

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. CEMETERIES**
- 91. ANIMALS**
- 92. FAIR HOUSING**
- 93. NUISANCES**
- 94. FIRE PREVENTION AND PROTECTION**
- 95. TREES**
- 96. STREETS AND SIDEWALKS**
- 97. ABANDONED VEHICLES**



## CHAPTER 90: CEMETERIES

### Section

- 90.01 Rates
- 90.02 Circle Grove Cemetery; rules and regulations

### § 90.01 RATES.

(A) The fees for grave spaces within the cemetery shall be \$550.

(B) The fees for the opening and closing of a grave site within the cemetery shall be \$550 Monday through Friday. No opening and closing of graves will be permitted on Sundays. Opening and closing on holidays and Saturdays before noon shall be the established rate plus an additional \$100 and after noon, an additional \$300.

(C) Grave opening and closing for cremated remains where the container is two feet or less and one foot or less in diameter or width shall be \$350.

(D) The fee for opening or closing for a baby where the opening is 16 inches by 30 inches shall be \$200 less than the regular price for opening and closing.

(E) The current fee for pouring foundations is attached to Ordinance 2011-2, passed April 5, 2011 as Exhibit A, and all military foundations shall be a minimum of \$100.

(F) All fees listed above are subject to revision by the Town Council, which shall periodically review as is necessary and shall set a schedule based upon the aforementioned as the Council deems necessary.

(Ord. 2007-5, passed 11-6-2007; Ord. 2010-4, passed 9-7-2010; Ord. 2011-2, passed 4-5-2011)

### § 90.02 CIRCLE GROVE CEMETERY; RULES AND REGULATIONS.

(A) Persons visiting the cemetery or attending a funeral are strictly prohibited from writing upon or defacing any memorial or removing floral offerings from a headstone of a person not related to them.

(B) Riding bicycles along the roadways will be permitted, but not across cemetery lots or any grassy areas.

**Spiceland - General Regulations**

(C) Throwing rubbish on the drives or any part of the grounds is prohibited. Wire containers are provided at intervals for your convenience.

(D) The placing of toys; metal ornaments; settees; benches; artificial or live Christmas trees; Easter egg trees; statuary (both cement and stone); fences; gravel of any kind; trellis work; wooden, plastic, and Styrofoam objects; or anything that interferes with the routine mowing will not be permitted. Bushes, trees, and shrubs of any kind are not permitted in the cemetery. Existing bushes and shrubs will be allowed to remain as long as they are kept trimmed and properly cared for by the family. If the existing shrubs and bushes become a nuisance and are not properly cared for, then the Superintendent or the Town Council reserves the right to remove them.

(E) Floral saddles are permitted if placed on a headstone.

(F) Winter wreath blankets are permitted but must be removed by the lot owner by March 1 of each year.

(G) It is of utmost importance that there should be strict observance of the proprieties in the cemetery. All persons within the cemetery shall avoid conduct unbecoming a sacred place.

(H) The town will take all reasonable precaution to protect lot owners, and the property rights of lot owners within the cemetery, from loss or damage; but the town disclaims all responsibility for loss or damage caused beyond its reasonable control, and especially from damage caused by the elements, an act of God, thieves, vandals, or malicious mischief makers.

(I) The general care of the cemetery is assumed by the town and includes the cutting of grass at reasonable intervals, raking and cleaning of the grounds, meaning and intending the general preservation of the lots and grounds, roadways, boundaries, and any structures that might be erected, to the end that the grounds shall remain and be reasonably cared for as cemetery grounds forever.

(J) The general care assumed by the cemetery shall in no case mean the maintenance, repair, or replacement of any monument, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any monument, bronze, or concrete work on any section or lot, caused by the elements, an act of God, thieves, vandals, or malicious mischief makers.

(K) The cemetery groundskeeper reserves the right to remove all floral designs, flowers, trees, shrubs, and plants of any kind from the cemetery as soon as they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standards prescribed by the Cemetery Committee, or the Town Superintendent.

(L) All live and artificial flowers in ground containers are to be removed no less than two weeks following the Memorial Day weekend so they are not obstructions to the mowing of the cemetery.

(M) Should any monument/headstone become unsightly, dilapidated, or a menace to life and limb, the town will notify relatives to correct or remove same. Any cost incurred shall be at the expense of the lot owner. If no relative remains, the town reserves the right to correct the situation.

(N) Individual care of lots and monuments is encouraged.

(O) The groundskeeper shall make every attempt to control the mole population.

(P) The placing of cemetery urns and shepherd's staffs on a family lot or by an individual grave is not encouraged, but not discouraged.

(Q) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The groundskeeper, with the advise and consent of the Superintendent and the Town Council, reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, without notice, when in the judgment of the Town Council and the Superintendent such actions appears necessary; and the temporary exception, suspension, or modification shall in no way be construed as affecting the general application of the rules and regulations.

(Ord. 2005-2, passed 8-16-2005) Penalty, see § 10.99



## CHAPTER 91: ANIMALS

### Section

#### *General Provisions*

- 91.001 Definitions
- 91.002 Restraint
- 91.003 Control over animals; nuisance
- 91.004 Sanitary conditions; proper care of disease or injury
- 91.005 Abandonment
- 91.006 Vicious animals
- 91.007 Keeping wild animals; exceptions
- 91.008 Animals in heat
- 91.009 Spaying and neutering adopted animals
- 91.010 Giving animals as prizes
- 91.011 Poisoning animals
- 91.012 Motor vehicle accidents involving animals
- 91.013 Use of devices to induce performance
- 91.014 Disposition of funds
- 91.015 Poultry prohibited within town limits
- 91.016 Certain domestic animals prohibited within town limits

#### *Licensing*

- 91.030 License required; exceptions
- 91.031 Obtaining license
- 91.032 Tags
- 91.033 Fees
- 91.034 License period
- 91.035 Use of license for another animal

#### *Commercial Animal Establishment Permits*

- 91.050 Permit required
- 91.051 Inspection of animals and premises authorized
- 91.052 Obtaining permit
- 91.053 Standards for commercial animal establishments

**Spiceland - General Regulations**

- 91.054 Permit period
- 91.055 Fees
- 91.056 Reclassification

***Noncommercial Animal Permits***

- 91.070 Permit required
- 91.071 Obtaining amateur breeder permit
- 91.072 Amateur breeder permit period
- 91.073 Obtaining kennel permit
- 91.074 Standards for kennels
- 91.075 Kennel permit period
- 91.076 Fees
- 91.077 Reclassification

***Rabies Control***

- 91.090 Rabies vaccination required
- 91.091 Animals biting persons
- 91.092 Disposition of exposed animals
- 91.093 Duties of owner of suspect animal
- 91.094 Euthanization of stray animals

***Impoundment***

- 91.110 Animals to be impounded; period of impoundment
- 91.111 Jurisdiction of Humane Society for impoundment
- 91.112 Notice of impoundment
- 91.113 Reclamation of impounded animals

***Animal Control Enforcement***

- 91.125 Duties, jurisdiction, and powers of Humane Society
- 91.126 Interference with Humane Society Animal Control Officer
  
- 91.998 Violation procedure
- 91.999 Penalty

***Editor's note:***

*This ordinance shall take effect on January 1, 2010*



**GENERAL PROVISIONS****§ 91.001 DEFINITIONS.**

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

**AMATEUR BREEDER.** Any person, not a commercial animal establishment, who allows his or her dog or cat to breed with another and does not keep the offspring.

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

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

**AT LARGE.** Any animal shall be deemed **AT LARGE** when it is not under restraint.

**AUCTION.** Any place or facility where animals are regularly sold, or traded, except for those facilities otherwise defined in this chapter.

**CIRCUS.** A commercial variety show featuring animal acts for public entertainment.

**COMMERCIAL ANIMAL ESTABLISHMENT.** Any pet shop, auction, riding school or stable, zoological park, circus, or performing animal exhibition.

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

- (1) Dog;
- (2) Cat;
- (3) Cattle;
- (4) Horse;
- (5) Donkey;
- (6) Pig;
- (7) Sheep;
- (8) Goat;

**Spiceland - General Regulations**

- (9) Rabbit;
- (10) Mouse;
- (11) Rat;
- (12) Guinea pig;
- (13) Chinchilla;
- (14) Hamster;
- (15) Gerbil; or
- (16) Ferret.

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

**KENNEL.** An establishment wherein any person engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs or cats. Anyone keeping a total of five or more dogs or cats four months of age or older shall be deemed a kennel operator.

**OWNER.** Any person owning, keeping, or harboring one or more animals.

**PERFORMING ANIMAL EXHIBITION.** Any spectacle, display, act, or event other than circuses, in which performing animals are used.

**PERSON.** Any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

**PETS.** Any animal kept for pleasure rather than utility.

**PET SHOP.** Any person, whether separately or in connection with another business enterprise except for a kennel, that buys, sells, or boards any species of animal.

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

- (1) Molest passers by or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property;

- (4) Bark, whine, or howl in an excessive or continuous fashion; or
- (5) Defecate on property other than the owner's.

**RESEARCH LABORATORY.** Any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 U.S.C. § 2132 *et seq.*

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

**RIDING SCHOOL** or **STABLE.** Any place that has available for hire, boarding, or riding instruction, any horse, pony, donkey, mule, or burro.

**STRAY.** Any animal that does not appear upon reasonable inquiry, to have an owner.

**VETERINARY HOSPITAL.** Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**VICIOUS ANIMAL.** Any animal that by its behavior constitutes an immediate and serious physical threat to human beings or animals.

**WILD ANIMALS.** Any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds.

**ZOOLOGICAL PARK.** Any facility, other than a pet shop or kennel, displaying, or exhibiting, without the predominant purpose of selling, one or more species of non domesticated animals, operated by a person or government agency.  
(Ord. 2009-2, passed 2-3-2009)

**§ 91.002 RESTRAINT.**

All animals shall be kept under restraint.  
(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.003 CONTROL OVER ANIMALS; NUISANCE.**

No owner shall fail to exercise due care and control of his or her animals to prevent them from becoming a public nuisance.  
(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.004 SANITARY CONDITIONS; PROPER CARE OF DISEASE OR INJURY.**

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

(A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement; and every person maintaining an animal pen or animal run shall keep the run or pen clean and sanitary and free from all refuse. The pen or run shall be thoroughly swept at least once every 48 hours, and it shall be unlawful to permit any decaying food, any animal waste or any refuse of any kind, to remain in the run or pen. Refuse or waste from the pen or run shall, when swept up or collected, be kept in air tight containers until disposed of in accordance with this chapter and any other applicable sections of this code and it shall be unlawful to permit any such refuse to remain uncovered.

(B) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter, shade from the sun and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely.

(C) Shall not be tethered by use of any collar too small for the size and age of the animal, nor by any rope, chain, or cord directly attached to the animal's neck, nor by a leash without swivels on both ends or a chain of such unreasonable weight as to prevent the animal from moving about freely.

(D) Shall provide reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.005 ABANDONMENT.**

No owner of an animal, or any other person, shall abandon that animal.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.006 VICIOUS ANIMALS.**

Every vicious animal, as determined by the Director of Animal Control, shall be spayed or neutered by a veterinarian at the owner's expense before being released to the owner. The animal is to be confined by the owner within a building or secure enclosure, which shall include, four sides, a top, no less than four inches of fencing under ground and six feet in height above ground. A sign no less than three inches by three inches shall be displayed on all sides of the enclosure reading (VICIOUS DOG - BEWARE). The enclosure shall be kept padlocked at all times. The enclosure shall be approved by the Director of Animal Control. If the animal is kept inside of a home, the animal must be securely muzzled whenever outside of the home for any reason and on a leash with the owner present. The animal shall remain on

the property at all times unless being transported to or from a veterinarian. The home shall have signs displayed on all entry doors reading (VICIOUS DOG - BEWARE). The signs shall be of reasonable size so as to be seen and read. An owner of an animal deemed to be vicious shall never transfer ownership of the animal.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.007 KEEPING WILD ANIMALS; EXCEPTIONS.**

(A) No person shall keep or permit to be kept on his or her premises any wild or vicious animal for any purpose, except as provided in division (B) below.

(B) This section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions, or research laboratories.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.008 ANIMALS IN HEAT.**

Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with a male animal of the same species except for planned breeding.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.009 SPAYING AND NEUTERING ADOPTED ANIMALS.**

Any dog or cat adopted from the New Castle/Henry County Animal Shelter must be spayed or neutered by a veterinarian. Fees collected at the shelter for neutering and spaying shall be determined by the Humane Society. If the dog or cat is an adult, the operation must be performed within 15 days of adoption. If the dog or cat is young, it shall be spayed or neutered by the age of six months. Any dog or cat not so neutered within those time periods shall be reclaimed by the New Castle/Henry County Animal Shelter, without refund to the adopter, except if a veterinarian should determine that the dog or cat is physically unable to undergo such an operation within the time limitation, in which case the dog or cat is to be neutered or spayed as soon as the veterinarian determines it is able.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.010 GIVING ANIMALS AS PRIZES.**

No person or group of persons shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.011 POISONING ANIMALS.**

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his or her own property, common rat or mouse poison, unmixed or mixed only with vegetable substances.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.012 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.**

Any person who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the New Castle/Henry County Animal Shelter.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.013 USE OF DEVICES TO INDUCE PERFORMANCE.**

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.014 DISPOSITION OF FUNDS.**

All fees, fines, or monies collected shall be paid to the New Castle/Henry County Animal Shelter. Money so paid shall be used by the New Castle/Henry County Animal Shelter to carry out the provisions of this chapter.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.015 POULTRY PROHIBITED WITHIN TOWN LIMITS.**

(A) *Definition.* For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

**POULTRY.** Domesticated birds that serve as a source of eggs or meat, including, but not limited to, chickens, turkeys, ducks, geese, guinea fowl, peafowl, pigeons, and pheasants.

(B) *Prohibition.* Poultry shall be prohibited within the town limits.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.016 CERTAIN DOMESTIC ANIMALS PROHIBITED WITHIN TOWN LIMITS.**

(A) *Prohibition.* It shall be illegal to own, board, keep, or maintain one or more of the following animals within the legal boundaries of the city:

- (1) Cattle, including cows, bulls, steers, and calves;
- (2) Horses, including mares, stallions, geldings and ponies;
- (3) Mules;
- (4) Donkeys or burros;
- (5) Sheep or lambs;
- (6) Goats;
- (7) Rabbits for the purpose of commercial sale for their meat or pelts;
- (8) Swine including pigs, hogs, boars, sows, or piglets; or
- (9) Any other animal kept, owned, maintained, or raised for the commercial purpose of selling it for meat, pelts, or other product.

(B) *Exemptions.*

(1) Exemptions to these provisions may be issued by the Town Council. Persons wishing for the exemptions must submit to the town a written application setting forth the reason the exemption should be issued. Upon receipt of an application, the town shall advise the applicant of the date the application will be heard. The applicant must then notify all adjacent owners of the requested exemption and the date of hearing by certified mail, return receipt requested, no less than ten days prior to the date of the hearing. Adjacent property owners would include those living across from the applicant's property where there are alleys, streets or public rights-of-way.

(2) At the hearing, the applicant must provide the town with proof of mailing of the notice of hearing and receipt of same by those affected and present evidence to establish that the exemption is mandated for medical, health or religious reasons. The Town Council is authorized in its issuance of the exemption to stipulate the conditions under which the animals may be kept and the length of time the exemption would be applicable. Factors to be considered by the town in determining whether or not an exemption should be issued include but are not limited to the following:

- (a) The size of the applicant's lot;
- (b) The nature of the neighborhood and surrounding zoning;

**Spiceland - General Regulations**

- (c) The physical conditions and standard of care given the animals by the applicant;
- (d) Report from the New Castle/Henry County Humane Society;
- (e) The wishes and concerns of those living in the general vicinity of the applicant; and
- (f) The boarding of such animals by the applicant on a regular basis prior to the passage of this section.

(3) Persons providing the Town Council with proof by way of affidavit, oral testimony, or other credible evidence that they owned and boarded exempt animals on their real estate prior to the passage of this section shall be granted an exemption for the life of the offending animals. However, the hearing and notification process as set forth above must be followed in such situations so that surrounding property owners may have the opportunity to submit opposing positions. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

***LICENSING*****§ 91.030 LICENSE REQUIRED; EXCEPTIONS.**

Any person owning, keeping, harboring, or having custody of a dog or bat over four months of age within the town must obtain a license for it under this subchapter unless that person owns the animal under authority of either a kennel or commercial animal establishment permit. No license shall be required for seeing eye dogs or special aid dogs for disabled persons. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.031 OBTAINING LICENSE.**

Application for license shall be made at the animal shelter. The application, one per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian, and information whether the applicant or anyone living at the same address has been convicted of cruelty to animals. If the applicant withholds or falsifies any information in the application, the license shall be null and void. No person who has been convicted of cruelty to animals, or has someone living at the same address who has been convicted of cruelty to animals, will be issued a license. Application for a license must be made when the animal reaches the age of four months. When a person obtains an animal older than four months, a license must be applied for within 15 days. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999



**§ 91.032 TAGS.**

Upon acceptance of the license application and fee, there shall be issued to the applicant a durable tag stamped with an identification number and month of expiration. Animals must wear the tags at all times when off the premises of the owner, or on the real property of the owner but not under restraint. The licensing agent shall maintain a record of the identifying number of all tags issued.  
(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.033 FEES.**

(A) A license shall be issued after payment of the applicable fees and the receipt of all application materials. Per-year fees shall be as follows:

- (1) For each un-neutered male or un-spayed female dog or cat: \$25; and
- (2) For each neutered male or spayed female dog or cat: \$5.

(B) A duplicate license may be obtained for a fee of \$2 upon the owner's certifying that the original tag is lost.  
(Ord. 2009-2, passed 2-3-2009)

**§ 91.034 LICENSE PERIOD.**

Licenses for dogs and cats shall be valid for one year from the date of issuance.  
(Ord. 2009-2, passed 2-3-2009)

**§ 91.035 USE OF LICENSE FOR ANOTHER ANIMAL.**

No person shall use a license for any other animal than the animal for which it was issued.  
(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

***COMMERCIAL ANIMAL ESTABLISHMENT PERMITS*****§ 91.050 PERMIT REQUIRED.**

No person shall operate a commercial animal establishment, kennel, or animal shelter, except for the New Castle/Henry County Animal Shelter under the authority of the Henry County Humane Society or a licensed veterinary hospital without first obtaining a permit in compliance with this subchapter. Every facility regulated by this subchapter shall be considered a separate enterprise and shall require an individual permit.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.051 INSPECTION OF ANIMALS AND PREMISES AUTHORIZED.**

It shall be a condition of the issuance of any permit required by this subchapter that the Humane Society, and its agents or employees, shall be permitted to inspect at any time all animals and the premises where the animals are kept.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.052 OBTAINING PERMIT.**

Applicants must apply for permits required by this subchapter with the animal shelter. The application must contain, in addition to information whether the applicant or anyone residing with the applicant has been convicted of cruelty to animals, a statement that the applicant complies and will comply with the regulations promulgated under authority of § 91.004(B), and that he or she authorizes the Humane Society to inspect his or her facilities and animals. The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required. If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be null and void. No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals or to an applicant who has anyone living with him or her that has been convicted of cruelty to animals.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.053 STANDARDS FOR COMMERCIAL ANIMAL ESTABLISHMENTS.**

In order to be eligible to obtain a permit, a commercial animal establishment must:

(A) Be operated in such a manner as not to constitute a public nuisance;

(B) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;

(C) Keep all animals caged, within a secure enclosure or under the control of the owner or operator at all times;

(D) With respect to all animals kept on the premises, comply with all of the provisions of this chapter providing for the general care of animals;

(E) Not sell animals which are unweaned, strays, or obviously diseased; and

(F) Not employ or allow volunteers that have been convicted of cruelty to animals.  
(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.054 PERMIT PERIOD.**

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made and approved before a commercial animal establishment can be opened.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.055 FEES.**

(A) Fees for permits shall be as follows:

- (1) For each pet shop: \$75;
- (2) For each riding stable: \$75;
- (3) For each auction: \$25;
- (4) For each zoological park: \$100; and
- (5) For each circus: \$25.

(B) No fee shall be required of any veterinary hospital, animal shelter, research laboratory, or government-operated zoological park.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.056 RECLASSIFICATION.**

Any person who has a change in the category under which the commercial animal establishment permit was issued shall report the change to the Humane Society and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the Humane Society.

(Ord. 2009-2, passed 2-3-2009)

***NONCOMMERCIAL ANIMAL PERMITS*****§ 91.070 PERMIT REQUIRED.**

No person shall be an amateur breeder or operate a kennel without obtaining a permit in compliance with this subchapter. Dogs and cats housed in a kennel need not have licenses issued under §§ 91.030 through 91.035; dogs and cats of an owner holding an amateur breeder permit must be licensed under §§ 91.030 through 91.035.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.071 OBTAINING AMATEUR BREEDING PERMIT.**

Applications for an amateur breeder permit shall be made to the New Castle/Henry County Animal Shelter. The application shall include, at a minimum, the name and address of the applicant, information whether the applicant or anyone living at the same address has been convicted of cruelty to animals, why the applicant wants to breed, attending veterinarian and vaccination records, a health certificate issued by a veterinarian stating that the animal is in proper health, and if the animal owner or anyone living at the same address has had an animal deemed to be vicious. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit upon false or withheld information shall be null and void. No person who has been convicted of animal cruelty, who is unable to present proper veterinarian records and health certificate, or any person who has ever had an animal deemed to be vicious shall be issued a permit. Any person who has had repeated animal control complaints shall be issued a permit at the discretion of the Animal Shelter Director.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.072 AMATEUR BREEDING PERMIT PERIOD.**

Amateur breeder permits shall last for one breeding only.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.073 OBTAINING KENNEL PERMIT.**

(A) Applicants must apply for kennel permits with the New Castle/Henry County Animal Shelter. The application must contain, in addition to whether the applicant has been convicted of cruelty to animals or has ever had an animal deemed to be vicious, a statement that the applicant complies and will comply with the regulations promulgated under authority of § 91.074(B), the number, breed, color, and sex of each dog or cat held and the location in the town at which the animals will be housed as of the time of application. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty of animals or has ever had an animal deemed vicious shall be issued a permit. If the proposed or existing site of the kennel is not located in an area zoned for kennels, the application will not be accepted. If not accepted because of zoning, the applicant must then, within a period of one month, apply to the Town Council for a variance, and if a variance is granted, and all other requirements are met, the application shall be accepted.

(B) Any person owning five or more dogs or cats four months of age or older, prior to the enactment of this division on June 7, 2011, shall be permitted to continue ownership of the animals, provided, that the owner registers that animals with the New Castle/Henry County Animal Shelter within 60 days after the enactment of this division. In order to register the animals, the owner must provide proof of current rabies vaccination and a full description of the animals, including species, age, color and sex of the animal. A copy of the registration must be kept by the owner as evidence of possession of the animal prior to the enactment of this division.

(Ord. 2009-2, passed 2-3-2009; Ord. 2011-04, passed 6-7-2011) Penalty, see § 91.999

**§ 91.074 STANDARDS FOR KENNELS.**

In order to be eligible to obtain a permit, a kennel must:

(A) Be operated in such a manner as not to constitute a public nuisance;

(B) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;

(C) Keep all animals caged, within a secure enclosure, or under the control of the owner or operator at all times;

(D) With respect to all animals kept on the premises, comply with all of the provisions of this chapter providing for the general care of animals; and

(E) Not sell animals which are unweaned or clearly diseased.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.075 KENNEL PERMIT PERIOD.**

The kennel permit period shall begin on January 1st and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year.  
(Ord. 2009-2, passed 2-3-2009)

**§ 91.076 FEES.**

Fees for noncommercial animal permits shall be as follows:

(A) For each amateur breeder: \$100;

(B) For each kennel authorized to house less than 15 dogs or cats: \$25;

(C) For each kennel authorized to house from 15 to 50 dogs or cats: \$50; and

(D) For each kennel authorized to house more than 50 dogs or cats: \$100.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.077 RECLASSIFICATION.**

Any person who has a change in the category under which the noncommercial animal permit was issued shall report the change to the Humane Society and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the Humane Society.  
(Ord. 2009-2, passed 2-3-2009)

***RABIES CONTROL*****§ 91.090 RABIES VACCINATION REQUIRED.**

(A) *Compliance with state law.* It is unlawful to own or harbor a dog or cat without a valid rabies vaccination in accordance with the state code.

(B) *Exceptions.* An animal of age and physical condition unable to withstand a rabies vaccination must have a licensed veterinarian certificate stating the same.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.091 ANIMALS BITING PERSONS.**

If an owned animal has bitten a person, the animal shall, at the owner's expense, be quarantined at the New Castle/Henry County Animal Shelter or a veterinary hospital located in Henry County for a period of ten days. If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. The animal must be at a quarantine location within 24 hours of the bite occurrence. Immediately following a bite during the first 24 hours while the animal is awaiting quarantine, the animal must be contained on the owner's property within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others. If the bite, as determined by the Director of the New Castle/Henry County Animal Shelter is deemed to be vicious, the animal shall be immediately removed from the owner and quarantined at the New Castle/Henry County Animal Shelter. A bite is determined by the opening of skin. If an owned animal has bitten a person and the animal has not been properly vaccinated or licensed under this chapter, the fines for the bite shall double. If the owner of the animal does not reclaim the animal after the quarantine period, the Animal Shelter shall destroy the animal at the owner's expense. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.092 DISPOSITION OF EXPOSED ANIMALS.**

Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six months at the owner's expense or be destroyed. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.093 DUTIES OF OWNER OF SUSPECT ANIMALS.**

It is unlawful for any owner knowing an animal to have rabies to allow the animal to leave his or her premises, except to be taken to a veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the appropriate law enforcement agency or the New Castle/Henry County Animal Shelter. (Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

**§ 91.094 EUTHANIZATION OF STRAY ANIMALS.**

If a stray animal has bitten a person it shall be quarantined in the New Castle/Henry County Animal Shelter for a period of ten days. At the end of the period, if unclaimed, the animal shall be euthanized. (Ord. 2009-2, passed 2-3-2009)

***IMPOUNDMENT*****§ 91.110 ANIMALS TO BE IMPOUNDED; PERIOD OF IMPOUNDMENT.**

(A) At-large animals, nuisance animals, and animals which have bitten persons may be taken by law enforcement or animal control officers and impounded in the New Castle/Henry County Animal Shelter.

(B) In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this chapter, the law enforcement officer or animal control officer may issue to the known owner of the animal, a notice of ordinance violation.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.111 JURISDICTION OF HUMANE SOCIETY FOR IMPOUNDMENT.**

The jurisdiction of the Humane Society for purposes of enforcing this subchapter shall include, in addition to the town itself, all adjacent residential areas.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.112 NOTICE OF IMPOUNDMENT.**

If by a license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or registered mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five nights from impoundment before becoming the property of the Humane Society. Animals that are the property of the Humane Society may be placed for adoption or humanely euthanized.

(Ord. 2009-2, passed 2-3-2009)

**§ 91.113 RECLAMATION OF IMPOUNDED ANIMALS.**

(A) An owner reclaiming an impounded dog or cat shall pay a board fee as determined by the Humane Society for each day the dog or cat was impounded, in addition to any fines due for any violations of this chapter. An owner reclaiming an impounded animal other than a dog or cat shall pay a board fee in keeping with the size and needed care of the animal in addition to any fines due for any violations of this chapter.

(B) An owner reclaiming an impounded animal that is not under the jurisdiction of the town shall pay, in addition to the board fee as determined by the Humane Society for each day the animal was impounded, a fee of \$20 the first time the animal is reclaimed, with the fee increasing by an increment of \$20 each subsequent time the animal is reclaimed, not to exceed \$200. In the event the animal is not



impounded for a period of 12 consecutive months, the fee for reclamation after that period shall be \$20, with the fee increasing by an increment of \$20 each subsequent time the animal is impounded, not to exceed \$200.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

### ***ANIMAL CONTROL ENFORCEMENT***

#### **§ 91.125 DUTIES, JURISDICTION, AND POWERS OF HUMANE SOCIETY.**

The Humane Society, and its agents and employees, shall carry out and supervise the enforcement of this chapter within the town as set forth in the service contract. All those powers ordinary and necessary to carry out their duties shall be vested in them. These powers shall specifically include, but not be limited to, the power to issue a notice of ordinance violation for certain violations of this chapter, and the power to enter private real property in fresh pursuit of an animal to enforce this chapter.

(Ord. 2009-2, passed 2-3-2009)

#### **§ 91.126 INTERFERENCE WITH HUMANE SOCIETY ANIMAL CONTROL OFFICER.**

No person shall forcibly assault, resist, oppose, obstruct, prevent, impede, or interfere with any Humane Society animal control officer while that officer is engaged in the execution of any duties required of animal control officers under this chapter.

(Ord. 2009-2, passed 2-3-2009) Penalty, see § 91.999

#### **§ 91.998 VIOLATION PROCEDURE.**

Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in § 91.999 may, at the discretion of the animal owner, be paid at the animal shelter within 72 hours in full satisfaction of the assessed penalty. In the event that payment is not made within the period prescribed, proceedings shall be filed in the City Court of New Castle.

(Ord. 2009-2, passed 2-3-2009)

#### **§ 91.999 PENALTY.**

(A) Persons who violate any provision of this chapter for which another penalty has not been provided shall be subject to a fine \$20 for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of \$20, not to exceed \$200. In the event the person has no additional violations of this chapter for a period of 12 consecutive months, the fine for any violation of

this chapter after that period shall be \$20 for the first offense, with the fine for each subsequent offense increasing by an increment of \$20, not to exceed \$200.

(B) Persons who violate any provision of § 91.006 shall be subject to a \$500 and have the animal removed from them and humanely euthanized.

(C) Persons who violate any provision of §§ 91.005, 91.011 or 91.013 shall be subject to a fine of up to \$100 for each offense.

(D) Persons who violate any provision of § 91.012 shall be subject to a fine of up to \$25 for each offense.

(E) Unless otherwise provided for by state statute, persons who violate any provision of §§ 91.090 and 91.093 shall be subject to a fine of up to \$100 for each offense.

(F) Persons who violate any provision of § 91.126 shall be fined not more than \$1,000.

(G) Persons who violate any provision of §§ 91.015 or 91.016 shall be subject to a fine of up to \$100 for each offense. Failure to comply with the terms of §§ 91.015 or 91.016 shall constitute a separate offense for each 24 hour period that the person is in noncompliance.

(H) (1) Persons who violate any provision of §§ 91.050 or 91.070 shall be subject to a fine of \$250.

(2) *Exceptions.* Persons who release the entire litter of pups or kittens to the New Castle/Henry County Animal Shelter and provide proof of the mother animal being spayed by a veterinarian within 30 days of the litter being weaned shall have the entire fine waived.

(I) Persons who violate any provision of § 91.091 shall be subject to a fine of \$250 and shall have the animal immediately removed from them and quarantined at the New County/Henry County Animal Shelter.

(Ord. 2009-2, passed 2-3-2009)

## CHAPTER 92: FAIR HOUSING

### Section

- 92.01 Policy statement
- 92.02 Definitions
- 92.03 Unlawful practice
- 92.04 Discrimination in the sale or rental of housing
- 92.05 Discrimination in residential real estate-related transactions
- 92.06 Discrimination in the provision of brokerage services
- 92.07 Interference, coercion, or intimidation
- 92.08 Prevention of intimidation in fair housing cases
- 92.09 Exemption
- 92.10 Administration enforcement

### § 92.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 *et seq.* (Ord. 1998-6, passed 8-31-1998)

### § 92.02 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. 22-9-1-4 *et seq.* (I.C. 22-9.5-2-3)

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

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 92.04, 92.05, 92.06, 92.07, or 94.08, or I.C. 22-9.5-5.

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

**FAMILIAL STATUS.** One or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of the individual or the written permission of the parent or other person. The protections afforded against discrimination of this basis of **FAMILIAL STATUS** 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, with the status of the **FAMILY** being further defined in this section. (I.C. 22-9.5-2-9)

**PERSON.** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, nonincorporated organizations, trustees, trustees in cases under 11 U.S.C., receivers, and fiduciaries. (I.C. 22-9.5-2-11)

**TO RENT.** Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (I.C. 22-9.5-2-13)  
(Ord. 1998-6, passed 8-31-1998)

### § 92.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below, § 92.09, and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in § 92.04 shall apply to:

- (A) All dwellings, except as exempted by division (B) below and I.C. 22-9.5-3;
- (B) Other than the provisions of division (C) below, nothing in § 92.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time; provided that, in the sale of the single-family house by a private individual owner not residing 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; and

(b) Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of § 92.04(C), but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer this title.

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

(C) For the purposes of division (B) above, a person shall be deemed to be *IN THE BUSINESS OF SELLING* or *RENTING DWELLINGS* if:

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

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

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.  
(Ord. 1998-6, passed 8-31-1998)

#### **§ 92.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by § 92.03 and except as exempted by §§ 92.03(B) and 92.09, 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, handicap, 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, handicap, 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, familial status, handicap, 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, familial status, handicap, 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 perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, handicap, or national origin; and/or

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

(a) 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 handicap of:

(a) That person;

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

(c) Any person associated with that person.

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

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may,

where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after 9-13-1988, 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 handicapped persons;
2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; 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 Federal Americans with Disabilities Act of 1990 and the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117-1") suffices to satisfy the requirements of division (F)(3)(c)3. above.

(5) Nothing in this division (F) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.  
(Ord. 1998-6, passed 8-31-1998) Penalty, see § 10.99

**§ 92.05 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, familial status, handicap, 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, sex, familial status, handicap, or national origin.

(Ord. 1998-6, passed 8-31-1998) Penalty, see § 10.99

**§ 92.06 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, familial status, handicap, or national origin.

(Ord. 1998-6, passed 8-31-1998) Penalty, see § 10.99

**§ 92.07 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 §§ 92.03, 92.04, 92.05, or 92.06.

(Ord. 1998-6, passed 8-31-1998) Penalty, see § 10.99



**§ 92.08 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, familial status, handicap, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

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

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

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

(C) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status, handicap, 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 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.

(Ord. 1998-6, passed 8-31-1998)

**§ 92.09 EXEMPTION.**

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

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

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

(Ord. 1998-6, passed 8-31-1998)

#### § 92.10 ADMINISTRATION ENFORCEMENT.

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

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

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

(D) The Chief Executive Officer of the town, or his or her designee, shall provide information on remedies available to any aggrieved person or complainant requesting the information.

(Ord. 1998-6, passed 8-31-1998)

## CHAPTER 93: NUISANCES

### Section

#### *General Provisions*

- 93.01 Removal of weeds and rank vegetation
- 93.02 Spitting; throwing of refuse matter
- 93.03 Nuisances; generally

#### *Hazardous Property Abatement*

- 93.15 Prohibition
- 93.16 Declaration by Town Council
- 93.17 Remedial order
- 93.18 Contents of remedial order
- 93.19 Service of remedial order
- 93.20 Enforcement proceedings
- 93.21 Costs of abatement

### **GENERAL PROVISIONS**

#### **§ 93.01 REMOVAL OF WEEDS AND RANK VEGETATION.**

(A) All owners of real property within the corporate limits of the town shall cut and remove all weeds and/or rank vegetation growing upon the property in a manner consistent with the provisions of this section.

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

**WEEDS** and/or **RANK VEGETATION**. Any vegetable matter, not cultivated in plant beds by the landowner, which exceed the height of 12 inches. The definition shall not include trees, bushes, or shrubs which have been planted or cultivated by the landowner, nor shall it include agricultural crops, such as hay and pasture.

(C) Upon determination by the Town Council that weeds and/or rank vegetation exist as defined in this section, the Clerk-Treasurer shall issue a written notice to the property owner that the weeds and/or rank vegetation must be removed within five days of service of the notice. The notice shall advise the landowner of the penalty for failing to remove the vegetation.

(D) The notice required by division (C) above shall be served upon the landowner by the Town Marshal, a copy of which notice shall be returned to the Clerk-Treasurer with notation as to the date service was accomplished and the name of the officer serving the notice, if the landowner is a resident of the town. In the event the landowner is a nonresident, the notice shall be mailed certified mail addressed to the last know address of the owner.

(E) If the landowner fails to remove the weeds and/or rank vegetation, or appeal the notice of violation, in writing, to the Town Council by filing same with the Clerk-Treasurer, within five days of service of the notice, or following the Council meeting in the event of a appeal, or any extension of that time granted to the landowner by the Town Council, the town, or its contractors, may remove the vegetation. In the event of such an appeal by the landowner, the Town Council shall consider the appeal at its next regular meeting. If the Council confirm its notice of violation, the landowner shall have five days from the date of the meeting to remove the weeds or vegetation. The town, or its contractors, shall remove the vegetation from the landowner's property only during the hours from 8:00 a.m. to 5:00 p.m. Monday through Friday and shall use all reasonable efforts not to otherwise disturb landowner's property.

(F) In the event that the town, or its contractors, removes the vegetation, the Clerk-Treasurer shall make a certified statement of the actual cost incurred by the town in the removal, including administrative costs and removal costs. The statement shall be served upon the landowner in the same manner as the service of notice detailed in this section.

(G) In the event that a certified statement is served upon the landowners as prescribed in division (F) above, the landowner shall have ten days from service of the statement to pay the same to the Clerk-Treasurer or appeal the statement, in writing, to the Town Council by filing same with the Clerk-Treasurer. In the event of such an appeal by the landowner, the Council shall consider the appeal at its next regular meeting. If the Council confirms or adjusts the statement, the landowner shall have ten days from the day of the meeting to pay the same to the Clerk-Treasurer. If the landowner fails to pay the same, the Clerk-Treasurer shall file a certified statement of the cost, plus any administrative costs incurred in the certification, with the County Auditor for inclusion on the tax duplicate against the property affected by the work.

(Ord. 1995-2, passed 8-14-1995) Penalty, see § 10.99

**§ 93.02 SPITTING; THROWING OF REFUSE MATTER.**

(A) It shall be unlawful for any person to spit upon the any sidewalk within the limits of the town or upon the floors or steps of public buildings within the town.

(B) It shall be unlawful for any person or persons to throw any rubbish, ashes, old cans, tree tops, or any refuse of any kind upon the streets, alleys, sidewalks, or other public places within the town.

(C) This section shall be in full force and effect from and after 5-1-1906.  
(Ord. 25, passed 4-23-1906) Penalty, see § 10.99

**§ 93.03 NUISANCES; GENERALLY.**

(A) Whatever is injurious to health, or indecent or offensive to the senses, or is an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of life or property, is declared to be a nuisance, and every person who shall erect and maintain within the corporate limits of the town after due and reasonable notice to abate the same issued by the Town Council and served upon the direct parties by the Marshal thereof, any public nuisance to the annoyance of any of the inhabitants of the town shall be fined, upon conviction thereof before any court of competent jurisdiction, in any sum not exceeding \$25.

(B) After any person shall have been convicted of erecting or maintaining any public nuisance within the corporate limits, the court shall make it a part of judgment in the cause that the nuisance be forthwith abated by the proper officer.  
(Ord. 1, passed 5-23-1892)

***HAZARDOUS PROPERTY ABATEMENT***

**§ 93.15 PROHIBITION.**

No person shall maintain or operate any building, structure, or premises, including a yard or lot, or any part thereof as to:

(A) Be detrimental to the public health, safety, or public welfare; or

(B) Cause or produce a nuisance as set forth in § 93.16.  
(Ord. 1996-2, passed 8-12-1996) Penalty, see § 10.99

**§ 93.16 DECLARATION BY TOWN COUNCIL.**

(A) The Town Council may pass a resolution which declares any building, structure, premises, or any part thereof in violation of § 93.15 to be a public nuisance.

(B) The Town Council may declare as a public nuisance any building, structure, premises, or any part thereof which:

(1) Exists in an impaired structural condition or state which makes it unsafe to any person;

(2) Constitutes a fire hazard;

(3) Due to its age or condition creates a hazard to public health, safety, sanitation, or welfare;  
and/or

(4) Attracts or provides possible harborage for pests, including, but not limited to, rats, mice, termites, or other vermin or animals.

(Ord. 1996-2, passed 8-12-1996)

**§ 93.17 REMEDIAL ORDER.**

(A) Upon enactment of a resolution in accordance with § 93.16, the Town Council shall issue an order compelling the owner, occupant, or agent of the owner or occupant of the property described in the resolution to take remedial action to correct the nuisance.

(B) The Town Council may order the person to whom the order is issued to take one or more of the following remedial actions:

(1) To correct or repair the building, structure, premises, or any part thereof;

(2) To seal the building or structure or any part thereof so that it is not accessible to any human or animal;

(3) To exterminate or eliminate any animal or vermin existing on the property;

(4) To remove any health or sanitation hazards existing on the property; or

(5) Any other remedy reasonably necessary to abate the public nuisance.

(Ord. 1996-2, passed 8-12-1996)

**§ 93.18 CONTENTS OF REMEDIAL ORDER.**

An order issued according to § 93.17 shall contain the following information:

- (A) The name of the person to whom the order is issued;
- (B) The address and a brief description of the property which is the subject of the order;
- (C) The action which the order requires the person to perform;

(D) The period of time in which the action is to be accomplished, beginning the day after service of the order has been accomplished. In no case shall the period allotted for remedial action be less than four days after service of the order;

(E) A statement indicating that:

(1) The Town Council enacted a resolution declaring the property to be a nuisance;

(2) The person to whom the order is directed has the right to demand a prompt hearing before the Town Council at which hearing that person has the right:

- (a) To appear with or without legal counsel;
- (b) To present evidence; and
- (c) To cross-examine opposing witnesses and make argument.

(3) If a hearing is requested, the Town Council, after conducting the hearing, may modify or rescind the order; and

(4) The person to whom the order is directed may appeal the Town Council's remedial order to a court of competent jurisdiction, regardless of whether a hearing in accordance with division (E)(2) above has been requested or held.

(F) A statement indicating the action that may be taken by the Town Council if the order is not complied with; and

(G) The name, address, and telephone number of the Town Attorney.  
(Ord. 1996-2, passed 8-12-1996)

**§ 93.19 SERVICE OF REMEDIAL ORDER.**

(A) An order issued according to § 93.17 shall be served as follows:

(1) By personally delivering a copy of the order to the person being notified;

(2) By sending a copy of the order by registered or certified mail to the residence or place of employment of the person to be notified, with return receipt requested; or

(3) By leaving a copy of the order at the person's home or place of business or employment with some person of suitable age and capacity.

(B) (1) If service, after a reasonable effort, cannot be obtained by a means described in division (A) above, service may be made by publication.

(2) When service is made by publication, a notice of the order shall be published two times, at least one week apart, in a newspaper of general circulation in the county which is authorized by law to publish notices.

(C) Where service is made by any of the means described in this section, except by mail or by publication, the person making service shall make an affidavit stating:

(1) He or she has made service;

(2) The manner in which service was made;

(3) The nature of the order; and

(4) The date of service.

(Ord. 1996-2, passed 8-12-1996)

**§ 93.20 ENFORCEMENT PROCEEDINGS.**

(A) In the event that the person to whom the remedial order is directed does not comply with the terms of that remedial order, the Town Council may institute an action in a court of competent jurisdiction to enforce the remedial order.

(B) Upon judicial approval of the Town Council's remedial order, the Town Council may proceed to abate the nuisance, including the remedy of total partial destruction of the property maintaining the nuisance.

(Ord. 1996-2, passed 8-12-1996)



**§ 93.21 COSTS OF ABATEMENT.**

(A) The costs of abating the nuisance shall be charged to the person to whom the remedial order is issued, or to anyone the court shall direct.

(B) Costs may be assessed against the property as a lien.

(C) In the event that amounts received by the Town Council exceed the actual costs of abatement, the excess shall be paid to the person to whom the remedial order was issued, or to whomever the court may direct.

(Ord. 1996-2, passed 8-12-1996)



## **CHAPTER 94: FIRE PREVENTION AND PROTECTION**

### Section

- 94.01 Burning leaves
- 94.02 Fire run charge
- 94.03 Fire limits
- 94.04 Number of firefighters

### **§ 94.01 BURNING LEAVES.**

It shall be unlawful for any person, persons, or corporation to burn leaves upon the public streets within the corporate limits of the town.

(Ord. 1993-4, passed 11-8-1993) Penalty, see § 10.99

### **§ 94.02 FIRE RUN CHARGE.**

A charge of \$250 shall be made for each fire run made within the corporate limits of the town; that the Fire Chief is hereby authorized to make the charges and to collect the funds which shall be used for the purpose of purchasing supplies and equipment for the Fire Department and the Fire Chief shall account to the Town Council annually during the month of January for all receipts and disbursements during the previous calendar year of funds so collected.

(Ord. 1982-7, passed 8-17-1982)

### **§ 94.03 FIRE LIMITS.**

From Cherry Street east to Church Street and from Broad Street north to Cherry Street being one square each way from center of town, no new business houses shall be built unless it is of some fireproof material. No frame buildings or roofs with wood shingles will be allowed.

(Ord. 25, passed 4-14-1930) Penalty, see § 10.99

### **§ 94.04 NUMBER OF FIREFIGHTERS.**

The number of firefighters of the Fire Department shall be limited to 26, which includes the Fire Chief.

(Ord. 34, passed 1-9-1912)



## CHAPTER 95: TREES

### Section

- 95.01 Trimming trees
- 95.02 Protection of shade trees

### **§ 95.01 TRIMMING TREES.**

(A) The following rules pertain to all persons who go into the town to trim trees within the limits of the power lines within the jurisdiction of the town corporation come into the Clerk-Treasurer's office to obtain a permit to do so.

(B) All persons requesting a permit to trim trees must show proof of insurance to cover any and all damages caused by them in the process of their work.

(C) The Superintendent of Utilities will be allowed to inspect all equipment used to ensure that it is safe and adequate.

(D) Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

(E) This section shall be in full force and effect from and after its passage and publication, as provided by law.

(Ord. 115, passed 9-25-1972) Penalty, see § 10.99

### **§ 95.02 PROTECTION OF SHADE TREES.**

(A) No one shall willfully, maliciously, or mischievously, and without right, cut down, remove, destroy, cut, or girdle any shade tree, or carry off, remove, destroy, or in any way injure the protecting box of any shade or fruit tree on or along the public highways, streets, alleys, or public grounds within the corporate limits of the town.

(B) No one shall hitch, tie, or in any way fasten a horse, mule, or any other animal to a shade tree or fruit tree, telephone or telegraph guy pole or guy wire, or any poles or guy wires belonging to the inter-urban lines on or along the highways, public streets, alleys, or public grounds within the corporate limits of the town.

**Spiceland - General Regulations**

(C) The Marshal is hereby empowered to remove any animals found hitched, tied, or fastened contrary to the provisions of this section and impound them in the livery barn at the cost of the owner and may collect a fee of \$.50.

(D) This section shall be in force and effect from and after its passage and publication for two consecutive weeks by posting of five copies thereof, one in each of the wards of the town.  
(Ord. 29, passed 2-8-1909) Penalty, see § 10.99

## CHAPTER 96: STREETS AND SIDEWALKS

Section

### *General Provisions*

- 96.01 Excavation permits
- 96.02 Bicycles, carts, and wheelbarrows prohibited on sidewalks

### *Obstructions*

- 96.15 Unloading on street or sidewalk
- 96.16 Street and sidewalk obstruction
- 96.17 Materials on street or sidewalk

## **GENERAL PROVISIONS**

### **§ 96.01 EXCAVATION PERMITS.**

(A) Any persons, firms, or corporations hereinafter making any excavations or digging any drains or ditches in any street in the town shall first secure a permit from the Clerk-Treasurer, which permit shall set out the definite location of the excavation.

(B) Any persons, firms, or corporations, on and after the passing of this section, that make any excavations or dig any drains or ditches on any street in the town for the purpose of putting in house service connections with any sewer, water line, or gas line, located in the street, shall backfill the excavation, after putting in the connection, with good clean gravel and thoroughly tamp the same, and if the street is an improved street to put at least the same inches of the same material on top of the backfill or a similar material to the approval of the Town Street Commissioner.

(C) Any persons, firms, or corporations desiring a permit as herein provided shall pay the Clerk-Treasurer at the time of the issuance of the permit the sum of \$25.

(Ord. 109, passed 10-14-1963) Penalty, see § 10.99

**§ 96.02 BICYCLES, CARTS, AND WHEELBARROWS PROHIBITED ON SIDEWALKS.**

Any person who rides a bicycle or pushes or pulls a cart or wheelbarrow upon any sidewalk within the corporate limits of the town, except in the necessary act of crossing same, shall be deemed guilty of a misdemeanor.

(Ord. 10, passed 8-9-1897) Penalty, see § 10.99

***OBSTRUCTIONS*****§ 96.15 UNLOADING ON STREET OR SIDEWALK.**

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

Penalty, see § 10.99

**§ 96.16 STREET AND SIDEWALK OBSTRUCTION.**

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

Penalty, see § 10.99

**§ 96.17 MATERIALS ON STREET OR SIDEWALK.**

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

Penalty, see § 10.99



## CHAPTER 97: ABANDONED VEHICLES

### Section

- 97.01 Purpose
- 97.02 Definitions
- 97.03 Exceptions
- 97.04 Responsibility of owner
- 97.05 Vehicles in possession of person other than owner
- 97.06 Private or rental property
- 97.07 Removal of abandoned vehicles
- 97.08 Disposal of abandoned vehicles
- 97.09 Towing contracts
- 97.10 Liability for loss or damage

### § 97.01 PURPOSE.

The Town Council finds that abandoned vehicles are a public nuisance and a safety and health hazard.

### § 97.02 DEFINITIONS.

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

#### ***ABANDONED VEHICLE.***

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

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

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

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

(8) A vehicle:

(a) That was repaired or stored at the request of the owners;

(b) That has not been claimed by the owner; and

(c) For which the reasonable value of the charges associated with the repair or storage remain unpaid more than 30 days after the date on which the repair work is completed or the vehicle is first stored.

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

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

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

**BUREAU.** Unless otherwise indicated, refers to the State Bureau of Motor Vehicles.

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

**FISCAL BODY.** The Town Council.

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

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

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

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

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

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

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

**PRIVATE PROPERTY.** All property other than public property.  
(I.C. 9-13-2-136)

**PUBLIC PROPERTY.** A public right-of-way, street, highway, alley, park, or other state, county, or municipal property.  
(I.C. 9-13-2-144)

**TOWING SERVICE.** A person who engages in moving or removing abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.  
(I.C. 9-13-2-179)

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

**§ 97.03 EXCEPTIONS.**

This chapter does not apply to:

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

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

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

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

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

(F) A golf cart; or

(G) An off-road vehicle.  
(I.C. 9-22-1-1)

**§ 97.04 RESPONSIBILITY OF OWNER.**

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

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

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

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

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

#### **§ 97.05 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER.**

(A) When an officer discovers a vehicle in the possession of a person other than the owner of the vehicle, and the person cannot establish the right to the possession of the vehicle, the vehicle shall be taken to and stored in a suitable place determined by the officer.

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

(B) If the owner or lienholder under I.C. 9-22-1-8 does not appear and pay all costs, or the owner of the vehicle cannot be determined by a search conducted under § 97.08, the vehicle is considered abandoned and must be disposed of in accordance with this chapter.

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

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

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

#### **§ 97.06 PRIVATE OR RENTAL PROPERTY.**

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

(1) Obtain the assistance of an officer under § 97.07(E) of this chapter to have the vehicle removed; or

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

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

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

(2) The vehicle is considered abandoned;

(3) The vehicle will be removed after 72 hours;

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

(5) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

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

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

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

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

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

(E) A towing service that tows a vehicle under divisions (C) and (D) above shall give notice to the town that the abandoned vehicle is in the possession of the towing service.

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

**§ 97.07 REMOVAL OF ABANDONED VEHICLES.**

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

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

(2) The vehicle or parts are considered abandoned;

(3) The vehicle or parts will be removed after 72 hours;

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

(5) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

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

(B) If a vehicle or a part tagged under division (A) above is not removed within the 72-hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

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

(C) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts is less than \$1,000, the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the storage yard. A towing service or storage yard may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. A town that operates a storage yard under I.C. 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The Police Department or Town Marshal or storage yard disposing of the vehicle shall retain the original records and photographs for at least two years. If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the Bureau by the automobile scrap yard after the vehicle has been demolished.

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

(D) (1) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is at least \$1,000, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(2) After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

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

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

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

**§ 97.08 DISPOSAL OF ABANDONED VEHICLES.**

(A) Within 72 hours after removal of a vehicle to a storage yard or towing service under §§ 97.06(C) or (D), 97.07(C) or (D), the Police Department, Town Marshal, or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(B) A public agency or towing service that obtains the name and address of the owner or lienholder on a vehicle shall, not later than 72 hours after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the name, address, and telephone number of the public agency or towing service. The notice must be made by certified mail or by means of an electronic service approved by the Bureau. Notwithstanding I.C. 9-22-1-4, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this section may not collect additional storage costs incurred after the date of receipt of the name and address obtained.  
(I.C. 9-22-1-19)

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

**§ 97.09 TOWING CONTRACTS.**

To facilitate the removal of abandoned vehicles or parts, the town may employ personnel; acquire equipment, property, and facilities; and enter into towing contracts for the removal, storage, and disposition of abandoned vehicles and parts.  
(I.C. 9-22-1-31)

**§ 97.10 LIABILITY FOR LOSS OR DAMAGE.**

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

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

(B) The town;

(C) A towing service;

(D) An automobile scrapyard; and

(E) A storage yard.

(I.C. 9-22-1-32)

