

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED VEHICLES**
- 91. ANIMALS**
- 92. NUISANCES; HEALTH AND SAFETY**
- 93. STREETS AND SIDEWALKS**
- 94. FAIR HOUSING**

ORDINANCE NO. 2 - 2020
**JUNK, TRASH, VEHICLES, BUILDINGS, WEEDS AND OTHER DETRIMENTAL
CONDITIONS FOR THE TOWN OF CARBON, INDIANA**

Notice to owners, landlords, lessees, renters, and/or occupants of property within the Town of Carbon, Indiana.

The following ordinance is designed to prohibit the maintaining or existence of junk, trash, abandoned cars, trailers or other vehicles, noxious or unsightly weeds, dangerous or dilapidated buildings and structures within the unincorporated areas of the Town of Carbon, Indiana or other detrimental conditions.

BE IT ORDAINED by the Town Council of Carbon, Indiana, that it shall be unlawful for any person, firm or corporation owning or occupying real estate within the boundaries of the Town of Carbon, Indiana, to maintain thereon a dangerous, dilapidated or unsafe structure, or to store, accumulate, keep or maintain junk, or to permit or maintain a growth of noxious or unsightly weeds, all as hereafter defined, or to maintain or permit the existence of any condition on such premises, owned or occupied, which is unsafe or detrimental to the health, safety and welfare of the citizens of the Town of Carbon, Indiana.

SECTION I
DEFINITIONS

A. JUNK, Junk shall mean old, unsightly, or deteriorated material of any kind, including but not limited to, metals, cloth, paper, trash, garbage, glass, plastics, rubber, tires, waste, or wrecked, dismantled, disabled, junked or abandoned motor vehicles, trailers or other vehicles or any parts thereof.

B. DANGEROUS DILAPIDATED OR UNSAFE STRUCTURES, Dangerous, dilapidated or unsafe structures shall mean and shall include any building or structure, permanent or mobile, which by reason of age or condition, or any other reason, is unsightly, unsafe, dangerous or detrimental to the health, safety or welfare of the citizens of The Town of Carbon, Indiana.

C. NOXIOUS OR UNSIGHTLY WEEDS, Noxious or unsightly weeds shall mean any vegetation which, by reason of its nature, type, or failure to maintain, mow, trim or cultivate to reasonable heights, is unsightly or dangerous or detrimental to the health, safety or welfare of the citizens of The Town of Carbon, Indiana.

D. HEAVY TRASH, Any discarded matter which cannot be adequately placed or wrapped in commercially manufactured plastic garbage or trash bags because of its size or weight, and shall

include but not necessarily limited to appliances, water heaters, furniture, mattresses, box springs, tires, bricks, concrete blocks, bicycles, lumber, furnace or air conditioning units, metal duct or pipe, large tree limbs, dismantled, disabled or abandoned automobiles, trailers, other vehicles, automotive, trailers, and other vehicle parts and all other items which are either too large or too heavy to be securely wrapped in bags as described above herein.

E. GARBAGE. Garbage shall encompass all terms such as trash, litter, rubbish, refuse (organic or inorganic), debris and waste material.

F. RESPONSIBLE PARTY. Responsible party shall include owner, landlord, lessee, renter, and/or occupant of premises.

SECTION TWO VIOLATION

(A) It shall be unlawful for any responsible parties of any lot or parcel of real estate within the Town of Carbon, Indiana, to maintain thereon a dangerous, dilapidated or unsafe structure, or to maintain junk, or noxious or unsightly weeds, or heavy trash, as defined herein, to be deposited on, grown on, or remain on any such lot or parcel of real estate, or permit the existence of any condition on such premises which is unsafe or detrimental to the health, safety and welfare of the citizens of The Town of Carbon, Indiana.

(B) Whenever and wherever there is a dangerous, dilapidated or unsafe structure, or where there is junk, or noxious or unsightly weeds, or heavy trash, as defined herein, or the existence of any condition which is unsightly, unsafe or detrimental to the health, safety and welfare of the citizens of The Town of Carbon, Indiana on any lot or parcel of real estate within the unincorporated areas of The Town of Carbon, Indiana, the same shall be a nuisance and a violation of this Ordinance.

(C) It shall be unlawful to deposit and/or leave garbage (rubbish, refuse (organic or inorganic), debris or waste) material in a location or condition where it is exposed to, scattered by, and/or otherwise dispersed by the elements; also not located or stored in such a manner where it creates a cloud of particles, unsightly conditions or health hazards.

(D) It shall be the duty of the responsible party, to maintain such premises (building and surrounding area), in a reasonably clean and orderly fashion. Adjacent public ways, such

as sidewalks, also shall be maintained. The premises shall be kept free of garbage material. Containers shall have a tight-fitting cover and be equipped with suitable handles for collection purposes. The containers shall be maintained in good condition (no rough/ragged/sharp edges, no defects).

(E) Garbage receptacles shall be placed at the curb no more than 12 hours prior to the time scheduled for litter pick-up and shall be removed from the curb within 12 hours after the garbage has been collected.

(F) It shall be unlawful for any person to cast, place, or deposit any garbage upon any premises not their own, unless given permission by the responsible party. It shall be the responsible party's duty to keep their own premises free from garbage and insure the garbage is collected in a proper garbage container/receptacle, as described in Section 2(D).

(G) It shall be unlawful for any person to have any weeds or uncut grass of more than eight inches in height, or any bush, tree, or shrub which has not been planted, but has come forth naturally or is in untrimmed or unmaintained condition which is harmful to the general public health and welfare or detracts from the appearance of the neighborhood.

SECTION THREE
INSPECTION: NOTICE

(A) The Town Council members of the Town of Carbon, Indiana, or any of them, or other employee and/or agent as delegated by the Town Council of the Town of Carbon, Indiana, shall have the authority, but not the obligation, to inspect from time to time the various lots and parcels of real estate lying within the Town of Carbon, Indiana, and if it is found that junk, or noxious or unsightly weeds, or heavy trash, are permitted to be deposited on, grow on, or remain on such lots or parcels of real estate, or where there is a dangerous, dilapidated or unsafe structure, or the existence of any condition on such premises which is unsightly, unsafe or detrimental to the health, safety and welfare of the citizens of the Town of Carbon, Indiana, it shall be within their authority to report the same to the attorney for the Town of Carbon, Indiana. The attorney for the Town of Carbon, Indiana shall then ascertain, to the best of his ability, the names of the responsible parties, or any of them, in writing, asking that such violation shall be removed or otherwise abated within ten (10) days from the date of notice. Notice shall be sent to the such responsible parties, or any of them, as the name and address appears on the tax statement from the Clay

County Treasurer's Office by certified mail for the owner and to the property address to any other responsible parties. The responsible parties shall be jointly and severally liable for any such violation(s).

(B) If any lot is not occupied or leased, and the owner is a nonresident of the County, or his/her residence is unknown, or if notice is returned by the Postal Service by cause of inability to make delivery thereof, the Town of Carbon, Indiana shall cause a notice to correct the violation to be published in a daily newspaper of general circulation in the county at least once each week for two consecutive weeks.

(C) In the event a responsible party desires to appeal a decision under paragraph Three (A), a responsible party must give written notice of such appeal, setting forth all pertinent facts as to why the decision is in error, and to deliver such notice of appeal to the Clerk/Treasurer of the Town of Carbon, Indiana within 10 days of receipt of the notice under paragraph Three (A). The Town of Carbon, Indiana shall then set a Hearing on such appeal, with such Hearing to be held not less than 10 days nor longer than 21 days, if practical, of actual receipt of the notice of appeal by the Clerk/Treasurer of the Town of Carbon, Indiana. Notice of the Hearing shall be delivered to the person(s) giving notice of the appeal by depositing same in the U.S. Mail, postage prepaid with at least 5 days notice of such Hearing. One responsible party who files a notice of appeal is a constructive request for appeal on behalf of all other responsible parties.

(D) In the event that a responsible party is given notice of a violation of this Ordinance by the attorney for the Town of Carbon, Indiana, on two or more occasions within a twenty-four month period, whether pertaining to a continuing violation or separate violation, the responsible parties, or any of them, shall incur an administrative fee of \$100.00 for the second and each subsequent notice of violation which shall be billed and collected as stated in Section 4.

SECTION FOUR
FAILURE TO ABATE

(A) If a responsible party of any lot or parcel of real estate shall fail and/or refuse to remove or abate such violation(s) after receiving notice as provided in Section Three above, the Town of Carbon, Indiana shall have the authority to cause the same to be removed or otherwise abated.

(B) When the Town of Carbon, Indiana has effected the removal of the nuisance, the Town of Carbon, Indiana or their attorney shall prepare a sworn statement showing the cost of the work performed and shall bill the owner of record or responsible parties. The cost of the work shall include all cost of giving notice and attorney fees incurred by the Town of Carbon, Indiana in regards to such violation(s) and shall be payable at the time of receiving said statement in the minimum amount of one hundred dollars (\$100.00).

(C) When the full amount due the Town of Carbon, Indiana is not paid by the responsible parties within sixty (60) days after the receipt of the statement as provided in Section Four (B) above, then, and in that case, the Town of Carbon, Indiana or its attorney shall cause to be recorded in the County Recorder's Office a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Additionally, the costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further shall be subject to a delinquency penalty the same as real estate taxes in the event same is not paid in full on or before the date the tax bill on which the charges appear becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned of the property designated or described in the statement and that the same is due and collectible as provided by law. The Town of Carbon, Indiana may also pursue collection through Court action, if it so desires.

SECTION FIVE
PENALTIES

(A) Any person violating the provisions of this Ordinance shall be subject to a penalty of one hundred dollars (\$100.00) payable to the Town of Carbon, Indiana. Such penalty shall bear interest at 18% a.p.r. from the date due.

(B) A separate offense shall be deemed committed on each day that a violation occurs or continues, up to the statutory maximum of I.C. 36-1-3-8.

SECTION SIX
EXTENSION OF TIME TO CURE VIOLATIONS

The Town of Carbon, Indiana, or its attorney, may grant an extension of time, up to 30 days, as deemed appropriate by the Carbon Town Council or their attorney, provided that the responsible parties provide a written plan of action to cure all such Ordinance violations, and with such plan of action to be completed, or at least substantially completed, within 30 days. Along with such written request for extension, payment of \$75.00 must be provided to the Town of Carbon, Indiana for administrative fees in such matter.


SECTION SEVEN
REPEAL OF CONFLICTING ORDINANCES

All previous Ordinances or any parts thereof in conflict with this Ordinance are hereby specifically repealed.

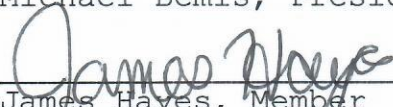
SECTION EIGHT
TIME OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, signing by the Town of Carbon, Indiana, and publication as required by law.


ORDAINED AND ESTABLISHED THIS 2nd DAY OF MARCH, 2020.



Michael Bemis, President

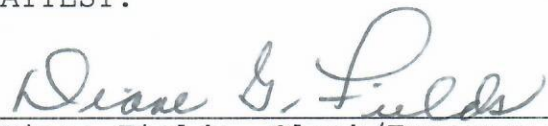


James Hayes, Member



Linda Kay Archer, Member

ATTEST:



Diane Fields, Clerk/Treasurer
Town of Carbon, Indiana

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.01 Purpose
- 90.02 Definitions
- 90.03 Exceptions
- 90.04 Responsibility of owner
- 90.05 Vehicles in possession of person other than owner
- 90.06 Private or rental property
- 90.07 Removal of abandoned vehicles
- 90.08 Disposal of abandoned vehicles
- 90.09 Towing contracts
- 90.10 Liability for loss or damage

§ 90.01 PURPOSE.

The Town Board of Trustees finds that abandoned vehicles are a public nuisance and a safety and health hazard.

§ 90.02 DEFINITIONS.

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

ABANDONED VEHICLE.

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property without being moved for 24 hours;
- (3) A vehicle located on public property in a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) A vehicle from which the engine, transmission or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;

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(5) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours;

(6) A vehicle that has been removed by a towing service or the town upon request of an officer enforcing a statute or ordinance other than this chapter, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days of the vehicle's removal; and

(7) A vehicle that is at least three model years old, mechanically inoperable and is left on private property continuously in a location visible from public property for more than 20 days. For purposes of this division (7), a vehicle covered by a tarpaulin or other plastic, vinyl, rubber cloth or textile covering is considered to be visible.

(I.C. 9-13-2-1)

AUTOMOBILE SCRAPYARD. A business organized for the purpose of scrap metal processing, automobile wrecking or operating a junkyard.

(I.C. 9-13-2-8)

BUREAU. The State Bureau of Motor Vehicles.

(I.C. 9-13-2-16)

FISCAL BODY. The Town Board of Trustees.

(I.C. 9-13-2-63)

OFFICER. The Town Marshal, his or her designee, or a member of the Town Police Department.

(I.C. 9-22-1-2)

OWNER. The last known record titleholder of a vehicle, according to the records of the State Bureau under I.C. 9-17.

(I.C. 9-13-2-121(c))

PARTS. All components of a vehicle that, as assembled, do not constitute a complete vehicle.

(I.C. 9-13-2-122)

PRIVATE PROPERTY. All property other than public property.

(I.C. 9-13-2-136)

PUBLIC PROPERTY. A public right-of-way, street, highway, alley, park or other state, county or municipal property.

(I.C. 9-13-2-144)

TOWING SERVICE. A person who engages in moving or removing abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.

(I.C. 9-13-2-179)

VEHICLE. An automobile, motorcycle, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle, trailer or semitrailer used in the transportation of watercraft, or motorized bicycle. (I.C. 9-13-2-196(d))

§ 90.03 EXCEPTIONS.

This chapter does not apply to:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on active-duty assignment;

(C) A vehicle located on a vehicle sale lot;

(D) A vehicle located upon property licensed or zoned as an automobile scrapyard;

(E) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle; or

(F) A golf cart.

(I.C. 9-22-1-1)

§ 90.04 RESPONSIBILITY OF OWNER.

(A) Except as provided in division (C) below, the person who owns an abandoned vehicle or parts is responsible for the abandonment and is liable for all of the costs incidental to the removal, storage and disposal of the vehicle or the parts under this chapter.

(B) The costs for storage of an abandoned vehicle may not exceed \$1,500.

(C) If an abandoned vehicle is sold by a person who removed, towed or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(D) If an abandoned vehicle is sold by a person who removed, towed or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

(I.C. 9-22-1-4)

§ 90.05 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER.

(A) When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle, and the person cannot establish the right to the possession of the vehicle, the vehicle shall be taken to and stored in a suitable place. The State Bureau of Motor Vehicles shall be notified within 72 hours of the location and description of the vehicle described in I.C. 9-22-1-5.

(I.C. 9-22-1-5 and 9-22-1-6)

(B) If the person who owns or holds a lien under I.C. 9-22-1-8 does not appear and pay all costs, or the person who owns the vehicle cannot be determined by a search conducted under § 90.08, the vehicle is considered abandoned and must be disposed of in accordance with this chapter.

(I.C. 9-22-1-7)

(C) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. The release must state the name, signature and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs and date of release. A towing service shall notify the appropriate public agency of all releases under this division (C).

(I.C. 9-22-1-8 and 9-22-1-9)

§ 90.06 PRIVATE OR RENTAL PROPERTY.

(A) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(1) Obtain the assistance of an officer under § 90.07(E) of this chapter to have the vehicle removed; or

(2) Personally arrange for the removal of the vehicle by complying with divisions (B), (C) and (D) below.

(B) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name and address of the person who owns or controls the private property, and a telephone number to contact for information;

(2) The vehicle is considered abandoned;

(3) The vehicle will be removed after 24 hours;

(4) The person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle; and

(5) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within 24 hours.

(I.C. 9-22-1-15)

(C) If, after 24 hours, the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property.

(I.C. 9-22-1-16(a))

(D) Notwithstanding division (C) of this section, in an emergency situation a vehicle may be removed immediately. As used in this section, *EMERGENCY SITUATION* means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

(I.C. 9-22-1-16(b))

(E) A towing service that tows a vehicle under divisions (C) and (D) of this section or I.C. 9-22-1-5 shall give notice to the town that the abandoned vehicle is in the possession of the towing service.

(I.C. 9-22-1-17)

§ 90.07 REMOVAL OF ABANDONED VEHICLES.

(A) An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, officer's name, Town Police Department and address and telephone number to contact for information;

(2) The vehicle or parts are considered abandoned;

(3) The vehicle or parts will be removed after:

(a) Twenty-four hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or

(b) Seventy-two hours, for any other vehicle.

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(4) The person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle; and

(5) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(a) Twenty-four hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or

(b) Seventy-two hours, for any other vehicle.

(I.C. 9-22-1-11)

(B) If a vehicle or a part tagged under division (A) of this section is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

(I.C. 9-22-1-12)

(C) (1) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined in accordance with division (B) of this section is less than \$500, the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the State Bureau of Motor Vehicles. A towing service may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. A town that operates a storage yard under I.C. 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle.

(2) The Police Department or Town Marshal shall retain the original records and photographs for at least two years.

(I.C. 9-22-1-13)

(D) If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under division (B) above is at least \$500, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

(I.C. 9-22-1-14)

(E) Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in divisions (A) through (D) of this section.

(I.C. 9-22-1-18)

§ 90.08 DISPOSAL OF ABANDONED VEHICLES.

(A) (1) Within 72 hours after removal of a vehicle to a storage yard or towing service under §§ 90.06(C) or (D), 90.07(C) or (D) or I.C. 9-22-1-5, the Police Department, Town Marshal or towing service shall do the following:

(a) Prepare and forward to the State Bureau of Motor Vehicles a report containing a description of the vehicle, including the following information concerning the vehicle:

1. The make;
2. The model;
3. The identification number; and
4. The number of the license plate.

(b) Conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

(2) Notwithstanding § 90.04, if the public agency or towing service fails to notify the Bureau of the removal of an abandoned vehicle within 72 hours after the vehicle is removed as required by division (A)(1) of this section, the public agency or towing service:

(a) May not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for 72 hours; and

(b) Subject to division (A)(3) of this section, may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the Bureau of the removal of the abandoned vehicle.

(3) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under division (A)(1)(b), within 72 hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the name, address and telephone number of the public agency or towing service. Notwithstanding I.C. 9-22-1-4 and division (A)(2)(b) above, a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this section may not collect additional storage costs incurred after the date of receipt of the name and address obtained under division (A)(1)(b) above.

(4) A towing service may not collect reimbursement under both divisions (A)(2) and (A)(3) for storage costs incurred during a particular period for one vehicle.

(I.C. 9-22-1-19)

(B) The Bureau shall dispose of the vehicle in accordance with I.C. 9-22-1-19.

§ 90.09 TOWING CONTRACTS.

To facilitate the removal of abandoned vehicles or parts, the town may employ personnel; acquire equipment, property and facilities; and enter into towing contracts for the removal, storage and disposition of abandoned vehicles and parts.

(I.C. 9-22-1-31)

§ 90.10 LIABILITY FOR LOSS OR DAMAGE.

The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

(A) A person who owns, leases or occupies property from which an abandoned vehicle or its contents or parts are removed;

(B) The town;

(C) A towing service;

(D) An automobile scrapyards;

(E) A storage yard; and

(F) An agent or a person or entity listed in divisions (A) through (E) above.
(I.C. 9-22-1-32)

CHAPTER 91: ANIMALS

See Amended Ordinance No. 5 - 2015

Section

- 91.01 Title
- 91.02 Definitions
- 91.03 Restraint
- 91.04 Apprehension, impoundment and violation notice
- 91.05 Fines for impoundment; vicious dogs
- 91.06 Barking dogs
- 91.07 Stables, pens and kennels
- 91.08 Enforcement

- 91.99 Penalty

§ 91.01 TITLE.

This chapter shall be known and may be cited as the “Carbon Animal Ordinance”.
(Ord. 1-2001, passed 8-6-2001)

§ 91.02 DEFINITIONS.

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

ANIMAL. Any live, vertebrate creature, domestic or wild.

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

HUMANE OFFICER. Any person designated by the state, a municipal government or a humane society as a law enforcement officer, who is qualified to perform the duties under the laws of the state.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling cats or dogs.

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OWNER. Any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

PUBLIC NUISANCE. Any animal which:

- (1) Runs at large;
- (2) Attacks other animals;
- (3) Molests passers-by or passing vehicles;
- (4) Barks, whines or howls in any excessive, continuous or untimely fashion;
- (5) Damages private or public property;
- (6) Trespasses on school grounds; and
- (7) Trespasses on public parks.

RESTRAINT. Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property of its owner.

VICIOUS ANIMALS. An animal that constitutes a physical threat to human beings or other animals.
(Ord. 1-2001, passed 8-6-2001)

§ 91.03 RESTRAINT.

(A) No person shall allow any cattle, sheep, swine, fowl, dog or other domestic animal to run at large in the town.

(B) No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.

(Ord. 1-2001, passed 8-6-2001) Penalty, see § 91.99

§ 91.04 APPREHENSION, IMPOUNDMENT AND VIOLATION NOTICE.

(A) Unrestrained dogs and nuisance animals shall be taken by the police, Town Marshal or Humane Officer and impounded in an animal shelter and there confined in a humane manner.

(B) After an animal has been held unredeemed at the animal shelter for a period of three days, it may be disposed of by the Humane Officer, by adopting it to some person who will provide the animal a suitable home, by destroying it in a manner permitted by law or otherwise disposing of it as provided by law.

(C) In addition to, or in lieu of impounding an animal found at large, the Animal Control Officer, Humane Officer, Town Marshal or police may issue to the known owner of the animal a notice of chapter violation. The notice shall impose on the owner a civil penalty of \$20, which is to be paid to the Clerk-Treasurer of the town within 48 hours, in full satisfaction of the assessed penalty. In the event that summons or warrant shall be initiated before a magistrate and on conviction of a violation of this chapter, the owner shall be punished as provided by § 91.99.

(Ord. 1-2001, passed 8-6-2001)

§ 91.05 FINES FOR IMPOUNDMENT; VICIOUS DOGS.

(A) *Fines.* A fine of \$20 shall be collected for the first time an animal is impounded, \$40 for the second time and \$60 for the third time. If an animal is impounded four or more times, the owner shall be summoned to court for violation of § 91.03. A fee shall be added to each of the fines for the cost of boarding the animal.

(B) *Vicious dogs.*

(1) Any dog which has bitten or attacked any person shall be considered vicious and shall be impounded for a period of ten days, or so long as the County Board of Health shall otherwise determine. In lieu of impounding at the animal shelter, the owner at his or her expense, may provide for the dog to be delivered by the Humane Officer to a commercial kennel operated by a licensed veterinarian for the period.

(2) After the period, the animal shall be released or disposed of, pursuant to the rules and policies of the impounding facility. No person shall keep or permit any vicious animal within the town unless the same shall be secured by a chain on his or her premises, or muzzled to prevent him or her from biting. Any animal believed to be vicious found running at large, unmuzzled, may be destroyed by law enforcement authorities.

(Ord. 1-2001, passed 8-6-2001) Penalty, see § 91.99

§ 91.06 BARKING DOGS.

No person shall keep within the town any animal which by loud and frequent barking, howling, yelping or other animal noises, disturbs the peace and quiet or annoys any citizens.

(Ord. 1-2001, passed 8-6-2001) Penalty, see § 91.99

§ 91.07 STABLES, PENS AND KENNELS.

No person shall keep within the town any pig sty, kennel, stable or other animal pen or shelter in a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter constructed in a manner as to permit the contents of filth therein to run or wash on the premises owned or occupied by another, or on any street, alley or other public place.

(Ord. 1-2001, passed 8-6-2001) Penalty, see § 91.99

§ 91.08 ENFORCEMENT.

Designated officers of the impounding facility may be issued special police powers in order that they will have the authority to issue notice of chapter violations. Persons wishing to register a complaint for the violation of any section of this chapter shall contact the impounding facility. However, persons are advised that registering the complaint does not mean automatic prosecution for the offenses. In order to obtain redress, the offended party shall file a formal complaint with the Town Board.

(Ord. 1-2001, passed 8-6-2001)

§ 91.99 PENALTY.

Whoever violates any provision of this chapter, for which no penalty is otherwise provided, shall be assessed a civil penalty not more than \$500. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 1-2001, passed 8-6-2001)

CHAPTER 92: NUISANCES; HEALTH AND SAFETY

Section

General Provisions

- 92.01 Definitions
- 92.02 Violation
- 92.03 Inspection; notice
- 92.04 Failure to abate

Open Burning

- 92.15 Prohibition
- 92.16 Exceptions
- 92.17 General requirements

- 92.99 Penalty

GENERAL PROVISIONS

§ 92.01 DEFINITIONS.

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

DANGEROUS DILAPIDATED OR UNSAFE STRUCTURES. Any building or structure, permanent or mobile, which by reason of age or condition, or any other reason, is unsightly unsafe or dangerous or detrimental to the health, safety or welfare of the citizens of the town.

HEAVY TRASH. Any discarded matter which cannot be adequately placed or wrapped in commercially manufactured plastic garbage or trash bags because of its size or weight, and shall include, but not necessarily limited to, appliances, water heaters, furniture, mattresses, box springs, tires, bricks, concrete blocks, bicycles, lumber, furnace or air conditioning units, metal duct or pipe, large tree limbs, dismantled, disabled or abandoned automobiles, trailers, other vehicles, automotive, trailers and other

vehicle parts and all other items which are either too large or too heavy to be securely wrapped in bags, as described above herein.

JUNK. Old, unsightly, or deteriorated material of any kind, including, but not limited to, metals, cloth, paper, trash, garbage, glass, plastics, rubber, tires, waste or wrecked, dismantled, disabled, junked or abandoned motor vehicles, trailers or other vehicles or any parts thereof.

NOXIOUS OR UNSIGHTLY WEEDS. Noxious or unsightly weeds shall mean any vegetation which, by reason of its nature, type or failure to maintain, mow, trim or cultivate to reasonable heights, is unsightly or dangerous or detrimental to the health, safety or welfare of the citizens of the town. (Ord. 1-2004, passed 4-5-2004)

§ 92.02 VIOLATION.

(A) It shall be unlawful for any owner, occupant or lessee of any lot or parcel of real estate within the corporate limits of the town to maintain thereon a dangerous, dilapidated or unsafe structure, or to maintain junk, or noxious or unsightly weeds, or heavy trash, as defined herein, to be deposited on, grown on or remain on any lot or parcel of real estate, or permit the existence of any condition on the premises which is unsafe or detrimental to the health, safety and welfare of the citizens of the town.

(B) Whenever and wherever there is a dangerous, dilapidated or unsafe structure, or where there is junk, or noxious or unsightly weeds, or heavy trash, as defined herein, or the existence of any condition which is unsafe or detrimental to the health, safety and welfare of the citizens of the town on any lot or parcel of real estate within the corporate town, the same shall be a nuisance and a violation of this subchapter.

(Ord. 1-2004, passed 4-5-2004) Penalty, see § 92.99

§ 92.03 INSPECTION; NOTICE.

(A) (1) It shall be the duty of the Town Board, Town Marshal or other town employees as delegated by the Town Board, to inspect from time to time the various lots and parcels of real estate lying within the corporate limits of the town, and if it is found that junk, or noxious or unsightly weeds, or heavy trash, are permitted to be deposited on, grow on or remain on the lots or parcels of real estate, or where there is a dangerous, dilapidated or unsafe structure, or the existence of any condition on the premises which is unsafe or detrimental to the health, safety and welfare of the citizens of the town, it shall be its duty to report the same to the Clerk-Treasurer.

(2) The Clerk-Treasurer shall ascertain the names of the owners, occupants or lessees, in writing, asking that the violation shall be removed or otherwise abated within ten days from the date of notice.

(3) Notice shall be sent to the owner of record as the name and address appears on the tax statement from the County Treasurer's office by certified mail for the owner and to the property address to any occupant or lessee. The owner, occupant and/or lessee shall be jointly and severally liable for any violation(s).

(B) If any lot is not occupied or leased, and the owner is a non-resident of the town, or his or her residence is unknown, or if notice is returned by the Postal Department by cause of inability to make delivery thereof, the Board of Trustees shall cause a notice to correct the violation, to be published in some daily newspaper of general circulation in the county at least once each week for two consecutive weeks.

(Ord. 1-2004, passed 4-5-2004)

§ 92.04 FAILURE TO ABATE.

(A) If any owner, occupant or lessee of any lot or parcel of real estate shall fail and/or refuse to remove or abate the violation(s) after receiving notice as provided in § 92.03, the Board of Trustees shall have the authority to cause the same to be removed or otherwise abated.

(B) When the Town Board of Trustees has effected the removal of the nuisance, the Board shall prepare a sworn statement showing the cost of the work performed and they shall bill the owner of record. The cost of the work shall include all cost of giving notice and attorney fees incurred by the town in regards to the violation(s) and shall be payable at the time of receiving the statement in the minimum amount of \$100.

(C) (1) When the full amount due the town is not paid by the owner, occupant or lessee within 90 days after the receipt of the statement as provided in division (B) above, then, and in that case, the Town Board of Trustees shall cause to be recorded in the County Recorder's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done.

(2) The recordation of the sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made.

(3) The costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further shall be subject to a delinquency penalty the same as real estate taxes in the event same is not paid in full on or before the date the tax bill on which the charges appear becomes delinquent.

(4) Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and

satisfactorily, and shall be full notice to every person concerned of the property designated or described in the statement and that the same is due and collectible as provided by law.

(5) The Town Board may also pursue collection through court action, if it so desires.
(Ord. 1-2004, passed 4-5-2004)

OPEN BURNING

§ 92.15 PROHIBITION.

All fires of any kind located outside of a structure and not otherwise exempt from the operation of this subchapter shall be illegal.

(Ord. 6-1998, passed 10-5-1998) Penalty, see § 92.99

§ 92.16 EXCEPTIONS.

Open burning of wood products shall be allowed for the following:

(A) Fires used for cooking purposes;

(B) Fires for purposes of fire training by a fire department; and

(C) Fires for purpose of burning tree limbs, brush and leaves.

(Ord. 6-1998, passed 10-5-1998)

§ 92.17 GENERAL REQUIREMENTS.

All allowable open burning shall conform to this section unless exempted by the Town Board of Trustees.

(A) Fires shall be attended at all times until completely extinguished.

(B) All fires shall be contained so as not to create a hazard to adjoining property.

(C) The fires must be allowed to burn only under favorable weather conditions; that is, only when relatively calm winds are blowing, when smoke is not carried toward populated areas and when there is no thermal inversion.

(D) No fire shall be kindled or maintained on public right-of-way.

(E) All allowable fires shall be located at least 25 feet away from any building; except that, fires used for cooking purposes shall be maintained at a safe distance from any structure if closer than 25 feet. (Ord. 6-1998, passed 10-5-1998) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating the provisions of §§ 92.01 through 92.04 shall be subject to a penalty of \$100 payable to the Clerk-Treasurer. The penalty shall bear interest at 18% A.P.R. from the date due. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(C) Any violation of §§ 92.15 through 92.17 shall be punishable by a civil fine not to exceed \$100. Each event of non-compliance shall constitute a separate violation. (Ord. 6-1998, passed 10-5-1998; Ord. 1-2004, passed 4-5-2004)

CHAPTER 93: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 93.01 Opening permit required
- 93.02 Application and cash deposit
- 93.03 Restoration of pavement
- 93.04 Barriers around excavations
- 93.05 Warning lights
- 93.06 Sidewalk construction

Obstructions

- 93.20 Unloading on street or sidewalk
- 93.21 Street and sidewalk obstruction
- 93.22 Materials on street or sidewalk

EXCAVATIONS AND CONSTRUCTION

§ 93.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized town official, to make any opening in any street, alley, sidewalk or public way of the town unless a permit to make the opening has been obtained prior to commencement of the work.

Penalty, see § 10.99

§ 93.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the authorized town official. Application shall be made on a form prescribed by the Town Board of Trustees, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient

to cover the cost of restoration has been posted with the authorized town official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 93.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the authorized town official, and in accordance with rules, regulations and specifications approved by the Town Board of Trustees.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the town may proceed without notice to make the fill and restoration, and the deposit referred to in § 93.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate town fund, except the part demanded and paid to the permittee as the difference between the deposit and the charges of the town for restoration services performed by it. If the amount of the services performed by the town should exceed the amount of the deposit, the Clerk-Treasurer or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 93.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 10.99

§ 93.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 10.99

§ 93.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the authorized town official to supervise construction or repair of sidewalks within the town. He or she shall cause specifications to be prepared for the construction of the various

kinds of pavements and transmit the specifications to the Town Board of Trustees for approval. When the specifications are approved, the Town Board of Trustees shall advertise for proposals to do all the work which may be ordered by the town in construction and repair of sidewalks, and shall authorize the town executive to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall give bond for the faithful performance of the work. The town executive, if authorized by Town Board of Trustees, may make separate contracts for the different kinds of work with different parties.

OBSTRUCTIONS

§ 93.20 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the town by throwing or letting the material fall upon the pavement of any street, alley, sidewalk or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 10.99

§ 93.21 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk or other public way within the town by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 10.99

§ 93.22 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles or substances of any kind so as to interfere with the free and unobstructed use thereof.

Penalty, see § 10.99

CHAPTER 94: FAIR HOUSING

Section

- 94.01 Policy statement
- 94.02 Definitions
- 94.03 Unlawful practice
- 94.04 Discrimination in the sale or rental of housing
- 94.05 Discrimination in residential real estate-related transactions
- 94.06 Discrimination in the provision of brokerage services
- 94.07 Interference, coercion or intimidation
- 94.08 Prevention of intimidation in fair housing cases
- 94.09 Exemptions
- 94.10 Administrative enforcement

§ 94.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 et seq. (Ord. 4-1998, passed 7-6-1998)

§ 94.02 DEFINITIONS.

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

AGGRIEVED PERSON. Includes any person who (I.C. 22-9.5-2-2):

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

COMMISSION. The State Civil Rights Commission created pursuant to I.C. 22-9-1-4 et seq. (I.C. 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6. (I.C. 22-9.5-2-4)

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 94.04, 94.05, 94.06, 94.07 or 94.08 or I.C. 22-9.5-5.

DWELLING. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families (I.C. 22-9.5-2-8).

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

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of the family being further defined herein.

HANDICAP.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of the person's major life activities;

(b) A record of having an impairment;

(c) Being regarded as having an impairment;

(d) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; or

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) The term **HANDICAP** shall not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802 (I.C. 22-9.5.2-10(b)); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated

organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

(I.C. 22-9.5-2-11)

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

(I.C. 22-9.5-2-13)

(Ord. 4-1998, passed 7-6-1998)

§ 94.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below, § 94.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in § 94.04 shall apply to:

(A) All dwellings, except as exempted by division (B) below and I.C. 22-9.5-3;

(B) Other than the provisions of division (C) below, nothing in § 94.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time; provided that, in the sale of the single-family house by a private individual owner not residing the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption shall apply only to one sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from application of this section only if the house is sold or rented:

(a) Without the use in any manner the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 94.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance as necessary to perfect or transfer this title.

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

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

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(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 4-1998, passed 7-6-1998)

§ 94.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 94.03 and except as exempted by §§ 94.03(B) and 94.09, it shall be unlawful:

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

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

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

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

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

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(a) The buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:

(a) The person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(3) For purposes of this division (F), *DISCRIMINATION* includes:

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

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

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after 3-13-1991, a failure to design and construct those dwellings in a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;

2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs;

3. All premises within the dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

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- b. Light, switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- c. Reinforcements in bathroom walls to allow later installation of grab bars; and
- d. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and the American National Standards for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements hereof.

(5) Nothing in this division (F) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 4-1998, passed 7-6-1998) Penalty, see § 10.99

§ 94.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

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

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

- (1) The making or purchasing of loans or providing other financial assistance:
 - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
 - (b) Secured by residential real estate.
- (2) The selling, brokering or appraising of residential real property.

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

(Ord. 4-1998, passed 7-6-1998) Penalty, see § 10.99

§ 94.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

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

(Ord. 4-1998, passed 7-6-1998) Penalty, see § 10.99

§ 94.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 94.03, 94.04, 94.05 or 94.06.

(Ord. 4-1998, passed 7-6-1998) Penalty, see § 10.99

§ 94.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, handicap, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings;

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described herein; or

(2) Affording another person or class of persons opportunity or protection so to participate.

(C) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech

or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law.

(Ord. 4-1998, passed 7-6-1998)

§ 94.09 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 et seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) or (C) below.

(B) (1) Nothing in this chapter shall prohibit a religious organization, association or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to the persons, unless membership in the religion is restricted on account of race, color or national origin.

(2) Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, *HOUSING FOR OLDER PERSONS* means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 4-1998, passed 7-6-1998)

§ 94.10 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) below shall be vested in the chief executive officer of the town.

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

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

(D) The chief executive officer of the town, or the chief executive officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting the information. (Ord. 4-1998, passed 7-6-1998)

Amendment to Chapter 91

ORDINANCE NO. 5 - 2015 TOWN OF CARBON, INDIANA ANIMAL ORDINANCE

BE IT, THEREFORE, ORDAINED BY THE TOWN COUNCIL OF CARBON, INDIANA:

WHEREAS, The Town of Carbon, Indiana enacted various Animal Ordinances codified under Chapter 91 of the Carbon Code of Ordinances.

WHEREAS, The Town of Carbon desires to add to its animal control Ordinances.

NOW THEREFORE, be it Ordained by the Town of Carbon, Indiana that the following provisions shall supplement the previously codified Animal Control Ordinances.

ANIMALS WITHIN THE TOWN.

(A) No person shall keep or permit to be on his or her premises any wild, carnivorous animal.

(B) Animals such as, but not limited to, cattle, horses, donkeys, pigs/swine, sheep, goats, rabbits, chickens, ducks, reptiles, or similar animals, and other poultry and/or hooped animals, shall not be kept within the town.

Excepted from this provision shall be the following:

1. dogs and cats;
2. those small animals or reptiles kept within a residence;
- or
3. Chickens and rabbits kept strictly for 4-H purposes.

LIMIT ON ANIMALS

(A) At no time shall the number of dogs exceed four, or number of cats exceed six, or the total number of dogs and cats exceed ~~six~~, at one residential property.

(B) Animals owned or harbored and exceeding the ownership limits of this section at time of the passage of this law may be registered with the office of the Clerk - Treasure within 60 days of passage to be exempted from ownership limits. Animals owned or harbored in excess of the these limits and not registered within this time frame will not be considered exempt.

FASTENED, CHAINED OR RESTRAINED ANIMALS

(A) It shall be unlawful for any person to tether, fasten, chain, tie or restrain or cause an animal to be fastened, chained, tied, or restrained to (but not limited to) houses, trees, fences, garages, or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

(1) The tethering shall not be for more time than is necessary for the animal owner or custodian to complete a temporary task that requires the animal to be physically restrained for a reasonable period;

(2) The animal must be tethered by a non-choke type and properly fitted collar made of leather, nylon or other non-abrasive material or a body harness to a tether, that is at least five times the body length of the animal, measured from the animal's nose to the base of the tail and which the chain and tether is free from entanglement, so as to allow the animal to move about freely. No chain or tether shall weigh more than 1/8 of the animal's weight; and

(3) The animals shall be monitored periodically throughout the day.

PENALTY.

(A) Any person violating any provision of this Ordinance shall be subject to a civil penalty not to exceed \$500.00. A separate offense shall be deemed committed on each day that a violation continues.

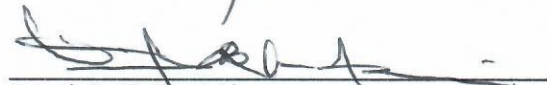
This Ordinance shall be in full force and effect upon passage and publication as required by law and shall supplement all the prior Animal Control Ordinances, and shall supercede any prior Animal Control Ordinances in conflict herewith.

ORDAINED AND ESTABLISHED THIS 2nd DAY OF NOVEMBER, 2015.

TOWN COUNCIL FOR THE TOWN OF CARBON, INDIANA:




Josephine Rightsell, President



David McFaddin

Dennis Rightsell

ATTEST:


Diane Fields, Clerk

TOWN OF CARBON, INDIANA ANIMAL ORDINANCE

BE IT, THEREFORE, ORDAINED BY THE TOWN COUNCIL OF CARBON, INDIANA: WHEREAS, The Town of Carbon, Indiana enacted various Animal Ordinances codified under Chapter 91 of the Carbon Code of Ordinances. WHEREAS, The Town of Carbon desires to add to its animal control

NOW THEREFORE, be it Ordained by the Town of Carbon, Indiana Animal Control Ordinances shall supplement the previously codified ANIMALS WITHIN THE TOWN. (A) No person shall keep or permit to be on his or her premises any wild, carnivorous animal.

(B) Animals such as, but not limited to, cattle, horses, donkeys, pigs, sheep, goats, rabbits, chickens, ducks, reptiles, or similar animals, and other poultry and/or footed animals, shall not be kept within the town. Excepted from this provision shall be the following: 1. dogs and cats; 2. those small animals or reptiles kept within a residence; or 3. Chickens and rabbits kept strictly for 4-H purposes.

LIMIT ON ANIMALS (A) At no time shall the number of dogs exceed four, or number of cats exceed six, or the total number of dogs and cats exceed six, at one residential property. (B) Animals owned or harbored and exceeding the ownership limits of this section at time of the passage of this law may be registered with the office of the Clerk - Treasurer within 60 days of passage to be exempted from ownership limits. Animals owned or harbored in excess of the these limits and not registered within this time frame will not be considered exempt.

FASTENED, CHAINED OR RESTRAINED ANIMALS (A) It shall be unlawful for any person to tether, fasten, chain, tie or restrain or cause an animal to be fastened, chained, tied, or restrained to (but not limited to) houses, trees, fences, garages, or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met: (1) The tethering shall not be for more time than is necessary for the animal owner or custodian to complete a temporary task that requires the animal to be physically restrained for a reasonable period;

(2) The animal must be tethered by a non-choke type and properly fitted collar made of leather, nylon or other non-abrasive material or a body harness to a tether, that is at least five times the body length of the animal, measured from the animal's nose to the base of the tail and which the chain and tether is free from entanglement, so as to allow the animal to move about freely. No chain or tether shall weigh more than 1/8 of the animal's weight; and (3) The animals shall be monitored periodically throughout the day.

PENALTY. (A) Any person violating any provision of this Ordinance shall be subject to a civil penalty not to exceed \$500.00. A separate offense shall be deemed committed on each day that a violation continues. This Ordinance shall be in full force and effect upon passage and publication as required by law and shall supplement all the prior Animal Control Ordinances, and shall supercede any prior Animal Control Ordinances in conflict herewith.

ORDAINED AND ESTABLISHED THIS 2nd DAY OF NOVEMBER, 2015. TOWN COUNCIL FOR THE TOWN OF CARBON, INDIANA: /s/ Josephine Rightzell, President /s/ David McFaddin ATTEST: /s/ Diane Fields, Clerk

11-13-21 hspaxlp

595 cents per line..... Additional charge for notices containing rule or tabular work (50 percent of above amount)..... Charge for extra proofs of publication (\$1.00 for each proof)..... TOTAL AMOUNT OF CLAIM..... \$ 83.42 Amount due \$ 83.42 Payment received of \$ _____ on _____

DATA FOR COMPUTING COST

Width for single column 6.1 picas Number of insertions 2 Size of type 7 point

Pursuant to the provisions and penalties of IC-5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 2 times. The dates of publication being as follows:

November 13th November 20th

Additionally, our newspaper has a website and this public notice was posted on the same day(s) as it was published in the newspaper.

Edie Burgess

Date: November 20th, 2015

Title: PUBLISHERS REPRESENTATIVE

(Governmental Unit)
Clay County, Indiana

To: Brazil Times
100 North Meridian St.,
Brazil, IN 47834

PUBLISHER'S CLAIM

LINE COUNT

Head -- number of lines.....	<u> </u>
Body -- number of lines.....	<u> 70 </u>
Tail -- number of lines.....	<u> </u>
Total number of lines in notice.....	<u> 70 </u>

COMPUTATION OF CHARGES

70 lines, 2 columns wide equals 140 equivalent lines at
59.59 cents per line.....\$ 83.42

Additional charge for notices containing rule or tabular work
(50 percent of above amount).....

Charge for extra proofs of publication
(\$1.00 for each proof).....

TOTAL AMOUNT OF CLAIM.....\$ 83.42

Amount due \$ 83.42 Payment received of \$ on ,

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