, a fire alarm.

(b) The person who drives an authorized emergency vehicle may do the following:

(1) Park or stand, notwithstanding other provisions of this chapter.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.

(3) Exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.

(d) This section does not do the following:

(1) Relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

(2) Protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others.

(Code 1983, §§ 5-1-3-1(b), 5-1-4-7)

State Law References: Similar provisions, IC 9-21-1-8.

Sec. 78-5. Locations subject to applicability of chapter.

Except when a different place is specifically referred to, this chapter applies exclusively to the operation of vehicles upon highways, including streets or roads of a residential subdivision, regardless of who maintains them.

(Code 1983, § 5-1-3-1(b))

State Law References: Similar provisions, IC 9-21-1-9.

Sec. 78-6. Applicability to person riding animal or driving animal drawing vehicle upon roadway.

A person who rides an animal or drives an animal drawing a vehicle upon a roadway is:

(1) Subject to the provisions of this chapter applicable to the person who drives a vehicle; and

(2) Is not subject to the provisions of this chapter that by their nature have no application.

(Code 1983, § 5-1-3-1(c))

Cross References: Animals generally, ch. 10.

State Law References: Similar provisions, IC 9-21-1-10.

Sec. 78-7. Obedience to fire department officials.

No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a fire department official, or any other person authorized to perform any traffic duties.

(Code 1976, § 9-5)

Cross References: Fire prevention and protection, ch. 38.

Sec. 78-8. Operation of skateboards.

(a) It shall be unlawful for any person who is riding in or by means of a skateboard to park, stand or use any such device upon any roadway or sidewalk except when and where such roadway is designated as a play street.

(b) It is a public nuisance and a violation of this Code to operate a skateboard on the streets, sidewalks, alleys, ramps and parking areas within the territory bounded by and including:

The Martinsville Downtown Square and the area one block in any direction from the square.

(c) A skateboard operated in violation of this section may be temporarily confiscated to abate the nuisance and returned at the direction of the court or the police chief.

(Ord. No. 97-1402, § 1, 8-5-1997)

Sec. 78-9. Obstruction of view of vehicular traffic prohibited.

(a) It shall be unlawful for any landowner to permit any tree, shrub, bush or similar vegetation to grow upon their property in such a manner as to obstruct or hinder the view of any motorist or operator of any vehicle when such vehicle is either approaching, traversing or departing an alley, crosswalk, or intersection.

(b) If any landowner fails to comply with the provisions of this section after having been given a reasonable opportunity to do so, the city may enter upon such property and take appropriate action to bring the property into compliance. Furthermore, any expenses incurred may be made a lien against such property.

(Ord. No. 97-1406, §§ 6-4-2-1, 6-4-2-2, 9-15-1997)

State Law References: Authority to correct violations on private property and obtain lien for same, IC 36-1-6-2.

Sec. 78-10. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

(Ord. No. 1271, § 14, 9-6-1990)

Cross References: Vegetation, ch. 86.

Secs. 78-11--78-40. Reserved.

ARTICLE II.

ADMINISTRATION AND ENFORCEMENT*

* Cross References: Administration, ch. 2.

DIVISION 1.

GENERALLY

Sec. 78-41. Distribution of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of the traffic provisions of this Code shall be turned over to the office of the clerk-treasurer and disposed of according to law as in the case of all other city court collections.
(Code 1976, § 9-19)

Sec. 78-42. Powers and duties of police department.

It shall be the duty of the police department to:

- (1) Direct all traffic in conformance with this chapter and to enforce the traffic regulations as set forth in this chapter;
- (2) Make arrest for traffic violations;
- (3) Investigate accidents; and
- (4) Cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

(Code 1983, § 5-1-3-2)

Sec. 78-43. Firefighters directing traffic.

All firefighters, when at the scene of a fire or other occurrence, are authorized to direct or assist the police in directing traffic, and may limit, divert or exclude traffic at or in the immediate vicinity of such fire or other occurrence while it continues.
(Code 1976, § 9-4)

Sec. 78-44. Authority for enforcement.

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of

this chapter and to make arrests for traffic violations is given to the police department, and, except in case of an emergency or as otherwise authorized by ordinance, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle or any other signal.

(Code 1983, § 5-1-3-3)

Sec. 78-45. Temporary regulations.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the chief police officer shall, at his discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed 14 days.

(Code 1983, § 5-1-3-4)

Sec. 78-46. Ratification of traffic control signs, signals, devices, markings.

All traffic control signals, signs, devices and markings that have been erected, installed or emplaced by the city are confirmed and ratified.

(Code 1976, § 9-16)

Sec. 78-47. Authority to erect signs.

(a) The chief police officer is authorized and required to mark with proper signs and signals such major and through streets so designated by ordinances enacted by the common council.

(b) The chief police officer is authorized and required to erect and maintain suitable signs for the designation of one-way streets.

(Code 1983, § 5-1-3-5)

Sec. 78-48. Establishment and maintenance of traffic control devices.

The chief police officer shall determine the character of all official traffic control devices and shall have the exclusive right to establish and maintain all official traffic control devices in the city when and as required under this chapter, and may place and maintain such additional traffic control devices as he may deem necessary. All traffic control devices shall be the same general type, and all such traffic devices employed to indicate one particular warning or regulation shall be uniform and as far as possible shall be placed uniformly.

(Code 1983, § 5-1-4-2)

Sec. 78-49. Exceptions.

No provision of this chapter for which signs are required shall be enforceable against an alleged violator if at the time and place of the alleged violation the sign required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. However, when any particular section of this chapter does not state that signs are required, such section shall be effective without signs being placed to give notice.

(Code 1983, § 5-1-4-6)

Sec. 78-50. Temporary street closings.

(a) Whenever any street or public place is being repaired, constructed, reconstructed, cleaned or any other work is being done by the city, any contractor or public utility, or whenever any parade or other such use of any such street has been authorized by the city, or whenever any street or public place is ordered to be closed to traffic due to fire, accident or any other reason in an emergency involving the public safety or welfare, the city engineer, the chief of police or the fire chief, is authorized to make and enter orders and to post appropriate temporary signs or placards on the street or public place, or to station police or fire officers, or other persons, indicating that any or all vehicles are wholly or partly excluded from parking upon all or the portions of any such streets or public places, that are so designated, or from remaining there, or from entering, during any such emergency and until the conditions requiring such restrictions are terminated.

(b) Whenever and while so posted, or so instructed and directed by any such officer or other authorized person, no vehicle shall enter upon, remain or be parked on any such place so prohibited or limited, notwithstanding any provision of law. All vehicles already so parked shall be promptly removed by the owner, or may be removed by any city authorities.

(c) Such restrictions may also be applied to persons whenever any other dangerous or harmful conditions render the restrictions necessary.
(Code 1976, § 9-10)

Secs. 78-51--78-70. Reserved.

DIVISION 2.

ABANDONED VEHICLES*

* **State Law References:** Abandoned vehicles, IC 9-22-1-1 et seq.

Sec. 78-71. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means as defined in IC 9-13-2-1.
(Ord. No. 97-1403, § 5-2-3-1, 8-18-1997)

Cross References: Definitions generally, § 1-2.

Sec. 78-72. Designation; removal.

(a) Whenever a police officer of the city finds a vehicle to be an abandoned vehicle, he shall attach to it a notice to remove pursuant to the provisions of IC 9-22-1 (IC 9-22-1-1 et seq.). The police department is authorized to order the removal of any abandoned vehicle or parts left at any place within the city which has not been removed within the time provided by the notice. Any vehicle or parts removed pursuant to this chapter may be removed by the police department or by a commercial towing firm. The city may enter into contracts with commercial towing firms or with garages for necessary removal and storage services.

(b) If an officer determines that the market value of a vehicle or parts is \$500.00 or less, he may

remove the vehicle or parts in accordance with the provisions of this division.
(Ord. No. 97-1403, § 5-2-3-2, 8-18-1997)

State Law References: Authority to so provide, IC 9-22-1-13, 9-22-1-14.

Sec. 78-73. Storage.

Any vehicle removed pursuant to this division shall be impounded until lawfully claimed or disposed of in accordance with law. The impounded vehicle shall be stored at a garage owned and operated by the police department. Notice of the impoundment shall be given in accordance with IC 9-22-1-2.

(Code 1983, § 5-2-3-3)

Sec. 78-74. Towing and storage fees.

(a) The owner or lienholder, or the authorized representative of an owner or lienholder, of any abandoned vehicle that has been removed and impounded pursuant to this division may appear and claim the vehicle within 15 days of the mailing of notice pursuant to IC 9-22-1-20. The removal and storage fees for an impounded vehicle shall be in accordance with the schedule specified in section 34-591.

(b) Upon payment of the required fees and proof of entitlement, the vehicle shall be released to the claimant.

(Code 1983, § 5-2-3-4(a), (b))

Sec. 78-75. Immediate impoundment.

Whenever the presence of a vehicle in a public place constitutes an immediate hazard to the public safety, a police officer of the city may cause such vehicle to be impounded immediately and within 24 hours shall send notice of the impoundment by certified mail to the owner of such vehicle, if known, stating the fact that the vehicle has been impounded, the location of the vehicle, and the right of the owner to secure possession of such vehicle upon payment of the required fees in section 78-74.

(Code 1983, § 5-2-3-5)

Secs. 78-76--78-95. Reserved.

DIVISION 3.

VEHICLE TOWING

Sec. 78-96. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized towing service means any person engaged for hire in the performance of towing or otherwise removing vehicles for hire who has been notified or requested by the police department to tow vehicles.

Owner means the last record title holder to a vehicle according to the records of the bureau of motor vehicles of the state.

Park means any vehicle parked, stopped, standing or unattended.

Vehicle means any device designed to travel over or along the ground and used to transport persons or property or to pull machinery or other equipment.
(Code 1983, § 5-2-2-1)

Cross References: Definitions generally, § 1-2.

Sec. 78-97. General provisions.

(a) It is unlawful for any vehicle to be parked in any of the following circumstances, and such violations are declared public nuisances and shall be subject to the removal and impoundment procedures authorized in article II, division 2 of this chapter.

- (1) Any vehicle that has accumulated three or more unpaid parking tickets in the city within any consecutive 12-month period, for which parking violation notices have been issued but have not been either paid or slated into a court of competent jurisdiction.
- (2) Any vehicle that constitutes an impediment to the free flow of traffic in the area in which the vehicle is found.
- (3) Any vehicle whose operator is unable to move such vehicle due to the person's arrest or other incapacity.

(b) When any vehicle is parked in any of the circumstances enumerated in subsection (a) of this section, such facts shall be prima facie evidence that the owner is chargeable for the violation.
(Code 1983, § 5-2-2-2)

Sec. 78-98. Removal and impoundment procedure.

(a) Any officer of the police department or such other persons specifically designated by the board of public works and safety to monitor and enforce the parking provisions of this chapter discovering a vehicle authorized to be towed shall cause the vehicle to be removed by an authorized towing service; however, the owner or operator shall be permitted to remove the vehicle before the towing service has left the place of violation upon payment of the fine and towing service charge to the clerk-treasurer, or upon filing bond for that amount and executing promise to appear in court.

(b) Impounded vehicles shall be released upon payment of the towing and storage charges upon order of the police department or the judge of a court of competent jurisdiction, or such vehicle shall be released upon the owners posting a bond with the clerk-treasurer in a sum equal to the amount of the fine, towing charge and storage fees and executing a written promise to appear in court.

(c) In all instances of removal and impoundment, an ordinance violation shall be filed against the owner or operator in a court of competent jurisdiction.

(d) The towing service charge and storage fee shall be the same as those fees established in section 78-74.

(Code 1983, § 5-2-2-3)

Sec. 78-99. Disposal of impounded vehicles.

Impounded vehicles shall be disposed of in accordance with the provisions of IC 9-22-1 (IC 9-22-1-1 et seq.).

(Code 1983, § 5-2-2-4)

Secs. 78-100--78-130. Reserved.

ARTICLE III.

VEHICLE OPERATION*

* **State Law References:** Vehicle operation generally, IC 9-21-8-1 et seq.

Sec. 78-131. Obedience to signs required.

A person who drives a vehicle must obey the markings or signs posted under this chapter or pursuant to authority granted by ordinance or resolution unless otherwise directed by a police officer.

(Code 1983, § 5-1-4-3)

State Law References: Similar provisions, IC 9-21-4-18, 9-21-8-41(a).

Sec. 78-132. Entering intersections, crosswalks.

It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic control signal that may be located at the intersection or crosswalk.

(Code 1983, § 5-1-2-1(b))

Sec. 78-133. Reverse turns or U-turns.

No vehicle shall be turned so as to proceed in the opposite direction within an intersection or upon any street in a business district or where authorized signs are erected to prohibit the movement or any other location unless the movement can be made without interfering with the safe operation of any traffic that may be affected by such movement.

(Code 1983, § 5-1-2-2)

State Law References: Turns from direct course to be made with reasonable safety, IC 9-21-8-24.

Sec. 78-134. Backing vehicles.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

(Code 1983, § 5-1-2-3)

Sec. 78-135. Vehicles crossing sidewalks.

(a) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the chief police officer.

(b) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway or building, the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

(Code 1983, § 5-1-2-4)

State Law References: Stopping before crossing sidewalk in business or residential district, IC 9-21-8-42; duty to yield when entering highway from private road or driveway, IC 9-21-8-34.

Sec. 78-136. Restrictions on commercial vehicles.

(a) All commercial vehicles exceeding 5,000 pounds in gross weight shall be restricted at all times to those streets specified by resolution; however, such vehicles may be operated on the street for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding on the street no further than the nearest intersection. This subsection does not apply to local public passenger bus operations.

(b) Except on state highways or state-controlled highways, no commercial vehicle with a gross weight in excess of 10,000 pounds shall be operated in any residence district between the hours of 5:30 p.m. and 7:00 a.m.; however, if this restriction results in an undue hardship or unfair competition, the board of public works and safety shall have the power to authorize the issuance of special permits as deemed necessary for the protection of the rights of any individual.

(Code 1976, § 9-11)

Cross References: Businesses, ch. 18.

State Law References: Authorize to impose size and weight restrictions, IC 9-20-1-3(c).

Sec. 78-137. Freight-carrying vehicles.

(a) No person, firm or corporation shall operate or allow to be operated a freight-carrying vehicle or a vehicle designed to carry freight with a gross weight over 16,000 pounds on a city street unless:

- (1) Permission has been obtained from the police chief to operate said vehicle on a city street or said vehicle is being operated to conduct business for or on behalf of the city.
- (2) Said vehicle is transporting freight or material to or from a business site within the city.
- (3) Said freight-carrying vehicle is making a delivery of material or supplies, including construction equipment to a site within the city, in which case said vehicle shall travel over the shortest possible route upon the city streets from the point of entry and shall then leave the street at the nearest available point of exit.

(b) In the event there is any discrepancy concerning the weight of a vehicle stopped by police authorities, said vehicle shall be directed to a weight scale for a determination of the weight of said vehicle. (Code 1976, § 9-12; Ord. No. 2001-1462, §§ 1, 2, 3-19-2001)

State Law References: Authority to prohibit commercial vehicles, IC 9-20-1-3(c).

Sec. 78-138. Motorcycles; clinging to moving vehicles.

No person riding upon any motorcycle shall attach the motorcycle or himself to any moving vehicle on any roadway.

(Code 1976, § 9-13)

State Law References: Motorcycles, IC 9-21-10-1 et seq.

Secs. 78-139--78-170. Reserved.

ARTICLE IV.

STOPPING, STANDING AND PARKING*

* **State Law References:** Stopping, standing and parking generally, IC 9-21-16-1 et seq.; authority to regulate standing or parking, IC 9-21-1-3(a)(1).

Sec. 78-171. Notice of parking violation; penalty for violation.

(a) It shall be the duty of police department personnel or such other persons specifically designated by the board of public works and safety to attach to vehicles in violation of the provisions of this article a notice to the owner or operator of the vehicle advising the owner or operator of the nature of the violation and the amount of the fine.

(b) The fine for each parking violation shall be \$3.00 if paid within five days, \$5.00 if paid within ten days, and \$10.00 if paid after ten days.

(c) If the owner or operator of a vehicle in violation of the provisions of this article fails to pay the required fine within ten days of the date a notice of violation is issued, such fact shall be certified to the city attorney, who may initiate a proceeding to enforce the provisions of this article pursuant to IC 34-4-32-1.

(d) Any vehicle whose owner or operator accumulates three or more unpaid parking tickets within any consecutive 12-month period which have not been either paid or slated into a court of competent jurisdiction shall be declared a public nuisance and may be removed by an authorized towing service in accordance with the provisions of article II of this chapter.

(Code 1983, § 5-2-1-7)

Sec. 78-172. Penalties recovered by clerk-treasurer.

Any and all fees, fines or penalties collected or recovered in the administration of this article shall be deposited with the clerk-treasurer in accordance with the provisions of IC 36-9-12-4.

(Code 1983, § 5-2-1-8)

Sec. 78-173. Enforcement of parking restrictions and prohibitions.

It shall be the duty of the police department or such other persons specifically designated by the board of public works and safety to monitor and enforce the parking provisions of this article, and such persons shall be authorized to mark the tires of vehicles or employ such other methods or devices necessary to ensure compliance with the provisions of this article.

(Code 1983, § 5-2-1-5)

Sec. 78-174. Obstructing traffic.

No person shall park any vehicle in any street or alley in such a manner or under such conditions as would leave available less than ten feet of width of the roadway for free movement of traffic.

(Code 1976, § 9-33)

Sec. 78-175. Parking of commercial vehicles at night.

It shall be unlawful for the owner, operator or driver of any truck or commercial vehicle or for the person in charge of such vehicle, to park or stand such vehicle or to permit such vehicle to be parked or stood upon any street or alley between the hours of 12:00 midnight and 6:00 a.m. for a period of time longer than one hour.

(Code 1976, § 9-36)

Cross References: Businesses, ch. 18.

Sec. 78-176. Restrictions and prohibitions on designated streets.

(a) The provisions of this article restricting or prohibiting the stopping or parking of a vehicle shall apply at all times, or at those times specified in this article, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or comply with the directions of a police officer, firefighter or official traffic control device.

(b) All parking restrictions, prohibitions and time limits shall be designated and illustrated on a parking control map, which map is incorporated in this section by reference.

(1) *Two-hour parking.* No person shall park or stop a vehicle for a continuous period longer than two hours between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sunday, on those streets so designated for two-hour parking on the parking control map.

(2) *Fifteen-minute parking.* No person shall park or stop a vehicle for a continuous period longer than 15 minutes between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sunday, on those streets so designated for 15-minute parking on the parking control map.

(3) *Parking prohibited.* No person shall park or stop a vehicle at any time on those streets so designated as streets upon which parking is prohibited on the parking control map.

(4) *Parking unrestricted.* Parking shall be unrestricted on those streets so designated as unrestricted

on the parking control map, and except as otherwise provided in this article.

(c) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(d) The chief police officer shall determine on what streets or portions of streets stopping or parking shall be restricted or prohibited. Whenever under authority of or by this article or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, it shall be the duty of the chief police officer to erect appropriate signs giving notice. However, in lieu of erecting such signs or in conjunction therewith, the chief police officer may cause the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times to be painted a solid yellow color.

- (1) When a curb has been painted a solid yellow color, no person shall park a vehicle at any time at or adjacent to any curb so marked.
- (2) When signs are erected in compliance with the provisions of this article, in each block giving notice, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(Code 1983, § 5-2-1-4)

Sec. 78-177. Diagonal parking authorized.

The chief police officer may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the adjacent roadway. However, diagonal parking shall not be established where the roadway space required would be within ten feet of the centerline of any street. The chief police officer shall designate such places by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(Code 1983, § 5-2-1-2(d))

Sec. 78-178. Parking outside parking space.

It shall be unlawful for the operator of any vehicle to so park such vehicle that any part of the vehicle shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

(Code 1983, § 5-2-1-2(e))

Sec. 78-179. Backing of vehicles to curb.

No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway of moving vehicles or occupies road space within ten feet of the centerline of the street.

(Code 1983, § 5-2-1-2(c))

Sec. 78-180. Changing or tampering with tire marks, similar devices.

No person shall tamper with or change or attempt to tamper with or change any mark, insignia or other device used or implemented by a police officer or other authorized person to monitor or check a parked or stopped vehicle in a restricted parking zone for the purpose of circumventing or avoiding the parking restrictions set forth in this article.

(Code 1983, § 5-2-1-6)

Sec. 78-181. Parking on parade route.

(a) The chief police officer is authorized, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part of a street constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(b) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

(Code 1983, § 5-2-1-9)

Sec. 78-182. Owner responsibility.

If any vehicle is found illegally parked in violation of any provisions of this article regulating stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

(Code 1983, § 5-2-1-10)

Sec. 78-183. Parking in parks or playgrounds.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway.

(Code 1983, § 5-2-1-11)

Cross References: Parks and recreation, ch. 54.

Secs. 78-184--78-215. Reserved.

ARTICLE V.

BICYCLES AND MOTORIZED BICYCLES*

* **State Law References:** Bicycles generally, IC 9-21-11-1 et seq.; authority to regulate bicycles, IC 9-21-1-3(a)(9).

Sec. 78-216. Impoundment of bicycles.

In addition to any other penalty provided by law, any bicycle in violation of any of the provisions of this

article may be impounded for a period of time not to exceed 60 days.
(Code 1976, § 9-18)

Sec. 78-217. Traffic laws to apply.

Every person riding a bicycle and/or motorized bicycle within the city shall be subject to all motor vehicle traffic laws, signs and signals except those provisions of laws which by their nature do not apply to bicycles and/or motorized bicycles.

(Code 1983, § 5-4-1-1; Ord. No. 1171, 8-20-1984)

State Law References: Bicycles to be subject to traffic laws, IC 9-21-11-2.

Sec. 78-218. Operating a motorized bicycle.

A person operating a motorized bicycle shall not ride other than upon a permanent and attached regular seat, nor carry any other passenger other than upon a firmly attached and regular auxiliary seat. A person may not ride upon a motorized bicycle unless seated under this section.

(Code 1983, § 5-4-1-2; Ord. No. 1171, 8-20-1984)

State Law References: Similar provisions as to bicycles, IC 9-21-11-3.

Sec. 78-219. Riding on roadways and bike paths.

(a) When operating a bicycle or motorized bicycle upon a roadway, bicycle operators shall ride as near to the right-hand side as is practicable and shall ride not more than two abreast.

(b) Whenever a bike path has been provided for the exclusive use of bicycles or motorized bicycles, bicycle or motorized bicycle operators shall use the bike path.

(c) No person shall ride a bicycle or motorized bicycle upon the sidewalk within the city limits.

(d) The chief of police is authorized to erect signs on any roadway prohibiting the riding of bicycles on such roadway by any person; and when such signs are in place, no person shall disobey the signs.

(Code 1983, § 5-4-1-3; Ord. No. 1171, 8-20-1984)

Sec. 78-220. Carrying articles.

No person operating a motorized bicycle shall carry any package, bundle, or article which prevents him from keeping both hands on the handlebars.

(Code 1983, § 5-4-1-4; Ord. No. 1171, 8-20-1984)

State Law References: Similar provisions as to bicycles, IC 9-21-11-7.

Sec. 78-221. Attaching to vehicles.

No person operating a motorized bicycle shall attach it or himself to any vehicle on a roadway.

(Code 1983, § 5-4-1-5; Ord. No. 1171, 8-20-1984)

State Law References: Similar provisions as to bicycles, IC 9-21-11-5.

Sec. 78-222. Bicycles to yield to pedestrians and give warnings.

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to all pedestrians and shall give the required audible signal before overtaking and passing such pedestrian.
(Code 1976, § 9-14)

Sec. 78-223. Riding bicycles on sidewalks in business district.

It shall be unlawful for any person to ride a bicycle upon the sidewalk within the business district.
(Code 1976, § 9-15)

Cross References: Businesses, ch. 18.

Sec. 78-224. Parking.

No person shall park a bicycle upon the street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle or against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.
(Code 1976, § 9-37)

Chapters 79--81

RESERVED

Chapter 82

UTILITIES*

* **Cross References:** Administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; environment, ch. 30; planning, ch. 58; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70.

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ARTICLE I.

IN GENERAL

Sec. 82-1. Filling swimming pools; fee.

Water or sewer customers may, upon request, have their swimming pools filled by the city. Persons who do not receive city water will be charged the cost of the water according to the pool size plus labor if a fire hydrant is located within a reasonable distance of the property. Sewer adjustments will be based upon the

average of billings for the last three months prior to filling. Fees shall be as prescribed in section 34-621. (Ord. No. 1079, 7-6-1981; Code 1983, § 10-2-3-10)

Secs. 82-2--82-30. Reserved.

ARTICLE II.

WATER*

* **State Law References:** Waterworks authorized, IC 36-9-2-14.

DIVISION 1.

GENERALLY

Sec. 82-31. Established.

There is established the city water utility.
(Code 1983, § 10-1-1-1)

Sec. 82-32. Inspection.

A water/wastewater utility representative shall have the right, between the hours of 8:00 a.m. and 5:00 p.m., to inspect all water service piping and water appurtenances inside a consumer's premises.
(Code 1983, § 10-1-1-3)

Sec. 82-33. Fire hydrants.

No person shall take water from any fire hydrant, except for fire purposes, without permission of the mayor or city superintendent.
(Code 1983, § 10-1-1-4)

Sec. 82-34. Payment from waterworks.

The common council elects to receive payment in lieu of taxes from the waterworks.
(Ord. No. 97-1404, § 3, 9-15-1997)

Sec. 82-35. Emergencies.

During a fire, flood, drought or other emergency, the mayor may, after giving notice of the emergency in a newspaper of general circulation in the city, make it unlawful to use water for all purposes except domestic household use and fire purposes.
(Code 1983, § 10-1-1-5)

Sec. 82-36. Turning off supply.

Only water/wastewater utility employees may turn the water supply on or off at the shutoff devices located in front of the water meter.

(Code 1983, § 10-1-1-6)

Sec. 82-37. Interfering with works.

No person shall cover or interfere with any curb box, water meter, valve box or fire hydrant without permission of the mayor or city superintendent.

(Code 1983, § 10-1-1-7)

Sec. 82-38. Liability for damage to hydrants by vehicles.

If a vehicular accident causes the breaking or disconnection of a fire hydrant, the owner of the vehicle involved shall pay for the hydrant's repair.

(Code 1983, § 10-1-1-8)

Sec. 82-39. Rates and charges.

(a) There are established for the use of and the service rendered by the water/wastewater system of the city the rates and charges for all users of the waterworks as specified in section 34-622.

(b) The rates approved in this section shall provide for a reasonable return on the water utility plant of the city and such other legal and necessary expenses as provided for in IC 8-1.5-3-8.

(c) The common council hereby elects to receive payment in lieu of taxes from the waterworks. (Ord. No. 97-1404, §§ 1, 2, 9-15-1997; Ord. No. 2004-1536, §§ 2, 3, 9-7-2004)

State Law References: Water rates and charges, IC 8-1.5-3-8.

Secs. 82-40--82-60. Reserved.

DIVISION 2.

NEW SERVICE AND CONNECTIONS

Sec. 82-61. Application for new service.

All applications for new water service shall be made to the water/wastewater manager.

(Code 1983, § 10-1-2-1)

Sec. 82-62. Tapping into system.

All taps into the water/wastewater system shall be made under supervision of the mayor or city superintendent.

(Code 1983, § 10-1-2-2)

Sec. 82-63. Cutting off service.

In addition to cutting off service for nonpayment of water bills, water service may be cut off to any customer who wastes or improperly uses water, after that fact has been called to his attention, or who interferes with any water appurtenances or appliances belonging to the city.
(Code 1983, § 10-1-2-5)

Sec. 82-64. Specifications for connections.

All water connections shall conform to all state rules and regulations.
(Code 1983, § 10-1-2-6)

Sec. 82-65. Location, installation of meters.

All water meters shall be installed either outside in tiles or inside the consumer's premises in the location and manner determined by the water/wastewater superintendent. Any refusal of prospective users to agree to such meter location or installation shall be sufficient reason to refuse water service until such requirements are met.
(Code 1983, § 10-1-2-7)

Sec. 82-66. Maintenance.

After a connection is made to the water/wastewater utility system, the city shall maintain the portion of the line from the water main to the meter. The person receiving service shall maintain the portion running from the meter into the house.
(Code 1983, § 10-1-2-8)

Sec. 82-67. Stopcocks and waste cocks required.

All water service pipes must have stopcocks and waste cocks between the outside water meter and the consumer's premises, for emergency shutoffs and repairs.
(Code 1983, § 10-1-2-9)

Sec. 82-68. Depth of service pipes.

All water service pipes shall be placed as far below the frost line as possible.
(Code 1983, § 10-1-2-10)

Sec. 82-69. Steam boilers; responsibility.

Persons making attachments of steam boilers that take their water supply directly from the service pipe and depend upon the hydraulic or hydrostatic pressure of the city's water system for supplying the water under pressure shall do so at their own risk. The city shall not be responsible for any accident or damages.
(Code 1983, § 10-1-2-11)

Sec. 82-70. Shutoff valve for boilers.

All house boilers used for domestic purposes shall be provided with vacuum valves designed to prevent any collapsing or damage resulting from shutting water off from the distribution pipes. The city shall not be responsible for the imperfect action of such valves.

(Code 1983, § 10-1-2-12)

Secs. 82-71--82-100. Reserved.

ARTICLE III.

SEWERS AND SEWAGE DISPOSAL*

* **State Law References:** Municipal sewage works, IC 36-9-23-1 et seq.

DIVISION 1.

GENERALLY

Sec. 82-101. Definitions.

The following words, terms and phrases, when used in this article or in the rules and regulations adopted by the board of public works and safety to implement the provisions of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficial uses means but is not limited to domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

Biochemical oxygen demand (BOD) of sewage, sewage effluent, polluted waters or industrial wastes means the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

Board of public works and safety means the administrative governing body of the public utilities of the city.

Building (or house) drain means the lowest horizontal piping of a building drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately four feet outside the foundation wall of the building.

Building (or house) lateral sewer means the extension from the building drain to the sewerage system or other place of disposal.

Chemical oxygen demand (COD) of sewage, sewage effluent, polluted waters or industrial wastes means

the measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

City means the city or any duly authorized officials acting in its behalf.

Compatible pollutants means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the city's National Pollutant Discharge Elimination System (NPDES) permit.

Department means the city wastewater treatment plant, including the sewer collection and wastewater treatment facilities.

Effluent means water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

Equipment means all movable, nonfixed items necessary to the wastewater treatment process.

Garbage means any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.

Ground (shredded) garbage means garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.

Holding tank waste means any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, etc.

Incompatible pollutants means any pollutants that are not compatible pollutants.

Industrial wastes means any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user.

Infiltration means the water entering a sewerage system, including sewer service connections, from the ground, through such means as but not limited to defective pipes, pipe joints, connections, or manhole walls.

Inflow means the water discharged into a sewerage system, including service connections from such sources as but not limited to roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from infiltration.

Inspector means a person authorized by the city through the board of public works and safety or the superintendent of the department.

Major contributor means a contributor that has:

- (1) A flow of more than 50,000 gallons per average workday;
- (2) In its waste a toxic pollutant in toxic amounts as defined in federal law; or
- (3) Significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent.

Natural outlet means any outlet into a watercourse, pond, lake or other body of surface water or groundwater.

NPDES permit means a National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants.

Nuisance means anything that is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

Operation and maintenance expenses means all annual expenses, including replacement related directly to operating and maintaining the sewerage works as identified in "Uniform System of Accounts for Wastewater Utilities" or as prescribed by the state board of accounts under general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.

pH means the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

Pollution means an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects such waters for beneficial uses or facilities that serve such beneficial uses.

Receiving stream means the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.

Sanitary sewage means the discharge from sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, free from stormwater and surface water and industrial wastes.

Sewage means the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such groundwaters, surface waters and stormwaters as may be present.

Sewer means the following:

- (1) *Combined sewer* means a sewer that carries both stormwater, surface water and groundwater runoff and wastewater.

- (2) *Public sewer* means a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- (3) *Sanitary sewer* means a sewer that carries wastewater and to which stormwaters, surface waters and groundwaters and unpolluted industrial wastewater are not intentionally admitted.
- (4) *Storm sewer* means a sewer that carries stormwater, surface water and groundwater drainage but excludes wastewater.

Sewerage system means the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in Congressional Record 40 CFR 136.

Superintendent means the administrative head of the department and/or the appointed representative of the board of public works and safety.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquid and are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in Standard Methods.

User means any person who discharges, causes or permits the discharge of wastewater into the sewerage system.

User classes means that each recipient of municipal wastewater treatment services shall be either in the industrial class or the nonindustrial class (including domestic, commercial, institutional and governmental).

- (1) *Industrial class* shall include any user as determined by the board of public works and safety, identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
 - a. Division A, relating to agriculture, forestry and fishing;
 - b. Division B, relating to mining;
 - c. Division D, relating to manufacturing;
 - d. Division E, relating to transportation, communications, electric, gas and sanitary services; and
 - e. Division I, relating to services.

- (2) *Nonindustrial class* shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity as determined by the board of public works and safety.

Waste includes sanitary sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal.

Wastewater means the water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such groundwaters, surface waters and stormwaters as may be present.

Wastewater constituents and characteristics means the individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Wastewater treatment plant means the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means any water, surface or underground, within the boundaries of the state, except confined waters in sewers, lakes, etc.

(Code 1983, § 10-2-1-1)

Cross References: Definitions generally, § 1-2.

Sec. 82-102. Regulatory power of city.

The mayor shall make and enforce any regulations necessary for the safe, economical and efficient management of the sewerage system.

(Code 1983, § 10-2-1-2)

Sec. 82-103. Powers of the board of public works and safety.

The department of water/wastewater utility shall be in charge of the sewerage works.

(Code 1983, § 10-2-1-3)

Sec. 82-104. Garbage, waste.

No one shall deposit or permit to be deposited in an unsanitary manner on public or private property within the city itself or the city's jurisdiction any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.

(Code 1983, § 10-3-1-1)

Sec. 82-105. Septic tanks prohibited.

Except as otherwise provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, or other facility intended or used for the disposal of sewage.
(Code 1983, § 10-2-1-4)

Sec. 82-106. Installation of toilet facilities required.

The owner of any structure abutting any street, alley or right-of-way in which there is or may eventually be a public or combined sewer must, at his expense, install suitable toilet facilities inside the structure. The owner must connect the facilities directly with the public sewer in accordance with the provisions of this article within 90 days after the date of the official notice to do so if the sewer is within 100 feet of the property line.
(Code 1983, § 10-2-1-5)

State Law References: Authority to require connections, IC 36-9-23-30.

Sec. 82-107. Discharges.

(a) *Prohibited discharges to sanitary sewer.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) *Discharges to combined and storm sewers.* Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on the superintendent's approval to a storm sewer, combined sewer or natural outlet.
(Code 1983, §§ 10-3-2-1, 10-3-2-2)

Secs. 82-108--82-130. Reserved.

DIVISION 2.

BUILDING SEWERS AND CONNECTIONS

Sec. 82-131. Permission required.

No one shall uncover, make connections or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the city.
(Code 1983, § 10-2-2-1)

Sec. 82-132. Connection charges.

(a) City residents shall pay a fee in the amount established by the board of public works and safety to the city water/wastewater utility for each sewer connection made to any lot, parcel of real estate, or building. No sewer constructed from private funds will be connected into any city sewer line until a fee in the amount established by the board of public works and safety has been paid for each existing connection to that lot, parcel of real estate, or building.

(b) Nonresidents shall pay a fee in the amount established by the board of public works and safety to the city water/wastewater utility for each sewer connection made to any lot, parcel of real estate, or building.

(c) This section does not apply, change or modify fees as established for property owners in Shireman Estates. This section applies to residents with property outside of the territorial limits of Shireman Estates.

(Code 1983, § 10-2-2-2; Ord. No. 1330, § 1, 10-3-1994; Ord. No. 97-1396, 1-16-1996)

State Law References: Connection fees, IC 36-9-23-29.

Sec. 82-133. Building sewer permits.

There shall be two classes of building sewer permits, for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Permit and inspection fees for a residential or commercial building sewer permit and for an industrial building sewer permit, as prescribed in section 34-623, shall be paid to the city at the time the application is filed.

(Code 1983, § 10-2-2-3)

Sec. 82-134. Use of old sewers.

Old building sewers may be connected with new buildings only when they are found by the superintendent to meet all the requirements of this article.

(Code 1983, § 10-2-2-4)

Sec. 82-135. Separate sewers required.

A separate and independent building sewer must be provided for every building. However, if one building stands at the rear of another on an interior lot and no private sewer can be constructed to the rear building, the building sewer from the front building may be extended to the rear building.

(Code 1983, § 10-2-2-5)

Sec. 82-136. Extensions of sewers outside corporate limits.

The installation, construction or extension of sewers by the city outside the corporate limits of the city and the connection or extension of sewers into the city's sewerage system from outside the city limits shall be prohibited except upon prior approval by the common council by ordinance.

(Code 1983, § 10-2-2-6)

Sec. 82-137. Connections to sewerage system by certain out-of-city properties.

The board of public works and safety may permit a property located outside the city limits to connect to an existing city sewer if the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which the sewer is located.

(Code 1983, § 10-2-2-7)

Sec. 82-138. Superintendent to supervise.

The applicant for a building sewer permit shall notify the superintendent when the sewer is ready for

inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent.

(Code 1983, § 10-2-2-8)

Sec. 82-139. Materials generally.

Unless otherwise permitted by the mayor, any part of the building sewer located within ten feet of a water service pipe must be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints shall also be required if the building sewer is exposed to damage by tree roots.

(Code 1983, § 10-2-2-10)

Sec. 82-140. Pipe materials.

(a) All sanitary sewers connections shall use board of public works and safety approved six-inch diameter PVC pipe from the city sanitary sewer to a point no greater than five feet from the building where a six-inch diameter cleanout shall be installed. Slope of the six-inch diameter PVC connection pipe shall be a minimum of one-eighth inch per foot from the cleanout to the city sanitary sewer.

(b) No building will be connected to the city sanitary sewers until all connection fees have been paid.

(Ord. of 4-1-1996)

Sec. 82-141. Pipe laying generally.

The manner of laying pipes used in connection with a building sewer shall be in accordance with all applicable regulations of the state board of health.

(Code 1983, § 10-2-2-11)

Sec. 82-142. Joints and connections generally.

All building sewer pipes, pipe joints, and joint connections shall be made in accordance with the state plumbing code promulgated by the administrative building council. All joints and connections must also be made gastight and watertight.

(Code 1983, § 10-2-2-12)

Sec. 82-143. Size.

A building sewer's diameter must be at least six inches if it is made of iron, and at least four inches if it is made of plastic.

(Code 1983, § 10-2-2.1-1)

Sec. 82-144. Depth.

Whenever possible, a building sewer shall be brought to the building below the basement floor. The depth shall be sufficient to afford protection from frost.

(Code 1983, § 10-2-2.1-2)

Sec. 82-145. Change in direction.

All changes in the direction of a building sewer shall be made only with properly curved pipes and fittings.

(Code 1983, § 10-2-2.1-3)

Sec. 82-146. Slope.

The slope of a building sewer shall be subject to the superintendent's approval, but in no event shall the slope of a six-inch pipe be less than one-eighth inch per foot.

(Code 1983, § 10-2-2.1-4)

Sec. 82-147. Grade and alignment.

Building sewers shall be laid at a uniform grade, and shall be aligned as straight as possible.

(Code 1983, § 10-2-2.1-5)

Sec. 82-148. Bearing wall.

No building sewer shall be laid parallel to or within three feet of any bearing wall which the sewer might weaken.

(Code 1983, § 10-2-2.1-6)

Sec. 82-149. "Y" branch connection.

The connection of the building sewer into the public sewer shall be made by the "Y" branch if it is available at a suitable location. If the public sewer is 12 inches or less in diameter and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the superintendent. If the public sewer is more than 12 inches in diameter and no "Y" branch is present, a neat hole may be cut in the public sewer to receive the building sewer, with entry in the downstream direction at a 45-degree angle. A 45-degree ell may be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same as or a higher elevation than the invert of the public sewer. A smooth neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

(Code 1983, § 10-2-2.1-7)

Sec. 82-150. Prohibited connections.

No one shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or drain which in turn is connected to a public sanitary sewer.

(Code 1983, § 10-2-2.1-8)

Sec. 82-151. Excavations.

(a) All excavations required for installing a building sewer shall be open trench work unless otherwise approved by the superintendent. All pipe backfills shall be performed in accordance with the state plumbing code. No backfills shall be placed until the work has been inspected by the superintendent.

(b) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(Code 1983, § 10-2-2.1-9)

Sec. 82-152. Lifting of sanitary sewage.

In any buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by that drain shall be lifted by approved artificial means and discharged to the building sewer. A water-operated sewage erector shall not be used.
(Code 1983, § 10-3-2-3)

Sec. 82-153. Expenses and liabilities.

All costs and expenses incidental to the installation and connection of a building sewer shall be borne by the owner. The owner or person installing the sewer shall indemnify the city for any loss or damage caused, directly or indirectly, by the installation.
(Code 1983, § 10-2-2.1-10)

Secs. 82-154--82-175. Reserved.

DIVISION 3.

PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 82-176. Authorized.

Where connection to a public sewer is not required, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the state environmental management board.
(Code 1983, § 10-3-2-1)

Sec. 82-177. Public sewer unavailable.

Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.
(Code 1983, § 10-3-2-2)

Sec. 82-178. Construction permit.

Before construction of a private sewage disposal system, the owner must obtain a written permit signed by the superintendent. The permit application shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the superintendent. A

permit and inspection fee as prescribed by section 34-624 shall be paid to the city when the application is filed.
(Code 1983, § 10-3-2-4)

Sec. 82-179. Inspection.

The superintendent may inspect the work at any stage of construction and, in any event, the owner shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.
(Code 1983, § 10-3-2-5)

Sec. 82-180. Compliance with state board of health recommendations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state board of health and the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 6,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Code 1983, § 10-3-2-6)

Sec. 82-181. Connection to public sewer.

When a public sewer becomes available to a property served by a private sewage disposal system as provided in section 82-106, a direct connection shall be made to the public sewer in compliance with this division; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Code 1983, § 10-3-2-7)

Sec. 82-182. Maintenance of sanitary conditions.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at his own expense.
(Code 1983, § 10-3-2-8)

Secs. 82-183--82-205. Reserved.

DIVISION 4.

INDUSTRIAL DISCHARGES

Subdivision I.

In General

Sec. 82-206. Prohibitions and limitations.

Except as provided in this division, no person shall discharge or cause to be discharged to any public sewer any of the following:

- (1) Any liquid or vapor having a temperature higher than 160 degrees Fahrenheit.
- (2) Any waters or wastes containing more than 50 milligrams per liter of fats, oils, greases or waxes.
- (3) Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- (4) Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (5) Any garbage that has not been properly ground.
- (6) Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the wastewater treatment plant.
- (7) Any waters or wastes containing phenols in excess of 0.50 milligram per liter.
- (8) Any waters or wastes having a pH lower than six or higher than nine or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the sewerage works.
- (9) Any copper in excess of one milligram per liter in any wastes discharged into a public sewer.
- (10) Any zinc in excess of five milligrams per liter in any wastes discharged into a public sewer.
- (11) Any chromium (hexavalent) in excess of one milligram per liter in any wastes discharged into a public sewer.
- (12) Any chromium (trivalent) in excess of two milligrams per liter in any wastes discharged into a public sewer.
- (13) Total chromium in any wastes discharged into a public sewer shall not be in excess of three milligrams per liter.
- (14) Any nickel in excess of one milligram per liter in any wastes discharged into a public sewer.
- (15) Any lead in excess of one-tenth milligram per liter in any wastes discharged into a public sewer.
- (16) Any cadmium in excess of 0.02 milligram per liter in any wastes discharged into a public sewer.
- (17) Any cyanides, as CN ions, in excess of one milligram per liter in any wastes discharged into a public sewer.

- (18) Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- (19) Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited if they are properly diluted before being discharged into the sewerage system.
- (20) Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the wastewater treatment plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority having jurisdiction or any waters or wastes containing iron or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established by the board of public works and safety. In no event shall the limits exceed those set forth in appendix C of the Federal Guidelines for Pretreatment of Pollutants Introduced Into Publicly Owned Treatment Works published October, 1973, or exceed the limits and restrictions set forth in the city's NPDES Permit No. IN-0020303 incorporated in this subsection by reference.
- (21) Any waters or wastes that for a duration of five minutes or more have a concentration more than five times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a 24-hour period of normal operation.
- (22) Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be required to handle such materials at the wastewater treatment plant, its pumping stations or other facilities.

(Code 1983, § 10-3-4-1)

Sec. 82-207. Exclusion of other industrial wastes.

Any industrial wastes may be excluded when conditions are such that NPDES permit restrictions cannot be met.

(Code 1983, § 10-3-4-2)

Sec. 82-208. Responsibility for obstructing or damaging sewers.

If a public sewer becomes obstructed or damaged because any of the substances designated in section 82-206 were improperly discharged, the person responsible for the discharge must pay for the expenses incurred by the city in cleaning out, repairing or rebuilding the sewer.

(Code 1983, § 10-3-4-3)

Sec. 82-209. Prior approval for certain wastes.

Review and acceptance by the superintendent must be obtained before the discharge into the public sewers of sewage having:

- (1) A BOD greater than 250 milligrams per liter.

- (2) A suspended solids content greater than 250 milligrams per liter.
- (3) Other contaminants or characteristics which, by their nature or quantity, might be harmful to the structures, processes or operations of the sewerage works or to health, whether by themselves or through interacting with other wastes in the public sewers.

(Code 1983, § 10-3-5-1)

Sec. 82-210. Pretreatment facilities.

When, after a review, the superintendent concludes that the person must first modify or eliminate harmful constituents, the person shall either modify the wastes at the point of origin or shall provide and operate at his own expense any preliminary treatment or processing facilities necessary in order to render the wastes acceptable for admission to the public sewers.

(Code 1983, § 10-3-5-2)

Sec. 82-211. Prior approval of pretreatment facilities.

Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the city for examination and approval. No construction shall begin until the board of public works and safety has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of the facilities when necessary to secure the results desired. Plans, specifications and other pertinent information shall also be submitted to the stream pollution control board for approval in accordance with stream pollution control board resolution No. 15.

(Code 1983, § 10-3-5-3)

Sec. 82-212. Operation of pretreatment facilities.

When preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the city. The person shall maintain suitable operating records and shall submit to the superintendent any monthly summary reports of the character of the influent and effluent that the superintendent prescribes.

(Code 1983, § 10-3-5-4)

Sec. 82-213. Grease and sand traps.

Whenever the board of public works and safety determines that interceptors or traps are needed to protect the sewerage system or the operations of the wastewater treatment plant from grease, oil, sand or similar substances occurring in a customer's sewage, such traps shall be installed by the customer on his own lines at his own expense. He shall maintain them so that none of such substances can be carried over into the public sewers. All traps shall be subject to the city's approval as to construction, location and installation.

(Code 1983, § 10-3-5-5)

Sec. 82-214. Installation of control manhole.

The owner of any property served by a building sewer carrying industrial wastes shall install a control

manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole shall be safe, accessible, and constructed in accordance with plans approved by the superintendent. The sewer owner shall install the manhole at his own expense and shall keep it safe and accessible at all times.

(Code 1983, § 10-2-2-9)

Sec. 82-215. Control manholes.

Anyone discharging industrial wastes into a public sewer may be required by the board of public works and safety to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of the wastes. These manholes shall be constructed in accordance with the city's standards and specifications. The board may also require the person to install and maintain an approved volume-measuring device in the manhole. Plans for the installation of control manholes and related equipment must be approved by the board of public works and safety before construction is begun.

(Code 1983, § 10-3-6-2)

Sec. 82-216. Discharge of pollutants by licensed waste haulers.

Licensed commercial or industrial waste haulers may discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set out in this division to the wastewater treatment plant at a time and place and in such amounts as permitted by the city. Wastewater so received must have been generated from within the county.

(Code 1983, § 10-3-6-7)

Secs. 82-217--82-230. Reserved.

Subdivision II.

Administration and Enforcement*

* **Cross References:** Administration, ch. 2.

Sec. 82-231. Sanctions.

When the city finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in this division, it may:

- (1) Require the user to submit for approval a detailed time schedule of specific actions the user shall take in order to prevent or correct a violation of requirements.
- (2) Issue an order to cease and desist, and direct that the user not complying with such provisions:
 - a. Comply immediately;
 - b. Comply in accordance with a time schedule set by the city; or

c. Take appropriate remedial or preventive action in the event of a threatened violation.

(3) Petition the court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such a discharge.

(Code 1983, § 10-3-7-2)

Sec. 82-232. Termination of wastewater service.

The city may terminate wastewater service if a violation of any provision of this division is found to exist, or if a discharge causes or threatens to cause a condition of pollution or nuisance, or causes the city to violate the terms of its NPDES Permit No. IN-0020303. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

(Code 1983, § 10-3-7-3)

Sec. 82-233. Appeal.

(a) Any user affected by any decision, action or determination, including cease and desist orders, made by the superintendent, interpreting or implementing the provisions of this article, or any permit issued in this article, may file with the superintendent a written request for reconsideration within ten days of the decision setting forth in detail the facts supporting the user's request for reconsideration.

(b) If the ruling made by the superintendent is unsatisfactory to the person requesting reconsideration, he may, within ten days of the notification, file a written appeal to the board of public works and safety. The written appeal shall be heard by the board within 30 days of the date of filing. The board shall make a final ruling on the appeal within 15 days of the close of the meeting. The superintendent's decision, action or determination shall remain in effect during the period of reconsideration.

(Code 1983, § 10-3-7-4)

Sec. 82-234. Inspection by superintendent.

The superintendent and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division. Entry shall normally be made during daylight or operating hours or at reasonable times. The superintendent shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterworks or facilities for waste treatment.

(Code 1983, § 10-3-8-1)

Sec. 82-235. Liability of city.

While performing the necessary work on private properties referred to in section 82-234, the superintendent or duly authorized city employees shall observe all safety rules applicable to the premises established by the company. The company shall not be held liable for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees, and against liability

claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Code 1983, § 10-3-8-2)

Sec. 82-236. Entrance by superintendent onto city easements.

The superintendent and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Code 1983, § 10-3-8-3)

Sec. 82-237. Laboratory procedures; effect of analysis.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in Standard Methods. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the superintendent and the user, provided they meet federal requirements as set forth in 40 CFR 36. The city may, without charge to the user, make initial analysis of the user's wastes as well as other initial tests the superintendent may deem advisable. Regular periodic check analyses and analyses made by the city at the request of the user shall be charged to the user according to the standard work order billing practice. All such analyses shall be binding in determining strength of wastes surcharges and other matters dependent upon the character and concentration of wastes.

(Code 1983, § 10-3-6-4)

Sec. 82-238. Accidental discharge; notification procedure.

(a) Users shall notify the city immediately upon accidentally discharging wastewater in violation of this division, in order to enable countermeasures to be taken by the city to minimize damage to the sewerage system, wastewater treatment plant, treatment processes and the receiving stream. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written report describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant, or treatment process, or for any fines imposed by the city.

(b) A notice shall be furnished and permanently posted advising designated responsible employees to call the wastewater treatment plant in case of accidental discharge in violation of this division.

(Code 1983, § 10-3-7-1)

Sec. 82-239. Use of representative analyses.

Until an adequate analysis of a representative sample of the user's wastes has been obtained, the city shall make a determination of the character and concentration of the user's wastes by using data based on analyses of similar processes or data for his type of business that are available from the U.S. Environmental

Protection Agency or from industry-recognized authoritative sources. This method, if selected by the city, shall continue until an adequate analysis has been made.
(Code 1983, § 10-3-6-5)

Sec. 82-240. Data subject to EPA audit and review.

All data collected pertaining to industrial wastes, including records kept by each industrial user, shall be subject to audit and review by the Environmental Protection Agency.
(Code 1983, § 10-3-6-6)

Sec. 82-241. Submission of data on industrial wastes.

(a) Anyone who discharges industrial wastes into the city's sewerage system shall, upon the written request of the board of public works and safety, fill out and file with the city within 90 days an industrial wastes questionnaire to be furnished by the city, in which he shall set out the quantity and characteristics of the wastes discharged into the city's sewerage system. Anyone wishing to establish a new connection to a public sewer for the purpose of discharging industrial wastes must also fill out and file a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

(b) When special circumstances would make complying with the 90-day time schedule an unreasonable burden on the person, an extension of time, not to exceed 90 days, may be granted by the board of public works and safety upon presentation of a proper application.
(Code 1983, § 10-3-6-1)

Sec. 82-242. Waste sampling.

(a) Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the superintendent deems it necessary (but at least once a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. The sampling period shall be for a period of at least seven consecutive days. When the sampling program extends for more than seven consecutive days, the city may select the seven consecutive days of its choice. Every care shall be exercised in collecting the samples to ensure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

(b) The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the board of public works and safety. Access to sampling facilities shall be granted at all times to the superintendent.
(Code 1983, § 10-3-6-3)

Secs. 82-243--82-265. Reserved.

DIVISION 5.

RATES AND CHARGES*

* **State Law References:** Sewer rates, IC 36-9-23-25 et seq.

Sec. 82-266. Collection; amount.

For the use and the service rendered by the sewerage works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building that is or could be connected to the city's wastewater utility or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the wastewater utility of the city, which charges shall be payable as hereinafter provided and shall be in an amount determinable as provided in section 34-625.

(Ord. No. 1330, § 1, 10-3-1994; Ord. No. 2004-1546, § 2, 12-6-2004)

Sec. 82-267. Reading of meters.

Water meters shall be read once each month (or period equaling a month).

(Code 1983, § 10-2-3-2)

Sec. 82-268. Billing period; bill collection.

All sewer rates and charges shall be prepared and billed by the city and collected in the manner provided by law. The first billing may be for a period of more or less than one full month, in order to make the monthly collection period correspond with the city's water meter readings. All bills shall thereafter be rendered each month (or period equaling a month). Sewer charges shall be collected by the utility office manager.

(Code 1983, § 10-2-3-3)

Sec. 82-269. Billing to tenant; landlord's liability.

Wastewater utility rates and charges may be billed to the tenant occupying the property served, unless otherwise requested in writing by the owner. However, such billings shall not relieve the owner from liability if payment is not made by the tenants. The property owner has the right to examine the collection records to determine whether the charges have been paid by the tenants, but the examination must be made at the office in which the records are kept and must be during regular business hours.

(Code 1983, § 10-2-3-4)

Sec. 82-270. Billing; multiple user meters.

(a) If two or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the sanitary sewage system are being billed on a metered basis and share a single water meter, the quantity of water used shall be average for each user. The minimum charge and the sewage rates and charges shall apply to each user served through the single water meter.

(b) If two or more dwelling units (such as trailers, apartments, or housekeeping rooms) discharging sanitary sewage, water or other liquids into the sanitary system are billed on a metered basis and share a single meter, the billing shall be for a single service. However, there shall be an additional charge of \$0.93 per month for each dwelling unit over one served through the meter. In the case of trailer parks, the number of dwelling

units shall be interpreted as the maximum capacity for trailers in the park, plus any other dwelling units served through the meter. A "dwelling unit" shall mean a room or rooms or other living space in which cooking facilities are provided.

(Code 1983, § 10-2-3-5)

Sec. 82-271. Billing; no acceptable meter.

If a lot discharging sewage does not use city water, and the water used is not measured by a water meter acceptable to the city, the amount of water used shall be measured in the manner determined by the city, in order to ascertain the sewer rate or charge.

(Code 1983, § 10-2-3-6)

Sec. 82-272. Option to install water meter.

Any person whose water is not measured by an acceptable water meter, or who uses water that does not flow through an acceptable water meter may, at his own expense, install and maintain a water meter. If that meter is acceptable to the city and all water flows through it, his sewer rates shall be based on the meter.

(Code 1983, § 10-2-3-7)

Sec. 82-273. Unmetered source of water.

If a lot discharging sewage uses city water as well as water from another source, which is not measured by a meter acceptable to the city, the amount of water used shall be measured as determined by the city in order to ascertain the sewer rate or charge.

(Code 1983, § 10-2-3-8)

Sec. 82-274. Metered water does not enter sewer.

If a lot discharging sewage uses over 7,000 gallons of water per month, and it is shown to the city's satisfaction that a portion of the measured water does not enter the sewerage system, the city may determine the percentage of metered water entering the sanitary sewage system. That percentage shall constitute the basis of sewage service charges. However, the city may require or permit the installation of additional meters at the owner's expense so as to determine the quantity of water actually entering the sewerage system.

(Code 1983, § 10-2-3-9)

Sec. 82-275. Fire protection; rate adjustment.

When a metered water supply is also used for fire protection, the city may make equitable adjustments in the sewer charges.

(Code 1983, § 10-2-3-11)

Sec. 82-276. Right to determine sewage strength and content.

The city may measure and determine the strength and content of all sewage and wastes discharged into the sanitary sewer system.

(Code 1983, § 10-2-3-12)

Sec. 82-277. Right to adjust on basis of sewage content.

(a) The city may base its charges not only on volume but also on the strength and character of the sewage and wastes it treats and disposes of.

(b) Sewer charges shall be based on the strength of the sewage and liquid wastes as determined by an analysis of samples taken by the city. The strength and character of the sewage and wastes shall be based on the quantity of suspended solids, and five-day BOD and COD in samples of the sewage and wastes. An excessive strength surcharge will be charged as specified in section 34-625.

(Code 1983, § 10-2-3-13)

Sec. 82-278. Adjustment.

(a) Any customer whose sewer charges are excessive and directly occasioned by leakage and/or damaged water service pipes may file an application with the manager of the water/wastewater utility for adjustment of the sewer charges.

(b) All applications for adjustment of sewer charges shall be presented to the board of public works and safety for review. Such application shall be reviewed during the first regularly scheduled meeting of the board following the date such application is filed. The board shall examine and investigate the specific facts and circumstances of such application and thereafter render a determination based on each case's own merit:

- (1) Was there a leak, or were there other uncontrollable circumstances which caused such excessive bill?
- (2) If a leak is determined to be the cause, was such leak actually excessive?
- (3) If other uncontrollable circumstances are determined to be the cause, can such cause be substantiated by the claimant?
- (4) Has there been a pattern of frequent claims? If so, further claims may be denied or limited.
- (5) Did the excessive water pass through the sanitary sewer system of such claimant? This must be determined to decide the method of adjustment, if such adjustment is made.
- (6) Has there been a good-faith effort to repair and prevent further leaks?

(Ord. No. 97-1411, 12-15-1997)

Sec. 82-279. Delinquent bills.

Charges for sewage service shall be due on the due dates shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. A delinquent charge, together with any applied penalty, shall be collected as set forth by law and ordinance.

(Code 1983, § 10-2-3-16)

Sec. 82-280. Collection through the tax duplicate.

Delinquent sewage service charges may be made a lien against the property served through certification to the auditor and to the county recorder. The delinquent service charges, together with the mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(Code 1983, § 10-2-3-17)

State Law References: Collection remedies for unpaid sewer bills, IC 36-9-23-33.

Sec. 82-281. Collection through court actions.

In addition to all other remedies, the city shall have the right to bring a civil action to recover any delinquent charges, together with a penalty of ten percent and a reasonable attorney's fee. It may also foreclose any lien with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

(Code 1983, § 10-2-3-18)

Secs. 82-282--82-300. Reserved.

DIVISION 6.

SHIREMAN ESTATES SURCHARGES

Sec. 82-301. Homeowners.

A \$500.00 connection charge will be paid before February 1, 1983, and a \$27.00 monthly surcharge will be paid, in addition to normal monthly sewage charges set forth in Ordinance No. 975, as amended. The monthly surcharge shall be payable January 1, 1984, and each month thereafter through and including July 1, 2002; provided the foregoing charges will not be due for any property owner who pays the sum of \$2,500.00 on or before February 1, 1983.

(Code 1983, § 10-2-5-1)

Sec. 82-302. Vacant lot owners.

Vacant lot owners shall pay a connection charge as follows:

- (1) A \$500.00 connection charge will be paid before February 1, 1983, and, at such time when a connection is made to the wastewater utility, a connection charge equal to \$27.00 times the number of months that have elapsed from January 1, 1984, to the date the connection is made will be paid, subject to a maximum of \$2,500.00 plus a surcharge of \$27.00 per month thereafter until July 1, 2002, which shall be in addition to the normal monthly sewage charges;
- (2) A \$2,500.00 connection charge will be paid before February 1, 1983, and the surcharge and aforementioned connection charge will not be collected from those lot owners, provided the normal monthly sewage charges shall be paid when the property uses the sewerage system; or
- (3) If no connection charge is paid before February 1, 1983, at such time when a connection is made to the sewerage works system, a connection charge equal to \$500.00 plus accrued interest from

February 1, 1983, at an annual rate of 13 percent, plus \$27.00 times the number of months that have elapsed from January 1, 1984, to the date the connection is made, subject to a maximum of \$2,500.00, and a \$27.00 monthly surcharge from the date of connection will be paid until July 1, 2002. The foregoing shall be in addition to the normal monthly sewage charges.

(Code 1983, § 10-2-5-2)

Sec. 82-303. Sewerage works construction fund; sewerage works bond and interest redemption account.

All of the charges paid before or during the construction period of the Shireman Estates Collection System shall be paid into the sewerage works construction fund. All such charges paid after construction is completed shall be paid into the sewerage works bond and interest redemption account.

(Code 1983, § 10-2-5-3)

Secs. 82-304--82-325. Reserved.

DIVISION 7.

DEPOSITS BY COMMERCIAL SANITARIANS

Sec. 82-326. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cesspool means a cavity in the ground that receives human excrement and domestic waste to be partially absorbed directly by the surrounding soil.

Commercial sanitarian means any individual, partnership, broker, firm, association or corporation engaged in or carrying on the business of servicing or maintaining septic tanks, seepage pits or cesspools.

Seepage pit means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank.

Septic tank means a septic toilet, chemical closet or any other watertight enclosure used for storage and decomposition of human excrement and domestic waste.

Servicing and maintaining means cleaning and removing waste from the septic tank, seepage pit or cesspool, and recovering the waste as before being exposed for cleaning.

(Code 1983, § 10-2-4-1)

Cross References: Definitions generally, § 1-2.

Sec. 82-327. Fee required for deposit into city system.

The provisions of this division do not create a right to deposit waste into the municipal wastewater utility system unless the required fee is paid to the city and the city accepts such fee.

Sec. 82-328. Authority to utilize sewers and sewage treatment system.

Any commercial sanitarian who performs and satisfies the provisions of this division shall be allowed to deposit waste from any septic tank, seepage pit or cesspool into the wastewater utility.
(Code 1983, § 10-2-4-2)

Sec. 82-329. Licensing requirements.

Any commercial sanitarian who applies to the clerk-treasurer for a license to deposit waste in the sewers and sewage treatment system must satisfy the following requirements:

- (1) The applicant must state the nature and address of his business, as well as any other information required by the board of public works and safety.
- (2) The application must be made with the clerk-treasurer on or before March 1 of each year. The applicant must pay an annual license fee specified in section 34-626, payable to the Martinsville Sewer Utility.
- (3) The applicant must demonstrate that he is properly licensed by the state health commissioner pursuant to the provisions of IC 25-35-1-1--25-35-1-8.

(Code 1983, § 10-2-4-3)

Sec. 82-330. Disposal of waste.

(a) All waste recovered from any septic tank, seepage pit or cesspool shall be deposited in the municipal sewage treatment system of the city only at locations designated by the board of public works and safety.

(b) All vehicles operated by a commercial sanitarian shall be kept clean, and the municipal disposal site shall be maintained in a sanitary condition at all times.

(Code 1983, § 10-2-4-4)

Sec. 82-331. Penalties.

Any commercial sanitarian who violates any provision of this division or who disobeys, neglects or refuses to comply with the provisions of this division shall be subject to a fine of not less than \$100.00.

(Code 1983, § 10-2-4-5)

Secs. 82-332--82-350. Reserved.

DIVISION 8.

CONTRIBUTION REQUIREMENTS FOR USERS

Sec. 82-351. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to

them in this section, except where the context clearly indicates a different meaning:

Interceptor sewer means a sewer external (offsite) to a development.

Lateral means the individual user's sanitary sewer that connects such user's building to the local or trunk sewer.

Local sewer means a sewer within (on-site) a development being served.

Oversizing means an increase in the size of a local sewer, including lift station, for the purpose of providing sanitary sewer service to an area outside the development. The difference in material and labor costs for oversizing local sewers that will be used as a part of trunk sewers to serve other areas as outlined in section 82-352(4) and (5) will be considered interceptor costs and shall qualify for refunding.

Owner of real estate means an individual, firm, company, partnership, corporation, governmental unit or charitable and other nonprofit organization holding legal title to real estate.

Trunk sewer. See *Interceptor sewer*.

(Ord. No. 2003-1500, § VII, 1-6-2003)

Cross References: Definitions generally, § 1-2.

Sec. 82-352. Availability costs.

No connection to any city-owned trunk sanitary sewer shall be allowed until a permit is obtained and payment as a contribution to aid in construction has been made into the city sewage collection fund, which is a depository of such contributions and designated funds. These contributions shall be regarded as a benefit as defined by the common council. This is a benefit cost intended to provide funds for sewage collection and improvement projects by the city or owners of real estate and provide owners of real estate such protection as is afforded by the provisions of statutes of the state for sanitary sewerage facilities constructed by said owners of real estate under contract with the city.

(1) *Amount.*

- a. These costs, designated as availability costs, shall be fixed by the city as hereinafter provided. Such availability costs shall be and are hereby established in the sum as specified in section 34-627 per single-family residence to be served or its wastewater flow equivalent as defined in Attachment Number 1, EDU Schedule, to Ordinance No. 2003-1500, and shall be from time to time updated and set by the city after receiving input by the board of public works and safety of the city.
- b. Project costs, in all cases, shall expressly include reasonable and documented construction costs, legal costs, engineering costs, construction inspection and testing costs, and easement acquisition costs as shall be administered and defined by the board of public works and safety. Easements in each case, as may be required by the board of public works and safety, must be obtained by the owner of the real estate. Projects that shall be funded from the sewage collection fund shall include new trunk and interceptor sewers, improvements to existing trunk or intercept sewers and such sewage collection

improvements projects as determined by the board of public works and safety and subject to approval by the common council when necessary.

- c. The availability cost as specified in section 34-627 per equivalent dwelling unit or its waste load equivalent may be allocated to and paid into the project cost of the specific interceptor extension (offsite interceptor and on-site oversizing) for which it is paid.
 - d. The applicant-owners of real estate applying for sewer extensions shall make payments to the city utility office for such payment in accordance with costs, as set forth. Payments are due and shall be made in accordance with section 82-354.
 - e. Payment of the availability cost may be made in cash or by the dedication to the city's sewer system facilities consisting of interceptor sewers, forced mains, lift stations, and other related sewer system facilities other than on-site sewers and service lines acceptable to and preapproved by the board of public works and safety. To the extent that the cost of such dedicated property is less than the required availability cost, the owner or developer shall pay the balance of said cost in cash.
 - f. Trunk sewer extension projects shall be, in accordance with the latest development plan, developed and approved by the board of public works and safety. Plans and specification for specific trunk sewerage extensions, and for all local, lateral and sub-trunk sewers, shall be submitted to and receive approval from the board of public works and safety and all applicable regulatory agencies prior to start of construction. A copy of all such approvals shall be filed with the city superintendent in the city hall within ten days after receipt of approval.
- (2) *Additional funds contributed.* The above availability costs shall be strictly nonrefundable. If by prior agreement, in order to extend the trunk sewer system, additional funds are necessary to extend the sewer to the owners of real estate, such additional funds advanced or contributed by said owners of real estate for the extensions and/or oversizing to meet the requirements of the city are refundable without interest. However, such refunds may be made only from the developer availability accounts deposits. In no event will any of the city sewerage revenues be used, committed or encumbered to repay any such funds advanced or contributed, nor will the city's general fund be used, committed or encumbered to repay any such funds advanced or contributed. It is expressly declared that such repayment, if any, will be made under the provisions of and will be repaid only from funds deposited in the sewage collection fund on the basis of first in, first out. No provision of this division shall be construed as a guarantee by the city that the owners of real estate advancing funds will be fully reimbursed therefor.
- (3) *Accounts.* Two separate accounts will be established from the availability costs assessed and proceeds shall be placed in the sewage collection fund, which will consist of the two funds set out below.
- a. In one account will be deposited 50 percent of the assessed availability cost that shall be used, at the discretion of the board of public works and safety, subject to approval, when necessary, by the common council, for work on the existing sewerage. The name of this

account will be the city availability account.

- b. The second account will be established from 50 percent of the availability cost assessed. This second account shall be used for reimbursement, refunds, and repayment to owners of real estate for extension and/or resizing to meet requirements of the city and for which a prior written agreement was negotiated. The name of this account will be the developer availability account.
- (4) *Oversizing.* Refunding of costs for oversizing to meet city requirements shall be made only for the portion of the oversizing which lies within the real estate owner's development as requested in writing by the board of public works and safety. In the event the availability cost does not provide sufficient funds to extend and/or oversize the trunk sewer as needed, no such sewer extension into the development, or oversizing, will be considered by the board of public works and safety unless the owners of real estate desire to advance and pay the excess costs of the project. In the event oversizing of sewage lift stations and other applicable appurtenances and/or oversizing and extensions of trunk sewers constructed within their development by owners of real estate are necessary to deliver sewage from other areas to the trunk sewer, or from one trunk to another, such oversizing shall be deemed to be part of the trunk sewer cost to the extent of the oversizing only, and as such would be considered for refund under the provisions of subsection (2) of this section. Any required extensions to the property line by owners of real estate necessary to deliver sewage from other areas to the trunk sewer, or from one trunk to another, will be considered part of the trunk sewer cost and not part of the on-site local sewer cost, and as such would be considered for refund under provisions of subsection (2) of this section.
 - (5) *Repayment method.* Repayment, reimbursement, or refund for oversizing or extension costs must be requested by the real estate owner at the time of application for sewer extension and should be requested from the board of public works and safety. The amount of eligible repayment will be negotiated with the board of public works and safety prior to signing of the final plat by the city plan commission, and in the event there is not a final plat to be executed then this must be accomplished prior to the filing for approval of the sewer extension (infrastructure) with the state department of environmental management. The amount of eligible repayment, reimbursement or refund set by the board of public works and safety for oversizing shall be for construction, labor and materials only. The repayment, reimbursement, or refund for sewer extension shall be the project cost as defined in section 82-352(1).

(Ord. No. 2003-1500, § I, 1-6-2003)

Editors Note: Attachment Number 1, EDU Schedule, to Ordinance No. 2003-1500, mentioned in this section, is not printed herein but is on file in the city clerk-treasurer's office.

Sec. 82-353. Wastewater treatment plant connections.

(a) Where an individual connection is sought for acreage or developed areas inside or outside the corporate limits of the city, sewer users shall pay a connection cost based on an equivalent development unit (EDU) factor pursuant to Attachment Number 1 to Ordinance No. 2003-1500 for a single-family residence, which is hereby initially fixed and established as specified in section 34-628 and hereafter shall be amended and revised as needed to reflect changes in land uses, water conservation technology and general trends in water use as recommended by the board of public works and safety and approved by the common council. This unit cost per EDU assumes an average daily EDU wastewater flow of 300 gallons per day at a unit cost for additional

wastewater treatment capacity of \$1.50 per gallon of plant capacity. New sewer connections in conjunction with their designated type of service referenced in Attachment Number 1 to Ordinance No. 2003-1500 will presently pay a connection cost based on the multiplication of the listed EDU factor times the amount as specified in section 34-628. The equivalent user cost may, from time to time, be updated and changed by the city. Funds collected, including inspection costs, shall be deposited into the city plant expansion and improvement fund. Funds collected shall be used for the expansion and other capital improvements of sewerage facilities including bond payments on past capital projects and future capital projects relating to the city sewerage system.

(b) Users not listed in Attachment Number 1 to Ordinance No. 2003-1500 (which is made a part of this division) or any user which the board of public works and safety believes to vary substantially (substantially meaning by more than 30 percent from the EDU factor listed in Attachment Number 1 to Ordinance No. 2003-1500 or a user who due to some unique characteristic does not fit in any category listed on Attachment Number 1 to Ordinance No. 2003-1500) shall have its EDU factor determined by the board of public works and safety based on projected EDU wastewater flows or any other equitable means as determined by the board of public works and safety. For the purposes of reviewing the unit contribution, the usage of a single-family residence will be considered as 300 gallons per day. Users listed in Attachment Number 1 to Ordinance No. 2003-1500 shall also be billed a monthly rate in accordance with current sewer rate charges. After the connection of a user, if the type of use changes as listed in Attachment Number 1 to Ordinance No. 2003-1500 to a greater use then the user shall pay the additional fees established by the EDU factor listed in Attachment Number 1 to Ordinance No. 2003-1500.
(Ord. No. 2003-1500, § II, 1-6-2003)

Editors Note: Attachment Number 1, EDU Schedule, to Ordinance No. 2003-1500, mentioned in this section, is not printed herein but is on file in the city clerk-treasurer's office.

Sec. 82-354. Manner of payment.

Payment of the availability and connections costs shall be made at the following times and in the following manner:

- (1) *Availability costs.* The first half of the availability cost shall be paid at the time of the issuance of the plan or planned unit development approved by the city plan commission, approving the plat for recording purposes. In the event the property is being platted in sections, the installment shall be due on the respective sections as they are platted. In the event the property is not part of a plat or planned unit development then one-half shall be due and paid upon completion of the construction of the proposed sewer improvements and the acceptance by the city, which shall occur prior to the issuance of any building permit on structures served by the line. This initial payment shall be based upon a minimum of one-tenth of an EDU per 1,000 square feet. The balance of the availability cost shall be paid at the time of occupancy based upon actual EDU calculations determined by the city at that time based upon the city's determination of the applicable use under Attachment Number 1 to Ordinance No. 2003-1500. In the event the use changes during the occupancy to a greater number of EDUs then the additional monies shall be due immediately upon the change of use.
- (2) *Connection costs.* Connection costs shall be due and payable upon application for connection to the city sanitary sewer system. In the event the use changes from the date of occupancy to a greater number of EDUs then additional fees shall be due and owing immediately. Upon a showing to the board of public works and safety of some undue hardship and public need or

enhancement by the connection the board of public works and safety shall have the discretion to waive the connection fees. Connection costs do not include the cost of making the lateral sewer connection to the city sewer. Each user is responsible for paying all cost associated with making their lateral sewer connection.

(Ord. No. 2003-1500, § III, 1-6-2003)

Editors Note: Attachment Number 1, EDU Schedule, to Ordinance No. 2003-1500, mentioned in this section, is not printed herein but is on file in the city clerk-treasurer's office.

Sec. 82-355. Offsite trunk sewerage.

(a) All easements shall be dedicated to the city and shall be obtained by and, if necessary, paid for by the owners of real estate. Easements shall be in a form approved by the city.

(b) The owners the real estate applying for trunk sewer service shall deposit with the city adequate funds to pay for appurtenant nonconstruction costs prior to the city proceeding with preparation of plans and specifications, if required. If the project does not proceed to completion after project costs are established, money so deposited by the owners of real estate shall be nonrefundable and will be used to pay incurred expenses. If funds are in excess of expenses, the excess will be returned to the owners of real estate making the deposit or their successors. If the project progresses to completion, the deposit will be credited to the total project cost.

(Ord. No. 2003-1500, § IV, 1-6-2003)

Sec. 82-356. Ownership of system.

(a) All extensions to the city sewerage system shall be dedicated to and must be accepted by the city before connection, and once connected shall become and remain thereafter the sole property of the city without further dedication thereof.

(b) The owners of real estate making such dedication shall post, at the time of dedication, three years' maintenance equal to 20 percent of the project cost in a form acceptable to the city.

(c) Owners of real estate shall agree and furnish affidavit that they have paid in full contractors, material men, and laborers in cash the full cost of said extension or extensions.

(Ord. No. 2003-1500, § V, 1-6-2003)

Sec. 82-357. Inspection costs and approval of sewers.

The owners of real estate obtaining a permit of sewerage extensions shall submit plans for sewers, including trunk sewers to be constructed, to the city for review and approval prior to start of construction. During construction of said sewers, the owners of real estate shall pay the expense of an inspector appointed or approved by the city to assure that the construction of the facilities are in compliance with current standards and specifications established by the city. Upon completion of construction, the owners of real estate shall provide certified record construction drawings to the city within 30 days. If certified record construction drawings are not provided, as above required, the city may prepare these at the expense of said owners of real estate. No potential reimbursable expenses of oversizing and/or offsite interceptor construction will be allowed until record drawings are provided and approved.

(Ord. No. 2003-1500, § VI, 1-6-2003)

Sec. 82-358. Allocation of receipts.

(a) The availability costs provided in section 82-352 and section 82-354 shall be collected by the city utility office and deposited to the sewage collection fund.

(b) The individual connection charges provided in section 82-353 and section 82-354 shall be collected by the city utility office and deposited to the plant expansion and improvement fund.
(Ord. No. 2003-1500, § VIII, 1-6-2003)

Sec. 82-359. Annexation remonstrance restriction.

All persons, corporations, LLCs or other legal entities owning property, or their survivors, heirs, or assigns, who shall connect to any sewer main built pursuant to this chapter shall agree in writing prior to said connection to waive their rights to remonstrate against annexation by the city. All persons, corporations, LLCs or other legal entities, their heirs and assigns owning property shall petition the court for voluntary annexation as soon as all legal standards as to contiguity have been met and, as a part of the consideration for connecting to the sanitary sewer system of the city, the property owner shall cooperate in all ways assist in the completion of the annexation.
(Ord. No. 2003-1500, § IX, 1-6-2003)

Sec. 82-360. Amendment of provisions.

This division and the costs and charges set out herein may be amended from time to time by the common council when conditions exist that indicate to the common council that charges herein are not equitable for the customer of the municipal sewage system or of the subdividers, developers, or owners of property with connection to such sewage system.
(Ord. No. 2003-1500, § X, 1-6-2003)

Chapters 83--85

RESERVED

Chapter 86

VEGETATION*

* **Cross References:** Buildings and building regulations, ch. 14; environment, ch. 30; parks and recreation, ch. 54; planning, ch. 58; streets, sidewalks and other public places, ch. 70; pruning of vegetation and corner clearance for traffic, § 78-10.

State Law References: Municipal home rule, IC 36-1-3-1 et seq.

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Sec. 86-31. Adoption of statutory provisions.

Sec. 86-32. Penalties.

Sec. 86-33. Owners of real property shall remove weeds.

Sec. 86-34. Notice to remove vegetation; enforcement.

Secs. 86-35--86-65. Reserved.

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ARTICLE I.

IN GENERAL

Secs. 86-1--86-30. Reserved.

ARTICLE II.

WEEDS AND RANK VEGETATION*

* **Cross References:** Environment, ch. 30.

Sec. 86-31. Adoption of statutory provisions.

(a) All terms and provisions of IC 36-7-10.1-3 are adopted in connection with the removal of weeds and other rank vegetation, and such provisions in their entirety are incorporated into this article and made a part of this article as fully as though set out in their entirety in this section.

(b) Two copies of IC 36-7-10.1-3 shall be on file in the office of the clerk-treasurer for public inspection in accordance with the provisions of IC 36-1-5-4.
(Ord. No. 97-1406, § 6-4-1-1, 9-15-1997)

Sec. 86-32. Penalties.

Any person in violation of any of the provisions of this article, for each such offense, may be subject to imposition of a fine of at least \$50.00. First offenders may be given a warning.
(Ord. No. 97-1406, § 6-3-1-17, 9-15-1997)

Sec. 86-33. Owners of real property shall remove weeds.

Owners of real property within the city shall cut and remove weeds or other rank vegetation growing upon their property, and it shall be unlawful for such owners to allow weeds and rank vegetation to grow to a height of more than 12 inches.
(Ord. No. 97-1406, § 6-4-1-2, 9-15-1997)

Sec. 86-34. Notice to remove vegetation; enforcement.

(a) Any owner who violates or fails to comply with the provisions of this article shall be given a five-day written notice to remove the vegetation, which notice shall be issued by the clerk-treasurer and served upon the landowner by any police officer of the city, or by registered mail addressed to the landowner's last known address, if such landowner is a nonresident of the city.

(b) If the landowner fails to remove the vegetation within a period of five days after being served with written notice to remove such vegetation, the city may remove such vegetation. After the city removes such vegetation, the clerk-treasurer shall render a certified statement of the actual cost incorporated by the city in the removal; and the certified statement of actual cost shall be delivered to the landowner by any police officer of the city or by registered mail; and the landowner shall pay the amount reflected in the certified statement to the clerk-treasurer within ten days. If the landowner fails to pay the amount reflected within the

time specified under this article, the clerk-treasurer shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected; and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the city. (Ord. No. 97-1406, § 6-4-1-3, 9-15-1997)

Secs. 86-35--86-65. Reserved.

ARTICLE III.

TREES AND SHRUBS

DIVISION 1.

GENERALLY

Sec. 86-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.
(Ord. No. 1271, § 1, 9-6-1990)

Cross References: Definitions generally, § 1-2.

Sec. 86-67. Interference with city.

It shall be unlawful for any person to prevent, delay or interfere with the city or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, park trees, or trees on private grounds, as authorized in this article.
(Ord. No. 1271, § 17, 9-6-1990)

Sec. 86-68. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by such owners at their own expense within 60 days after the date of service of notice. If an owner fails to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
(Ord. No. 1271, § 15, 9-6-1990)

Secs. 86-69--86-90. Reserved.

DIVISION 2.

CITY TREE BOARD*

* **Cross References:** Boards and commissions, § 2-136 et seq.

Sec. 86-91. Created, established.

There is created and established a city tree board, which shall consist of five members who are residents of the county, who shall be appointed by the mayor.
(Ord. No. 1271, § 2, 9-6-1990)

Sec. 86-92. Members' term of office.

The term of the five persons to be appointed to the tree board by the mayor shall be three years. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpected portion of the term.
(Ord. No. 1271, § 3, 9-6-1990)

Sec. 86-93. Compensation.

Members of the tree board shall serve without compensation.
(Ord. No. 1271, § 4, 9-6-1990)

Sec. 86-94. Duties and responsibilities.

It shall be the responsibility of the tree board to study, investigate, counsel and develop and update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the common council and upon their acceptance and approval shall constitute the official comprehensive city tree plan. The board, when requested by city officials, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
(Ord. No. 1271, § 5, 9-6-1990)

Sec. 86-95. Operation.

The tree board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
(Ord. No. 1271, § 6, 9-6-1990)

Secs. 86-96--86-115. Reserved.

DIVISION 3.

PUBLIC PROPERTY

Subdivision I.

In General

Sec. 86-116. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The tree board may remove or cause or order to be removed any tree or part of a tree that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(b) This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with this article.
(Ord. No. 1271, § 12, 9-6-1990)

Sec. 86-117. Tree topping.

It shall be unlawful as a normal practice for any person to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the tree board.

(Ord. No. 1271, § 13, 9-6-1990)

Secs. 86-118--86-130. Reserved.

Subdivision II.

Street Trees

Sec. 86-131. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 1271, § 16, 9-6-1990)

Sec. 86-132. Street tree species to be planted.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the tree board.

- (1) *Small trees.* Cherries Flowering (sp), Crabapple Flowering (sp), Dogwood Flowering (sp), Golden Rain Tree, Hawthorne (sp), Pear (Bradford), Redbud, and Plum (Purpleleaf).
- (2) *Medium trees.* Hackberry, Honeylocust (Thornless), Linden or Basswood (sp), Oak (English), Birch (River), White Birch, and Sweet Gum.
- (3) *Large trees.* Ginkgo, Grey Ash, Maple (Hard), Pecan, Red Maple, White Ash, Yellow Poplar, and Red Oak.

(Ord. No. 1271, § 7, 9-6-1990)

Sec. 86-133. Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in section 86-132, and no trees may be planted closer together than the following:

- (1) Small trees, 30 feet;
- (2) Medium trees, 40 feet; and
- (3) Large trees, 50 feet;

except in special plantings designed or approved by a landscape architect.

(Ord. No. 1271, § 8, 9-6-1990)

Sec. 86-134. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines will be in accordance with the three species size classes listed in section 86-132, and no trees may be planted closer to any curb than the following:

- (1) Small trees, two feet;
- (2) Medium trees, three feet; and
- (3) Large trees, four feet;

and no tree may be planted closer to any sidewalk than one foot.

(Ord. No. 1271, § 9, 9-6-1990)

Sec. 86-135. Distance from street corners and fireplugs.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

(Ord. No. 1271, § 10, 9-6-1990)

Sec. 86-136. Utilities.

No street trees other than those species listed as small trees in section 86-132 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 1271, § 11, 9-6-1990)

Chapters 87--89

RESERVED

Chapter 90

VEHICLES FOR HIRE*

* **Cross References:** Businesses, ch. 18; streets, sidewalks and other public places, ch. 70; traffic and vehicles, ch. 78.
State Law References: Authority to regulate vehicles for hire, IC 36-9-2-4.

Article I. In General

Secs. 90-1--90-30. Reserved.

Article II. Taxicabs

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ARTICLE I.
IN GENERAL

Secs. 90-1--90-30. Reserved.

ARTICLE II.
TAXICABS
DIVISION 1.
GENERALLY

Sec. 90-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Taxicab means any motor vehicle designed or constructed to accommodate or transport not more than six passengers excluding the driver, the principal operation of which is confined to the city and not operating over any definite route and the destination of which is designated by the passenger at the time of such transportation.

(Code 1976, § 17-1)

Cross References: Definitions generally, § 1-2.

Secs. 90-32--90-50. Reserved.

DIVISION 2.
BUSINESS LICENSE

Sec. 90-51. Required.

It shall be unlawful for any person to operate or cause to be operated any taxicab without a license.
(Code 1976, § 17-2)

Sec. 90-52. Application; information required.

(a) Any person desiring a taxicab license shall make a verified application in writing to the clerk-treasurer on a form supplied by the clerk-treasurer.

(b) Such application shall give the name of the applicant and his place of residence and the number and description of the vehicles proposed to be used by him, and shall state the amount of liability insurance carried or to be carried by him to insure the payment of any final judgment that might be rendered for damages resulting from negligent or unlawful operation of the vehicles.

(Code 1976, § 17-4)

Sec. 90-53. Insurance prerequisite to license.

No taxicab license shall be issued until the applicant shall have filed the required insurance policies obtained by him with the clerk-treasurer. If such policies are found by the clerk-treasurer to conform to the requirements of this article, he shall give the applicant a receipt and shall safely keep the policy in his official custody.

(Code 1976, § 17-5)

Sec. 90-54. Amount of insurance required.

Each applicant for a taxicab license shall obtain an insurance policy that provides indemnity of not less than \$15,000.00 because of bodily injury to or death of any one person as the result of any one accident, and not less than \$30,000.00 because of bodily injury to or death of any two or more persons as the result of any one accident, and not less than \$5,000.00 because of property damage as the result of any one accident.

(Code 1976, § 17-6)

Sec. 90-55. Number of licenses.

Only one taxicab license for each 500, or major fraction, of city population as determined by the latest United States census shall be allowed.

(Code 1976, § 17-3)

Sec. 90-56. Procedure when more applications than licenses allowable.

Any time there are more applications for taxicab licenses than there are taxicab licenses allowable under this article, the common council shall decide who shall be issued a license.

(Code 1976, § 17-8)

Sec. 90-57. Right of common council to deny license.

The common council may, for any reason, deny any person a taxicab license.

(Code 1976, § 17-9)

Sec. 90-58. License fee.

The annual license fee to be charged and collected when an application for a taxicab license is made shall be as prescribed in section 34-691.

(Code 1976, § 17-10)

Sec. 90-59. Refund of license fee.

No taxicab license fee shall in any event be refunded.

(Code 1976, § 17-11)

Sec. 90-60. Expiration date.

All taxicab licenses shall expire on January 1 following its date of issue.
(Code 1976, § 17-7)

Sec. 90-61. Renewal.

Any person lawfully holding a taxicab license and not in violation of this article shall be entitled to renew the license by payment of the required fees and compliance with the provisions of this article.
(Code 1976, § 17-12)

Sec. 90-62. Transfer.

No taxicab license shall be transferable.
(Code 1976, § 17-13)

Sec. 90-63. Revocation.

In addition to the other penalties provided by law, taxicab licenses may be revoked by the mayor for any violation by any licensee or his employee of any of the provisions of this article or any penal statutes of the state.
(Code 1976, § 17-17)

Secs. 90-64--90-85. Reserved.

DIVISION 3.

DRIVERS

Sec. 90-86. Qualifications.

Only skillful and experienced drivers with the appropriate state driver's licenses shall be allowed to drive taxicabs.
(Code 1976, § 17-28)

Sec. 90-87. List to be submitted to clerk-treasurer.

Each taxicab licensee shall, on January 1 of each year, furnish the clerk-treasurer with a list of the names and places of residence of all persons employed by him to drive his taxicabs. The clerk-treasurer shall keep the list on file in his office.
(Code 1976, § 17-29)

Sec. 90-88. Charge for submitting list.

Each taxicab licensee shall pay to the clerk-treasurer a fee as prescribed in section 34-642 for each taxicab driver.
(Code 1976, § 17-30)

Sec. 90-89. Substitute drivers.

If any taxicab driver whose name has been submitted to the clerk-treasurer as required by this division should quit or be disabled, the taxicab licensee may employ a substitute driver if the licensee files the name of such person with the clerk-treasurer within 48 hours after he begins work.
(Code 1976, § 17-31)

Sec. 90-90. Regulation of condition and fitness.

The chief of police shall regulate the condition and fitness of all taxicab drivers.
(Code 1976, § 17-32)

Sec. 90-91. Inspections.

The chief of police shall inspect at least once each month, or as often as necessary, every taxicab driver in order to determine his condition and fitness.
(Code 1976, § 17-33)

Secs. 90-92--90-110. Reserved.

DIVISION 4.

VEHICLES

Sec. 90-111. Inspections.

The chief of police shall inspect, at least once each month or as often as necessary, each taxicab to test and ascertain whether its general and mechanical condition is such as to render its operation reasonably safe and to ascertain whether there are any violations of any law relating to taxicabs.
(Code 1976, § 17-45)

Sec. 90-112. Place and time of inspection.

The required taxicab vehicle inspection shall be made at such times and places as the chief of police shall direct.
(Code 1976, § 17-46)

Sec. 90-113. Vehicle inspection certificate.

(a) Upon approval of the mechanical condition of a taxicab upon its first inspection, the inspecting officer shall issue to its owner a certificate signed by him stating that such taxicab has successfully passed such inspection and stating the date, the state license tag number, the certificate of title number, the engine number, the name and make of such taxicab and the name of its owner.

(b) At each monthly inspection thereafter, the inspecting officer shall indicate upon the inspection

certificate the date of such inspection indicating his approval or disapproval and sign the certificate.

(c) These inspection certificates shall be maintained by the licensee and shall be made available to any police officer upon request.
(Code 1976, § 17-47)

Sec. 90-114. Operation of defective or dangerous vehicle.

No defective or dangerous taxicab shall be operated. If any taxicab is found to be defective or dangerous, it shall not be operated until repairs are made and the chief of police has determined, after an inspection, that the vehicle is reasonably safe.

(Code 1976, § 17-48)

Sec. 90-115. Sanitary conditions of vehicles.

All taxicabs shall be kept in a clean, sanitary condition to the satisfaction of the chief of police.
(Code 1976, § 17-49)

Secs. 90-116--90-135. Reserved.

DIVISION 5.

OPERATIONAL REQUIREMENTS

Sec. 90-136. Efficient service required.

All taxicabs shall give good, efficient and sufficient service to persons desiring transportation.
(Code 1976, § 17-14)

Sec. 90-137. Fares.

(a) *Zones.* There shall be created, for the purpose of charging taxicab fare on an unmetered basis, five zones.

(b) *Amount.* The maximum fare to be charged by any taxicab for service to any person shall be as established by the common council.
(Code 1976, §§ 17-15, 17-16)

CODE COMPARATIVE TABLE
1976 CODE

This table gives the location within this Code of those sections of the 1976 Code, as updated through June 23, 1975, which are included herein. Sections of the 1976 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature.

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**CODE COMPARATIVE TABLE
1983 CODE**

This table gives the location within this Code of those sections of the 1983 Code which are included herein. Sections of the 1983 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature.

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