

TITLE IX: GENERAL REGULATIONS

Chapter

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

CHAPTER 90: ABANDONED VEHICLES AND JUNK

Section

Abandoned Vehicles

- 90.01 Declared nuisances
- 90.02 Definitions
- 90.03 Prohibition
- 90.04 Issuance of order to remove from public property
- 90.05 Removal from private property
- 90.06 Licensed salvage or junk yards
- 90.07 Unlawful to park vehicle on private property without consent of owner
- 90.08 Procedure for removal
- 90.09 Presumption in reference to parked vehicle
- 90.10 Towing charges of impounded vehicles

Junk Storage

- 90.25 Definitions
- 90.26 Unsheltered storage
- 90.27 Written notice
- 90.28 Enforcement
- 90.29 Civil action
- 90.30 Right of entry of Police Department

- 90.99 Penalty

ABANDONED VEHICLES

§ 90.01 DECLARED NUISANCES.

Because abandoned vehicles constitute a hazard to public health, safety and welfare from vermin and insects and danger to the safety of children attracted by vehicles that are abandoned, abandoned motor vehicles are hereby declared to be nuisances, except in lawfully operated junk yards.
(Prior Code, § 90.01) (Ord. 2008-03, passed 7-14-2008)

§ 90.02 DEFINITIONS.

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

ABANDONED VEHICLE. As found in I.C. 9-13-2-1, as it now exists or is amended in the future is hereby adopted. **ABANDONED VEHICLE** means the following:

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property without being moved for three days;
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
- (4) 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;
- (5) 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;
- (6) A vehicle that has been removed by a towing service or public agency, upon request of an officer enforcing a statute or an 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 after the vehicle's removal; and
- (7) A vehicle that is at least three model years old, is mechanically inoperable and is left on private property continuously in a location visible from public property for more than 20 days.

PRIVATE PROPERTY, PRIVATE ROAD, PRIVATE DRIVEWAY or PARKING LOT. Any property, private road or driveway and parking lot not open to the use of the public for purposes of vehicular travel.

(Prior Code, § 90.02) (Ord. 2008-03, passed 7-14-2008)

§ 90.03 PROHIBITION.

It is unlawful for any person to store or allow to remain in the open, on public or private property within the town, any disassembled, or inoperable, or unlicensed, or any junked, wrecked or otherwise abandoned vehicle for a period of three or more days on public property, or for a period of 20 or more days on private property, unless it is in connection with an automotive sales or repair business enterprise which operates with proper licensure and in a properly zoned area.

(Prior Code, § 90.03) (Ord. 2008-03, passed 7-14-2008) Penalty, see § 90.99

§ 90.04 ISSUANCE OF ORDER TO REMOVE FROM PUBLIC PROPERTY.

Whenever the Code Enforcement Authority or the Chief of Police or police or reserve officer shall find any vehicle placed or stored in the open upon public property within the town, the official shall tag the abandoned vehicle or parts in accordance with I.C. 9-22-1-11, as it now exists or is amended in the future. Notice of the order shall be placed upon the vehicle. If the vehicle is not removed pursuant to the order and notice, the Code Enforcement Authority or the Chief of Police or police or reserve officer shall cause the vehicle to be removed by a junk or salvage yard or wrecker service, the cost and expense of the removal by the junk or salvage yard or wrecker service to be paid by the owner of the vehicle. (Prior Code, § 90.04) (Ord. 2008-03, passed 7-14-2008)

§ 90.05 REMOVAL FROM PRIVATE PROPERTY.

Whenever the Code Enforcement Authority or the Chief of Police or police or reserve officer shall find any vehicle placed or stored in the open upon private property within the town, the official shall issue an order to the owner of the vehicle to remove the vehicle within ten days. Notice of the order shall be placed upon the vehicle and copies of the notice shall be served upon any adult occupying the real estate on which the vehicle is located and also upon the owner of the vehicle, if the same's name and whereabouts be known. If no occupant of the real estate or owner of the vehicle can be found, a notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate and to the owner of the vehicle. If there is no building on the real estate, the notice may be affixed elsewhere on the real estate. If the vehicle is not removed within ten days pursuant to the order and notice, and if the order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Code Enforcement Authority or the Chief of Police or police or reserve officer shall cause the vehicle to be removed by a junk or salvage yard or wrecker service. The cost and expense of the removal by the junk or salvage yard or the wrecker service shall be paid by the owner of the vehicle. (Prior Code, § 90.05) (Ord. 2008-03, passed 7-14-2008)

§ 90.06 LICENSED SALVAGE OR JUNK YARDS.

The provisions of this subchapter shall not apply to auto salvage yards or junk yards that are duly operated and licensed pursuant to any other applicable statutes or ordinances of the state or the town. (Prior Code, § 90.06) (Ord. 2008-03, passed 7-14-2008)

§ 90.07 UNLAWFUL TO PARK VEHICLE ON PRIVATE PROPERTY WITHOUT CONSENT OF OWNER.

It is unlawful for any person to park any motor vehicle, house trailer, one-, two- or three-wheel trailer, tractor trailer or any other type of motorized or non-motorized conveyance ordinarily pulled or attached to a motor vehicle, on any private property, private road or driveway and parking lot, without the express or implied consent or authorization of the owner, holder, occupant, lessee, agent or trustee

of the property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of the property to the Police Department.

(Prior Code, § 90.07) (Ord. 2008-03, passed 7-14-2008) Penalty, see § 90.99

§ 90.08 PROCEDURE FOR REMOVAL.

(A) When a complaint is made to the Police Department regarding unauthorized parking, the investigating officer will complete the complaint form and have it signed by the complainant. The vehicle shall be ticketed for a violation of this subchapter or other ordinances of the town. If, in the opinion of the investigating officer, the illegal parking of the vehicle is causing an emergency situation by preventing proper egress or ingress of any foot or vehicular traffic or by preventing free movement of any traffic, the officer may direct the vehicle to be removed by a reputable towing firm to a reputable storage or parking garage.

(B) The investigating officer may also direct the removal of the vehicle by a reputable towing firm to a reputable storage or parking garage if the vehicle remains illegally parked on private property for more than four hours after the vehicle was ticketed for unauthorized parking, or if the record shows the car has had many repeated offenses for unauthorized parking so as to be considered a habitual nuisance. (Prior Code, § 90.08) (Ord. 2008-03, passed 7-14-2008)

§ 90.09 PRESUMPTION IN REFERENCE TO PARKED VEHICLE.

In any proceeding for violation of this subchapter, the registration plate displayed on the motor vehicle shall constitute in evidence a prima facie presumption that the owner of the motor vehicle was the person who parked or placed the motor vehicle at the point where the violation occurred.

(Prior Code, § 90.09) (Ord. 2008-03, passed 7-14-2008)

§ 90.10 TOWING CHARGES OF IMPOUNDED VEHICLES.

(A) Before the owner or person in charge of any impounded vehicle shall be permitted to remove the same from the custody of the owner, agent, employee or lessee of the parking area or garage where the vehicle has been stored, he or she will pay any and all towing charges, plus storage charges.

(B) He or she will also read and adhere to the instructions on the violation ticket placed on the vehicle by the investigating police officer.

(Prior Code, § 90.10) (Ord. 2008-03, passed 7-14-2008)

JUNK STORAGE

§ 90.25 DEFINITIONS.

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

JUNK. Any unsheltered:

- (1) Old, unused, stripped, junked or abandoned automobiles or motorized or non-motorized vehicles not in good, safe and usable operating condition;
- (2) Any vehicles, trailers, campers, machinery, implements, equipment, appliances or other personal property of any kind which is no longer safely usable for the purpose for which it was manufactured; or
- (3) Any unused building materials, junk, trash, garbage or debris.

OWNER. Any person, individual, firm, business, corporation or organization possessing, leasing, renting or holding title to any real estate within the corporate boundaries of the civil town.

UNSHELTERED. Storage that is not within a completely enclosed building.
(Prior Code, § 90.25) (Ord. 2007-4, passed 4-9-2007)

§ 90.26 UNSHELTERED STORAGE.

The unsheltered storage within the corporate limits of the town of old, unused, stripped, junked, abandoned, unlicensed automobiles or vehicles not in good, safe and usable operating condition, and of any vehicles, trailers, campers, machinery, implements, equipment or appliances or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, or any accumulated unused building materials, trash, junk, garbage or debris, which hereinafter are collectively described as “junk” (except in duly licensed and regulated junk yards) within the corporate limits of the town is hereby declared unlawful and to be a nuisance, a danger to the public health, safety and welfare. (Prior Code, § 90.26) (Ord. 2007-4, passed 4-9-2007) Penalty, see § 90.99

§ 90.27 WRITTEN NOTICE.

Any owner found to be in violation of § 90.26 of this subchapter shall be given a written notice thereof, issued by the Clerk-Treasurer of the town, which notice, together with a copy of this subchapter,

shall be served by the Police Chief or Deputy, or by certified mail, return receipt requested, to the last known address of the owner, and notifying the owner that he or she has 15 days within which to bring the property into compliance with this subchapter.

(Prior Code, § 90.27) (Ord. 2007-4, passed 4-9-2007)

§ 90.28 ENFORCEMENT.

If the owner fails to bring the property into compliance with this subchapter either by the proper disposal or removal in a lawful manner from the corporate limits of the town of the junk within the time prescribed, or by sheltering the junk, the town shall be entitled to seek and obtain a mandatory injunction from Circuit or Superior Courts of Dearborn County, Indiana, pursuant to I.C. 36-1-6-4 for the purposes of requiring any person violating the terms of this subchapter to remove, in a lawful manner, the junk found to exist on private property. In addition, any person who violates this subchapter shall be subject to the penalty provided in § 90.99 of this chapter.

(Prior Code, § 90.28) (Ord. 2007-4, passed 4-9-2007)

§ 90.29 CIVIL ACTION.

The Clerk-Treasurer or Town Manager, or the town's attorney, are hereby authorized to file said civil action for mandatory injunctive relief and for imposition of fines on behalf of the town.

(Prior Code, § 90.29) (Ord. 2007-4, passed 4-9-2007)

§ 90.30 RIGHT OF ENTRY OF POLICE DEPARTMENT.

The Police Department shall have the authority to enter upon private property without the owner's permission for the purpose of investigating violations of this subchapter and for enforcement thereof.

(Prior Code, § 90.30) (Ord. 2007-4, passed 4-9-2007)

§ 90.99 PENALTY.

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

(B) Whoever violates any of the provisions of §§ 90.01 through 90.10 or who interferes, in any way whatsoever, with the due process of enforcement of any of the provisions of this chapter or who does not obey within the time fixed any order issued pursuant to §§ 90.01 through 90.10, and who shall be found guilty thereof, shall be fined not more than \$300. Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

(C) Whoever violates any of the provisions of §§ 90.25 through 90.30 shall be subject to a fine of \$500.
(Prior Code, § 90.99) (Ord. 2007-4, passed 4-9-2007; Ord. 2008-03, passed 7-14-2008)

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Definitions
- 91.02 Limitation on keeping certain animals; sanitation
- 91.03 Animals running at large generally
- 91.04 Animal waste

Dogs

- 91.15 Prohibited conduct; owner responsible
- 91.16 Running at large prohibited
- 91.17 Dogs in heat; confinement

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

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

AT LARGE. Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain or otherwise.

DOG. Any member of the canine family, six months of age or over, male or female.

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

(Prior Code, § 91.01)

§ 91.02 LIMITATION ON KEEPING CERTAIN ANIMALS; SANITATION.

(A) It shall be unlawful to have or keep any goats, sheep, swine or pigs, horses, mules, ponies, cattle, rabbits, chickens, ducks, geese, turkeys, guineas or other farm animals or fowl within 200 feet of any residence, other than the residence of the person so keeping or having these animals.

(B) No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unsanitary.

(Prior Code, § 91.02) Penalty, see § 91.99

§ 91.03 ANIMALS RUNNING AT LARGE GENERALLY.

(A) (1) Animals found to be running at large and not under restraint are deemed unlawful and may be captured by residents of the town or town police or other personnel by utilization of humane traps to be provided by the town for the use. The traps are available for borrowing by residents of the town to be returned after their use, in good condition, with the borrower responsible for any damage to the traps.

(2) Upon notice to the County Animal Control Officer of the capture of an animal, it will be collected by the officer and may be impounded at the animal shelter and confined in a humane manner for a period of not less than five days or until the time as reclaimed by the owner thereof, and may, in the event the dog is not reclaimed, thereafter be given away or disposed of in a humane manner.

(3) Any animal so impounded under the provisions of this section and not reclaimed by the owner or his or her agent may be placed in the custody of some suitable person who will agree to comply with the provisions of this section and provided a good home for the animal or the animal may be humanely destroyed.

(4) An animal which cannot be secured by means of a humane trap may be neutralized through the use of a tranquilizer gun by members of the town police force. Only town police officers who have been trained in the use of a tranquilizer gun and who have received any and all certifications for use of the tranquilizing agent delivered by means of the gun are permitted to utilize the gun. The Police Chief shall be responsible for taking all necessary steps to comply with state or federal law including ensuring that all training, storage and reporting requirements are met for use of the gun and/or the tranquilizing agent. If the gun is utilized and the animal is secured, the animal may be given away or disposed of as provided under the terms of divisions (A)(1) through (A)(3) above.

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

ANIMAL RUNNING AT LARGE. When an animal is off the property of its owner or keeper and not under the restraint of a competent person.

COUNTY ANIMAL CONTROL OFFICER. The person so designated from time to time by the Board of Commissioners of the county, and the duties listed herein may also be performed by any agents

so designated from time to time by the County Control Officer, with the exception of the provisions related to the operation and use of the tranquilizer gun.

UNDER RESTRAINT. If an animal is controlled by a leash, in the control of a competent person nearby, on or within a vehicle being driven or parked on the public streets or within the property limits of its owner.

(Prior Code, § 91.03) (Ord. 2008-2, passed 1-14-2008; Ord. 2010-2, passed 3-8-2010) Penalty, see § 91.99

§ 91.04 ANIMAL WASTE.

It shall be unlawful for any person, owner, or animal walker to allow animal waste to remain on public property or private property of another. Each person, owner or walker shall immediately remove any animal waste produced by the animal under that person's ownership or control from public areas, parks, roads, and sidewalks, or from private property of another, and dispose of it in a proper and sanitary fashion.

(Ord. 2017-5-1, passed 5-8-2017) Penalty, see § 91.99

DOGS

§ 91.15 PROHIBITED CONDUCT; OWNER RESPONSIBLE.

It shall be unlawful for any owner to fail to exercise proper care and control of his or her dog or dogs so as to prevent the following actions by it or them:

- (A) Molesting of passers-by;
- (B) Chasing of passing vehicles;
- (C) Attacking other domestic animals;
- (D) Trespassing upon private property or school property;
- (E) Damaging private or public property;
- (F) Habitual barking or loud and continued noise; or
- (G) Unnecessary foul or noxious odors which offend people in the neighborhood.

(Prior Code, § 91.20) Penalty, see § 91.99

§ 91.16 RUNNING AT LARGE PROHIBITED.

It shall be unlawful to permit any dog to run at large within the corporate limits of the town. Any dog running at large within the town shall be impounded.

(Prior Code, § 91.21) Penalty, see § 91.99

§ 91.17 DOGS IN HEAT; CONFINEMENT.

Every female dog in heat shall be confined in a building or secure enclosure in a manner that the dog cannot come into contact with another dog, except for planned breeding.

(Prior Code, § 91.22) Penalty, see § 91.99

§ 91.99 PENALTY.

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

(B) The owner of any animal which is secured under the terms of § 91.03 shall be fined \$50. The owner shall also be responsible for any and all costs incurred by the town in securing the animal, including any costs related to the operation of the tranquilizer gun.

(C) Any person violating § 91.04 shall be fined \$25 for the first offense, \$50 for the second offense and \$100 for every subsequent offense.

(Prior Code, § 91.99) (Ord. 2008-2, passed 1-14-2008; Ord. 2010-2, passed 3-8-2010; Ord. 2017-5-1, passed 5-8-2017)

CHAPTER 92: HEALTH AND SANITATION; NUISANCES

Section

- 92.01 Outdoor furnaces
- 92.02 Pools of water; accumulated water and liquid
- 92.03 Uncut grass, weeds and rank vegetation
- 92.04 Unreasonably loud and disturbing noise
- 92.05 Dwellings unfit for human habitation

- 92.99 Penalty

§ 92.01 OUTDOOR FURNACES.

(A) It shall be unlawful for any individual, individuals, business or corporate entity to create or utilize an outdoor furnace or burning device intended to provide heat to any structure of any kind which is separate and apart from the outdoor furnace or burning device itself.

(B) This section may be enforced by the town's Code Enforcement Officer, Town Manager, Town Attorney or any other duly authorized designee of the Town Council.
(Prior Code, § 92.01) (Ord. 2009-7, passed 12-14-2009) Penalty, see § 92.99

§ 92.02 POOLS OF WATER; ACCUMULATED WATER AND LIQUID.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the enforcement authority on the property owner of the ordinance violation.

ENFORCEMENT AUTHORITY. The Code Enforcement Officer or, in cases of appeal, the Circuit or Superior Courts of Dearborn County, Indiana.

POOLS OF WATER or ACCUMULATED WATER. The uncontrolled, untreated accumulation of water, including, but not limited to, accumulations of water or other liquids in human-made or natural pools which are allowed to remain in place so as to become foul or stagnant, or in a manner as to attract insects, parasites and/or other pests which threaten the health and safety of residents of the town.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

(B) *Duty of owner to remove or dissipate accumulated water or pools of water.* It shall be the duty of any owner of real estate within the geographical limits of the town to remove or dissipate pooled or accumulated water, and any other accumulation of liquid, when the water or liquid has become foul or stagnant, or when the water or liquid is accumulated in a way that it attracts insects, parasites or pests, regardless of whether the water or liquid is accumulated or pooled naturally or in a human-made pool or container.

(C) *Complaints.* Any person, including town officials or employees, who believe there is property located within the corporate limits of the town which has pooled or accumulated water in violation of this section, shall make a written complaint signed, dated and filed with the Town Code Enforcement Officer. If the town makes the complaint, an employee, officer or Council member of the town shall file the complaint in all respects as set out above. The Town Code Enforcement Officer may also initiate a complaint under this section and shall make written record of same, signed dated and filed in the same manner as for any employee, official or citizen of the town.

(D) *Notice of violations.*

(1) Upon receiving notice of the probable of pooled or accumulated water in violation of this section, a person designated by the enforcement authority shall be authorized to enter upon the subject property, make an inspection and prepare a written report to the enforcement authority regarding the condition. The enforcement authority, upon concluding that there is a probable belief that this section has been violated, shall forward written notification in the form of a "destruction order" to the property owner and/or the person occupying the property as that information is contained within the records of the town or any other town agency. The notice shall be served in writing by hand delivery or by certified mail. The notice shall provide that within seven calendar days after the receipt of the notice that the designated violation shall be removed by the property owner and/or person occupying the property.

(2) (a) All notices are to be in writing and all filings are to be with the Town Code Enforcement Officer and with the Town Clerk-Treasurer.

(b) Certified mailing to the Town Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

(E) *Appeals.*

(1) The property owner may appeal the destruction order by filing written notice of objections with the enforcement authority within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the enforcement authority. It is the property owner's responsibility to demonstrate that the matter in question is not in violation of this section, and should not be subject to destruction under the section.

(2) An appeal by the property owner shall be brought before the Circuit or Superior Courts of Dearborn County and shall be decided by the same. The Court's decision may be appealed before the Town Council by giving written notice of appeal within ten days of the Court's decision to the Town Council.

(F) *Abatement.* In the event that the property owner shall fail to comply with the destruction order within seven calendar days and has not filed a notice within 48 hours to the enforcement authority of an intent to appeal, the enforcement authority may employ the services of town employees or outside contractors to remove or dissipate the water or other liquid in conformity with this section by all lawful means.

(G) *Liability.*

(1) The property owner is liable for all costs of removal or dissipation of pools or accumulated water, as defined by this section.

(2) The property owner is responsible for all collection costs associated with removal or dissipation of pools or accumulated water including, but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the town. If the enforcement authority uses municipal employees, the hourly rate for work performed by town employees shall be established pursuant to the requirements of § 50.02 of this code of ordinances and any amendments thereof. The Town Clerk-Treasurer shall issue a bill for services to the property owner.

(3) All sums payable by the property owner are to be paid to the Town Clerk-Treasurer and to be deposited in a general fund, as compensation for expenses and costs incurred by the town. The sums payable by the property owner shall be paid within 30 days of receipt of the statement. Pre-judgment interest for unpaid balances shall accrue interest at the rate of 8% per annum. Post judgment interest shall be at the rate of 8% per annum.

(4) If the property owner fails to pay a bill issued under this section within the time specified in this section, the city shall certify to the County Auditor the amount specified in the bill, plus any administrative costs, attorney fees and court 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 town.

(Prior Code, § 92.02) (Ord. 2009-5, passed 10-12-2009) Penalty, see § 92.99

§ 92.03 UNCUT GRASS, WEEDS AND RANK VEGETATION.

(A) *Definitions.*

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

DESTRUCTION ORDER. The notice served by the enforcement authority on the property owner of the ordinance violation.

ENFORCEMENT AUTHORITY. The Code Enforcement officer, or in cases of appeal, the Circuit or Superior Courts of Dearborn County, Indiana.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

RANK VEGETATION. The uncontrolled, uncultivated growth of annuals and perennial plants.

WEEDS, GRASSES. Includes all forms of grass or weeds commonly found in, or about yards, but shall not include shrubs, trees, cultivated plants or crops.

(2) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(3) The State Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants and crops.

(B) *Duty of owner to keep weeds, grass or other vegetation cut or removed.* It shall be the duty of any owner of real estate within the geographical limits of the town to cut and remove all weeds, grass or other rank or useless vegetation growing upon the real estate when the weeds, grass or other rank or useless vegetation exceeds a height of ten inches, as measured from the ground, including, but not limited to, that portion of the real estate as is adjacent to or abutting upon any sidewalk, alley or street.

(C) *Complaints.* Any person, including town officials or employees, who believe there is property located within the corporate limits of the town which has growing plant matter in violation of this section, shall make a written complaint signed, dated and filed with the Town Code Enforcement Officer. If the town makes the complaint, an employee, officer or Council member of the town shall file the complaint in all respects as set out above. The Town Code Enforcement Officer may also initiate a complaint under this section and shall make written record of same, signed dated and filed in the same manner as for any employee, official or citizen of the town.

(D) *Notice of violations.*

(1) Upon receiving notice of the probable existence of weeds in violation of this section, a person designated the enforcement authority, or someone designated by the enforcement authority, shall be authorized to enter upon the subject property, make an inspection and prepare a written report to the enforcement authority regarding the condition. The enforcement authority, upon concluding that there is a probable belief that this section has been violated, shall forward written notification in the form of a "destruction order" to the property owner and/or the person occupying the property as that information is contained within the records of the town or any other town agency. The notice shall be served in

writing by hand delivery or by certified mail. The notice shall provide that within seven calendar days after the receipt of the notice that the designated violation shall be removed by the property owner and/or person occupying the property.

(2) (a) All notices are to be in writing and all filings are to be with the Town Code Enforcement Officer and with the Town Clerk-Treasurer.

(b) Certified mailing to the Town Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

(E) *Appeals.*

(1) The property owner may appeal the destruction order by filing written notice of objections with the enforcement authority within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the enforcement authority. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this section and should not be subject to destruction under the section.

(2) An appeal by the property owner shall be brought before the Circuit or Superior Courts of Dearborn County and shall be decided by the same. The Court's decision may be appealed before the Town Council by giving written notice of appeal within ten days of the Court's decision to the Town Council.

(F) *Abatement.* In the event that the property owner shall fail to comply with the destruction order within seven calendar days and has not filed a notice within 48 hours to the enforcement authority of an intent to appeal, the enforcement authority may employ the services of town employees or outside contractors and remove the weeds to conform to this section by all lawful means.

(G) *Liability.*

(1) The property owner is liable for all costs of removal, cutting or destruction of weeds, as defined by this section.

(2) The property owner is responsible for all collection costs associated with weed destruction, including, but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the enforcement authority uses municipal employees, the hourly rate for work performed by town employees shall be established pursuant to the requirements of § 50.02 of this code of ordinances and any amendments thereof. The Town Clerk-Treasurer shall issue a bill for services to the property owner.

(3) All sums payable by the property owner are to be paid to the Town Clerk-Treasurer and to be deposited in a general fund, as compensation for expenses and costs incurred by the city. The sums payable by the property owner shall be paid within 30 days of receipt of the statement. Pre-judgment interest for unpaid balances shall accrue interest at the rate of 8% per annum. Post judgment interest shall be at the rate of 8% per annum.

(4) If the property owner fails to pay a bill issued under this section within the time specified in this section, the town shall certify to the County Auditor the amount specified in the bill, plus any administrative costs, attorney fees and court 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 town.

(Prior Code, § 92.03) (Ord. 2009-4, passed 9- -2009) Penalty, see § 92.99

§ 92.04 UNREASONABLY LOUD AND DISTURBING NOISE.

(A) *Prohibited and declared a nuisance.* The creation of any persistent unreasonably loud and disturbing noise within the town limits is prohibited and is hereby declared a nuisance.

(B) *Nuisance enumerated.* The enumeration of specific loud, disturbing and unnecessary noise that follows herein shall not be deemed to be exclusive.

(1) The playing of any radio, stereo or sound system, television, musical instrument, drum, loudspeaker or other instrument or any similar device, with volume so as to annoy or disturb the quiet, comfort or repose of any person in any residence, business, office, or other private or public building, or of any person in the vicinity, is hereby declared to be a nuisance.

(2) The operation of machinery or equipment which is so loud as to annoy or disturb the quiet, comfort or repose of any person in any residence, business, office, or any other type of private or public building, or of any person in the vicinity, is hereby declared to be a nuisance.

(3) The repeated or persistent sounding of any horn or signal device on any automobile, motorcycle, bus, truck or other vehicle, except as a danger signal, is hereby declared to be a nuisance.

(4) Yelling, shouting, hooting, whistling or singing on the public streets, or creating loud and persistent noise so as to annoy or disturb the quiet, comfort or repose of any person in any residence, business, office, or any other type of private or public building, or of any person in the vicinity, is hereby declared to be a nuisance.

(5) It shall be unlawful for any owner, or person or entity in control of domesticated animals, including but not limited to, dogs, cats, fowl, domesticated birds, or livestock, to permit any such animal to disturb the quiet, comfort or repose of any person in any residence, business, office of other private or public building, or of any person in the vicinity, through constant and persistent barking, howling, crying out, or calling of the animal.

(C) *Exceptions.*

(1) The use of fireworks is specifically excepted from the terms of this section as the town intends that fireworks be regulated within the town limits in compliance with existing state law.

(2) Properly sanctioned town, civic and municipal events are excepted from the terms of this section.
(Prior Code, § 92.04) (Ord. 2013-6, passed 8-12-2013) Penalty, see § 92.99

§ 92.05 DWELLINGS UNFIT FOR HUMAN HABITATION.

(A) *Adoption of the dwellings unfit for human habitation law.* The Town Council hereby adopts I.C. 16-41-20, which establishes the law for dwellings unfit for human habitation, including powers of local inspectors of such dwellings.

(B) *Appointment of administrator to administer ordinance.* The Town Manager is appointed to administer these provisions as adopted by the Town Council.

(C) *Construction.* Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supercede it relating to the same or similar subject matter.

(D) *Regulations.*

(1) A dwelling is unfit for human habitation when the dwelling is dangerous or detrimental to life or health because of any of the following:

(a) Want of repair;

(b) Defects in the drainage, plumbing, lighting, ventilation or construction;

(c) Infection with contagious disease; and

(d) The existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.

(2) The inspector of buildings in a city or town may exercise all the powers granted the inspector in the following:

(a) A city or town ordinance dealing with housing; and

(b) This chapter applies to boards of health.

(3) Whenever the State Board of Health, the local Board of Health, or County Health Officer determines that a dwelling is unfit for human habitation, the State Board of Health, the local Board of Health, or County Health Officer may issue an order requiring all persons living in the dwelling to vacate the dwelling within not less than five days and not more than 15 days. The order must mention at least one reason for the order.

(4) (a) The State Board of Health, the local Board of Health, or County Health Officer that issued an order to vacate under division (D)(3) above shall, for a good reason, extend the time within which to comply with the order.

(b) The State Board of Health, the local Board of Health, or County Health Officer may revoke the order if satisfied that the danger from the dwelling has ceased to exist and that the dwelling is fit for habitation.

(5) The State Board of Health, the local Board of Health or County Health Officer may declare a dwelling that is unfit for human habitation a public nuisance. The State Board of Health, the local Board of Health, or County Health Officer may order to be removed, abated, suspended, altered, improved, or purified a dwelling, structure, excavation, business, pursuit, or thing in or about the dwelling or the dwelling's lot, or the plumbing, sewerage, drainage, light, or ventilation of the

(6) The State Board of Health, the local Board of Health, or County Health Officer may order purified, cleansed, disinfected, renewed, altered, repaired, or improved a dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling that is found to be unfit for human habitation or the dwelling's lot.

(7) An order issued under this chapter shall be served on the tenant and the owner of the dwelling or the owner's rental agent. The order may be served on a person who by contract has assumed the duty of doing the things that the order specifies to be done.

(8) (a) A person aggrieved by an order of a local Board of Health or County Health Officer issued under this chapter may, not more than ten days after the making of the order, file with the Circuit or Superior Court a petition seeking a review of the order.

(b) The court shall hear the appeal. The court's decision is final.

(Ord. 2018-1, passed 3-19-2018) Penalty, see § 92.99

Statutory reference:

Similar provisions, see I.C. 16-41-20

§ 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) (1) Any person, individual or entity found to be in violation of § 92.01 shall be fined \$2,500 for each offense. Each day during, or on which, the condition is permitted to exist in violation of this section shall be deemed a separate offense.

(2) In addition to fines imposed hereunder, any person or entity deemed to be in violation of § 92.01 shall be responsible for all attorney fees or costs incurred by the town in the enforcement and prosecution of this section.

(C) Any person violating any of the provisions of § 92.04 shall be subject to a \$50 fine for the first offense, a \$150 fine for a second offense; and a \$250 fine for a third offense and every subsequent offense thereafter.

(D) Violations of § 92.05 shall be addressed as established in I.C. 36-7-9 as it may be amended from time to time.
(Ord. 2009-7, passed 12-14-2009; Ord. 2013-6, passed 8-12-2013; Ord. 2018-1, passed 3-19-2018)

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

Street Trees

- 93.35 Tree selection
- 93.36 Tree planting standards
- 93.37 Tree maintenance and removal
- 93.38 Enforcement

Grass and Yard Waste

- 93.50 Generally
- 93.99 Penalty

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.

(Prior Code, § 93.01) Penalty, see § 93.99

§ 93.02 APPLICATION AND CASH DEPOSIT.

(A) 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 Council, 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.

(B) 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.

(Prior Code, § 93.02)

§ 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 Council.

(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 of this subchapter 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.

(Prior Code, § 93.03)

§ 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.

(Prior Code, § 93.04) Penalty, see § 93.99

§ 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.

(Prior Code, § 93.05) Penalty, see § 93.99

§ 93.06 SIDEWALK CONSTRUCTION.

Owners of real estate who repair, remove, damage or replace public sidewalks running adjacent to or across their real estate will be required to repair or replace the sidewalks pursuant to town's sidewalk specifications. Application to the town must be made. The town may enforce this section by bringing suit in the county courts to mandate and compel the property owner to replace the sidewalk or the town may undertake to perform this work with the costs of any repair or replacement to be borne by the owner of the real estate. Further, the costs attach to the subject real estate as a lien for which collection thereof made by made pursuant to statute.

(Prior Code, § 93.06) (Ord. 2003-, passed 10-13-2003) Penalty, see § 93.99

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.

(Prior Code, § 93.20) Penalty, see § 93.99

§ 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.

(Prior Code, § 93.21) Penalty, see § 93.99

§ 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.

(Prior Code, § 93.22) Penalty, see § 93.99

STREET TREES**§ 93.35 TREE SELECTION.**

(A) The Planning Commission shall develop and maintain a list of desirable trees for planting along streets in three sizes, based on mature height: small (under 20 feet), medium (20 to 40 feet), and large (over 40 feet). Efforts shall also be made to ensure a reasonable diversity of tree species. The Planning Commission shall also develop a list of trees not suitable for planting.

(B) The Indiana Community Tree Selection guide is available from the town for possible tree selections. Trees that are not suggested are such as Sugar Maple, American Beech, European Larch, Sweet Gum, Dawn Redwood, White Mulberry, Colorado Blue Spruce, Poplars, Pin Oak, White Willow, Bald Cypress and Lindens. The list of trees, not suggested for use, have problems with surface roots.
(Prior Code, § 93.35) (Ord. 2011-5, passed 7-11-2011)

§ 93.36 TREE PLANTING STANDARDS.

(A) The Planning Commission shall develop and publish adequate standards for:

(1) The spacing of trees to be planted along town streets and roads; and

(2) The allowable distance trees in the various classes must be off-set from streets, sidewalks, curbs, curb lines or other public improvements.

(B) The Planning Commission shall publish the spacing standards (and any changes thereto) regularly.

(C) No tree may be planted between the edge of the road and the roadside edge of any sidewalk curb or curb line.

(D) The distance trees may be planted from sidewalks, curbs or curb lines shall vary depending on tree sizes.

(1) The Planning Commission shall establish adequate distances based on the class of tree as set forth in § 93.35(A) of this subchapter.

(2) In no event may any tree be planted closer than five feet from the private property edge of any sidewalk, curb or curb line.

(3) Property has to have at least a 15-foot frontage beyond the five-foot setback from private property in order to plant a dwarf tree.

(4) Setbacks beyond the 20-foot total needed will allow the property owner to plant a medium or large tree variety.

(5) If there is no sidewalk included on the property, the owner must stay back at least 20 feet from the edge of the road or curb line.

(6) No street tree shall be planted within 40 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.

(7) No street tree shall be planted within 20 feet of any fire hydrant.

(8) No street trees may be planted under, or within 20 feet of, any overhead utility wire. (Prior Code, § 93.36) (Ord. 2011-5, passed 7-11-2011)

§ 93.37 TREE MAINTENANCE AND REMOVAL.

(A) The town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, and public grounds as may be necessary to ensure public safety.

(B) The town may remove, or cause to be removed, any tree or part thereof in an unsafe condition or that, by reason of its nature, is injurious to sewers, electric power lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(C) Every owner of any tree overhanging any street or right-of-way within the town shall:

(1) Prune any branches that severely obstruct the light from any street lamp or obstruct the view of any street intersection, so that there shall be a clear space of 20 feet of the street surface, or it shall be removed; and

(2) Remove all dead, diseased or dangerous trees or broken or decayed limbs that constitute a menace to the safety of the public.

(D) The town 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 street light, or interferes with the visibility of any traffic-control device or sign or traffic indicator, or with the clear, unobstructed view of motorists and pedestrians.

(E) Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and the town, through the Town Manager, or other designated town representative, prior to any trimming by the utility company.

(F) The town shall have the right to cause the removal of any dead or diseased tree on private property within the town, when such tree constitutes a hazard to life and property, or harbors insects or disease that constitute a potential threat to other trees within the town.

(1) Removal shall be done by the owners at their own expense within 60 days after the date of service of notice by the town or its duly authorized agents.

(2) In the event of failure by the owners to remove such trees, the town shall have the authority to remove them and charge the cost of removal through an enforcement action as hereinafter provided. (Prior Code, § 93.37) (Ord. 2011-5, passed 7-11-2011)

§ 93.38 ENFORCEMENT.

The town, through its Town Manager, police, employees, code enforcement officer, attorneys or agents, shall be authorized to enforce this subchapter through the legal court systems of Dearborn County pursuant to procedures and policies established by the Town Council. (Prior Code, § 93.38) (Ord. 2011-5, passed 7-11-2011)

GRASS AND YARD WASTE

§ 93.50 GENERALLY.

(A) No person shall discharge or permit the discharge of grass clippings or other yard wastes upon any public street, alley, sidewalk or any surface water gutter, drain or ditch in the town.

(B) Residents are responsible for immediately removing grass clippings or yard waste which they produce from any public street, alley, sidewalk or any surface water gutter, drain or ditch in the town. (Ord. 2020-09-3, passed 9-28-2020) Penalty, see § 93.99

§ 93.99 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 any provision of §§ 93.35 through 93.37 shall be, upon conviction or plea of guilty, subject to a fine of not more than \$2,500.

(C) Unless another penalty is expressly provided by law, every person convicted of a violation of § 93.50 shall be punished by a fine upon the following fine schedule:

- (1) First offense: \$50;
- (2) Second offense: \$100; and
- (3) Third offense and each thereafter: \$150.

(D) Any fine issued hereunder may be paid to the Town Clerk-Treasurer within ten days of issuance of the citation. Failure to pay within the allotted time period shall subject the violator to enforcement through the Lawrenceburg City Court.

(Prior Code, § 93.39) (Ord. 2011-5, passed 7-11-2011; Ord. 2020-09-3, passed 9-28-2020)

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

- 94.99 Penalty

§ 94.01 POLICY STATEMENT.

It shall be the policy of the Town Council 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.

(Prior Code, § 94.01) (Res. 2-1995, passed 12-11-1995)

§ 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:

- (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.

(I.C. 22-9-5-2-2)

COMMISSION. The State Civil Rights Commission created pursuant to I.C. 22-9.5-1-4 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)

DISABILITY.

(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; and

(e) Any other impairment defined under I.C. 22-9-5-2-10.

(2) The term **DISABILITY** 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 **DISABILITY** include an individual solely because that individual is a transvestite (I.C. 22-9-5-2-10(c)).

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 94.04 through 94.08 of this chapter 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. Discrimination on the basis of familial status means discrimination because the person is pregnant; domiciled with an individual under the age of 18 years of age in regard to whom the person is the parent or legal custodian; has the written permission of the parent or legal custodian for domicile with that person; or in the process of obtaining legal custody of an individual younger than 18 years of age.

FAMILY. An individual (I.C. 22-9.5-2-9) or individuals having familial status as that term is defined in this section.

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 U.S.C. Title 11, 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 premises not owned by the occupant.
(Prior Code, § 94.02) (Res. 2-1995, passed 12-11-1995)

Statutory reference:

Similar provisions, see, I.C. 22-9.5-2-13

§ 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 in I.C. 22-9-5-5-1 and herein shall apply to:

(A) All dwellings except as exempted by division (B) below and I.C. 22-9-5-3; and

(B) Other than the provisions hereof, nothing in § 94.04 of this chapter shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time; provided that, in the sale of the single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption shall apply only to one sale within any 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 of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson or person; and

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

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

(a) 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;

(b) He or she has, within the preceding 12 months, participated as an 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

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

(Prior Code, § 94.03) (Res. 2-1995, passed 12-11-1995)

§ 94.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 94.03 of this chapter and except as exempted by §§ 94.03(B) and 94.09 of this chapter, 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, disability 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, disability 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, disability, 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, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available;

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

(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 disability 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 a dwelling, because of a disability 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 disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the 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 9-3-1988, 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 disabled persons;

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

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

a. An accessible route into and through the dwelling;

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 such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled 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.
(Prior Code, § 94.04) (Res. 2-1995, passed 12-11-1995) Penalty, see § 94.99

§ 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, disability, familial status or national origin.

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

- (1) The making or purchasing of loans or providing other financial assistance:
 - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; and/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, disability or familial status.

(Prior Code, § 94.05) (Res. 2-1995, passed 12-11-1995) Penalty, see § 94.99

§ 94.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership in participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms

or conditions of the access, membership or participation, on account of race, color, religion, sex, disability, familial status or national origin.

(Prior Code, § 94.06) (Res. 2-1995, passed 12-11-1995) Penalty, see § 94.99

§ 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 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 through 94.06 of this chapter.

(Prior Code, § 94.07) (Res. 2-1995, passed 12-11-1995) Penalty, see § 94.99

§ 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, disability, 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; or

(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, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A) above;

(2) Affording another person or class of persons opportunity or protection not to participate;
or

(3) 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, disability, 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 as set forth in § 94.99 of this chapter.

(Prior Code, § 94.08) (Res. 2-1995, passed 12-11-1995) Penalty, see § 94.99

§ 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) and (C) below.

(B) 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. 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 for 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 for occupancy by at least one person 55 years of age or older per unit.
(Prior Code, § 94.09) (Res. 2-1995, passed 12-11-1995)

§ 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 Council.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town Council, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elect to refer all formal complaints to the State Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to I.C. 22-9-5-6 and the Chief Executive Officer of the Town Council 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 Council 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 the purposes.

(D) The Chief Executive Officer of the Town Council, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting the information.

(Prior Code, § 94.10) (Res. 2-1995, passed 12-11-1995)

§ 94.99 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 § 94.08 shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Prior Code, § 94.08) (Res. 2-1995, passed 12-11-1995)

