

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. NUISANCES**
- 92. STREETS AND SIDEWALKS**
- 93. TREES AND SHRUBS**
- 94. FAIR HOUSING**
- 95. ABANDONED, SALVAGED, AND SCRAP VEHICLES**

CHAPTER 90: ANIMALS

Section

- 90.01 Definitions
- 90.02 Animal Warden
- 90.03 Keeping of domestic farm animals, exotic animals and vicious animals, and the like
- 90.04 Exception to keeping of domestic farm animals
- 90.05 Maximum number of domestic pets per household
- 90.06 Maltreatment of domestic pets
- 90.07 Lost, strayed, or unattended animals; disposition
- 90.08 Vaccination of dogs
- 90.09 Animal welfare and treatment
- 90.10 Owner held responsible
- 90.11 Owners or agents responsible for removing animal wastes
- 90.12 Warning notices
- 90.13 Citations; hearings before the Town Council
- 90.14 Impounding animals
- 90.15 Notification
- 90.16 Redemption and release
- 90.17 Redemption fees
- 90.18 Owner unable to pay redemption fees; notification
- 90.19 Variances to regulations (Huntington/Wells County 4-H Fair)

- 90.99 Penalty

• 90.01 DEFINITIONS.

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

ABANDONMENT. To deposit, leave, drop off, or otherwise dispose of any live animal without providing immediate human care on any public or private property.

AGENT. Persons 18 years or older authorized by an owner to act on the owner's behalf.

ALTERED ANIMAL. Any animal that has been operated on to prevent it from procreating.

Markle - General Regulations

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

ANIMAL WARDEN. Persons authorized to carry out the provisions of this chapter, and includes the Town Marshal.

ANIMAL SHELTER. A facility designated or recognized by the Town Council for the purpose of impounding and/or caring for animals.

AT-LARGE. An animal located off the owner property and not under restraint of its owner or agent.

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

- (1) Cattle;
- (2) Horse;
- (3) Donkey or mule;
- (4) Swine;
- (5) Sheep;
- (6) Goats;
- (7) Ox;
- (8) Llama;
- (9) Poultry;
- (10) Bison;
- (11) Ostrich;
- (12) Elk;
- (13) Deer;
- (14) Alpaca; and/or
- (15) Any animal not defined as a domestic pet, exotic animal or wild animal.

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

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Rabbit (*Oryctolagus cuniculus*);
- (4) Mouse (*Mus musculus*);
- (5) Rat (*Rattus rattus*);
- (6) Reptile (*Reptilis*), as defined herein;
- (7) Guinea pig (*Cavia porcellus*);
- (8) Chinchilla (*Chinchilla laniger*);
- (9) Hamster (*Mesocricetus auratus*);
- (10) Gerbil (*Gerbillus gerbillus*); and/or
- (11) Ferret (*Mustela putorius furo*).

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish and fur-bearing animals commercially bred for the furrier trade and birds defined under federal regulations, and nonpoisonous snakes and reptiles.

GUIDE DOG. Service **ANIMAL.**

HARBORING. The actions of any person that permit any animal habitually to remain or lodge or to be fed within his or her home, store, enclosure, yard, or place of business or any premises on which that person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for 3 consecutive days.

OWNER. A person having the right of property or custody of an animal, or a person keeping or harboring an animal, or knowingly permitting and encouraging an animal to remain on or about any premises occupied by that person.

PET. Any animal kept for pleasure rather than utility.

PROPERTY. Lots or parcels of real estate including, in addition to those within their respective boundaries, all of the grounds lying between the property line and the improved portion of adjacent streets or alleys.

Markle - General Regulations

PUBLIC NUISANCE. Any animal which:

- (1) Interferes with passersby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Is at large.
- (4) Damages private or public property.
- (5) Causes frequent or long continued noises or other sounds common to its species, which disturbs the comfort or repose of any person in the immediate neighborhood.
- (6) Causes foul or noxious odors, which offend residents in the neighborhood.

RESTRAINT. The securing of an animal by leash or lead or confining it within the real property limits of its owner or agent.

STRAY. Any animal brought to the animal shelter by an Animal Warden, someone other than the owner, or any animal for which no owner is known.

VICIOUS ANIMAL. Any animal that has, without provocation, attacked a human being or other animal, or an animal that by its behavior or physical condition constitutes an immediate and serious physical or health threat to human beings or animals, or any animal which has previously attacked or bitten any human being or other animal on 2 or more reported occasions.

WILD ANIMAL. An animal of any species or variety which predominately exists and propagates in a state of nature, without usual or substantial human care or culture, and is not ordinarily kept as a pet or livestock, irrespective of the fact that a particular such animal may have been born in captivity or tamed. (Ord. 2006-10, passed 10-18-2006)

• 90.02 ANIMAL WARDEN.

(A) The Town Council shall have the authority to appoint an Animal Warden with the power to enforce the Animal Control Ordinance within the corporate limits of the town.

(B) The Town Council and the Animal Warden shall establish a clearinghouse site for the receipt of complaints and procedures regarding animals and the handling, storage, cataloguing and claiming of animals.

(C) The town shall authorize for a suitable animal shelter for the safekeeping of impounded animals. The Town Council may contract with any entity for the impounding, keeping, feeding, caring for, and disposition of impounded dogs and cats on those terms as the Town Council shall deem proper.

(D) The Animal Warden and the Town Marshal shall act in cooperation to handle animal problems with the consensus of the Town Council.
(Ord. 2006-10, passed 10-18-2006)

‘ 90.03 KEEPING OF DOMESTIC FARM ANIMALS, EXOTIC ANIMALS AND VICIOUS ANIMALS, AND THE LIKE.

(A) It shall be unlawful for any person to keep or permit to be kept any domestic farm animals or exotic animals within the corporate limits of the town.

(B) Every vicious animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(C) An animal reasonably determined to be a vicious animal may be impounded and humanely euthanized by or under the direction of the animal shelter upon not less than 10 days written notice by personal delivery or mailed by certified mail to the animal's owner or recent custodian, if such person's whereabouts is known or reasonably available. That notice shall include the particulars of the notice under ‘ 90.99, except division (E).
(Ord. 2006-10, passed 10-18-2006) Penalty, see ‘ 90.99

‘ 90.04 EXCEPTION TO KEEPING OF DOMESTIC FARM ANIMALS.

Property owners with property of 4 or more contiguous acres within the corporate limits of the town are permitted to keep domestic farm animals.
(Ord. 2006-10, passed 10-18-2006)

‘ 90.05 MAXIMUM NUMBER OF DOMESTIC PETS PER HOUSEHOLD.

No person shall keep more than 4 domestic pets over the age of 6 months per household in any residential area. This restriction means 4 animals, whatever the combination of dogs or cats.
(Ord. 2006-10, passed 10-18-2006) Penalty, see ‘ 90.99

‘ 90.06 MALTREATMENT OF DOMESTIC PETS.

It is unlawful for any person to wantonly or maliciously kill, maltreat, injure, trap, poison, pursue, or maintain in a way dangerous to its health any animal defined as a domestic pet within the town limits.
(Ord. 2006-10, passed 10-18-2006) Penalty, see ‘ 90.99

' 90.07 LOST, STRAYED, OR UNATTENDED ANIMALS; DISPOSITION.

(A) Owners of lost animals, or persons locating an animal which they believe to be lost or stray, shall immediately inform the Animal Warden or the Town Marshal and shall provide him or her with a description of the animal and the time and place of its loss or location, if known, as well as the name, address, and telephone number of the animal's owner, if available.

(B) The Animal Warden, or other duly authorized representative, upon impounding an at-large animal, shall first consult the catalogue of lost or stray animals and make reasonable efforts to locate any person reasonably believed to be the owner of the lost animal.

(C) If no owner can reasonably be located in the catalogue of lost or stray animals, then the impoundment provisions contained hereinafter in this chapter shall be followed.
(Ord. 2006-10, passed 10-18-2006) Penalty, see ' 90.99

' 90.08 VACCINATION OF DOGS.

(A) It shall be unlawful for the owner of any dog to keep or maintain a dog over 6 months of age unless it shall have been vaccinated by a licensed veterinarian with anti-rabies vaccine.

(B) Each dog shall be vaccinated once per year, and the owner shall maintain proof of the vaccination.

(C) Failure to have a dog properly vaccinated may result in the impoundment or euthanization of the animal in addition to the penalties contained in ' 90.99.
(Ord. 2006-10, passed 10-18-2006) Penalty, see ' 90.99

' 90.09 ANIMAL WELFARE AND TREATMENT.

Every owner or his or her agent within the town limits shall see that their animal is:

(A) Kept in a clean, sanitary, and healthy manner.

(B) Has sufficient and wholesome food and water which is proper and nutritional for that species of animal.

(C) Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and is kept in a sanitary manner.

(D) If ill, diseased, or injured, receives proper medical care as necessary to prevent the transmittal of a disease to other animals or human beings and is segregated from other animals.

(E) Not beaten, cruelly ill-treated, overloaded, overworked, or otherwise abused by any animal, or cause, instigate, or permit any dog fight, cockfight, bullfight, or other combat between animals; or between animals and humans.

(F) Not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing and grooming.

(G) Not abandoned, neglected, or tortured.

(H) Properly vaccinated and licensed if required by local, state or federal law.

(I) Not a public nuisance as defined in ' 90.01.

(J) Not left in a vehicle when the condition of the vehicle or weather would constitute a health hazard to the animal inside the vehicle.

(K) Properly restrained.

(Ord. 2006-10, passed 10-18-2006) Penalty, see ' 90.99

' 90.10 OWNER HELD RESPONSIBLE.

The owner of the animal shall be held responsible for every behavior of the animal under the provisions of this chapter.

(Ord. 2006-10, passed 10-18-2006)

' 90.11 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTES.

The owner or agent of an animal shall immediately remove the animal's excrement from public or private property, excepting a handicapped person working with a guide dog.

(Ord. 2006-10, passed 10-18-2006)

' 90.12 WARNING NOTICES.

Persons who violate any other provision of this chapter shall be served with a warning notice requesting immediate compliance.

(Ord. 2006-10, passed 10-18-2006)

90.13 CITATIONS; HEARINGS BEFORE THE TOWN COUNCIL.

Any person served with a warning notice and who fails to comply shall be subject to the citation procedures or a hearing before the Town Council. Citations shall contain the date, time, name and address of the violator, the code section violated, the nature of the violation, location of the violation, and the name of the person issuing the citation.

(Ord. 2006-10, passed 10-18-2006)

90.14 IMPOUNDING ANIMALS.

The Animal Warden may impound any animal:

(A) At-large;

(B) In violation of this chapter as herein set out; or

(C) Which in the discretion of the Animal Warden, impoundment would be in the animal's best interest, or which animal is believed to constitute a threat to the public or safety.

(Ord. 2006-10, passed 10-18-2006)

90.15 NOTIFICATION.

The Animal Warden shall promptly give notice of the impounding of any animal to the owner if known, and if he or she can be found with reasonable effort. A registry of impounded animals shall be kept with a general description of each animal. A copy of that registry shall be available at the designated clearing-house site, which shall be open to inspection at reasonable times.

(Ord. 2006-10, passed 10-18-2006)

90.16 REDEMPTION AND RELEASE.

Any impounded animal may be redeemed by the owner thereof upon reasonable proof of ownership and by payment to the animal shelter of the fees hereinafter established. However, no dog shall be released unless the owner thereof shall present proof that dog has been immunized for rabies within 1 year. When proof is not available, the dog may be released only if the owner enters into an immunization contract with the animal shelter whereby the owner agrees to have the dog immunized for rabies and pay a deposit of \$7, or such fees as hereafter established, to be applied to the fee of a licensed veterinarian of owner's choice for the immunization. The dog shall bear current state dog license tags prior to being redeemed. After an animal has been impounded and unredeemed for a period of 3 working days, the animal becomes property of the animal shelter and it may thereafter be disposed of by the town or animal

shelter facility by adopting it out to some person who there is a reasonable basis to believe will provide it a humane home and who will agree by contract to neuter the animal if the animal has not been neutered, or by humanely euthanizing it.

(Ord. 2006-10, passed 10-18-2006)

‘ 90.17 REDEMPTION FEES.

A redemption fee of \$15 shall be collected for the first time a particular animal is impounded and \$30 for the second and subsequent impounding of the same animal. To those fees shall be added a reasonable cost of feeding and caring for the animal during the period of being impounded.

(Ord. 2006-10, passed 10-18-2006)

‘ 90.18 OWNER UNABLE TO PAY REDEMPTION FEES; NOTIFICATION.

An owner shall notify the Animal Warden, or other authorized agent, within 3 working days of the impounding of the owner's animal that the owner is unable to pay any or all of the required fees to redeem the animal. Thereafter, the owner shall be given the opportunity to enter into a written agreement with the animal shelter, which shall provide for the owner to be responsible for all fees if, following a hearing at the next regularly scheduled meeting, the Town Council determines the owner has the ability to pay. If the owner enters into a written agreement, the animal shall not become property of the Animal Shelter and the Animal Warden has the discretion to either release the animal to the owner pending the hearing or continue to hold the animal until the hearing. At that hearing, the Town Council can provide for any other terms of repayment, including community service.

(Ord. 2006-10, passed 10-18-2006)

‘ 90.19 VARIANCES TO REGULATIONS (HUNTINGTON/WELLS COUNTY 4-H FAIR).

(A) The Town Marshal or Town Manager may grant a variance in a particular case to any provision of this chapter for persons requesting permission to have animal(s) for a 4-H project.

(B) Residents requesting a variance shall make a written request for a variance to the Town Manager or Town Marshal. Requests for an animal control variance must file the appropriate forms. Variance requests are available at the Town Hall. Residents can requests variances in March of the said year and will no longer be granted after June of same year.

(C) Animals allowed under the variance must be removed after participation in either the Huntington or Wells County 4-H Fair. Consideration and extensions shall be given to projects that qualify to attend the Indiana State Fair. Participants of the Indiana State Fair must remove animals after participation in the state fair.

Markle - General Regulations

(D) Residents denied a variance can appeal the decision to the Town Council within 30 days of the denial. All appeals shall be in writing explaining the reason for the appeal and why they should receive a variance to the Animal Control Ordinance for 4-H projects.
(Ord. 2006-10, passed 10-18-2006)

§ 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not provided shall be fined not less than \$15 for the first offense, \$30 for the second offense and \$50 for each offense thereafter.

(B) Any person violating the provisions of § 90.05 shall be fined in an amount not exceeding \$50. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(C) Any person violating the provisions of § 90.06 shall be subject to a fine of not less than \$10 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) Any person violating the provisions of § 90.07 shall result in a fine of not less than \$10 and no more than \$100 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(E) Any person violating the provisions of § 90.08 shall be subject to a fine of not less than \$25 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(F) Any person violating the provisions of § 90.09 shall be fined in an amount not to exceed \$25 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(G) Violators, upon conviction, may be given the opportunity to work in a community service program such as a humane society or participate in a human education program, if so recommended by the court.

(Ord. 2006-10, passed 10-18-2006)

CHAPTER 91: NUISANCES

Section

- 91.01 Definitions
- 91.02 Violations
- 91.03 Exemptions
- 91.04 Inspection and notice
- 91.05 Enforcement
- 91.06 Appeal procedure

• 91.01 DEFINITIONS.

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

DAY. Business days, excluding weekends and holidays.

GARBAGE. All organic household waste, offal, animal and vegetable matter prepared or intended for the use as food, condemned foodstuffs and materials, and substances, materials and things ordinarily disposed of in containers and incinerators by hotels, restaurants, stores, hospitals, apartment houses, and private dwellings.

NUISANCE VEGETATION. Includes one or all of the following:

- (1) Any grasses and/or weeds exceeding 9 inches in height;
- (2) Rank vegetation; and
- (3) Any vegetation that obscures the visual clearance at street intersections.

OWNER. Record owner and any record contract purchasers of real estate, all as shown by the records of the Huntington or Wells County Courthouse.

PROPERTY. Lots or parcels of real estate including, in addition to those within their respective boundaries, all of the grounds lying between the property line and the improved portion of adjacent streets or alleys.

RANK VEGETATION. Any vegetation, living or dead, that acts as a habitat for mosquitoes, flies, bees, mice, snakes, rats, or other insects or animals that pose a hazard to the public health.

Markle - General Regulations

TRASH. All rubbish and refuse including, but not limited to, glass bottles and containers, broken glass, beer and soft drink cans, rubber products, metals, rags, household appliances, construction debris, automotive parts, and tires.

VEGETATION. Any plant life, including but not limited to molds, fungi, algae, herbs, grasses, flowers, shrubs, bushes, and trees.

WEEDS. Any grass-like vegetation, including but not limited to those that bear seeds capable of being spread by the wind, poison ivy, poison oak, thistles, wild carrot, straw, cocklebur, barberry brush, ragweed, and other like vegetation.

YARD WASTE. Including but not limited to: grass clippings, garden waste, tree limbs, and leaves. (Ord. 2006-8, passed 3-15-2006)

' 91.02 VIOLATIONS.

(A) It shall be unlawful for the owner of any lot within the corporate limits of the town to allow, suffer, or permit any garbage, trash, yard waste, or nuisance vegetation to be deposited on, grow on, or remain on any such lot in a manner other than those exempted in ' 91.03 of this chapter.

(B) Whenever and wherever garbage, trash, yard waste, or nuisance vegetation exists on any lot within the corporate limits of the town, which is not exempted by this chapter, the same shall be a public nuisance and a violation of this chapter.

(Ord. 2006-8, passed 3-15-2006) Penalty, see ' 10.99

' 91.03 EXEMPTIONS.

The nuisance vegetation provisions of this chapter shall not apply to real estate used for the commercial growth of any agricultural products including but not limited to corn, hay, wheat, or soybeans; nor shall it apply to the keeping of pastureland. The nuisance vegetation provisions of this chapter shall also not apply to natural prairie lands or forests established and maintained by a property owner based on a land management plan prepared or certified by a registered landscape architect or other horticulture specialist. Such fields, pastures, and natural lands shall not be maintained within 25 feet of property lines where adjacent lots are used for residential purposes, shall not obstruct visual clearance at intersections, and shall not be maintained within 15 feet of the right-of-way of a public street or alley.

(Ord. 2006-8, passed 3-15-2006)

' 91.04 INSPECTION AND NOTICE.

(A) If it is found that garbage, trash, and yard waste are being permitted to be deposited on, grow on, or remain on such lots, a notice will be sent to the owner that the violation(s) must be removed within 30 days from the date of the notice.

(B) High grass, or nuisance vegetation, if found to violate this section, must be removed or cut within 5 days from date of notice.

(C) The notice shall be sent to the owner of record as listed on the property transfer books maintained by the Huntington or Wells County Auditor's Office and to the resident if not the same as the owner. (Ord. 2006-8, passed 3-15-2006; Am. Ord. 2006-13, passed 10-18-2006) Penalty, see ' 10.99

' 91.05 ENFORCEMENT.

(A) If any owner of any lot shall fail to remove or abate such garbage, trash, yard waste, or nuisance vegetation after receiving notice, then the Town Manager and/or Marshal may cause the same to be removed or otherwise abated by referring such action to the Public Works Department which shall either abate the nuisance or contract with a private entity to accomplish such abatement. At the time of the abatement, the Town Manager and/or Marshal and/or private entity shall be prepared to provide the property owner a copy of the issued notice pursuant to ' 91.04 and a copy of the town code section applicable.

(B) (1) When the town has abated the nuisance, a statement shall be prepared showing the cost of the work performed and shall bill the owner of record. Such bill shall be due and payable at the time of its receipt by the property owner and shall be calculated by:

(a) Multiplying the hourly rate of each employee involved in the administration of the notice and the removal of the nuisance by 2.5 (to accommodate administrative costs) and then by the number of hours each applied to the violation (in increments of no less than 1/2 hour); and

(b) Adding to that figure any costs for rented equipment or contracted labor required to complete the work.

(2) The minimum bill shall not be less than \$200 for each property.

(C) When the full amount due to the town is not paid by the owner within 30 days after the work has been performed, as provided in division (B) above, then the Town Clerk-Treasurer 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 completed, and the location of the property on which the work was performed. The recordation of such sworn statement shall constitute a lien on the property, and shall

remain in force and effect for the amount due on principal and interest, plus costs, if any, for collection, until final payment has been made. 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 delinquent 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 said charges appear 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 that the property designated or described in the statement and that the same is due and collectable as provided by law.

(Ord. 2006-8, passed 3-15-2006)

91.06 APPEAL PROCEDURE.

(A) Any property owner who has received a notice or bill through the provisions of this chapter may appeal such action to the Town Council by appearing either in person or through a representative at the next regularly scheduled Council meeting held following the receipt of such notice or bill. The Town Council shall consider all appeals based on the presence of garbage, trash, yard waste, or nuisance vegetation as defined in this chapter. The Town Council may:

- (1) Interpret the definitions of this chapter relative to the condition of the subject property; and
- (2) Grant extensions of the time provided for bringing a property into compliance.

(B) All abatement and collection procedures shall be suspended pending the outcome of appeals made by property owners to the Town Council. However, upon a finding against the appeal by the Town Council, the property owner shall comply with this chapter within 72 hours of that finding. The minimum bill for work performed through this chapter following an unsuccessful appeal and continued failure to abate shall be \$500.

(Ord. 2006-8, passed 3-15-2006)

CHAPTER 92: STREETS AND SIDEWALKS

Section

General Provisions

- 92.01 Supervision of maintenance and repair
- 92.02 Defacing of the public way
- 92.03 Obstructions
- 92.04 Depositing harmful materials
- 92.05 Openings in public way
- 92.06 Maintenance and cleaning of sidewalks
- 92.07 Street and sidewalk construction and improvement
- 92.08 Construction of curbs
- 92.09 Violations; notice

Building and House Numbers

- 92.15 Numbering houses and buildings; uniform system
- 92.16 Clerk-Treasurer=s record book

- 92.99 Penalty

GENERAL PROVISIONS

92.01 SUPERVISION OF MAINTENANCE AND REPAIR.

(A) *Maintenance and repair.* All maintenance and repair of public streets, alleys, curbs, sidewalks, and other public ways shall be under the supervision of the Town Council and an officer as the Council shall designate.

(B) *Duty of property owners.* It shall be the duty of all owners of property in the town upon which sidewalks have been laid to keep the sidewalks in good repair at all times and to remove from them all snow or ice.

(C) *Maintenance of property between sidewalks and streets.* All persons who own real estate in the town which abuts upon any sidewalk that is paved shall be required to keep that portion of the land which lies between the sidewalk and the street and is between his or her property lines in good repair and in a good and clean condition, and free of trash or other unsightly things which would mar or detract from the beauty of the street. If the owners are not in possession of their property, then this division shall apply to the tenants or others in control of the property.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.02 DEFACING OF THE PUBLIC WAY.

It shall be unlawful for any person to deface, mark, remove, or otherwise injure any public way or curb, either by injuring any newly laid street, sidewalk, or curb, or by painting, marking, removing, or otherwise injuring it after the surface is dry, without written permission from the Town Council to do so.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.03 OBSTRUCTIONS.

It shall be unlawful for any person or business to cause, create, or maintain any obstruction on any street, alley, sidewalk, or other public way. This prohibition includes the use of the public way as a space for the display of merchandise for sale, or for the display of signs except as provided for in other areas of the code, or by express written permission from the Town Council.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.04 DEPOSITING HARMFUL MATERIALS.

It shall be unlawful for any person to deposit on any public way any material which may injure the way or any person traveling upon the way.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.05 OPENINGS IN PUBLIC WAY.

It shall be unlawful for any person or business to construct or maintain any opening or stairway in any public way without first obtaining permission from the Town Council in writing. All lawfully maintained openings shall be guarded by a strong cover or railing approved by the Town Council.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.06 MAINTENANCE AND CLEANING OF SIDEWALKS.

(A) Owners of property adjacent to public sidewalks are fully responsible for the maintenance of the sidewalks. The town may order the property owner to repair the walks, if they are found to be in an unsafe condition, at the owner=s expense, within a given amount of time, not less than 15 days. If the repair is not made, the Town Council may cause the necessary repair to be accomplished and shall bring the costs as a lien against the property on the tax rolls.

(B) No person shall allow dirt, snow, or trash to remain on sidewalks adjacent to his or her property for more than 12 hours.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.07 STREET AND SIDEWALK CONSTRUCTION AND IMPROVEMENT.

Whenever the improvement of any area of the town shall be deemed necessary by the Town Council, a resolution stating the nature and location of the desired improvement shall be declared and either posted or published in accordance with state law. If the owners of a majority of the lineal feet of frontage of the lands abutting on proposed improvement do not protest within 20 days after the last day of posting or publication, by filing with the Clerk-Treasurer a written protest against the improvement, signed by all of the protesting owners, contracts for the work to be done shall be entered into and assessments and liens shall be fixed in accordance with state law. If a proper protest is timely filed, the matter shall be determined by the Town Council at a regular or special meeting of the Council; provided, that at least 10-days= written notice of the meeting is given in a newspaper of general circulation serving the town.

(Ord. 1979-2, passed 3-21-1979)

' 92.08 CONSTRUCTION OF CURBS.

(A) Any private individual or business may construct, repair, or lay pavement for a curb or sidewalk for a public way by obtaining permission in writing from the Town Council, and by following the Council=s instructions as to the form and material to be used. Any deviation from the form or material shall constitute a violation of this section. This work shall not impede the public way for any unreasonable length of time. Final clearance of the construction or repair must be made by either the Town Council or their designated representative, in writing. Materials and obstructions may not be placed within 15 feet of fire hydrants, or in such a way as to block firefighting equipment or in any way interfere with public utilities, without prior written permission from both the utility company and the Town Council.

(B) The cost of correction of improperly done repair or construction work shall lie with the person or business responsible for the work.

(Ord. 1979-2, passed 3-21-1979) Penalty, see ' 92.99

' 92.09 VIOLATIONS; NOTICE.

Any person found in violation of ' ' 92.01 through 92.05 shall be given 1 warning to correct the unlawful condition within a time reasonable for the correction. The warning may be given by either the Town Marshal or the official in charge of streets and sidewalks, and shall be in writing. If correction is not made within a reasonable time, the Town Marshal or the Town Council may order the correction made by others, and the cost of the correction shall be billed to the property owner or others found to have caused the violation. If each bill is not paid within 14 days, the Town Council may order either that a claim in the nature of a lien for the amount be placed against the property on the tax rolls, or that civil proceedings be brought against the person or business found to be in violation of the code, to recover the costs of correction and all costs of collection, including court costs and attorney fees.
(Ord. 1979-2, passed 3-21-1979)

BUILDING AND HOUSE NUMBERS**' 92.15 NUMBERING HOUSES AND BUILDINGS; UNIFORM SYSTEM.****(A) *Uniform system.***

(1) There is established a uniform system of numbering all houses and buildings situated on all streets, avenues, alleys, and highways in the town. In establishing the system, 100 numbers shall be allotted to each square, the initial number of each square being an even hundred. On all east and west streets the figures indicating each successive hundred shall be the number of the street running immediately west of the initial number, all even numbers being on the north side of the streets and all odd numbers being on the south side of the streets.

(2) For all the streets running north and south, the river shall constitute the baseline from which all houses or buildings shall be numbered each way, allowing 100 numbers to each square in the same manner as above set forth. For the numbering of houses or buildings on the streets running north and south, the even numbers shall be placed on the west side of the streets, and the odd numbers shall be placed on the east side of the streets. For all houses or buildings on circular or diagonal streets or avenues, the plan for numbering the same shall follow the above plan for east, west, north, and south streets as nearly as practicable.

(3) For all streets running east and west, Indiana State Highway No. 3 shall constitute the baseline from which all houses or buildings shall be numbered each way, allotting 100 numbers to each square in the same manner as above set forth.

(B) *New buildings numbered.*

(1) The Clerk-Treasurer shall notify the owner or occupant of each house or building in the town of the number assigned to the house or building, and the owner or occupant shall, within 30 days after receipt of the notice, affix the assigned number to the house or building, in numbers at least 3 inches high in a conspicuous place near the entrance thereof.

(2) Should the persons fail, neglect, or refuse to comply with the notice and attach the numbers as required, then the same shall be done by the Town Marshal at the owner=s expense, the expense to constitute a lien upon the property and to be collected as state and county taxes are collected.

(3) Whenever any new house or building shall hereafter be erected in the town, it shall be the duty of the owner or agent of the house or building to ascertain from the Clerk-Treasurer the number that shall be placed upon the new house or building, and thereupon the owner or agent shall at once cause the number to be placed upon the house or building in a conspicuous place at the entrance thereof.

(Ord. 1979-2, passed 3-21-1979)

‘ 92.16 CLERK-TREASURER=S RECORD BOOK.

The Clerk-Treasurer on and after the effective date of this section shall, at the expense of the town, acquire a suitable record book in which shall be recorded and maintained the names of the several streets in the town, in alphabetical order. The dwelling houses and buildings on each side of the streets shall be listed according to the names of the present owners thereof, beginning at the baseline as hereinabove established. Suitable numbers shall be assigned to each dwelling house or building in accordance with the provisions of ‘ 92.15, and recorded in the book.

(Ord. 1979-2, passed 3-21-1979)

‘ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to the penalty set forth in ‘ 10.99 of this code of ordinances.

(B) The person or persons responsible for a violation of ‘ 92.06 shall be fined \$25 per offense upon conviction, with each day the violation continues constituting a separate offense.

(Ord. 1979-2, passed 3-21-1979)

CHAPTER 93: TREES AND SHRUBS

Section

- 93.01 Planting and removal
- 93.02 Signs
- 93.03 Dangerous trees or shrubs
- 93.04 Maintenance of poles and wires
- 93.05 Tree Board

- 93.99 Penalty

‘ 93.01 PLANTING AND REMOVAL.

It shall be unlawful for any person to cut, remove, or plant trees, shrubs, or other foliage, or otherwise make changes on land owned by the town or on any easement to the public right-of-way.
(Ord. 1979-2, passed 3-21-1979) Penalty, see ‘ 93.99

‘ 93.02 SIGNS.

It shall be unlawful for any person or business to attach any sign, notice, or advertisement to any tree or shrub in any public place, or on any tree or shrub belonging to another.
(Ord. 1979-2, passed 3-21-1979) Penalty, see ‘ 93.99

‘ 93.03 DANGEROUS TREES OR SHRUBS.

(A) Any tree or shrub which overhangs any sidewalk, street, or other public place in such a way as to impede or interfere with pedestrian or vehicular traffic shall be trimmed by the owner or occupant of the property on which it stands, in a way that shall cause the impedance to cease.

(B) Any tree limb or other growth which is likely to fall on or across any public way shall be removed by the owner or occupant of the property on which it grows.
(Ord. 1979-2, passed 3-21-1979) Penalty, see ‘ 93.99

‘ **93.04 MAINTENANCE OF POLES AND WIRES.**

Any company which maintains poles or wires in the town shall keep the poles or wires free and away from any nearby trees or shrubs, by keeping all such growth trimmed. This is to be done in a manner so that no avoidable injury shall be suffered by the trees or shrubs.
(Ord. 1979-2, passed 3-21-1979) Penalty, see ‘ 93.99

‘ **93.05 TREE BOARD.**

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

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access, as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land in the right-of-way on either side of the traveled portion of all streets, alley ways and other public ways within the town.

(B) *Creation and establishment of a Tree Board.* There is hereby created and established a Tree Board for the town which shall consist of five members, who shall be appointed by Council on the basis of their interest and knowledge of trees. The Tree Board members will not receive compensation.

(1) *Terms of office.* Each appointment to the Tree Board shall be made for a three-year term. Appointees may serve two three-year terms of office on the Tree Board. If a vacancy occurs during the term of any appointee, his or her successor shall be appointed for the unexpired term. The appointee would thereafter be eligible for two three-year terms on the Tree Board after serving the unexpired portion of the term caused by the vacancy. Notwithstanding anything to the contrary, upon the initial establishment of the Tree Board, the appointees shall initially be appointed for the following terms:

(a) One appointee for a term expiring on the first Monday of January 20__.

(b) Two appointees for a term expiring on the first Monday of January 20__.

(c) Two appointees for a term expiring on the first Monday of January 20__.

(2) *Organization.* At its first meeting of each year, the Tree Board shall select a President and Vice-President. The Vice-President shall have authority to act as the President of the Tree Board during the absence or disability of the President. The Tree Board may select a Secretary either from within or without its membership.

(3) *Meetings.* All meetings of the Tree Board shall be public meetings in accordance with Indiana's Open Door Law. The Tree Board shall fix the time and place of its meetings, the meetings being held at least quarterly. Special meetings may be called by the President of the Tree Board.

(4) *Quorum.* A majority of all members shall constitute a quorum. Action of the Tree Board is not official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Tree Board.

(5) *Duties.* It shall be the responsibility of the Tree Board to review all requests for Street Tree plantings and develop and/or update annually a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plans shall be presented annually to the Town Superintendent and Council for approval.

(6) *Powers.* The Tree Board is granted the following powers and duties by Council:

(a) *Tree inventory.* To establish and maintain a tree inventory for all trees on street right-of-ways, public parks and any other public place.

(b) *Planting of trees.* The Tree Board is given general supervision over the planting of all trees located within street right-of-ways, public parks and other public places of the town. In exercising this supervision, the Tree Board shall make certain that newly planted trees are watered, staked and mulched for at least three years. The Tree Board shall prepare and submit an annual report to Council concerning any tree planting and obtain approvals for planting as Council may require. In its supervision over the planting of trees, the Tree Board shall be bound by the following specifications and requirements.

(c) *Tree species.*

1. The Tree Board shall develop and maintain a list of desirable trees for planting along streets, in parks and for planting in or to overhang the right-of-way or other public areas along town streets in the following three size classes: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). A list of both suitable and non-suitable trees for planting will be available in the Town Clerk-Treasurer's office for public inspection during normal working hours.

2. Except as specifically authorized in writing by the Superintendent, the spacing of the street trees will be in accordance with the tree sizes listed above in this section and no tree may be planted:

A. Closer (measured from the center of the tree) together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet.

B. Closer (measured from the center of the tree) to any curb, curb line, or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

C. Closer than 35 feet to any street corner, measured from the nearest intersecting curbs or curbs line to the center of the tree.

D. Closer than ten feet to any fire hydrant or underground utility measured from the center of the tree.

2014 S-2
24B

Markle - General Regulations

(d) *New plantings.* All new plantings of street trees in the right-of-way area shall be done in cooperation with the adjacent private property owner's suggestions and desires.

(e) *Inspections.* It will be the Tree Board's responsibility to inspect all trees on street right-of-ways, public parks and other public areas as often as necessary, to determine if they are subject to any infectious disease or insect problem, are dead or dying, obstruct street lights or signs, interfere with the free passage of pedestrians or vehicles, or pose a threat to safety.

(7) *Other prohibited acts.* It shall be a violation of the town code for any person other than an agent or an entity licensed by the town, public utility or its agents in doing the work of the public utility to:

(a) Tie, tack, nail wire, or otherwise attach and sign, poster, or other object to any street tree, park tree, or other woody vegetation on public property.

(b) Prune, spray, treat, top, or remove street or park trees, except in circumstances constituting a material danger to lives and/or property.

(c) To prevent, delay or interfere with the town or its agent, engaged in the planting, cultivating, mulching, pruning, spraying or removing of woody vegetation as provided herein.
(Ord. 2012-6, passed 12-13-2012)

' 93.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to the penalty set forth in ' 10.99 of this code of ordinances.

(B) Any person who violates the provisions of ' 93.02 shall, upon conviction, be fined not less than \$10 nor more than \$100 for each sign so affixed to any tree or shrub.
(Ord. 1979-2, passed 3-21-1979)

2014 S-2

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
- 94.09 Exemptions
- 94.10 Administrative enforcement

- 94.99 Penalty

▸ 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. (Ord. 1997-6, passed 12-17-1997)

▸ 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)

Markle - General Regulations

COMMISSION. As discussed in I.C. 22-9.5-2-3, means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

COMPLAINANT. As discussed in I.C. 22-9.5-2-4, means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

DISABLED.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits 1 or more of the person=s major life activities;

(b) A record of having such an impairment;

(c) Being regarded as having such 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 **DISABLED** 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 **DISABLED** 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 1 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, designed, or intended for occupancy as a residence by 1 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:

(1) A parent or another person having legal custody of the individual or the written permission of the parent or other person.

(2) 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 *FAMILY* being further defined under *FAMILIAL STATUS*.

PERSON. As discussed in I.C. 22-9.5-2-11, includes 1 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 U.S.C., receivers, and fiduciaries.

TO RENT. As discussed in I.C. 22-9.5-2-13, includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant. (Ord. 1997-6, passed 12-17-1997)

‘ 94.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, ‘ 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 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) of this section, 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 3 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 1 such 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 3 single-family houses at any one time. The sale or rental of any such 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 such broker, agent or salesperson, or person; and

Markle - General Regulations

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of ' 94.04(C) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such 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 4 families living independently of each other, if the owner actually maintains and occupies 1 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:

(1) He or she has, within the preceding 12 months, participated as principal in 3 or more transactions involving the sale or rental of any dwelling or any interest therein; or

(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 2 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, 5 or more families.
(Ord. 1997-6, passed 12-17-1997)

' 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, disability, familial status, or national origin, or an intention to make any such 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.

(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) That 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 disability of:

(a) That 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 such 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 such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

Markle - General Regulations

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such 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 these 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 Standards Institute (ANSI) standards for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of division (F)(3)(c)3. of this section.

(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 or whose tenancy would result in substantial physical damage to the property of others.
(Ord. 1997-6, passed 12-17-1997) 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 such a transaction, or in the terms or conditions of such 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; 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.

(Ord. 1997-6, passed 12-17-1997) 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 or participation in any multiple-listing service, real estate brokers= organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of the access, membership, or participation, on account of race, color, religion, sex, disability, familial status, or national origin.

(Ord. 1997-6, passed 12-17-1997) 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 aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by ' ' 94.03 through 94.06.

(Ord. 1997-6, passed 12-17-1997) Penalty, see ' 94.99

‘ 94.08 PREVENTION OF INTIMIDATION.

(A) 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 the following shall be subject to the penalty in ‘ 94.99(B):

(1) 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;

(2) 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:

(a) 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 these provisions; or

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

(3) Any citizen because he or she is or has been, or in order to discourage that 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)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate.

(B) If bodily injury results from the actions of division (A), the person shall be subject to the provisions of ‘ 94.99(C).

(Ord. 1997-6, passed 12-17-1997) Penalty, see ‘ 94.99

‘ 94.09 EXEMPTIONS.

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

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from

giving preference to those persons, unless membership in the religion is restricted on account of race, color, or national origin. Nor shall anything in this 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); or

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

(c) Intended and operated for occupancy by at least 1 person 55 years of age or older per unit.

(Ord. 1997-6, passed 12-17-1997)

▪ **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) hereof 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 articles of this chapter by complainants to the Indiana Civil Rights Commission (Commission) for administrative enforcement actions pursuant to I.C. 22-9.5-6, and the Chief Executive Officer of the town shall refer all the complaints to the Commission as provided for under division (A) of this section 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 the purposes.

Markle - General Regulations

(D) The Chief Executive Officer of the town, or the Chief Executive Officer=s designee, shall provide information on referral procedures to the Commission to any aggrieved person or complainant requesting the information.

(Ord. 1997-6, passed 12-17-1997)

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who violates the provisions of § 94.08(A) shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

(C) For any person who violates the provisions of § 94.08(B), the person shall be fined not more than \$10,000, or imprisoned for not more than 10 years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

(Ord. 1997-6, passed 12-17-1997)

CHAPTER 95: ABANDONED, SALVAGED, AND SCRAP VEHICLES

Section

- 95.01 Definitions
- 95.02 Adoption of state law
- 95.03 Abandoning vehicle on public or private premises
- 95.04 Removal by the town
- 95.05 Disposal of vehicles; Abandoned Vehicle Fund
- 95.06 Removal by owner; execution of waiver
- 95.07 Demolition derby cars
- 95.08 Other vehicles and machinery

- 95.99 Penalty

• 95.01 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 continuously without being moved for 3 days;
- (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 that has been removed by a towing service or an agency upon request of an officer enforcing this chapter or other statute, if the vehicle once impounded is not claimed or redeemed by the owner or his or her agent within 15 days of its removal; or
- (5) A vehicle that is 6 or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 30 days.

AGENCY. The individual or party given responsibility by the Town Council for removal, storage and disposal of abandoned vehicles.

OFFICER. Pursuant I.C. 9-22-1-2. As used in this chapter, **OFFICER** means the following:

- (1) A regular member of the State Police Department.
- (2) A regular member of a city or town Police Department.
- (3) A Town Marshal or Town Marshal Deputy.
- (4) A regular member of the county police force.
- (5) An individual of an agency designated by ordinance of the Town Council.

OWNER. The last known record titleholder of the vehicle according to the records of the Indiana Bureau of Motor Vehicles.

PRIVATE PROPERTY. All property other than public property.

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

VEHICLE. An automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, recreational vehicle or semitrailer used in the transportation of watercraft, or a motorized bicycle.
(Ord. 2006-9, passed 10-18-2006)

▮ 95.02 ADOPTION OF STATE LAW.

All of the power, purpose, provisions and definitions contained in I.C. 9-22-1, commonly known as "The Indiana Abandoned Vehicle Act" as they exist and are hereafter modified or amended are incorporated by reference in this chapter and made a part thereof.
(Ord. 2006-9, passed 10-18-2006)

▮ 95.03 ABANDONING VEHICLE ON PUBLIC OR PRIVATE PREMISES.

It shall be unlawful for any person to abandon any vehicle on any public or private premises within the town at any such time and under any circumstance, which would reasonably make such vehicles appear to be abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any public or private premises within the town.
(Ord. 2006-9, passed 10-18-2006) Penalty, see ▮ 95.99

▪ **95.04 REMOVAL BY THE TOWN.**

(A) (1) The town is hereby designated as a public agency as defined in the Abandoned Vehicle Act, which shall be responsible for the removal, storage and disposal of abandoned vehicles.

(2) In order to facilitate the removal of such abandoned vehicles or parts, the town may employ such personnel and acquire such equipment, property and facilities as are necessary for removal, storage and disposition of such abandoned vehicles, not in conflict with the Abandoned Vehicle Act or the town may contract with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal of vehicles subject to this chapter.

(B) In addition to the Town Marshal, the Town Manager is hereby designated an "officer".

(C) Pursuant to I.C. 9-22-1-13(b), the legislative body of a municipality (as defined in I.C. 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under division (A). However, the market value established by the ordinance may not be more than \$750. The town may dispose of a vehicle or parts if the established market value of said vehicle or parts is not more than \$500.

(Ord. 2006-9, passed 10-18-2006)

▪ **95.05 DISPOSAL OF VEHICLES; ABANDONED VEHICLE FUND.**

The town shall establish periodic times and places for the sale or disposal of all such vehicles impounded under this chapter. All money received shall be placed in the Abandoned Vehicle Fund, which shall be a revolving fund dedicated to the enforcement of this chapter. The administrative fee for appraisals and processing of title information from the Bureau of Motor Vehicles has been established at \$10. This fee is to be paid by the towing contractor or salvage yard.

(Ord. 2006-9, passed 10-18-2006)

▪ **95.06 REMOVAL BY OWNER; EXECUTION OF WAIVER.**

The owner of a vehicle subject to this chapter may, in lieu of the above provisions, voluntarily provide for the removal and disposal of such vehicle by submitting in writing a request for a waiver of the above requirements to the town or fill out form provided waiving ownership of said vehicle in lieu of further enforcement action to the town.

(Ord. 2006-9, passed 10-18-2006)

‘ 95.07 DEMOLITION DERBY CARS.

Vehicles in an operable or inoperable condition specifically adapted or constructed for exclusive operation as demolition derby cars on privately owned raceways, or parts thereof, shall not be stored on private or public property unless stored inside a closed structure out of public view.
(Ord. 2006-9, passed 10-18-2006)

‘ 95.08 OTHER VEHICLES AND MACHINERY.

All other vehicles and machinery as defined by the Indiana Abandoned Vehicle Act must conform to the following in order to be consider abandoned or inoperable:

(A) Has not moved in the last 30 days.

(B) Weeds and other noxious weeds are growing beyond the 7 inches as allowing by ‘ 91.04.

(C) Is inoperable, dismantled, has flat tires or is in disrepair.

(D) Harbors wild animals or stray animals as defined in ‘ 90.01.

(Ord. 2006-9, passed 10-18-2006)

‘ 95.99 PENALTY.

Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, be fined in the amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 2006-9, passed 10-18-2006)