

TITLE IX: GENERAL REGULATIONS

Chapter

90. RESERVED

91. ANIMALS

92. NUISANCES

93. PARKS AND RECREATION

94. STREETS AND SIDEWALKS

95. ALARM SYSTEM PERMITS

CHAPTER 90: RESERVED

CHAPTER 91: ANIMALS

Section

Licensing and Control

- 91.01 Definitions
- 91.02 Animals at large prohibited
- 91.03 Confinement of female animals in heat
- 91.04 Permanent identification of dogs and cats required
- 91.05 Dog and cat curbing requirements
- 91.06 Animals causing nuisance prohibited
- 91.07 Vicious, fierce or dangerous animals; confinement required
- 91.08 Maintaining livestock prohibited

- 91.99 Penalty

Cross-reference:

Nuisances, see Chapter 92

LICENSING AND CONTROL

§ 91.01 DEFINITIONS.

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

ANIMAL. Any living, nonhuman vertebrate creature.

ANIMAL CARE AND CONTROL DIVISION. The Animal Care and Control Division of the Department of Public Safety.

AT LARGE. Not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

DOG. Animals of the *canis familiaris* species, and hybrids of a *canis familiaris* and any other member of the *canis* genus, including wolves.

DOMESTIC ANIMALS. Rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

EXPOSED TO RABIES. An animal has been **EXPOSED TO RABIES** if it has been bitten by or been in contact with any animal known or reasonably expected to have been infected with rabies.

KENNEL. A facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs, cats, or both. For purposes of this chapter, **KENNEL** shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a **KENNEL** for the purposes of this chapter.

NONBITE EXPOSURE. Scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

OWN. To keep, harbor or have custody, charge or control of an animal.

OWNER. Any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be the owners of those animals, but rather to be keepers of the animals.

PERSON. Any individual, corporation, partnership or other association or organization, but excluding the following:

(1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and

(2) An individual, partnership, corporation or other association, organization or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC 2131 et seq., commonly known as the Animal Welfare Act, while engaged in the course of their performance as such.

PUBLIC SAFETY BOARD. The Town Council of the Town of Pittsboro, or any succeeding board of public safety as authorized under Indiana law and as duly constituted.

QUARANTINING AUTHORITY. The Public Safety Board as defined herein, or its designee, contractors, agents, employees and designees, acting under its directives and regulations.

VETERINARIAN. A person licensed to practice veterinary medicine in the State of Indiana.
(Ord. 2004-5, passed 10-12-04)

§ 91.02 ANIMALS AT LARGE PROHIBITED.

(A) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the town.

(B) The first violation in any 12-month period shall be subject to admission of violation and payment of the designated civil penalty as provided in § 91.99. All second and subsequent violations in a 12-month period are subject to the enforcement procedures and penalties provided in § 91.99.

(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.03 CONFINEMENT OF FEMALE ANIMALS IN HEAT.

The owner or keeper of any female animal 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.

(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.04 PERMANENT IDENTIFICATION OF DOGS AND CATS REQUIRED.

(A) A person who owns a dog or cat in the town shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

(B) The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provisions of this chapter, and shall include either:

(1) A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner; or

(2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(C) Each veterinarian or other person in the town who implants microchips as contemplated in this section shall, at an interval of not less than twice per year, send to the town and township trustee the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers.

(D) It shall be unlawful for a person to own a dog or cat three months of age or older which is kept in the town, and which does not bear a permanent means of identification as provided in this section. A violation of this section shall be punishable as provided in § 91.99; provided, however, a fine imposed for any such violation shall not be less than \$100.

(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.05 DOG AND CAT CURBING REQUIREMENTS.

(A) No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally-owned or public land or building, or upon private property, in the town without the prior permission of the owner of the property; however, if an animal defecates on property described in this division, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of the material in a manner inoffensive to reasonable public sensibilities.

(B) Notwithstanding the provisions of division (A) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit the dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent that requirement is impractical for a person of that impairment.

(C) No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street, or byway or right-of-way, or any municipally-owned or public land or building, or upon private property.

(D) A person who violates any provision of this section shall be punishable as provided in § 91.99; provided, however, a fine imposed for any such violation shall not be less than \$25.
(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.06 ANIMALS CAUSING NUISANCE PROHIBITED.

(A) It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

(B) A person who violates any provision of this section shall be punishable as provided in § 91.99; provided, however, a fine imposed for the first such violation shall not be less than \$25; subsequent or continued violations may also subject the owner to impoundment of the animal by a person having authority to impound such an animal.
(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.07 VICIOUS, FIERCE OR DANGEROUS ANIMALS; CONFINEMENT REQUIRED.

(A) For purposes of this section, the terms *VICIOUS*, *FIERCE* or *DANGEROUS ANIMAL* mean and include an animal which has:

- (1) Attacked a person without having been provoked by that person;
- (2) Attacked, at some place other than its owner's or keeper's property, another animal; or

(3) Chased or approached a person at some place other than its owner's or keeper's property, in a menacing fashion or apparent attitude of attack.

(B) It shall be unlawful for an owner or keeper of a vicious, fierce or dangerous animal to cause, suffer, or allow it to go unconfined and unrestrained on the owner's or keeper's premises, or to run at large, in the town.

(C) It shall be unlawful in the town for an owner or keeper of a vicious, fierce or dangerous animal to walk any such animal or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or municipally-owned or public land or building, or upon private property without permission of the owner thereof.

(D) It shall be the duty of any person with the authority to impound an animal forthwith to impound any vicious, fierce or dangerous animal found unconfined or running at large in violation of this section.

(E) Any person who violates any provision of this section shall be punishable as provided in § 91.99; provided, however, a fine imposed for any such violation shall not be less than \$500. If the violation results in the animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

(Ord. 2004-5, passed 10-12-04) Penalty, see § 91.99

§ 91.08 MAINTAINING LIVESTOCK PROHIBITED.

(A) It shall be unlawful for any person or business to maintain, keep, raise or house within the town limits any livestock as hereafter defined.

(B) Division (A) above shall not apply to property owners or tenants on any lot or parcel of ground larger than one acre (43,560 square feet).

(C) Notwithstanding the provision for exception as described in division (B) above, all entities keeping animals are subject to the provisions and conditions of Chapter 92 or the Zoning and Subdivision Control Ordinance.

(D) For the purpose of this chapter, "livestock" shall be defined as any animal being kept or housed for commercial purposes, other than cats, dogs or aquarium fish. The definition of "livestock" shall also include all horses, cattle, sheep, goats, hogs, llamas, any other animals classified in the same taxonomic families or birds over five pounds in weight.

(Ord. 88-4, passed 5-12-88; Am. Ord. 98-13, passed 9-14-98) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person, firm or corporation convicted of violating § 91.08 shall be fined in an amount not to exceed \$2,500 for each offense.

(B) (1) Whenever in any section of this chapter other than § 91.08, or any ordinances amendatory or supplemental thereto, the doing of any act, or the omission to do any act or to perform any duty, is declared to be a violation of this chapter, or is declared to be unlawful, and if there shall be no fine or penalty otherwise specifically prescribed or declared for any such violation, or for doing or for omitting to do any such act or to perform any such duty, any person who shall be convicted of any such violation, or of doing or of omitting to do any such act or to perform any such duty shall be fined, by way of a penalty therefor, not more than \$2,500 for each such violation, act or omission.

(2) In addition to the foregoing penalty, the town may enjoin or abate any violation of those sections by appropriate action.

(Ord. 88-4, passed 5-12-88; Am. Ord. 2004-5, passed 10-12-04)

CHAPTER 92: NUISANCES

Section

- 92.01 Definitions
- 92.02 General public safety
- 92.03 Noise
- 92.04 Litter and trash
- 92.05 Storage of materials and equipment
- 92.06 Landscaping and property maintenance
- 92.07 Removal of weeds and other rank vegetation
- 92.08 Unsafe building law
- 92.09 Vehicles
- 92.10 Enforcement
- 92.11 Nuisance ordinance fee schedule

- 92.99 Penalty

§ 92.01 DEFINITIONS.

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

BUILDING. Any structure erected on a parcel of land that is intended to house, shelter, or protect persons or objects.

CHEMICALS, AGRICULTURAL. Fertilizers, pesticides, and other substances to be used on crops and land in order to facilitate the growing of crops.

CHEMICALS, COMMERCIAL. Those used to produce goods and services. These chemicals include both man-made and natural substances that create, combine with, refine, dissolve, or otherwise alter other substances in order to produce a new substance.

CHEMICALS, HOUSEHOLD. Include cleaning products and other chemical substances used in the care and maintenance of a home.

DEBRIS. Carelessly discarded refuse and litter.

FENCE. A barrier enclosing or bordering a field, yard, and the like, usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FIELD. Open or cleared ground that is intended for agricultural use such as crops or pasture.

FRONT. The side of a parcel that faces a public thoroughfare (road or sidewalk). Parcels may have more than one **FRONT**. The **FRONT** is determined by which public thoroughfare is fronted by the primary building on a given parcel.

GRASS. Plants used as lawns, pasture, or groundcover from the family Gramineae.

HEAVY MACHINERY. Vehicles and equipment commonly used in construction activities. This equipment includes, but is not limited to, bulldozers, backhoes, grading equipment, paving equipment, excavators, front loaders, forklifts, and cranes.

LAWN. Open, grass covered land surrounding a home, business, or other building.

LAWN ORNAMENT. Items used to decorate a lawn. These include, but are not limited to, concrete and plastic figures, decorative fences, and decorative lights.

LITTER. Objects that are scattered about causing unsightly and/or unsanitary conditions.

LUMBER. Processed wood that is intended to be used in the construction of a structure.

NOXIOUS NOISE. Sound that exceeds acceptable thresholds in terms of decibels omitted.

NOXIOUS ODORS. Odors that greatly extend beyond the subject property and can potentially cause inconvenience and harm to surrounding properties.

OWNER, REAL PROPERTY. The person or persons whose name appears as the last name of record of ownership as recorded in the Hendricks County Auditor's Office.

PLAYGROUND EQUIPMENT. Swing sets, monkey bars, gyms, and other-equipment used for outdoor recreation (primarily by children).

PRIMARY BUILDING. The building containing the primary use of a parcel, which represents the main house on residential lots, the business facility on commercial lots, and the primary facility on industrial lots.

PROPERTY, PRIVATE. Land that is owned by an individual or a group of individuals.

PROPERTY, PUBLIC. Land owned by a governmental agency. This includes all dedicated right-of-ways as well as open fields and government facilities.

REFUSE. Material accumulated through lawn, tree, and garden maintenance.

RIGHT-OF-WAY. Property that is owned or acquired by a government or utility entity for the purpose of providing and servicing utility and infrastructure needs.

RUBBISH. Material that is unwanted or unused, such as debris, litter, or trash.

SCRAP. A piece or portion that is left over from cutting or modifying the original (whole) object.

SHRUB. A woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground.

SIGN. A notice usually comprised of plastic, wood, metal, rock, or stone that conveys a message, name, warning, or direction.

SMOKE. Visible gasses given off from the combustion of wood, gas, coal, and other organic substances.

STORAGE. Keeping products, materials, or items in one location for use, or potential use, at a future time.

STRUCTURE. Any building, facility, or accessory use that is erected on a parcel for the intent of holding, sheltering, protecting, or housing persons, animals, vehicles, or other objects.

SUSTAINED NOISE. Sound that occurs for a period of one hour or greater which exceeds decibels permitted under this chapter.

TENANT. Any person or group of people who occupies a parcel or property for a period of time but has no ownership in the parcel or property.

TREE. A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

VEHICLE, ABANDONED.

(1) A vehicle shall be considered abandoned, in accordance with I.C. 9-13-2-1, if at least one of the following conditions is satisfied:

(a) A vehicle located on public property illegally;

(b) A vehicle left on public property without being moved for 24 hours;

(c) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;

(d) 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;

(e) 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;

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

(g) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days;

(2) For purposes of this definition, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

VEHICLE, ALL-TERRAIN. This vehicle is primarily intended for on or off-pavement use in transporting one or two persons and/or a small load of goods. These vehicles are primarily open cockpit with three or four wheels and a motorcycle style engine.

VERMIN. Small animals or insects, such as rats or cockroaches, that are destructive, or injurious to public health, safety or welfare.

WASTE. Any product left over from the production of another object.

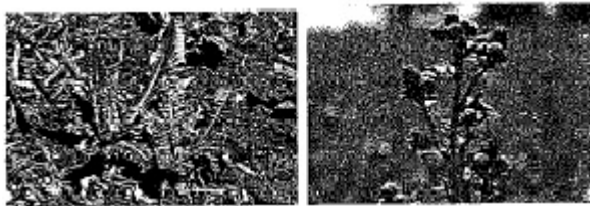
WEEDS AND OTHER RANK VEGETATION. A plant material that does not match the surrounding materials that grows substantially differently from the surrounding plant life. **WEEDS AND OTHER RANK VEGETATION** are not planted intentionally by land owners or tenants. **WEEDS AND OTHER RANK VEGETATION** can refer to a single plant as well as a large area of plant material. This definition does not include agricultural crops or pasture.

WEEDS, NOXIOUS. A plant material described as:

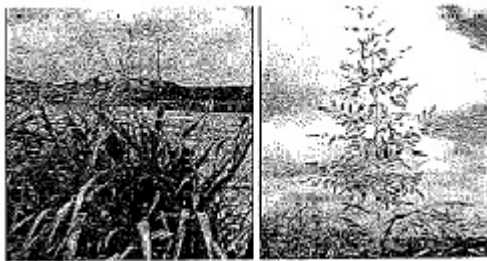
- (1) Canada thistle (*Cirsium arvense*).
- (2) Johnson grass (*Sorghum halepense*).
- (3) Columbus grass (*Sorghum almum*).
- (4) Bur cucumber (*Sicyos angulatus*).
- (5) Shattercane (*Sorghum bicolor* (L.) Moench spp. *drummondii* (Steud.) deWet).

Representative pictures of each of the above weeds are provided below for reference.

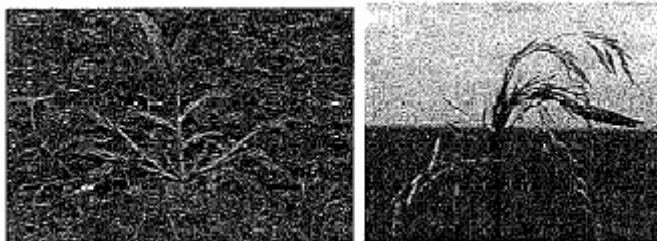
(1) Canada thistle



(2) Johnson grass



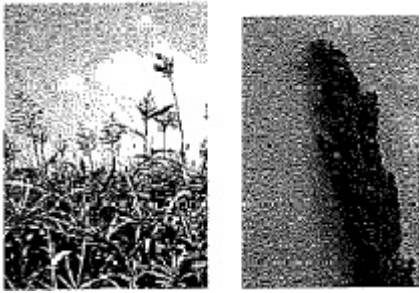
(3) Columbus grass



(4) Bur cucumber



(5) Shattercane



(Ord. 2011-2, passed 1-17-12)

§ 92.02 GENERAL PUBLIC SAFETY.

(A) *Animal carcasses.* Deceased animals (wild or domesticated) shall be disposed of in a sanitary manner within 24 hours of their death.

(B) *Batteries.* Batteries shall not be stored outside. Storage of batteries is limited to functional batteries. If a battery is damaged or leaking, it is immediately considered a nuisance and shall be disposed of properly in accordance with state and federal regulations.

(C) *Chemicals.* Chemicals shall not be stored outside and must be stored in accordance with manufacturer recommendations and state and federal regulations. Chemicals shall be stored in a manner as to prevent the material from being absorbed into the ground, public water supplies, or public sewer facilities. Any chemical that is past its marked expiration date is immediately considered a nuisance and shall be disposed of properly in accordance with state and federal regulations.

(D) *Fertilizers.* Fertilizers shall not be stored outside of a primary building or an accessory structure. Fertilizers must be stored in accordance with applicable manufacturer recommendations and state and federal regulations. Fertilizers shall be stored in a manner as to prevent the fertilizer material from being absorbed into the ground, public water supplies, or public sewer facilities.

(E) *Noxious smells.* Smells not pertaining to normal landscaping (trees, shrubs, flowers, lawn, and the like) or household uses shall not be emitted to a level that is noticeable in a neighboring business or residence for a period of longer than three hours.

(F) *Open pits.* Any and all wells, cisterns, pits, excavation, vault or other area excavated to a depth of two feet or deeper shall have a secured cover composed of a material that is adequate to prevent residents and animals from accidentally falling into the excavation. In instances of temporary excavations of less than 30 days, a construction fence of at least 30 inches in height shall be provided surrounding the excavation.

(G) *Vermin*. Any storage activity that can attract or harbor vermin shall immediately be considered a nuisance.

(H) *Signage*. Signs shall not be affixed to a tree. All other signage regulations are set forth in the Town of Pittsboro Zoning Ordinance Section 9.

(I) *Street sign obstructions*. Trees, shrubs, plants, buildings, and other structures shall not be planted, constructed, or assembled in a manner that they obstruct viewing street signs from the roadway. Signs must be visible from a distance of 75 feet as viewed from the centerline of a given roadway.

(J) Enforcement of violations of this section shall be as described in § 92.10.
(Ord. 2011-2, passed 1-17-12)

§ 92.03 NOISE.

(A) *Fireworks*. Fireworks, as permitted under Indiana law (I.C. 22-11-14), are permitted year-round but may not be used between the hours of 11:00 p.m. and 8:00 a.m., except fireworks shall be permitted:

(1) Between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(2) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(B) *Noise, business*. Businesses shall not generate any noxious, excessive, or sustained noise. Excessive noise shall be measured from the principal structure on the adjacent property on the wall nearest to the business. Sustained noise must be less than 60 decibels. Businesses are not permitted to schedule maintenance, trash pickup, or delivery between the hours of 10:00 p.m. and 6:00 a.m. when the subject business is adjacent to or across a public street from a residence. Lawn maintenance is exempt from this requirement between the hours of 7:00 a.m. and 10:00 p.m.

(C) *Noise, industrial*. Businesses operating in a district zoned for industrial uses shall not generate any noxious, excessive, or sustained noise. Excessive noise shall be measured from the principal structure on the adjacent property on the wall nearest to the industrial use. Sustained noise must be less than 75 decibels.

(D) *Noise, municipal*. Emergency service vehicles and police are exempt from the noise provisions of this chapter. Noise occurring at public parks is also exempt except between the hours of 10:00 p.m. and 6:00 a.m.

(E) *Noise, residential.* Residences shall not generate any noxious, excessive, sustained noise. Excessive noise shall be measured from within the principal structure on the adjacent property on the wall nearest to the subject residence. Sustained noise must be less than 50 decibels. Lawn maintenance is exempt from this requirement between the hours of 7:00 a.m. to 10:00 p.m.

(F) *Noise, vehicle.* Motor vehicles shall not produce noise more than 70 decibels. This reading shall be taken at the lesser of the nearest property line or a distance of 15 feet if located on public property.

(G) Enforcement of violations of this section shall be as described in § 92.10, Enforcement. (Ord. 2011-2, passed 1-17-12) Penalty, see § 92.99

§ 92.04 LITTER AND TRASH.

(A) *Animal waste.* Animal waste left within a public right-of-way, park, or other publicly owned land shall immediately be considered a nuisance.

(B) *Appliances.* Appliances shall not be located outside of a primary building or an accessory structure. All appliances shall have their doors removed before being set out for removal.

(C) *Construction dumpsters.* Construction dumpsters are permissible for a period of 30 days but may not block any public right-of-way, sidewalk, or trail. Construction dumpsters may be approved for a longer period of time at the authorization of the Town Manager.

(D) *Dumping.* Dumping of any materials is not permitted in the Town of Pittsboro.

(E) *Dumpsters.* Dumpsters are permissible but are subject to shielding requirements set forth in the Town of Pittsboro Zoning Ordinance. Dumpsters are not permitted in front of any building. Dumpsters must be placed behind a line drawn from the side of the primary building facing the street that crosses the entire property. The dumpster itself shall not be visible from the front of the property.

(F) *Litter and rubbish.* Litter and rubbish shall be disposed of in a proper trash container or trash bag. Litter and rubbish must be properly disposed of within 72 hours of its origin.

(G) *Newspapers.* Accumulation of newspapers, magazines, and other print material that is more than one week old (from the material's printed date) outside of a primary building or an accessory structure is prohibited.

(H) *Refuse/trash containers.* Trash containers, garbage cans, refuse bins, and other containers used to hold waste have fitted lids and shall not be left in or adjacent to a public right-of-way for a period of time longer than two days.

(1) *Trash bags.* Litter and rubbish shall be placed in trash bags. Bags shall not be left in the front of any residence, business, or structure for a period of time longer than two days.

(J) *Fireworks debris.* All fireworks debris shall be disposed of in a proper container. At no time shall fireworks debris be placed or left on public property, including, but not limited to, public parks, streets, and sidewalks.

(K) Enforcement of violations of this section shall be as described in § 92.10, Enforcement.
(Ord. 2011-2, passed 1-17-12)

§ 92.05 STORAGE OF MATERIALS AND EQUIPMENT.

(A) *Automotive fluids.* Automotive fluids (gasoline, oil, transmission fluid, coolant, and the like) may not be stored outside. Used fluid must be disposed of in a proper disposal facility (not in a sewer or the municipal trash pickup). Fluids must be stored in a manner that prevents entering the ground, water table, or city water and sewer facilities.

(B) *Basketball goals.* Basketball goals may not be placed in a public right-of-way.

(C) *Firewood.* Outdoor firewood storage is permitted but not in the front of any primary structure. A single parcel shall have no more than two piles of wood measuring 80 cubic feet (approximately eight feet wide by two feet deep and five feet high).

(D) *Grass clippings.* Grass clippings do not have to be collected. If clippings are collected, they must be disposed of in a proper manner. Clippings must be bagged for disposal or composted. Burning of clippings is prohibited.

(E) *Heavy machinery.* Heavy machines shall not be stored in front of any primary building. Heavy machines may be stored outdoors but are considered a nuisance if they have not moved for 30 days. Heavy machines that require sitting for long periods of time should be housed in an accessory structure.

(F) *Lumber.* The temporary outdoor storage of lumber is permitted for up to 30 days or for the length of a construction permit (whichever is longer).

(G) *Playground equipment.* Playground equipment shall not be located in the front of any lot or parcel and it shall not obstruct a public right-of-way or sidewalk.

(H) *Scrap metal.* Outdoor storage of metal in a residential district for a period of time longer than 30 days is prohibited.

(I) *Tires.* Outdoor storage of tires is prohibited.

(J) *Tree clippings, sticks, and branches.* Tree clippings, sticks, and branches must be properly disposed of within 14 days of their removal from the tree. Clippings must not obstruct the public right-of-way or the sidewalk. Burning clippings, sticks, and branches is prohibited.

(K) Enforcement of violations of this section shall be as described in § 92.10, Enforcement.
(Ord. 2011-2, passed 1-17-12)

§ 92.06 LANDSCAPING AND PROPERTY MAINTENANCE.

(A) *Dead plant life.* All dead plant life must be removed within five business days. Note: dormant plant life due to growing season restriction or drought is not considered dead plant life. Agricultural crops are exempt from this requirement.

(B) *Fences.* Fences shall not be constructed to obstruct the view of any street sign or to interfere with the use of public right-of-ways or sidewalks. Fences must be properly maintained. Fences with chipping paint, rotten wood, significant (over 50% of the surface area) rust, collapsed sections, or missing posts or pickets shall immediately be considered a nuisance. The owner(s) of a fence shall be responsible to trim and maintain the landscaping around both sides of their fence; however, this chapter does not give any fence owner(s) the right to trespass on the property of another.

(C) *Grass.* Non-ornamental grasses shall not exceed 12 inches in height. Ornamental grasses must be easily identified and consist of a different species from the greater part of the lawn.

(D) *Lawn ornament.* Lawn ornaments are permitted but they must not obstruct any public right-of-way or sidewalk. Lawn ornaments must be maintained. Chipping paint, wood rot, and damaged items shall constitute a nuisance.

(E) *Shrubbery.* Shrubbery shall be maintained in order to keep public right-of-ways and sidewalks free from obstruction.

(F) *Trees.* Trees shall be maintained to prevent split, damaged, or rotten limbs from falling on public right-of-ways and sidewalks. Trees shall be trimmed to have a minimum clearance of seven feet above sidewalks and 14 feet above streets, alleys, and other rights-of-way.

(G) Enforcement of violations of this section shall be as described in § 92.10, Enforcement.
(Ord. 2011-2, passed 1-17-12)

§ 92.07 REMOVAL OF WEEDS AND OTHER RANK VEGETATION.

(A) Owners of real property within the town shall cut and remove all weeds and other rank vegetation growing on their property. Weeds and other rank vegetation shall not exceed 12 inches in height.

(B) Owners of real property within the town shall immediately remove any and all noxious weeds growing on their property, regardless of height.

(C) The Pittsboro Town Manager shall be responsible for the administration of this section.

(D) The Town Manager shall issue notice to the owner(s) of real property for violations of this section, and such owner(s) shall have ten days from the date the notice is received to remove the weeds or other rank vegetation or appeal the notice. For the purpose of this section, notice is satisfied if sent to at least one of the owner(s) of the real property by certified mail, return receipt requested, to the last address of the owner(s) of the property as indicated in the records of the county auditor on the date of the notice.

(E) The owner(s) of real property receiving a notice pursuant to this section may file a written appeal with the Clerk within ten days from the date notice is received, and such appeal must set forth the following: (1) name of responding party; (2) property address; (3) facts and circumstances that the owner(s) assert preclude the finding that the property is a nuisance pursuant to this section. Any such appeal shall be heard by the Town Council at its next regularly scheduled Town Council meeting, and the decision of the Town Council shall be final.

(F) If notice of a violation is provided pursuant to this section, and the owner(s) do not, within ten days from the date the notice is received, either (1) remove the weeds or other rank vegetation or (2) file an appeal, the Town Manager or his or her designee may enter the property to abate the violation.

(G) If notice is issued pursuant to this section or if the town must abate the nuisance pursuant to this section, the owner(s) of the real property in violation of this section shall be billed for the reasonable costs incurred in abating the violation, including administrative and removal costs. Administrative costs shall include the cost of sending notice pursuant to this section.

(H) If the owner(s) of real property that are issued a bill pursuant to this section fail to pay the bill within 30 days of the date the bill is issued, the Town Manager or his or her designee shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected.

(I) Any amounts collected pursuant to this section shall be disbursed to the General Fund of the town.

(Ord. 2011-2, passed 1-17-12)

§ 92.08 UNSAFE BUILDING LAW.

(A) Indiana Code 36-7-9 *et seq.*, as amended from time to time, is hereby adopted and incorporated by reference pursuant to I.C. 36-7-9-3. Further, this chapter incorporates by reference the definition of “substantial property interests” in I.C. 36-7-9-2, as amended from time to time. This chapter shall

incorporate all portions of the referenced code section, including, but not limited to, all requirements, limitations, findings, instructions, and definitions. Any restatements of any particular provisions of the code are included herein for administrative convenience and public information and are not intended to limit the inclusion of those portions of the code that are adopted by reference only. Further, any provisions restated in this chapter which are later amended by the legislature shall be superseded by such amendments.

(B) The Plan Commission acting as zoning administrator and its designee shall be authorized to administer and prosecute all provisions of this chapter in inspecting and ordering the repair, removal or other remedy of any building or premises determined to be unsafe as specified by law.

(C) All unsafe buildings or structures or portions thereof or unsafe premises within the town which are determined to be unsafe as defined by this chapter and the law incorporated by reference, are declared to be public nuisances and shall be abated by vacation of the unsafe building, sealing of the unsafe building, extermination of vermin, removal of trash or debris or hazardous materials, repair or rehabilitation, demolition, or in any other manner as provided by the law incorporated by reference.

(D) For the purposes of this chapter, a building or structure, or any part of a building or structure, that is:

(1) In an impaired structural condition that makes it unsafe to a person or property;

(2) A fire hazard;

(3) A hazard to the public health;

(4) A public nuisance;

(5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

(6) Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

(E) For the purposes of this chapter:

(1) An unsafe building; and

(2) The tract of real property on which the unsafe building is located;

are considered unsafe premises.

(F) For the purposes of this chapter, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:

- (1) A fire hazard;
- (2) A hazard to public health;
- (3) A public nuisance; or
- (4) Dangerous to a person or property because of a violation of a statute or an ordinance.

(G) A non-reverting Unsafe Building Fund is established in the operating budget of the town in accordance with I.C. 36-7-9-14.

(H) All requirements, limitations and instructions for issuing orders, providing notice, modifying or rescinding orders, holding hearings, appeals, emergency actions, actions to enforce orders, liability for the costs of performance of work required by orders, payment of costs, management of the Unsafe Building Fund and transfer of monies, inspection warrants, civil actions, judgments, injunctions, performance bonds, civil forfeitures, appointment of receivers and rehabilitation property, transfers of property, violations, penalties, and any and all other requirements, limitations, and instructions, and definitions of I.C. 36-7-9 *et seq.* are hereby incorporated by reference.

(Ord. 2011-2, passed 1-17-12)

§ 92.09 VEHICLES.

(A) *Removal of abandoned vehicles.* Vehicles, as described by I.C. 9-13-2-196, which are abandoned, as described in I.C. 9-13-2-1, may be tagged, removed, stored, returned and/or disposed of in accordance with I.C. 9-22-1 *et seq.*, as amended by the Legislature from time to time.

(1) For the purposes of this section and in accordance with I.C. 9-22-1-30, the town shall establish a towing charge in the nuisance ordinance fee schedule, which shall be filed with the Bureau of Motor Vehicles, and is authorized to enter into a contract for the provision of towing services.

(2) An abandoned motor vehicle that is not released to a properly identified person who owns or holds a lien pursuant to I.C. 9-22-1-8, as amended, shall be disposed of in any manner provided under I.C. 9-22-1 *et seq.*

(3) An abandoned vehicle fund, in accordance with I.C. 9-22-1-30, is hereby established.

(B) *Non-plated recreational vehicles.* Outdoor storage of non-plated recreational vehicles is prohibited.

(C) *Damaged vehicles.* Vehicles damaged to the extent that they can no longer move under their own power or that the vehicle no longer has the required marker lights shall be repaired within 30 days.

(E) *Parts.* Storage of vehicle parts may not be seen from any public right-of-way. Parts must be stored within a primary building or accessory structure.

(F) *Vehicle leaks.* Leaking fluids must be repaired within 30 days to prevent contamination of soil and groundwater.

(G) Enforcement of violations of this section, with the exception of division (A) of this section, which shall be enforced in the manner set forth therein, shall be as described in § 92.10, Enforcement. (Ord. 2011-2, passed 1-17-12)

§ 92.10 ENFORCEMENT.

Unless a specific method of enforcement is provided with respect to a nuisance as described in this chapter, enforcement of violations of this chapter shall be the responsibility of the Town Manager or his or her designee and as set forth below.

(A) It is impossible for the Town Manager to identify all nuisances within the town. Any violation of this section may be reported to the Town Manager by filing a written complaint with the Clerk containing the following information:

- (1) Date of complaint;
- (2) Name, address, and telephone number of party submitting complaint;
- (3) Name, address, and telephone number of alleged violator (to the extent this information is known); and
- (4) Facts surrounding complaint.

(B) The Town Manager, or his or her designee, shall review all complaints within five business days of receipt. The complaint may be dismissed at the discretion of the Town Manager, or his or her designee, if it is believed that no violation of this section has occurred.

(C) If the Town Manager, or his or her designee, believes a violation of this section has occurred, written notice shall be provided to the owner(s) of the property where the alleged nuisance has occurred or the individual believed to have violated this section. The notice shall include the Pittsboro Nuisance Ordinance Fee Schedule and shall state the following:

- (1) Name of alleged violator or address of alleged property in violation;

(2) Description of alleged violation; and

(3) Statement of the number of days in which the individual or owner(s) have to abate the nuisance. Generally, ten days shall be considered a reasonable time within which to require abatement of a nuisance under this section.

(D) If the nuisance violation is not remedied within ten days of the date written notice is mailed, a fine shall be levied in accordance with the Pittsboro Nuisance Ordinance Fee Schedule.
(Ord. 2011-2, passed 1-17-12)

§ 92.11 NUISANCE ORDINANCE FEE SCHEDULE.

(A) Every person who violates the provisions of Chapter 92 of the Pittsboro Code of Ordinances shall be fined in the sum of \$50 per day per violation, unless otherwise provided within the terms of Chapter 92 or this fee schedule.

(B) An abandoned vehicle, as defined in Chapter 92, which is towed by the Town of Pittsboro or its contractor shall be subject to a towing charge of \$200 for the initial tow and \$30 per day for the storage of the towed vehicle, with costs for storage of the towed vehicle not to exceed \$1,500.

(C) Every person who violates § 92.07, Removal of Weeds and Other Rank Vegetation, shall be charged the reasonable costs incurred in abating the violation, incurring removal costs and administrative costs. Administrative costs shall include the cost of providing notice and certifying unpaid bills to the Hendricks County Auditor.

(D) Violations of § 92.08, Unsafe Building Law, shall be addressed as established in I.C. 36-7-9, as amended from time to time.
(Ord. 2013-16, passed 10-15-13)

§ 92.99 PENALTY.

Fees. Fees shall be set forth in the Nuisance Ordinance Fee Schedule.
(Ord. 2011-2, passed 1-17-12)

CHAPTER 93: PARKS AND RECREATION

Section

Use of Town Property

- 93.01 Use of scout building
- 93.02 Prohibited activities on park property

Department of Parks and Recreation

- 93.10 Establishment, composition
- 93.11 Board composition, terms and officers
- 93.12 Powers and duties of Board
- 93.13 Advisory council; special committees
- 93.14 Annual budget
- 93.15 Special Non-Reverting Parks Capital Fund

USE OF TOWN PROPERTY

§ 93.01 USE OF SCOUT BUILDING.

(A) The scout building in the town shall be scheduled by the Park Board.

(B) Fees for the use of the scout building shall be set by the Town Council and shall be used for the payment of utilities, insurance and maintenance of the building.

(C) The Town Park Board and Town Council shall be responsible for the supervision and usage of the scout building.

(Res. 80-1, passed 6-9-80)

§ 93.02 PROHIBITED ACTIVITIES ON PARK PROPERTY.

(A) The following activities are prohibited on park property:

(1) Possession or consumption of alcoholic beverages unless otherwise approved as evidenced by specific permit.

Pittsboro - General Regulations

(2) Building or maintaining an open fire or charcoal grill outside of areas purposely designated for such use or approved as evidenced by specific permit.

(3) Creating or causing loud and disturbing noises.

(4) Trespassing or otherwise being on park property after the posted hours unless approved by a specific permit.

(5) Unpermitted or unauthorized vending.

(6) Allowing animals to roam unleashed.

(7) Skateboarding, roller skating, or bicycle riding on any park structures, steps, building, or playground equipment.

(8) Climbing on the roof of any structure.

(9) Operation of any motorized or nonmotorized vehicle in an unsafe, reckless manner, or operation of any such vehicle outside the areas intended for such vehicles.

(10) Littering.

(11) Loitering.

(12) Mischief or vandalism to any park property.

(B) Any violation of this provision is subject to citation and a fine of not more than \$100 for each and every offense and time cited.

(Ord. 97-9, passed 9-22-97)

DEPARTMENT OF PARKS AND RECREATION**§ 93.10 ESTABLISHMENT, COMPOSITION.**

Under the provisions of I.C. 36-10-3 as amended from time to time, there is hereby established a Department of Parks and Recreation composed of a Board of Parks and Recreation, a superintendent and other personnel as the board shall determine.

(Ord. PB-77-1, passed 3-28-77; Am. Ord. 98-7, passed 3-9-98)

§ 93.11 BOARD COMPOSITION, TERMS AND OFFICERS.

(A) The Board shall be composed of four regular members to be selected by the Town Council and one ex officio member to be either: 1) a member of the North West Hendricks School Corporation Board of School Trustees (the “School Board”); or 2) a person designated by the School Board. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but not more than two members shall be affiliated with the same political party unless waived by a majority vote of the Town Council due to the absence of persons willing to serve on the Board who satisfy this requirement.

(B) If an appointment for a new term is not made by the President of the Town Council by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the President of the Town Council shall appoint a new member for the remainder of the unexpired term.

(C) At the first regular meeting each year, the Board shall elect a President and a Vice President. The Vice President shall have authority to act as the President of the Board during the absence or disability of the President.

(Ord. PB-77-1, passed 3-28-77; Am. Ord. 98-7, passed 3-9-98; Am. Ord. 2018-17, passed 12-17-18)

§ 93.12 POWERS AND DUTIES OF BOARD.

The Board of Parks and Recreation shall have the general power to perform all actions necessary to acquire and develop sites and facilities, to conduct such programs that are generally understood to be park and recreation functions, including the powers and duties listed in I.C. 36-10-3 et seq.

(Ord. PB-77-1, passed 3-28-77; Am. Ord. 98-7, passed 3-9-98)

§ 93.13 ADVISORY COUNCIL; SPECIAL COMMITTEES.

The Board of Parks and Recreation may create an advisory council and special committees composed of citizens interested in the problems of parks and recreation, in accordance with I.C. 36-10-3-17(b) - (d).

(Ord. PB-77-1, passed 3-28-77)

§ 93.14 ANNUAL BUDGET.

The Board of Parks and Recreation shall prepare and submit an annual budget in the same manner as other departments of the town government. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

(Ord. PB-77-1, passed 3-28-77)

§ 93.15 SPECIAL NON-REVERTING PARKS CAPITAL FUND.

There is hereby created a Special Non-reverting Parks Capital Fund which shall be funded from amounts appropriated in an annual budget for this fund. The fund shall be used solely for the purpose of acquiring additional land for parks purposes or for the purpose of making capital improvements to existing park property. Any sums deposited in the fund shall be maintained in the fund and may be invested from time to time as allowed by law. All funds left in this fund at year end and not used for any of the defined purposes shall be held in the fund until the fund is terminated by ordinance of the Town Council. This fund shall remain in place until terminated by specific town ordinance, and any amounts remaining in the fund upon termination shall be placed in the town's general fund.

(Ord. 2000-1, passed 7-11-00)

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Cost of sidewalk replacement or repair to be shared by town and property owner
- 94.02 Master plan for improvements to streets, sidewalks and drainage projects adopted
- 94.03 Authority to name or re-name streets

§ 94.01 COST OF SIDEWALK REPLACEMENT OR REPAIR TO BE SHARED BY TOWN AND PROPERTY OWNER.

(A) The town from time to time may be responsible for repairing or replacing certain sidewalks and/or curbing within the town limits.

(B) The Town Council does hereby deem that the town and the owner of the property on which the sidewalk and/or curbing is repaired or replaced shall share the cost of such replacement or repair on an equal basis.

(C) Unless there are emergency situations, it is the intent of the town to provide the property owner with at least 30 days' notice prior to construction, replacement or repair. However, in the case of an emergency, the town reserves the right to take immediate action in the event such repair or replacement is to begin forthwith. The town shall notify such property owner by U.S. mail, postage prepaid, or by leaving a notice on the property to advise the property owner of the repair or replacement.

(Ord. 90-24, passed 9-13-90)

§ 94.02 MASTER PLAN FOR IMPROVEMENTS TO STREETS, SIDEWALKS AND DRAINAGE PROJECTS ADOPTED.

(A) The plan adopted by the town in Res. 93-2 on August 12, 1993 as the official master plan for improvements to streets, sidewalks and associated drainage projects within the town, subject to possible changes in scope and adequacy of funding, is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

(B) The Council will, based on available funds, develop an implementation schedule, with sidewalk construction receiving highest priority.

(Res. 93-2, passed 8-12-93)

§ 94.03 AUTHORITY TO NAME OR RE-NAME STREETS.

The Plan Commission of the Town of Pittsboro shall have the authority and responsibility to name and re-name streets within the town.

(Ord. 2005-9, passed 5-17-05)

CHAPTER 95: ALARM SYSTEM PERMITS

Section

General Provisions

- 95.01 Alarm system permit required
- 95.02 Application for permit
- 95.03 Issuance
- 95.04 Permit fee; terms
- 95.05 Location of permit

False Alarms; Enforcement

- 95.15 Number of false alarms permitted during calendar year
 - 95.16 Notice of violations to be given
 - 95.17 Service of notice; contents; when arrest required
 - 95.18 Appearance of violator
 - 95.19 Multiple offenders; appearance in city court of violators not desiring to compromise
 - 95.20 Effect of failure to appear
 - 95.21 Fines for false alarms
-
- 95.99 Penalty

GENERAL PROVISIONS

§ 95.01 ALARM SYSTEM PERMIT REQUIRED.

(A) It shall be unlawful for a person in control of property to operate, cause to be operated, or permit the operation of an alarm system on that property unless a current alarm system permit has been obtained from the Police Department, provided, however, no permit shall be required for an alarm system located on a private residence if so equipped that any externally sounding alarm is automatically disconnected within 15 minutes after activation.

(B) Any person who operates an alarm system at the time this chapter becomes effective shall have 30 days after the effective date of the chapter to apply for an alarm system permit if one is required by this chapter.

(Ord. 2017-02, passed 5-16-17) Penalty, see § 95.99

§ 95.02 APPLICATION FOR PERMIT.

Application for a permit for the operation of an alarm system shall be made by a person or legal entity having control over the property on which the alarm system is to be installed and operated. Such application shall be made in writing to the Police Department on a form designated by the city for that purpose. The application shall include the following information:

(A) The name, address and telephone number of each person in control of the property;

(B) The street address of the property on which the alarm system is to be installed and operated;

(C) Any business name used for the premises on which the alarm system is to be installed and operated;

(D) Whether the alarm system or systems are or are not local alarms and whether the alarm system or systems are designed to give notice of a burglary, hold-up or other type of emergency;

(E) The name of the person or alarm system business who will install the alarm system;

(F) The names and telephone numbers of two representatives who are able to and have agreed:

(1) To receive notification at any time;

(2) To come to the alarm site within 30 minutes after receiving a request from the Police Chief or Fire Chief to do so; and

(3) To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

(Ord. 2017-02, passed 5-16-17)

§ 95.03 ISSUANCE.

(A) The Police Department shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application in accordance with this section and payment of the permit fee, unless the Police Department finds that any statement made in the application was incomplete or false.

(B) All information on such application shall be protected as confidential information, provided, however, nothing in this section shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this chapter.

(C) The permit holder shall promptly notify the Police Department in writing of any change in the information contained in the permit application.
(Ord. 2017-02, passed 5-16-17)

§ 95.04 PERMIT FEE; TERM.

(A) The fee for an alarm system permit shall be \$25.

(B) An alarm system permit issued pursuant to this chapter shall be valid for a term of two years commencing from the date of issuance.

(C) An alarm system permit issued pursuant to this chapter shall be personal to the permit holder and is not transferrable.

(D) An alarm system permit issued pursuant to this chapter may be suspended or revoked pursuant to the conditions and procedures established by § 111.99 of this chapter.
(Ord. 2017-02, passed 5-16-17)

§ 95.05 LOCATION OF PERMIT.

The permit holder for an alarm system shall keep such permit at the alarm site in a location which is visible to any law enforcement official who responds to an alarm.
(Ord. 2017-02, passed 5-16-17)

FALSE ALARMS; ENFORCEMENT

§ 95.15 NUMBER OF FALSE ALARMS PERMITTED DURING CALENDAR YEAR.

It shall be unlawful for a person who controls property on which an alarm system is installed to issue, cause to be issued or permit the issuance of more than three false alarms in a calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within 30 days after installation of the alarm system.
(Ord. 2017-02, passed 5-16-17) Penalty, see § 95.99

§ 95.16 NOTICE OF VIOLATIONS TO BE GIVEN.

If an alarm system issues more than three false alarms in a calendar year, the person who controls the property on which such alarm system is installed shall receive notice of violation of § 95.15 in the manner directed in this chapter.

(Ord. 2017-02, passed 5-16-17)

§ 95.17 SERVICE OF NOTICE; CONTENTS; WHEN ARREST REQUIRED.

(A) A law enforcement officer or fire department officer shall notify the owner or operator of an alarm system, or his or her representative, of a violation of § 95.15 by presenting such person found in possession or in charge of the alarm system with a written notice. If the officer shall not find any such person in possession or in charge of the premises, or if the person is a child or incapable of receiving the notice, the officer shall notify such owner or operator either by mail or by posting or attaching a written notice of the violation in a conspicuous place upon the premises and such person shall be bound thereby.

(B) All notices of violations, as required to be served by this chapter, shall be executed by the law enforcement officer or other authorized person. A copy shall be served upon the violator.

(C) All notices provided for in this chapter shall contain the following information:

- (1) The specific violation with which the violator is charged;
- (2) The date and time of the violation.
- (3) The current number of the violation.

(D) The copy of the notice served upon the violator or his or her representative, or the owner of the premises, shall also state that the violator or such other person shall appear in person or by attorney or agent, at the office of the Ordinance Violations Bureau to plead guilty or not guilty within seven days of the hour of 12:00 noon of the date of the violation appearing upon the notice. However, if the period of seven days shall expire upon a Sunday or a legal holiday, then the period of time in which the violator must appear shall be extended to the next business day. A violator may plead guilty and pay his or her fine within seven days of the mailing of a copy of the notice of the violation by mailing a copy of his or her citation and appropriate payment by first class mail, postage prepaid, to the Ordinance Violations Bureau.

(Ord. 2017-02, passed 5-16-17)

§ 95.18 APPEARANCE OF VIOLATOR.

(A) It shall be the duty of any person who receives a notice of a violation, served pursuant to the provisions of this chapter, to appear in person or by attorney or agent at the office of the Ordinance Violations Bureau if he or she desires to take advantage of the privilege of compromising the offense.

(B) Any person who has received such a notice of violation and who has been guilty of four or more violations of § 95.15 during the calendar year, either by his or her own admission or by conviction thereof, may so appear in person or by attorney or agent during the period of time allowed to appear pursuant to the notice served under this chapter, and admit liability for the offense charged in the notice and tender payment of the penalty specified in this chapter, together with any costs required by law. (Ord. 2017-02, passed 5-16-17)

§ 95.19 MULTIPLE OFFENDERS; APPEARANCE IN CITY COURT OF VIOLATORS NOT DESIRING TO COMPROMISE.

(A) Any person receiving a notice of a violation pursuant to this chapter may appear at the Ordinance Violations Bureau and pay the fine indicated on the notice or deny the fine and contest the matter in City Court.

(B) In the event a person appearing at the Ordinance Violations Bureau denies a notice of violation, the Bureau shall cause the matter to be docketed with the Clerk of the City Court. The case shall then proceed according to the rules and procedures of the City Court pertaining to ordinance violations. (Ord. 2017-02, passed 5-16-17)

§ 95.20 EFFECT OF FAILURE TO APPEAR.

Upon the failure or refusal of any person receiving a notice of any violation under this chapter to appear as provided in this chapter and report to the Ordinance Violations Bureau or to compromise the violation if appearing, it shall be the duty of the Clerk of the Court to report such fact to the Town Attorney or his or her designee and to the law enforcement officer who signed the notice to appear, and to furnish the Chief of Police with all necessary information to prepare a proper affidavit and complaint, together with the correct name and address of the violator, if known or ascertainable. Proceedings in the Court against such violator shall thereupon be brought in the manner provided by statute or as hereafter may be provided and, upon conviction of the offense charged and in lieu of the sums prescribed by any such compromise, the penalties provided for general violations of this chapter may be assessed for each such offense, together with all court costs and fees. (Ord. 2017-02, passed 5-16-17)

§ 95.21 FINES FOR FALSE ALARMS.

Any person, firm, corporation or entity having a fire, burglar, holdup or any type of intrusion alarm shall be charged a fee of \$25 for the second false alarm responded to by the Police Department of Fire Department within any 12-month period and \$50 for each false alarm so responded to thereafter within the same 12-month period. Such fee may be waived if the owner, lessee or possessor of the alarm shows to the satisfaction of the Chief of Police or Fire Department Chief, under penalty of perjury, and within 30 days of occurrence of the false alarm, that the false alarm was not the result of negligence, an intentional act or improper maintenance.

(Ord. 2017-02, passed 5-16-17)

§ 95.99 PENALTY.

(A) Any person who violates this chapter shall be subject to a \$25 fine unless an alarm system permit is obtained within ten days after receiving notification of the violation.

(B) The penalties payable upon such compromises, not including any costs specifically required by statute to be added thereto, shall be as follows:

(1) For the violations of § 95.15, the penalty shall be \$50 for the fourth violation within each calendar year the penalty shall be \$100 for the fifth violation; and \$150 for every other violation within the same calendar year.

(2) Such additional costs shall be assessed and paid as may be required by statute or this chapter.

(C) Any duly appointed officer or employee of the Ordinance Violations Bureau is authorized and empowered to accept on behalf of the city any such offer of compromise of any violator, when the required amount of the penalty is properly tendered pursuant to this section. Such acceptance on behalf of the city shall be effected by issuing to or for the violator a receipt of the Traffic Violations Bureau, signed by the person acting therefor, acknowledging the payment of the proper sum, which payment and receipt shall constitute a complete satisfaction for the violation.

(Ord. 2017-02, passed 5-16-17)