TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS
11. PRECINCT BOUNDARIES
12. TOWN SEAL; TOWN ANNIVERSARY
13. PENALTY SCHEDULES
CHAPTER 10: GENERAL PROVISIONS

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10.01 TITLE OF CODE.

This codification of ordinances by and for the town of Pendleton, shall be designated as the Code of Pendleton, and may be so cited.

10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

10.05 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and
phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

"BOARD OF TRUSTEES" or "TRUSTEES." Equivalent to "TOWN COUNCIL" and "BOARD MEMBERS."

"CODE," "THIS CODE" or "THIS CODE OF ORDINANCES." This code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

"COUNTY." Madison County, Indiana.

"MAY." The act referred to is permissive.

"MONTH." A calendar month.

"MUNICIPALITY." The town of Pendleton, Indiana.

"OATH." An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "SWEAR" and "SWORN" shall be equivalent to the words "AFFIRM" and "AFFIRMED".

"OFFICER", "OFFICE", "EMPLOYEE", "COMMISSION", or "DEPARTMENT". An officer, office, employee, commission, or department of this town unless the context clearly requires otherwise.

"PERSON." Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms "PERSON" or "WHOEVER" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

"PRECEDING" or "FOLLOWING." Next before or next after, respectively.

"SHALL." The act referred to is mandatory.

"SIGNATURE" or "SUBSCRIPTION." Includes a mark when the person cannot write.

"STATE." The State of Indiana.

"SUBCHAPTER." A division of a chapter, designated in this code by an underlined heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

"TOWN." The town of Pendleton, Indiana.

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"WRITTEN." Any representation of words, letters, or figures, whether by printing or otherwise.

"YEAR." A calendar year, unless otherwise expressed; equivalent to the words "YEAR OF OUR LORD."

**10.06 RULES OF INTERPRETATION.**

The construction of all ordinances of this town shall be by the following rules, unless such construction is plainly repugnant to the intent of the Board of Trustees or of the context of the same ordinance:

(A) "AND" or "OR." Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

**10.07 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**10.08 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**10.09 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.
PENDLETON - GENERAL PROVISIONS

10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

10.11 OFFICIAL TIME.

The official time, as established by applicable state and federal law, shall be the official time within this town for the transaction of all town business.

10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

10.15 EFFECTIVE DATE OR ORDINANCES.

All ordinances passed by the Board of Trustees requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.
10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anywise be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the Board of Trustees shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85).

(B) (1) If an IC cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (IC 36-5-2-2) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If an IC cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:
31.10 TOWN EXECUTIVE.

The President of the Town Board of Trustees shall be the town executive.
(Ord. 10, passed 1-1-80)

Statutory reference:
Selection of President of Board of Trustees,
see IC 36-5-2-7

10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding $500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
CHAPTER II: PRECINCT BOUND

ARIES

Section

II.01 Establishment

• II.01 ESTABLISHMENT.

The precinct boundaries of Pendleton, Indiana, situated in Fall Creek Township, as described in Madison County Code • 3-1-8-8(h) at pages 78 through 83, are as follows:

(A) Precinct 1 is bounded as follows: Beginning at a point on the north line of Fall Creek Township, said point of beginning being the intersection of the north line of Fall Creek Township and the centerline of County Road 100 west (Brown Street Road); thence south on and along the centerline of County Road 100 West (Brown Street Road) to the centerline of County Road 500 south (Alliance Road); thence east on and along the centerline of County Road 500 south (Alliance Road) to the centerline of Main Street; thence north on and along the centerline of Main Street to the north line of Fall Creek Township; thence west on and along the north line of Fall Creek Township to the point of beginning.

(B) Precinct 2 is bounded as follows: Beginning at the northeast corner of Fall Creek Township; thence south on and along the east line of Fall Creek Township to the centerline of State Road 38; thence west on and along the centerline of State Road 38 to the centerline of County Road 150 west; thence north on and along the centerline of County Road 150 west to the centerline of State Road 36; thence northeasterly on and along the centerline of State Road 36 to the centerline of County Road 100 west (Brown Street Road); thence north on and along the centerline of County Road 100 west (Brown Street Road) to the centerline of County Road 500 south (Alliance Road); thence east on and along the centerline of County Road 500 south (Alliance Road) to the centerline of Main Street; thence north on and along the centerline of Main Street to the north line of Fall Creek Township; thence east on and along the north line of Fall Creek Township to the point of beginning.

(C) Precinct 3 is bounded as follows: Beginning at the intersection of the centerline of State Road 38 and the centerline of Road 150 west; thence north on and along the centerline of Road 150 west to the centerline of U.S. 36; thence northeasterly on and along the centerline of U.S. 36 to the centerline of Brown Street Road (Road 100 west); thence north on and along the centerline of Brown Street road to the centerline of Fall Creek; thence southwesterly and westerly on and along the centerline of Fall Creek to the centerline of State Road 67 and 9; thence north on and along the centerline of State Road 67 and 9 to the centerline of Main Street (Huntsville Road) in the town of Huntsville; thence westerly on and along the centerline of Main Street to the centerline of Fall Creek; thence southeasterly on and along the centerline of Fall Creek to the east corporation line of the Town of Pendleton; thence
south on and along the corporation line to the centerline of Water Street; thence east on and along the
centerline of Water Street to the northeast corner of property owned by Indiana Soft Brush, Inc., (car wash); thence southwesterly along the east line of the Indiana Soft Brush, Inc. to the
southeast corner of said property; thence west along the south line of said property to the
centerline of State Road 67 and 9; thence southwesterly on and along the centerline to the
northwest corner of Clancy's Restaurant; thence southeasterly along north line of Clancy's
Restaurant to the northeast corner of said property; thence south along the east property line of
Clancy's Restaurant to the centerline of State Road 38; thence southeasterly along the centerline
of State Road 38 to Road 150 west and the place of beginning. (Changed l-1-87)

(D) Precinct 4 is bounded as follows: Beginning at the intersection of Water Street
and Pendleton Avenue in the Town of Pendleton; thence south along the centerline of Pendleton
Avenue to the south corporation line of the Town of Pendleton (approximately 200 feet south of
Indiana Avenue); thence east along said corporation line, 200 feet more or less; thence north
along the corporation line, 125 feet more or less; thence east along the corporation line to the
centerline of Broadway; thence south along the centerline of Broadway, 400 feet more or less, to
the south corporation line; thence east along the corporation line, 300 feet more or less; thence
north along the corporation line, 1300 feet more or less; thence west along the corporation line,
150 feet more or less; thence north along the corporation line, 300 feet more or less; thence east
along the corporation line, 150 feet more or less; thence north along the corporation line to the
centerline of Madison Avenue in the Town of Pendleton; thence east along the centerline of
Madison Avenue to the centerline of State Road 67 and 9; thence south along the centerline of
State Road 67 and 9 to the south corporation line; thence east along the corporation line, 1300
feet more or less; thence north along the corporation line to the centerline of Angle Road; thence
southeast along the centerline of Angle Road, 800 feet more or less, to the south line of South
Madison Community School Corporation property; thence east along the corporation line to the
centerline of Road 300 west; thence north along the centerline of Road 300 west to the north line
of the South Madison Community School Corporation property; thence west along the corporation
line, 300 feet more or less; thence north along the corporation line to the centerline of State Road
38; thence northwesterly along the centerline of State Road 38 to the southeast corner of Clancy's
Restaurant; thence north along the east line of Clancy's Restaurant to the northeast corner of said
property; thence northwesterly along the north line of said property to the centerline of State
Road 67 and 9; thence northeasterly along the centerline of State Road 67 and 9 to the southwest
corner of the Indiana Soft Brush, Inc. (car wash) property; thence east along the south line of
Indiana Soft Brush, Inc. to the southeast corner of said property; thence northeasterly along said
property to the centerline of Water Street; thence west along the centerline of Water Street to
the east corporation line; thence north along the corporation line to the centerline of Fall Creek;
thence westerly along the centerline of Fall Creek to the northeast corner of Dr.
Shirley's property; thence west along the north line of said property to the corporation line (Old C.C.C. and St. Louis Railroad); thence northeasterly along the corporation line to the northeast corner of Grovelawn Cemetery (on the east side of Old State Road 9); thence west along the north line of said cemetery to the centerline of Pendleton Avenue (Old State Road 9); thence southwesterly along the centerline of Pendleton Avenue to the centerline of Water Street and the place of beginning. (Changed 1-1-87)

Precinct 5 is bounded as follows: Beginning at the southwest corner of Fall Creek Township; thence north along the west line of Fall Creek Township to the centerline of State Road 67; thence northeasterly along the centerline of State Road 67 to its intersection with Pendleton Avenue; thence northeasterly along the centerline of Pendleton Avenue to the south corporation line (approximately 200 feet south of Indiana Avenue); thence east along the said corporation line, 200 feet more or less; thence north along corporation line, 125 feet more or less; thence east along the corporation line to the centerline of Broadway; thence south along the centerline of Broadway, 400 feet more or less, to the south corporation line; thence east along the corporation line, 300 feet more or less; thence north along the corporation line, 1300 feet more or less; thence west along the corporation line, 150 feet more or less; thence north along the corporation line, 300 feet more or less; thence east along the corporation line, 150 feet more or less; thence north along the corporation line to the centerline of Madison Avenue in the Town of Pendleton; thence east along the centerline of Madison Avenue to the centerline of State Road 67 and 9; thence south along the centerline of State Road 67 and 9 to the south corporation line; thence east along the corporation line, 1300 feet more or less; thence north along the corporation line to the centerline of Angle Road; thence southeast along the centerline of Angle Road, 800 feet more or less, to the south line of South Madison Community School Corporation property; thence east along the corporation line to the centerline of Road 300 west; thence north along the centerline of Road 300 west to the north line of the South Madison Community School Corporation property; thence west along the corporation line, 300 feet more or less; thence north along the corporation line to the centerline of State Road 38; thence southeasterly and easterly along the centerline of State Road 38 to the east line of Fall Creek Township; thence south along the east line to the southeast corner of Fall Creek Township; thence west along the south line (Road 1100 south) to the southwest corner of Fall Creek Township and the place of beginning. (Changed 1-1-87)

Precinct 6 is bounded as follows: Beginning at the intersection of Water Street and Pendleton Avenue in the Town of Pendleton; thence south along the centerline of Pendleton Avenue to its intersection with the centerline of Main Street in the Town of Pendleton; thence north along the centerline of Main Street (also the corporation line), 800 feet more or less; thence west along the corporation line, 900 feet more or less; thence north along the corporation line, 150 feet more or less; thence west along the corporation line, 170 feet more or less; thence south along the
corporation line, 350 feet more or less; thence west along the corporation line, 650 feet more or less; thence north along the corporation line, 900 feet more or less; thence east along the corporation line, 150 feet more or less; thence north along the corporation line, 50 feet more or less; thence west along the corporation line, 150 feet more or less; thence north along the corporation line to the south line of State Road 38; thence west along the south line of State Road 38 to the northeast corner of Pendleton Post 117, American Legion Property; thence south along the east side of American Legion to the southeast corner of said property; thence west along the south line of said property to Fall Creek; thence north along Fall Creek to the north line of State Road 38; thence east along the north line of State Road 38 to the intersection of Mill Road; thence north along the centerline of Mill Road extended, to Fall Creek; thence northeasterly along Fall Creek (the corporation line), 1300 feet more or less; thence north along the corporation line, 1000 feet more or less, to a point being approximately 300 feet north of State Road 132; thence east along the corporation line, 300 feet more or less; thence northeasterly along the corporation line, 350 feet more or less; thence northwesterly along the corporation line, 300 feet more or less; thence east along the corporation line (and the west side of Grovelawn Cemetery) to the northwest corner of said cemetery; thence east along the north side of said cemetery to the centerline of Pendleton Avenue (Old State Road 9); thence southwesterly along Pendleton Avenue to the centerline of Water Street and the place of beginning. (Changed 1-1-87)

Precinct 7 is bounded as follows: Beginning at the northwest corner of Fall Creek Township; thence south along the west line of Fall Creek Township to the centerline of State Road 67; thence northeasterly along the centerline of State Road 67 to its intersection with Pendleton Avenue; thence northeasterly along the centerline of Pendleton Avenue to its intersection with the centerline of Main Street in the Town of Pendleton; thence north along the centerline of Main Street (also the corporation line), 800 feet more or less; thence west along the corporation line, 900 feet more or less; thence north along corporation line, 150 feet more or less; thence west along the corporation line, 170 feet more or less; thence south along the corporation line, 350 feet more or less; thence west along the corporation line, 650 feet more or less; thence north along the corporation line, 900 feet more or less; thence east along the corporation line, 150 feet more or less; thence north along the corporation line, 50 feet more or less; thence west along the corporation line, 150 feet more or less; thence north along the corporation line to the south line of State Road 38; thence west along the south line of State Road 38 to the northeast corner of Pendleton Post 117, American Legion property; thence south along the east side of the American Legion to the southeast corner of said property; thence west along the south line of said property to Fall Creek; thence north along Fall Creek to the north line of State Road 38; thence east along the north line of State Road 38 to the intersection of Mill Road; thence north along the centerline of Mill Road extended, to Fall Creek; thence
northeasterly along Fall Creek (the corporation line), 300 feet more or less; thence north along the corporation line, 1000 feet more or less, to a point being approximately 300 feet north of State Road 132; thence east along the corporation line, 300 feet more or less; thence northeasterly along the corporation line, 350 feet more or less; thence northwesterly along the corporation line, 300 feet more or less; thence east along the corporation line, 200 feet more or less; thence north along the corporation line (and west side of Grovelawn Cemetery) to the northwest corner of said cemetery; thence east along the north side of said cemetery to the northeast corner of the cemetery (on the east side of Old State Road 9); thence southwesterly along the east side of the cemetery (corporation line) to the northwest corner of Dr. Shirley's property; thence east along the north line of said property to the centerline of Fall Creek; thence easterly along the centerline of Fall Creek to the centerline of Main Street in Huntsville; thence easterly along the centerline of Main Street to the centerline of State Road 67 and 9; thence northerly along the centerline of State Road 67 and 9 to the north line of Fall Creek Township (Road 400 south); thence west along the north line of Fall Creek Township to the northwest corner of said Township and the place of beginning. (Changed 1-1-87)

Precinct 8 is bounded as follows: Beginning at a point on the north line of Fall Creek Township, said point of beginning being the intersection of the centerline of County Road 400 south and the centerline of Pendleton Avenue (Business Route 9); thence southerly on and along the centerline of Pendleton Avenue (Business Route 9) to the point where Pendleton Avenue (Business Route 9) merges with State Road 67 and State Road 9; thence southwesterly and southerly on and along the centerline of State Road 67 and State Road 9 to the centerline of Fall Creek; thence easterly and northeasterly on and along the centerline of Fall Creek to the centerline of County Road 100 west (Brown Street Road); thence north on and along the centerline of County Road 100 west (Brown Street Road) to the north line of Fall Creek Township; thence west on and along the north line of Fall Creek Township to the point of beginning. (‘82 Code, Appendix II)
Section

12.01 Town seal
12.02 Establishment of "Pendleton Day"

12.01 TOWN SEAL.

The Board of Trustees hereby adopts a common seal bearing the words "Town of Pendleton, Indiana -- Seal".
('82 Code, § 36-5-2-9)

12.02 ESTABLISHMENT OF "PENDLETON DAY."

The Board of Trustees hereby designates March 15 as Pendleton Day. The citizens of the town are encouraged to recognize and celebrate this anniversary of the incorporation of the town.
('82 Code, § 1-1-10-1)
CHAPTER 13: PENALTY SCHEDULES

Section

13.01 Application
13.02 Schedule of offenses and penalties
13.03 Procedure
13.04 Minimum penalty and discretion of Town Judge
13.05 Payment of penalties, court costs and continued enforcement
13.06 Forms

13.01 APPLICATION.

The penalties set forth in this chapter amend all specific or general monetary penalty sections of the code only as they relate to the specific offenses set out in 13.02. (Ord. 2007-02, passed 2-27-07)

13.02 SCHEDULE OF OFFENSES AND PENALTIES.

The following may be subject to admission before the Ordinance Violations Bureau as administered by the Town Court:

ORDINANCE VIOLATIONS

<table>
<thead>
<tr>
<th>Code Reference</th>
<th>Violation</th>
<th>Penalty</th>
<th>Court Fees*</th>
<th>Total Cost**</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>71.03(A)</strong></td>
<td>Parking of Vehicle One Ton Capacity or More, or More Than 20 Feet in Length</td>
<td>$95.50</td>
<td>$119.50</td>
<td>$215.00</td>
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<td><strong>71.03(B)</strong></td>
<td>Parking of Trailer, Dumpster, or Portable Storage Container (e.g., POD)</td>
<td>$95.50</td>
<td>$119.50</td>
<td>$215.00</td>
</tr>
<tr>
<td><strong>71.03(C)</strong></td>
<td>Obstructing Roadway or Driveway</td>
<td>$95.50</td>
<td>$119.50</td>
<td>$215.00</td>
</tr>
<tr>
<td><strong>71.03(D)</strong></td>
<td>Illegal Use of Vehicle While Parked</td>
<td>$95.50</td>
<td>$119.50</td>
<td>$215.00</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Code Reference</th>
<th>Violation</th>
<th>Penalty</th>
<th>Court Fees*</th>
<th>Total Cost**</th>
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<tbody>
<tr>
<td><strong>71.01</strong></td>
<td>Parking ■ Fire Hydrant, Fire Lane, Cross-walk or Corner</td>
<td>$100.00</td>
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<tr>
<td><strong>71.02 / Chapter 73: Schedule III</strong></td>
<td>Parking ■ Handicapped Space</td>
<td>$100.00</td>
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<tr>
<td>Chapter 73: Schedule I</td>
<td>Prohibited Parking</td>
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<td>$35.00</td>
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<td>Chapter 73: Schedule II</td>
<td>Limited Parking</td>
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<td>$35.00</td>
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<td>Chapter 73: Schedule IV</td>
<td>Heavy Truck Parking</td>
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<td>$45.00</td>
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**Traffic***

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<tr>
<th>Code Reference</th>
<th>Violation</th>
<th>Penalty</th>
<th>Court Fees*</th>
<th>Total Cost**</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>70.37</strong></td>
<td>Commercial Trucks in Town</td>
<td>$231.50</td>
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<td>$365.00</td>
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<tr>
<td>Chapter 72: Schedule I</td>
<td>One-Way Streets</td>
<td>$41.50</td>
<td>$133.50</td>
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<td>Chapter 72: Schedule II</td>
<td>Preferential Streets</td>
<td>$41.50</td>
<td>$133.50</td>
<td>$175.00</td>
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<td>Chapter 72: Schedule III</td>
<td>Stop Intersections</td>
<td>$66.50</td>
<td>$133.50</td>
<td>$200.00</td>
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<td>Chapter 72: Schedule IV</td>
<td>Speeding</td>
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<td>$133.50</td>
<td>$135.00</td>
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<tr>
<td>Chapter 72: Schedule V</td>
<td>Road Weight Limit</td>
<td>$191.50</td>
<td>$133.50</td>
<td>$325.00</td>
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<td>Chapter 72: Schedule VI</td>
<td>Turn-Restricted Intersections</td>
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<td>$300.00</td>
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<td>Code Reference</td>
<td>Violation</td>
<td>Penalty</td>
<td>Court Fees*</td>
<td>Total Cost**</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------------------------</td>
<td>---------</td>
<td>-------------</td>
<td>--------------</td>
</tr>
<tr>
<td><strong>Traffic</strong>* (Contd)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Chapter 72: Schedule VII</td>
<td>Construction Traffic on J.H. Walker Drive</td>
<td>$105.50</td>
<td>$119.50</td>
<td>$225.00</td>
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<tr>
<td>Chapter 72: Schedule VIII</td>
<td>Truck Routes</td>
<td>$205.50</td>
<td>$119.50</td>
<td>$325.00</td>
</tr>
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**Animals**

<table>
<thead>
<tr>
<th>Code Reference</th>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 91.03</td>
<td>Duty and Responsibility of Animal Owners</td>
<td>$100.00</td>
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<tr>
<td>• 91.05</td>
<td>Vaccinations and Microchip Requirements</td>
<td>$50.00</td>
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<tr>
<td>• 91.06</td>
<td>Cruelty, Abuse, Neglect, and Abandonment of Animals</td>
<td>$250.00</td>
</tr>
<tr>
<td>• 91.08</td>
<td>Commercial Animal Establishments</td>
<td>$150.00</td>
</tr>
<tr>
<td>• 91.09</td>
<td>Feral Cats</td>
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<tr>
<td>• 91.10</td>
<td>Vicious Animals</td>
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<tr>
<td>• 91.11</td>
<td>Restraint of Animals</td>
<td>$50.00</td>
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<tr>
<td>• 91.13</td>
<td>Public Nuisance Animal</td>
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<tr>
<td>• 91.14</td>
<td>Report of Vehicular Collision with Animal</td>
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2017 S-21
<table>
<thead>
<tr>
<th>Code Reference</th>
<th>Violation</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Animals (Cont'd)</strong></td>
<td></td>
</tr>
<tr>
<td>• 91.15</td>
<td>Interfering with Animal Control Efforts</td>
<td>$100.00</td>
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<tr>
<td>• 91.16</td>
<td>Confinement of Female Dogs and Cats in Heat</td>
<td>$50.00</td>
</tr>
<tr>
<td>• 91.17</td>
<td>Injured Animal; Action Required</td>
<td>$200.00</td>
</tr>
<tr>
<td>• 91.18</td>
<td>Animal Waste</td>
<td>$50.00</td>
</tr>
<tr>
<td>• 91.21</td>
<td>Animals in Vehicles</td>
<td>$200.00</td>
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<tr>
<td>• 91.22</td>
<td>Animal Sacrifice</td>
<td>$200.00</td>
</tr>
<tr>
<td>• 91.23</td>
<td>Sterilization of Dogs and Cats Required; Breeder's Permit</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td><strong>Falls Park</strong></td>
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</tr>
<tr>
<td>• 94.16</td>
<td>Alcoholic Beverages in Falls Park</td>
<td>$150.00</td>
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<tr>
<td>• 94.17</td>
<td>Fishing</td>
<td>$100.00</td>
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<tr>
<td>• 94.18</td>
<td>Parking in Restricted Area in Falls Park</td>
<td>$35.00</td>
</tr>
<tr>
<td>• 94.19</td>
<td>Swimming in Basin Area in Falls Park</td>
<td>$200.00</td>
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<tr>
<td>• 94.20</td>
<td>Loitering in Falls Park</td>
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<tr>
<td>• 94.21</td>
<td>Skateboarding in Restricted Park Areas and Recreation District</td>
<td>$100.00</td>
</tr>
<tr>
<td>Code Reference</td>
<td>Violation</td>
<td>Penalty</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 94.22</td>
<td>Use of Nature Preserve (North Forty) Between Dusk and Dawn</td>
<td>$100.00</td>
</tr>
<tr>
<td>• 94.23</td>
<td>Dogs in Park During Festivals</td>
<td>$50.00</td>
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<tr>
<td>• 40.05</td>
<td>Attending Town Court While Intoxicated</td>
<td>$1.00 - $2,381.00*</td>
</tr>
<tr>
<td>Chapter 50</td>
<td>Garbage Disposal</td>
<td>$100.00</td>
</tr>
<tr>
<td>• 70.01 • 70.05</td>
<td>Operation of Snowmobiles</td>
<td>$100.00</td>
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<tr>
<td>• 70.10</td>
<td>Skateboarding on Sidewalks in Business District</td>
<td>$100.00</td>
</tr>
<tr>
<td>Chapter 90</td>
<td>Abandoned Vehicle</td>
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<tr>
<td>• 97.03 / • 97.04</td>
<td>Loud and Unnecessary Noises</td>
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<tr>
<td>Chapter 111</td>
<td>Peddlers, Solicitors, Transient Merchants</td>
<td>$250.00</td>
</tr>
<tr>
<td>• 130.01</td>
<td>Discharge of Firearms</td>
<td>$245.00</td>
</tr>
<tr>
<td>Code Reference</td>
<td>Violation</td>
<td>Penalty</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>.130.02</td>
<td>Curfew for Minors</td>
<td>$100.00</td>
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<tr>
<td>.130.11</td>
<td>Hosting a social gathering and allowing minors to consume or possess alcoholic beverages</td>
<td>$380.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Miscellaneous (Cont'd)</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Traditional Vehicles (NTVs)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.70.56 (B)(1)</td>
<td>Operation of Non-Registered NTV</td>
</tr>
<tr>
<td></td>
<td>$76.50</td>
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<tr>
<td>.70.56 (B)(2)</td>
<td>Operation of NTV by Person Under 16 Years of Age</td>
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<td></td>
<td>$76.50</td>
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<tr>
<td>.70.56 (B)(3)</td>
<td>Operation of NTV Without Valid Driver's License</td>
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<tr>
<td></td>
<td>$76.50</td>
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<tr>
<td>.70.56 (B)(4)</td>
<td>Operation of NTV in Reckless Manner</td>
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<td>$126.50</td>
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<tr>
<td>.70.56 (B)(5)</td>
<td>Operating an NTV Without Valid Insurance</td>
</tr>
<tr>
<td></td>
<td>$76.50</td>
</tr>
<tr>
<td>.70.56 (B)(6)</td>
<td>Operating an NTV on State Street, Except to Cross an Intersection</td>
</tr>
<tr>
<td></td>
<td>$76.50</td>
</tr>
</tbody>
</table>

* Pursuant to .13.05 below

** Total cost = penalty + court fees

*** Violating a posted worksite zone speed limit or failure to merge as posted subject to additional $25.50 fee (IC 33-37-5-14)

(Ord. 2007-02, passed 2-27-07; Am. Ord. 2007-08, passed 8-2-07; Am. Ord. 2007-10, passed 10-4-07; Am. Ord. 2008-14, passed 10-2-08; Am. Ord. 2008-08, passed 11-6-08; Am. Ord. 2010-05, passed 6-3-10; Am. Ord. 2010-11, passed 12-6-10; Am. Ord. 2015-03, passed 4-9-15; Am. Ord. 2016-11, passed 9-8-16)

2017 S-21
13.03 **PROCEDURE.**

Upon receiving a citation or notice of violation of an offense set forth in §13.02, alleged violators may:

(A) Admit the violation and pay the appropriate penalty amount within ten days of the violation;

(B) Within ten days of the violation, deny the violation and request a hearing before the Town Court by submitting a written denial; or

(C) Nothing, and a hearing will be scheduled and held before the Town Court.

(Ord. 2007-02, passed 2-27-07)

13.04 **MINIMUM PENALTY AND DISCRETION OF TOWN JUDGE.**

Each of the penalties listed in §13.02 is the minimum penalty for each offense. The Town Judge shall have the discretion to increase the amount of the minimum penalty prescribed in §13.02, not to exceed the statutory maximum penalty of $2,500.

(Ord. 2007-02, passed 2-27-07)

13.05 **PAYMENT OF PENALTIES, COURT COSTS AND CONTINUED ENFORCEMENT.**

(A) Payment of penalties assessed pursuant to §13.02 shall be submitted to the Town Court in person or by mail to: Pendleton Town Court, P.O. Box 396, Pendleton, Indiana 46064. Payments by mail should include a copy of the citation.

(B) In addition to the penalty prescribed in §13.02 and pursuant to IC 33-37-4-2, a person charged with a violation not related to the operation of a motor vehicle may also be responsible for payment of the following Town Court fees if the person denies the violation and a judgment is entered against the person:
<table>
<thead>
<tr>
<th>Infraction/ordinance cost fee</th>
<th>$70.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document storage fee</td>
<td>$5.00</td>
</tr>
<tr>
<td>Automated record keeping fee</td>
<td>$19.00</td>
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<tr>
<td>Public defense administration fee</td>
<td>$5.00</td>
</tr>
<tr>
<td>Judicial insurance adjustment fee</td>
<td>$1.00</td>
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<tr>
<td>Court administration fee</td>
<td>$5.00</td>
</tr>
<tr>
<td>Judicial salaries fee</td>
<td>$20.00</td>
</tr>
<tr>
<td>Jury fee</td>
<td>$2.00</td>
</tr>
<tr>
<td>Law enforcement continuing education fee</td>
<td>$4.00</td>
</tr>
<tr>
<td>DNA sample processing fee</td>
<td>$2.00</td>
</tr>
<tr>
<td>Highway worksite zone fee</td>
<td>$0.50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$133.50</strong></td>
</tr>
</tbody>
</table>

(C) A separate and distinct violation of any of the code provisions referenced in •13.02 constitutes a separate offense which may result in multiple violations and increasing penalties as
indicated. In circumstances where there exists a continuing act or omission, or a continuing existing condition, which constitutes a violation, every day that violation continues shall constitute a separate offense.

(D) The payment of the penalty for the violation of any of the code provisions referenced in §13.02 shall not excuse the violation or permit it to continue, nor shall such payment prevent the enforced correction of any prohibited act, omission, or condition as appropriate under other sections of the code and/or Indiana law.

(E) The payment of the penalty for any code violation as referenced in §13.02 shall not relieve the person charged with the violation from any liability arising out of the act, omission, or condition that was the subject of the violation.

(Ord. 2007-02, passed 2-27-07; Am. Ord. 2007-08, passed 8-2-07; Am. Ord. 2008-08, passed 11-6-08; Am. Ord. 2016-11, passed 9-8-16)

§13.06 FORMS.

Subject to the consent and approval of the Town Council, the Town Court shall prepare and use forms to assist in the administration and prosecution of code violations under this chapter.

(Ord. 2007-02, passed 2-27-07)
TITLE III: ADMINISTRATION

Chapter

30. TOWN OFFICIALS
31. BOARD OF TRUSTEES
32. POLICE DEPARTMENT
33. OTHER DEPARTMENTS, BOARDS, AND COMMISSIONS
34. TOWNSHIP FIRE PROTECTION
35. EMPLOYEE REGULATIONS
36. TOWN FUNDS
37. ORDINANCE VIOLATIONS BUREAU
38. TOWN COUNCIL
39. TOWN POLICIES
40. TOWN COURT
41. REDEVELOPMENT AUTHORITY
CHAPTER 30: TOWN OFFICIALS

Section

General Provisions

30.01 Compensation
30.02 Association membership dues

Town Officials

30.15 Town Manager
30.16 Clerk-Treasurer
30.17 Chief Marshal

GENERAL PROVISIONS

• 30.01 COMPENSATION.

The Board of Trustees shall fix the compensation of its members and all town officers and employees in a salary ordinance to be adopted annually. This salary ordinance shall also designate the holidays to be observed in the town during the coming year. (’82 Code, • 36-5-3-2)

• 30.02 ASSOCIATION MEMBERSHIP DUES.

(A) The Board of Trustees is authorized to budget and appropriate funds to provide for the payment of membership dues for the town, its elected and appointed officials, and the members of its boards, councils, departments, or agencies in any local, regional, state, or national associations of a civic, educational, or governmental nature which have as their purpose the improvement of municipal operations.

(B) The Town Board is authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the town belongs.

(C) The President of the Board shall designate those persons who shall represent the town at any meeting or function of such organizations. (’82 Code, • 36-5-4-1) (Ord. passed - -82)

TOWN OFFICIALS

• 30.15 TOWN MANAGER.

(A) The Town Manager, under the direction of the Town Council, is responsible for the administration duties of the Town Council and shall:

1. Supervise the operation of all departments, including the Utilities.
2. Attend the meetings of the Town Council and recommend actions the Town Manager considers advisable;

2017 S-21
(3) Hire town employees according to the pay schedules and standards fixed by the Town Council or by statute;

(4) Suspend, discharge, remove, or transfer town employees, if necessary, for the welfare of the town, subject to the provisions of division (B) of this section;

(5) May delegate any of the Town Manager's power to an employee responsible to the Town Manager;

(6) Administer and enforce all ordinances, orders, and resolutions of the Town Council;

(7) See that all statutes that are required to be administered by the Town Council, or any town officer who is subject to the control of the Town Council, are faithfully administered;

(8) Prepare budget estimates and submit them to the Town Council, when required;

(9) Execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of all appropriations, notice, and competitive bidding procedures required by statute; and

(10) May receive service of summons on behalf of the town.

IC 36-5-5-8 (Ord. 1986-6, passed -86; Am. Ord. passed 1-20-87; Am. Ord. 1993-23, passed 11-16-93)

(B) The Town Manager may not serve as a member of any body that hears disciplinary charges against the Town Marshal or a member of the Town Police Department.

IC 36-5-5-9

Statutory reference:
Town Manager, office of, see IC 36-5-5-1 et seq.

30.16 CLERK-TREASURER.

(A) The position of Clerk-Treasurer is hereby established.

(B) The Clerk-Treasurer shall act as both the Town Clerk and the Town Fiscal Officer.

IC 36-5-6-2

(C) The Clerk-Treasurer shall be elected under IC 3-10-6 or IC 3-10-7 by the voters of the whole town.

IC 36-5-6-4

(D) The Clerk-Treasurer must reside within the town as provided in Article 6, Section 6 of the State Constitution. He shall forfeit office if he ceases to be a resident of the town. The term of office of the Clerk-Treasurer shall be four years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

IC 36-5-6-3

2017 S-21
The Clerk-Treasurer shall:

1. Receive and care for all town money, and pay the money out only on order of the Board of Trustees;

2. Keep accounts showing when and from what sources he has received town money, and when and to whom he has paid out town money;

3. Prescribe payroll and account forms for all town offices;

4. Prescribe the manner in which creditors, officers, and employees shall be paid;

5. Manage the finances and accounts of the town and make investments of town money;

6. Prepare for the Board of Trustees the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate;

7. Maintain custody of the town seal and the records of the Board of Trustees;

8. Issue all licenses authorized by statute and collect all fees fixed by ordinance;

9. Serve as Clerk of the Board of Trustees by attending its meetings and recording its proceedings;

10. Administer oaths, take depositions, and take acknowledgment of instruments required by statute to be acknowledged, without charging a fee;

11. Serve as clerk of the Town Court under IC 33-35-3-2, if the judge of the Court does not serve as clerk of the Court or appoint a clerk of the Court under IC 33-35-3-1; and

12. Perform all other duties prescribed by law.

The Clerk-Treasurer shall appoint the number of deputies and employees needed for the effective operation of the office, with the approval of the Board of Trustees. The Clerk-Treasurer’s deputies and employees serve at his pleasure.

The Chief Marshal, under the direction of the Town Council, is responsible for the administration duties of the Town Council and shall:

2005 S-13
(A) Supervise the operation of the Police Department, with all the powers, duties, and authority as Chief Marshal. However, pursuant to IC 36-5-5-9, the Chief Marshal may bring disciplinary charges against any police officer but said charges may be heard only before the Town Council;

(B) Attend the meetings of the Town Council and recommend actions the Chief Marshal considers advisable;

(C) Hire Deputy Marshals according to the pay schedules and standards fixed by the Town Council or by statute;

(D) Suspend, discharge, remove, or transfer Deputy Marshals, if necessary, for the welfare of the Department, subject to the provisions of division (A) of this section;

(E) May delegate any of the Chief Marshal’s power to any Deputy Marshal, responsible to the Chief Marshal;

(F) Prepare budget estimates and submit them to the Town Council, when required;

(G) May receive service of summons on behalf of the town.

(Ord. 1993-24, passed 11-16-93)
31.01 Election of members
31.02 Wards designated
31.03 Term of office

Statutory reference:
Boards of Trustees, see IC 36-5-2-1 et seq.

31.01 ELECTION OF MEMBERS.

The Board of Trustees hereby provides that its members are to be elected at large by the voters of the whole town, as set forth in IC 36-5-2-5.

(A) Pursuant to IC • 36-5-2-4.1, the town is divided into three districts for the purpose of selecting three members of the Town Council and the remaining two members shall be selected at-large.

(B) The boundaries of the districts shall correspond to the boundaries of the precincts established by the county.

(C) A member of the legislative body holding a district seat must reside within the district from which the member is selected pursuant to IC • 36-5-2-6(a)(2); however, the voters of the whole town pursuant to IC • 36-5-2-5(b)(2) shall elect all members.

(D) All that part of the town lying within the Fall Creek Township: Precinct 053, as designated by the county, a map of which is attached and incorporated herein by reference, shall be designated as District 1.

(E) All that part of the town lying within the Fall Creek Township: Precinct 054, as designated by the county, a map of which is attached and incorporated by reference, shall be designated as District 2.

(F) All that part of the town lying within the Fall Creek Township: Precinct 055, as designated by the county, a map of which is attached and incorporated by reference, shall be designated as District 3.

(G) The present Ward 1 Town Council seat shall be assigned to District 1; the present Ward 2 Town Council seat shall be assigned to District 2; the present Ward 3 Town Council seat shall be an at-large seat; and the seats assigned under this section shall be up for election in November 2003, and every four years thereafter.

(H) The present Ward 5 Town Council seat shall be assigned to District 3; the present Town Council seat assigned as Ward 4 shall be
an at-large seat, and the seats assigned under this section shall be up for election in November 2006, and every four years thereafter.  
(Am. Ord. 1992-12, passed 12-14-92; Am. Ord. 1993-16, passed 9-28-93; Am. Ord. 2002-09, passed 10-3-02)

31.03 TERM OF OFFICE.

(A) Of the five town legislative body members elected in the municipal election of November, 1999, the two receiving the lowest total number of votes will serve a term of three years. The term will begin January 1, 2000 and end December 31, 2002. Subsequent elections will be for terms of four years.

(B) The remaining three town legislative body members will serve a four year term beginning January 1, 2000.  
(Ord. 1998-06, passed 7-14-98)
32.01 INCORPORATION OF REGULATIONS BY REFERENCE.

The Police Department regulations of the town are hereby incorporated by reference into this Code of Ordinances as if fully set forth herein, along with any and all amendments that may be made from time to time to said regulations.

32.02 POLICE RESERVES.

(A) The Board of Trustees hereby establishes the Town Police Reserves.

(B) The members of the Police Reserves shall be appointed by the Board.

(C) No more than ten persons shall be members of the Police Reserves at any particular time.

(D) The employment benefits of the members of the Police Reserves shall be determined annually by the Board as part of the salary ordinance.

(82 Code, • 36-8-3-20) (Am. Ord. 1992-05, passed 5-12-92; Am. Ord. 2004-03, passed 2-5-04)
Section

**Department of Economic Development**

33.01  Establishment; administration
33.02  Compensation; reimbursement
33.03  Financial or conflicting interests
33.04  Request for issuance of revenue bonds; fee

**Plan Commission**

33.15  Establishment

**Utility Rate Advisory Board**

33.25  Creation
33.26  Board members
33.27  Responsibilities and duties
33.28  Compensation

**Historic Preservation Commission**

33.35  Purpose and definitions
33.36  Establishment and organization
33.37  Powers and duties of the Commission
33.38  Historic districts, conservation districts and guidelines
33.39  Interim protection
33.40  Certificates of Appropriateness (COS)
33.41  Staff approvals
33.42  Visual compatibility
33.43  Preservation of historical and architectural character upon alteration or relocation mandated
33.44  Appeal provisions
33.45  Maintenance
33.46  Relationship with zoning districts
33.47  Paint colors
33.48  Interested parties
33.49  Enforcement; penalties and judicial review

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

*33.01  ESTABLISHMENT; ADMINISTRATION.*

The Board of Trustees establishes the Department of Economic Development, which shall be administered by the Town Economic Development Commission. ([82 Code, § 36-7-12-2(a)](Ord. 1976-8, passed 8-10-76))
33.02  COMPENSATION; REIMBURSEMENT.

The members of the Economic Development Commission shall serve without compensation. The town may provide for the reimbursement of travel, telephone, and other necessary expenses incurred by the Commissioners in the performance of their duties.

('82 Code, • 36-7-12-2(b)) (Ord. I976-8, passed 8-10-76)

33.03  FINANCIAL OR CONFLICTING INTERESTS.

Any Commissioner having a financial interest in, or having been employed by, any firm or corporation contracting or negotiating with the Economic Development Commission shall disclose his interest to the Commission and such disclosures shall be made a part of the records of the Commission. Any contract or agreement with any firm or corporation in which a Commissioner has a direct financial interest shall be void from its inception unless the nature of that financial interest has been made a part of the record of the Commission.

('82 Code, • 36-7-12-2(c)) (Ord. I976-8, passed 8-10-76)

33.04  REQUEST FOR ISSUANCE OF REVENUE BONDS; FEE.

Any person whose request for the issuance of Economic Development Commission revenue bonds is approved and for whom such bonds have been issued, shall pay a fee to be determined by the Commission, payable from the bond proceeds, to the town. This fee shall be in addition to the reimbursement of any costs incurred by the town in the issuance of bonds.

('82 Code, • 36-7-12-2(d)) (Ord. I976-8, passed 8-10-76)

33.15  ESTABLISHMENT.

There is hereby established a Town Plan Commission pursuant to IC 36-7-4-200 et seq. Membership shall be as provided by statute.

(Ord. passed 6-2-49)

UTILITY RATE ADVISORY BOARD

33.25  CREATION.

There is hereby created as a part of the town government an advisory board to be known as the Utility Rate Advisory Board.

(Ord. 1990-11, passed 6-19-91)

33.26  BOARD MEMBERS.

(A) The Advisory Board shall consist of five members to be appointed by the Town Council, no more than three of whom shall belong to the same political party. Members shall serve for four-year terms each; provided, that of the individuals first selected to serve, two members will serve an initial term of one year, one member will serve an initial term of two years, one member will serve an initial term of three years, and one member will serve an initial term of four years.

2011 S-19
Any vacancy occurring shall be filled for the remainder of the term by the President of the Council with the approval of the Council. Their terms will run from August 1, 1990 through August 1, 1994. All members must reside in the corporation boundary.

(B) Members of the Board may be removed at any time by the President of the Council for cause, with the approval of the Council.

(Ord. 1990-11, passed 6-19-91)

33.27 RESPONSIBILITIES AND DUTIES.

(A) The Board shall have the responsibility of investigating, gathering information, deliberating, and advising the Town Council with regard to any future proposed changes to the general rates and charges for the use of and services rendered by the municipally owned electric and water utilities. The Board’s capacity shall be advisory only, and the Council shall not be bound by any recommendations or advice received from the Board. The Board shall not be required to investigate, deliberate, or advise the Council with regard to any rate increases or decreases which are implemented solely for the purpose of tracking increases or decreases in the cost of fuel, electricity or water from the town's wholesale suppliers.

(B) The Board shall, in its investigation, deliberation and advice, strive to advise the Council on rates and charges for use of and services rendered by the municipally owned electric and water utilities, which are nondiscriminatory, reasonable and just, and which will produce sufficient revenue to maintain the utility property in a sound physical and financial condition to render adequate and efficient service, all in accordance with the standards as set out in IC 8-1.5-3-8. The Board shall have access by appointment with the Clerk-Treasurer’s office to all books, records, financial statements, accounting reports, operating reports and other documents which are relevant to their investigation, deliberation and advice as to rates and charges meeting the foregoing standards.

(C) The Board shall select one of its members as Chairperson and one of its members as Secretary. The Board shall meet semiannually or on call of the Chairperson or upon the call of any three of its members. Meetings shall be open to the public, and notice of all meetings shall be given in strict compliance with the Indiana Open Door Law, IC 5-14-1.5-1 et seq.

(Ord. 1990-11, passed 6-19-91)

33.28 COMPENSATION.

Members of the Utility Rate Advisory Board shall receive no compensation for their services and shall receive no compensation for their time expended nor for time lost from work.

(Ord. 1990-11, passed 6-19-91)
HISTORIC PRESERVATION COMMISSION

33.35  PURPOSE AND DEFINITIONS.

(a) Purpose of historic preservation and protection: to promote the educational, cultural, and general welfare of the citizens of Pendleton and to ensure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the Town of Pendleton; it is deemed essential by the Town of Pendleton that qualities relating to its history and harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the Town of Pendleton through this subchapter to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the town and serve as visible reminders of its historic heritage.

(B) Definitions: the following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"ALTERATION." A material change in the external architectural features of any building, structure, or site within a historic district.

"CLASSIFICATIONS."

(1) "OUTSTANDING." The "O" classification means that the property has sufficient historic or architectural significance that it is listed, or is eligible for individual listing, in the National Register. "OUTSTANDING" resources can be of local, state, or national importance.

(2) "NOTABLE." A classification of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
"CONTRIBUTING." A "C" classification means the property is at least 40 years old, but does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area’s historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.

"NON-CONTRIBUTING." Property classified as "NC" is not included in an inventory unless it is located within the boundaries of a historic district. Such properties may be less than 50 years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.

"DEMOLITION." The complete or substantial removal of any building, structure, or site located in a historic district.

"HISTORIC DISTRICT." A single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this subchapter.

"INTERESTED PARTY." One of the following:

1. The Town Council President.
2. The Town Council.
3. The Town Plan Commission.
4. A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this subchapter.
5. An owner or occupant of property located in a historic district established by an ordinance adopted under this subchapter.
6. Indiana Landmarks, or any of its successors.
7. The state historic preservation officer designated under IC 14-3-3.4-10.

"TOWN." The Town of Pendleton, Indiana.

"NATIONAL REGISTER." The National Register of Historic Places.

"PRESERVATION GUIDELINES." Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

"PRIMARY AREA." The principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.
"ROUTINE MAINTENANCE." Work for which no certificate of appropriateness is required.

"SECONDARY AREA." An area in a historic district delineated on the map establishing the boundaries of the historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

"STREETScape." Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (such as street lights, trash receptacles, benches and the like) use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

"VISUAL COMPATIBILITY." Those elements of design that meet the guidelines set out in 33.42. (Ord. 2010-06, passed 9-2-10)

• 33.36 HISTORIC PRESERVATION COMMISSION ESTABLISHMENT AND ORGANIZATION.

(A) Creation. There is hereby established the Historic Preservation Commission of the Town of Pendleton, Indiana (the "Commission").

(B) Composition.

(1) The Commission shall consist of five voting members. The voting members shall be appointed by the Town Council President subject to the approval of the Town Council and shall be residents of the town who are interested in the preservation and development of historic areas. The members of the Commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community and willing to serve.

(2) The Commission shall also have at least one nonvoting, advisory member from the Historic Fall Creek, Pendleton Settlement, a local preservation and historic organization, appointed to the Commission by the Town Council President with approval by the Town Council. The Commission may also have other nonvoting, advisory members appointed by the Town Council President with approval by the Town Council.

(3) Voting and nonvoting Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

(C) Term. Voting members shall serve for a term of three years; however, the initial terms of members shall be for one year (one member), two years (two members), and three years (two members) in order for the terms to be staggered. The term for nonvoting, advisory
members shall be for three years. A vacancy shall be filled within 90 days for the duration of the term.

(D) Commission Administrator. A town administrator designated by the Town Council President subject to the approval of the Town Council shall serve as the ex-officio administrator of the Commission. The Administrator shall provide staff assistance to the Commission, act as or provide the Commission’s secretary, and issue Certificates of Appropriateness as directed by the Commission.

(E) Officers. The Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Treasurer who shall serve for one year and who may be reelected.

(F) Rules. The Commission shall adopt rules consistent with this subchapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(G) Meetings. Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions. The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

(Ord. 2010-06, passed 9-2-2010)

33.37 POWERS AND DUTIES OF THE COMMISSION.

(A) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in a historic district, which include but are not limited to viewsheds, landscapes, and streetscapes of historic importance. The Commission may not consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.

(B) The Commission shall conduct surveys and establish historic districts in accordance with the provisions of 33.38.

(C) The Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the general public.

(D) The Commission has the authority to receive funds in order to promote its stated purpose.

(E) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(F) The Commission, through this subchapter, may:

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33.38 PENDLETON - OTHER DEPARTMENTS, BOARDS, AND COMMISSIONS

(1) Acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission;

(2) Hold title to real and personal property; and

(3) Sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Commission considers best.

(G) The Commission shall establish procedures that the Commission must follow in acquiring and disposing of property.

(Ord. 2010-06, passed 9-2-10)

33.38 HISTORIC DISTRICTS, CONSERVATION DISTRICTS AND GUIDELINES.

(A) All recommendations for the establishment of a historic district shall be in the form of a written report and must be based on the criteria outlined in this section. A recommendation for establishing a historic district may be initiated from either of the following two sources:

(1) Based on its survey, the Commission may draw and submit historic district maps for Town Council approval.

(2) Owners of property in fee simple wishing to establish a historic district which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the Town Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(B) Conservation districts. The Commission may recommend, and the Town Council may provide that the establishment of a historic district shall occur in two phases. During the first phase, which continues for a period of three years from the date the ordinance is adopted, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building or structure subject to view from a public way.

(1) At the expiration of the initial three-year period, the first phase of a conservation district continues and the second phase does not become effective if a majority of the property owners in the district object to the Commission, in writing, to the requirement that Certificates of Appropriateness be issued for the following activities:

(a) A conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration, or maintenance involving exterior color changes;

(b) A change in walls and fences or construction of walls and fences, if along public ways.

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33.39 A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance.

(2) The objections of a majority of the property owners must be received by the Commission not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the subchapter.

(C) Commission preparation of historic district maps: in order to establish a historic district, the Commission shall first prepare a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted by the Commission which identifies historic buildings, structures, and sites located within the town.

(2) A district may be limited to the boundaries of a property containing a single building, structure, or site.

(3) The map may divide the district into primary and secondary areas as follows:

(a) Primary area. The principal area of historic and building classifications must be submitted to, and approved in an ordinance by, the Town Council.

(F) Recording the fact of designation. The map establishing boundaries of a historic district may be recorded in the Office of the Madison County Recorder.

• 33.39 INTERIM PROTECTION.

(A) When submitting a map to the Town Council under • 33.38, the Commission may declare one or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(B) Not more than two working days after declaring a building, structure, or site to be under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building, structure or site with a written notice of the declaration. The written notice must:

(1) Cite the authority of the Commission to put the building, structure, or site under interim protection under this section;

(2) Explain the effect of putting the building, structure, or site under interim protection; and

(3) Indicate that the interim protection is temporary.

(C) A building or structure put under interim protection under division (A) remains under interim protection until the map is:
33.40 PENDLETON - OTHER DEPARTMENTS, BOARDS, AND COMMISSIONS

1) Submitted to; and
2) Approved in an ordinance or rejected by the Town Council.

D) While a building, structure, or site is under interim protection under this section:
1) The building, structure, or site may not be demolished or moved; and
2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:
   a) Addition;
   b) Reconstruction; or
   c) Alteration.

E) The Commission may approve a Certificate of Appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in • 33.40(D) and any proposed preservation guidelines prepared for the building, structure, or site, but the Certificate of Appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the Town Council.

(Ord. 2010-06, passed 9-2-10)

33.40 CERTIFICATES OF APPROPRIATENESS (COA).

A) Certificates of Appropriateness (COA) required: a COA must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

1) Within all areas of a historic district:
   a) The demolition of any building or structure;
   b) The moving of any building or structure;
   c) A change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance; or
   d) Any new construction of a principal building or accessory building or structure subject to view from a public way.

2) Within a primary area of a historic district:
   a) A change in walls and fences, or the construction of walls and fences along public ways;

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(b) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance.

(3) Within a conservation district:

(a) The moving of any building;

(b) The demolition of any building; or

(c) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(B) Application for Certificates of Appropriateness. An application for a COA shall be made in the office of the Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information which the Commission requires to make a decision.

(C) Approval or denial of Certificates of Appropriateness. The Commission may approve or deny a COA for any actions covered by this subchapter. If an application for a COA is approved by the Commission, or is not acted on by the Commission within 30 days after it is filed, a COA shall be issued. The Commission may grant an extension of the 30-day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the COA must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the COA is provided by the applicant with the application.

(D) Criteria for considering effect of actions on historic buildings. The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of a historic building, structure, site or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

(1) Purposes of this subchapter;

(2) Historical and architectural value and significance of the building, structure, site or appurtenance;

(3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;

(4) The texture, material, style, and detailing of the building, structure, site or appurtenance;

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33.41 STAFF APPROVALS.

(A) The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a COA.

(B) The Commission shall specify by rule the types of applications for COA that the staff of the Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a COA for the following:

(1) The demolition of a building, structure, or site.

(2) The moving of a building or structure.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure.

(Ord. 2010-06, passed 9-2-10)

33.42 VISUAL COMPATIBILITY.

(A) For new construction, contemporary design, and non-historic buildings: to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance, or repair conspicuously affecting the external appearance of any non-historic building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

(B) Criteria for considering visual compatibility within historic primary areas: within the primary area of a historic district, new buildings, structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

(1) Height: the height of proposed buildings must be visually compatible with adjacent buildings.

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(2) Proportion of building's front facade. The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.

(3) Proportion of openings within the facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(5) Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings, squares, and places to which it is visually related.

(7) Relationship of materials, texture. The relationship of the materials, texture, and the facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(8) Roof shapes. The roof shape of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(9) Wall of continuity: appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of the building. The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation. A building must be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

(Ord. 2010-06, passed 9-2-10)

33.43 PRESERVATION OF HISTORICAL AND ARCHITECTURAL CHARACTER UPON ALTERATION OR RELOCATION MANDATED.

(A) A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls,
fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(B) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with division (A).

(Ord. 2010-06, passed 9-2-10)

• 33.44 APPEAL PROVISIONS.

(A) The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the town and to afford the town, historical organizations, property owners, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

(B) If the Commission denies the issuance of a COA for the demolition of a building, structure, or site, a demolition permit may be issued by other agencies and a building, structure, or site may be demolished, but only after the property owner has demonstrated to the Commission that the historic building, structure, or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.

(C) Notice of the proposed demolition must be given for a period fixed by the Commission, based on the Commission’s classification on the approved map, but not less than 60 days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.

(D) The Commission may approve a COA at any time during the notice period under division (C). If the COA is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

(Ord. 2010-06, passed 9-2-10)

• 33.45 MAINTENANCE.

(A) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

(B) Ordinary repairs and maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the

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design, form, proportion, mass, configuration, building material, texture, location—of any structure, or part thereof.  
(Ord. 2010-06, passed 9-2-10)

33.46 RELATIONSHIP WITH ZONING DISTRICTS.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district, if there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements shall apply.  
(Ord. 2010-06, passed 9-2-10)

33.47 PAINT COLORS.

This section intentionally left blank.  
(Ord. 2010-06, passed 9-2-10)

33.48 INTERESTED PARTIES.

(A) An interested party (as defined in 33.35(B)) has a private right of action to enforce and prevent violation of provisions of this subchapter or an ordinance adopted by the town under this subchapter, and with respect to any building, structure, or site within a historic district, and has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this subchapter or an ordinance adopted under this subchapter.  

(B) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

(C) The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

(D) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this subchapter, or an ordinance adopted by a unit under this subchapter, had been, or was about to be violated.

(E) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

(F) An action arising under this section must be brought in the circuit or superior court of the county in which the historic district lies and no change of venue from the county shall be allowed in the action.

(G) The remedy provided in this section is in addition to other remedies that may be available at law or in equity.  
(Ord. 2010-06, passed 9-2-10)

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33.49 ENFORCEMENT PENALTIES, AND JUDICIAL REVIEW.

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this ordinance shall be subject to a fine as follows, for each offense;

(1) Not less than $10 nor more than $2,500 for demolition; and

(2) Not less than $10 nor more than $300 for all other offenses.

(B) Each day of the existence of any violation of this subchapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this subchapter is hereby declared to be a nuisance and in violation of this subchapter and unlawful. The town may institute a suit for injunction in the Circuit Court or Superior Court of Madison County to restrain any person or government unit from violating any provision of this ordinance and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this subchapter.

(D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(E) Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review hereof in accordance with IC 4-21.5.

(Ord. 2010-06, passed 9-2-10)
Section

34.01 Contract with township for fire protection

• 34.01 CONTRACT WITH TOWNSHIP FOR FIRE PROTECTION.

The town is authorized, and may accept and carry out the provisions of any contract with the proper officials of Fall Creek Township; Madison County, Indiana; or with the proper officials of other townships contiguous thereto, in the purchase, maintenance, and upkeep of such firefighting apparatus and equipment as may be deemed necessary to afford the requisite fire protection to the town, Fall Creek Township, or other contiguous townships, and as may be mutually agreed upon between the proper officials of such towns and townships, all as authorized by the laws of the state and any acts amendatory thereto.

(‘82 Code, • 36-8-13-1) (Ord. passed 7-24-52)
CHAPTER 35: EMPLOYEE REGULATIONS

Section

35.01 Employee Manual adopted by reference
35.02 Nepotism

35.01 EMPLOYEE MANUAL ADOPTED BY REFERENCE.

The Employee Manual is hereby adopted by reference and incorporated as if fully set forth herein.
(Ord. 1998-19, passed 11-10-98; Am. Ord. 2015-09, passed 4-9-15)

35.02 NEPOTISM.

(A) On July 1, 2012 the town shall have and begin implementing a nepotism and a contracting with a unit policy that complies with the minimum requirements of IC 36-1-20.2 and IC 36-1-21 and implementation will begin.

(B) The nepotism policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2 (attached as Exhibit A), and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out in this section.

(C) The town contracting with a unit by a relative policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21 (attached as Exhibit B) and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out in this section.

(D) The town finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more details are necessary.

(E) The town further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/she will not be in the direct line of supervision.

(F) The town finds that a single member of governing bodies with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of the majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.

(G) All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this section and demonstrating compliance with these same policies.
(H) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy may be subject to action allowed by law.

(I) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the contracting with unit by a relative policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy or the contracting with unit by a relative policy may be subject to action allowed by law.

(J) The policies created by this section are hereby directed to be implemented by any of the following actions: a) posting a copy of this section in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees; b) providing a copy of this section to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this section; or d) any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials.

(Res. R12-01, passed 6-7-12)
CHAPTER 36: TOWN FUNDS

Section

36.01  Cumulative Capital Development Fund
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• 36.01 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby reestablished a Pendleton Cumulative Capital Development Fund.

(B) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Pendleton Cumulative Capital Development Fund. The maximum amount of levy shall be as established by the Town Council.

(C) The funds accumulated in the Pendleton Cumulative Capital Development Fund will be used for the improvement of public streets as permitted by IC 36-9-16.5-3.

(D) Notwithstanding division (C), funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (C) if the purpose is to protect the public health, welfare, or safety in an emergency situation which demands immediate action. Money may be spent under the declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the Fund.


• 36.02 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) The Board of Trustees hereby creates the Cumulative Capital Improvement Fund.

(B) All distributions received from the Cumulative Capital Improvement Fund of the Indiana Cigarette Tax Fund shall be deposited in the Cumulative Capital Improvement Fund.

(C) Disbursements from the Fund shall be made only for the construction or improvement of town-owned property, including but not limited to highways, alleys, sewers, or thoroughfares. Disbursements may also be made to retire any general obligation town bonds issued for the construction of improvements which would qualify for the use of such funds.

(D) No funds shall revert to the Town General Fund and no disbursements shall be made from the Cumulative Capital Improvement Fund for the salaries of any officials or employees of the town.
except for expenses directly chargeable to the improvements listed in division (C) of this section. ('82 Code, § 36-7-12-2) (Ord. 1976-8, passed 8-10-76)

Statutory reference:
Cumulative Capital Improvement Fund, see IC 6-7-1-31.1

36.03 CLERK’S RECORD PERPETUATION FUND.

(A) There is hereby established a Clerk’s Record Perpetuation Fund for the deposit of certain revenues and fees received by the Clerk and required by law to be deposited into the Clerk’s Record Perpetuation Fund.

(B) The Clerk shall collect the revenues and fees required to be deposited into the Clerk’s Record Perpetuation Fund and shall remit the same to the Clerk-Treasurer of the town for deposit into the Clerk’s Record Perpetuation Fund.

(C) The Clerk’s Record Perpetuation Fund may only be expended after appropriation for the preservation of records and the improvement of record-keeping systems and equipment or any other purpose authorized under I.C. 33-37-5-2(b), as amended.

(D) All expenditures from the Clerk’s Record Perpetuation Fund shall be processed, appropriated, claimed and allowed in the same manner as other claims of the town. (Ord. 2005-02, passed 5-2-05)

36.04 TOWN COURT USER FEE FUND.

(A) There is hereby established a Town Court User Fee Fund for the deposit of certain revenues and fees received by the Clerk, including and pretrial diversion fee collected for violating town ordinances.

(B) The Clerk shall collect the revenues and fees required to be deposited into the User Fee Fund pursuant to I.C. 33-37-8-3 and shall remit the same to the Clerk-Treasurer of the town for the deposit into the User Fee Fund.

(C) The User Fee Fund may only be expended after appropriation to supplement the following program services:

1. Pretrial diversion;
2. Alcohol and drug services;
3. Law enforcement continuing education program;
4. Deferral program;
5. Drug court; and
6. Other programs recommended and requested by the Town Court Judge.

2006 S-14
All expenditures from the User Fee Fund shall be processed, appropriated, claimed and allowed in the same manner as other claims for the town.

(Ord. 2005-03, passed 5-2-05)

36.05 VICTIM IMPACT PROGRAM FUND.

(A) There is hereby established a Victim Impact Program Fund for the deposit of fees received by the Town Court to cover the costs attributable to the Victim Impact Program established in §40.02.

(B) The Town Court shall collect the fees and remit the same to the Clerk-Treasurer for deposit into the Victim Impact Program Fund.

(C) All expenditures attributable to the Victim Impact Program shall be processed, appropriated, claimed and allowed in the same manner as other claims of the town.

(D) The Fund may only be expended after appropriation to supplement the following programs:

(1) Alcohol and drug services;
(2) Law enforcement continuing education;
(3) Community drug/alcohol awareness programs; or
(4) Other programs recommended and requested by the Town Judge.

(Ord. 2004-04, passed 4-6-06)

36.06 RAINY DAY FUND.

(A) There is hereby established a Rainy Day Fund for the deposit of:

(1) Unused and unencumbered funds;
(2) Supplemental distribution of CAGIT, COIT, and CEDIT; and
(3) Rental proceeds from the town’s storage units - Five Star Storage.

(B) The Rainy Day Fund may only be expended as determined by the Town Council for the following purpose: emergency needs of the town.

(C) All expenditures from the Rainy Day Fund shall be processed, appropriated, claimed, and allowed in the same manner as other claims of the town.

(Ord. 2007-06, passed 7-5-07; Am. Ord. 2015-11, passed 5-14-15)

36.07 PUBLIC SAFETY FUND.

(A) There is hereby established a Public Safety Fund for the deposit of COIT distribution for public safety.
36.08  FIRE DEPARTMENT SERVICE FEE FUND.

(A) There is hereby established a Fire Department Service Fee Fund for the deposit of fees imposed and collected by the town’s volunteer fire department.

(B) The Fire Department Service Fee Fund may only be expended as defined in IC 36-8-12-13(C)(3) and IC 36-8-12-16(B)(1), and used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(C) Any money remaining in the Fire Department Service Fee Fund at the end of the calendar year shall not revert to any other fund but continue in the Fire Department Service Charge Fund.

(D) All expenditures from the Fire Department Service Fee Fund shall be processed, appropriated, claimed, and allowed in the same manner as other claims of the town.

(Ord. 2012-12, passed 12-13-12)

36.09  TRASH COLLECTION FEE FUND.

(A) There is hereby established a Trash Collection Fee Fund for the deposit of the fees received by the town to cover the cost attributable to the town’s trash collection contract.

(B) The town shall collect the fees and shall remit the same to the Clerk-Treasurer of the town for deposit into the Trash Collection Fee Fund.

(C) All expenditures shall be processed, appropriated, claimed, and allowed in the same manner as other claims of the town.

(D) The Fund may only be expended after appropriation to: pay the trash collection contract.

(Ord. 2015-06, passed 2-12-15)
37.01 Establishment.

There shall be created an Ordinance Violations Bureau, pursuant to IC 33-6-3 et seq., as amended, for the Town of Pendleton.

(Ord. 1989-9, passed 7-18-89; Am. Ord. 2004-7, passed 5-11-04)

37.02 Violations Clerk.

(A) The Town Court is appointed and shall serve as the Violations Clerk and shall administer the Ordinance Violations Bureau under the supervision of the Town Judge.

(Ord. 1989-9, passed 7-18-89; Am. Ord. 2004-7, passed 5-11-04)

(B) The Town Judge and his/her staff, as agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as provided below.

(Ord. 1989-9, passed 7-18-89; Am. Ord. 2004-7, passed 5-11-04)

37.03 Payment to Bureau; procedures.

(A) Upon the payment of any sum of money into the Ordinance Violations Bureau, as provided in this code, the Ordinance Violations Bureau shall issue a receipt to the person so paying, which receipt shall be numbered and it is made the duty of the Ordinance Violations Bureau to keep a correct record, showing the amount of each sum so paid, the number of the ordinance violation notice(s), the date thereof, the number of the state license plate (if relevant) and the name and address of the violator.

(B) The Ordinance Violations Bureau shall account for all sums of money paid in under the provisions of this chapter, as required by statute, and shall pay the funds received into the Court User Fee Fund, or otherwise, for distribution thereof, as required by law.

(C) The Judge of the Town Court shall provide to the Town Council a monthly report of the proceedings before the Town Court. The Judge of the Town Court shall also ensure that any additional information requested by the Town Council is provided in a timely manner.

(Ord. 2007-07, passed 8-2-07)
37.04 SCHEDULE OF FINES.

Fines or fees imposed by reason of a violation of any of the ordinances contained in §13.02 of the code shall be eligible for disposition at the Ordinance Violations Bureau.
(Ord. 2007-07, passed 8-2-07)

37.99 PENALTY.

All ordinances and Pendleton Municipal code provisions imposing a minimum fine of $50 or less, with the exception of moving traffic violations, shall be subject to the jurisdiction of the Ordinance Violations Bureau. Any person who desires to admit such an ordinance violation shall be fined and pay the minimum fine provided by the relevant town ordinance.
(Ord. 1989-9, passed 7-18-89; Am. Ord. 2004-7, passed 5-11-04)
Section

38.01 Rules and procedures

38.01 RULES AND PROCEDURES.

(A) A quorum shall be required for all meetings of the Town Council in order for the Council to conduct any official business. A quorum shall be defined as a majority of the membership of the Council. The Council shall elect at its first regular meeting of the year the officers for that year.

(B) All Council meetings shall be open to the general public and to all news media as set forth in the statutes of the Indiana Code; except those sessions of the Council which have been previously announced as Executive Sessions. Such executive sessions shall be closed to the general public and the news media so long as at least 48-hours prior notice has been given and the topics to be discussed are restricted to such items as provided for in the Indiana Code.

(C) Contempt and disorder in the Council Room. No person shall use violent or contemptuous language, behave in a disorderly manner, or refuse to obey the orders of the President or presiding officer in the Council Room while the Council is in session. The President or presiding officer may order the removal from the Council Room of anyone who intentionally disturbs the decorum of a council meeting.

(D) A simple majority shall be required to pass any motion, resolution, and/or ordinance or amendments thereto pending before the Council, unless otherwise stipulated in this chapter or in the constitution or statutes of the state. A simple majority shall be defined as three council members.

(E) A two-thirds majority shall be defined as four members of the Council voting in the affirmative.

(F) A three-fourths majority shall be defined as four members of the Council voting in the affirmative.

(G) All appointments made by the Council to boards, commissions, special ad hoc committees, standing committees, task forces and the like, shall be made by a simple majority vote of the Council.

(H) All ordinances brought before the Council must have two readings which must occur at two different meetings of the Council. This provision may be waived if the Council votes unanimously in the affirmative to suspend the rules following first reading and act upon the ordinance at the same meeting in which it is introduced. A unanimous vote shall be defined as all of members present voting in the affirmative. Abstentions shall be considered as voting in the negative in this instance. A two-thirds majority vote of the Council is then required to enact an ordinance on a second reading which occurs the day an ordinance is introduced.
(I) First reading of any ordinance shall be its introduction, whereupon one Council member shall move it to be introduced and one other shall second said motion. Following said motion, the presiding officer shall read the ordinance by title only and give a brief description of its contents. Copies of the entire ordinance shall be available upon request. No vote shall be taken on the first reading of the ordinance except motions to amend the ordinance, or as otherwise provided by these rules.

(J) Amendments to ordinance may be added at either first or second reading by simple majority vote.

(K) Resolutions and motions by the Council may be passed by simple majority vote in the affirmative at the same meeting of their introduction.

(L) With regard to ordinance containing penalties, the publication requirement under IC 5-3-1-2 is one publication within 30 days after the ordinance is passed. The ordinance will then become effective upon that publication. (Ord. 1991-05, passed 5-21-91)
CHAPTER 39: TOWN POLICIES

Section

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DISABILITIES

39.01 ADA COORDINATOR.

The ADA Coordinator for the town shall be the Town Manager and/or the Town Council President.
(Ord. 1993-10, passed 7-20-93)
**39.02 COMPLAINTS.**

The town employs less than 50 employees and therefore is not required to adopt a formal grievance procedure; however, any complaint shall be handled by a Coordinator in a cordial and expedient manner.

*(Ord. 1993-10, passed 7-20-93)*

**39.03 AMERICANS WITH DISABILITIES ACT.**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the town will not discriminate against qualified individuals with disabilities on the basis of disability in its access to services, programs or activities.

(A) **Employment.** The town does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations as outlined by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

(B) **Effective communication.** The town will, upon request, provide appropriate aids and services leading to effective participation for people with disabilities to participate equally in the town's programs, services and activities. Anyone who requires an auxiliary aid or service for effective participation or modification of policies or procedures to participate in a service, program, or activity, contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

(C) **Modifications to policies and procedures.** The town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. The Americans with Disabilities Act does not require the town to take any action that would fundamentally alter the nature of its services or programs or impose an undue financial or administrative burden to the town. Complaints regarding a service, program or activity of the town that is not accessible to persons with disabilities should be directed to the ADA Coordinator.

(D) The town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

(E) **Procedures.** The town has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act ("ADA"). Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services or activities sponsored by a public entity".

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**File the grievance.** Complete the town's grievance form. Grievance forms can be found on the town website (www.town.pendleton.in.us) or in the ADA Coordinator's office. A grievance may be communicated in writing, by e-mail, by fax or by telephone, but must follow the format of the town's grievance form.

(A) A grievance concerning the accessibility of the town's services, programs or activities should be addressed to: the Town Manager and/or Town Council President.
Acknowledgment. A grievance should be filed within 90 days after the grievant party becomes aware of the alleged violation. The ADA Coordinator will send an acknowledgement of receipt of the grievance within 12 working days.
(3) **Informal resolution.** Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or his/her designee. In the case of a property or access issue, the grievance will also be investigated by the town’s property manager. A thorough investigation affords all interested persons and their representatives an opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

(4) **Written determination.** If an informal resolution of the grievance is not reached in division (E)(3), within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the ADA Coordinator to the Executive Officer for approval.

(5) (a) **Final determination and resolution.** The ADA Coordinator shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Officer.

(b) If the grievant is not satisfied with the town’s handling of the grievance at any stage of the process, or does not wish to file a grievance through the town’s ADA Title II grievance procedures, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency. Use of the town’s grievance procedure is not a prerequisite to the pursuit of other remedies.

(c) The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the service, program or facility, or cause an undue hardship to the town. Accordingly, the resolution by the town of any one grievance does not constitute a precedent upon which the town is bound or upon which other complaining parties may rely.

(6) **File maintenance.** The town’s ADA Coordinator shall maintain ADA grievance files for three years.

(Ord. 2012-05, passed 5-3-12)

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ECONOMIC REVITALIZATION AREAS

• 39.30 DEFINITIONS.

The terms "ECONOMIC REVITALIZATION AREA," "NEW MANUFACTURING EQUIPMENT," "PROPERTY," "REDEVELOPMENT," and "REHABILITATION," shall have those meanings as set forth in IC 6-1.1-12.1-1, as those definitions may be amended from time to time.

(Ord. 1994-01, passed 2-15-94)

• 39.31 APPLICATIONS.

(A) Written applications for designation of an Economic Revitalization Area and/or applications for tax abatement within such designated areas under this subchapter shall be signed by the applicant and shall be filed with the Town Council on forms prescribed by the state Board of Tax Commissioners and/or the Town Council and shall be accompanied by the payment of the filing fee required under division (D) of this section.

(B) Upon application being filed, the application and any supporting exhibits shall be reviewed by the Town Council as to:

1. Compliance with statutory requirements and criteria;
2. Furtherance of the county's developmental goals;
3. Employment creation and/or retention;
4. Expansion and/or preservation of the county property tax base;
5. Efficient utilization and conservation of energy; and
6. The impact upon property values.

(C) Applications for abatement shall be submitted with a non-refundable application fee as follows:

<table>
<thead>
<tr>
<th>Cost of Improvements or Equipment</th>
<th>Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $25,000</td>
<td>$250</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$350</td>
</tr>
<tr>
<td>$50,001 to $75,000</td>
<td>$450</td>
</tr>
<tr>
<td>$75,001 to $100,000</td>
<td>$550</td>
</tr>
<tr>
<td>Over $100,000: 15/100 of 1% (.0015) of the cost of the improvement or equipment to a maximum of $10,000</td>
<td></td>
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</tbody>
</table>

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(2) The fees collected shall be used to defray the expense of publishing required notices, defraying administrative expenses, and the expenses of the Town Council and staff for reviewing and evaluating the applications made.

(D) After review by the Town Council, and after review and approval by the attorney for the town as to proper legal form, the application shall be forwarded to the town Planning Department to be placed upon the Town Council's agenda.

(E) Not less than ten days prior to the date set for hearing on the application by the Town Council, the applicant shall provide a statement of benefits, which statement shall be made on forms prescribed by the state Board of Tax Commissioners and/or the Town Council.

(Ord. 1994-01, passed 2-15-94)

• 39.32 DESIGNATION OF ECONOMIC REVITALIZATION AREAS.

(A) The Town Council may consider a declaratory resolution designating a requested area as an Economic Revitalization Area. Any such resolution may fix the duration of the abatement as being for three years, six years, or ten years in the case of improvements to real property, and shall fix the duration of the abatement as being for five years or for ten years in the case of new manufacturing equipment. Whether an area will be designated as an Economic Revitalization Area, and in determining whether that application for abatement shall be allowed, the Town Council shall use the following criteria:

(1) Whether the estimate of value of improvements to real estate is reasonable for a project of that nature, or whether the cost of the new equipment is reasonable for equipment of that type;

(2) Whether the estimate of the number of jobs created and/or retained is reasonable to expect;

(3) Whether the estimate of salaries for the jobs created and/or retained is reasonable to expect;

(4) Whether other benefits of the proposed project are reasonable to expect; and

(5) Whether the total benefits of the project are reasonable to justify an allowance of the tax abatement.

(B) The Town Council shall cause a map or property description or location of the Economic Revitalization Area to be prepared pursuant to IC 6-1.1-12.1-2.5 and shall further cause notice of the adoption and the substance of the resolution to be published pursuant to IC 5-3-1. This notice shall further state that a copy of the map or location describing the area to be designated as an Economic Revitalization Area will be available for inspection in the Town Hall and shall further indicate the date, time, and location of a hearing to be held by the Town Council to hear any remonstrance. The hearing shall be held not less than ten days after the publication of notice.

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Upon final approval by the Town Council, the property owner may file a certified application for the deduction with the County Auditor.

No later than March 1 of each year in which the applicant is to receive the abatement, the applicant shall provide a report to the Town Council, through the town Planning Department, containing such information as is requested in writing by the Town Council in a notice to the applicant, which the Town Council shall send to the applicant by January 31 of that year.

(Ord. 1994-01, passed 2-15-94)

FIXED ASSET CAPITALIZATION POLICY

DEFINITIONS.

For the purpose of 39.50 through 39.52, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CAPITAL OUTLAYS." Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

(A) LAND

(1) This town will capitalize all land purchases, regardless of the cost.

(2) Exception to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

(3) Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or town workers (salary and benefits), such as demolishing buildings, excavating, clean up, and/or inspection).

(4) A department will record donated land at fair market value on the date of transfer plus any associated costs.

(5) Purchases made using federal or state funding will follow the source funding policies and above procedures.
(B) MACHINERY AND EQUIPMENT

1. The definition of machinery and equipment is: an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

2. This town will capitalize and tag items with an individual value equal to or greater than $100. Machinery combined with other machinery to form one unit with a total value greater than the above-mentioned limit will be one unit.

3. Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up (including contractors and/or town workers salary and benefits), which makes such equipment operable for its intended purpose will be capitalized.

4. Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:
   (a) Total costs exceed $100;
   (b) The useful life is extended two or more years;
   and
   (c) The total cost will be greater than the current book value and less than the fair market value.

5. Examples include:
   (a) A work truck being equipped with screens, lights or radios for use as a single unit throughout its life expectancy is considered one unit.
   (b) If police cars are constantly changing light bars or radios to other vehicles, the town will capitalize each piece of equipment separately, if it meets the required dollar amount.
   (c) A department’s computer (CPU, monitor, keyboard, and printer) is considered one unit.

6. A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

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(7) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(C) BUILDINGS

(1) A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

(2) A department’s new building will be capitalized only if it meets the following conditions:

(a) The total cost exceeds $1,000; and

(b) The useful life is greater than two years.

(3) A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

(a) The total cost exceeds $1,000;

(b) The useful life is extended two or more years; and

(c) The total cost will be greater than the current book value and less than the fair market value.

(4) Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

(5) A department will record donated buildings at fair market value on the date of transfer with any associated costs.

(6) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(D) IMPROVEMENTS OTHER THAN BUILDINGS

(1) The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years.

(2) Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.
Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon town-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon town-owned land for use by the public and for the support of our facility are capital assets.

This town will capitalize new improvements other than buildings only if it meets the following conditions:

(a) The total cost exceeds $1,000; and
(b) The useful life is greater than two years.

A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

(a) The total cost exceeds $1,000;
(b) The useful life is extended two or more years; and
(c) The total cost will be greater than the current book value and less than the fair market value.

A department’s donated improvements other than buildings will be recorded at fair market value on the date of transfer with any associated costs.

Purchases made using federal or state funding will follow the source funding policies and above procedures.

"ENTERPRISE FUNDS." Those funds used to account for operations:

(A) That are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or

(B) Where the governing body has decided that periodic determination of revenues earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

The ENTERPRISE FUNDS of the town shall include the municipally owned water and electric utilities. Operation of these utilities shall require enterprise fund accounting and reporting.
"FIXED ASSET."
Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the item (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

"HISTORICAL COST."
The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment and most inventories are common examples of items recognized under the historical cost attribute.

"TANGIBLE ASSETS."
Assets that can be observed by one or more physical senses. They may be seen and touched and, in some environments, heard and smelled.

(Ord. 1998-08, passed 7-14-98)

39.51 RECORDING AND ACCOUNTING.

(A) The town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the town and its departments, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

(B) The town’s municipally owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

1. Assets acquired for a lump-sum purchase price;
2. Purchase on deferred payment contract;
3. Acquisition under capital lease;
4. Acquisition by exchange of nonmonetary assets;
5. Acquisition by issuance of securities;
6. Acquisition by self-construction;
7. Acquisition by donation or discovery.

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Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities the valuation of assets shall be based on historical cost.

\( \text{(C)} \) In addition, an asset register \( \text{prescribed form 211} \) or State Board of Accounts approved computer program shall be maintained to provide a detail record of the capital assets of the governmental unit.
\( \text{(Ord. 1998-08, passed 7-14-98)} \)

\*39.52 \ SAFEGUARDING OF ASSETS.\*

Accounting controls are to be designed and implemented to provide reasonable assurances that:

\( \text{(A)} \) Capital expenditures made by the town, its various departments and utilities be in accordance with management’s authorization.

\( \text{(B)} \) Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.

\( \text{(C)} \) Adequate detail record be maintained to assure accountability for town and utility owned assets.

\( \text{(D)} \) Access to assets be permitted in accordance with management’s authorization.

\( \text{(E)} \) The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.
\( \text{(Ord. 1998-08, passed 7-14-98)} \)

\*PURCHASING\*

\*39.60 \ PURCHASING AGENCY.\*

\( \text{(A)} \) The town Purchasing Agency is established as the purchasing agency for the town. The Town Council is the Purchasing Agency. The Pendleton/Fall Creek Board of Parks and Recreation is established as the purchasing agency for Falls Park.

\( \text{(B)} \) The Purchasing Agency shall have all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by

1999 S-8
ordinances adopted by the Council and policies adopted by the Purchasing Agency.

(C) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the town, except Falls Park.

(D) The Purchasing Agency may designate in writing any employee as a purchasing agent. All full-time town employees are hereby designated as purchasing agents. The Fire Chief, Town Marshal and the Town Manager shall have full authority over their respective departments. Monthly reports shall be made available to the Town Council. The Park Board shall designate purchasing agents in writing at their discretion.

(Ord. 1998-09, passed 7-14-98)

39.61 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines that:

(A) The supplies are not manufactured in the United States in reasonably available quantities.

(B) The prices of the supplies manufactured in the United States exceed by an unreasonable amount the price of available and comparable supplies manufactured elsewhere.

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere.

(D) The purchase of supplies manufactured in the United States is not in the public interest.

(Ord. 1998-10, passed 7-14-98)

GENERAL PROVISIONS

39.70 FEE FOR RETURNED CHECKS.

A fee of $15 plus any related charges incurred by the town including but not limited to bank fees, collection fees or attorney fees shall be collected from all persons redeeming a NSF check for any reason.

(Ord. 1998-21, passed 11-10-98)

39.71 FEE SCHEDULE.

(A) The following fees are hereby established to be imposed and collected by the departments associated with the activities set forth hereafter.

2010 S-18
<table>
<thead>
<tr>
<th><strong>Department</strong></th>
<th><strong>Activity/License/Materials</strong></th>
<th><strong>Fee</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Department</td>
<td>For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident</td>
<td>$250 per response vehicle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100 per command/control vehicle</td>
</tr>
<tr>
<td>Fire Department</td>
<td>For each hour or fraction thereof as on scene assistance</td>
<td>$150 per response vehicle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$50 per command/control vehicle</td>
</tr>
<tr>
<td>Fire Department</td>
<td>For expendable materials such as absorption materials, emulsifiers, or other agents use in cleanup operations</td>
<td>Actual replacement cost of those materials</td>
</tr>
<tr>
<td>Fire Department</td>
<td>For collection of debris, chemicals, fuel or contaminated materials resulting from a spill</td>
<td>Actual cost of removal and disposal at an authorized location</td>
</tr>
<tr>
<td>Fire Department</td>
<td>Responding to a false alarm caused by: (1) improper installation; (2) improper maintenance; or (3) a drill or test, if the fire department is not previously notified that the alarm is a drill or test</td>
<td>$250 per response vehicle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100 per command/control vehicle</td>
</tr>
<tr>
<td>Police Department</td>
<td>Crash reports</td>
<td>$8</td>
</tr>
<tr>
<td>Police Department</td>
<td>Fingerprinting services</td>
<td>$10</td>
</tr>
<tr>
<td>Police Department</td>
<td>Background check</td>
<td>$3</td>
</tr>
<tr>
<td>Police Department</td>
<td>Copies of audio/video on cassette or DVD</td>
<td>$10</td>
</tr>
</tbody>
</table>
### Fall Creek Golf Club

#### Department Activity/License/Materials Fee
---
<table>
<thead>
<tr>
<th>Police Department</th>
<th>Copies of case reports including attachments, if any</th>
<th>$20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Department</td>
<td>Copies of photographs on a disc</td>
<td>$10</td>
</tr>
<tr>
<td>Town Court</td>
<td>Interpreter fee for non-indigent defendants*</td>
<td>Not to exceed $20</td>
</tr>
<tr>
<td>Trash Collection</td>
<td>Charged and collected from owners of every lot, parcel or real estate or building receiving trash services</td>
<td>$9.25/month</td>
</tr>
</tbody>
</table>

* Fee will be assessed after a judgement against the defendant or conviction has been entered.

#### Fall Creek Golf Club

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>ACTIVITY/LICENSE/MATERIALS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Creek Golf Club</td>
<td><strong>Play and Ride (18 Holes Only)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monday</td>
<td>$23</td>
</tr>
<tr>
<td></td>
<td>Tuesday - Friday</td>
<td>$25</td>
</tr>
<tr>
<td></td>
<td>Saturday, Sunday and holidays</td>
<td>$31</td>
</tr>
<tr>
<td></td>
<td>Sunday after 2:00 pm</td>
<td>$24</td>
</tr>
<tr>
<td>Fall Creek Golf Club</td>
<td><strong>Walking Greens Fees</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekday 9 holes</td>
<td>$8</td>
</tr>
<tr>
<td></td>
<td>Weekday 18 holes</td>
<td>$15</td>
</tr>
<tr>
<td></td>
<td>Weekend 9 holes</td>
<td>$10</td>
</tr>
<tr>
<td></td>
<td>Weekend 18 holes</td>
<td>$18</td>
</tr>
</tbody>
</table>

#### Fall Creek Golf Club

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>ACTIVITY/LICENSE/MATERIALS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Creek Golf Club</td>
<td><strong>Golf Cart Rental Fees</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>18 Holes (member)</td>
<td>$13</td>
</tr>
<tr>
<td></td>
<td>Fall Creek Golf Club</td>
<td>Membership Dues</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>18 Holes (guest)</td>
<td>$14</td>
<td></td>
</tr>
<tr>
<td>9 Holes (member)</td>
<td>$8</td>
<td></td>
</tr>
<tr>
<td>9 Holes (guest)</td>
<td>$9</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fall Creek Golf Club</th>
<th>Handicap Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fall Creek Golf Club</th>
<th>Advertising Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Scorecard</td>
</tr>
<tr>
<td></td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>Tee marker signs</td>
</tr>
<tr>
<td></td>
<td>$200</td>
</tr>
</tbody>
</table>

(Ord. 2008-06, passed 6-5-08; Am. Ord. 2008-15, passed 11-6-08; Am. Ord. 2009-01, passed 3-3-09; Am. Ord. 2011-14, passed 11-3-11; Am. Ord. 2011-15, passed 3-8-12; Am. Ord. 2014-13, passed 12-4-14)
INTERNAL CONTROL STANDARDS AND PROCEDURES

• 39.80  ADOPTION.

The Uniform Internal Control Standards for Indiana Political Subdivisions, developed by the State Board of Accounts under IC 5-11-1-27, as attached to Ordinance 2016-07 as Exhibit A, is hereby adopted for the town.
(Ord. 2016-07, passed 7-14-16)

• 39.81  TRAINING.

The Town Manager is directed to ensure that all appropriate personnel are trained on the Uniform Internal Control Standards, either through the Internal Control Webinar or through a live presentation by the State Board of Accounts at an annual called meeting or conference around the state.
(Ord. 2016-07, passed 7-14-16)

• 39.82  DEFINITION OF PERSONNEL.

For purposes of this subchapter, PERSONNEL means an officer or employee of the town whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the town, the federal government, state government, or another governmental entity.
(Ord. 2016-07, passed 7-14-16)

GRIEVANCE PROCEDURES

• 39.90  EMPLOYER/EMPLOYEE DISSEMINATION AND TRAINING.

Title VI plan and policy education and literature will be provided to all town employees. Town employees will be required to sign an acknowledgment of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the town deems necessary.
(Ord. 2016-12, passed 10-6-16)

• 39.91  PUBLIC DISSEMINATION AND COMMUNICATION.

Title VI information shall be displayed in the town facilities and all places in which public meetings are held. The name and contact information of the town Title VI Coordinator will be displayed on the Title VI information. All town meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within 48 hours in advance.
(Ord. 2016-12, passed 10-6-16)

The town has adopted a grievance procedure for prompt and equitable resolution of
complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title VI of the Civil Rights Act of 1964. Title VI states, in part, that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance.

(A) Step one: file the grievance. Complete the town Grievance Form. The Grievance Form can be found on the town website (www.town.pendleton.in.us) or in the Title VI Coordinator’s office. A grievance may be communicated in writing, by email, by fax, or by telephone, but must follow the format of the town Grievance Form. The Grievance Form should be addressed to the Town Manager and/or the Town Council President.

(B) Step two: acknowledgment. A grievance should be filed within 180 days after the grievant party becomes aware of the alleged violation. Within 15 calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions, if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has 60 business days to respond to the request of additional information. A complainant’s failure to respond to the request within 60 business days may result in the administrative closure of the complaint. If the town does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of the town’s jurisdiction and where the complaint has been referred for further handling.

(C) (1) Step three: final determination and resolution. The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside the town’s jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within 60 business days. The final written response will include a description of the complaint, a summary of the investigation, and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions.

(2) If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint with the following:

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• 39.93

PENDLETON - TOWN POLICIES

Department of Justice
Federal Coordination and Compliance Section - NWB
Civic Rights Division
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

(Ord. 2016-12, passed 10-6-16)

• 39.93  FILE MAINTENANCE.

All written complaints, investigations, and responses will be retained by the town for at least three years.

(Ord. 2016-12, passed 10-6-16)
CHAPTER 40: TOWN COURT

Section

40.01 Establishing the Town Court
40.02 Victim Impact Program
40.03 Town Court user fee
40.04 Public defender user fee and fund
40.05 Attendance while intoxicated

40.01 ESTABLISHING THE TOWN COURT.

(A) There is hereby created for the town, a Town Court and it shall be known as the "Town Court of Pendleton, Indiana" ("Town Court").

(B) The Town Court shall be opened and operational as soon as practical after January 1, 2004, at the discretion of the Town Council of the town ("Town Council").

(C) The Town Council, upon the effective date of this chapter, directs that newly created office of Town Judge for the Town Court be filled when said office is placed on the ballot for the Municipal Election to be held November 5, 2004 and thereafter in accordance with the Indiana Code.

(D) (1) To be a candidate for Town Court Judge, pursuant to IC 3-8-1-1.5, the person must be registered to vote in Madison County, Indiana; and

   (2) To be eligible to hold the office of Town Court Judge, as provided in Article 6, Section 6 of the Constitution of the State of Indiana, the judge must be a resident of the Town during the term of office or the office becomes vacant.

(E) The Town Judge may employ such persons to work for the Town Court as are approved in advance by the Town Council and funds appropriated to pay their salaries and any applicable benefits.

(F) The Town Judge, upon appointment as provided for herein, and any successor, shall receive an annual salary to be established by the Town Council, payable in 12 equal monthly payments. Said salary shall not commence until the Town Court is functional and operating and may be changed by the Town Council at their discretion, but no more frequently than annually.

(G) The Town Court shall be operated and conducted pursuant to and in accordance with the statutory powers and authority granted by the laws of the state.

(H) The Town Judge of the Town Court shall be vested with the powers, duties and responsibilities provided by the laws of the state to judges of town courts and shall be bound by all applicable codes and ethics of judicial conduct and administration.

(Ord. 2002-11, passed 12-5-02; Am. Ord. 2003-03, passed 1-30-03)
• 40.02 VICTIM IMPACT PROGRAM.

(A) There is hereby established a Victim Impact Program to be implemented by the Town Court in accordance with IC 9-30-14 et seq.

(B) Pursuant to IC 9-30-14-2, the Town Court shall collect the fees from the person ordered to attend the Victim Impact Program to cover the expenses attributable to said Program.

(C) The Town Court shall remit all fees collected that are attributable to the Victim Impact Program to the Clerk-Treasurer for deposit into the Victim Impact Program Fund established in 36.05.

(Ord. 2006-03, passed 4-6-06)

• 40.03 TOWN COURT USER FEE.

In each case involving an infraction or misdemeanor in which a defendant enters an admission of the violation or a plea of nolo contendere, a Town Court user fee of $5 shall be assessed to cover the administrative costs of processing the violation. The collection of the Town Court user fee shall be in addition to the prescribed penalty. The monies collected shall be deposited into the town’s General Fund.

(Ord. 2007-09, passed 8-2-07)

• 40.04 PUBLIC DEFENDER USER FEE AND FUND.

(A) All defendants to which a public defender is appointed may be required to pay a sum of $50 for the public defender’s service. The judge of the Town Court has the discretion to assess the $50 fee in accordance with the factors contained in IC 33-40-3.

(B) The Supplemental Public Defender Services Fund is hereby established and shall be maintained by the Clerk-Treasurer of the town. The Clerk-Treasurer shall receive payments and make deposits into the Supplemental Defender Services Fund, and pay claims from the Supplemental Public Defender Services Fund as may be ordered from time to time by the Judge of the Town Court.

(C) Any money remaining in the Supplemental Public Defender Service Fund at the end of the calendar year shall not revert to any other fund but continue in the Supplemental Public Defender Services Fund.

(Ord. 2010-02, passed 3-18-10)

• 40.05 ATTENDANCE WHILE INTOXICATED.

No person shall attend any proceeding at the Town Court while intoxicated (as defined in IC 9-13-2-86) as a result of the person’s use of alcohol or a controlled substance (as defined in IC 35-48-1-9). A person found in violation of this section shall be subject to the penalties set forth in Title XIV of the town’s Code of Ordinances.

(Ord. 2010-02, passed 3-18-10)
41.01 ESTABLISHMENT AND AUTHORITY.

The Town Council of the town now deems it to be in the best interest of the town and its citizens to establish and create a Redevelopment Authority as a separate body corporate and politic and as an instrumentality of the town with all of the powers under IC 36-7-14.5 (the "Act") to be known as the Pendleton Redevelopment Authority (the "Redevelopment Authority"), which Redevelopment Authority is hereby created.
(Ord. 2015-15, passed 9-10-15)

41.02 BOARD OF DIRECTORS.

Pursuant to the Act, the Redevelopment Authority shall be governed by a Board of Directors (the "Board") composed of three members, each of whom must be residents of the town. The President of the Town Council (the "Town Council President") shall appoint the members of the Board. Members of the Board shall serve for a term of three years and may be reappointed for subsequent terms. The Town Council President shall fill any vacancy on the Board by appointing a new member for the remainder of the vacated term. Any Board member may be removed for cause by the Town Council President. Board members shall not receive a salary, and no profit or money of the Redevelopment Authority shall inure to the benefit of a member.
(Ord. 2015-15, passed 9-10-15)

41.03 OATH OF OFFICE.

Upon their appointment by the Town Council President, the members of the Board shall take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Redevelopment Authority.
(Ord. 2015-15, passed 9-10-15)

41.04 MEETINGS AND FUNCTIONS.

The Board shall hold its meetings and carry out all of its functions, powers and purposes in accordance with and pursuant to the Act, as it may be amended from time to time.
(Ord. 2015-15, passed 9-10-15)
TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE DISPOSAL
51. MUNICIPAL ELECTRICAL UTILITY
52. MUNICIPAL WATERWORKS
53. STORMWATER DRAINAGE
54. DEPARTMENT OF WATERWORKS
CHAPTER 50: GARBAGE DISPOSAL

Section

50.01 Definitions
50.02 Garbage receptacles
50.03 Removal of garbage and recycling waste to be by contractor designated by town
50.04 Placement of containers for collection
50.05 Fees and cancellation of recycling services
50.99 Penalty

50.01 DEFINITIONS.

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

"ASHES." All materials resulting from the burning of fuels.

"GARBAGE RECEPTACLE." A container made of galvanized iron of not less than three nor more than 20 gallons in size, with a closely fitted lid of galvanized iron and containing a bail for the handling and draining of garbage placed therein; this term shall also include garbage bags.

"KITCHEN GARBAGE." Any and every accumulation of animal and vegetable matter, liquid, or solid, that is received from a private household, boarding house, restaurant, eating house, eating room, hotel, grocery, butcher shop, meat market, vegetable store, fish market, apartment house, flat, or other place where animal or vegetable matter accumulates.

"RECYCLING RECEPTACLE." A container or tote provided by the town's designated contractor for recycling services.

"RECYCLING WASTE." Aluminum and other metals, plastic, glass, and other wastes containing the recycling triangle symbol indicating the material may be recycled or such other wastes designated as able to be recycled by the town's recycling services contractor.

"RUBBISH." All discarded refuse of any household, dwelling or place of business, including waste metal material, broken crockery, glass, china ware, grass, leaves, weeds, rags, bottles, tin cans, paper, and other household trash.

('82 Code, § 35-45-3-2(f)) (Ord. passed 6-23-49; Am. Ord. passed 5-10-51; Am. Ord. 2012-03, passed 3-8-12)

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50.02
• 50.02 GARBAGE RECEPTACLES.

(A) Each kitchen, or every household, boarding house, restaurant, hotel, flat, apartment house, grocery, butcher shop, meat market, vegetable stand, market stand, or fish stand within the town where animal or vegetable matter accumulates shall be provided with a garbage receptacle. The receptacle shall be provided by the owner, tenant, lessor, or occupant of any such household or establishment. The receptacle shall be placed outside of all such buildings or households at all times in a readily accessible place so that it may be emptied or removed. All kitchen garbage shall be placed in garbage receptacles and in no other place. No other article or thing shall be placed or permitted to be placed in a garbage receptacle. The receptacle shall not be filled nearer than four inches from the top of the container. Rubbish and ashes shall be placed in containers with a capacity of not less than three nor more than 20 gallons in capacity; such containers shall be provided with handles.

(B) Upon request to the town utility office by the customer receiving garbage disposal services, the town's designated contractor shall provide a recycling receptacle to the customer. The customer shall place the recycling receptacle out for collection once every two weeks, or as designated by the town's contractor, in the same manner as the garbage receptacle(s).

('82 Code, • 35-45-3-2(g)) (Ord. passed 6-23-49; Am. Ord. passed 5-10-51; Am. Ord. 2012-03, passed 3-8-12) Penalty, see • 50.99

• 50.03 REMOVAL OF GARBAGE AND RECYCLING WASTE TO BE BY CONTRACTOR DESIGNATED BY TOWN.

All kitchen garbage, rubbish, ashes, and recycling waste shall be removed by a contractor designated by the town.

('82 Code, • 35-45-3-2(h)) (Ord. passed 6-23-49; Am. Ord. passed 5-10-51; Am. Ord. 2012-03, passed 3-8-12)

• 50.04 PLACEMENT OF CONTAINERS FOR COLLECTION.

Garbage, rubbish, ashes, and recycling waste shall be deposited in the receptacles required in • 50.02 at the edge of the street in front of each dwelling, home, or other building or establishment disposing of these materials. The town shall remove the garbage, rubbish, ashes, and recycling waste from such points, except where homes and dwellings are located on through alleys, and in that case the material may be deposited for collection at a point located on such alley. In the uptown business area, garbage, rubbish, ashes, and recycling waste shall be deposited at the rear of business establishments, not at the edge of the street in front.

('82 Code, • 35-45-3-2(h)) (Ord. passed 6-23-49; Am. Ord. passed 5-10-51; Am. Ord. 2012-03, passed 3-8-12)
50.05 FEES AND CANCELLATION OF RECYCLING SERVICES.

(A) Each customer requesting recycling services shall receive one recycling receptacle and shall be billed monthly at the rate negotiated with the town's designated contractor plus a $0.50 processing fee for recycling services, which shall include one pick up every two weeks. Customers may request additional recycling receptacles for an additional cost.

(B) Customers desiring to cancel recycling services shall notify the town's utility office of the cancellation request.

(C) The town shall notify customers in the event the designated contractor discontinues its recycling services.
(Ord. 2012-03, passed 3-8-12)

50.99 PENALTY.

Any person violating any provision of this chapter shall be fined not more than $500 for each violation. Every day that a violation continues constitutes a separate offense.
('82 Code, 35-45-3-2(i)) (Ord. T-5-82-2, passed 5-18-82)
CHAPTER 51: MUNICIPAL ELECTRICAL UTILITY

Section

General Provisions

51.01 Town to provide electrical service
51.02 Compliance
51.03 Adoption of rules, regulations, and codes by reference
51.04 Adoption of supplemental contract
51.05 Cash reserve fund
51.06 Services to be metered
51.07 Removal of electric utility
51.08 Disconnection and appeal
51.09 Net energy metering for Pendleton Light and Power

Rates and Charges

51.20 Adoption by reference
51.99 Penalty

GENERAL PROVISIONS

• 51.01 TOWN TO PROVIDE ELECTRICAL SERVICE.

The town shall provide electrical service in accordance with the following requirements of this chapter.
('82 Code, 8-1.5-3-1) (Ord. E-12-81-2, passed 12-15-81)

• 51.02 COMPLIANCE.

The services rendered by the utility shall be in accordance with the following procedures, rates, and charges.
('82 Code, 8-1.5-3-1(f)) (Ord. E-12-81-2, passed 12-15-81)

• 51.03 ADOPTION OF RULES, REGULATIONS, AND CODES BY REFERENCE.

The town hereby adopts the following rules, regulations, and codes and incorporates them herein by reference. All buildings and structures in the town shall be constructed or altered in accordance with the provisions of these documents governing electrical equipment: Indiana Electrical Rules, most current edition, which identifies, amends, and incorporates therein the National Electrical Code, most current edition.
('82 Code, 8-1.5-3-1(a)) (Ord. E-12-81-2, passed 12-15-81)
51.04 ADOPTION OF SUPPLEMENTAL CONTRACT.

The Board of Trustees hereby adopts the supplemental contract of June 12, 1980 by which the Indiana Municipal Power Agency is created, and declares that the town shall be governed by the terms and conditions of the contract, by the bylaws of the agency, and by all amendments to the contract properly adopted. The Board shall pay the annual assessments due under that contract. ('82 Code, § 8-1.5-3-1(b)) (Ord. E-12-81-2, passed 12-15-81)

51.05 CASH RESERVE FUND.

(A) The town hereby creates the Cash Reserve Fund for the town electric and power plant. ('82 Code, § 8-1.5-3-1(c))

(B) Any surplus earnings of the utility determined to be such by the Board of Trustees shall be transferred to the Cash Reserve Fund on the first day of each month. ('82 Code, § 8-1.5-3-1(d)) (Ord. E-12-81-2, passed 12-15-81)

51.06 SERVICES TO BE METERED.

All service rendered by the utility shall be metered. ('82 Code, § 8-1.5-3-1(e)) (Ord. E-12-81-2, passed 12-15-81)

51.07 REMOVAL OF ELECTRIC UTILITY.

The town electric utility shall be removed from the jurisdiction of the Indiana Utility Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 1989-02, passed 3-21-89)

51.08 DISCONNECTION AND APPEAL.

Prior to the involuntary disconnection of electric service, customers shall have the opportunity to receive information concerning the basis for the disconnection and have a meaningful opportunity to be heard on disputed bills. (Ord. 2016-01, passed 2-11-16)

51.09 NET ENERGY METERING FOR PENDLETON LIGHT AND POWER.

(A) The town encourages interested citizens and businesses to invest in renewable electric energy generation systems and enter into a net metering arrangement with the municipal electric utility of the town.

(B) For the purposes of this section, ELIGIBLE NET METERING CUSTOMERS include single phase customers in good standing that own and operate a renewable generating facility that:
(1) Has a nameplate capacity less than or equal to ten kilowatts (kW);

(2) Is located on the customer’s premises and is operated by the customer; and

(3) Is used primarily to offset all or part of the customer’s own electricity requirements.

(C) The Council authorizes the utility to offer net metering to eligible net metering customers on a first come, first served basis. The utility shall limit the aggregate amount of net metering facility nameplate capacity from all eligible net metering customers to one-tenth of one percent (0.1%) of the utility’s most recent summer peak load.

(D) The utility shall measure the difference between the amount of energy delivered by the utility to the eligible net metering customer and the amount of energy generated by the eligible net metering customer and delivered to the utility. If the eligible net metering customer generates more energy than it consumes in a month, the customer shall receive a bill credit from the utility for the amount of surplus energy generated. The utility shall not purchase or wheel power produced by an eligible net metering customer’s facilities.

(E) The Net Metering Tariff as attached to Ordinance 2016-09 shall be adopted as the rates, terms and conditions under which the utility will offer net metering to eligible net metering customers.

(F) In accordance with the terms of the Net Metering Tariff as attached to Ordinance 2016-09, the utility shall enter into an interconnection agreement with the eligible net metering customer, which incorporates technical interconnection requirements and does not conflict with this section before the net metering facility may be interconnected with the utility’s system.

(Ord. 2016-09, passed 8-11-16)

RATES AND CHARGES

• 51.20 ADOPTION BY REFERENCE.

51.99 PENALTY.

In accordance with 51.09, it shall be unlawful for any person or entity to connect or maintain the connection of a renewable generating facility to the utility’s system without first executing an interconnection agreement with the utility. Any person or entity found to be in violation of 51.09 shall be fined not less than $500, nor more than $2,500 for each such violation, plus costs. In addition to the foregoing fines and at the utility’s sole discretion, property where a renewable generating facility is unlawfully connected to the utility’s system may be disconnected from the utility’s system until an interconnection agreement is executed between the owner of such property and the utility. Every day that a violation of 51.09 occurs shall constitute a separate offense.

(Ord. 2016-09, passed 8-11-16)
CHAPTER 52: MUNICIPAL WATERWORKS

Section

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52.01 TAKING WATER FROM FIRE HYDRANTS.

No person shall take water from any fire hydrant except for firefighting purposes except upon the authority of the Town Manager. ('82 Code, § 36-9-2-1(j)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82) Penalty, see § 10.99

52.02 TURNING WATER ON OR OFF AT CURB COCK.

No person who is not a representative of the utility shall turn off water or turn on water at the curb cock. All service pipes shall have stop and waste cocks between the outside meter and the customer's premises so that emergency shut-offs and repairs may be made. ('82 Code, § 36-9-2-1(j)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82) Penalty, see § 10.99

52.03 INTERFERENCE WITH WATERWORKS EQUIPMENT; BREAKING OR DISCONNECTING FIRE HYDRANTS.

No person shall cover-up or in any way interfere with any curb-box, valve pit, valve box, or hydrant. No driver of a vehicle shall break or disconnect any fire hydrant. ('82 Code, § 36-9-2-1(j)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82) Penalty, see § 10.99

52.04 DISCONTINUANCE OF SERVICE FOR ABUSE.

Water service may be disconnected if a customer wastes or improperly utilizes the water supplied and continues to do so following notification by the utility. Water service may also be discontinued if a customer interferes with or destroys any water appurtenances or appliances owned by the town. ('82 Code, § 36-9-2-1(c)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)
52.05 TEMPORARY USERS.

Temporary users of the utility service such as contractors, street fairs, and carnivals may be required to submit payment in advance for the amount of water estimated to be required upon demand by the Town Manager. ('82 Code, • 36-9-2-1(h)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)

52.06 REMOVAL OF WATER UTILITY.

The town water utility shall be removed from the jurisdiction of the Indiana Utility Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 1989-01, passed 3-21-89)

52.07 NEW WELLS PROHIBITED.

(A) No new well may be drilled by any person within the town, regardless of whether the proposed well would serve property inside or outside the town's corporate limits, and regardless of the purpose for which the well water is intended, unless, with respect to any such property, as of the date of drilling for any such well, the Pendleton water works system is not available to any such person.

(B) This section does not apply to existing and functioning wells, but it does apply to wells which exist which are not used or which are not functioning as of the date of the passage of this section. Any work, repair, modification or addition to or upon any existing well which is not being used or which is not functional as of the date of passage of this section shall be deemed, for purposes of this section, construction of a new well within the meaning of and in the context of this section.

(C) In the event any person shall violate any provision of this section, such person shall be subjected to a fine of $100 per day for each and every day such violation continues, and the town may seek appropriate injunctive relief in a court of competent jurisdiction, and
if such injunctive relief is granted, the town shall be entitled to recover all court costs and reasonable attorney fees incurred in enforcing the provisions of this section. The remedy for violation herein provided shall be cumulative of any other remedy to which the town may be entitled at law or equity.

(D) After passage of this section and signature by the members of the Town Council, the Clerk-Treasurer shall cause notice to passage to be published in the Pendleton Times, a newspaper of general circulation published in Pendleton, Indiana, said notice to be published within 30 days. This section shall become effective upon publication.

(Ord. 1991-04, passed 4-2-91; Am. Ord. 1997-05, passed 4-8-97)

• 52.08 ABANDONMENT OF PRIVATE WELLS REQUIRED WHEN CONNECTING TO TOWN WATER SUPPLY.

It is herefore ordained by the Town Council that before a connection to the public water supply will be made by the Town Water Co.:

(A) Private wells must be abandoned permanently in a manner consistent with the American Water Association Standard (section 13) as approved by A.N.S.I. as shown in Exhibit A, attached to Ordinance 1997-01, passed May 13, 1997, except when the private well constitutes the water supply for an existing open-loop geothermal heat pump, and;

(B) The water customer with a private well permitted under the exception in division (A) of this section will be required to install and maintain a reduced pressure principal backflow preventer as defined by IAC 8-10, and;

(C) Town Water Company personnel must be given at least four hours notice to have the opportunity to observe the abandonment of the well.

(Ord. 1997-01, passed 5-13-97)

TAPS AND MAINS

• 52.20 TAPS FOR WATER SERVICE IN MAINS.

All taps for water service in the mains of the waterworks system shall be made under the direct authority of the Town Manager. All applications for new waterworks service shall be made to the Town Manager or the Clerk-Treasurer. A charge shall be made for each tap at the time the tap is made.

('82 Code, • 36-9-2-1(f)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82)

• 52.21 WATER MAIN EXTENSIONS.

Subdivisions and all commercial/industrial development shall install complete water systems as per the subdivision control ordinance. All other extensions shall conform to the "Rules and Standards of Service for Water Utilities" and be subject to the town's
"Agreement for the Provision and Payment of Water Main Extensions". ('82 Code, P. 36-9-2-1(g)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82; Am. Ord. 1997-16, passed 9-9-97)

INSTALLATIONS; METERS

52.35 NOTICE OF NEW PAVING IMPROVEMENTS; COSTS.

Prior to any new paving improvements in highways or alleys as provided by the town, all vacant lot owners or nonusers of town water service shall be given written notice in advance of the date the paving improvement is to be made and shall have 30 days to pay the water tap charge and have service laid from the highway or alley water main to the property line in advance of pavement surfacing construction. If the property owner does not pay the charge and request service within that period, the future expense of cutting and replacing highway or alley paving for future water services shall be paid by the property owner at the time that water service is installed. ('82 Code, P. 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)

52.36 WATER METERS.

All water meters shall be installed outside in tiles or inside the premises of the customer in the location and manner selected by the Town Manager. If a prospective user refuses to allow the placement of a meter in the location and manner deemed by the Town Manager to be in the best interest of the utility, the Board of Trustees may determine that water service shall not be supplied until the requirements for installation established by the Town Manager are met. ('82 Code, P. 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)

52.37 SEPARATE STOP-COCK AND METER FOR EACH CONSUMER.

Any service pipe that supplies two or more customers shall be provided with a separate stop-cock and separate meter for each consumer, with the minimum charge applicable to each meter. ('82 Code, P. 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)

52.38 MINIMUM BILLING IN SITUATIONS OF MULTIPLE CUSTOMERS ON A MASTER METER.

In certain situations the Pendleton Water Co. may allow several residential or commercial customers in a single premises to be served by a single master meter. In such cases, the monthly minimum bill will not be less than the combined minimum bills if each customer were metered individually. For this purpose, a customer will be defined as an individual residential unit or individual business (several
customers may be located within one structure).
('82 Code, • 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed
11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82; Am. Ord.
1998-16, passed 10-13-98)

• 52.39 LOTS TO BE SERVED DIRECTLY FROM DISTRIBUTION MAIN.

Service pipes shall not run across from one lot to another. Each
lot shall be serviced directly from the distribution main serving the
premises.
('82 Code, • 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed
11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82) Penalty, see • 10.99

• 52.40 FAILURE OF METER.

In any case where a meter fails, the utility may bill consumption
based on the average of billings for the last six months prior to the
month in which the meter failed.
('82 Code, • 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed
11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82)

BILLINGS; RATES AND CHARGES

• 52.50 DUE DATE; DELINQUENT BILLS.

(A) All bills shall be due and payable monthly on a combined
statement form prepared by the utility. Bills unpaid for more than 15
days following the due date shall incur a collection charge in the
amount established by ordinance. In addition, disconnection
procedures will be instituted as set forth in division (B), for bills
not paid on or before the due date. ('82 Code, • 36-9-2-1(b))
(Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82)

(B) The town shall disconnect utility service in accord with the
following policies:

(1) When it becomes necessary for the town to discontinue
utility service to a customer for nonpayment of bills, service will be
reinstated only after all bills for service then due have been paid in
full and any reconnection charge required has been made.

(2) It is the policy of the town to discontinue utility
service to customers by reason of nonpayment of bills only after notice
and a meaningful opportunity to be heard on disputed bills.

(3) The town's form for application for utility service and
all bills shall contain, in addition to the title, address, room
number, and telephone number of the official in charge of billing,
clearly visible and easily readable provisions to the effect:
(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 15 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of the customer's bill shall have a right to a hearing prior to disconnection.

(4) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified on the second bill.

(Am. Ord. 2016-01, passed 2-11-16)

52.51 BILLING TENANTS OCCUPYING PROPERTIES.

Rates and charges may be billed to tenants occupying the properties served unless otherwise requested in writing by the owners. No such billing shall relieve the owner from liability if payment is not made as required. The owners of properties served by the utility shall have the right to examine the collection records of the town to determine if any rates or charges have been paid by the tenants; and if such examination is requested it shall be made at the office of the utility during regular business hours.

('82 Code, § 36-9-2-1(e)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82)

52.52 DEPOSITS.

The utility may require all applicants for service to tender a cash deposit equal to the billing for the estimated amount of service to be used by the applicant for a period of 60 days, but not less than $30 per meter, as a guarantee against nonpayment of bills. Such guarantee shall not make the guarantor liable in an amount exceeding the charge for a period of 60 days. The cash deposit minus any unpaid amount of service shall be returned to the customer upon discontinuance of service and presentation of the original deposit certificate by the customer. If the monthly bill is in excess of the deposit amount the utility may require an additional sum to be deposited with the utility. The additional sum and the original deposit shall not exceed the amount for an estimated 60 days of service.

('82 Code, § 36-9-2-1(d)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord. passed 4-13-76; Am. Ord. passed 5-18-82)

52.53 SCHEDULE OF RATES AND CHARGES.

All rates and charges as established by ordinance from time to
time are hereby adopted and incorporated by reference as if fully set forth herein.

CONSERVATION AND RATIONING OF WATER

• 52.55 APPLICATION.

This subchapter shall apply to all persons, firms, partnerships, associations, corporations, company or organizations of any kind connected to the town's public water system or using water therefrom (hereafter, users).
(Ord. 1988-13E, passed 7-12-88)

• 52.56 DECLARATION OF NEED.

Upon determining by the Board of Trustees that the public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, they shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof.
(Ord. 1988-13E, passed 7-12-88)

• 52.57 VOLUNTARY CONSERVATION.

In accordance with • 52.60, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The Board of Trustees shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortages.
(Ord. 1988-13E, passed 7-12-88)

• 52.58 MANDATORY CONSERVATION.

In accordance with • 53.60, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the Board of Trustees shall determine.

(A) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation.

(B) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment.

(C) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces.

(D) Washing and cleaning of any business equipment or machinery.

(E) The filling of private swimming pools, wading pools and ornamental fountains.

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(F) Knowingly allowing leakage through defective plumbing. 
(Ord. 1988-13E, passed 7-12-88) Penalty, see • 52.99

• 52.59 EXCEPTIONS.

The governing body reserves the right to establish alternative rationing requirements for the following:

(A) Health care providers.

(B) A reasonable use of water to maintain adequate health and sanitary standards.

(C) Those industrial and agricultural activities declared to be necessary for the public health and well-being. 
(Ord. 1988-13E, passed 7-12-88)

• 52.60 NOTICE.

(A) Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the Board of Trustees. Said notice shall be effective upon publication.

(B) Notice of mandatory conservation shall be by first class United States mail, or by other door-to-door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same in the United States mail. 
(Ord. 1988-13E, passed 7-12-88)

ENFORCEMENT

• 52.65 ENFORCEMENT AUTHORITY.

The Board of Trustees shall make and enforce all bylaws and regulations deemed necessary for the safe, economical, and efficient operation of the utility and for the collection, rebating, and refunding of rates and charges. 
('82 Code, • 36-9-2-1(i)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82)

• 52.66 RIGHT OF ENTRANCE UPON PREMISES.

No person shall deny a representative of the utility entry to premises serviced by the utility in order to inspect service piping and water appurtenances. The representative shall enter at a reasonable time and shall produce identification upon request. 
('82 Code, • 36-9-2-1(j)) (Ord. passed 12-10-57; Am. Ord. passed 11-22-68; Am. Ord passed 4-13-76; Am. Ord. passed 5-18-82) Penalty, see • 10.99

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CROSS CONNECTIONS

52.75 DEFINITION.

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

"CROSS CONNECTION." Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Pendleton water system, and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
(Ord. 1994-07, passed 5-17-94)

52.76 CROSS CONNECTIONS PROHIBITED.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No inter-connection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Town of Pendleton may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the town Municipal Water Utility Department and by the state Department of Environmental Management in accordance with 327 IAC 8 through 10.
(Ord. 1994-07, passed 5-17-94) Penalty, see 52.99

52.77 INSPECTIONS.

(A) It shall be the duty of the Municipal Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the town Municipal Water Utility.
(Ord. 1994-07, passed 5-17-94)

(B) Upon presentation of credentials, the representative of the town Municipal Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the town for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.
(Ord. 1994-07, passed 5-17-94)
52.78 DISCONTINUANCE OF SERVICE.

The town Municipal Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this subchapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this subchapter.
(Ord. 1994-07, passed 5-17-94)

52.79 EMERGENCY SITUATIONS.

If it is deemed by the town Municipal Water Utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Water Superintendent of the town and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for a hearing within ten days of such emergency discontinuance.
(Ord. 1994-07, passed 5-17-94)

52.80 HAZARDOUS SUBSTANCES; PRECAUTIONS.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users shall install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing
(Ord. 1994-07, passed 5-17-94) Penalty, see 52.99

52.81 EFFECT ON STATE PLUMBING CODE.

This subchapter does not supersede the state Uniform Plumbing Code but is supplementary to it.
(Ord. 1994-07, passed 5-17-94)

52.99 PENALTY.

Any user who violates 52.58 may be punished by a fine of not more than $2,500. (See IC 36-1-3-8(10)). Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates 52.58. Any user whose water service is terminated pursuant to 52.55 through 52.60 shall be subject to a reconnect fee of $50.
(Ord. 1988-13E, passed 7-12-88)
CHAPTER 53: STORMWATER DRAINAGE

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GENERAL PROVISIONS

53.001 PURPOSE.

The purpose of these drainage standards is to establish reasonable rules and regulations for development in the town, in order to:

(A) Prevent additional harm due to periodic flooding, including loss of life and property and threats and inconveniences to public health, safety and welfare;

(B) Assure that new development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion; and

(C) Create no new financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations;

(D) Protect, conserve and promote the orderly development of land and water resources;

(E) Protect buildings and improvements to buildings from flood damage to the greatest extent possible;
(F) Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of watercourses, floodplains and wetlands;

(G) Prevent additional disruption of the economy and governmental services due to stormwater and flood drainage; and

(H) Maintain eligibility for the town in the National Flood Insurance Program by equaling or exceeding its requirements and thus make federally subsidized flood insurance available at reduced rates. (Ord. 1999-05, passed 6-8-99)

53.002 CONFLICTING ORDINANCES AND REGULATIONS.

The provisions of these standards shall be deemed as additional requirements to minimum standards required by other ordinances of the town and/or county, state and federal regulations. In the case of conflicting requirements, the most restrictive shall apply. (Ord. 1999-05, passed 6-8-99)

53.003 COMPLIANCE WITH OTHER ORDINANCES.

In addition to the requirements of these standards, compliance with the requirements set forth in other applicable ordinances with respect to submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, construction inspections, appeals, and similar matters, and compliance with applicable state of Indiana statutes and regulations shall be required. (Ord. 1999-05, passed 6-8-99)

53.004 DEFINITIONS.

For the purpose of these standards, the following definitions shall apply:

"BASE FLOOD ELEVATION." The elevation delineating the level of flooding from the 100-year frequency flood.

"BOARD." The town of Pendleton, Indiana, and any subordinate employee to whom they shall specifically delegate a responsibility authorized by this chapter.

"CAPACITY OF A STORM DRAINAGE FACILITY." The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

"CHANNEL." A natural or artificial watercourse which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

"CONTIGUOUS." Adjoining or in actual contact with.

"CULVERT." A closed conduit used for the passage of surface drainage water under a roadway, railroad, canal, or other impediment.
"DETENTION BASIN." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to temporarily detain concurrently the excess waters that accumulate behind the outlet.

"DETENTION STORAGE." The temporary storage of stormwater in detention basins which could include rooftops, streets, parking lots, school yards, parks, open spaces, or other areas under predetermined and controlled conditions. The release rate from the detention storage area is regulated by designed and installed devices.

"DRAINAGE AREA." The area from which water is carried off by a drainage system; a watershed or catchment area.

"DROP MANHOLE." A manhole having a vertical drop pipe connecting the inlet pipe to the outlet pipe. The vertical drop pipe shall be located immediately outside the manhole.

"DRY BOTTOM DETENTION BASIN." A basin designed to completely drain after providing detention of excess runoff during a storm event.

"DURATION." The time period of a rainfall event.

"FLOOD PROTECTION ELEVATION." The base flood elevation (100 year flood) plus two feet.

"FLOODWAY." The channel of a river or stream and those portions of the floodplain adjacent to the channel which are reasonably required to convey the 100-year flood discharge without increasing the water surface elevation of the 100-year flood more than 0.1 feet at any point.

"FLOODWAY FRINGE." The area between the floodway and the boundary of the 100-year flood.

"FOOTING DRAIN." A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

"GRADE." The inclination or slope of a channel, canal, conduit, or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

"IMPERVIOUS AREA." A hard surface area that does not readily absorb water. Impervious surfaces would include pavement, parking lots, driveways, rooftops and other hard surfaces that do not absorb water.

"INLET." An opening into a storm sewer system for the entrance of surface stormwater runoff, more completely described as a storm sewer inlet.

"LATERAL STORM SEWER." A sewer that has inlets connected to it and empties into another storm sewer or channel.

2000 S-9
"MAJOR DRAINAGE SYSTEM." A drainage system carrying runoff from an area of one or more square miles.

"MANHOLE." Storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

"MINOR DRAINAGE SYSTEM." A drainage system having an area of less than one square mile.

"OFF-SITE." Everything outside the developing right-of-way.

"ON-SITE." Located within the developing right-of-way where runoff originates.

"OUTFALL." The point or location where storm runoff discharges from a sewer or drain. Also applies to the outfall sewer or channel which carries the storm runoff to the point of outfall.

"PEAK FLOW." The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

"RAINFALL INTENSITY." The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

"REACH." Any length of river, channel or storm sewer.

"REGULATED AREA." All of the land under the jurisdiction of the town of Pendleton, Indiana.

"REGULATORY FLOOD." That flood having a peak discharge that has a one percent probability of being equaled or exceeded in any given year, as calculated using a method that is acceptable to the Indiana Department of Natural Resources.

"RELEASE RATE." The amount of stormwater released from a stormwater control facility per unit of time.

"RETURN PERIOD." The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

"RUNOFF COEFFICIENT." A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

"SEDIMENT." Material of soil and rock origin, transported, carried or deposited by water.

"SIPHON." A closed conduit or portion of a conduit which lying above the hydraulic grade line, resulting in a pressure less than 2000 S-9.
atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon is used to carry stormwater flow under an obstruction such as a sanitary sewer.

"SPILLWAY." A waterway in or about a hydraulic structure, for the escape of excess water.

"STORAGE DURATION." The length of time that water may be stored in any storm water control facility, computed from the time water first begins to be stored.

"STORM SEWER." A closed conduit for conveying collected stormwater.

"STORMWATER DRAINAGE FACILITY." All means, natural or man-made, including conduits and appurtenant features, canals, channels, ditches, streams and culverts, used for conveying stormwater runoff.

"STORMWATER RUNOFF." The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

"TRIBUTARY." Any watercourse that flows into a larger watercourse.

"WATERCOURSE." Any river, stream, creek, brook, branch, natural or manmade drainageway in or into which stormwater runoff or floodwaters flow.

"WATERSHED." A geographic area from which water drains to a specific concentration point at the furthest downstream (lowest elevation) point.

"WET BOTTOM RETENTION BASIN." A basin designed to retain a permanent pool of water after having provided its planned temporary detention of runoff during a storm event.

(Ord. 1999-05, passed 6-8-99)

53.005 DISCLAIMER OF LIABILITY.

The degree of protection required by this drainage standard is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff depths may be increased by man-made or natural causes. These drainage standards do not imply that land uses permitted will be free from stormwater damage. These drainage standards shall not create liability on the part of the town or any officer, employee, agent or contract employee thereof for any damage which may result from reliance on this drainage standard or on any administrative decision lawfully made thereunder.

(Ord. 1999-05, passed 6-8-99)
53.006 CORRECTIVE ACTION.

Nothing herein contained shall prevent the town from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 1999-05, passed 6-8-99)

53.007 EXEMPT PROJECTS.

Any residential, commercial or industrial subdivision (major or minor) or construction project thereon, which has had its drainage plan approved by the town prior to the effective date of these standards shall be exempt from all of the requirements of these standards.
(Ord. 1999-05, passed 6-8-99)

STORM WATER CONTROL POLICY AND REQUIREMENTS

53.010 STORM WATER CONTROL POLICY.

(A) It is recognized that with the possible exception of Fall Creek, the smaller streams and drainage channels serving the town may not have sufficient capacity to receive and convey stormwater runoff resulting from continued development. Accordingly, the storage and controlled release rate of excess stormwater runoff shall be required for any development, redevelopment and new construction located within the town.

(B) The release rate of stormwater from development, redevelopments, and new construction may not exceed the stormwater runoff from the land area in its present state of development, as explained below. The developer must submit to the Town Board detailed computations of runoff before and after development, redevelopment or new construction which demonstrate that runoff will not be increased.

(C) These computations must show that the peak runoff rate after development for the 100 year return period storm of critical duration does not exceed the 10 year return period pre-development peak runoff rate, and the peak runoff rate after development for the 10 year return period storm does not exceed the two year return period pre-development peak runoff rate. The critical duration storm is that storm duration that requires the greatest detention storage.

(D) Computations for areas up to and including 100 acres may be based on the Rational Method; typical runoff coefficients are listed herein. For areas larger than 100 acres, runoff hydrograph and routing techniques must be used. Hydrograph and routing techniques used to determine stormwater runoff and detention requirements shall be proven methods, subject to approval of the town.
(Ord. 1999-05, passed 6-8-99)
53.011 INFORMATION REQUIREMENTS.

The information and data in 53.012 - 53.017 provided by an Indiana registered professional engineer shall be submitted to the town at the time of application for a building permit for any development, redevelopment or new construction on real estate which lies within the regulated area.

(Ord. 1999-05, passed 6-8-99)

53.012 TOPOGRAPHIC AND SOILS MAPS.

A soils map of the proposed development indicating soil names and their hydrologic classification must be provided when Soil Conservation Service (SCS) hydrologic methods are used. In addition, a topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development must be provided. The contour interval shall be one foot. On this map, the following shall be shown:

(A) The location of streams and other stormwater runoff channels, the extent of the floodplains at the established 100 year flood elevation where available (regulatory floodway), and the limits of the floodway, all properly identified.

(B) The normal shoreline of lakes, ponds, swamps and detention basins, their floodplains, and lines of inflow and outflow if any.

(C) The location of regulated drains, farm drains, inlets and outfalls.

(D) Storm, sanitary and combined sewers and outfalls.

(E) Septic tank systems and outlets.

(F) Seeps, springs, flowing and other wells, that are visible or of record.

(Ord. 1999-05, passed 6-8-99)

53.013 PRELIMINARY DRAINAGE PLAN.

A comprehensive plan showing that the stormwater drainage system is designed to convey the stormwater runoff and to detain the increased stormwater runoff in accordance with this chapter must be provided. The comprehensive plan shall include maps and other descriptive materials showing the drainage plan and the following, as applicable:

(A) The extent and area of each watershed affecting the design of detention and other drainage facilities as shown on USGS Quadrangle maps or other more detailed maps as required by the town.

(B) The preliminary layout and design of proposed storm sewers, the outfall and outlet locations and approximate elevations, the receiving stream or channel and its 100 year return period water surface elevation.

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(C) The location and design of the proposed street system, especially including depressed pavements used to convey or temporarily store overflow from the heavier rainstorms, and the outlets for such overflow.

(D) The locations, cross sections and profiles of existing streams and floodplains to be maintained, and new channels to be constructed.

(E) The materials, elevations, waterway openings, and the basis for design of proposed culverts and bridges.

(F) Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.

(G) The estimated depth and amount of storage required in the new ponds or basins.

(H) The estimated location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.

(I) If the proposed development is part of a larger project that will be completed in the future, the calculations must include a master plan for the full site at ultimate development. The calculations must show how the fully developed site will drain and how the interim drainage system built with the smaller project will be incorporated into the final drainage plan for the full site.

(Ord. 1999-05, passed 6-8-99)

53.014 VALLEY CROSS SECTION.

One or more typical cross sections must be provided showing all existing and proposed channels or other open drainage facilities carried to a point above the 100 year high water elevation; showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100 year storm under the controlled conditions called for by this chapter; and showing the relationship of structures, streets, and other facilities.

(Ord. 1999-05, passed 6-8-99)

53.015 SITE PLAN.

A plan drawn to scale showing dimensions of the site with existing and proposed storm drainage facilities must be provided.

(Ord. 1999-05, passed 6-8-99)

53.016 FINAL DRAINAGE PLANS.

Upon approval of the preliminary drainage plans by the town, final drainage plans shall be submitted to the town. The final plans shall provide or be accompanied by calculations, maps and/or other descriptive material showing the following:

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(A) The extent and area of each watershed tributary to the drainage facilities in the development.

(B) The street storm sewers and other storm drains to be built, the basis of their design, outfall and outlet locations and elevations, the receiving stream or channel and its high water elevation, and the functioning of the drains during high water conditions.

(C) The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over the curb runoff resulting from the heavier rainstorms and the outlets for such overflow.

(D) Existing streams and floodplains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.

(E) Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of their design.

(F) Existing detention basins and ponds to be maintained, enlarged, or otherwise altered and new basins or ponds to be built and the basis of their design.

(G) The location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.

(H) The slope, type and size of all storm sewers and other waterways.

(I) For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and a plot or tabulation of the basin outflow rates for those water surface elevations.

(Ord. 1999-05, passed 6-8-99)

53.017  SUBMITTAL AND CONSIDERATION OF PLANS.

Preliminary and final drainage plans and/or construction plans shall be submitted to the town for review by the town engineer. All preliminary plans, final plans and construction plans will be reviewed by the town engineer for compliance with the standards of this chapter. Plans that are in compliance with the standards of this chapter shall be approved by the town. The town shall stamp such approval on a copy of such plans and deliver the same to the applicant. All approvals and disapprovals with written reasons will be incorporated into the town minutes. The town engineer is authorized to review engineering summaries of projects and based upon the same, make recommendations to the town regarding any exemptions or variance. The town may grant exemptions from any and all requirements of this chapter and/or waive any requirements of this chapter. Any applicant may appeal the decision of the town engineer to the town.

(Ord. 1999-05, passed 6-8-99)
53.030 DETERMINATION OF RUNOFF QUANTITIES.

Runoff quantities shall be computed for the area of the parcel under development plus the area of the watershed flowing into the parcel under development. The quantity of runoff which is generated as the result of a given rainfall intensity may be calculated as follows:

(A) For areas up to and including 100 acres, the Rational Method may be used. In the Rational Method, the peak rate of runoff, Q, in cubic feet per second is computed as:

\[ Q = CIA \]

C = runoff coefficient, representing the characteristics of the drainage area and defined as the ratio of runoff to rainfall.

I = average intensity of rainfall in inches per hour for a duration equal to the time of concentration (tc) for a selected rainfall frequency.

A = tributary drainage area in acres.

(B) Values for the runoff coefficient "C" are shown in Table I and Table IA which show values for different types of surface and local soil characteristics. The composite "C" value used for a given drainage area with various surface types shall be the weighted average value for the total area calculated from a breakdown of individual areas having different surface types.

(C) Table 2 provides runoff coefficients for different land use classifications. In the instance of undeveloped land situated in an upstream area, a coefficient or coefficients shall be used for this area assuming ultimate development of the land. The ultimate development of currently undeveloped land shall be determined by using the Comprehensive Land Use Plan for the town, and also for Madison County, for areas outside the limits of the town.

TABLE I

Values Used to Determine a Composite Runoff Coefficient

<table>
<thead>
<tr>
<th>Type of Surface</th>
<th>Runoff Coefficient &quot;C&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt</td>
<td>0.90</td>
</tr>
<tr>
<td>Concrete</td>
<td>0.95</td>
</tr>
<tr>
<td>Roof</td>
<td>0.95</td>
</tr>
<tr>
<td>Lawns</td>
<td></td>
</tr>
<tr>
<td>Flat (0-2% Slope)</td>
<td>0.20</td>
</tr>
<tr>
<td>Rolling (2-7% Slope)</td>
<td>0.25</td>
</tr>
<tr>
<td>Steep (greater than 7%)</td>
<td>0.35</td>
</tr>
</tbody>
</table>

*Adopted from HERPICC Stormwater Drainage Manual, July 1994, Table 3.2.3*
TABLE IA

Rural Runoff Coefficients"

<table>
<thead>
<tr>
<th>Type of Surface</th>
<th>Runoff Coefficient &quot;C&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodland</td>
<td></td>
</tr>
<tr>
<td>Flat (0-5% Slope)</td>
<td>0.40</td>
</tr>
<tr>
<td>Rolling (5-10% Slope)</td>
<td>0.50</td>
</tr>
<tr>
<td>Steep (greater than 10%)</td>
<td>0.60</td>
</tr>
<tr>
<td>Pasture</td>
<td></td>
</tr>
<tr>
<td>Flat</td>
<td>0.40</td>
</tr>
<tr>
<td>Rolling</td>
<td>0.55</td>
</tr>
<tr>
<td>Steep</td>
<td>0.60</td>
</tr>
<tr>
<td>Cultivated</td>
<td></td>
</tr>
<tr>
<td>Flat</td>
<td>0.60</td>
</tr>
<tr>
<td>Rolling</td>
<td>0.70</td>
</tr>
<tr>
<td>Steep</td>
<td>0.82</td>
</tr>
</tbody>
</table>

"Adopted from HERPICC Stormwater Drainage Manual, July 1994, Table 3.2.1

TABLE 2

Urban Runoff Coefficients"

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Runoff Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business (Downtown)</td>
<td>0.70 to 0.95</td>
</tr>
<tr>
<td>Business (Neighborhood)</td>
<td>0.50 to 0.70</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.50 to 0.90</td>
</tr>
<tr>
<td>Apartment</td>
<td>0.50 to 0.70</td>
</tr>
<tr>
<td>Residential - Attached</td>
<td>0.60 to 0.75</td>
</tr>
<tr>
<td>Residential - Detached</td>
<td>0.40 to 0.60</td>
</tr>
<tr>
<td>Residential - Single Family</td>
<td>0.30 to 0.50</td>
</tr>
<tr>
<td>Residential - Suburban</td>
<td>0.25 to 0.40</td>
</tr>
<tr>
<td>Parks - Cemeteries</td>
<td>0.10 to 0.25</td>
</tr>
</tbody>
</table>

"Adopted from HERPICC. Stormwater Drainage Manual, July 1994, Table 3.2.2

(D) Rainfall intensity shall be determined from the Intensity - Duration Frequency Equation 2.2.13 using regional coefficients from Table 2.2.2 for Indianapolis. Equation 2.2.13 and Table 2.2.2 are found in the HERPICC Stormwater Drainage Manual dated July 1994. The time of concentration (tc) to be used shall be the sum of the inlet time and flow time in the drainage facility from the most remote part of the drainage area to the point under consideration. The flow time in the storm sewers may be estimated by the distance in feet divided by velocity of flow in feet per second. The velocity shall be determined by the Manning Formula.
(E) Inlet time is the combined time required for the runoff to reach the inlet of the storm sewer. It includes overland flow time and flow time through established surface drainage channels such as swales, ditches and sheet flow across such areas as lawns, fields, and other graded surfaces.

(F) The runoff rate for areas in excess of 100 acres shall be determined by methods described in §53.085.

(Ord. 1999-05, passed 6-8-99)

§53.031 AMOUNT OF RUNOFF TO BE ACCOMMODATED BY VARIOUS PARTS OF DRAINAGE FACILITY.

Various parts of a drainage facility must accommodate runoff water as follows:

The minor drainage system such as inlets, catch basins, street gutters, swales, sewers and small channels which collect storm water must accommodate peak runoff from a 10-year return period storm. Rainfall duration shall be equal to the time of concentration or one hour if the time of concentration is less than one hour. A first quartile storm distribution shall be used for computer modeling. These minimum requirements must be satisfied:

(1) The allowable spread of water on collector streets is limited to maintaining two clear 10 foot moving lanes of traffic. One lane is to be maintained on local roads, while other access roads can have a water spread equal to one-half of their width.

(2) Open channels carrying peak flows greater than 30 cubic feet per second shall be capable of accommodating peak runoff for a 50 year return period storm within the drainage easement.

(3) Culverts shall be capable of accommodating peak runoff from a 50 year return period storm when crossing under a road which is part of the Indiana Department of Transportation Rural Functional Classification System and classified as principal or minor arterial, major or minor collector roads.

(4) Major drainage systems are defined in §53.004, and shall be designed in accordance with §53.004.

(Ord. 1999-05, passed 6-8-99)

STORM SEWER DESIGN STANDARDS

§53.040 DESIGN STANDARDS.

All storm sewers, whether private or public, and whether constructed on private or public property shall conform to the design standards and other requirements contained herein.

(Ord. 1999-05, passed 6-8-99)
53.041 MANNING EQUATION.

The hydraulic capacity of storm sewers shall be determined using Manning's Equation:

\[ V = \frac{1.486}{n} R^{2/3} S^{1/2} \]

\( V \) = mean velocity of flow in feet per second
\( R \) = the hydraulic radius in feet
\( S \) = the slope of the energy grade line in feet per foot
\( n \) = roughness coefficient

Roughness coefficient \((n)\) values for storm sewer materials can be found in standard hydraulics texts and references.
(Ord. 1999-05, passed 6-8-99)

53.042 MINIMUM SIZE.

The minimum size of all storm sewers shall be 12 inches. Rate of release for detention storage shall be controlled by an orifice plate or other devices, subject to approval of the town, where the 12 inch pipe will not limit rate of release as required.
(Ord. 1999-05, passed 6-8-99)

53.043 GRADE.

Sewer grade shall be such that, in general, a minimum of two feet of cover is maintained over the top of the pipe. Pipe cover less than the minimum maybe used only upon approval of the town. Uniform slopes shall be maintained between inlets, manholes and inlets to manholes. Final grade shall be set with full consideration of the capacity required, sedimentation problems and other design parameters. Minimum and maximum allowable slopes shall be those capable of producing velocities between three and 15 feet per second, respectively, when the sewer is flowing full.
(Ord. 1999-05, passed 6-8-99)

53.044 ALIGNMENT.

Storm sewers shall be straight between manholes and/or inlets.
(Ord. 1999-05, passed 6-8-99)

53.045 MANHOLES/INLETS.

(A) Manholes and inlets shall be installed to provide access to continuous underground storm sewers for the purpose of inspection and maintenance. Manholes shall be provided at the following locations:

(1) Where two or more storm sewers converge.
(2) Where pipe size changes.

(3) Where a change in horizontal alignment occurs.

(4) Where a change in pipe slope occurs.

(5) At suitable intervals in straight sections of sewer.

(B) The maximum distance between storm sewer manholes shall be as follows:

<table>
<thead>
<tr>
<th>Size of Pipe (inches)</th>
<th>Maximum Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 through 42</td>
<td>400</td>
</tr>
<tr>
<td>48 and larger</td>
<td>600</td>
</tr>
</tbody>
</table>

(Ord. 1999-05, passed 6-8-99)

53.046 INLETS.

Inlets or drainage structures shall be utilized to collect surface water through grated openings and convey it to storm sewers, channels or culverts. Inlet design and spacing shall be in accordance with manufacturer's recommendations or other accepted engineering practices. The inlet grate opening provided must be adequate to pass the design 10 year flow with 50% of sag inlet areas clogged. An overload channel from sag inlets to the overflow channel or basin shall be provided at sag inlets, so that the maximum depth of water that might be ponded in the street sag would not exceed six inches or the maximum depth allowed in 53.031, whichever is less.

(Ord. 1999-05, passed 6-8-99)

53.047 WORKMANSHIP AND MATERIALS.

(A) Workmanship. The specifications for the construction of storm sewers shall not be less stringent than those set forth in the latest edition of the INDOT "Standard Specifications.”

(B) Materials. Storm sewer manholes and inlets shall be constructed of cast in place concrete or precast reinforced concrete. Material and construction shall conform to the latest edition of the INDOT "Standard Specifications.” Pipe and fittings used in storm sewer construction shall be in accordance with INDOT Design Memorandum 98-01.

(C) Special Hydraulic Structures. Special hydraulic structures required to control the flow of water in storm runoff drainage systems include junction chambers, drop manholes, inverted siphons, stilling basins, and other special structures. The use of these structures shall be limited to those locations justified by prudent planning and by careful and thorough hydraulic engineering analysis.

(Ord. 1999-05, passed 6-8-99)
53.060 DESIGN STANDARDS.

All open channels, whether private or public, and whether constructed on private or public land, shall conform to the design standards and other design requirements contained herein. (Ord. 1999-05, passed 6-8-99)

53.061 MANNING EQUATION.

The waterway for channels shall be determined using Manning's Equation:

\[ Q = AV = A \frac{1.486 R^{2/3} S^{1/2}}{n} \]

A = Waterway area of channel in square feet
Q = Discharge in cubic feet per second (cfs)
V, R, S and n are explained in • 53.041. (Ord. 1999-05, passed 6-8-99)

53.062 CHANNEL CROSS SECTION AND GRADE.

The required channel cross section and grade are determined by the design capacity, the material lining the channel, and the requirements for maintenance. A minimum depth may be required to provide adequate outlets for subsurface drains, tributary ditches or streams. The channel grade shall be such that the velocity in the channel is high enough to prevent siltation but low enough to prevent erosion and maintain channel stability. Velocities less than 1.5 feet per second should be avoided because siltation will take place and ultimately reduce the channel capacity. (Ord. 1999-05, passed 6-8-99)

53.063 SIDE SLOPES.

Earthen channel side slopes shall be no steeper than 3 horizontal to 1 vertical. Flatter slopes may be required to prevent erosion and for ease of maintenance. Where channels will be lined, side slopes shall be no steeper than 1-1/2 to 1 with adequate provisions made for weepholes. Side slopes steeper than 1-1/2 to 1 may be used for lined channels provided that the side lining is designed and constructed as a structural retaining wall. (Ord. 1999-05, passed 6-8-99)

53.064 CHANNEL STABILITY.

(A) Characteristics of a stable channel are:

(1) It neither aggrades nor degrades beyond tolerable limits.
(2) The channel banks do not erode to the extent that the channel cross section is changed appreciably.

(3) Excessive sediment bars do not develop.

(4) Excessive erosion does not occur around culverts, bridges, storm drains or channel outfalls, or elsewhere.

(5) Gullies do not form or enlarge due to the entry of uncontrolled flow to the channel.

(B) Channel stability shall be determined for an aged condition and the velocity shall be based on the design flow or the bank fill flow, whichever is greater, using appropriate "n" values for various channel linings. In no case is it necessary to check channel stability for discharges greater than that from a 100-year return period storm.

(C) Channel stability must be checked for conditions immediately after construction. For this stability analysis, the velocity shall be calculated for the expected flow from a ten-year return period storm on the watershed, or the bank full flow, whichever is smaller. The "if" value for newly constructed channels in fine-grained soils and sands may be determined in accordance with the National Engineering Handbook 5, Supplement B, Soil Conservation Service and shall not exceed 0.025.

(D) The allowable velocity in the newly constructed channel may be increased by a maximum of 20 percent to reflect the effects of vegetation to be established under the following conditions:

(1) The soil and site in which the channel is to be constructed are suitable for rapid establishment and support of erosion controlling vegetation.

(2) Species of erosion controlling vegetation are adapted to the area, and proven methods of establishment are shown.

(3) The channel design includes detailed plans for establishment of vegetation on the channel side slopes.

(Ord. 1999-05, passed 6-8-99)

53.065 DRAINAGE OF WATERWAYS.

Vegetated waterways that are subject to low flows of long duration or where wet conditions prevail shall be drained with a tile system or by other means such as paved gutters. Tile lines may outlet through a drop structure at the end of the waterway or through a standard tile outlet.

(Ord. 1999-05, passed 6-8-99)

53.066 APPURTENANT STRUCTURES.

(A) The design of channels shall include all structures required for the proper functioning of the channel and laterals, and travelways

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for operation and maintenance. Recessed inlets and structures needed for entry of surface and subsurface flow into channels without significant erosion or degradation shall be included in the design of channel improvements.

(B) The effect of channel improvements on existing culverts, bridges, buried cables, pipelines and inlet structures for surface and subsurface drainage to the channel being improved and the channel laterals shall be evaluated to determine the need for modification or replacement. Culverts and bridges which are modified or added as part of channel improvement projects shall meet reasonable standards for the type of structure, and shall have a minimum capacity equal to the design discharge or governmental agency design requirements, whichever is greater.

(Ord. 1999-05, passed 6-8-99)

53.067 DISPOSITION OF SPOIL.

Spoil material resulting from clearing, grubbing and channel excavation shall be disposed in such a manner which will:

(A) Minimize overbank wash.

(B) Provide for the free flow of water between the channel and floodplain unless the valley routing and water surface profile are based on continuous dikes being installed.

(C) Not hinder the development of travelways for maintenance.

(D) Leave the right-of-way in the best condition feasible, consistent with the project purposes, for productive use by the owner.

(E) Be approved by the IDNR or U.S. Army Corps of Engineers (whichever is applicable) if deposited in the floodway.

(Ord. 1999-05, passed 6-8-99)

53.068 CONSTRUCTION AND MATERIALS.

(A) Construction. Specifications shall be in keeping with the current standards of engineering practice and shall describe the requirements for proper installation of the project to achieve its intended purpose.

(B) Materials. Materials acceptable for use as channel lining are:

(1) Grass.

(2) Riprap.

(3) Concrete.

(4) Grouted Riprap.
(5) Gabions.

(C) Other lining materials shall receive specific approval of the town. Materials shall comply with the latest edition of the INDOT "Standard Specifications."
(Ord. 1999-05, passed 6-8-99)

STORMWATER DETENTION

● 53.080 ACCEPTABLE DETENTION METHODS.

(A) The increased stormwater runoff resulting from a proposed development shall be detained on-site by the provisions of appropriate wet or dry bottom reservoirs, by storage on parking lots, or other acceptable techniques. Measures which retard the rate of overland flow and the velocity in runoff channels may also be used to control the runoff rate. Detention basins shall be sized to store excess flows as explained in these standards.

(B) Control devices shall limit the discharge to a rate no greater than that prescribed by these drainage standards.
(Ord. 1999-05, passed 6-8-99)

● 53.081 DESIGN STORM.

Design of stormwater detention facilities shall be based on a return period of once in 100 years. The storage volume and outflow rate shall be sufficient to handle stormwater runoff from a critical duration storm, as defined in ● 53.084 and 53.085.
(Ord. 1999-05, passed 6-8-99)

● 53.082 ALLOWABLE RELEASE RATE.

(A) The allowable release rate of stormwater originating from a proposed development shall not exceed the amount specified in ● 53.010.

(B) In the event the natural downstream channel or storm sewer system is inadequate to convey the release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system and additional detention as determined by the town shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or waterways.
(Ord. 1999-05, passed 6-8-99)

● 53.083 DRAINAGE SYSTEM OVERFLOW DESIGN.

Drainage systems shall have adequate capacity to convey the stormwater runoff from all upstream tributary areas through the development under consideration for a storm of 100 year design return period calculated on the basis of the upstream land in its ultimate state of development. An allowance, equivalent to the reduction in flow
rate provided, shall be made for upstream detention when such upstream detention and release rates have previously been approved by the town and evidence of its construction can be shown.
(Ord. 1999-05, passed 6-8-99)

53.084 DETERMINATION OF STORAGE VOLUME - RATIONAL METHOD.

For areas of 100 acres or less, the Rational Method may be used to determine the required volume of stormwater storage. A procedure for calculating required stormwater storage using the Rational Method is included in the HERPICC Stormwater Drainage Manual.
(Ord. 1999-05, passed 6-8-99)

53.085 DETERMINATION OF STORAGE VOLUME - OTHER METHODS.

Runoff hydrograph and routing techniques shall be used for tributary drainage areas larger than 100 acres. The detention basin must be designed to store the largest volume calculated for storm durations up to 24 hours.
(Ord. 1999-05, passed 6-8-99)

53.086 GENERAL DETENTION BASIN DESIGN REQUIREMENTS.

(A) Basins shall be constructed to temporarily detain the stormwater runoff which exceeds the maximum peak flow rate authorized by this chapter. The volume of storage provided in these basins, together with such storage as may be authorized in other on-site facilities shall be sufficient to control excess runoff from the design storm.

(B) The following design principles shall be observed:

(1) The maximum volume of water stored and subsequently released at the design release rate shall not result in a storage duration in excess of 48 hours unless additional storms occur within the period.

(2) The maximum planned depth of stormwater stored (without a permanent pool) shall not exceed four feet.

(3) All storm water detention facilities shall be separated by not less than 50 feet from any occupied building or structure.

(4) All excavated excess spoil may be spread so as to provide for aesthetic and recreational features. Slopes no steeper than 4 horizontal to 1 vertical for safety, erosion control, stability and ease of maintenance shall be permitted.

(5) Safety screens having a maximum opening of 4 inches shall be provided for any pipe or opening to prevent children or large animals from crawling into the structures.
(6) Danger signs shall be mounted at appropriate locations to warn of deep water, possible flooding conditions during storm periods and other dangers that exist. Fencing shall be provided if deemed necessary by the town.

(7) Outlet control structures shall be designed to operate as simply as possible and shall require little or no maintenance and/or attention for proper operation.

(8) Emergency overflow facilities such as a weir or spillway shall be provided for the release of exceptional storm runoffs or in emergency conditions should the normal discharge devices become totally or partially inoperative. The overflow facility shall be of such design that its operation is automatic and does not require manual attention.

(9) Grass or other suitable vegetative cover shall be provided throughout the entire basin area. Grass should be cut regularly at approximately monthly intervals during the growing season or as required.

(10) Debris and trash removal and other necessary maintenance shall be performed on a regular basis to assure continued operation in conformance to design.

(11) A report shall be submitted to the town describing (a) the proposed development; (b) the current land use conditions; (c) the method of hydraulic and hydrologic analysis used, including any assumptions or special conditions; (d) the results of the analysis; and (e) the recommended drainage control facilities. Hydraulic and hydrologic calculations, including input and output files, shall be included as appendices to the report.

(Ord. 1999-05, passed 6-8-99)

**53.087 DRY BOTTOM BASIN DESIGN REQUIREMENTS.**

Detention basins which will not contain a permanent pool of water shall comply with the following requirements:

(A) Provisions shall be incorporated to facilitate complete interior drainage of dry bottom basins, to include the provisions of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, paved gutters, or the installation of subsurface drains.

(B) The detention basin shall, whenever possible, be designed to serve a secondary or multipurpose function. Recreational facilities, aesthetic qualities (open spaces) or other types of use shall be considered in planning the detention facility.

(Ord. 1999-05, passed 6-8-99)

**53.088 WET BOTTOM BASIN DESIGN REQUIREMENTS.**

Where part of a detention basin will contain a permanent pool of water, all the items required for detention storage shall apply except 2000 S-9.
that the system of drains with a positive gravity outlet required to maintain a dry bottom basin will not be required. A controlled positive outlet will be required to maintain the design water level in the wet bottom basin and provide required detention storage above the design water level. However, the following additional conditions shall apply:

(A) Basins designed with permanent pools or containing permanent ponds shall have a water area of at least one-half acre. If fish are to be maintained in the pond, a minimum depth of approximately 10 feet shall be maintained over at least 25 percent of the pond area. The remaining pond area shall have no extensive shallow areas, except as required by division (C) below.

(B) In excavated ponds, the underwater side slopes in the pond shall be stable. In the case of valley storage, natural slopes may be considered to be stable.

(C) A safety ledge four to six feet in width is required and must be installed in all ponds approximately 30 to 36 inches below the permanent water level. In addition, a similar maintenance ledge 12 to 18 inches above the permanent water line shall be provided. The slope between the two ledges shall be stable and of a material such as stone or riprap which will prevent erosion due to wave action.

(D) A safety ramp exit from the pond is required in all cases and shall have a minimum width of 20 feet and exit slope of 6 horizontal to 1 vertical. The ramp shall be of a material that will prevent its deterioration due to vehicle use and/or wave action.

(E) Periodic maintenance is required in ponds to control weed and larval growth. The pond shall also be designed to provide for the easy removal of sediment which will accumulate during periods of pond operation. A means of maintaining the designed water level of the pond during prolonged periods of dry weather is also required.

(F) Aeration facilities to enhance and maintain pond water quality shall be provided for all wet bottom basins. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the town.

(G) A dry hydrant shall be installed, if required by the Pendleton Fire Department. The dry hydrant shall meet the Pendleton Fire Department specifications and requirements. (Ord. 1999-05, passed 6-8-99)

53.089 PARKING LOT STORAGE.

Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to empty the stored waters slowly. Depths of storage must be limited to a maximum depth of six inches to prevent
damage to parked vehicles and so that access to parked vehicles is not impaired. Ponding should, in general, be confined to those positions of the parking lots farthest from the area served. (Ord. 1999-05, passed 6-8-99)

**53.090 FACILITY FINANCIAL RESPONSIBILITIES.**

The construction cost of storm water control systems and facilities as required by this chapter shall be accepted as part of the cost of land development. If general public use of the facility can be demonstrated, negotiations for public participation in the cost of such development may be considered. (Ord. 1999-05, passed 6-8-99)

**53.091 FACILITY MAINTENANCE RESPONSIBILITY.**

(A) Maintenance of detention/retention facilities during construction and thereafter shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and shall be determined before the final drainage plans are approved.

(B) Stormwater detention and retention basins may be donated to the town for ownership and permanent maintenance providing:

1. The town is willing to accept responsibility.

2. The facility has been designed and constructed according to all applicable provisions of this chapter.

3. All improvements have been constructed, approved and accepted by the town for the land area served by the drainage basin.

4. Retention ponds containing a permanent pool of water have all slopes between the riprap and high water line sodded and the remaining land area hydroseeded; are equipped with electrically driven aeration devices, if required to maintain proper aerobic conditions and sustain aquatic life; have a four-foot wide crushed limestone walkway at the high water line entirely around the body of water; provide suitable public access acceptable to the responsible governmental agency; and have the high water line not closer than 75 feet to any property line.

5. Dry detention ponds shall have all slopes, bottom of the basin and area above the high water line hydroseeded; and shall have the high water line not closer than 50 feet to any development boundary. (Ord. 1999-05, passed 6-8-99)
53.092  INSPECTIONS.

All public and privately owned detention storage facilities may be inspected by representatives of the town.
(Ord. 1999-05, passed 6-8-99)

53.093  CORRECTIVE MEASURES.

If deficiencies are found by the inspector, the owner of the detention/retention facility will be required to take the necessary measures to correct such deficiencies. If the owner fails to do so, the town may undertake the work and collect from the owner using lien rights, if necessary.
(Ord. 1999-05, passed 6-8-99)

53.094  JOINT DEVELOPMENT OF CONTROL SYSTEMS.

Stormwater control systems may be planned and constructed jointly by two or more developers as long as compliance with this chapter is maintained.
(Ord. 1999-05, passed 6-8-99)

53.095  INSTALLATION OF CONTROL SYSTEMS.

Runoff and erosion control systems shall be installed as soon as possible during the course of site development. Detention/retention basins shall be designed with additional capacity to allow for sediment accumulation resulting from development and to permit the pond to function for reasonable periods between cleanings. Basins should be designed to collect sediment and debris in specific locations so that removal costs are kept to a minimum.

53.096  DETENTION FACILITIES IN FLOODPLAINS.

If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at the location.
(Ord. 1999-05, passed 6-8-99)

53.097  OFF-SITE DRAINAGE PROVISIONS.

When the allowable runoff is released in an area that is susceptible to flooding, the developer may be required to construct appropriate storm drains through such area to avert increased flood hazard caused by the concentration of allowable runoff at one point instead of the natural overland distribution. The requirement of off-site drains shall be at the discretion of the town.
(Ord. 1999-05, passed 6-8-99)
OTHER REQUIREMENTS

53.110 CERTIFICATION REQUIRED.

(A) After completion of the project and before final approval and acceptance can be made, a professionally prepared and certified "as-built" set of plans shall be submitted to the town for review. These plans shall include all pertinent data relevant to the completed storm drainage system and shall include:

1. Pipe size and pipe material.
2. Invert elevations.
3. Top rim elevations.
4. Lengths of all pipe structures.
5. Data and calculations showing detention basin and storm drain system design.
6. Certified statement on plans stating the completed storm drainage system substantially complies with construction plans as approved by the town.

(B) All such submitted plans shall be reviewed for compliance within 30 days after submission to the town. If notice of non-compliance is not given within 30 days of submission of the plans, the plans shall be construed as approved and accepted.

(Ord. 1999-05, passed 6-8-99)

53.111 CHANGES IN PLAN.

Any revision, change or deviation in the detailed plans and specifications after formal approval by the town shall be filed in duplicate with and approved by the town prior to implementation of the revision or change. Copies of the revisions or changes, if approved, shall be attached to the original plans and specifications.

(Ord. 1999-05, passed 6-8-99)

53.112 DETERMINATION OF IMPACT DRAINAGE AREAS.

(A) The town is authorized, but is not required to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations which are generally applied. In determining Impact Drainage Areas, the town shall consider such factors as topography, soil type, capacity of existing regulated drains and distance from adequate drainage facility. The following areas shall be designed as Impact Drainage Areas, unless good reason for not including them is presented to the town.

1. A floodway or floodplain as designated by the Indiana Department of Natural Resources.

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(2) Land within 75 feet of each bank of any regulated drain.

(3) Land within 75 feet of the centerline of any regulated drain tile.

(B) Land where there is not an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by resolution of the town. Special requirements for development within any Impact Drainage Area shall be included in the resolution.

(Ord. 1999-05, passed 6-8-99)

53.113 SUMP PUMPS.

Sump pumps installed to receive and discharge groundwaters or other stormwaters shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of stormwaters or the discharge of sanitary sewage.

(Ord. 1999-05, passed 6-8-99)

53.114 DOWNSPOUTS.

All downspouts or roof drains shall discharge onto the ground or be connected to the storm sewer. No downspouts or roof drains shall be connected to the sanitary sewers.

(Ord. 1999-05, passed 6-8-99)

53.115 FOOTING DRAINS.

Footing drains shall be connected to storm sewers where possible or designated storm drainage channels. No footing drains or drainage tile shall be connected to the sanitary sewer.

(Ord. 1999-05, passed 6-8-99)

53.116 BASEMENT FLOOR DRAINS.

Basement floor drains shall be connected to the sanitary sewers.

(Ord. 1999-05, passed 6-8-99)

STORMWATER MANAGEMENT

153.125 APPLICABILITY AND EXEMPTIONS.

(A) The stormwater pollution prevention plan, which is to be submitted to the town municipal separate storm sewer system (MS4)
operator as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the town that includes clearing, grading, excavation, concrete or bituminous paving, and other land disturbing activities, resulting in the disturbances of this chapter. This includes both new development and re-development, and disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land, within the MS4 area.

(B) The requirements under this chapter do not apply to the following activities:

(1) Agricultural land disturbing activities; or
(2) Forest harvesting activities; or
(3) Construction activities associated with a single family residential dwelling disturbing less than five acres; when the dwelling is not part of a larger common plan of development or sale; or
(4) Single-family residential development consisting of four or less lots; or
(5) A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
(6) Individual building lots within a larger permitted project.

(C) The requirements under this chapter do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.
(2) Coal mining activities permitted under IC 14-34.
(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department Of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
(D) It will be the responsibility of the project site owner to complete a site improvement permit application and ensure that a sufficient construction plan is completed and submitted to the town municipal separate storm sewer system (MS4) operator in accordance with this subchapter and/or 327 IAC 15-5 (Rule 5.) It will be the responsibility of the project site owner and/or project site owner's designee to ensure proper construction and installation of all stormwater BMPs in compliance with this subchapter and with the approved stormwater management permit, and to notify the town municipal separate storm sewer system (MS4) operator with sufficient notice of termination letter upon completion of project and stabilization of the site. However, all eventual property owners of stormwater quality management facilities meeting the applicability requirement must comply with the requirements of this chapter and this subchapter. (Ord. 2006-05, passed 6-1-06)

• 53.126 POLICY ON STORMWATER QUALITY MANAGEMENT.

(A) It is recognized that the developed areas, as compared to underdeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentration of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in the town, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching legal drains, streams, rivers. Through the use of best management practices (BMPs) stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The town has adopted a policy that the control of stormwater quality will be based on management of total suspended solids (TSS).

(B) (1) The project site owner must submit to the town MS4 operator, a stormwater pollution prevention plan (SWPPP). The SWPPP must include the following information:

(a) Description of potential pollutant sources from the proposed land use, that may reasonably be expected to add a significant amount of pollutants to stormwater discharges.

(b) Location, dimensions, detailed specifications, and construction details of all post construction stormwater quality measures BMPs.

(c) Description of measures that will be installed to control pollutants in stormwater discharge that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strips and riparian zone preservation,
filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.

(d) Sequence describing when each post construction stormwater quality measures will be installed.

(e) Stormwater quality measures that will remove or minimize pollutants from storm water runoff.

(f) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(g) A narrative description of the maintenance guidelines for all post construction stormwater quality measures to facilitate their proper long-term function. The narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post construction stormwater quality measures.

(2) BMPs shall be listed in EPA's National Menu for BMP Practice for Post-Construction Stormwater Management or the Indiana Stormwater Quality Manual (formerly Indiana Handbook for Erosion Control). The noted BMPs must be designed, constructed, and maintained according to guidelines provided in the above-referenced Menu or Manual or as provided by the manufacture of the stormwater BMP. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be placed with the applicant. Details regarding the procedure and criteria for construction of acceptance of such BMPs are available from the International Stormwater Best Management Practices (BMP) Database developed by the Federal Highway Administration (FHWA) and the American Society of Civil Engineers (ASCE). The information and data is available at http://www.bmpdatabase.org

(C) New retail gasoline or diesel fuel outlets, new municipal, state, federal, or institutional gasoline or diesel refueling areas, or existing gasoline or diesel outlets and refueling areas that replace their existing tanks or install additional new tanks must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. The treatment system installed must be capable of removing 80% of floatable, sediments, and oils from the on-site storm water system before discharging to a town storm sewer, Madison County legal drain, or other natural or artificial drainage way. In addition, individual properties that have five acres or more of paved (asphalt, concrete, brick, stone pavers, or other impervious materials) area must
install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. The treatment system installed must be capable of removing 80% of floatable, sediments, and oils from the on-site water system before discharge to a town storm sewer, Madison County legal drain, or other natural or artificial drainage way. (Ord. 2006-05, passed 6-1-06)

53.127 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

Calculation of land disturbance should follow the guidelines outlined in the Indiana Stormwater Quality Manual. The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in Indiana Stormwater Quality Manual (formerly Indiana Handbook For Erosion Control). The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13. (Ord. 2006-05, passed 6-1-06)

53.128 EASEMENT REQUIREMENTS.

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenance located outside of right-of-way shall be incorporated into permanent easements. For the purpose of monitoring, inspection, and general maintenance activities, a 25-foot wide perimeter beyond the actual footprint of the stormwater quality management facility as well as a 25-foot wide access easement from public right-of-way to each BMP shall be provided. (Ord. 2006-05, passed 6-1-06)

53.129 INSPECTION, MAINTENANCE, RECORDKEEPING, AND REPORTING.

(A) After the approval of the stormwater management permit by the town MS4 operator and the commencement of construction activities, the town MS4 operator has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter and the terms and conditions of the approved permit.

(B) Stormwater quality management facilities shall be maintained in good condition, in accordance with the operation and maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual and/or the terms and conditions of the approved SWPPP, and shall not be subsequently altered, revised, or replaced except in accordance with the approved SWPPP, or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance
of stormwater quality facilities shall be long-term responsibility of
the facility owner, its successor and assigns, including any homeowners
association.

(C) The town MS4 operator has the authority to perform long-term,
post-construction inspection of all public or privately owned
stormwater quality facilities. The inspections will follow the
operation and maintenance procedures included in the Stormwater
Technical Standards Manual and/or permit application for each specific
BMP. The inspection will cover physical conditions, available water
quality storage capacity and the operational condition of key facility
elements. Noted deficiencies and recommended corrective action will be
included in an inspection report. If deficiencies are found during
inspection, the owner of the facility will be notified by the town MS4
operator and will be required to take all necessary measures to correct
such deficiencies. If the owner fails to correct the deficiencies
within the allowed time period, as specified in the notification
letter, the town MS4 operator will undertake the work and collect from
the owner using Lien rights if necessary.
(Ord. 2006-05, passed 6-1-06)

53.130 STORMWATER MANAGEMENT/BMP FACILITIES AGREEMENT.

The project site owner and the town will execute a stormwater
management/BMP facilities agreement as a condition of approval for the
project site owner's stormwater pollution prevention plan. The standard
agreement forms are available from the town MS4 operator. The forms
shall be executed by the project site owner and submitted with the
stormwater pollution prevention plan.
(Ord. 2006-05, passed 6-1-06)

53.131 COMPLIANCE WITH THIS SUBCHAPTER.

In addition to the requirements of this subchapter, compliance
with the requirements set forth in the local zoning Ordinance is also
necessary. Compliance with all applicable ordinances of the town as
well as with applicable State of Indiana statues and regulations shall
also be required. Unless otherwise stated, all other specifications
referred to in this subchapter shall be the most recent edition
available. Violations of the requirements of this subchapter are
subject to the penalties listed below.
(Ord. 2006-05, passed 6-1-06)

53.132 PENALTIES FOR VIOLATION.

(A) A violation of any provision of this subchapter is hereby
declared to be a nuisance. A violation of any provision of this
subchapter for which no other penalty is set forth shall be subject to
penalty as stated in § 10.99.
(B) Any person who aids or abets a person in a violation of this subchapter shall be subject to the penalties provided in this section. (Ord. 2006-05, passed 6-1-06)

53.133 STOP WORK ORDER.

(A) In addition to the penalties listed in 53.132, if land disturbance or impact activities are conducted contrary to the provisions of this subchapter or the approved stormwater pollution prevention plan, the town MS4 operator may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such person shall forthwith stop such work until authorized by the town to proceed with the work. The town MS4 operator may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this subchapter or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which work is being done and the responsibility of any person carrying out or participating in the work.

(B) Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than $1,000 or imprisonment for not more than three months, or both such fine and imprisonment, and such person shall also pay such costs as may be assessed by the town MS4 operator. (Ord. 2006-05, passed 6-1-06)

53.134 FAILURE TO COMPLY OR COMPLETE.

In addition to any other remedies, should any owner fail to comply with the provisions of this subchapter, the town MS4 operator may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the town for all costs of such work. (Ord. 2006-05, passed 6-1-06)

53.135 SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM.

(A) Suspension due to emergency situations. The town MS4 operator may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the town may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the United States, or to minimize danger to persons.

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(B) Suspension due to the detection of illicit discharge. Any person discharging to the stormwater drainage system in violation of this subchapter may have their stormwater drainage system terminated if such termination would abate or reduce an illicit discharge. The town MS4 operator will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town Council for a reconsideration and hearing.

(Ord. 2006-05, passed 6-1-06)

• 53.136 CORRECTIVE ACTION.

Nothing herein contained shall prevent the town MS4 operator from taking such other lawful actions as may be necessary to prevent or remedy any violation. All cost connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the storm water drainage system made necessary by violation, as well as those penalties levied by EPA or IDEM for violation of the town's NPDES permit, attorney fees, and other costs and expenses.

(Ord. 2006-05, passed 6-1-06)

DEPARTMENT OF STORMWATER MANAGEMENT

• 53.150 GENERAL.

(A) Establishment. The Department of Stormwater Management, a department of the town, is hereby established (the "department"). The department shall be headed by the Town Manager. The Town Manager, together with staff, will be responsible for the day-to-day operations of the department.

(B) Applicable state law. The Department of Stormwater Management shall be subject to IC 8-1.5-5, as amended and in effect from time to time.

(C) Board of Stormwater Management. The department, through the Town Manager, shall report directly to the Board of Stormwater Management.

(D) Town Council. The Town Council shall fulfill the obligations of the department as identified in IC 8-1.5-5. The Town Council shall perform all necessary administrative, employee relations and fiscal policy-making oversight of the department.

(E) Special taxing district. The Department of Stormwater Management is a special taxing district as defined by IC 8-1.5-5-5. The policies of the Board and Town Council shall determine the combination of taxes, user fees, and other revenue sources of the department.

(F) General powers of the department. The department shall have departmental jurisdiction over stormwater within the town and shall possess the following general powers:
(1) Install, maintain and operate the stormwater system of the town.

(2) Make all necessary or desirable improvements to the stormwater collection and conveyance system of the town (including all appropriate actions taken with respect to sewer separation), and, when determined to be in the best interests of the town, to acquire or otherwise assume jurisdiction over any other improvements or facilities relating to the control of stormwater currently owned or under the jurisdiction of other parties.

(3) Establish and enforce the rules, regulations, policies and procedures promulgated by the department.

(4) Hold hearings after proper public notice and make findings and determinations to carry out the policies and procedures of the department with respect to the use of the stormwater system by the users thereof and the proper rates and charges imposed on such users.

(5) Recommend to the town reasonable and just user fees for services to the users of the stormwater collection and conveyance system of the town.

(6) Track revenues and expenses of the Department of Stormwater Management separately using departmental policies, operational procedures and cost accounting methods to adequately determine the equitable allocation of funds to serve the department's and town's needs.

(7) After approval of the Town Council, levy a special benefit tax upon all the property of the stormwater district to pay for the bonds issued and the interest on the bonds, in accordance with IC 8-1.5-5-22.

(8) Issue and sell bonds of the district in the name of the unit served by the department for the acquisition, construction, alteration, addition, or extension of the stormwater collection and disposal system or for the refunding of any bonds issued by the Board. (Ord. 2014-03, passed 5-1-14)

53.151 PURPOSE AND OBJECTIVE.

(A) The mission of the stormwater management program is to develop, implement, operate and adequately and equitably fund the acquisition, construction, operation, maintenance and regulation of stormwater collection and drainage systems and activities in the town including without limitation, stormwater quality, separate storm sewers, neighborhood drainage, flood control, flood pumping, stormwater conveyance, sewer separation, and other improvements to the existing and future storm sewers of the town.
(B) The program shall safely and efficiently control stormwater runoff, insure compliance with the National Pollutant Discharge Elimination System Stormwater Discharge permit, enhance public health and safety, protect lives and property, facilitate mobility and enable access to homes and businesses throughout the community during storms, complement and support other town programs and objectives, control the discharge of pollutants in stormwater to receiving waters and enhance the natural resources of the community.  
(Ord. 2014-03, passed 5-1-14)

53.152  DEFINITIONS.

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

■ ADMINISTRATOR.  The Town Manager.

■ COMBINED SEWER.  Pipe or conduit primarily used to convey sanitary sewage and secondarily intended to convey stormwater.

■ CUSTOMER (OR USER).  A property owner benefitting from the stormwater system.

■ DEPARTMENT.  The Department of Stormwater Management established in this subchapter.

■ DETENTION.  The temporary storage of storm runoff in a basin, pond or other structural or nonstructural device to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides gravity-settling of pollutants.

■ DEVELOPED.  The condition of real property altered from its natural state by the addition to or construction on such property of impervious surfaces or physical improvements such that the hydrology of the property or a portion thereof is affected.

■ DITCH-LEGAL or REGULATED DRAIN.  Any drainage system under the jurisdiction of the Madison County Drainage Board as of the date of enactment of this subchapter.

■ DITCH-OPEN.  A relatively deep drainage channel which may have a continuous water flow. Open ditches are outlets for both surface, subsurface, or storm sewer drainage systems.

■ DRAIN.  Relative to stormwater drainage, any sewer, tile, ditch, stream or other stormwater runoff conveyance channel or conduit.

■ DRAINAGE EASEMENT.  The land required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
**DRAINAGE FACILITIES.** All ditches, channels, conduits, retention-detention systems, tiles, drainage swales, sewers, and other natural or artificial means of draining stormwater from land.

**DRAINAGE REQUIREMENTS.** (1) Minimum drainage standards as established by ordinance; (2) regulations promulgated by the Town Council; (3) obligations and requirements relating to drainage established under the subdivision control ordinances of the town or Madison County; (4) requirements contained in the zoning ordinances of the town or Madison County, including floodway zoning requirements; (5) obligations and requirements relating to drainage established under the Drainage Board of Madison County, Indiana; and (6) conditions relating to drainage attached to a grant of variance by the Board of Zoning Appeals.

**DRAINAGE-SUBSURFACE.** A system of pipes, tile, conduit, or tubing installed beneath the ground used to collect underground water from individual parcels, lots, building footings, or pavements.

**DRAINAGE-SURFACE.** A system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways and yards so that storm runoff is removed without ponding and flows to a drainage swale, open ditch, or a storm sewer.

**DRAINAGE-SWALE.** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion, or other site feature.

**DRAINAGE-SYSTEM.** Any combination of surface and/or subsurface drainage components fulfilling all applicable drainage requirements.

**EASEMENT.** A grant by the property owner of the use of a strip of land by the public, a corporation or other legal entity for specified purposes.

**ENGINEER.** Any Engineer retained by the town.

**ERU.** Equivalent Residential Unit, equal to the average amount of impervious area found on a typical single-family residential parcel which is 3,842 square feet. Therefore, one ERU equals 3,842 square feet of impervious area.

**IMPERVIOUS AREA.** Area within developed land that prevents or significantly impedes the infiltration of stormwater into the soil. Included in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

**INfiltrATION.** A complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
LAND ALTERATION. Any action taken relative to land which either: (1) changes the contour; (2) increases the runoff rate; (3) changes the elevation; (4) decreases the rate of which water is absorbed; (5) changes the drainage pattern; or (6) creates or changes a drainage facility; (7) involves construction, enlargement or location of any building on a permanent foundation; or (8) creates an impoundment. Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.

MAINTENANCE. The removal of obstructions, deposits, or other materials and making minor repairs in a drainage facility so that it will perform the function for which it was designed and constructed.

NPDES. The National Pollutant Discharge Elimination System, the EPA program initiated to reduce and eliminate pollutants reaching water bodies of all types.

NPDES PERMIT. Stormwater management permit required of municipalities and certain industries by the EPA pursuant to Section 402 of the Clean Water Act.

OTHER PROPERTY. All properties not encompassed within the definition of RESIDENTIAL PROPERTY, including but not limited to: commercial, industrial, retail, multi-family, governmental, institutional, schools and churches, encompassing State Land Use Codes 310 - 399, 401 - 499, and 600 - 699.

PEAK DISCHARGE. The maximum rate of flow of water passing a given point during or after a rainfall event, sometimes called peak flow.

PRIVATE STORMWATER FACILITIES. Various stormwater and drainage works not under the control or ownership of the town, Madison County, the State of Indiana, or the federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PROPERTY OWNER. The individual, partnership, corporation or other legal entity holding the deed or record title to real property.

PUBLIC DRAINAGE SYSTEM. Various stormwater and drainage works under the control and/or ownership of the town, Madison County, the State of Indiana, or the federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
**RESIDENTIAL PROPERTY.** A lot or parcel of real estate encompassing State Land Use Codes and 510 through 599 on which a building or house trailer is situated which building or house trailer contains a group of rooms forming an inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating.

**RETENTION.** The holding of stormwater runoff in a constructed basin or pond or in a natural body of water with a controlled release rate.

**RIGHT-OF-WAY.** Any highway, street, avenue, boulevard, road, lane or alley and includes the entire right-of-way for public use thereof and all surface and subsurface improvements thereon including, without limitation, sidewalks, curbs, shoulders, utility lines and mains.

**SEWER SEPARATION.** A project intended to reduce the amount or rate of stormwater entering the wastewater treatment plant. Sewer separation projects include, but are not limited to, new sanitary sewer construction with conversion of combined sewer to storm sewer; new storm sewer construction with conversion of combined sewer to sanitary sewer, combined sewage holding tanks; and equalization tanks at the treatment plant.

**STATE LAND USE CODES.** The classification system used by Indiana counties for purposes of classification of the assessment of real property. The 2011 Real Property Assessment Manual, prepared by the Indiana Department of Local Government Finance, describes the codes. Appendix A of the manual defines the codes. The manual and codes may be adjusted from time to time.

**STORM SEWER.** A sewer designed or intended to convey only stormwater, surface runoff, street wash waters and drainage, and not intended for sanitary sewage and industrial wastes. A storm sewer begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORMWATER CONVEYANCES.** Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER SYSTEM.** All constructed facilities, including separate storm sewers and conveyances, combined sewers, structures and natural watercourses owned by or under the jurisdiction of the town used for collecting and conveying stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations.
A charge imposed on users of the stormwater system.

The Town of Pendleton, Indiana.
(Ord. 2014-03, passed 5-1-14)

The Board of Directors for the Department of Stormwater Management is hereby created and shall consist of three members to be appointed by the Town Council President. No more than two of the members shall be of the same political party. The initial terms of the Directors shall be as follows: Director One = two years; Director Two = three years; Director Three = four years. All subsequent terms shall be four years.
(Ord. 2014-03, passed 5-1-14)

A stormwater user fee shall be imposed on each and every lot and parcel of land within the town, or served by the town's stormwater system as identified in § 53.156, which directly or indirectly contributes to the stormwater system of the town, which charge shall be assessed against the property owner thereof, who shall be considered the user for the purposes of this chapter. This charge is deemed reasonable and is necessary to pay for the repair, replacement, extension, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system.
(Ord. 2014-03, passed 5-1-14)

(A) Stormwater user fee Per ERU. The stormwater user fee shall be $4 per ERU per month. For the purpose of this chapter, a month shall be considered 25 through 35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

(B) Basis for charge. The stormwater user fee is designed to recover the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the stormwater user fee. This user fee is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.
(Ord. 2014-03, passed 5-1-14)

(A) Generally. For the purposes stated in § 53.151 and § 53.155, there is hereby assessed a stormwater user fee for each property owner owning land situated within the corporate limits of the town, served by the town's stormwater system, and also located within the corporate boundaries of the town that contributes directly or indirectly to the stormwater system of the town, in an amount as determined below.
(B) Impervious area. For any such property, lot, parcel of land, building or premises which contribute directly or indirectly to the stormwater system of the town, such charge shall be based upon the quantity of impervious area situated thereon as measured on the most recent aerial maps available from the best source, or as amended through the issuance of building permits by the town. Impervious area of public rights-of-way and railroad lines (which shall not be deemed to include adjacent property, such as a rail yard, operated by a railroad), will not be included in the determination of a stormwater user fee. In addition, the Board shall establish policies and procedures to make determinations whether commonly owned, adjoining properties with separate plat or legal descriptions should be treated as a single parcel of land for purposes of calculating the stormwater user fees to be charged for such properties.

(C) Classification of property. All properties within the town, or served by the town stormwater system, will be assessed a Stormwater User fee based on Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one ERU (except as otherwise provided in division (E) herein). Properties shall be classified as determined by the Indiana Department of Local Government Finance 2011 Real Property Assessment Manual, as may be updated periodically. The assessment of ERU shall be as follows:

(1) A monthly flat-rate charge for stormwater service rendered to residential and agricultural homestead Properties shall be assessed to each residential property's parcel within the town limits. This base unit shall apply to all parcels designated by State Property Class Codes 101, and 510 through 599. All residential properties are hereby assigned one ERU and a Stormwater User fee as described in this subchapter and adjusted periodically.

(2) Other properties. Properties with impervious area other than residential properties will be assigned an ERU multiple based on the total amount of impervious area on the property (measured in square feet and divided by 3,842 square feet. The ERU calculation shall apply to all parcels designated by State Property Class Codes 310 - 399, 401 - 499, 600 - 699. ERU multiples shall be rounded to the nearest whole integer.

(D) Land alterations. The issuance of any building permit or other action which results in a land alteration of a property other than Residential Properties or a property that currently only contains Residential Properties but will no longer be used for such purpose shall be cause for an adjustment of the stormwater user fee determined under this section. The property owner shall have the obligation of informing the Board of any such changes.

(E) Exceptions/exemptions. Agricultural properties with impervious area under State Land Use Codes 100-199, with the exception of those properties that qualify as residential property, shall be exempt from the assessment of stormwater user fees. Except for public
rights-of-way, railroad lines and agricultural properties as defined herein, there shall be no exceptions or exemptions from the assignment of gross stormwater ERUs for any property with impervious area except that properties other than single-family residential parcels with impervious area of less than 500 square feet shall be exempted from the assignment of an ERU.

(Ord. 2014-03, passed 5-1-14)

**53.157 BILLINGS; TERMS OF PAYMENT.**

(A) **Billings.** All stormwater service bills shall be rendered on a monthly basis unless additional or prorated billing is required to reflect customer changes, initial billings or is otherwise required to adjust billing cycles. Charges for miscellaneous services or work performed on behalf of a stormwater customer by the department shall be assessed at the time the work is completed and shall be included in the customer's next stormwater service bill. Stormwater billing for a new property shall commence with the date the property is assessed for purposes of property taxes, or date of occupancy, whichever shall first occur. Additional stormwater charges for an established service address necessitated by a change in the amount of impervious area at the property shall commence on the date the new certificate of occupancy or compliance is issued. Billing adjustments required to correct impervious area measurements shall be applied retroactively to the date of the customer's initial protest.

(B) **Rights and responsibilities of property owner.** Charges for stormwater service shall remain the ultimate responsibility of the property owner, including all penalties, recording fees, attorney's fees, interest and court costs. Other than the property owner, no other person shall be permitted to inspect, examine or otherwise obtain confidential information including the social security number of the property owner obtained by the town for the sole purpose of billing for stormwater system service. Stormwater user fees attach to the property.

(C) **Terms of payment.** The stormwater user fees prescribed in **53.155** shall be due on the payment date set out on the bill. It shall be a violation of this chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date shall be subject to a collection or deferred payment charge of 10% on the outstanding balance. Moving from one location to another in no way absolves the customer from responsibility for any unpaid charges incurred at a previous location.

(D) **Bad check charge.** Checks returned for non-sufficient funds will be subject to reimbursement of the fee the banking institution charges the town and an administrative charge to be established by the department not in excess of the amount provided in Indiana Code. A customer submitting a bad check may be prohibited from making future stormwater user fee payments by check.
(E) Collection. The Board may collect delinquent stormwater user fees and penalties by placing a lien on the private property subject to the user fees and penalties. The delinquent fees and penalties shall be collected in the same manner as delinquent taxes and if the fees and penalties remain unpaid, the Board may foreclose on the lien to collect the fees and penalties including reasonable attorney's fees. (Ord. 2014-03, passed 5-1-14)

53.158 APPEALS OF ERU DETERMINATION.

If, in the opinion of any non-single-family residential property owner, the ERU multiple assigned to the property of such owner is inaccurate in light of the amount of impervious area contained on said property, such property owner shall have the right to contest such ERU determination. The Board shall develop and promulgate policies and procedures to resolve any such contests, including, as determined necessary, the conducting of hearings and the making of determinations with respect to the measurement of impervious area contained on any property. (Ord. 2014-03, passed 5-1-14)

53.159 STORMWATER REVENUE FUND.

All revenues earned and fees collected for stormwater service, including but not limited to, stormwater user fees, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in accounts permitted under IC 8-1.5-5-8, collectively entitled "Town Stormwater Revenue Funds." Disbursements from this account shall be authorized by the Town Council. Such disbursements shall be used for the operation, maintenance and improvement of the town's stormwater system; to adequately fund depreciation accounts and for payments of principal and interest of authorized bonds for the town's stormwater system. (Ord. 2014-03, passed 5-1-14)

53.160 DELINQUENT FEES.

Delinquent charges for stormwater services, and applied penalties, recording fees and user fees constitute a lien upon the property and may be collected in accordance with the provisions of IC 8-1.5-5-29, 8-1.5-5-30, and 8-1.5-5-31. (Ord. 2014-03, passed 5-1-14)

53.161 VIOLATIONS AND ENFORCEMENT.

Failure to pay a stormwater user fee when due shall constitute a violation of this chapter, which shall be enforced by the Town Manager and such deputies as the Town Manager may appoint for such purposes. (Ord. 2014-03, passed 5-1-14)
53.162 SEVERABILITY.

(A) If any section, paragraph or provision of this subchapter shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this subchapter.

(B) All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this subchapter are, to the extent of such conflict, hereby superseded, and this subchapter shall be in full force and effect from and upon compliance with all procedures required by law.

(Ord. 2014-03, passed 5-1-14)
Section
54.01 Adoption
54.02 Establishment
54.03 Waterworks District
54.04 Appointment and powers of Board; quorum; compensation

54.01 ADOPTION.

The town hereby adopts the provisions of IC 8-1.5-4, as amended (the Act). (Ord. 2015-16, passed 9-10-15)

54.02 ESTABLISHMENT.

The town hereby establishes a Department of Waterworks to be known as the "Town of Pendleton, Indiana Department of Waterworks" (the "Department") to be controlled by a Board of Directors consisting of three directors (the "Board"). The Board shall exercise control over the waterworks of the town in accordance with IC 8-1.5-3-3(a)(4) and related provisions of Indiana law. (Ord. 2015-16, passed 9-10-15)

54.03 WATERWORKS DISTRICT.

Pursuant to the Act, all of the territory within the corporate boundaries of the town, or the territory served by the waterworks of the town if larger or smaller, will constitute a special taxing district to be known as the Town of Pendleton, Indiana Waterworks District (the "Waterworks District") for the purpose of levying and collecting special benefit taxes as provided in the Act. The Council finds and determines that all of the taxable property within the Waterworks District will be considered to be benefitted by the waterworks projects carried out under the Act to the extent of the special taxes levied under the Act for the financing thereof. (Ord. 2015-16, passed 9-10-15)

54.04 APPOINTMENT AND POWERS OF BOARD; QUORUM; COMPENSATION.

(A) Pursuant to the Act, the Council President shall appoint the three directors of the Board. The Council President may at any time remove a director when, in the Council President's judgement, it is for the best interest of the Department. The Clerk-Treasurer of the town shall serve as the chief fiscal officer of the Department.

(B) The directors of the Board shall be at least eighteen years of age and must be residents of the Waterworks District. Directors shall take and subscribe an oath of office before beginning the duties thereof and shall execute a bond as fixed by the Clerk-Treasurer of the town. Not more than two of the directors may be of the same political party.
(C) Except for the initial appointments as herein provided, each director shall serve for one year from the first day of January after his or her appointment and until his or her successor is appointed and has qualified. The original directors shall serve from the date of their appointment through the following terms: the first director appointed shall serve a term ending December 31, 2016, the second director appointed shall serve a term ending December 31, 2017 and the third director appointed shall serve a term ending December 31, 2018. If a vacancy occurs, a successor shall be appointed by the Council President, and the successor shall serve for the remainder of the vacated term.

(D) No director of the Board shall be entitled to any salary, per diem allowance or other compensation, except reimbursement for expenses necessarily incurred in the performance of such director's duties.

(E) The Board shall annually elect as officers a President, Vice-President and Secretary. The Board shall hold regularly scheduled meetings at least once a month, at times and places prescribed by its rules, by-laws or by resolution. A special meeting of the Board may be called by the President or by two of the directors, at any place in the Department's jurisdiction as designated in the notice of the meeting. Each director shall be notified of the time and place of a special meeting by written notice delivered at least 48 hours in advance of the meeting, which notice may be delivered electronically. The notice requirement may be waived as to a director who attends the meeting, or who executes a written waiver of notice either before or after the meeting.

(F) Two directors shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the entire Board shall be required for action by the Board.

(G) The Board shall have control over, and shall exercise the powers and duties over, the waterworks of the town as prescribed by IC 8-1.5-3-3(a)(4), 8-1.5-3-4, 8-1.5-4-4 and as otherwise provided in the Act. Upon the initial appointment of the directors, the Board shall immediately take such actions as are necessary and appropriate to commence exercising their control, powers and duties over the waterworks of the town and the Council and all other departments of the town shall take notice of the Board's existence and its authority in that regard.

(Ord. 2015-16, passed 9-10-15)
TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC RULES
71. STOPPING, STANDING, AND PARKING
72. TRAFFIC SCHEDULES
73. PARKING SCHEDULES
CHAPTER 70: TRAFFIC RULES

Section

Snowmobiles

70.01 Snowmobiles prohibited in certain streets and areas
70.02 Persons under 16 years of age prohibited from operating snowmobile
70.03 Reckless or unsafe operation prohibited
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70.06 Authority to determine unsafe conditions

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• 70.01 SNOWMOBILES PROHIBITED IN CERTAIN STREETS AND AREAS.

EXCEPT: (A) Snowmobiles may be operated within the town upon all public streets and alleys

(1) Main Street.
(2) Pendleton Avenue.
(3) State Road 9.
(4) State Street.
§ 70.02 PERSONS UNDER 16 YEARS OF AGE PROHIBITED FROM OPERATING SNOWMOBILE.

No person under 16 years of age shall operate a snowmobile on the public streets and alleys within the town.  
('82 Code, § 14-1-3.5-14(c) (Ord. ST2-82-l, passed 2-16-82)  Penalty, see § 70.99

§ 70.03 RECKLESS OR UNSAFE OPERATION PROHIBITED.

Snowmobiles shall not be operated in a reckless or unsafe manner.  
('82 Code, § 14-1-3.5-14(d) (Ord. ST2-82-1, passed 2-16-82)  Penalty, see § 70.99

§ 70.04 HEADLIGHTS.

Snowmobiles shall be operated with a headlight on at all times.  
('82 Code, § 14-1-3.5-14(e) (Ord. ST2-82-1, passed 2-16-82)  Penalty, see § 70.99

§ 70.05 HOURS OF OPERATION.

No snowmobile shall be operated within the town between the hours of 11:00 p.m. and 6:00 a.m.  
('82 Code, § 14-1-3.5-14(f) (Ord. ST2-82-1, passed 2-16-82)  Penalty, see § 70.99

§ 70.06 AUTHORITY TO DETERMINE UNSAFE CONDITIONS.

The Town Manager may determine that conditions do not permit the safe operation of snowmobiles and prohibit their operation within the town.  Any person who operates a snowmobile following notice of the Town Manager's determination shall violate this subchapter.  
('82 Code, § 14-1-3.5-14(b) (Ord. ST2-82-1, passed 2-16-82)  Penalty, see § 70.99

SKATEBOARDS

§ 70.10 SKATEBOARDING PROHIBITED IN BUSINESS DISTRICT.

Skateboarding is and shall hereby be prohibited on the sidewalks in the business district of the town.  
(Ord. 1989-6, passed 3-21-89)
70.11 ENFORCEMENT AGENCY.

This subchapter, shall be enforced by the Pendleton Police Department. (Ord. 1989-6, passed 3-21-89)

ADMINISTRATION

70.25 ACCIDENT REPORTS.

(A) The town, by and through their local law enforcement office, shall charge a fixed fee of $8 for an accident report.

(B) The fee collected under this section, shall be deposited in a separate account to be known as the Accident Report Account. The money may be expended at the discretion of the Chief Administrative Officer of the Pendleton Law Enforcement Office, for any purpose reasonably related to the keeping of accident reports and records for the prevention of accidents. (Ord. 1993-06, passed 4-20-93)

TRUCKS AND OTHER COMMERCIAL VEHICLES

70.35 AUTHORITY.

The State Agreement and the County Agreement are hereby approved. The Town Council President and the Clerk-Treasurer are hereby authorized to execute the State Agreement and the County Agreement in substantially the form attached to Ordinance 2004-14 on behalf of the town. (Ord. 2004-14, passed 10-12-04)

70.36 DEFINITIONS.

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

"AGRICULTURAL VEHICLES." All farm vehicles loaded with farm products, farm machinery, farm tractors, farm tractors used in transportation, farm trucks, farm trailers or farm semi-trailers and tractors and implements of husbandry, all defined in IC 9-13-2.

"TRUCKS." Any commercial vehicle as defined by state law and include any vehicle or combination of vehicles that is designed or operated for the transportation of property whose body weight or combined body and load weight exceeds five tons and/or has more than six wheels. (Ord. 2004-14, passed 10-12-04)

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70.37 RESTRICTIONS.

Trucks whose trip originated from outside the town and whose destination is outside the town shall be operated only on state highways or interstates.

(Ord. 2004-14, passed 10-12-04)

70.38 EXEMPTIONS.

The restrictions in 70.37 shall not prohibit the operation of:

(A) Trucks upon any street where necessary to conduct business at a destination point within the town;

(B) Emergency vehicles upon any street in town;

(C) Trucks owned or operated by the town, public utilities, or any contractor or material supplier, while engaged in the repair, maintenance, or construction of streets, street improvements, government services, or utilities within the town;

(D) Trucks on officially established detours; and

(E) Agricultural vehicles.

(Ord. 2004-14, passed 10-12-04; Am. Ord. 2004-20, passed 1-11-05)

70.39 COMPLIANCE.

Officers of the Police Department may stop any truck or agricultural vehicles within the town's limits to verify compliance with this subchapter.

(Ord. 2007-03, passed 2-1-07)

GOLF CARTS AND OTHER NON-TRADITIONAL VEHICLES

70.50 APPLICATION.

(A) For purposes of this subchapter, "NON-TRADITIONAL VEHICLES" means any motorized vehicle, whether powered by electricity or combustion engine, other than an automobile, motorcycle, or farming machinery listed in this section, or any other vehicle which is registered with the Indiana Bureau of Motor Vehicles or similar licensing agency of any other state or nation, or any motorized wheelchair.

(B) Specific examples of a non-traditional vehicle include, but are not limited to, a golf cart, lawn tractor, "gator," motorized "razor," miniature motorcycle.

(Ord. 2007-10, passed 10-4-07)
70.51 OPERATION OF NON-TRADITIONAL VEHICLES ON TOWN STREETS AND ALLEYS.

(A) Any owner of a non-traditional vehicle desiring to operate the same on town streets must annually register the non-traditional vehicle with the Police Department pursuant to 70.52.

(B) A non-traditional vehicle registration is valid for the calendar year in which the non-traditional vehicle is registered.

(Ord. 2007-10, passed 10-4-07; Am. Ord. 2010-04, passed 5-6-10)

70.52 REGISTRATION OF NON-TRADITIONAL VEHICLES.

(A) The Police Department is charged with responsibility for inspecting and registering non-traditional vehicles. The Police Department shall also maintain records of the registration for non-traditional vehicles.

(B) Before registration of a non-traditional vehicle, the Police Department shall inspect a non-traditional vehicle to ensure that it is equipped with each of the following:

1. Brakes capable of decelerating at a rate of 14 feet per second, including two separate means of applying the brakes, each of which must apply the brakes to at least two wheels, except for two-wheeled vehicles, (with compliance to be determined by an actual road test conducted on a substantially level, dry, smooth, hard-surfaced road that is free from loose material, and with stopping distance measured from the actual instant braking controls are moved and from an initial speed of 20 miles per hour, or another suitable mechanical test that recreates the same conditions);

2. A horn, in good working order and capable of emitting sound audible under normal conditions from a distance not less than 200 feet;

3. At least two head lamps for four-wheeled vehicles and one head lamp for two-wheeled vehicles, located at a height not less than 24 inches and not more than 54 inches above the roadway;

4. At least one tail lamp that emits a red light plainly visible from a distance of 500 feet to the rear, located not less that 20 inches and not more than 72 inches from the roadway;

5. Two red reflectors carried on the rear, either as a part of the tail lamps or separately, mounted at a height not less than 20 inches and not more than 60 inches, and visible from distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps;

6. Not more than two spot lamps nor more than two fog lamps;

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(7) Stop lamps displaying a red or amber light, activated upon application of the foot brake, and visible from a distance of at least 100 feet to the rear of the vehicle;

(8) A muffler (if not an electric-powered non-traditional vehicle) free from exhaust gas leaks, that is in good working order and in constant operation to prevent excessive noise;

(9) A rearview mirror that reflects to the driver a view of the road for a distance of at least 200 feet to the rear of the vehicle;

(10) Rubber tires (though tire chains, ice grips or tire studs may be installed for safety because of snow, ice or other conditions, as long as they are constructed to prevent any appreciable damage to the road surface); and

(11) A slow moving vehicle emblem if vehicle does not operate at more than 25 miles per hour.

(C) The Police Department shall not register any non-traditional vehicle that is not equipped with each of the items in division (B) above.

(D) The owner of a non-traditional vehicle must provide proof of insurance of said vehicle to the Police Department before the vehicle may be registered.

(Ord. 2007-10, passed 10-4-07)

- **70.53 REGISTRATION FEE AND REGISTRATION STICKER.**

  (A) If the non-traditional vehicle is registered before July 1, the registration fee shall be $50, thereafter the fee shall be $25.

  (B) Upon registration of the non-traditional vehicle, the owner of said vehicle shall receive a registration sticker that must be displayed at all times during operation on the town streets in a visible location on the rear of said vehicle. If a registration sticker is not available at the time of registration, the owner will receive written proof of registration to be carried during the operation of said vehicle on the town streets until the registration sticker is issued.

  (C) The registration of a non-traditional vehicle may not be transferred to another person.

  (Ord. 2007-10, passed 10-4-07; Am. Ord. 2010-04, passed 5-6-10)

- **70.54 INSURANCE.**

  The owner of any registered non-traditional vehicle shall maintain insurance on said vehicle and provide proof of the same upon request by the Police Department.

  (Ord. 2007-10, passed 10-4-07)
70.55 TOWN VEHICLES.

This subchapter shall not apply to any non-traditional vehicles owned by the town and used by the town for official town business.

(Ord. 2007-10, passed 10-4-07)

70.56 VIOLATIONS.

(A) Non-traditional vehicles shall be subject to the town’s traffic and parking regulations as contained in Title VII of the code.

(B) The following shall constitute a violation of this subchapter subject to the penalties set forth in §13.02:

1. Operation of a non-traditional vehicle that is not registered with the town pursuant to this subchapter.

2. Operation of a non-traditional vehicle by a person younger than 16 years old;

3. Operation of a non-traditional vehicle by a person without a valid Indiana driver’s license or a valid driver’s license issued by another state or recognized authority;

4. Operation of a non-traditional vehicle in a reckless manner;

5. Operating a non-traditional vehicle without valid insurance; and/or

6. Operating a non-traditional vehicle on State Street, except when necessary to cross State Street at an intersection of a town street and State Street, or when the point of origin or destination requires traveling on State Street to the nearest town alley or town street intersection. This pertains to the segment of State Street from the railroad overpass on the East and Fall Creek on the West.

(Ord. 2007-10, passed 10-4-07; Am. Ord. 2014-04, passed 4-3-14)

70.99 PENALTY.

(A) Any person violating §70.01 through 70.06 shall be fined $25 to be paid to the Town Court within the ten days of receipt of notice of the violation.

(82 Code, §14-1-3.5-14(h)) (Ord. ST2-82-1, passed 2-16-82; Am. Ord. 2004-7, passed 5-11-04)

(B) Any person who violates any provision of §70.10 shall be subject to a fine or penalty of not less than $25 nor more than $500. Each occurrence constitutes a separate offense.

(Ord. 1989-6, passed 3-21-89)

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(C) For §§70.35 through 70.38, adequate signage shall be posted at the town limits on all gateways into town. Violations is subject to a penalty of $100 as defined in Chapter 72, Schedule V(D).
(Ord. 2004-14, passed 10-12-04)
CHAPTER 71: STOPPING, STANDING, AND PARKING

Section

71.01 Limitations on parking and stopping
71.02 Handicapped parking
71.03 Parking restrictions
71.04 Authority to remove
71.05 Presumption of illegal parking

71.99 Penalty

71.01 LIMITATIONS ON PARKING AND STOPPING.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or the directions of state law, a police officer, or a traffic-control device, within:

(A) Fifteen feet of a fire hydrant;
(B) An area posted as a fire lane; or
(C) Twenty feet of a crosswalk or corner.

(‘82 Code, • 9-4-1-114.1(c) (Ord. passed 8-19-86) Penalty, see

71.02 HANDICAPPED PARKING.

(A) Definitions. For purposes of this section, the following definitions shall apply.

(1) "PARKING FACILITY." Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public. This shall include a privately-owned area which is normally used for parking, and which is accessible to the public at no charge.

(2) "PHYSICALLY HANDICAPPED PERSON." Any person who has been issued a placard, special registration plate, or decal for a motor vehicle by the State Bureau of Motor Vehicles under IC 9-18-22.

(B) The parking spaces designated in Chapter 73 Schedule III shall be for the parking of physically handicapped persons only.

(C) It shall be unlawful for any person to park a motor vehicle, motorcycle, moped, bicycle, or other vehicle of any nature which does not have displayed a handicapped person's decal or registration plate as set forth above, in a parking space reserved in a parking facility for a handicapped person's vehicle.

(D) If any vehicle is parked unlawfully in violation of any of the provisions of this section, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.
(E) In addition to any fines which may be imposed as a result of a violation of this section, any vehicle which is parked in a manner in violation of this section may be towed to an area designated by the Town Manager at the owner’s expense. The owner shall also be required to pay any and all storage fees resulting from this action. (Ord. 1988-11, passed 5-24-88) Penalty, see • 71.99

• 71.03 PARKING RESTRICTIONS.

(A) Vehicles of one ton capacity or more, or vehicles more than 20 feet in length, shall not park on any street or alley within the town’s limits except for the purpose of loading or unloading.

(B) It is unlawful for any person to park, store, or permit to be parked or stored, any automobile trailer, boat trailer, and/or house trailer, semi-tractor trailer, dumpster, or portable storage container (e.g., POD) on any street or alley within the town’s limits.

(C) No person shall park any vehicle upon a street or alley, in such a manner or under such conditions as to leave available less than 18 feet of the width of the roadway for free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(D) No person shall stand or park a vehicle upon any town street, alley, or sidewalk for the principal purpose of:

1. Displaying it for sale;
2. Greasing or changing oil;
3. Repairing or installing devices on the vehicles, except repairs necessitated by an emergency; and
4. Selling merchandise therefrom unless authorized by proper licenses.

(Ord. 2008-14, passed 10-2-08) Penalty, see • 13.02

• 71.04 AUTHORITY TO REMOVE.

The Police Chief and his or her deputies are hereby authorized to move or cause to be moved and properly stored, at the owner’s expense, any vehicle, trailer, or portable storage container improperly parked in violation of • 71.03, parked overtime, or abandoned, if, after reasonable effort, the owner or operator of the vehicle cannot be found or refuses or fails, upon proper notification, to move the vehicle. (Ord. 2008-14, passed 10-2-08)

• 71.05 PRESUMPTION OF ILLEGAL PARKING.

In any prosecution charging a violation of any law or regulation governing the parking or standing of a vehicle, trailer, or portable storage container, proof that the particular vehicle, trailer, or portable storage container described in the notice to appear was parked

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in violation of any law or regulation, together with proof that the defendant named in the complaint was, at the time of the violation, the registered owner or lessee of the vehicle, trailer, or portable storage container, shall constitute prima facie evidence that the registered owner or lessee was the person who parked the vehicle at the time and place and for the time during which the violation occurred.
(Ord. 2008-14, passed 10-2-08)

• 71.99 PENALTY.

(A) Every person convicted of violating 71.01(A) or (B) shall be punished by a fine or penalty in the amount of $5 for each offense if the fine or penalty is paid within seven days of the violation. Thereafter, a complaint shall be filed in court for the offense and shall be subject to a fine or penalty of not less than $25 nor more than $500.

(B) Any person receiving a citation as a result of a violation of any of the provisions of 71.02 or Chapter 73 Schedule III Handicapped Parking, shall pay an assessment of $25, if paid within 72 hours of the time of such violation to the Town Court. In the event that any person who is charged with a violation hereunder fails to pay as above provided, such person shall be charged in any Court in Madison County having jurisdiction of traffic offenses, and upon conviction shall be fined not less than $25 nor more than $500.
(Ord. 1988-11, passed 5-24-88; Am. Ord. 2004-7, passed 5-11-04)

(C) Unless otherwise provided, every person convicted of any violation of this chapter or of Chapter 73 Parking Schedules, other than as set forth in divisions (A) or (B) above, shall be punished by a fine or penalty in the amount of $5 for each offense if the fine is paid within seven days of the violation. Thereafter, the fine shall be $10 if the same is paid within 30 days of the date of the violation. Thereafter, the violation shall be filed in court and a person convicted of the parking violation shall be subject to a fine of not less than $25 nor more than $500 for each offense.

(D) If the party's vehicle is parked for a period of time double that of the limitation involved at a certain location, the party who parked the car there shall be subject to an additional fine in a like amount, and the police officer shall have the vehicle removed from the street. The owner of such motor vehicle shall be responsible for all tow-in charges and resulting storage charges.

(E) Any person being the operator, owner, or the person in control of any motor vehicle who violates any parking provision as set forth in this chapter or Chapter 73 Parking Schedules, or any person who aids, abets, or assists therein shall be subject to the penalty provisions as contained herein. On filing of any violation of these provisions in court, the fine shall be no less than $25 nor more than $500 for each offense or violation. All docket fees and penalties on court cases shall be deposited in the General Fund for the town.
('82 Code, 9-4-1-114.1(d)) (Ord. passed 8-19-86)
CHAPTER 72: TRAFFIC SCHEDULES

Schedule

I. One-way streets and alleys
II. Preferential streets
III. Stop intersections
IV. Speed limits
V. Road weight limits
VI. Turn restricted intersections
VII. Construction traffic prohibited
VIII. Truck routes

SCHEDULE I. ONE-WAY STREETS AND ALLEYS.

The Board of Trustees, acting within the reasonable exercise of its police power, hereby adopts the following regulations governing certain streets and alleys under its jurisdiction.

(A) All alleys listed below are designated one-way for that portion of said alley described in the “Location” column. All vehicles driven thereon shall be moved in one direction only as indicated by signs posted upon or at the entrances to these alleys:

<table>
<thead>
<tr>
<th>STREET OR ALLEY</th>
<th>LOCATION</th>
<th>DIRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alley between State Street</td>
<td>From Pendleton Avenue</td>
<td>East</td>
</tr>
<tr>
<td>and High Street</td>
<td>to Broadway</td>
<td></td>
</tr>
<tr>
<td>Alley between State Street</td>
<td>From Pendleton Avenue</td>
<td>West</td>
</tr>
<tr>
<td>and High Streets</td>
<td>to Main Street</td>
<td></td>
</tr>
<tr>
<td>Northwest Drive (alley)</td>
<td>From West Street</td>
<td></td>
</tr>
<tr>
<td>Northwest Drive</td>
<td>to Main Street</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to the 90-degree turn</td>
<td></td>
</tr>
<tr>
<td></td>
<td>South toward State Street</td>
<td></td>
</tr>
<tr>
<td></td>
<td>From Main Street</td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>From State Street</td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>to the 90-degree turn</td>
<td></td>
</tr>
<tr>
<td></td>
<td>toward Main Street</td>
<td></td>
</tr>
</tbody>
</table>

(B) The Board of Trustees may order the placement of additional highway signs to convey information or warnings to those traveling on town streets or alleys. The Board shall maintain an inventory of all such signs placed on or along such streets or alleys.
(C) Any person violating this schedule shall be fined $5 for each offense. Any person violating this schedule may pay the penalty of $5 at the Town Court within 48 hours of the receipt of notice of violation in lieu of arrest and a court appearance. The Police Department shall display the receipt of payment.

('82 Code, § 9-4-1-28(b)) (Ord. 1-81, passed 2-17-81; Am. Ord. passed 4-20-82; Am. Ord. 2004-7, passed 5-11-04; Am. Ord. 2013-02, passed 4-10-13)
PENDLETON - TRAFFIC SCHEDULES

SCHEDULE II. PREFERENTIAL STREETS.

The Board of Trustees, acting within the reasonable exercise of its police power, hereby adopts the following regulations governing certain highways and alleys under its jurisdiction:

(A) The following are preferential streets, except when traffic lights indicate otherwise:

<table>
<thead>
<tr>
<th>PREFERENTIAL STREET</th>
<th>AT ITS INTERSECTION WITH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadway</td>
<td>Clark Street</td>
</tr>
<tr>
<td>Broadway</td>
<td>East High Street</td>
</tr>
<tr>
<td>Broadway</td>
<td>Indiana Avenue</td>
</tr>
<tr>
<td>Broadway</td>
<td>Moore Street</td>
</tr>
<tr>
<td>Broadway</td>
<td>Spring Street</td>
</tr>
<tr>
<td>Broadway</td>
<td>Walnut Street</td>
</tr>
<tr>
<td>Clarke Street</td>
<td>Center Street</td>
</tr>
<tr>
<td>and Silver Street</td>
<td></td>
</tr>
<tr>
<td>East Street</td>
<td>Elm Street</td>
</tr>
<tr>
<td>East Street</td>
<td>High Street</td>
</tr>
<tr>
<td>East Street</td>
<td>John Street</td>
</tr>
<tr>
<td>East Street</td>
<td>McLoy Drive</td>
</tr>
<tr>
<td>East Street</td>
<td>Walnut Street</td>
</tr>
<tr>
<td>East Water Street</td>
<td>Broadway</td>
</tr>
<tr>
<td>Falls Park Drive</td>
<td>East Street</td>
</tr>
<tr>
<td>Falls Park Drive</td>
<td>John Street</td>
</tr>
<tr>
<td>Franklin Street</td>
<td>Tile Street</td>
</tr>
<tr>
<td>High Street</td>
<td>Jefferson Street</td>
</tr>
<tr>
<td>High Street</td>
<td>Pearl Street</td>
</tr>
<tr>
<td>Indiana Avenue</td>
<td>Center Street and Silver Street</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>Center Street</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>East Street</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>Pearl Street</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>Spring Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>Elm Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>Fall Creek Parkway</td>
</tr>
<tr>
<td>Main Street</td>
<td>Taylor Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>Tile Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>Water Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>West Drive</td>
</tr>
<tr>
<td>Mill Road High</td>
<td>Street</td>
</tr>
<tr>
<td>Moore Street</td>
<td>Center Street</td>
</tr>
<tr>
<td>Moore Street</td>
<td>Silver Street</td>
</tr>
<tr>
<td>Pearl Street</td>
<td>Walnut Street</td>
</tr>
<tr>
<td>Pendleton Avenue</td>
<td></td>
</tr>
<tr>
<td>(all of Pendleton Avenue, except at its intersection with State Street)</td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td></td>
</tr>
<tr>
<td>(all of State Street)</td>
<td></td>
</tr>
</tbody>
</table>
The Board may order the placement of additional highway signs to convey information or warnings to those traveling on town highways. The Board shall maintain an inventory of all such signs placed on or along the highways.

Any person violating this schedule shall be fined $5 for each offense. Any person violating this schedule may pay the penalty of $5 at the Town Court within 48 hours of the receipt of notice of violation in lieu of arrest and a court appearance. The Police Department shall display the receipt of payment.

('82 Code, § 9-4-1-28(c))
SCHEDULE III. STOP INTERSECTIONS.

The Town Council (the "Council"), acting within the reasonable exercise of its police power, hereby adopts the following regulations governing certain highways and alleys under its jurisdiction.

(A) The Council designates the following highway intersections as stop intersections. All vehicles shall stop at one or more of the entrances to these intersections as indicated by the signs or lights posted upon or at the intersections to give notice of this traffic regulation:

(1) Four-way stop intersections

- Buck Lane and Hawthorn Drive
- Broadway and Elm Street
- Broadway and Madison Avenue
- East Street and Water Street
- Franklin Street and High Street
- Hawthorn Drive and Buck Lane
- High Street and West Street
- High Street and Main Street
- Pearl Street and Elm Street
- Pearl Street and Walnut Street
- Pendleton Avenue and Water Street
- State Street and Main Street
- Taylor Street and Adams Street
- Taylor Street and Franklin Street
- Taylor Street and Jefferson Street
- West Street and Taylor Street
- The intersections of the alleys bounded in Rogers Addition to the town by Lot 3 and Lot 4, also bounded in Roger's Cravens Addition to the town by Lot 4 and Lot 5 in the town

(2) Three-way stop intersections

- Canterbury Road and Asbury Street
- Dogwood Drive and Hawthorn Drive
- Fall Creek Parkway and Main Street
- Laurel Street and Franklin Street
- Main Street and Fall Creek Parkway
- Taylor Street and Mill Street
- Water Street and Main Street
- County Road 300 west and Angle Road

(3) Two-way stop intersections

- Adams Street and State Street
- Broadway and Clark Street
- Broadway and High Street
- Broadway and Indiana Avenue
- Broadway and Moore Street
- Broadway and Oak Street
- Broadway and State Street
- Center Street and Clark Street
Center Street and Indiana Avenue
Center Street and Madison Avenue
Center Street and Moore Street
Clark Street and Silver Street
East Street and Elm Street
East Street and Falls Park Drive
East Street and High Street
East Street and Madison Avenue
East Street and McLoy Drive
East Street and State Street
East Street and Walnut Street
Elm Street and Main Street
Elm Street and Pearl Street
Elm Street and Pendleton Avenue
Elm Street and West Street
Falls Creek Parkway and Pendleton Avenue
Falls Park Drive and John Street
Falls Park Drive and Pendleton Avenue
Franklin Street and Laurel Street
Franklin Street and State Street
Hallowell Drive and John Street
High Street and John Street
High Street and Pearl Street
High Street and Pendleton Avenue
Indiana Avenue and Pendleton Avenue
Indiana Avenue and Silver Street
John Street and Water Street
Laurel Street and Tile Street
Madison Avenue and Pearl Street
McLoy Drive and Water Street
Main Street and Pendleton Avenue
Main Street and Taylor Street
Mill Road and State Street
Moore Street and Pendleton Avenue
Moore Street and Silver Street
Oak Street and Pearl Street
Oak Street and Pendleton Avenue
State Street and West Street
Taylor Street and West Street
Tile Street and West Street
The intersections of all alleys to Taylor Street with Taylor Street as the preferential street

(4) Single-stop intersections

For Barbury Court at Blue Spruce
For Beech Lane at Hawthorn Drive
For Canterbury Road at Oxford Avenue
For Canterbury Road at Pendleton Avenue
For Dogwood Drive (North) at Redwood Drive
For Dogwood Drive (South) at Redwood Drive
For Linden Court at Blue Spruce
For Northwest Drive at State Street
For Oxford Avenue at Broadway Street
The Board may order the placement of additional highway signs to convey information or warnings to those traveling on town highways. The Board shall maintain an inventory of all such signs placed on or along the highways.

Any person violating this schedule shall be guilty of a Class C infraction and, upon conviction, shall be fined in an amount not to exceed $500.

SCHEDULE IV. SPEED LIMITS.

The Town Council has determined that, on the basis of engineering and traffic investigations, the maximum speed permitted by state statute is greater than is reasonable and safe under the conditions found to exist on certain highways and portions of highways. The Council declares that the following maximum speeds shall be in effect on the highways and portions of highways listed below:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LIMIT</th>
<th>LOCATION</th>
<th>SPEED (MILES PER HOUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All alleys In town</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All highways or portions of highways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asbury Street</td>
<td>Between Canterbury Road and Oxford Avenue</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Ashwood Drive</td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Canterbury Road</td>
<td>Between Pendleton Avenue and Oxford Avenue</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>North Pendleton Avenue</td>
<td>From Blue Spruce North to Bess Boulevard</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Northwest Drive</td>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Oxford Avenue</td>
<td>Between Broadway Street and Asbury Street</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Pendleton Avenue</td>
<td>Fall Creek Parkway to Elm Street</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Pendleton Avenue</td>
<td>Fall Creek Parkway to St. Rd 67 and Elm Street South to St. Rd 67</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>From Fall Creek Drive to its intersection with Main Street</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>Between its intersection with Main Street and its intersection with Caroline Street</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>Between its intersection with Caroline Street and its intersection with State Route 67</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Old State Road 38</td>
<td>From Interstate 69 to Heritage Way</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>STREET LIMIT OR ALLEY</td>
<td>LOCATION</td>
<td>SPEED LIMIT (MILES PER HOUR)</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>----------</td>
<td>----------------------------</td>
<td></td>
</tr>
<tr>
<td>Old State Road 38</td>
<td>From Heritage Way to Fall Creek Drive</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Water Street</td>
<td>At pool area (when children are present)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Old 132</td>
<td>From Road 425 W west to the town corporate boundary</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>CR 300 West</td>
<td>From corner of State Rd 38 and County Rd 300 West to 2100 feet south on CR 300 West 20 between 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m. local time</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>CR 300 West</td>
<td>From corner of State Rd 38 and County Rd 300 West to 2100 feet south on CR 300 West between 4:00 p.m. and 7:00 a.m. and 9:00 a.m. and 2:00 p.m. local time</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Warrick Way</td>
<td>In town</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Chateau Drive</td>
<td>In town</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Bay Ridge Drive</td>
<td>In town</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

(B) There shall be erected appropriate signs indicating the speed limits as provided herein. Such signs shall be marked advising of the speed limit in compliance with the law of the state governing the posting of speed limits.

(C) The proper maximum speed for all highways, portions of highways, and urban districts not listed in division (A) shall be 30 miles per hour, unless otherwise provided for by state law.

(D) Except as provided in division (D)(1), any person violating any provisions of this schedule shall be guilty of a Class C infraction and, upon conviction, shall be fined in an amount as set forth in (D)(2).

1. A person who exceeds a speed limit that is:
   a. In the immediate vicinity of a school when children are present; or
   b. In the immediate vicinity of a worksite when workers are present;
Commits a Class B infraction and, upon conviction, shall be fined two times the amount set forth in division (D)(2).

Fines for violations of the town's posted speed limits shall be assessed according to the following schedule:

<table>
<thead>
<tr>
<th>MPH Over Posted Limit</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 10</td>
<td>$90.00</td>
</tr>
<tr>
<td>11 to 20</td>
<td>$100.00</td>
</tr>
<tr>
<td>21 to 25</td>
<td>$125.00</td>
</tr>
<tr>
<td>26 to 30</td>
<td>$150.00</td>
</tr>
<tr>
<td>31 +</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

The judge may deviate from levying the fines set forth in division (D)(2) if, in his or her sole discretion, he or she deems the circumstances warrant such deviation.

(82 Code, § 9-4-1-58) (Ord. 1995-10, passed 10-17-95; Am. Ord. 2004-17, passed 12-14-04; Am. Ord. 2005-06, passed 8-1-05; Am. Ord. 2006-12, passed 12-7-06; Am. Ord. 2008-01, passed 1-3-08; Am. Ord. 2009-07, passed 9-3-09; Am. Ord. 2013-02, passed 4-10-13; Am. Ord. 2015-17, passed 10-8-15)
SCHEDULE V. ROAD WEIGHT LIMITS.

(A) Semi-tractors, semi-tractors and trailers, and other vehicles with a gross weight of over 10,000 pounds shall be prohibited from (1) parking on or adjacent to; or (2) operating on or thereby using the following streets in the town, unless that vehicle is delivering goods to addresses situated on that street:

<table>
<thead>
<tr>
<th>STREET</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canterbury Road</td>
<td>In its entirety</td>
</tr>
<tr>
<td>East Street</td>
<td>In its entirety</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>In its entirety</td>
</tr>
<tr>
<td>Main Street</td>
<td>From State Street south to its intersection with South Pendleton Avenue</td>
</tr>
<tr>
<td>Oxford Avenue</td>
<td>In its entirety</td>
</tr>
<tr>
<td>Taylor Street</td>
<td>From Main Street to Mill Road</td>
</tr>
<tr>
<td>Indiana Avenue</td>
<td>In its entirety</td>
</tr>
<tr>
<td>Broadway</td>
<td>South of Indiana Avenue to State Rd. 67</td>
</tr>
</tbody>
</table>

(B) Gasoline or diesel engines shall not run or be in operation while vehicles containing such engines are standing stationary for more than 15 minutes in duration.

(C) No vehicle whose engine is in operation and standing stationary shall be left unattended, unless the vehicle is secured and/or locked to prevent any person or persons from gaining access to such vehicle.

(D) **Penalty.** Any person violating any provision of this schedule shall be fined $100.

(Ord. 9-1-79, passed 9-11-79; Am. Ord. 1991-15, passed 11-19-91; Am. Ord. 1993-12, passed 7-20-93; Am. Ord. 2005-01, passed 4-4-05)
SCHEDULE VI. TURN RESTRICTED INTERSECTIONS.

The Board of Trustees, acting within the reasonable exercise of its police power, hereby adopts the following regulations governing certain highways and alleys under its jurisdiction.

(A) The Council designates the following intersections as turn restricted intersections. All vehicles shall comply with the restrictions on turning indicated on the signs posted upon or at all such intersections to give notice of this traffic regulation:

1. No left (north-bound) turns from east-bound State Street onto north-bound Main Street during the hours of 4:00 p.m. to 6:00 p.m. Monday through Friday.

2. No left turns from Water Tower Road onto Madison Avenue during the hours of 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m. Monday through Friday.

(B) The Board may order the placement of additional highway signs to convey information or warnings to those traveling on town highways. The Board shall maintain an inventory of all such signs placed on or along the highways.

(C) Any person violating this schedule shall be fined not $5 for each offense. Any person violating this schedule may pay the penalty of $5 at the Town Court within 48 hours of the receipt of notice of violation in lieu of arrest and a court appearance. The Police Department shall display the receipt of payment.

('82 Code, • 9-4-1-28(e)) (Ord. 1-81, passed 2-17-81; Am. Ord. passed 5-19-87; Am. Ord. 2004-7, passed 5-11-04; Am. Ord. 2010-08, passed 10-7-10)
SCHEDULE VII. CONSTRUCTION TRAFFIC PROHIBITED.

Pursuant to the power vested in the Town Council, it is hereby ordained that construction traffic is and shall be prohibited on J. H. Walker Drive.

(Ord. 1989-17, passed 8-15-89)
SCHEDULE VIII. TRUCK ROUTES.

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

"TRUCK." Any vehicle designed or operated for the transportation of property whose body weight or combined body and load weight exceeds five tons and/or has more than six wheels.

(B) Restrictions.

(1) Trucks whose trip originated from outside the town and whose destination is outside the town shall be operated only on state roads or Interstate 69.

(2) The restriction in subsection (B)(1) above shall not prohibit the operation of:

(a) Trucks upon any street where necessary to conduct business at a destination point provided that a state road is used until reaching the intersection nearest the destination point.

(b) Emergency vehicles upon any street in town.

(c) Trucks owned or operated by the town, public utilities, or any contractor or material supplier, while engaged in the repair, maintenance, or construction of streets, street improvements, government services, or utilities within the town.

(d) Trucks on officially established detours.

(C) Violation and penalty. Adequate signage shall be posted at the town limits on all gateways into town. Violation is subject to a penalty of $100 as defined in Chapter 72, Schedule V(D).

(Ord. 1998-17, passed 10-13-98)
CHAPTER 73: PARKING SCHEDULES

Schedule

I. Prohibited parking
II. Limited parking
III. Handicapped parking
IV. Heavy truck parking prohibited

SCHEDULE I. PROHIBITED PARKING.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or with the directions of state law, a police officer, or a traffic-control device in any of the following places where signs have been erected by the Board of Trustees prohibiting parking:

<table>
<thead>
<tr>
<th>STREET OR ALLEY</th>
<th>LOCATION</th>
<th>SIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>All alleys within the town &quot;Bus Loading Zones,&quot;</td>
<td>In areas designated for all vehicles except intercity buses</td>
<td></td>
</tr>
<tr>
<td>Adams Street</td>
<td>From its intersection with High Street to its intersection with Taylor Street</td>
<td>East</td>
</tr>
<tr>
<td>Central Way</td>
<td>Between its intersection with East and West Central Way and State Road 38</td>
<td>East</td>
</tr>
<tr>
<td>East Street</td>
<td>From its intersection with Walnut Street to a point 550 feet south of said intersection</td>
<td>East</td>
</tr>
<tr>
<td>East Street</td>
<td>From its intersection with East State Street to a point 50 feet north of the intersection</td>
<td>East, West</td>
</tr>
<tr>
<td>East Madison Street</td>
<td>From the corner of Pendleton Avenue extending 65 feet</td>
<td>South</td>
</tr>
<tr>
<td>Elm Street</td>
<td>From its intersection with West Street to its intersection with East Street</td>
<td></td>
</tr>
<tr>
<td>Franklin Street</td>
<td>From Laurel Street south to the termination of Franklin Street</td>
<td>Both</td>
</tr>
<tr>
<td>STREET OR ALLEY</td>
<td>LOCATION</td>
<td>SIDE</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Pendleton Avenue</td>
<td>From its intersection with High Street to its intersection with the south corporate limits. Also north of the bridge over Fallcreek to the north corporate limits</td>
<td>Both</td>
</tr>
<tr>
<td>Madison Avenue</td>
<td>From its intersection with Main Street to its intersection with State Road 67</td>
<td>North</td>
</tr>
<tr>
<td>Falls Park Drive</td>
<td>From the east corporate limits to its intersection with Pendleton Avenue</td>
<td></td>
</tr>
<tr>
<td>High Street</td>
<td>From its intersection with Mill Road to its intersection with East Street</td>
<td>South</td>
</tr>
<tr>
<td>Main Street</td>
<td>From its intersection with Water Street to its intersection with Falls Creek Parkway</td>
<td>Both</td>
</tr>
<tr>
<td>Main Street</td>
<td>From its intersection with Water Street to its intersection with State Street</td>
<td>West</td>
</tr>
<tr>
<td>State Street</td>
<td>From its intersection with Adams Street to its intersection with the west corporate limits</td>
<td>North</td>
</tr>
<tr>
<td>State Street</td>
<td>From its intersection with Broadway to its intersection with the east corporate limits</td>
<td>North</td>
</tr>
<tr>
<td>State Street</td>
<td>From 50 feet west of the west curbline of Caroline to the west side of State Road 9 and 67</td>
<td>South</td>
</tr>
<tr>
<td>State Street</td>
<td>From its intersection with Main Street to its intersection with the west corporate limits</td>
<td>South</td>
</tr>
<tr>
<td>State Street</td>
<td>From north west corner of Main Street west 70 feet</td>
<td>North</td>
</tr>
<tr>
<td>STREET OR ALLEY</td>
<td>LOCATION</td>
<td>SIDE</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Water Street</td>
<td>From its intersection with east corporate limits to its intersection with Main Street</td>
<td>North</td>
</tr>
<tr>
<td>Water Street</td>
<td>From Pendleton Avenue to the east corporation limits of town</td>
<td>South</td>
</tr>
</tbody>
</table>

(’82 Code, § 4-1-114.1(a)) (Ord. passed 8-19-86; Am. Ord. 1996-07, passed 8-13-96; Am. Ord. 2010-07, passed 9-2-10; Am. Ord. 2010-12, passed 1-6-11) Penalty, see § 71.99
PENDLETON - PARKING SCHEDULES

SCHEDULE II. LIMITED PARKING.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or directions of state law, a police officer, or a traffic-control device for a period longer than that indicated on the signs listed below:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
<th>TIME LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pendleton</td>
<td>A. The first two spaces on the west side after the first alley south of State Street</td>
<td>2 hours</td>
</tr>
<tr>
<td>Avenue</td>
<td>B. West side after the two hour spaces located after the first alley south of State Street to its intersection with High Street</td>
<td>15 minutes</td>
</tr>
<tr>
<td></td>
<td>C. East side from its intersection with High Street north two spaces</td>
<td>15 minutes</td>
</tr>
<tr>
<td></td>
<td>D. On Pendleton Avenue north of State Street to Water Street and south of State Street to first alley</td>
<td>2 hours</td>
</tr>
<tr>
<td>Post Office</td>
<td>First two spaces east of Main Street on the south side of State Street</td>
<td>15 minutes</td>
</tr>
<tr>
<td>parking area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Street</td>
<td>From its intersection with Main Street to its intersection with Broadway</td>
<td>2 hours</td>
</tr>
<tr>
<td>STREET</td>
<td>LOCATION</td>
<td>TIME LIMIT</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Main Street</td>
<td>North of State Road 38 to Water Street</td>
<td>Monday-Saturday 8:00 a.m. - 6:00 p.m. (unless otherwise noted)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Friday parking prohibited between 5:00 a.m. and 7:00 a.m.</td>
</tr>
<tr>
<td>State Street, north side</td>
<td>First legal parking place east of Main Street, and designated <strong>Passenger Loading and Unloading Only</strong></td>
<td>10 minutes</td>
</tr>
<tr>
<td>West Water Street</td>
<td>From southwest corner of Pendleton Avenue west 183 feet on the south side of West Water Street</td>
<td>Wednesdays 2:00 a.m. through 10:00 a.m. (local time)</td>
</tr>
</tbody>
</table>

('82 Code, § 9-4-1-114.1(b)) (Ord. passed 8-19-86; Ord. 1983-11, passed 9-20-83; Am. Ord. 1992-01, passed 2-4-92; Am. Ord. 1993-13, passed 7-20-93; Am. Ord. 2005-12, passed 12-5-05; Am. Ord. 2009-04, passed 9-3-09; Am. Ord. 2016-10, passed 9-8-16) Penalty, see § 71.99
PENDLETON - PARKING SCHEDULES

SCHEDULE III. HANDICAPPED PARKING.

The following parking spaces shall be for the parking of physically handicapped persons only, as set forth in § 71.02. Such spaces shall be posted by visibly appropriate signs.

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Pendleton Avenue, just north of its intersection with State Street</td>
<td>First parking space on west side</td>
</tr>
<tr>
<td>South East Street, just north of its intersection with Walnut Street</td>
<td>First parking space on west side</td>
</tr>
<tr>
<td>South East Street</td>
<td>In front of 314 S. East St.</td>
</tr>
</tbody>
</table>

(Ord. 1988-11, passed 5-24-88; Am. Ord. 2002-12, passed 11-7-02; Am. Ord. 2003-11, passed 10-2-03) Penalty, see § 71.99
PENDLETON - PARKING SCHEDULES

SCHEDULE IV.  HEAVY TRUCK PARKING PROHIBITED.

No person shall stop or park any semi-tractors, semi-tractors and trailers, or other vehicles with a gross weight of over 10,000 pounds on any portion of the area commonly known as the "Depot" and more specifically described as the area bordered on the north by Water Street, on the east by Broadway, on the south by the alley between Water Street and State Street, and on the west by the alley between Pendleton Avenue and Broadway, except when necessary to avoid conflict with other traffic or on directions of state law or a police officer.

(Ord. 1994-05, passed 5-17-94)
TITLE IX:  GENERAL REGULATIONS

Chapter

90.  ABANDONED VEHICLES
91.  ANIMAL CONTROL
92.  CABLE TELEVISION
93.  HEALTH AND SAFETY; NUISANCES
94.  PARKS AND RECREATION
95.  STREETS AND SIDEWALKS
96.  TREES AND SHRUBS
97.  NOISE CONTROL
98.  GROVELAWN CEMETERY
99.  FAIR HOUSING
CHAPTER 90: ABANDONED VEHICLES

Section

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

Statutory reference:
Removal and disposal of abandoned vehicles, see IC 9-22-1

' 90.01 PURPOSE.

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

' 90.02 DEFINITIONS.

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

"ABANDONED VEHICLE."

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for three days.
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or 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 been removed by a towing service or a public agency 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.
6. 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.
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. (IC 9-13-2-1)

"AUTOMOBILE SCRAPYARD." A business organized for the purpose of scrap metal processing, vehicle wrecking, or operating a junkyard. (IC 9-13-2-8)

"BUREAU." The State Bureau of Motor Vehicles. (IC 9-13-2-16)

"FISCAL BODY." The Town Council. (IC 9-13-2-63)

"OFFICER." A member of the Town Police Department. (IC 9-22-1-2)

"OWNER." A person, other than a lienholder, that:

1. Holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

2. Is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security. (IC 9-13-2-121(c))

"PARTS." All components of a vehicle that, as assembled, do not constitute a complete vehicle. (IC 9-13-2-122)

"PRIVATE PROPERTY." All property other than public property. (IC 9-13-2-136)

"PUBLIC AGENCY." A local or state agency given the responsibility by statute or ordinance for removal, storage, and disposal of abandoned vehicles. (IC 9-22-1-3)

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

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

"VEHICLE." A vehicle of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-14. (IC 9-13-2-196(d))

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.

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A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

A vehicle located upon property licensed or zoned as an automobile scrapyard.

A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

**90.04 RESPONSIBILITY OF OWNER.**

(A) Except as provided in division (C), the person who owns an abandoned vehicle or part is:

1. Responsible for the abandonment;

2. 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.

**90.05 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER.**

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

(B) (1) The person who owns or holds a lien under division (C) below does not appear and pay all costs; or

2. The person who owns the vehicle cannot be determined by a search conducted under ' 90.08.

The vehicle is considered abandoned and must be disposed of under this chapter.

(C) If the properly identified person who owns or holds a lien appears at the site of storage before disposal of the vehicle or parts and pays all proper costs incurred against the vehicle or parts at that

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time, the vehicle or parts shall be released. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under this division (C). (IC 9-22-1-8)

(D) If the person who owns or holds a lien under division (C) of this section does not appear and pay all costs, the Bureau shall declare the vehicle abandoned and provide for disposal in accordance with this chapter. (IC 9-22-1-10)

' 90.06  RENTAL PROPERTY.

(A) This section applies to a vehicle that has been abandoned on rental property.

(B) A person who finds a vehicle believed to be abandoned on the person's rental property 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 the rental property, and a telephone number to contact for information;

(2) That the vehicle is considered abandoned;

(3) That the vehicle will be removed after 72 hours;

(4) That the owner of the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle;

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours. (IC 9-22-1-15)

(C) If, after 72 hours, the person who owns a vehicle believed to be abandoned has not removed the vehicle from the rental property, the person who owns the rental property may have the vehicle towed from the rental property. (IC 9-22-1-16(a))

(D) Notwithstanding division (C) of this section, in an emergency situation, a vehicle may be removed immediately. As used in this division (D), "EMERGENCY SITUATION" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the owner of the rental property or poses a threat to the safety or security of persons or property, or both. (IC 9-22-16(b))

(E) A towing service that who tows a vehicle under division (C) of this section shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service. (IC 9-22-1-17)
PENDLETON - ABANDONED VEHICLES

90.07 REMOVAL OF ABANDONED VEHICLES.

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

1. The date, time, officer’s name, Town Police Department, and address and telephone number to contact for information.

2. That the vehicle or parts are considered abandoned.

3. That the vehicle or parts will be removed after:
   (a) Thirty-six hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
   (b) Seventy-two hours, for any other vehicle.

4. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

5. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:
   (a) Thirty-six hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
   (b) Seventy-two hours, for any other vehicle. (IC 9-22-1-11)

(B) If a vehicle or a part tagged under division (A) of this section is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts. (IC 9-22-1-12)

(C) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined in accordance with division (B) of this section is less than $500, the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the State Bureau of Motor Vehicles. A towing service may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. The public agency disposing of the vehicle shall retain the original records and photographs for at least two years. (IC 9-22-1-13)

(D) If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined in accordance with division (B) of this section is at least $500, the officer, before placing a notice
tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the
vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer
shall require the vehicle or parts to be towed to a storage yard or towing service. (IC
9-22-1-14)

(E) Upon complaint of a person who owns or controls private property that a vehicle
has been left on the property for at least 48 hours without the consent of the person who owns
or controls the property, an officer shall follow the procedures set forth in divisions (A) through
(D) of this section. (IC 9-22-1-18)

90.08 DISPOSAL OF ABANDONED VEHICLES.

(A) (1) Within 72 hours after removal of a vehicle to a storage yard or towing
service under 90.06 or 90.07, the public agency or towing service shall do the following:

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

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

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

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

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

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

(3) If the public agency or towing service obtains the name and address of the
person who owns or holds a lien on a vehicle, under division (A)(1)(b) above, within 72 hours
after obtaining the name and
address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(a) Name;
(b) Address; and
(c) Telephone number

of the public agency or towing service. Notwithstanding 90.04 and division (A)(2) above a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this division may not collect additional storage costs incurred after the date of receipt of the name and address obtained under division (A)(1)(b).

A towing service may not collect reimbursement under both divisions (A)(1) and (2) above for storage costs incurred during a particular period for one vehicle.

The Bureau shall dispose of the vehicle in accordance with IC 9-22-1-20.

The Bureau or the Town Police Department shall further advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person’s legal responsibility.

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

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 Police Department.
(C) A towing service.
(D) An automobile scrapyard.
(E) A storage yard.
CHAPTER 91: ANIMAL CONTROL

Section

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91.01 ADOPTION OF STATE LAW.

(A) All laws of the state which pertain to the regulation and control of animals, including but not limited to their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, the prevention and control of diseases of domestic animals, and the active rules and regulations of the State Board of Health and unlawful acts relating thereto which are not inconsistent with this chapter are made a part of this chapter by reference.

(B) The sections of this chapter are not to replace state laws, but are to be considered supplementary and in addition to the laws of the state, are to be fully enforced where not inconsistent with those laws. Any violation of the state statute which is an infraction by state law shall also be deemed a violation of this chapter and may be enforced as an infraction of the same class of infraction as the state statute.

(Ord. 2015-03, passed 4-9-15)

91.02 DEFINITIONS.

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

ABANDONED ANIMAL: Any domesticated animal which shall have been placed upon public property or within a public building unattended or uncared for or upon or within
the private property of another without the express permission of the owner, custodian or tenant of the private property, and which is unattended or uncared for.

Adult Dog and Adult Cat. Any dog or cat that is three months of age or older for the purposes of rabies vaccinations/tags.

Animal. Every living non-human creature, both domestic and wild.

Animal Control Officer. Any person who is authorized to implement and enforce town animal care and control ordinances and as defined in state statutes.

Auction. A commercial animal establishment where animals are regularly bought or sold, traded, etc., i.e., a flea market.

Authorized Veterinarian Clinic. Any person licensed or permitted to practice veterinary medicine under the laws of the state, and such person shall have had no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

Circus. A commercial animal establishment variety show featuring animals as public entertainment.

Colony. A group of one or more feral cats, whether unmanaged or managed.

Colony Caretaker. An authorized person who provides food, water and shelter for feral cats in a registered colony.

Commercial Animal Establishment. Any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.

Direct Control. Immediate and continuous physical control of an animal (excluding herding dogs; dogs in the process of hunting; police dogs; dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term "DIRECT CONTROL" includes oral or visual control if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed 100 feet. Oral control shall at all times prevent the animal from running at large or otherwise violating this chapter.

Dogs Running At Large. Any dog not under immediate control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his or her owner. Hunting dogs are under the control of the owner when hunting with the landowner’s permission.
A **DOMESTIC ANIMAL.** A dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake, spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet.

A **FERAL CAT.** Any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approached or handled.

A **GROOMING ESTABLISHMENT.** Any place of business, stationary or mobile, which accepts private pets for bathing, clipping, dipping, pedicuring or other related services, but not to include breeding, dentistry or overnight boarding.

A **GUARD DOG** and **WATCHDOG.** Any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term **RECOGNIZED TRAINING FACILITY** means any person holding a state kennel license and a business license for either of the purposes described in this definition.

A **GUIDE DOG.** A properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons and that is actually being used by a person to assist in that physical impairment.

A **HARBORER** and **CAREGIVER.** Any person who performs acts of providing care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal’s activities.

A **HUMAN SOCIETY.** An incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane society accepts members from the public at large, and the controlling board is elected by the general membership. A humane society operates from a business facility on commercially zoned property and has advertised and set hours for public access.

A **HUMANE TRAP.** Any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps or similar devices are considered inhumane and shall not be used.

A **IMPOUNDMENT.** The act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to an animal control facility or humane society.

A **KENNEL** and **CATTERY.** Any place in which more than three dogs or more than three cats are kept.

A **LIVESTOCK.** Includes horses, cows, goats, pigs or any other four-legged animal, excluding dogs and cats, used for pleasure or profit. **FOWL** are expressly included within this definition.

A **MANAGED COLONY.** A colony of feral cats that are registered with the humane society and town, or their respective designee, and is maintained by a colony caretaker in a location approved by the town using trap, neuter, return methodology.

A **OWNER.** Any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his or her care or who permits an animal to remain on or about his or her premises; provided, however, this shall not include a person hired or acting as custodian of the animal for
its owner, and shall not include colony caretakers of registered colonies of feral cats.

**PET SHOP.** A commercial animal establishment engaging in the retail sale of animals.

**POLICE OFFICER.** Any law enforcement officer empowered to make arrests or cause to be issued summonses in unincorporated areas of the town.

**RIDING SCHOOL** or **STABLE.** A commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.

**RUNNING AT LARGE.** Any dog or cat that leaves or strays from the land owned, rented or leased by the owner or possessor of the dog or cat.

**TOWN.** The incorporated areas of the Town of Pendleton, Indiana.

**VETERINARY HOSPITAL.** A commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, treatment of disease and injuries of animal.

**VICIOUS ANIMAL** and **DANGEROUS ANIMAL.** Any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared dangerous if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

**ZOOLOGICAL PARK.** A commercial animal establishment displaying or exhibiting, without the primary purpose of selling, one or more species of non-domesticated animal operated by a person or governmental agency.

(Ord. 2015-03, passed 4-9-15)

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12A PENDLETON - ANIMAL CONTROL

' 91.04

' 91.03 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS.

Every owner of every animal kept in the town shall see that such animal:

(A) Is kept in a clean and sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement. The person responsible for the animal shall regularly and as often as necessary maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems;

(B) Shall have proper and adequate food that is nutritionally appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter 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 a choke collar nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than 12-feet in length or of such unreasonable weight as to prevent the animal from moving about freely;

(D) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any
other mistreatment;

(E) Shall provide reasonably necessary medical care, in addition to the required rabies vaccination, which shall include distemper, parvo virus inoculations; if diseased or exhibiting symptoms of disease, receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease;

(F) Shall ensure that the animal has a microchip or other similar form of identification for the animal as allowed under this chapter; and

(G) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the town and in effect from time to time.

(Ord. 2015-03, passed 4-9-15) Penalty, see ' 13.02

91.04 IMPOUNDMENT.

In the event that an animal is impounded pursuant to this chapter, and in addition to any other penalty provided in the code or court costs, the owner shall reimburse the town for the cost associated with providing shelter for each impounded animal at an animal control facility or the humane society. The cost for providing shelter shall be the amount approved annually by the Town Council. The money shall be deposited in the Animal Control Fund.

(Ord. 2015-03, passed 4-9-15)

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' 91.05 PENDLETON - ANIMAL CONTROL 12B

' 91.05 VACCINATIONS AND MICROCHIP REQUIREMENTS.

(A) The implant of an identification microchip provided under this section shall conform with the requirements of 345 Indiana Administrative Code ' 1-2.6-9.

(B) In accordance with 345 Indiana Administrative Code ' 1-5-2, all dogs and cats three months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat, or ferret shall be maintained by ongoing revaccination of the animal as follows:

(1) Ferrets shall be revaccinated within 12 months of the prior vaccination.

(2) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends annual boosters shall be revaccinated within 12 months of the prior vaccination.

(3) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends a booster one year later and triennially thereafter shall be revaccinated within 36 months of each vaccination thereafter.

(C) The owner of the animal is responsible for procuring the vaccinations required by this section.

(D) All dogs and cats over the age of four months must be implanted with an identifying microchip.

(E) Exemptions. The microchip requirements shall not apply to any of the following:

(1) A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner must obtain written confirmation of that fact from an Indiana licensed veterinarian. If the
dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.

(2) A dog or cat that is kenneled or trained in the town, but is owned by an individual that does not reside in the town.

(3) A dog or cat for which the owner ensures that another form of identification that provides the owner’s name, address, and telephone number are present on the dog or cat; however, should such a dog or cat be found by an Animal Control Officer without such identification, then the dog or cat shall be subject to the microchipping requirements of this section and the owner shall be subject to a fine for failure to comply with this section.

(F) Transfer, sale of dogs and cats:

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(1) An owner who offers any dog, over the age of four months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner.

(2) An owner who offers any cat, over the age of four months for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner.

(G) When an impounded dog or cat is without microchip identification or is exempt from the requirements of this section, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment, of impound fees pursuant to this chapter, the owner shall have the dog or cat implanted with a microchip by an Indiana licensed veterinarian technician or veterinarian or designated personnel at the expense of the owner before the dog or cat may be released to the owner.

(Ord. 2015-03, passed 4-9-15) Penalty, see 13.02

91.06 CRUELTY, ABUSE, NEGLECT, AND ABANDONMENT OF ANIMALS.

(A) Cruelty shall mean and include every act whereby unnecessary or unjustifiable pain, suffering or death is caused, permitted or allowed to continue where there is reasonable remedy or relief. Acts of cruelty shall include, but not be limited to, the following:

(1) Whoever willfully or maliciously kills, abuses, maims, or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any poisonous substance with the intent that the poisonous substance shall be taken and swallowed by such animal shall be deemed in violation of this section.

(2) Whoever overloads, overdrives, tortures, torments, or deprives an animal of its necessary sustenance or shelter; beats, mutilates, or kills any animal or causes such to be done; or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this section.

(3) Whoever confines any animal and fails to supply it with sufficient quantities of wholesome food and water, whoever keeps any animal in any enclosure without wholesome exercise and change of air or whoever abandons any animal to die shall be deemed in violation of this section.
No person shall:

(a) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting;

(b) Build, make, maintain, or keep a pit on premises owned by him or her or occupied by him or her or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of animal fighting;

(c) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat; or

(d) Charge admission; be an assistant, umpire or participant; or be present as a spectator to any exhibition of animal fighting or combat.

Any Police Officer or other officer or agent of the town empowered to act by law may impound any animal found to be cruelly treated.

It shall be the duty of the owner to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards, and areas adjacent thereto wherein any animal is kept.

Nothing in this section shall be deemed to prohibit the humane slaughter of livestock or poultry in conformance with all applicable rules and regulations of the State Board of Health and the United States Food and Drug Administration.

Nothing in this section shall prohibit hunting or fishing, as permitted by the law of the state and the rules and regulations of the Indiana Department of Natural Resources.

Nothing in this section shall prohibit the use of commercially sold poisons for the control of rats, mice, groundhogs, moles or other similar rodents as long as the person using the poisons uses reasonable care to ensure that neither domestic animals nor livestock are exposed to the poisons.

Every case of a human bitten by a domestic or wild mammal shall be reported promptly to the local health officer or his or her designee having jurisdiction. It is the duty of the person bitten or the person’s parent or guardian to make the report in conformance with 410 Indiana Administrative Code 1-2.3-52, as amended. Law enforcement K-9 dogs are exempted from this section.

Standards for commercial animal establishments are as follows:

(A) The establishment must be operated in such a manner as not to constitute a public nuisance.

(B) The establishment shall provide an isolation area for animals that are sick or diseased to be placed in so as not to spread disease to healthy animals.

(C) All animals must be kept caged, within a secure enclosure or under the control of the owner at all times.
(D) The establishment must provide the level of care provided for in the town's animal control ordinances to all animals kept on the premises.

(E) The establishment will not sell animals which are unweaned or diseased.

(F) The establishment shall permit the Police Department to inspect at any and all times the premises where the animals are kept.

(G) The establishment must provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure.

(H) A commercial animal establishment is defined by, but not limited to, the following:

1. Auction;
2. Flea market;
3. Circus;
4. Riding school or stable;
5. Veterinary hospital;
6. Zoological park;
7. Pet shop;
8. Pet grooming shop; and

(I) All commercial animal establishments, other than a circus temporarily located within the town for less than ten days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.

(J) The town adopts the Code of Federal Regulations, 9 CFR 3.1 through 3.19 as the standards for operation and inspection of kennels. The Town Council appoints the Police Department, or the Chief of Police's designee, as the agency authorized to inspect kennels. (Ord. 2015-03, passed 4-9-15) Penalty, see ' 13.02

91.09 FERAL CATS.

(A) The town may establish a fund, provide services, or an approved assistance program to offset the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected and registered colony site. Caregivers for such colonies, whether one or several animals, may be aided by the town or the approved assistance program in providing traps for the capture of the cat, transportation to a spay/neuter facility and offsetting costs, to the extent that funding is available.

(B) Prior to the establishment of any feral cat colony, the proposed colony and its location shall be approved and registered by the caregivers with the humane society and the town, which will serve as a clearinghouse for information on current caregivers, education for
new caregivers, and assistance for persons found in violation of this chapter.

(C) Approved assistance programs for feral cat colonies within the town will exist only with the approval of the home owner or neighborhood association in which the colonies are to exist.

(D) It shall be unlawful for a person to provide food, water or shelter to a colony of feral cats, unless:

1. The colony is an approved managed colony, registered with the humane society and the town;

2. The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth below; and

3. Ear tipping will be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.

Any person or caregiver determined to be in violation of divisions (5)(a) through (h) below shall be issued a written warning and be allowed a period of time to come into compliance or provide satisfactory evidence of working to achieve compliance. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation.

(5) An approved feral cat colony caretaker, in order to obtain control of the feral cat population in the town may:

a. Humanely trap and sterilize (spay/neuter) and left ear-tip all cats that can be captured by a licensed veterinarian.

b. Vaccinate, as required by law, all cats that can be captured:

1. Against rabies, preferably with a three-year vaccine; and

2. Any other infectious disease as mandated by law.

3. Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped feral cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.

c. Release all non-feral cats to the Police Department or humane society for adoption or placement in accordance with the law.

d. Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.

e. Make every attempt to remove sick or injured cats from the colony for immediate veterinary care or humane euthanasia.

f. Colony caretakers shall abide by the standard guidelines devised by this chapter, the Chief of Police or his or her designee, regarding the provisions of food, water, and shelter and veterinary care for the cats within the managed colony.

g. Ensure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations of the feral cat caregiver.
A colony caretaker must maintain proof of sterilization, vaccination, tattoo or implant, and medical records from a licensed veterinarian at all times. These records must be provided to the humane society or law enforcement upon request.

Any law enforcement authority may impound feral cats in violation of this chapter. Any feral cats impounded by law enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of law enforcement be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

Violations, penalties and fines. Caregivers in violation of this section will lose caretaker privilege and will become subject to all sections of this chapter.

Penalty, see ' 13.02

Vicious Animals.

It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog, cat or other animal on the streets or public places of the town or allow the animal to run on the premises of another at any time, unless, in addition to the other requirements of this chapter, such dog, cat or other animal shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reason, the Police Department or other animal control officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

This section shall not apply to law enforcement dogs.

Penalty, see ' 13.02

Disposition of Dead Animals.

A person finding a dead domestic animal or large undomesticated animal or the surviving young of either within the town shall call the Police Department in the location where the animal is found. It is the responsibility of the Police Department or town to notify the appropriate authorities, in a timely manner not to exceed three days.

Restraint of Animals.

It shall be unlawful for any owner or possessor of any dog or cat to allow such dog or cat to run at large, whether wearing a collar and tag or not, within the incorporated or unincorporated areas of the town. Any and all such dogs found running at large, whether wearing a collar and tag or not, shall be immediately impounded by any police officer. The officers may pursue the animal onto private property to effect capture of such animal.

The owner or possessor of the animal can be issued a summons into court for that town ordinance violation. An animal may be exempt from this chapter when the surgical procedures may be detrimental to the animal's health, with a licensed veterinarian confirming this in writing and notice is given to the town within ten days.

It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be jointly responsible for the minor's violation of this chapter.

It shall be the duty of every owner or custodian of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is:
(1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended;

(2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; or

(3) On a leash and under the control of a competent person; or off a leash and obedient to that person’s command and that person is present with the animal any time it is not restrained as provided for in divisions (D)(1) or (2) of this section while on the owner’s property.

(E) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious or dangerous animals:

(1) In addition to the requirements in division (D)(1) of this section, the owner of a dangerous or vicious dog who maintains the dog out-of-doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the vicious or dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal’s needs such as cleaning the kennel or providing food and water;

(2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner’s property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced; and

(3) No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this division.

(F) The owner or custodian of any guard dog or watchdog must confine such dog within a perimeter fence and meet the following conditions:

(1) The fence shall be sufficient to prevent the dog’s escape, with all points of ingress and egress securely locked at all times; and

(2) A beware of dog sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, with a minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.

(G) The chaining of dogs is discouraged, but if it is done, the following is required:

(1) The dog must be able to reach fresh food and water 24 hours a day;

(2) The chain must be at least 12 feet in length;

(3) The chain must be not of a weight heavy enough to cause physical damage to the dog’s neck or body;
The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole or tree. It must be able to move freely in all directions;

The dog must have shelter from the weather, yet free from becoming entangled with the chain. The dog must have access to the shelter 24 hours a day; and

The shelter or doghouse must be kept clean and sanitary and in good repair so the dog does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year.

Penalty, see ' 13.02

A public nuisance animal shall mean and include any animal that:

1. Is repeatedly found at large;
2. Damages the property of anyone other than the owner;
3. Is vicious;
4. Attacks without provocation;
5. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
6. Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or
7. Is not being kept in conformity with town zoning resolutions.

Any such public nuisance animal may be impounded and the owner or possessor charged for a violation of this chapter.

Penalty, see ' 13.02

A person whose vehicle causes injury or death to a domestic or wild animal in the town shall immediately notify the animal's owner, if known, or the Police Department, together with a description of the animal struck, the location of the striking, and an estimate as to the condition of the animal after being struck. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

Penalty, see ' 13.02

It shall be unlawful to interfere with any person empowered to act by law, to take or attempt to take any animal from the town vehicle used to transport the animal, or to take or attempt to take any animal from an animal control shelter or impounding area.
91.16 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT.

The owner or keeper of any female dog or cat in heat kept in the town shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance and in such a manner so as to prevent conception except during planned breeding.

91.17 INJURED ANIMAL; ACTION REQUIRED.

(A) It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of the animal or the Police Department.

(B) Notification shall include the location and description of the animal and the condition of the animal if known.

91.18 ANIMAL WASTE.

The owner of every animal shall be responsible for the removal of any feces deposited by his or her animal on public property, public walks, public parks, beaches, recreation areas or the private property of others. Owners of service dogs may be exempted from this section.

91.19 LOST OR STRAY ANIMALS.

A person finding a stray animal is to notify the humane society within 48 hours. At the discretion of the humane society, the animal may be kept by the finder and a found pet report left with the Department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the humane society, any found animal will be surrendered and held for a minimum of seven days before a disposition is made. A person finding an animal is obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while the animal is in custody awaiting return to its actual owner. With the exception of the humane society for the town, the finder will be considered the found animal’s owner for the purpose of this section only after the animal is in the finder’s custody for 30 continuous days.

91.20 WILDLIFE.

For provisions on wildlife, see 312 Indiana Administrative Code, Article 9: Fish and Wildlife.

91.21 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal (extreme heat or cold). No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to
prevent the animal from jumping from the vehicle or being thrown from the vehicle in an accident or rapid stop or other use of the vehicle which could cause injury to the pet. No animal shall be transported in the trunk of any vehicle.

(Ord. 2015-03, passed 4-9-15) Penalty, see '13.02

91.22 ANIMAL SACRIFICE.

No person shall engage in, participate in, assist in or perform animal sacrifice. No person shall own, keep, possess or harbor any animal with the purpose or intention of using such animal for animal sacrifice. No person shall knowingly sell, offer for sale, give away or transfer any animal to any person when he or she knows or believes that person intends to use such animal for animal sacrifice. This section does not prohibit slaughter of animals for agriculture purposes.

(Ord. 2015-03, passed 4-9-15) Penalty, see '13.02

91.23 STERILIZATION OF DOGS AND CATS REQUIRED; BREEDER’S PERMIT.

(A) Each dog and cat over the age of six months which is kept in the town shall have been sterilized and rendered incapable of reproducing by a licensed veterinarian, unless a veterinarian has certified in writing that it would not be in the animal’s best medical interest, but in no case later than when that excepted animal attains the age of nine months. It shall be unlawful for a person to own a dog or a cat not in compliance with this section and for which the owner does not have a current and valid intact breeder’s permit.

(B) A breeder’s permit shall be obtained by the following:

(1) Any person who intentionally causes or accidentally allows the breeding of a dog or cat available for breeding purposes;

(2) Any person who offers for sale, sells, trades, receives other compensation, or gives away any litter of dogs or cats;

(3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter;

(4) Any person owning or having custody of a dog or cat which is older than six months of age, which has not been sterilized and for which the person owning or having custody of such an animal does not have a written certification from a licensed veterinarian stating that it is not in such animal’s best medical interest to be sterilized, but in no case after the dog or cat has attained the age of nine months;

(5) A dog or cat with a high likelihood of suffering serious bodily injury, if sterilized, due to the health conditions of the animal. The owner must obtain written confirmation of that fact from an Indiana licensed veterinarian. If the dog or cat is able to be safely sterilized at a later date, the date must be stated in the written confirmation.

(6) Any person owning a dog or cat that is used for competition and who does not desire to sterilize the animal because of the competitive interests; or

(7) Any person owning a dog that is used for hunting or sporting activities and who does not desire to sterilize the animal due to those activities.

(C) Such breeder’s permit shall:

(1) Allow the non-sterilization of animals owned by the permittee for one
12-month period after the date of issuance and the birthing of a maximum of one litter in a 12-month period in his or her or any domestic household or establishment or any combination thereof;

(2) Not allow the owner to offer for sale, sell, trade, or receive other compensation or give away more than one litter of dogs or cats in such 12-month period; and

(3) Require the holder of the permit to furnish the town with information on the birth of each litter of dogs and cats as may be required by the division to register the litter and be assigned a letter number for each litter.

(D) The holder of a breeder's permit shall:

(1) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's permit number in order that the new owner has assurance and proof that the animal was legally bred;

(2) Immunize all dogs and cats offered for sale, trade, or other compensation or for free give away against the most common contagious diseases; for dogs against canine distemper, hepatitis, para influenza, and parvo virus and for cats against feline rhinotracheitis, calicivirus, and panleucopenia;

(3) Not offer a puppy or kitten under the age of eight weeks for sale, trade or other compensation or for free giveaway; and

(4) Furnish a warrant of health for a period of not less than one week with the recommendation to have the animal examined by a licensed veterinarian for each animal sold, traded, or given away.

(E) Each breeder's permit shall be obtained from the Police Department by submitting the form provided by the Department.

(F) Each holder of a valid breeder's permit shall register additional litters with the Police Department. Each additional litter registration shall comply with the same requirements as the original breeder's permit.

(G) A copy of the breeder=s permit application as required by this section is attached as Exhibit A to Ordinance 2015-03.

(Ord. 2015-03, passed 4-9-15) Penalty, see ' 13.02
CHAPTER 92: CABLE TELEVISION

Section

92.01 Title
92.02 Definition
92.03 Grant of authority
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92.01 TITLE.

This chapter shall be cited as the Cable Television and Audio Communications Services Chapter. (82 Code, 25-36-1-l(a) (l)) (Ord. passed 1-22-80)

92.02 DEFINITION.

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

"COMPANY." Any company granted a franchise under the provisions of this chapter. (82 Code, 25-36-1-l(a) (2)) (Ord. passed 1-22-80)

92.03 GRANT OF AUTHORITY.

In consideration of the faithful performance and observance of the conditions and reservations hereinafter set forth, the town may grant to the company the right to erect, install, construct, reconstruct, replace, remove, repair, maintain, and operate in or upon, under, above, across, and from the streets, avenues, highways, sidewalks, bridges, water towers, and other public ways, easements, and rights-of-way as now existing and all extensions thereof and additions thereto, in the town including the right to use and employ all equipment, facilities, appurtenances, and apparatus of any nature, including but necessarily limited to wave guides and cables, of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional, and multi-directional of every nature and description, audio, and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and
activities generally known as and practiced now and in the future by cable television and audio communications services, in accordance with the laws of the United States of America, and the state.

(‘82 Code, ‘ 25-36-l-1(b) ) (Ord. passed l-22-80)

92.04 LICENSE NONEXCLUSIVE.

(A) The license granted to the company shall be nonexclusive. The town reserves the right to adopt, in addition to the provisions contained herein, such additional regulations as it shall find necessary in the exercise of its supervisory power; provided, however, that such regulations are reasonable and not materially in conflict with the privileges granted in this chapter. (‘82 Code, ‘ 25-36-l-1(b) )

(B) The right to use and occupy the said streets, alleys, public ways, and places for the purposes herein set forth shall not be exclusive, and the town reserves the right to grant a similar use of said streets, alleys, public ways, and places, to any person at any time during the period of this agreement. (‘82 Code, ‘ 25-36-l-1(c) ) (Ord. passed l-22-80)

92.05 ASSIGNMENT OF FRANCHISE.

The franchise shall not be assigned without the written consent of the town. The consent of the town shall not be unreasonably withheld. Any assignment by the company shall be in writing. Any attempted assignment by the company shall be void without the written consent of the town, and the town may forthwith void the franchise without notice as a result thereof.

(‘82 Code, ‘ 25-36-l-1(n) ) (Ord. passed l-22-80)

92.06 DURATION OF FRANCHISE.

The franchise and rights herein shall take effect and be in force from and after its approval by the Board of Trustees and shall continue in force and effect for a term of 15 years.

(‘82 Code, ‘ 25-36-l-1(c) ) (Ord. passed l-22-80)

92.07 LIABILITY AND INDEMNIFICATION.

(A) The company shall indemnify the town for, and hold it harmless from, all liability, damage, cost, or expense, including but not limited to, attorney’s fees, arising from claims of injury to persons or damage to property, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, and operation of the company’s community antenna television and audio communications service, and resulting from or by any negligence, fault, or misconduct on the part of the company, its agents, officers, servants, and employees. Any property of the town damaged or destroyed in connection with the construction or operation of the cable system shall be promptly repaired or replaced by the company and restored to serviceable condition.
(B) The company shall carry a general comprehensive liability insurance policy with the following limits:

1. Bodily injury, including death, $500,000, for any one person and $1,000,000 for any one accident.
2. Property damage, $500,000.
3. Contractual liability, $500,000.

(C) In addition the company shall carry worker's compensation insurance as provided by the laws of the state.

(D) The company shall furnish to the town a certificate of such insurance indicating that said insurance may only be cancelled upon 30 days notice in writing to the town.

('82 Code, '25-36-1-1(f)) (Ord. passed 1-22-80)

. 92.08 ABANDONMENT OF SERVICE UPON WRITTEN NOTIFICATION.

The company shall not abandon any service or any portion thereof without the written consent of the town.

('82 Code, '25-36-1-1(c)) (Ord. passed 1-22-80)

. 92.09 OPERATING RULES; PAYMENTS TO TOWN.

(A) The company shall have authority to promulgate such rules, regulations, terms, and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under the franchise, and to assure uninterrupted service to each and all of its customers; provided, that such rules, regulations, terms, and conditions shall not conflict with the provisions hereof. Two copies of such rules, regulations, terms, and conditions adopted by the company shall be available for inspection at its local office and shall be filed in the office of the Clerk-Treasurer.

(B) In consideration of the terms hereof, the company shall pay to the town, semiannually on January 1, and July 1, and be payable within 30 days after due date, a 3% fee based on gross basic cable television subscriber revenues in the service area during the preceding period.

(C) Such payment shall be deemed compensation for services rendered, supervision and inspection of equipment and facilities, and for other expenses relating to the installation and operation of this system on the part of the town as provided in this agreement.

('82 Code, '25-36-1-1(d)) (Ord. passed 1-22-80)

. 92.10 INSTALLATION AND MAINTENANCE OF EQUIPMENT.

(A) The company's plant and equipment, including the distribution system towers, structures, poles, wires, and appurtenances, shall be installed with materials of good and durable
quality and all work involved in construction, installation, maintenance, and repair of the cable system shall be performed in a safe, thorough, and reliable manner.

(B) The company shall erect and maintain said cable and wires pursuant to and in accordance with the provisions of any and all rules and regulations of the town, relating to electrical wire, telephone wires, and cables, which are reasonable and which now are, or hereafter may be, duly adopted by the town.

(C) The company shall also restore any ground or surface disturbed in installation within the town, at its own expense. The company agrees to conform to all orders, rules, and regulations of any and all municipal, state, or federal departments, boards, commissions, and agencies, now existing or hereafter created, affecting said installations, and will, at its own expense and cost, promptly execute and comply with all laws, rules, and regulations and ordinances now in force or hereafter enacted, which will effect the erection of poles and the stringing of wires and cable over, on and along the streets, roadways, sidewalks, or alleys in said service area, and involving and including all structural alterations, changes, or additions of whatever size and description.

(D) The company shall procure, prior to construction and commencement of operation, such permits as are required by law from federal or state regulatory bodies.

(E) The company shall, at the expiration of the term of its franchise, surrender such premises which belong to the town in as good condition as now existing, with the proper allowance and exception for the ordinary and necessary wear and tear. The company will remove any poles which it may erect in the service area.

(F) The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places in the service area so as to prevent the branches of such trees from coming in contact with the wires and cables of the company, all trimming to be done after notification to the town and at the expense of the company. However, said authority shall not be construed in any manner whatsoever to relieve the town of any of its obligations relative to trimming of trees.

(G) (1) The company may lease, rent, or in any other manner obtain the use of towers, poles, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises within the service area, and to use such towers, poles, lines, cables, and other equipment and facilities, subject to all existing and future ordinances and regulations of the town, and shall indemnify and hold the town harmless for any damages or liability arising out of any of the said leases, rights, or licenses obtained for the use of its facilities.

(2) The company shall have the right to erect, install, and maintain its own towers, poles, guys, anchors, lines, cables,
and ducts as may be necessary for the proper construction and maintenance of the cable system, including the right to extend lines and cables to and from other municipalities served by the company’s cable television system, provided that poles placed on the town properties shall first have their location approved by the town. Such approval shall be not unreasonably withheld.

(3) The company’s distribution system shall be constructed and maintained underground wherever all public utility facilities are underground and whenever hereafter all such facilities are placed underground, the company will remove its cable from poles and place the same underground. (‘82 Code, ’ 25-36-l-l(e)) (Ord. passed l-22-80)

92.11 IMPLEMENTATION OF SERVICE.

(A) The company shall provide a cable television system which will conform to the technical standards specified in the Federal Communications Commission rules and regulations. The company shall extend, within one year of the granting of all authorizations for the area to be served, energized cable passing in front of the homes of residents of that area provided that the area contains a minimum density of 40 homes per mile from the end of existing plant.

(B) Any installation other than at the standards of density above mentioned or contained in this section shall be at a special construction and maintenance cost. Any subscriber wishing an estimate of service for the special construction shall make such request known in writing to the company which shall provide an estimate in writing within 30 days of receipt of said request. Said estimate shall specify the amount to be charged for labor, materials, and specify circumstances necessitating such costs.

(C) Notwithstanding the service extension requirements as indicated in divisions (A) and (B) above, the company shall extend service to additional areas covered by this franchise if economically and technically feasible.

(i) Prospective subscribers in areas of marginal linear density may negotiate with the company for an equitable sharing of costs to extend the Cable TV System into said marginal areas. Such negotiations may include, but not be limited to, various levels of construction cost, profitability, rate of return, installation fee, and monthly subscription fee. At a minimum, the company shall provide 132 feet of trunk, which is the number of feet of trunk which would be provided at a density of 40 homes per mile, or feeder cable per subscriber at no cost beyond the current basic subscriber rates. Details for negotiating and implementing the extension of the system into such marginal areas shall be arranged between the town and the company.

(2) Prospective subscribers may create other forms of legal organizations to design and construct cable TV extensions systems in their area. Nothing herein shall prohibit the company
corporation from assisting such organizations, by making financial and technical advice and bulk purchasing power available to the greatest extent possible. Upon agreement as provided herein the company shall permit or perform the connection of the extension system to its plant, and shall in no way delay or prohibit such connection.

(3) Upon agreement as provided herein, the company shall cooperate with the system extension owners to correct the technical problems should any develop. The rates, charges, and fees for the plans and service provided in this subsection shall be determined at special negotiation sessions.

('82 Code, ' 25-36-l-1(h))  (Ord. passed 1-22-80)

92.12 SERVICE FARE.

The company shall furnish, without charge, one connection for service to each public and parochial school, each fire station located in the service area, and the town hall; and shall furnish, without charge, monthly service thereafter while this agreement remains in effect. The company may, at its discretion, add or substitute other stations and services when legally and technically feasible.

('82 Code, ' 25-36-l-1(i))  (Ord. passed 1-22-80)

92.13 COMPLIANCE WITH FCC RULES.

Any amendment to Federal Communications Commission (FCC) rules consistent with the requirement of FCC Rule 76.31(a)(b), and any modification of Rule 76.31 resulting from an amendment thereto by the FCC shall to the extent applicable, be considered as a part of this chapter as of the effective date of the amendment made by the FCC and shall be incorporated into this chapter by specific amendments hereto by the town within one year of the effective date of the FCC amendments or the time of any renewal of the franchise, whichever occurs first.

('82 Code, ' 25-36-l-1(j))  (Ord. passed 1-22-80)

92.14 ADMINISTRATION OF SERVICES.

The President of the Board of Trustees or a person duly authorized by the President shall be responsible for the continuing administration of this chapter and the Clerk-Treasurer shall be notified concerning subscriber complaints.

('82 Code, ' 25-36-l-1(l))  (Ord. passed 1-22-80)

92.15 OPERATING AUTHORIZATIONS.

The company shall file requests for all necessary operating authorizations with the Federal Communications Commission within 60 days from the date of the grant of the franchise.

('82 Code, ' 25-36-l-1(m))  (Ord. passed 1-22-80)
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92.16 DISCRIMINATORY ACTIONS PROHIBITED.

The company will not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges or employment because of age, race, creed, color, national origin, or sex. ('82 Code, ' 25-36-I-1(k)) (Ord. passed 1-22-80)

92.17 REVOCATION.

(A) If the company shall fail to comply with any of the provisions of this agreement, or default in any of its obligations hereunder, except for causes beyond the reasonable control of the company, the town shall have the right to cancel the franchise if, after 60 days written notice, such failure or default has not been corrected, and thereafter all rights of the company hereunder and the franchise shall become null and void, without further liability on the part of the company. In the event the company shall be adjudged bankrupt or placed in receivership, the town may declare the rights herein granted forfeited and terminated. ('82 Code, ' 25-36-I-1(g)) (Ord. passed 1-22-80)

(B) Should the company fail to begin and complete service within a reasonable time, after grant of the franchise, the town may revoke the franchise, and any contractual obligation therein, by serving a 30-day written notice of its action to the company, served in its office in the county or its designated agent in this state, at the office of the Secretary of State. A reasonable time shall be understood by and between the parties to be 18 months. ('82 Code, ' 25-36-I-1(g)) (Ord. passed 1-22-80)
CHAPTER 93: HEALTH AND SAFETY; NUISANCES

Section

93.01 Definition
93.02 Acts proscribed and prohibited
93.03 Abatement of nuisance
93.04 Collection of fees and costs
93.05 Other powers of planning commission under this chapter
93.06 Notice required under this chapter
93.07 Use and placement of key boxes
93.08 Unsightly premises and upkeep of property
93.99 Penalty

Cross-reference:
Noise control and amplifying devices, see Ch. 97

93.01 DEFINITION.

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

"NUISANCE," The doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting of any condition or thing to be or exist, which act, omission, condition, or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others: or
2. Offends decency; or
3. Is offensive to the senses; or
4. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage; or
5. In any way renders other persons insecure in life or the use of property; or
6. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

(Ord. 1996-05, passed 8-13-96)

93.02 ACTS PROSCRIBED AND PROHIBITED.

(A) The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of the following items, conditions, or actions is hereby declared to be and constitute a nuisance, provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:
(1) Weeds, grass or other rank or useless vegetation not cultivated and maintained in a plant bed by the landowner and/or occupant which are deemed to be a nuisance by the Planning Commission, Planning Director, Building Inspector, or any law enforcement officer of the town and have attained a height exceeding eight inches, as measured from the ground, including but not limited to that portion of such real estate as is adjacent to or abutting upon any sidewalk, alley or street.

(2) Vegetation, trees, or woody growth on private property which, due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way, or easement.

(3) A condition which causes property to become a health or safety hazard, unless specifically authorized under existing laws and regulations.

(4) Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metal, lumber, or other things.

(5) Any condition which provides harborage for rats, mice, snakes, and other vermin.

(6) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(7) All necessary or unauthorized noises and annoying vibrations, including noises.

(8) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches.

(9) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(10) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, or other substances.

(11) Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained.

(12) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(13) Dense smoke, noxious fumes, gas, soot, or cinders.

(14) The unauthorized obstruction of any public street, road, or sidewalk.

(15) Any abandoned vehicle, including but not limited to automobiles, trucks, trailers, campers, boats, and recreational vehicles.

(16) Any machinery not connected with the operation of a household, and equipment, including but not limited to refrigerators with doors intact, in any open or unfenced area, or in any building or structure to which the public has access.
Any structure not built or manufactured for permanent residence shall not be used as a dwelling.

Trash and trash receptacles shall not be placed at curbside more than 24 hours prior to the scheduled time for pick-up. All receptacles shall be removed from curbside within 24 hours of pick-up time.

It shall be unlawful for any property owner, or occupant, or other person to allow a nuisance as defined in this chapter to exist.

It shall be unlawful for any property owner, or occupant, or other person to:

1. Place a portable storage container (such as PODs) in any street or alley;
2. Keep a portable storage container (such as PODs) on any public or private property for more than seven days; or
3. Keep a dumpster or trash receptacle with a volume exceeding 100 gallons on public or private property. This division shall not apply to businesses and/or property owners, occupants, or other persons using such a dumpster in accordance with a valid building permit.

Abatement of Nuisance.

The Planning Commission, Planning Director, Building Inspector, or any law enforcement officer of the town may at any time require the owner and/or occupant of any property upon which a nuisance as herein defined exists to do all things necessary to remove the nuisance from the property by giving the owner and/or occupant written notice of the existence of the nuisance. The owner and/or occupant shall take any and all actions necessary to abate the nuisance within three days of receipt of the written notice of violation. The notice as herein required shall state the nature of the alleged nuisance and the action deemed necessary to correct the condition and shall fix a date not sooner than three days from the date of the receipt of the notice when said property owner and/or occupant may appear before the Planning Director to be heard on the question of the nuisance.

The Planning Commission, Planning Director, Building Inspector, or any law enforcement officer of the town shall impose a
Civil monetary fine or penalty in accordance with the schedule set forth in '93.99 if the owner and/or occupant who has received written notice of the existence of the nuisance as required by '93.03(A) has not removed the nuisance within three days.

(C) Upon the failure of the owner and/or occupant to cause the abatement of the nuisance as required by this section, and after notice and opportunity for hearing before the Planning Director, the Planning Director shall proceed at once to cause to be abated the nuisance and charge the cost thereof against such owner and/or occupant of the property. In effectuating the abatement of said nuisance, the Planning Director may authorize and designate certain officers, personnel, and/or contractors of the municipal corporation to enter upon the property of such owner and/or occupant and to take all appropriate actions necessary to bring said property in compliance with this chapter. The liability created herein shall be joint and several as to the owners and any occupants or tenants of the property.


'93.04 COLLECTION OF FEES AND COSTS.

The Planning Director shall upon completion of all acts necessary to abate the nuisance, send a written statement certified by the Clerk-Treasurer to the owner and/or occupant of the actual fees and costs to the town for its services in abating the nuisance. Upon the failure of the owner and/or occupant to pay said fees and charges in full within ten days of mailing of said written statement or to otherwise request a hearing before the Planning Commission for appeal of said fees and charges, a certified copy of the statement of costs shall be made in the auditor’s office of Madison County, and the auditor shall place the amount shown on such certificate on the tax duplicate against such real estate and the amount shall be collected as taxes are generally collected and when collected shall be disbursed to the town for deposit in the General Fund.

(Ord. 1996-05, passed 8-13-96; Am. Ord. 2012-04, passed 5-3-12)

'93.05 OTHER POWERS OF PLANNING COMMISSION UNDER THIS CHAPTER.

The Planning Commission shall, where necessary, designate individuals and/or officers of the town to institute procedures to carry out the enforcement of this chapter and may bring civil action through the Town Attorney to enjoin the continuance of any nuisance defined in this chapter.

(Ord. 1996-05, passed 8-13-96)

'93.06 NOTICE REQUIRED UNDER THIS CHAPTER.

All notices as herein required shall be in writing and be sent certified return-receipt mail or personal service to the occupant or owner at the address of the property, if it be a dwelling, and to the last known address of the owner as reflected in the tax rolls of the city, township, or county.

(Ord. 1996-05, passed 8-13-96)
93.07 USE AND PLACEMENT OF KEY BOXES.

(A) Application.

(1) Any property within the town that is protected by an automatic fire alarm system and/or a fire suppression system;

(2) Any new or remodeled non-residential structure;

(3) Any multi-family structure with a common, locked entrance.

(B) Contents. The key box shall contain:

(1) Keys to locked points of ingress whether on the interior or exterior of such buildings;

(2) Keys to locked mechanical rooms;

(3) Keys to locked electrical rooms;

(4) Keys to elevator controls;

(5) Keys to other areas as directed by the Fire Chief;

(6) Any other devices needed for access to above locations, including key cards or codes;

(7) All keys, key cards, key codes, and the like shall be labeled to indicate what specific location within the building they unlock.

(C) Installation. Key box shall be approved by the Fire Chief as to location of installation and type.

(Ord. 2003-12, passed 12-4-03)

93.08 UNSIGHTLY PREMISES AND UPKEEP OF PROPERTY.

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

(A) DANGEROUS DILAPIDATED OR UNSAFE STRUCTURES. Means and includes any building or structure, permanent or mobile, which by reason of age or condition, or any other reason, is unsightly, unsafe, dangerous or detrimental such that it poses a substantial risk to the health, safety or welfare of the citizens of the town.

(A) DERELICT VEHICLE/VEssel/EQUIPMENT/MACHINERY. Refers to an item of equipment or machinery that is left on a property, with or without lawful authority, and appears to be disused or abandoned by reason of its age, appearance, mechanical condition, or, where required by law to be licensed or registered, lacks the same.

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

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

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

Anoxious or unsightly weeds. Means any vegetation which, by reason of its nature, type, or failure to maintain, mow, trim or cultivate to grow to unreasonable heights; or is unsightly, dangerous or detrimental such that it poses a substantial risk to the health, safety or welfare of the citizens of the town.

Owner. Shall refer to the person holding title to a property subject to this section as reflected on the last recorded deed maintained by the Madison County Recorder's office, and shall include a part owner, or joint owner. In the case of the absence or incapacity of the title holder, the definition includes: an executor, trustee or guardian, an agent, mortgagee having control or care of the land or building, and in the absence of proof of ownership, the person assessed for the property is considered as the owner.

Premises/property. Shall include any dwelling, house, building, multi-family structure or other structure, whether inhabited or whether temporarily or continuously uninhabited or vacant, and includes but is not limited to, any yard, grounds, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such dwelling, house building, or structure.

Responsible party. Shall include owner, landlord, lessee, renter, and/or occupant of premises.

Unsightly. Shall include apartially demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unhealthy or substantially detract from the appearance of the immediate neighborhood or adjoining properties. Included in the definition is a broad list of conditions that could cause a property to be determined unsightly, such as property containing:

(a) An excessive accumulation of ashes, junk, other rubbish or refuse;
(b) The storage or accumulation of a derelict vehicle, vessel, or item of equipment or machinery, or bodies or parts of such items;
(c) An excessive accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible materials;
(d) An excessive accumulation of building material, unless the owner or occupier of the parcel is:

1. In possession of a valid building permit in respect of the materials or it is stored in a closed building or structure such that the accumulation is not visible from another property or the road; or

2. Taking part in active construction/repairs, which shall be subject to review by the town to ensure that the owner or occupier is continuing the construction/repairs in a timely manner;
(e) The storage or accumulation of all or part of a vehicle which is not validly registered and licensed in accordance with law, or capable of movement under its own power, unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another property or the road;

(f) An excessive accumulation of filth, discarded materials or rubbish of any kind, whether or not for commercial purposes or as part of a trade, including but not limited to dead animals, paper, glass, metal, plastics, wire, ropes, machinery, tires, appliances, and any other scrap or salvage;

(g) An excessive accumulation or deposit of discarded or fallen building materials, including the surface, covering, or coating of a building or structure, or the building or structure itself or part of it which is missing all or a portion of its surface, covering, or coating materials;

(h) The use of any premises, other than a parcel properly zoned for such use, for the storage, repair, cleaning, maintenance, or servicing of mechanical equipment including bulldozers, graders, backhoes, or other similar equipment;

(i) The presence of graffiti, whether in the form of pictures or words, on real property or on the surface of a premises located on the real property;

(j) An excessive accumulation of garbage not contained in a covered receptacle;

(k) A property, a building or structure that is in a ruinous or dilapidated condition;

(l) A property, a building or structure that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes or which poses a substantial risk to the health and safety of the citizens of the town;

(m) Property, a building or structure that is an allurement to children who may play there to their danger;

(n) Property, a building or structure that is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained - e.g. missing or severely decayed/damaged cladding and/or veneer (brick, stone, siding);

(o) Property, a building or structure that is a fire hazard to itself or to surrounding lands or buildings; or

(p) Property, a building or structure that has been excavated without installing a silt fence and a protective warning tape around the excavation area or had fill placed on it in a manner that results in a hazard.

(B) Violation. Every responsible party, as defined herein, owning, managing, having charge, having control or having occupancy of any real property, premises, lot or building in the town shall not allow such property, building or structure to accumulate junk, garbage, noxious or unsightly weeds; heavy equipment, a derelict vehicle, vessel, equipment or machinery, or otherwise permit such property to become dangerous, dilapidated or unsafe, or permit such
property to become visibly unsightly from the street or from the adjoining premises.

1. It shall be unlawful, and a violation of this section, for any responsible parties of any property, lot or parcel of real estate within the town to maintain thereon a dangerous, dilapidated or unsafe structure as defined herein.

2. It shall be unlawful, and a violation of this section, for any responsible parties of any property, lot or parcel of real estate within the town, to maintain junk, garbage, noxious or unsightly weeds, or heavy trash, as defined herein, to be deposited on, grown on, or remain on any such lot or parcel of real estate, or permit the existence of any condition on such premises.

3. It shall be unlawful, and a violation of this section, for any responsible parties of any property, lot or parcel of real estate within the town to allow any part of such property, visible from the street or adjoining premises to become unsightly.

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

5. It shall be unlawful, and a violation of this section to maintain or leave a derelict vehicle, vessel, item of equipment or machinery on any property, lot or parcel of real estate within the town, visible from the street or adjoining premises.

6. It shall be unlawful for any person to cast, place, or deposit any garbage or junk upon any premises not their own, unless given permission by the responsible party. It shall however be the responsible party=s duty to ensure the property, premises, lot, building or structure complies with this section.

7. The responsible parties shall be jointly and severally liable for any such violation(s).

(C) Inspection: notice.

1. The Town Manager or the Town Marshal, or any employee as delegated by such persons, shall have the authority to inspect from time to time the various properties, lots and parcels of real estate, buildings and structures lying within the town limits.

2. Any written complaint or written report of properties, lots and parcels of real estate, buildings and structures failing to comply with this section shall be referred to the Town Manager. The Town Manager, or her or his designee, shall have the authority and obligation to inspect the property, lot, parcel, building or structure, providing that the same lies within the boundaries of the town.

3. If the condition of the properties, lots and parcels of real estate, buildings and structures inspected under divisions (C)(1) and (2), are believed to constitute a violation of this section, the inspecting party - Town Manager, Town Marshal, or other designated person - shall prepare a report identifying the nature of the violation, pictures documenting the violation, and a recommendation of the general measures needed to be taken to come into compliance. The report shall be promptly provided to the Town Manager. The Town Manager shall then issue a notice of violation as provided in this section.

4. Except as provided below, notice of any alleged violation(s) shall be provided by certified mail to the property owner(s) as the name(s) and address appears on the
tax statement from Madison County Assessor=s office and to any other identified responsible parties to the property address. Notice under this provision shall inform such persons of the alleged violation(s), the general measures to be taken to bring the property into compliance, the date in which the property must be brought into compliance, which shall not be less than 30 days from the date of the notice, unless the directive declares the property, lot, parcel, building or structure to be dangerous, in which case it may specify a shorter period, and inform such persons of his or her right to appeal the violation(s) and be heard on the matter by the Town Court.

(a) In cases where public safety may be an issue, the Town Manager may take immediate necessary action to prevent danger or to remove a dangerous structure or condition, with the assistance of law enforcement as may be deemed necessary or appropriate.

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(b) If any lot is not occupied or leased, and the owner is a nonresident of the county, or his or her residence is unknown, or if notice is returned by the Postal Department by cause of inability to make delivery thereof, the Town Manager shall cause a notice for compliance to be published in the Pendleton Times Post (or another newspaper allowed under IC 5-3-1) three times, with each notice being no less than seven and no more than 14 days apart.

(5) Any directive for action to remedy the condition, under division (C)(4), may be appealed by a responsible party to the Town Court. One responsible party who files a notice of appeal is a constructive request for appeal on behalf of all responsible parties. An appeal may be procured by submitting to the Town Court a written notice requesting appeal. The written notice of appeal must:

(a) Identify the property and violation in question;

(b) Identify the responsible party by name, address, and telephone number;

(c) Identify the responsible party=s interest in the property, i.e. owner, occupant, etc.;

(d) Identify all pertinent facts as to why the determination is in error;

(e) Identify actions the party is taking to address the violation, if any;

and

(f) Be submitted within 30 days of the date of the notice issued under division (C)(4), or within 30 days of the last publication of notice issued under division (C)(4) was made by publication.

(6) (a) Upon a request for appeal, a public hearing before the Town Court shall be scheduled as soon as practical, but no less than 30 days after receipt of the request for appeal.

(b) Notice of the hearing provided under this provision shall be delivered to the person(s) giving notice of the appeal by depositing same in the U.S. mail, postage prepaid at least ten days prior to the hearing.

(D) Before the town can direct or authorize demolition of a building or structure for violation of this section, the following must occur:

(1) The owner must be given not less than ten days notice of the time, date and place of a meeting at which a demolition order shall be considered.

(2) The owner must be given an opportunity to appear and be heard before any
demolition order can be made.

(3) The town must make application to a court for a declaration that a property is dangerous and/or unsightly, and for an order specifying that the condition be remedied by demolition.

(4) Efforts to remedy the violation by lesser means shall have been exhausted or otherwise established as ineffective to remedy the violation.

(E) Failure to abate.

(1) If a responsible party of any lot or parcel of real estate shall fail and/or refuse to remove or abate such violation(s) after receiving notice for compliance, as provided in division (C) above, the Town Manager (or Town Court if the responsible party(ies) appeals the notice and the violation is upheld) shall have the authority to cause the same to be removed or otherwise abated.

(2) Where the Town Manager or Town Court does order a removal or abatement, the town by its officers, employees, contractors, or agents may enter on the property and effect the removal or clearance at the expense of the owner of record of the property. The cost of the removal is due and payable immediately.

(3) When the town has effected the removal or abatement of the violation, the Town Manager shall prepare a written and itemized statement showing the actual cost of the work performed and the same shall be billed to the property owner of record. The cost of the work shall include all administrative costs, including but not limited to providing notice and attorneys’ fees, incurred by the town in regards to such violation(s) and shall be payable at the time of receiving statement of costs.

(4) When the full amount due is not paid by the owner within 30 days after the receipt of the billing statement the Town Manager shall cause to be recorded in the County Recorder=s office a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done.

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

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

(c) Sworn statements recorded in accordance with the provisions hereof
shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned of the property designated or described in the statement and that the same is due and collectible as provided by law.

(d) The Town Council may also pursue collection through any other lawful means, including court proceedings, if it so desires, if the full amount is not paid within 30 days.

(Ord. 2016-13, passed 11-10-16)

93.99 PENALTY.

(A) In addition to the remedies set forth in this chapter for the abatement of nuisances, the Town Court may after notice and hearing as prescribed in ' 93.03 enforce the fine levied against the owner and/or occupant of the property after a finding of violations of this chapter, in an amount conforming to the schedule of civil fines set forth in divisions (B) below.

(B) The civil monetary fine for each civil violation shall be no more than $50 except as provided in division (B)(1) below.

(1) For a repeated civil violation by the same violator, the following fines shall apply:

- Second violation: $50 to $100
- Third violation: $100 to $250
- Fourth violation: $250 to $500
- Each violation in excess of four: $500 to $2,500

(2) These civil violation fines do not preclude the civil violator from responsibility of payment of costs incurred by the town if it is necessary for the town to enter onto the property to correct, terminate or cease a violation in with ' 93.03 of this chapter.

(C) In addition to the remedies provided above, any person violating the provisions of ' 93.08 shall be subject to a penalty of $100 for the first notice of violation. For subsequent notices of the same violation, after the violation has been abated either by the owner or the town, the initial penalty shall be increased by $100 for each additional notice of the same violation - e.g., $200 for the second violation, $300 for the third violation, and so on. In addition, there shall be an additional penalty of $10 per day for each day of non-compliance after the period for compliance has expired, up to a maximum fine of $2,500 payable to the town. Such penalty shall bear the maximum interest allowed by law from the date due.


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CHAPTER 94: PARKS AND RECREATION

Section

General Provisions

94.01 Jurisdiction of Park District

Rules and Regulations

94.15 Posting of restrictions
94.16 Possession of alcoholic beverages
94.17 Fishing; use of swimming pool or bathhouse
94.18 No parking in certain areas
94.19 Use of basin area as swimming pool in Falls Park prohibited
94.20 Loitering
94.21 Skateboards prohibited in Park and Recreation District; exception; enforcement agency
94.22 Use of park property restricted
94.23 Dogs in park during festivals prohibited

Administration

94.30 Park and Recreation Board
94.99 Penalty

GENERAL PROVISIONS

94.01 JURISDICTION OF PARK DISTRICT.

The Park District shall include the town and all unincorporated areas of Fall Creek Township.
(’82 Code, ’36-10-3-36) (Ord. passed 2-27-74)

RULES AND REGULATIONS

94.15 POSTING OF RESTRICTIONS.

Any rule established by the Park and Recreation Board under this subchapter shall be posted to give notice of the restrictions to users of any regulated facility.
(’82 Code, ’36-10-3-10(c)) (Ord. P-1974-1, passed 7-2-74)

94.16 POSSESSION OF ALCOHOLIC BEVERAGES.

(A) No person shall possess or consume alcoholic beverages within the town parks.

(B) The Park and Recreation Board (Park Board) may grant permission for special events to allow the possession and consumption of alcoholic beverages within the park. Prior to granting permission under this section, the Park Board shall:
(1) Develop an application to be utilized for considering and approving or denying such special event requests involving alcoholic beverages;

(2) Require the party requesting permission to submit the application developed under division (B)(1) and obtain approval by the Park Board; and

(3) Notify the Town Manager and Town Marshal of the application and provide the opportunity for input from each.

(C) The possession or consumption of alcoholic beverages is permitted on the golf course property but is subject to the rules and regulations of the golf course. These exceptions also apply to '94.20(B)(3) set forth below.

Penalty, see '94.99

'94.17 FISHING; USE OF SWIMMING POOL OR BATHHOUSE.

No person shall violate any rule established by the Park and Recreation Board concerning fishing or the use of the swimming pool or bathhouse located within the town parks.

Penalty, see '94.99

'94.18 NO PARKING IN CERTAIN AREAS.

(1) All parking of vehicles of any kind is banned on all of Falls Park Drive. No-parking signs are erected in the area and have also been painted on Falls Park Drive itself.

(2) Golf carts and other non-traditional vehicles (NTVs), as defined by '70.50, may only be operated or parked on streets and lots that are paved and graveled for use of other motorized vehicles in Falls Park or in areas specifically designated for golf cart and NTV use or parking. All parking regulations apply to golf carts and NTVs.

Penalty, see '94.99

'94.19 USE OF BASIN AREA AS SWIMMING POOL IN FALLS PARK PROHIBITED.

(A) Definition. For purposes of this section, "POOL" shall refer to and mean the open water area made by enlarging the basin at the base of the Falls.
(B) All use of the pool and pond area in Falls Park in the corporate limits of the town is hereby prohibited until such time as it is determined that the water and premises thereof is safe to use for any purpose by both the State Board of Health and the Town Park and Recreation Board.

(C) All use of the contiguous land surrounding said pool area is prohibited when used for access to the pond or the pool for swimming, wading, boating, or rafting. Any person found using said pond or pool area for such purposes, shall be deemed to have obtained access by crossing the prohibited area, and shall be deemed to be a trespasser. Any use for fishing is hereby excepted.

(Ord. P-1974-2, passed 7-2-74) Penalty, see \( 94.99 \)

'94.20 LOITERING.

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

"LOITER." Idle, stand, tarry, remain, all whether alone or with others; and as to parking lots and park grounds and ways, loitering shall include being situated in or upon a motor vehicle.

(B) It shall be unlawful for any person to do any of the following acts:

(1) Park building. Loiter in or around park buildings or obstruct corridors, rooms, or stairways thereof so as to prevent free access or use by members of the public, its officers, agents, or employees.

(2) Park grounds and ways. Loiter in or on park grounds, ways, sidewalks, streets, or the like so as to obstruct, interfere with, or impede free use by other members of the public lawfully entitled to use the same, after the loiterer is directed to remove himself from the place by either a police officer, or by a party in charge thereof, or his agent or employee.

(3) Alcoholic beverages. Consume alcoholic beverages in or around any park grounds, ways, sidewalks, streets, parking lots, or the like. Penalty, see \( 94.99 \)

'94.21 SKATEBOARDING PROHIBITED IN THE PARK AND RECREATION DISTRICT; EXCEPTION; ENFORCEMENT AGENCY.

(A) Skateboarding is and shall be prohibited in all areas of the park except the area designated as an extreme sport area and only in such area at such times as posted.

(B) This section shall be enforced by the Pendleton Police Department.

(Ord. 2005-05, passed 8-1-05) Penalty, see \( 94.99 \)

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94.22  USE OF PARK PROPERTY RESTRICTED.

(A) The use of the Nature Preserve, located in the area commonly known as the North Forty, be prohibited between dusk and dawn.

(B) Exceptions to division (A) of this section shall be honored only when presented in writing from the Park Board and/or the Park Superintendent.

(Ord. 1997-07, passed 5-13-97)

94.23  DOGS IN PARK DURING FESTIVALS PROHIBITED.

(A) Except as set forth in division (C) below, no dogs shall be allowed on any park grounds during times when festivals are being held on park grounds.

(B) For purposes of this section, the term "festivals" shall include the June Jamboree, the Heritage Fair, the Arts and Jazz Festival, and any other large gathering on park grounds that is designated as a festival for purposes of this section by the Town Council prior to the beginning of such large gathering on park grounds. If the Park Board believes a gathering other than those specifically mentioned above should be designated as a festival for purposes of this section, the Park Board shall request such designation be made by sending the Town Council a written request for designation.

(C) Division (A) shall not prohibit dogs that assist disabled people or police dogs from being on park grounds during festivals.

(D) The Park Superintendent shall post conspicuous signs in Falls Park during festivals that place the public on notice of the prohibition set forth in this section.

(E) A person violating this section shall be fined $50. Each occurrence constitutes a separate offense.

(Ord. 2000-05, passed 9-7-00)

ADMINISTRATION

94.30  PARK AND RECREATION BOARD.

(A) A Park and Recreation Board is hereby created and shall consist of four members appointed by the President of the Town Board of Trustees on the basis of their interest in and knowledge of parks and recreation. No more than two members shall be of the same political party.

(1) Upon establishment of the Board, the terms of the members initially appointed shall be: one member for a term of one year; one member for a term of two years; one member for a term of three years; and one member for a term of four years. As a term expires, each new appointment shall be for a four-year term. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed.

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(2) There shall be one ex officio member who is a member of the governing body of and appointed by the Board of School Trustees.

(3) There shall be one ex officio member who is a member of the governing body of and appointed by the Library District Board.

(4) There shall be one member who is appointed by the Circuit Court Judge due to the addition of the unincorporated area to the Park District. (See IC 36-10-3-36.)

(B) The Library District and School Boards shall fill any vacancies of their ex officio members. Ex officio Board members have all the rights of regular members, including the right to vote.

(Penalty, see '94.99)

Statutory reference:
Park and Recreation Boards, see IC 36-10-3-4

'94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than $500. ('82 Code, '36-10-3-10(d)) (Ord. P-1974-1, passed 7-2-74)

(B) Any person who violates any provision of '94.21 shall be subject to a fine or penalty of not less than $25 nor more than $500. Each occurrence constitutes a separate offense. (Ord. 1989-4, passed 3-21-89; Am. Ord. 2005-05, passed 8-1-05)
95.01  GENERAL PROCEDURES.

(A) All improvements intended for public use, to be constructed within the town, must conform to these standards according to Plan Commission requirements.

(B) It is the developer's responsibility to determine the most recent standards that are required.

(C) Construction within the right-of-way of the Indiana Department of Transportation shall be in strict accordance with the State of Indiana requirements. The developer shall be responsible for obtaining the necessary permits.

(D) The standards set forth in this section are intended to be minimum standards. Variances from these standards may be considered by the Plan Commission upon written application to the Commission citing unusual conditions justifying changes based upon sound engineering practices. Proposed variances shall have been reviewed by the Town Planning Department before consideration by the Plan Commission.

(E) All improvements shall be constructed to conform to the current edition of the following standards, except where deviations are hereinafter allowed or variances granted:

1. Street Standards - Town of Pendleton.
2. Practices and Guidelines for Local Agency Roads - Indiana Association of County Highway Engineers and Supervisors.
3. INDOT Standard Drawings.
4. INDOT Standard Specifications.
95.02 STREET DESIGN STANDARDS.

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of these regulations. Street classifications are referred to as either major or minor streets in this chapter. A major street includes the rural minor arterial, the rural major collector, and the rural minor collector. A minor street includes the rural local road, subdivision road and cul-de-sac.

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Whenever a subdivision abuts or contains an existing or proposed major street, the town may require frontage roads, double frontage lots with screening, a nonaccess easement along the property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In those instances where a non-access easement is proposed along a state or federal highway, this easement shall be granted specifically to INDOT.

In order to provide a functional town street system, the town shall require a developer to construct access streets to adjoining vacant undeveloped properties. The coordination of streets from one subdivision to another is essential to the town in order to provide a continuation of not only vehicular access, but also transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems. However, the dead ending of certain access streets to vacant undeveloped property may cause a windfall profit. In cases where the owner of the vacant land would receive an artificial profit because of another developer providing access, the town may waive the requirement of constructing the access street to the vacant land. In these cases, the developer shall be required to dedicate the necessary right-of-way, but the person who develops the adjoining vacant property will be required to construct the street. The town shall not consider waiving the street construction requirement for any developer when the future access streets do not provide the only means of access for the vacant adjoining property. The town shall determine the need and location of these access streets at the time of preliminary approval.

All streets, including those proposed to provide the continuation of streets to adjacent property, shall be constructed to the boundary lines of the subdivision and in accordance with the standards of this chapter. If a subdivision is approved contiguous to existing right-of-way dedicated for a continuation street, but the street has not been constructed, the developer of the new subdivision must construct the entire street including the portion that is not contained within the developer's project.

A proposed street shall provide for the continuation of existing, planned or platted streets on adjacent property.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way the town may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.

A dead end street shall not be permitted except where a street is proposed to be and should logically be extended but is not yet constructed. A temporary cul-de-sac shall be constructed for any dead end street which exceeds 300 feet in length from the nearest
intersection. Drainage details for the temporary cul-de-sac shall be specified by the applicant and approved by the town. A dead end street which does not require a temporary cul-de-sac shall have adequate drainage provisions as approved by the town.

(G) A temporary cul-de-sac shall have an easement radius of not less than 50 feet and shall have a driving surface radius of not less than 40 feet. The cross section of a temporary cul-de-sac shall be at least nine inches of aggregate. If it is anticipated that the temporary cul-de-sac will be required for longer than three years, an additional two inches of asphalt binder shall be required. Any temporary cul-de-sac still with a stone surface at the end of the maintenance period must be paved with two inches of asphalt binder prior to release of the maintenance guarantee.

(H) An easement providing access to a street shall be prohibited except where its control and maintenance is defined in a manner approved by the town.

(I) Actual R/W width shall be based on engineering design and shall include the width of the through lanes, turn lane, parking lanes, shoulders, side slope, side ditch and backslope. The street right-of-way shall be not less than the following:

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>RIGHT-OF-WAY WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAJOR STREETS</td>
<td></td>
</tr>
<tr>
<td>Rural Minor Arterial</td>
<td>200</td>
</tr>
<tr>
<td>Rural Major Collector</td>
<td>150</td>
</tr>
<tr>
<td>Rural Minor Collector</td>
<td>100</td>
</tr>
<tr>
<td>MINOR STREETS</td>
<td></td>
</tr>
<tr>
<td>Rural Local Road</td>
<td>80</td>
</tr>
<tr>
<td>Subdivision Road</td>
<td>60</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>100 (Diameter)</td>
</tr>
</tbody>
</table>

(J) The building setback line shall be regulated by the setback provisions of the Zoning Ordinance applicable to the area proposed to be subdivided. The minimum building setback line shall be measured from the street right-of-way line but in no instance shall be less than the following:
TABLE 2
MINIMUM BUILDING SETBACK DISTANCE

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>BUILDING SETBACK LINE (FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Street</td>
<td>75</td>
</tr>
<tr>
<td>Rural Local Road</td>
<td>50</td>
</tr>
<tr>
<td>Subdivision Road</td>
<td>25</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>25</td>
</tr>
</tbody>
</table>

(K) The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the development. A new subdivision road shall be surfaced to a minimum width of 30 feet measured back-to-back of curb. A cul-de-sac turn around shall be paved to a diameter of 80 feet measured back-to-back of curb. All other roads and streets shall be surfaced to a minimum width that is determined by sound engineering design and with the concurrence of the town. Where a proposed street is an extension of an existing paved street that exceeds the minimum dimension set forth above, the town may require the developer to match the width of the existing paved street.

(L) Where required by the Town Engineer, additional acceleration or deceleration or right turn lanes shall be added. All lanes shall be 12'-0" wide. Parking lanes shall be 10'-0", desirable, 8'-0", minimum, in width.

(M) A proposed subdivision street shall be designed to minimize through traffic movement, however, this does not waive the requirement to construct an access road to adjacent property boundary as required by divisions (C) or (D) of this section.

(N) Acceptable limits for visibility, curvature, and maximum grade depend on topography, functional classification, anticipated traffic volumes, number and nature of access points, and the like. Road design specifications shall be based on sound engineering judgement using the design speeds outlined in Table 3. The town must approve the design speeds selected for each project.
TABLE 3
DESIGN SPEED

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>TERRAIN</th>
<th>RURAL (MPH)</th>
<th>URBAN (MPH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial (2-lane)</td>
<td>Level</td>
<td>60-70</td>
<td>40-55</td>
</tr>
<tr>
<td></td>
<td>Rolling</td>
<td>55-60</td>
<td>40-55</td>
</tr>
<tr>
<td>Collector (Major and Minor)</td>
<td>Level</td>
<td>40-60</td>
<td>30-50</td>
</tr>
<tr>
<td></td>
<td>Rolling</td>
<td>30-50</td>
<td>30-50</td>
</tr>
<tr>
<td>Local</td>
<td>Level</td>
<td>40-50</td>
<td>30-40</td>
</tr>
<tr>
<td></td>
<td>Rolling</td>
<td>30-40</td>
<td>30-40</td>
</tr>
<tr>
<td>Subdivision and Local</td>
<td>Level</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>w/ ADT &lt;250</td>
<td>Rolling</td>
<td>20-30</td>
<td>20-30</td>
</tr>
</tbody>
</table>

A proposed street shall be adjusted to the contour of the land so as to provide usable lots and a reasonable street grade. The maximum allowable street grade shall be as outlined in Table 4. The minimum allowable street grade shall not be less than five tenths (0.5) percent.

TABLE 4
MAXIMUM STREET GRADE

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>DESIGN SPEED (MPH)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Rural Arterial</td>
<td></td>
</tr>
<tr>
<td>Urban Arterial</td>
<td></td>
</tr>
<tr>
<td>Rural Collector</td>
<td>8%</td>
</tr>
<tr>
<td>Urban Collector</td>
<td>8%</td>
</tr>
<tr>
<td>Rural Local</td>
<td>8%</td>
</tr>
<tr>
<td>Urban Local</td>
<td>8%</td>
</tr>
<tr>
<td>Subdivision &amp; Local w/ ADT &lt;250</td>
<td>9%</td>
</tr>
</tbody>
</table>

Horizontal visibility of a curved street and the vertical visibility on all streets shall be maintained according to the minimum distances shown in Table 5. Sight distances shall be measured in accordance with AASHTO guidelines.
TABLE 5
SIGHT DISTANCE

<table>
<thead>
<tr>
<th>Sight Distance</th>
<th>20</th>
<th>30</th>
<th>40</th>
<th>50</th>
<th>55</th>
<th>60</th>
<th>70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Sight Distance (Desirable)</td>
<td>125</td>
<td>200</td>
<td>325</td>
<td>475</td>
<td>550</td>
<td>650</td>
<td>850</td>
</tr>
<tr>
<td>Stopping Sight Distance (Minimum)</td>
<td>125</td>
<td>200</td>
<td>275</td>
<td>400</td>
<td>450</td>
<td>525</td>
<td>625</td>
</tr>
<tr>
<td>Intersection Sight Distance (Feet)</td>
<td>225</td>
<td>380</td>
<td>580</td>
<td>840</td>
<td>990</td>
<td>1150</td>
<td>1550</td>
</tr>
</tbody>
</table>

1. The values for desirable stopping sight distance shall be met for all street construction and at all intersections. Minimum stopping sight distances shall only be used in those cases which, in the opinion of the town, would cause undue hardship by use of the desirable stopping sight distance.

2. The values for intersection sight distance shall be used at the intersection of two new streets. Intersection sight distance should be used at all other intersections. No new features such as signs, embankments, walls, or landscaping, shall be constructed which reduce the sight distance below the intersection sight distance.

3. Where unusual or complex situations exist, decision sight distance (per AASHTO Standards) may be required by the town to provide an added margin of safety.

Q. Horizontal curvature measured along the centerline shall comply with the following:

TABLE 6
RADII/DEGREE OF CURVE

<table>
<thead>
<tr>
<th>Maximum Degree of Curve (e=0.080)</th>
<th>20</th>
<th>30</th>
<th>40</th>
<th>50</th>
<th>55</th>
<th>60</th>
<th>70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radius (Feet)</td>
<td>150</td>
<td>255</td>
<td>470</td>
<td>765</td>
<td>955</td>
<td>1210</td>
<td>1910</td>
</tr>
<tr>
<td>Degree of Curve</td>
<td>$38^\circ 1\frac{1}{2}'$</td>
<td>$22^\circ 4\frac{1}{2}'$</td>
<td>$12^\circ 1\frac{1}{2}'$</td>
<td>$7^\circ$</td>
<td>$6^\circ$</td>
<td>$4^\circ$</td>
<td>$3^\circ 00'$</td>
</tr>
</tbody>
</table>
A reverse curve on a subdivision street shall have a straight tangent between elements of the reserve curve of not less than 100 feet. A reverse curve on any other street shall allow for one of the following conditions:

1. The distance between the reverse curves shall achieve a normal tangent section for a minimum of two seconds of travel time, and the superelevation transition requirements shall be met for both curves; or

2. The pavement shall be continuously rotated in a plane about its axis. The minimum distance between the curves is that which will be needed to meet the superelevation transition requirements for the two curves (distribution of superelevation runoff between the tangent and curve).

The sections above deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Such additional requirements must be specified by the town at primary approval.

Access roads from a proposed development onto an existing or proposed town road may be denied or restricted. If in the sole opinion of the town, the proposed access road presents a potential hazard to the motoring public, the town may require the applicant to make improvements to an existing or proposed town road as a condition of allowing access. An applicant may be required to provide deceleration, acceleration, passing blisters or other improvements to the road system based on the following criteria:

1. Sight distance;
2. Number of lots;
3. Proposed use;
4. Street classification;
5. Traffic generation;
6. Existing or proposed conditions; and
7. Sound engineering design.

The number of access roads required into a subdivision will be based upon the number of lots, sound engineering design and continuity of the town street system. If the town determines that an additional access road is necessary, they will advise the applicant at the time of preliminary approval.

A cul-de-sac street shall not exceed 1,000 feet in length measured from the centerline of the nearest intersection to the center.
of the cul-de-sac. A cul-de-sac shall be provided with a turnaround radius of not less than 50 feet at the right-of-way line and not less than 40 feet at the back of the curb line. The cul-de-sac shall be paved in accordance with ' 95.05.

(W) A half street shall be prohibited.

(X) The applicant shall dedicate additional right-of-way width as required to meet these regulations in a subdivision that adjoins or includes an existing street that does not conform to the minimum right-of-way requirements.
(Ord. 1999-06, passed 6-8-99)

' 95.03 INTERSECTIONS.

(A) Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the curb radii be less than 25 feet for a minor street, or 40 feet for a major street or a street in a commercial or industrial development.

(B) Where a proposed street with curbs intersects an existing street without curbs, the curb radius shall be designed so there is a minimum of 12 feet offset between the termination of the curb and edge of the existing street pavement.

(C) Street right-of-way at intersections shall be designed to provide a minimum of ten feet separating the street right-of-way and curb.

(D) Intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 70 degrees.

(E) Intersections of more than two streets at one point shall not be permitted.

(F) When a street of lesser functional classification intersects with a street of greater functional classification, the radii arcs at the intersection will comply with the standards for the street of greater functional classification.

(G) There shall be at least 100 feet of tangent alignment before entering an intersection.

(H) The placement of a driveway that is located near a street intersection shall be based on sound engineering design.

(I) Street intersections shall not be closer than 200 feet centerline to centerline for minor streets and 500 feet centerline to centerline for a major street. This provision does not apply to a frontage road.
95.04 When a street of lesser functional classification intersects with a street of greater functional classification, the pavement thickness of all improvements within the right-of-way of the intersection shall comply with the standard for the greater street.

(Ord. 1999-06, passed 6-8-99)

95.04 SIGHT DISTANCE AT INTERSECTIONS.

(A) Stopping sight distance shall be determined by measuring from a point three and one-half feet above the roadway surface along a line of sight to a point six inches above the roadway surface.

(B) Intersection sight distance shall be determined by measuring from a point three and one-half feet above the roadway surface along a line of sight to a point four and one quarter feet above the roadway surface.

(C) Sight distance values are included in Table 5.

(D) The following items shall be required and must be noted on the final plat:

(1) No fence, wall, sign, hedge, tree or shrub planting or other similar item which obstructs sight lines shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of minor street lines and 50 feet from the intersection of major street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

(2) In the case of a driveway within ten feet of an intersection of a street right-of-way or an alley, the same sight line limitation shall apply.

(Ord. 1999-06, passed 6-8-99)

95.05 STREET IMPROVEMENTS.

(A) In general, a street shall be completed to the grade shown on the plan and profile sheet. A plan and profile sheet for each street shall be provided by the developer and prepared by a registered professional engineer or registered land surveyor.

(B) The minimum requirements for street construction shall be in accordance with the latest edition of "Standard Specifications" of the Indiana Department of Transportation, in effect at the time of approval (hereinafter referred to as the Standard Specifications). A copy of the Standard Specifications is on file in the office of the Town Engineer.

(1) The subgrade shall be prepared in compliance with Section 207 of the Standard Specifications.
(2) The subbase, where required, shall be #53 crushed aggregate (or equal) and shall be prepared in compliance with Section 304 of the Standard Specifications.

(3) The street surface shall be of Portland Cement Concrete Pavement (PCCP) or Hot Mix Asphalt (HMA). Portland Cement Concrete materials and construction shall be in compliance with Section 500 of the Standard Specifications and these regulations. HMA materials and construction shall be in compliance with Section 400 of the Standard Specifications and these regulations.

(C) All utility excavations under the pavement shall be backfilled with B Borrow or flowable mortar and construction shall conform to Section 211 or Section 213 of the Standard Specifications or compacted thoroughly by other means. Any other means must be approved by the town prior to construction.

(D) Subsurface drains shall be installed parallel to the street curb at a depth of at least three feet below the back of curb. Subsurface drains shall be a minimum of six inch diameter perforated Polyethylene pipe. Four inch laterals shall be provided for each lot, extended to the right-of-way line and capped. The ends shall be marked by extending a board or other suitable material to the surface and dimensioned on the as-built plans. No direct surface water discharges will be allowed to connect to the subsurface drain.

(E) Stone aggregate base shall be placed under the curb and extended to six inches beyond the outside edge of the curb. This aggregate base shall be continuous and shall match the bottom of pavement (top of subgrade) or be four inches thick, whichever is more.

(F) Wet spots or other unusual soil conditions may develop in streets. These streets must comply with any or all of the following requirements:

(1) Four inch Polyethylene lateral underdrains which extend under the subbase and connect directly to the subsurface drains shall be placed at regular intervals through the wet areas.

(2) Four inches of aggregate (#53 stone) shall be added to the street cross section in addition to the minimum base requirement.

(3) Soft spots may be over excavated and backfilled with compacted aggregate as approved by the Town Engineer.

(4) Geotextile filter fabric or lime stabilization may be used. Use of either of these methods shall not allow a reduction in street cross section.

(5) The use of lime stabilization shall be certified by a professional engineer licensed in the State of Indiana. Complete design data shall be submitted for consideration. All subgrade compaction testing is to be done by a certified and town approved soils testing engineering company. The copies of all test reports must be submitted directly to the town.

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The actual design for street construction shall be based upon estimated traffic loading, with an adequate growth factor included even though the minimum requirements may be exceeded.

The cross sections of streets are to be based on a design equation for pavement according to AASHTO standards using a combination of soil support values, total equivalent 18 - kip single axle loads, terminal serviceability index, and regional factors. The pavement depths as shown below are minimum requirements:

**TABLE 7**

HOT MIX ASPHALT PAVEMENT (FLEXIBLE PAVEMENT)

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>SURFACE</th>
<th>BINDER</th>
<th>BASE</th>
<th>AGGREGATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor</td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>0&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>0&quot;</td>
<td>3&quot;</td>
<td>7&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>4&quot;</td>
<td>0&quot;</td>
</tr>
<tr>
<td>Collector or Commercial</td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>4&quot;</td>
<td>6&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>0&quot;</td>
<td>5&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>7&quot;</td>
<td>0&quot;</td>
</tr>
<tr>
<td>Arterial or Industrial</td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>6&quot;</td>
<td>8&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>0&quot;</td>
<td>8&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td></td>
<td>1 1/4&quot;</td>
<td>2 3/4&quot;</td>
<td>10&quot;</td>
<td>0&quot;</td>
</tr>
</tbody>
</table>

**TABLE 8**

PORTLAND CEMENT CONCRETE PAVEMENT (RIGID PAVEMENT)

<table>
<thead>
<tr>
<th>ROAD CLASSIFICATION</th>
<th>PAVEMENT</th>
<th>AGGREGATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor</td>
<td>6&quot;</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Collector or Commercial</td>
<td>7&quot;</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Arterial or Industrial</td>
<td>8&quot;</td>
<td>6&quot;</td>
</tr>
</tbody>
</table>

Add one inch of HMA Binder or Base, or Portland Cement Concrete Pavement, to the minimums shown for truck traffic > 10% of ADT.

Add two inches of HMA Binder or Base, or Portland Cement Concrete Pavement, to the minimums shown for truck traffic > 10% of ADT.
(I) Commercial driveways (located within the right of way) and auxiliary lanes shall be constructed to the equivalent thickness of the pavements they are added to (as set out in Tables 7 and 8) or the entrances they are constructed to serve, whichever is greater.

(J) Existing street pavements to be upgraded to applicable standards as parts of improvements to be accepted by the town, will be tested and evaluated by the design professional to determine the condition, quality and amount of pavement and the condition of the subgrade. Existing pavements may be upgraded by augmenting the existing pavement structure if elevations and grades are compatible and if the resulting pavement meets the structural and geometric requirements of Tables 7 and 8; or the existing pavement materials, if suitable, may be incorporated into a new pavement structure.

(Ord. 1999-06, passed 6-8-99)

95.06 JOINTS.

Rigid pavement shall be jointed in order to control cracking. Joints shall be constructed in accordance with the type and dimensions and at the locations required by Standard Specifications, these regulations, or as directed by the Town Engineer's office.

(A) Spacing of weakened plane, transverse, or contraction joints shall not exceed 20 feet. Closer spacing to average 15 feet is encouraged. A transverse contraction joint may either be formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth the thickness of the pavement.

(B) When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.

(C) One of the above named joints shall be placed at every catch basin and manhole in the line of pavement. The location of manholes in the pavement shall determine the exact location of the joints.

(D) All joints shall extend throughout the curb to the full width of the pavement.

(E) A transverse expansion joint shall be placed at the intersections, tangent points of sharp curves, and wherever else shown on the plans.

(F) Whenever the width between forms of the pavement under construction is greater than ten feet, a longitudinal joint shall be constructed so as to divide the pavement into strips not to exceed ten feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for a contraction joint.

(G) White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing.

(Ord. 1999-06, passed 6-8-99)

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' 95.07 CURBS AND GUTTERS.

(A) A two foot concrete curb and gutter shall be required for all residential subdivision streets. Streets with a design speed of 45 mph or less shall have the option of using either a mountable or barrier curb. Streets with a design speed greater than 45 mph should be designed without curbs. However, if necessary, a four inch mountable curb may be used.

(B) Materials, concrete specifications and construction procedure shall comply with Section 605 of the Standard Specifications.

(C) To prevent undermining by water, curbs shall be promptly and carefully backfilled after application of curing protection, which shall take place immediately after slipforming or removal of forms. Backfill shall be compacted as soon as practical and maintained at an elevation slightly below the curb. As the backfill settles, it shall be regraded as often as necessary to keep it slightly below the curbs.

(D) Valley gutters which connect gutter drains across street intersections are strictly prohibited.

(Ord. 1999-06, passed 6-8-99)

' 95.08 PRIVATE STREETS.

It is the intent and purpose of this section to encourage streets and rights-of-way to be dedicated to the town for ownership and maintenance whenever possible. It is a long range benefit to the entire town for streets and rights-of-way to be maintained publicly rather than privately. There may be, however, a situation in which a privately owned and maintained street is a more reasonable alternative. In any development in which a private street is allowed, the street shall conform to the following requirements:

(A) A private street shall meet or exceed the minimum geometrics, width, depth, and other construction standards and specifications for a similar street classification.

(B) The right-of-way width of a private street shall not be less than 50 feet.

(C) Street classification standards and specifications greater than those in divisions (A) and (B) above may be applied at the discretion of the town if the street is of length or of design as to actually serve as a higher classified street.

(D) The covenants of the final plat shall contain the following statement:
"The streets and public rights-of-way shown hereon are to be privately owned and maintained by the homeowners' association pursuant to the articles of incorporation of said association. The streets and rights-of-way shown hereon may become publicly owned and maintained streets only upon the express written consent by the governmental body having jurisdiction and after having been inspected and verified that they meet all current standards."

(Ord. 1999-06, passed 6-8-99)

**95.09 SIDEWALKS.**

(A) Sidewalks are required along both sides of all proposed and existing streets and along the development side of all existing town roads in all proposed subdivisions.

(B) A plan for a sidewalk system shall be prepared that will provide every lot within a subdivision, or portion thereof, with reasonable access to a sidewalk connecting with all of the community facilities, commercial enterprises and other residential subdivisions located near or adjacent to the subdivision, and in a manner that will provide safe and convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located and which will avoid pedestrian and vehicular traffic conflict.

(C) Sidewalk materials and construction requirements shall conform to the Standard Specifications, Section 604, and shall meet the following requirements:

1. Be constructed only of Portland Cement Concrete unless otherwise expressly approved by the town.
2. Have a minimum depth of four inches.
3. Have a minimum depth of six inches, or the thickness of the driveway being crossed, whichever is greater, when built in an area of proposed vehicular crossing.
4. Have a slope of no steeper than one-quarter inch per foot, laterally, toward the street. Any longitudinal slope greater than 1:20 shall be considered a ramp and must comply with Americans with Disabilities Act requirements.
5. Be located at least one foot inside the right-of-way lines.
6. Have consistency, slump, and mixture specifications as established by the Standard Specifications.
7. Be jointed every four feet, with expansion joints every 40 feet to prevent cracking and heaving.
8. Have curb ramps installed at all intersections and at all other locations where required for compliance with the Americans with Disabilities Act.

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(9) Have a minimum width as follows:

**TABLE 9**

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>MINIMUM SIDEWALK WIDTH (FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One or two family developments</td>
<td>4</td>
</tr>
<tr>
<td>Multi-family developments</td>
<td>5</td>
</tr>
<tr>
<td>Commercial or industrial developments</td>
<td>5 *</td>
</tr>
<tr>
<td>Sidewalks adjacent to curb</td>
<td>6</td>
</tr>
</tbody>
</table>

*Minimum, or as approved by the town*

(D) In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the town may require a perpetual unobstructed easement at least 20 feet in width. This easement shall be indicated on both the preliminary and final plats. The construction details shall be shown on the construction plans and must be specifically approved by the town.

(Ord. 1999-06, passed 6-8-99)

' 95.10 STREET IDENTIFICATION SIGNS AND REGULATORY SIGNS.

(A) The developer shall install street identification signs at each street intersection within and on the perimeter of the subdivision. The sign shall be located at the northeast corner of the intersection wherever possible. The developer shall also install all appropriate regulatory signs as required by the town.

(B) Street identification signs and regulatory signs shall comply with the current issue of the Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location.

(C) Street identification signs for public roads shall be white letters on a green background. Street identification signs for private roads shall be white letters on a blue background.

(D) Size of letters and sign dimensions shall comply with Town Highway Department requirements.

(E) Regulatory signs shall be placed in accordance with the current issue of the Indiana Manual of Uniform Traffic Control Devices and as directed by the Town Engineer's office.

(F) Sign locations must be shown in the development plans. Sign requirements will be coordinated with the town prior to completion of the construction plans. A separate sheet showing only traffic controls, including signs and pavement markings, shall be included in the construction drawings. This sheet may be submitted for initial review.
as soon as the primary plat is approved. One additional copy of this sheet shall be submitted to the County Highway Department for transmittal to the County Sheriffs Department if necessary and to the town or local Police Department for their review. The engineer will be responsible for drafting necessary ordinance amendments or official actions required to authorize the control signs’ installations.

(G) The developer may install decorative type signs, provided the covenants of the property specify that the residents will maintain the signs through their homeowners association. The town will give written notification to the homeowners association when maintenance of the decorative signs is required. If not completed within the 30 days, the town will replace the signs with standard signs at the homeowners association’s expense. Decorative posts shall not be greater than a 4" x 4" wood post or a 2" diameter steel tube unless notified to meet breakaway standards and other safety characteristics as approved by the town. All signs shall conform to all other applicable ordinances.

(H) Decorative signs will not be allowed for use as regulatory or warning signs.

(I) The developer shall furnish the signs prior to the release of the performance bond or prior to the issuance of the first occupancy permit, whichever occurs first.

(Ord. 1999-06, passed 6-8-99)

' 95.11  ROADSIDE DITCHES.

(A) Roadside ditches are required for all existing or proposed roads that will not have curbs and gutters.

(B) Roadside ditches shall be located so as to provide a shoulder width as dictated by the road classification and sound engineering design. In no case shall the shoulder width be less than seven feet.

(C) Ditch slopes greater than or equal to 1% and less than 3% grade shall be sodded. Ditch slopes greater than or equal to 3% grade shall protected with riprap.

(D) The ditches shall not be filled in by the property owner without installing storm sewers at any time in the future. The covenants shall specifically prohibit this.

(E) General Guidelines for Ditch Cross-sections:

(i) Traversable ditch cross sections are defined in Figures 10, 11, and 12. Two curves are shown on each figure. The area below the lower curve represents ditch cross sections that can be traversed by a vehicle containing unrestrained occupants and, thus, has a Severity Index of 1.0.
(2) The upper curve is for ditch cross sections that have a Severity Index of 1.6, and thus, vehicle occupants must be restrained in order to safely traverse the ditch. The use of Severity Index = 1.6 may be necessary because of right-of-way restrictions or to avoid nominal changes to existing ditches. In addition, the following items shall be considered.

(3) Slopes of 3:1 shall be used only where site conditions do not permit the use of flatter slopes;

(4) Embankment surfaces must be uniform to permit traversability of a 3:1 slope. Vehicle rollover can be expected if the embankment is soft or rutted; and

(5) Foreslopes steeper than 4:1 are not desirable because their use severely limits the range of backslopes producing a safe ditch configuration.

(F) Ditches In Fill Sections On Reconstruction Projects.

(1) If any part of the backslope of the ditch section falls within the Clear Zone then the slopes shall be evaluated in accordance with Figures 10, 11, and 12. Existing ditch combinations that fall on or below the 1.6 Severity Index may remain. Areas with ditch slope combinations that fall above the 1.6 Severity Index curve shall be evaluated for cost and accident history before deciding to make an improvement. If improvement is warranted, the slope combination should preferably fall below the SI = 1.0 curve, but at least below the SI = 1.6 curve.

(2) If the ditch falls outside the Clear Zone, traversability may not be considered.

(G) Ditches In Fill Sections On New Facilities. If the ditch falls within the Clear Zone, the Designer shall select a front slope, backslope, and ditch width that will fall within the 1.0 Severity Index curve on Figures 10, 11, and 12.

(H) Ditches In Cut Sections On Reconstruction Projects. Additional right-of-way shall be obtained, if practical, when the ditch cross section can be made traversable by flattening the slopes or by moving the ditch farther from the road. Other means of making the ditch traversable, which shall be evaluated, are as follows:

(1) Use of a pipe in the ditch;

(2) Raising the grade of the ditch; and

(3) Placing 4" rip rap in the ditch to change ditch contour, and such that the projection of any one piece of rip rap does not exceed 2" above surrounding area.
Ditches In Cut Sections On New Facilities. The desirable section is shown in Figures 10, 11, and 12. For minimum ditch sections, provide a section which falls on or below the 1.6 Severity Index curves on Figures 10, 11, and 12.

(Ord. 1999-06, passed 6-8-99)

95.12 STORM DRAINAGE AND CULVERTS.

(A) Within subdivision streets' rights-of-way, surface water, sump pump discharge, and geothermal heat pump water discharge shall be carried away by enclosed storm drainage systems, not including subsurface drains. Downspouts shall not be discharged directly into any part of the enclosed storm drainage system. Storm drainage pipes or systems, subsurface drains or sump pump outlets shall not discharge into roadside ditches or over curbs. All pipes, culverts, inlets, cleanouts and manholes shall be constructed in accordance with plans and specifications approved by all governmental agencies having jurisdiction over the project drainage.

(B) Systems shall be designed to prevent flooding of roads by a storm in accordance with the following criteria:

1. Local Roads - Maintain one lane at ten foot minimum clear width for a ten year storm. For greater storm frequencies, no greater than six inch depth of flooding shall be allowed in the road.

2. Collectors and Arterials - meet INDOT spread criteria.

(C) Culverts and storm sewers shall be designed for a ten year storm in accordance with the requirements of the town and installed to the approved elevations shown on approved construction plans. Culverts for major roads shall be designed such that the road shall not be overtopped by a 25 year storm event. Minimum diameter for storm sewers shall be 12". Minimum diameter for culverts shall be 15" under driveways and 36" under roadways. End sections made of the same material as the pipe shall be used for culverts. All storm sewer pipes shall be designed to ensure a minimum flow velocity of three feet per second.

(Ord. 1999-06, passed 6-8-99)

95.13 BRIDGES.

(A) Plans, specifications and design calculations for bridges or culverts having clear or combined spans greater than 20' shall be reviewed separately from those of other improvements.

(B) All bridge structures shall be designed and constructed in accordance with AASHTO/Standard Specifications for Highway Bridges, Current Edition. All structures shall be designed to accommodate a 100 year flood with freeboard as determined by the County Engineer and other governing agencies.

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(C) All bridges shall be designed to incorporate a crash-tested barrier rail per Indiana Department of Transportation (INDOT) specifications and adequate lengths of a crash-tested approach rail. The length of approach rail shall meet INDOT RRR requirements or better.

(D) Bridges and large culverts shall be designed and constructed with materials, features and finishes approved by the County Engineer and other applicable agencies, prior to the beginning of construction, in order to minimize the town's maintenance requirements and liability exposure. Aesthetic features commensurate with the proposed development are encouraged and may be required by the town. An Engineer registered in the State of Indiana shall certify all bridge plans.

(E) The County Engineer and other Governing Agencies must be provided with copies of current letters of approval for waterway openings and structure elevations from all other agencies having jurisdiction over the stream crossings. These may include, but are not limited to, the County Surveyor, the Indiana Department of Natural Resources, and the Army Corps of Engineers.

(Ord. 1999-06, passed 6-8-99)

95.14 MONUMENTS.

Monuments shall be installed by the developer and certified by a Professional Land Surveyor in conformance with applicable ordinances and statues. Monuments and recoverable benchmarks shall be indicated and described on the construction plans.

(Ord. 1999-06, passed 6-8-99)

95.15 CONSTRUCTION WITHIN ROAD RIGHT-OF-WAY.

Whenever any construction activities occur within a public road right-of-way, traffic control devices shall be placed in accordance with INDOT Standards and the Manual on Uniform Traffic Control Devices, Part VI. The devices shall be installed prior to any construction and shall be maintained during the entire time that the special conditions exist. They shall be removed immediately thereafter.

(Ord. 1999-06, passed 6-8-99)

95.16 ADOPTION OF STANDARD DETAILS BY REFERENCE.

(A) The Standard Details attached to this chapter and all amendments thereto are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of the Standard Details are on file with the Clerk-Treasurer and are available for public inspection during normal business hours.

(Ord. 1999-06, passed 6-8-99)
CHAPTER 96: TREES AND SHRUBS

Section

General Provisions

96.01 Definitions
96.02 Street tree species to be planted
96.03 Spacing
96.04 Utilities
96.05 Public tree care
96.06 Tree topping
96.07 Pruning; corner clearance
96.08 Removal of stumps
96.09 Interference with tree committee
96.10 Arborists license and bond
96.11 Willful destruction of trees
96.12 Permit required

Tree Committee

96.20 Establishment of tree committee
96.21 Term of office
96.22 Compensation
96.23 Duties and responsibilities
96.24 Operation
96.25 Review by Town Council

96.99 Penalty

GENERAL PROVISIONS

96.01 Definitions.

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

"STREET TREES." Any tree whose main trunk lies more in the easement than outside the easement as determined by the Town Manager.

(Ord. 1993-04, passed 3-16-93; Am. Ord. 1997-09, passed 6-10-97)

96.02 STREET TREE SPECIES TO BE PLANTED.

(A) The following list constitutes the official Street Tree Species for the Town of Pendleton, Indiana. No species other than those included in this list may be planted as street trees without written permission of the Tree Committee.

<table>
<thead>
<tr>
<th>SMALL TREES</th>
<th>MEDIUM TREES</th>
<th>LARGE TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crabapple (flowering sp)</td>
<td>Pear Cultivars</td>
<td>Sugar Maple</td>
</tr>
<tr>
<td>Hawthorn</td>
<td>Hornbeam</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Tree Lilac</td>
<td>Crabapple</td>
<td>Norway Maple</td>
</tr>
<tr>
<td>Amelanchier (flowering sp)</td>
<td></td>
<td>London Plane Tree</td>
</tr>
</tbody>
</table>
(B) The appropriateness of a selection is dictated by the individual characteristics of the variety and how these characteristics match the conditions of the site location.

'(Ord. 1993-04, passed 3-16-93)

96.03 SPACING.

No street tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 20 feet of any fire hydrants.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

96.04 UTILITIES.

No street trees other than those species listed as small trees in '96.02 may be planted under or within 10 lateral feet of any overhead utility wire, or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

96.05 PUBLIC TREE CARE.

(A) The Tree Committee shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all street, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The Tree Committee may remove or cause or order to be removed, with the approval of the Town Manager, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with '96.02 through 96.04.

(Ord. 1993-04, passed 3-16-93)

96.06 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to
stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under or around utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

'96.07 PRUNING; CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owner shall remove all dead, diseased, dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign after notification from the Town Manager to the Property owner.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

'96.08 REMOVAL OF STUMPS.

All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

'96.09 INTERFERENCE WITH TREE COMMITTEE.

It shall be unlawful for any person to prevent, delay or interfere with the Tree Committee or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, or trees on private grounds, as authorized in this chapter.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

'96.10 ARBORISTS LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street trees within the town without first applying for and procuring a license. The annual license fee shall be $25 and paid in advance, provided, however, that no license shall be required of any public service company or town employee doing such work in pursuit of their public service endeavor. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of $100,000 for bodily injury and $300,000 property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 1993-04, passed 3-16-93) Penalty, see '96.99

1997 S-6 Repl.
96.11   WILLFUL DESTRUCTION OF TREES.

Any person who is found to have willfully mutilated, disfigured, or destroyed a street tree may be prosecuted.  
(Ord. 1993-04, passed 3-16-93)

96.12   PERMIT REQUIRED.

(A) A permit for excavation in a street or alley easement shall be obtained from the Street Department prior to any planting, trimming or removal of a street tree. The Town Electric Company will be exempt from the permit process. The Street Dept. shall consult the Tree Committee as needed for guidance. All public requests to remove trees shall be referred to the Tree Committee.

(Ord. 1997-09, passed 6-10-97)

(B) There will be no application fee for the permit.

TREE COMMITTEE

96.20   ESTABLISHMENT OF TREE COMMITTEE.

There is hereby created and established a Tree Committee for the Town of Pendleton, Indiana which shall consist of seven members, citizens and residents of the community, who shall be appointed by the Town Council President with approval of the Town Council.  
(Ord. 1993-04, passed 3-16-93)

96.21   TERM OF OFFICE.

The term of the seven persons to be appointed by the Town Council President shall be three years except that the term of two of the members appointed to the first committee shall be for only one year and the term of three members of the first committee shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed for the unexpired portion of the term.  
(Ord. 1993-04, passed 3-16-93)

96.22   COMPENSATION.

Members of the Committee shall serve without compensation.  
(Ord. 1993-04, passed 3-16-93)

96.23   DUTIES AND RESPONSIBILITIES.

(A) It shall be the responsibility of the Committee to study, investigate, counsel, develop, update annually, and administer a written plan for care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official Comprehensive Town Tree Plan for the town.
The Committee, when requested by the Town Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.
(Ord. 1993-04, passed 3-16-93)

96.24 OPERATION.

The Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
(Ord. 1993-04, passed 3-16-93)

96.25 REVIEW BY TOWN COUNCIL.

The Town Council shall have the right to review the conduct, acts and decisions of the Tree Committee.
(Ord. 1993-04, passed 3-16-93)

96.99 PENALTY.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed $500.
(Ord. 1993-04, passed 3-16-93)
CHAPTER 97: NOISE CONTROL

Section

97.01 Scope
97.02 Definitions
97.03 Loud and unnecessary noise prohibited
97.04 Enumeration of certain prohibited acts; exemptions
97.99 Penalty

97.01 SCOPE.

The provisions of this chapter shall apply to the control of all noise within the town limits, as the limits now exist or may hereafter be established.

(Ord. 1996-06, passed 8-13-96)

97.02 DEFINITIONS.

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

"MOTOR VEHICLE." Any vehicle powered by a mechanical engine and designed to be driven or used on any public or private property. Such definition shall include but not be limited to: automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, and trail bikes.

"PERSON." Any individual, association, partnership, joint venture, or corporation which includes any officer, employee, department, agency, or instrumentality thereof.

(Ord. 1996-06, passed 8-13-96)

97.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a person to make any loud, raucous, improper/unreasonable, offensive, or unusual noise, disorder, or tumult which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the town, or to permit such noise, disorder, or tumult to be made in or about his/her house or premises, and the same is hereby declared to be a public nuisance.

(B) Further, it shall be the duty of every owner, occupant, manager, and agent of any property, structure, vehicle, or business in the town to prevent persons using property under their control from violation of this chapter.

(Ord. 1996-06, passed 8-13-96) Penalty, see ' 97.99
' 97.04 ENUMERATION OF CERTAIN PROHIBITED ACTS; EXEMPTIONS.

(A) Prohibited acts. The following acts, uses, or noises, among others, subject to specific exemptions, are declared to be loud, raucous, or disturbing noises in violation of this chapter. Such enumeration shall not be deemed to be exclusive:

(1) Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound in such manner as to disturb peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or property in which such machine or device is operated and who is a voluntary listener.

(2) Using, operating, or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing of sound which is cast upon other properties, including the public right-of-way for the purpose of commercial advertising or to attract attention to any activity, performance, sale, place, or structure.

(3) Using, operating, or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing any sound on any public transportation vehicle.

(4) Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any medical facility which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the medical facility.

(B) Prohibited noise. No person shall play, use, or permit to be played, used, or operated any machine or device for the producing or reproducing of sound, if it is in or on any of the following:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, park, or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source.

(2) Any motor vehicle on a public right-of-way, highway, or public space, if the sound generated is audible at a distance of 30 feet from the device producing the sound.

(C) Exemptions. The following shall be exempted from the provisions of this chapter:

(1) Sound emitted from sirens of authorized emergency vehicles.

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(2) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 9:00 p.m.

(3) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(4) Celebrations on legal holidays.

(5) Permitted parades or festivals.

(6) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

(7) The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.

(8) Sounds associated with the normal conduct of a legally established non-transient business within the normal range appropriate for such use.

(9) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

Penalty, see '97.99

'97.99 PENALTY.

Whoever violates the provisions of this chapter shall upon conviction thereof be fined a sum of not less than $100 for the first offense, a sum of not less than $200 for the second offense, and a sum of not less than $500 nor more than $1,000 for any additional offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 1996-06, passed 8-13-96)
Section

98.01 Grave Opening and Closing Fee

98.01 GRAVE OPENING AND CLOSING FEE.

The total fee for after-hours burials shall be $525.

(Ord. 1998-03, passed 3-10-98)
CHAPTER 99: FAIR HOUSING

Section

99.01 Policy statement
99.02 Definitions
99.03 Unlawful practice
99.04 Discrimination in sale or rental of housing
99.05 Discrimination in residential real estate related transactions
99.06 Discrimination in provision brokerage services
99.07 Interference, coercion, or intimidation
99.08 Prevention of intimidation in fair housing cases
99.09 Equal access to housing in HUD cases
99.10 Exemptions
99.11 Administrative enforcement
99.12 Severability of provisions

99.01 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 IC 22-9.5-1 et seq.

(Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

99.02 DEFINITIONS.

The definitions set forth in this section shall apply throughout this chapter:

A AGGRIEVED PERSON. Includes any person who:

1. Claims to have been injured by a discriminatory housing practice; or
2. Believes that such person will be injured by a discriminatory housing practice that is about to occur. (See IC 22-9.5-2-2)

A COMMISSION. The Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et seq. (See IC 22-9.5-2-3)

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

A DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under 99.04, 99.05, 99.06, 99.07, or 99.08 or IC 22-9.5-5.
ADWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, designed or intended for occupancy by one or more families. (See IC 22-9.5-2-8)

AFAMILIAL 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 such individual or the written permission of such parent or other person. The protections afforded against discrimination on the basis of famillial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

AFAMILY. Includes a single individual. (See IC 22-9.5-2-9) See also AFAMILIAL STATUS.

AHANDICAP. With respect to a person:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities.
   a. A record of having such an impairment, or
   b. Being regarded as having such an impairment,
   c. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
   e. Any other impairment defined under IC 22-9.5-2-10.

2. The term handicap shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (IC 22-9.5-2-10(b)); nor does the term handicap include an individual solely because that individual is a transvestite. (See IC 22-9.5-2-10(c))

APERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. (See IC 22-9.5-2-11)

ATO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant. (See IC 22-9.5-2-13) (Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

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UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, '99.09 and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in IC 22-9.5-5-1 and in '99.04 shall apply to:

(A) All dwellings except as exempted by division (B) and IC 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in '99.04 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 such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such 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 salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of '99.04(C), but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title.

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

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

(1) They have, 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) They have, within the preceding 12 months, participated as agent, other than in the sale of his 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
99.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by '99.03 and except as exempted by '99.03(B) and '99.09, 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, handicap, familial status or national origin.

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

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

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

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

(F) 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:

1. That buyer or renter;

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

3. Any person associated with that person.

(G) 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 such dwelling, because of a handicap of:
That person; or
A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
Any person associated with that person.

For purposes of this division, discrimination includes:

A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such 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 modifications, reasonable wear and tear excepted;

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

In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:

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

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

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

An accessible route into and through the dwelling;

Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

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

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of 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 subsection (3)(c)(iii).
(5) Nothing in this division 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. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

' 99.05  DISCRIMINATION IN RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS.

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

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

   (1) The making or purchasing of loans or providing other financial assistance:

   (a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

   (b) Secured by residential real estate.

   (2) The selling, brokering, or appraising of residential real property.

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

(Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

' 99.06  DISCRIMINATION IN THE PROVISION 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 in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

' 99.07  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 having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by ' 99.03, 99.04, 99.05, or 99.06.

(Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

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' 99.08  PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

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

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

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

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

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

(C) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than $10,000 or imprisoned 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. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

' 99.09  EQUAL ACCESS TO HOUSING IN HUD PROGRAMS.

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of "FAMILY" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

(Ord. 2014-12, passed 11-6-14)

' 99.10  EXEMPTIONS.

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

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(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 such persons, unless membership in such 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 such lodging to its members or from giving preference to its members.

(C) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, 'HOUSING FOR OLDER PERSONS' means housing:

(1) 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 person (as defined in the state or federal program);

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

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

(Ord. 1999-10, passed 8-10-99; Am. Ord. 2014-12, passed 11-6-14)

' 99.11  ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) hereof shall be vested in the President of the Town Council of Pendleton, Indiana.

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the town, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to IC 22-9.5-6 and the Council President, shall refer all said complaints to the Commission as provided for under division (A) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under IC 22-9.5-6.

(C) All executive departments and agencies of the Town of Pendleton, Indiana 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 Council President and the Commission to further such purposes.

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' 99.12  SEVERABILITY OF PROVISIONS.
If any provision of this chapter or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the chapter and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. 2014-12, passed 11-6-14)
TITLE XI: BUSINESS REGULATIONS

Chapter

110. AMUSEMENTS

111. PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS
CHAPTER 110: AMUSEMENTS

Section

Amusement Devices and Arcades

110.01 Definitions
110.02 License required; application
110.03 Review of application
110.04 Validity of license
110.05 Display of devices and license
110.06 Location restriction; hours of operation
110.07 Revocation of license
110.08 Gambling devices prohibited
110.09 Parking area to be kept clean
110.10 Duties of Town Manager

AMUSEMENT DEVICES AND ARCADES

• 110.01 DEFINITIONS.

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

"AMUSEMENT DEVICE." Any mechanical, electric, or electronic machine, apparatus, or contrivance, which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally by manipulating special equipment whereby a score is established. It shall include devices such as marble machines, pinball machines, skill ball machines, ball or pin games, mechanical baseball or football games, mechanical card games, and all other games, operations, or transactions similar thereto under whatever name may be indicated, whether or not the element of skill for the manipulation of special equipment predominates over chance, luck, or fortuity. "AMUSEMENT DEVICE" does not include coin-operated vending machines which dispense goods, gum, candy, food, or drink, nor shall "AMUSEMENT DEVICE" include any coin-operated mechanical, electrical, or electronic musical device which only produces musical sound when activated, nor shall "AMUSEMENT DEVICE" include any coin-operated machine which produces only motion when activated.

"ARCADE." A for-profit commercial facility, the primary use of which is to house amusement devices or any for-profit commercial facility with over five amusement devices, except where admission to such for-profit commercial facility is restricted to persons aged 21 or over.

• 110.02 LICENSE REQUIRED; APPLICATION.

(A) It shall be unlawful for any person to keep, possess, operate, or allow or permit to be operated, played, used, or maintained, any amusement device in or on any premises or place, open or accessible to the public within the town, unless that person
shall first have obtained a license for each and every amusement device as hereinafter provided.

(B) Any person desiring a license to keep, possess, operate, or allow or permit to be operated, played, used, or maintained, any amusement device as defined in §110.01, in any public place as aforesaid, shall make application in writing therefor to the Town Manager, stating in the application the following items:

1. The full name, age, and residence address of the applicant, and all names and addresses of persons associated with the applicant, such as partners, or officers if a corporation, and the name and address of the person who shall be in charge of the premises where the amusement device or devices shall be kept.

2. The address where the amusement device or devices shall be kept, possessed, operated, played, used, or maintained and the type of business conducted therein.

3. Whether the applicant owns, leases, rents, has purchased on conditional sales contract, or has title which has a lien thereon or other encumbrance with regard to the amusement device, and if so, by whom.

4. Whether the applicant is the owner, renter, or lessee of the premises where the amusement device shall be kept, possessed, operated, used, played, or maintained. If the applicant is not the owner, then the name and address of the owner shall be given.

5. A complete description of the amusement device, including but not limited to the trade name, the name of the manufacturer, model number, serial number, and any other identification number or feature or designation by which the amusement device may be readily identifiable.

6. Whether or not the applicant or any other person who shall be connected or associated with the keeping, possessing, operating, maintaining, or placing of the amusement device has ever been convicted for the violation of any gambling laws or any dangerous drug-related offenses.

(C) It shall be unlawful for anyone to knowingly withhold material information, or provide false information to the Town Manager's office in applying for a license.

(D) All applications made hereunder shall be verified under oath together with a fee of $50 per amusement device. Penalty, see §10.99

§110.03 REVIEW OF APPLICATION.

(A) Upon application, together with the fee, being filed with the Town Manager, it is thereby the duty of the Town Manager to present the application to the Board of Trustees for its approval or disapproval as the case may be.
(B) Upon presentation by the Town Manager of the application to the Board for the approval or disapproval of the issuance of the license, the Board shall cause an investigation to be made of the applicant, any other person associated with the applicant, and the premises on which the amusement devices are to be located. This investigation shall include, but shall not be limited to health, fire safety, building, or zoning code violations. Upon disapproval of the issuance of the license by the Board for any valid or lawful reason, the application shall be refused and the fee returned. The Board shall approve or disapprove the issuance of the license within 60 days of the date of application for the license.

110.04 VALIDITY OF LICENSE.

(A) Any license issued for any amusement device shall expire on December 31 in the year of its issuance. At or before the expiration of the existing period of time, a new application must be submitted to keep, possess, operate, or allow to be operated, used, played, or maintained, the amusement device or devices. No license issued hereunder shall apply to any amusement device other than that for which it was issued.

(B) No license issued hereunder shall remain valid if a licensed amusement device or devices is moved or removed to a location other than that where it was licensed to be kept, possessed, operated, or allowed or permitted to be operated, played, used, or maintained.

(C) In the event a license is issued and during the period for which the license is in effect, there is a change in the information provided by the applicant as required in 110.02(B), such applicant shall promptly report the change or changes to the Town Manager who in turn shall advise the Board of Trustees. The Board shall examine the new information and determine whether the new information would have caused the Board to reject the application if presented in the first instance, and if so, the Board may revoke the license. Failure to report any change or changes shall constitute a violation of this subchapter.

(D) Any license issued by the town to the operator of an arcade or amusement device shall not be transferable.

Penalty, see 10.99

110.05 DISPLAY OF DEVICES AND LICENSE.

All amusement devices shall at all times be kept and placed in plain view of any person who may frequent, or or be in or upon the premises or place, open or accessible to the public where the devices are kept or used. Each licensee shall display the license so issued for each amusement device in a conspicuous place in or on the location or place where it may be readily observed by anyone using the licensed amusement device or devices. Every arcade or establishment having an amusement device license shall have fixed in
plain view a sign stating any and all restrictions on users of the amusement devices.
Penalty, see 10.99

110.06 LOCATION RESTRICTIONS; HOURS OF OPERATION.

(A) No person, firm, partnership, or corporation shall place, maintain, or use within 1500 feet of any elementary, middle, or high school, whether public, private, or parochial, any arcade or amusement device. This distance shall be measured as a straight line from the nearest property line of the school to the nearest building line of the arcade or building in which the amusement device is located.

(B) Persons aged 17 or younger shall not be permitted on arcade premises during school hours (7:30 a.m. through 3:30 p.m.) except on weekends and on holidays, nor shall they be permitted to operate an amusement device located in any commercial establishment during such hours.
Penalty, see 10.99

110.07 REVOCATION OF LICENSE.

The Board of Trustees shall revoke any license issued under this subchapter whenever any person is convicted in any court of competent jurisdiction for the violation of any provision of this subchapter.

110.08 GAMBLING DEVICES PROHIBITED.

Nothing in this subchapter shall be construed to authorize, permit, or license any gambling devices of any kind, nature, or description whatsoever.

110.09 PARKING AREA TO BE KEPT CLEAN.

Arcade operators shall be responsible for maintaining a clean parking area, free of litter and debris.
Penalty, see 10.99

110.10 DUTIES OF TOWN MANAGER.

The Town Manager shall enforce this subchapter and any other ordinances pertaining to the operation of arcades and amusement devices.
CHAPTER 111: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Section

111.01 Definitions
111.02 License requirement
111.03 Application procedure
111.04 Standards for issuance
111.05 Revocation
111.06 Appeal procedure
111.07 Display of license and identification
111.08 [Reserved]
111.09 No trespassing
111.10 Compliance with other laws

111.01 DEFINITIONS.

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

"BUSINESS." The business carried on by any person who is a transient merchant, peddler, or solicitor as defined in this section.

EXEMPT PERSON. An exempt person shall include the following:

1. An individual while and to the extent he or she is engaged in a protected political speech or activity.

2. An individual while and to the extent he or she is engaged in protected religious speech or activity.

3. An individual engaged in the solicitation of funds and/or the sale of cookies, candies, paper products, or similar sundries for and on behalf of a not-for-profit or nonprofit organization or association that is exempt from the Indiana Gross Retail Tax.

4. An individual, who, due to pre-exemption or applicable federal or state law is exempt from local licensing requirements.

5. An individual that has been invited by the lawful owner or occupant of a residence or business to solicit his or her particular goods or services.

6. Any person that has been granted direct marketing authority by the Indiana Utility Regulatory Commission pursuant to the provisions of IC 8-1-34-30.

7. Any person engaged in sales, or offers to sell, during any event that is pre-approved for such sales by the Town Council.
"GOODS." Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

"PEDDLER."

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the town.

A person who is a peddler is not a transient merchant.

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

"TRANSIENT MERCHANT." Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the town and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the town.

(Am. Ord. 2015-02, passed 2-12-15)

111.02 LICENSE REQUIREMENT.

(A) Any person who is a transient merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the town.

(B) The fee for the license required by this chapter shall be $25.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

(Am. Ord. 2015-02, passed 2-12-15) Penalty, see 111.99

111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Police Department. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the town;
(b) The local address of such individual;
(c) The permanent address of such individual;
(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;
(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; or
(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and
(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the town, copies of all printed advertising proposed to be used in connection with the applicant's business;
(2) If required by the town, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative;
(3) Proof of a $500 surety bond issued to the applicant for the applicant's business;
(4) Three dollars or the current cost to the Police Department for conducting a limited criminal history check of the applicant (non-refundable); and

(5) Twenty-five dollars in the form requested by the Police Department for the license, if issued. (The $25 shall be refunded if the license is not issued.)

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

(Am. Ord. 2015-02, passed 2-12-15) Penalty, see • 111.99

● 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, evidence that the applicant has done any of the following will constitute valid reasons for disapproval of an application:

(1) Has been convicted of a crime of moral turpitude;

(2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to transient merchants, peddlers, solicitors, and the like;

(4) Has committed prior fraudulent acts;

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character.

(Am. Ord. 2015-02, passed 2-12-15)

● 111.05 REVOCATION.

A license granted under this chapter may be revoked by the Chief of Police or his or her designee for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation, or false statement made in
connection with the business being conducted under the license;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

(Am. Ord. 2015-02, passed 2-12-15)

111.06 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under 111.04 or 111.05 shall have the right to appeal to the Town Council. The appeal shall be taken by filing with the Council, within 14 days after notice of the decision to deny or revoke a license has been mailed to the applicant’s or licensee’s last known address. The notice of appeal shall include a written statement setting forth the grounds for appeal. The Council shall set the time and place for a hearing and shall, at least ten days before the date of the hearing, mail notice of the hearing to the applicant or licensee at the applicant’s or licensee’s last known address.

(B) The order of the Council after the hearing shall be final.

(Am. Ord. 2015-02, passed 2-12-15)

111.07 DISPLAY OF LICENSE AND IDENTIFICATION.

(A) Any license issued to a transient merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the town shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Chief of Police or his or her designee shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he or she is engaged in the business licensed and:

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111.08 PENDLETON - PEDDLERS/SOLICITORS/TRANSIENT MERCHANTS

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(1) If the licensee conducts door-to-door sales, the license must be displayed prominently on the outermost layer of clothing worn by the licensee; and

(2) If the licensee utilizes a vehicle to travel around the town to conduct business, have a sign located in a conspicuous place on or in the vehicle identifying the name of the licensee and, if applicable, the name of the company or organization the licensee represents.

(Am. Ord. 2015-02, passed 2-12-15) Penalty, see 111.99
**111.08 [RESERVED].**

**111.09 NO TRESPASSING.**

A license issued under this chapter does not empower the holder to ignore "No Trespassing," "No Solicitors," or similar signs or lawful requests to not trespass on private property. This includes signs posted at the entrance to subdivisions and/or individual homes and being verbally informed by the resident or other authorized person that the solicitation is unwelcome.  
(Ord. 2015-02, passed 2-12-15)

**111.10 COMPLIANCE WITH OTHER LAWS.**

A licensee and a licensee’s employees and agents shall comply with all federal, state, and local laws and regulations while conducting business allowed under the license in the town.  
(Ord. 2015-02, passed 2-12-15)
TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

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CHAPTER 130: GENERAL PROVISIONS

Section

Generally

130.01 Discharge of firearms
130.02 Curfew for minors

Social Host

130.10 Definitions
130.11 Duty to prevent consumption of alcohol by minors; violation
130.99 Penalty

GENERALLY

130.01 DISCHARGE OF FIREARMS.

No person shall discharge any dangerous weapon, including a firearm, pellet gun, B-B gun, or bow and arrow, within or into the town except:

(A) Any authorized law enforcement officer in pursuit of his duty;

(B) Any person who is attacked, or reasonably believes himself to be in danger of attack and injury to his person or property, and discharges any weapon to preserve and defend his safety, or the safety of his property; or

(C) Any organization registered with the Police Department and approved by it, for the purpose of practicing supervised archery within a designated area not open to the general public.

(D) Within the area described as follows: Commencing at the intersection of Old State Road 132 and easterly Interstate 69; thence northeasterly along the easterly right-of-way of I-69 to the north corporate boundary of the Town of Pendleton; thence east along the north corporate boundary of the Town of Pendleton to the intersection of the westerly right-of-way of Conrail Railroad; thence southwesterly along said right-of-way to the intersection with Old State Road 9; thence approximately 878 feet along the easterly right-of-way of Old State Road 9; thence west to the west line of Section 16, Township 18 North, Range 7 East; thence south along said section line to the northeast corner of a parcel of land recorded in Deed Record 274 Page 181; thence west along said north property line to westerly right-of-way of Old State Road 132; thence southeasterly along said right-of-way to the west line of said Section 16; thence south along said section line to Fall Creek; thence westerly along the meandering of Fall Creek to the southeast corner of a parcel of land recorded in Deed Record 324 Pate 92; thence northwesterly along said property line; thence west along said property line to the half section line of
Section 17, Township 18 North, Range 7 East; thence south along said half section line to the south line of said Section 17; thence west to the northwest corner of a parcel of land recorded in Deed Record 526 Page 21; thence south along said property west line to the northerly right-of-way of State Road 38; thence northwesterly along said north right-of-way to the southwest corner of a parcel of land recorded in Deed Record 688 Page 554, which is also the west section line of Section 17, Township 18 North, Range 6 East; thence north along said section to the half section line of said Section 17; thence westerly along said half section line to the easterly right-of-way of I-69; thence northeasterly along said right-of-way to the place of beginning.

(82 Code, § 35-23-4.1-1(a); Am. Ord. 1994-09, passed 7-19-94; Am. Ord. 1999-01, passed 2-8-99) Penalty, see §130.99

•130.02 CURFEW FOR MINORS.

(A) Curfew hours.

(1) Subject to the exemptions provided in division (B) below, it is a violation of this section for a minor child age 15, 16, or 17 to be in a public place within the town’s limits during the following days and times:

(a) After 11:59 p.m. on Friday or Saturday;

(b) Before 5:00 a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday; or

(c) After 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday.

(2) Subject to the exemptions provided in division (B) below, it is a violation of this section for a minor child younger than the age of 15 to be in a public place within the town’s limits after 10:00 p.m. and before 5:00 a.m. any day of the week.

(B) Exemptions. This section does not apply to a child who is:

(1) Accompanied by his parent, guardian, or custodian;

(2) Accompanied by an adult specified by his parent, guardian, or custodian;

(3) Carrying out an errand or participating in another lawful activity undertaken at the prior written direction of the child’s parent, guardian, or custodian; or

(4) Participating in, going to, or returning from:

(a) Lawful employment;

(b) A school-sanctioned activity;

(c) A religious event;

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(d) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(e) An activity involving the exercise of the child’s rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(f) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults;

(5) Attending the June Jamboree with the permission of a parent, guardian, or custodian, and the curfew shall be midnight (12:00 a.m.) to 5:00 a.m. on the days of the event;

(6) Emancipated under Indiana law, by virtue of having married, or in accordance with the laws of another state or jurisdiction; and/or

(7) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

(C) Authority of police during curfew hours.

(1) Any police officer may stop and question any minor suspected of violating this section’s provisions and may take the minor into custody when:

   1. The minor is found to be violating provisions of this section; and

   2. There is no legal defense or exemption to the violation per division (B) of this section.

(b) If the officer takes the minor into custody, the officer shall take the minor to the headquarters of the Police Department where the name and contact information of the minor’s parent, guardian, or custodian shall be ascertained.

(2) The parent, guardian, or person having legal custody shall be notified or summoned by the investigating officer to appear at the police headquarters to complete the investigation.

(3) The investigating officer, if he or she is satisfied that a violation of this section has occurred, shall issue a summons to the parent, guardian, or custodian of the minor to appear in the Town Court to answer to the charge of the violation of this section.

(D) Penalty. Any parent, guardian, or legal custodian of a minor found to have violated any provision of division (A) of this section shall be fined in accordance with •13.02. In addition, any minor found
to have violated any provision of division (A) of this section may be referred to the Madison
County Juvenile Court.
(Am. Ord. 2007-05, passed 7-5-07; Am. Ord. 2011-08, passed 6-2-11) Penalty, see •130.99

SOCIAL HOST

•130.10  DEFINITIONS.

The following definitions shall apply unless the context clearly indicates or requires a
different meaning.

"ALCOHOL." The compound C2H5OH, known as ethyl alcohol, hydrated oxide of
ethyl, or spirits of wine, from whatever source or by whatever process produced.

"ALCOHOLIC BEVERAGE." A liquid or solid that:

1. Is, or contains, 0.5% or more alcohol by volume;
2. Is fit for human consumption; and
3. Is reasonably likely, or intended, to be used as a beverage.

"LOUD OR UNRULY PARTY OR GATHERING." A gathering or party of at least two
or more persons at a residence or on other private property or rented public property on which
loud or unruly conduct occurs at which alcohol is consumed by minors. Such loud or unruly
gatherings include but are not limited to gatherings resulting in:

1. Excessive noise;
2. Excessive traffic;
3. Obstruction of public streets and/or the presence of unruly crowds that have
   spilled out into the street;
4. Public drunkenness or unlawful public consumption of alcohol or alcoholic
   beverages;
5. Assaults, batteries, fights, domestic violence or other disturbances of the
   peace;
6. Vandalism;
7. Litter; or
8. Any other conduct which constitutes a threat to the public health, safety, or
   quiet enjoyment of residential property or the general welfare.

"MINOR." A person less than 21 years of age.

2011 S-19
"RESIDENCE."

(1) The premises in which a person resides and includes the aggregation of the rooms inhabited by him, including the cellar and basement under them; and

(2) Also means a room equipped for sleeping or a suite located in a hotel when actually occupied by a traveler, or by a person as his or her bona fide residence.

(Ord. 2010-05, passed 6-3-10)

130.11 DUTY TO PREVENT CONSUMPTION OF ALCOHOL BY MINORS; VIOLATION.

(A) It is the duty of any person who permits, allows or hosts a loud or unruly gathering at his or her place of residence or other private property, public place, or any other premises under his or her control, who permits minors to consume or be in possession of alcoholic beverages shall be in violation of this subchapter unless that person takes all reasonable steps to prevent the consumption or possession of alcoholic beverages by any minor at the gathering. Reasonable steps include, but are not limited to, the following:

(1) Controlling access to alcoholic beverages at the gathering;

(2) Controlling the quantity of alcoholic beverages at the gathering;

(3) Verifying the age of persons attending the gathering through drivers licenses or other forms of state issued identification to ensure that minors do not consume alcoholic beverages at the gathering; and

(4) Monitoring the activities of minors at the gathering.

(B) A person who hosts a loud or unruly gathering shall not be in violation of this subchapter if:

(1) Prior to any other person making a complaint to the Police Department or other law enforcement agency about the gathering, he or she:

(a) Seeks the assistance of the Police Department or other law enforcement agency to remove any person who refuses to abide by the host's performance of duties imposed by this subchapter; or

(b) Terminates the gathering because the host has been unable to prevent minors from consuming alcoholic beverages despite having taken all the reasonable steps to do so.

(2) Any person at the gathering seeks emergency assistance to respond to any medical emergency occurring on the premises.

(Ord. 2010-05, passed 6-3-10) Penalty, see 130.99

2011 S-19
130.99 PENALTY.

(A) Any person found guilty of violating any provision of this chapter shall be fined a sum not to exceed $500 for each offense.

(B) The violation of 130.10 or 130.11 shall be an infraction carrying the penalty as prescribed by 13.02. ('82 Code, 35-23-4.1-1(b)) (Am. Ord. 2010-05, passed 6-3-10)
TITLE XV: LAND USAGE

Chapter
150. ZONING CODE
150.01 Adoption by reference

(A) The municipal zoning ordinance and zoning map, and all amendments thereto, are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of said zoning ordinance and zoning map are on file with the Clerk-Treasurer and are available for public inspection during normal business hours.

ORDINANCE NO. 1988-16

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE TOWN OF PENDLETON, INDIANA, REVISIONING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING ORDINANCES OF THE TOWN DEALING WITH SUBJECTS EMBRACED IN SAID CODE

WHEREAS, the present general ordinances of the Town of Pendleton are incomplete and inadequate and the manner of arrangement, classification, and indexing thereof is insufficient to meet the immediate needs of the Town; and,

WHEREAS, the Acts of the General Assembly of the State of Indiana empower and authorize the Town Board of every town to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published, and to incorporate said ordinances into one ordinance in book form; and,

WHEREAS, the Town Board of the Town of Pendleton has authorized a general compilation, revision and codification of the ordinances of the Town of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Pendleton, Indiana, that:

Section 1. The general ordinances of the Town of Pendleton, Indiana, as herein revised, amended, restated, codified and compiled in book form are adopted as and shall constitute, the "Code of Ordinances of the Town of Pendleton, Indiana."

Section 2. Said Code as adopted in Section 1 shall consist of the following titles, to-wit:

Title I  General Provisions
Title III Administration
Title V  Public Works
Title VII Traffic Code
Title IX  General Regulations
Title XI  Business Regulations
Title XIII General Offenses
Title XV  Land Usage
Table of Special Ordinances
Parallel References
Index

Section 3. All prior ordinances pertaining to the subjects treated in said Code shall be deemed repealed from and after the effective date of said Code, except as they are included and reordered in whole or in part in said Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of

1989 S-1
of ordinances levying taxes, appropriating money, annexing or detaching
territory, establishing franchises or granting special rights to
certain persons, authorizing public improvements, authorizing the
issuance of bonds, or borrowing of money, authorizing the purchase or
sale of real or personal property, granting or accepting easements,
plats, or dedication of land to public use, naming or vacating or
setting the boundaries of streets, alleys or other public places, nor
to any other ordinance of a temporary or special nature or pertaining
to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of
its adoption and approval by the Town Board, and the Town Clerk is
hereby authorized and ordered to file two (2) copies of said Code in
the Office of the Town Clerk.

Section 5. Said Code shall be in full force and effect two (2)
weeks from the date of its final publication and filing thereof in the
Office of the Town Clerk, and said Code shall be presumptive evidence
in all courts and places of the ordinance and all provisions, sections,
penalties and regulations therein contained and of the date of passage,
and that the same is properly signed, attested, recorded, and approved
and that any public hearings and notices thereof as required by law
have been given.

PASSED AND ADOPTED by the Town Board of Pendleton, Indiana,
this 13th day of September, 1988.

President

Member

Member

Member

ATTEST:

Town Clerk

1989 S-1
ORDINANCE NO. 1990-06

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1989 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

Section 1. That the 1989 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed this 15th day of May, 1990.

ATTEST:  Bob Campbell /s/
          Clerk Treasurer

Jeffrey A. Brown /s/
President, Town Council

Marion Morris /s/
Vice-President
Town Council

Danny L. Walters /s/
Councilmember

Loueva E. Hagemier /s/
Councilmember

Scott C. Mellinger
Councilmember
ORDINANCE NO. 1991-06

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S3 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

Section 1. That the S3 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed this 7th day of May, 1991.

Prepared by:  Bob Campbell /s/
Clerk Treasurer

Danny L. Walters /s/
President, Town Council

Bob Campbell /s/
Clerk Treasurer

Jeffrey A Brown /s/
Vice-President

Marion E. Hagemier /s/
Councilmember

Loueva E. Hagemier /s/
Councilmember

Chris L. Poore /s/
Councilmember

Town of Pendleton
Pendleton, Indiana
ORDINANCE NO. 1992-11

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S4 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the S4 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed this 14th day of December, 1992.

Prepared by: Bob Campbell /s/ Council
       Clerk Treasurer
       Town of Pendleton
       Pendleton, Indiana

/s/

Chris L. Poore /s/ President,
Town

Stephen R. Poor /s/ Councilmember

Marion E. Morris /s/ Councilmember

Loueva E. Hagemier
Councilmember

Jasper C. Cooter /s/ Councilmember

1994 S-5
ORDINANCE NO. 1994-06

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati,
Ohio has completed the S5 Supplement to the Code of Ordinances of the
Town of Pendleton, which supplement contains all ordinances of a
general nature enacted since the prior supplement to the Code of
Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has
recommended the revision or addition of certain sections of the Code
of Ordinances which are based on or make references to sections of the
Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated
sections in accordance with the changes of the law of the State of
Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of
Pendleton, State of Indiana:

SECTION 1. That the S5 Supplement to the Code of Ordinances of
the Town of Pendleton, Indiana as submitted by American Legal
Publishing Corporation of Cincinnati, and as attached hereto, be and
the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force
from and after its date of passage.

Passed this 17th day of May, 1994.

Prepared by: Bob Campbell /s/ Chris L. Poore /s/
Clerk Treasurer Town

/s/

Loueva E. Hagemier
Vice-President

Marion E. Morris /s/
Member

Jasper C. Cooter /s/
Member

Stephen R. Poor /s/
Member
ORDINANCE NO. 1997-06

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1997 S6 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the 1997-S6 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed this 13th day of May, 1997.

ATTEST:  

Thomas H. Alley /s/  Jack W. Kasdorf /s/  
Clerk Treasurer  President, Town Council  
Town of Pendleton

James A. Davis /s/  Bobbi Hosier /s/  
Member  Member  
Morris J. McKinney /s/  Chad J. McCool /s/  
Member  Member

1998 S-7
ORDINANCE NO. 1999-04

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1998-S7 and 1999-S8 Supplements to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, it is the intent of the Pendleton Town Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the 1998-S7 and 1999-S8 Supplements to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

PASSED this 11th day of May, 1999

ATTEST:

M. Jeffrey McKinney, President
Clerk Treasurer

Glenn Montgomery, Vice-President

Chris Mally, Council Member

Bobbi Hosier, Council Member

Jack W. Kasdorf, Council Member

2000 S-9
ORDINANCE NO. 2000-04

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2000-S9 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, it is the intent of the Pendleton Town Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the 2000-S9 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

PASSED this 4th day of May, 2000

ATTEST: __________________________  _________________________________
Timothy J. Ryan               Donald E. Henderson,
Clerk Treasurer               Council President
Town of Pendleton

Jeanette Isbell,               _________________________________
Council Vice-President

Marc C. Farrer, Council Member

Bob Campbell, Council Member

Jeffrey M. Barger, Council Member

2001 S-10
ORDINANCE NO. 2001-02

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2001 S-10 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, it is the intent of the Pendleton Town Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the 2001 S-10 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

PASSED this 5th day of April, 2001

ATTEST: ___________________________   _________________________________
Timothy J. Ryan   Donald E. Henderson,
Clerk Treasurer   Council President
Town of Pendleton

_________________________________
Jeanette Isbell,
Council Vice-President

_________________________________
Marc C. Farrer, Council Member

_________________________________
Bob Campbell, Council Member

_________________________________
Jeffrey M. Barger, Council Member

2002 S-11
ORDINANCE NO. 2002-06

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO
THE CODE OF ORDINANCES OF THE TOWN OF PENDLETON, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2002 S-11 Supplement to the Code of Ordinances of the Town of Pendleton, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, it is the intent of the Pendleton Town Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, State of Indiana:

SECTION 1. That the 2002 S-11 Supplement to the Code of Ordinances of the Town of Pendleton, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Town Council of the Town of Pendleton is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

PASSED this 11th day of July, 2002

ATTEST: ___________________________   _________________________________
Timothy J. Ryan                     Donald E. Henderson,
Clerk Treasurer                     Council President
Town of Pendleton

Jeanette Isbell,
Council Vice-President

Marc C. Farrer, Council Member

Bob Campbell, Council Member

Jeffrey M. Barger, Council Member

2003 S-12
20
PENDLETON - ADOPTING ORDINANCE
Multi-Family Dwelling

Occupied by

**REQUIREMENTS**

*Not More than 4 Families*

<table>
<thead>
<tr>
<th></th>
<th>Single-Family Dwelling</th>
<th>Two-Family Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>District in which use is permitted</td>
<td>S, A, B, GB</td>
<td>B, RB, &amp; GB</td>
</tr>
<tr>
<td>Minimum lot size in square feet per dwelling unit in districts indicated</td>
<td>S &amp; I-2: 15,000</td>
<td>RB: 3,600</td>
</tr>
<tr>
<td>Minimum lot width in feet in districts indicated</td>
<td>S &amp; I-2: 70</td>
<td>B &amp; GB: 50</td>
</tr>
<tr>
<td>Maximum building height in feet and stories in districts indicated</td>
<td>S, A, RB &amp; I-2: 25 or 2 stories</td>
<td>B, RB &amp; GB: 35 or 2-1/2 stories</td>
</tr>
<tr>
<td>Minimum front yard in feet (provided that the setback shall be at least 75 feet on lots fronting on a state or federal highway outside of the town)</td>
<td>S &amp; I-2: 30</td>
<td>B: 25</td>
</tr>
<tr>
<td>Minimum side yards (both or two) in percent of actual lot width</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Minimum rear yard in feet</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>
Minimum side yard (one) l0% of the l0% of the l0% of the
required required required
minimum lot minimum lot minimum lot
width width width

Minimum ground floor area One Story One Story No ground floor
in square feet in districts indicated B, RB & GB: B & RB: each dwelling unit

One Story

B, RB: 960 shall have at least

S, A, & I-2: GB: 750 500 square feet

720 gross floor area

Over One Story Over One Story


Over One Story

B, RB & GB: 600 GB: 600

Provided gross provided gross
floor area is at floor area is at
least equal to least equal to
minimum ground minimum ground
floor area re-

overment for overment for
one-story one-story
dwelling dwelling

Number of vehicle parking One Two One per each
spaces to be provided on dwelling unit
the lot

Vision clearance on corner lot

Yes Yes Yes
*For dwellings to be occupied by more than four families, see § 153.039(G).
2017 S-21 Supplement contains:
Local legislation current through Ord. 2016-13, passed 11-10-16
State legislation current through 2017 A.L.S. #5
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OF

PENDLETON, INDIANA

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Tim McClintick      Town Manager
Virgil Mabrey      Clerk-Treasurer
Marc Farrer      Town Marshal
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<td>1983-2</td>
<td>1-18-83</td>
<td>Annexing that parcel of land in the northeast quarter of the southwest quarter of 16-18-7 that is presently owned by South Construction Company and parallel with the west side of the Anderson Pendleton Free Gravel Road, now known as Old State Road 9 and containing .10 acre.</td>
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<tr>
<td>36-7-1-100</td>
<td>10-15-85</td>
<td>Annexing that parcel of land beginning at a point in the centerline of the old location of State Road No. 67, the point being 40 feet south and 41.93 feet west of the northeast corner of section 21, township 18 north, range 7 east and containing 0.82 acre more or less.</td>
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<td>1986 A-1</td>
<td>11-18-86</td>
<td>Annexing certain real estate beginning at a point of intersection of the south line of Madison Avenue and the west line of State Roads 9 and 67.</td>
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<td>1987-7</td>
<td>6-16-87</td>
<td>Annexing certain real estate beginning at a point in the centerline of the old location of State Road No. 67, said point being 40 feet south and 41.93 feet west of the northeast corner of section 21, township 18 north, range 7 east.</td>
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<tr>
<td>1988-6</td>
<td>5-17-88</td>
<td>Annexing certain real estate beginning at a point 16.5 feet west of the east line of the northeast quarter of Section 21, township 18 north, range 7 east.</td>
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| 1988-19  | 10-18-88    | Annexing two parcels of land:  
1. A part of the east half of the southeast quarter of section 17 containing 3.50 acres, more or less.  
2. A part of the east half of the southeast quarter of section 17, containing 0.40 acres. |
| 1989-12  | 8-15-89     | Annexing two parcels of land:  
1. Beginning at a point on the West line of Section 16, Township 18 North, Range 7 East.  
2. Beginning at a stone-corner on the West line of the Northwest |
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<td>1989-22</td>
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<td>Annexing territory being a part of the west half of the Northwest Quarter of Section 28, Township 18 North, Range 7 East, and containing 5.29 acres more or less.</td>
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<td>1989-23</td>
<td>12-19-89</td>
<td>Annexing 3 tracts of territory: (1) Commencing at the Southwest corner of Lot Numbered 19 in Bartholomew Whites' Second Addition to the Town of Pendleton, and running thence South 136 feet, more or less, to the South line of the Northeast quarter of Section 20, and containing 0.5 acres, more or less. (2) Beginning at the point of intersection of the extended South line of Tile Street in the Town of Pendleton, Indiana, with the extended west line of Jefferson Street, thence South along said extended West line of Jefferson Street 50 feet, more or less, to the existing corporate limit. (3) Beginning at a point 25 feet South of the intersection of the center line of Taylor Street in the Town of Pendleton, Indiana and the West line of the East half of the Northeast Quarter of Section 20, Township 18 North, Range 7 East.</td>
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<td>1990-02</td>
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<td>Annexing Parcel B beginning at the Northeast corner of the West-half of the Northwest Quarter of Section 2B, Township 18 North, Range 7 East.</td>
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<td>1990-04</td>
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<td>Annexing part of the north halves of Sections 19 and 20 and part of the southeast quarter of Section 18, in Township 18 North, Range 7 East, Fall Creek Township.</td>
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<td>1991-02</td>
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<td>Annexing territory beginning on a point on the south right-of-way of Indiana State Highway 38 and the east line of Section 18, Township 18 North, Range 7 East.</td>
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<td>Annexing a territory known as the Butler Property. It begins at the intersection of the centerline of Water Street and the centerline of East Street in Pendleton.</td>
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<td>1992-16</td>
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<td>Annexing a territory known as the Conrail Property. It begins at the intersection of the East right-of-way of Conrail Railroad and the North right-of-way of Madison Avenue in Pendleton.</td>
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<td>1992-17</td>
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<td>Annexing a territory known as the Ridenour Property. It begins at a point on the centerline of S.R. 38 that intersects the East line of the West half of the Northeast quarter of Section 21, Township 18, Range 7 East.</td>
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<td>1993-08</td>
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<td>Annexing territories known as the south and north annexation.</td>
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<td>(1) The north annexation begins at the point of the intersection of the existing corporate limit and the south line of the north half of Section 19, Township 18 North, Range 6 East.</td>
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<td>(2) The south annexation begins at the point of the intersection of the centerline of Fall Creek and the existing corporate limits in Section 20, Township 18 North, Range 7 East.</td>
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<td>Annexing territory contiguous to the town, beginning at a point of the intersection of the centerline of Fall Creek and the east right-of-way of Conrail Railroads and the existing corporate limits of the town in Section 16, Township 18 north, Range 7 east.</td>
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<td>Annexing contiguous territory beginning at the point of intersection of the east line of Section 21, Township 18 north, Range 7E and the centerline of State Road No. 38.</td>
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<td>2007-12</td>
<td>11-1-07</td>
<td>Annexing territory as described in Exhibit A and B.</td>
</tr>
<tr>
<td>2007-13</td>
<td>11-1-07</td>
<td>Annexing territory as described in Exhibit A and B.</td>
</tr>
<tr>
<td>ORD. NO.</td>
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<tr>
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</tr>
</tbody>
</table>
| 1978-3-1 | 3-14-78    | (1) Granting a deed to Pendleton Post No. 117, The American Legion, Department of Indiana, Inc. for the 1.91 acres, more or less, being a part of the northeast quarter of section 20, township 18 north, range 7 east.  
<p>|          |            | (2) Granting a deed to Jeffery Lynn Humble and Carmalita Sue Humble for 1.16 acres, more or less, being part of the northwest quarter of the southwest quarter of section 21, township 18 north, range 7 east, except 46 feet of the entire north end of that property deeded to Walter K. Clark. |
| Res.     | 4-15-86    | Conveying by warranty deed to the town that vacated portion of the public way intersecting lot 8 in Graham’s Addition. |</p>
<table>
<thead>
<tr>
<th>ORD. NO.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>'82 Code, 8-17-3-9</td>
<td>McLoy Drive is all of that thoroughfare which runs in an easterly direction from East Street between State and Water Streets, and which then turns at right angles in a northerly direction to Water Street, lying in an unplatted addition by Maude Loy.</td>
<td></td>
</tr>
<tr>
<td>'82 Code, 8-17-3-9</td>
<td>Fall Creek Parkway is all that public road which parallels Fall Creek on the north between the intersections with the corporate lines.</td>
<td></td>
</tr>
<tr>
<td>'82 Code, 8-17-3-9</td>
<td>Falls Park Drive is all that public thoroughfare which commences at the entrance to Falls Park from North Pendleton Avenue and which runs through the Park to the corporation line at the intersection of East Street with the County Road leading to Huntsville.</td>
<td></td>
</tr>
<tr>
<td>'82 Code, 8-17-3-9</td>
<td>Mill Road is all that public thoroughfare which runs in a general southwesterly direction between West State Street to its intersection with West High Street.</td>
<td></td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE PASSED</td>
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</tr>
<tr>
<td>1-7-75</td>
<td>1-7-75</td>
<td>Reclassifying and rezoning a part of the southwest corner of the northeast quarter of the southeast quarter of section 21, township 18 north, range 7 east to Roadside Business.</td>
</tr>
<tr>
<td>3-9-76</td>
<td>3-9-76</td>
<td>Reclassifying and rezoning property beginning at a two-foot diameter concrete post on the west side of State Road 9 and on the north line of the southeast quarter of section 29, township 18 north, range 7 east to Roadside Business.</td>
</tr>
<tr>
<td>6-14-77</td>
<td>6-14-77</td>
<td>Reclassifying and rezoning property beginning at the southwest corner of the southeast quarter of section 29, township 18 north, range 7 east to Roadside Business.</td>
</tr>
<tr>
<td>6-14-77</td>
<td>6-14-77</td>
<td>Reclassifying and rezoning property beginning at the northeast corner of the southeast quarter of section 29, township 18 north, range 7 east to Roadside Business.</td>
</tr>
<tr>
<td>8-4-81</td>
<td>8-4-81</td>
<td>Reclassifying and rezoning a part of the southeast quarter of section 16, township 18 north, range 7 east to Roadside Business.</td>
</tr>
<tr>
<td>3-16-82</td>
<td>3-16-82</td>
<td>Reclassifying and rezoning property beginning at the southeast corner of the north half of lot 19 in the original town plat to General Business.</td>
</tr>
<tr>
<td>7-27-82</td>
<td>7-27-82</td>
<td>Reclassifying and rezoning property beginning at the southeast corner of the west half of the northeast quarter of the southeast quarter of section 20, township 18 north, range 7 east to Open Industrial.</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE PASSED</td>
<td>DESCRIPTION</td>
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<tr>
<td>----------</td>
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</tr>
<tr>
<td>5-17-83</td>
<td></td>
<td>Reclassifying and rezoning lots 1 and 2 in block 3, the old Clem property south of the Huntsville Security Bank to General Business.</td>
</tr>
<tr>
<td>4-15-86</td>
<td></td>
<td>Reclassifying and rezoning lots 5, 6, 10, and 11 in Hallowell’s Second Addition to General Business.</td>
</tr>
<tr>
<td>5-19-87</td>
<td></td>
<td>Reclassifying and rezoning property beginning at a point on the east line of the northeast quarter of section 21, township 18 north, range 7 east containing 4.548 acres to General Business.</td>
</tr>
<tr>
<td>1988-9</td>
<td>4-19-88</td>
<td>Reclassifying and rezoning a part of the southeast quarter of section 29, township 18 north, range 7 east, containing 8.70 acres to Roadside Business.</td>
</tr>
<tr>
<td>1988-17</td>
<td>10-4-88</td>
<td>Reclassifying and rezoning a part of the southeast quarter of the southwest quarter of section 17, township 18 north, range 7 east and a part of the northeast quarter of the northwest quarter of section 20, township 18 north, range 7 east in Fall Creek Township to Roadside Business.</td>
</tr>
<tr>
<td>1988-18</td>
<td>10-4-88</td>
<td>Reclassifying and rezoning the southeast quarter of southeast section 9, township 18, range 7E west of State Road 67 at Jess Noble Hill Lot 23 and 24 to Roadside Business.</td>
</tr>
<tr>
<td>1988-22</td>
<td>12-20-88</td>
<td>Reclassifying and rezoning a part of the northeast quarter of section 21, township 18 north, range 7 east and containing 1.414 acres to Roadside Business.</td>
</tr>
<tr>
<td>1989-18</td>
<td>8-15-89</td>
<td>Reclassifying and rezoning certain territory beginning at a point on the West line of the Northwest quarter of Section 16, Township 18 North, Range 7 East to Residential B with the restriction that single-family homes meet Residential A zoning requirements.</td>
</tr>
<tr>
<td>1990 S-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE PASSED</td>
<td>DESCRIPTION</td>
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</tr>
</tbody>
</table>
| 1989-16  | 8-15-89     | Reclassifying and rezoning three tracts of land to roadside business:  
(1) A survey of a part of the Southeast Quarter of Section 18, Township 18 North, Range 7 East.  
(2) A survey of a part of the Southeast Quarter of Section 18, Township 18 North, Range 7 East.  
(3) A survey of a part of the Northeast Quarter of Section 19, Township 18 North, Range 7 East. |
| 1989-14  | 6-20-89     | Rezoning and reclassifying certain lands to B-Residential:  
(1) Commencing in the centerline of Main Street in the Town of Pendleton at the Northeast corner of the tract conveyed to Gladys R. Brookbank and Roma E. Brookbank.  
(2) Commencing at the point of intersection of the centerline of Main Street in the Town of Pendleton with the North line of the West half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 18 North, Range 7 East. |
| 1989-11  | 4-18-89     | Reclassifying and rezoning a part of Southeast Quarter of Section 16, Township 18 North, Range 7 to B-Residential. |
| 1989-10  | 4-18-89     | Reclassifying and rezoning certain land beginning at the Northwest corner of Lot 14 in Highway Addition, a subdivision in Fall Creek township, Madison County, Indiana, to Roadside Business. |
| 1989-8   | 3-89        | Reclassifying and rezoning two tracts of land to I-2 closed Industrial:  
(1) Beginning at the Southwest corner of the Northeast quarter of the Southeast quarter of Section 21, Township 18 North, Range 7 East.  
(2) Beginning at a point on the West line of the Northeast quarter of the Southeast quarter of Section 21, Township 18 North, Range 7 East. |
<p>| 1990 S-2 |             |             |</p>
<table>
<thead>
<tr>
<th>ORD. NO.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1989-3</td>
<td>3-21-89</td>
<td>Reclassifying and rezoning certain land beginning at a point on the East line of the Northeast Quarter of Section 21, Township 18 North, Range 7 East to Roadside Business.</td>
</tr>
<tr>
<td>1989-25</td>
<td>12-19-89</td>
<td>Reclassifying and rezoning a part of the southeast quarters of Section 16, Township 18 North, Range 7 East, to roadside business.</td>
</tr>
<tr>
<td>1991-01</td>
<td>1-15-91</td>
<td>Reclassifying and rezoning property described as lots 1 through 5 inclusive in Crescent Hill Addition to the town as B-Residential.</td>
</tr>
<tr>
<td>1991-11</td>
<td>7-2-91</td>
<td>Reclassifying and rezoning a part of the southeast quarter of Section 16, Township 18 North, Range 7 East to Roadside Business.</td>
</tr>
<tr>
<td>1991-13</td>
<td>- -</td>
<td>Reclassifying and rezoning: a part of the southeast quarter of Section 29, Township 18 North, Range 7 East; a part of the northeast quarter of Section 29, Township 18 North, Range 7 East; and a part of the northwest quarter of Section 28, Township 18 North, Range 7 East to Rezoned Roadside Business.</td>
</tr>
<tr>
<td>1995-06</td>
<td>6-20-95</td>
<td>Reclassifying and rezoning a part of the southwest quarter of Section 17, Township 18 North, Range 7 East, and a part of the northwest quarter of Section 20, Township 18 North, Range 7 East, more particularly described in the enacting ordinance, to Roadside Business.</td>
</tr>
<tr>
<td>1996-09</td>
<td>11-12-96</td>
<td>Reclassifying and rezoning four parcels of land, and creating an easement for ingress and egress therein, more particularly described in the enacting ordinance, to a zoning designation unspecified in the ordinance.</td>
</tr>
</tbody>
</table>

1997 S-6
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1996-10</td>
<td>11-12-96</td>
<td>Reclassifying and rezoning a parcel of land in Snider's First Addition and a part of the east half of the southwest quarter of Section 21, Township 18 North, Range 7 East, east of the southwest corner of Snider's First Addition, more particularly described in the en-acting ordinance, to a zoning designation unspecified in the ordinance.</td>
</tr>
<tr>
<td>1997-11</td>
<td>8-12-97</td>
<td>Reclassifying and rezoning the Young Property, a part of the southeast quarter of Section 21, Township 18 north, Range 7 east of the Second Principal Meridian Fall Creek Township, as Planned Business.</td>
</tr>
<tr>
<td>1998-02</td>
<td>2-10-98</td>
<td>Reclassifying a part of the Northeast Quarter of Section 29, Township 18 North, Range 7 East, containing 4.9 acres, more or less, to Single Family Residential, with a 7200 square foot lot minimum.</td>
</tr>
<tr>
<td>1998-12</td>
<td>7-14-98</td>
<td>Classifying the west side of 700 block of N. Pendleton Ave., at part of East - of Section 9, Township 18 North, Range 7 East, as Single Family Residential.</td>
</tr>
<tr>
<td>1999-02</td>
<td>2-9-99</td>
<td>Reclassifying and rezoning a part of Section 20, Township 18 North Range 7 East to Industrial.</td>
</tr>
<tr>
<td>1999-08</td>
<td>6-8-99</td>
<td>Amending the current zoning map.</td>
</tr>
<tr>
<td>1999-09</td>
<td>6-8-99</td>
<td>Reclassifying and rezoning a part of SE Quarter Section 18, Township 18 North Range 7 East to Planned Business.</td>
</tr>
<tr>
<td>ORD. NO.</td>
<td>DATE PASSED</td>
<td>DESCRIPTION</td>
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</tr>
<tr>
<td>1999-13</td>
<td>11-8-99</td>
<td>Reclassifying and rezoning a parcel of real estate to Two Family.</td>
</tr>
<tr>
<td>2000-02</td>
<td>4-6-00</td>
<td>Reclassifying and rezoning 360 Old State Road 132 as Single Family.</td>
</tr>
<tr>
<td>2000-09</td>
<td>10-5-00</td>
<td>Classifying 1/4 mile west of N. Pendleton Avenue on the south side of 360 West as Single Family.</td>
</tr>
<tr>
<td>2001-07</td>
<td>7-5-01</td>
<td>Reclassifying and rezoning 729 North Pendleton Avenue to Single-Family.</td>
</tr>
<tr>
<td>2001-12</td>
<td>12-6-01</td>
<td>Reclassifying and rezoning 909 South Broadway to Two-Family.</td>
</tr>
<tr>
<td>2002-02</td>
<td>3-7-02</td>
<td>Reclassifying and rezoning Red Oak Lane as Rural Residential.</td>
</tr>
<tr>
<td>2002-03</td>
<td>3-7-02</td>
<td>Reclassifying and rezoning 202 South Main Street as Downtown Business.</td>
</tr>
<tr>
<td>2002-07</td>
<td>9-12-02</td>
<td>Reclassifying and rezoning the east side by State Roads 9 and 67, on the west side by a railroad track, on the south side by Freed's Village and on the north side by unimproved real estate from Single Family Residential to Two-Family Residential.</td>
</tr>
<tr>
<td>2002-10</td>
<td>9-12-02</td>
<td>Reclassifying and rezoning the east side by State Road 38, on the west side 300 West, and on the north side by US 36 from Unassigned to Two-Family on the east tract and Planned Business on the west tract.</td>
</tr>
</tbody>
</table>

2003 S-12
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1993-05</td>
<td>3-16-93</td>
<td>Vacating a storm sewer easement for Thomas and Debbie Alley.</td>
</tr>
<tr>
<td>1998-05</td>
<td>4-14-98</td>
<td>Granting an easement for a bridge project on behalf of Falls Park.</td>
</tr>
<tr>
<td>1998-14</td>
<td>10-13-98</td>
<td>(1) Vacating a utility easement located ten feet off the entire south end of Lot 5 in Elmer Hayden's Second Addition.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Granting a utility easement five feet on each side of a line beginning at a point south 90 degrees and 00 minutes west (assumed bearing) 4.5 feet from the southwest corner of Lot 5 in Elmer Hayden's Second Addition.</td>
</tr>
<tr>
<td>2000-3</td>
<td>4-6-00</td>
<td>Vacating drainage and utility easements on or about Pendleton Place Apartments.</td>
</tr>
<tr>
<td>ORD. NO.</td>
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<td>---------</td>
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</tr>
<tr>
<td>1994-03</td>
<td>3-15-94</td>
<td>Vacating a portion of a public street running west from Broadway south of block 4 in the Board of Trade's First Addition to the town, more particularly described in the enacting ordinance.</td>
</tr>
<tr>
<td>2001-03</td>
<td>5-5-01</td>
<td>Vacating part of an east-west alley in a block bounded by State Street, Broadway Street, High Street and Pendleton Avenue to accommodate construction of new fire station.</td>
</tr>
<tr>
<td>2002-01</td>
<td>2-7-02</td>
<td>Vacating a certain alley beginning at the northwest corner of lot number 14 in Bartholomew White's 2nd addition to the town.</td>
</tr>
<tr>
<td>2008-16</td>
<td>11-6-08</td>
<td>Vacating a certain alley beginning at the north end of Board of Trades 3rd Addition and runs south with all lots in 3rd Addition and Board of Trades 1st Addition immediately adjacent to the alley, having its end 56 feet farther south at the unimproved Parker Avenue.</td>
</tr>
</tbody>
</table>