

# **TOWN OF SHELBURN, INDIANA**

## **CODE OF ORDINANCES**

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**TITLE I: GENERAL PROVISIONS**

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**10. GENERAL PROVISIONS**



## CHAPTER 10: GENERAL PROVISIONS

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### § 10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Shelburn shall be designated as the Code of Shelburn 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.

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

**COUNTY.** Sullivan County, Indiana.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**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 municipality 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 a 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, MUNICIPAL CORPORATION, or MUNICIPALITY.** The Town of Shelburn, Indiana.

**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 municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body 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 municipality 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.

**§ 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/federal laws, shall be the official time within this municipality for the transaction of all municipal 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 OF ORDINANCES.**

All ordinances passed by the legislative body 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 anyway 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 legislative body 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 a statutory 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 a statutory 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:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

*Statutory reference:*

*For provisions concerning the inspection of public records, see IC 5-14-3-1 et seq.*

**§ 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 \$ 2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

*Statutory reference:*

*Authority, see IC 36-1-3-8(10)*

**TITLE III: ADMINISTRATION**

Chapter

- 30. OFFICIALS AND EMPLOYEES**
- 31. DEPARTMENTS, BOARDS, AND COMMISSIONS**
- 32. FINANCE**
- 33. TOWN COUNCIL**



## CHAPTER 30: OFFICIALS AND EMPLOYEES

### Section

- 30.01 Leave
- 30.02 Suspension and termination
- 30.03 Overtime
- 30.04 Mileage reimbursement
- 30.05 Clerk-Treasurer
- 30.06 Adoption of employee manual
- 30.07 Vacations
- 30.08 Sick leave
- 30.09 Personal leave
- 30.10 Bereavement leave
- 30.11 On-call time
- 30.12 Nepotism policy

year. All employees shall not have more than ten sick days carried over. The balance of unused sick days over ten shall be paid to the employee before the end of the year.

(D) *Other excused leave.* Due to the death of an immediate family member, a full time employee will be granted three days off with pay. However, if more than three days are taken, it will be decided by the Town Council if the extra days off will be with pay. (Ord. 94-4, passed 1-11-94; Am. Ord. 2001-6, passed 12-27-01)

### § 30.01 LEAVE.

Leave will be granted employees as follows:

#### (A) *Vacations.*

(1) One week paid vacation after one year of employment.

(2) Two week paid vacation after two years of employment.

(3) Three weeks paid vacation after ten years of employment.

(4) Employees can work their vacations and be paid for them.

(B) *Holidays.* Paid holidays will be the same as the Sullivan County Courthouse employees.

(C) *Sick leave.* Each full time employee shall be granted five days per year with pay. A doctor's excuse will be required for any sickness in excess of three consecutive days. Employees may choose to be paid for any unused sick days at the end of the year or have the unused sick days carried over into the next

### § 30.02 SUSPENSION AND TERMINATION.

(A) *First work rule violation.* There will be a letter of reprimand sent to the employee.

(B) *Second work rule violation.* There will be a one- to three-day suspension without pay at the discretion of one Council Member; a suspension of over three days must be made by a majority vote of the Town Council.

(C) *Third work rule violation.* A third work rule violation will result in termination by a majority of the Town Council. (Ord. 94-4, passed 1-11-94)

### § 30.03 OVERTIME.

All hours in excess of 40 hours per week will be considered overtime hours. Employees will be compensated for overtime hours at the rate of 1½ hours off for each hour of overtime worked. These compensatory hours may be accumulated up to a total of 240 hours (160 hours of overtime worked). Any compensatory hours in excess of 240 hours will be paid at the rate of 1½ times the employees' regular hourly rate of pay and included in the employees' weekly pay. Payment of overtime in excess of the 240

hours limit will continue until the employee takes sufficient time off to reduce the number of accumulated hours to less than 240 hours. These compensatory hours will accumulate as long as the employee remains employed by the town. The total number of hours may be reduced only if the employee receives time off or is paid for his or her compensatory time. At such time as the employee leaves the town's employment, for any reason, any accumulated hours will be paid at the employee's current hourly rate of pay.

(Ord. 94-4, passed 1-11-94; Am. Ord. 2001-6, passed 12-27-01; Am. Ord. 2006-7, passed 12-19-06)

#### **§ 30.04 MILEAGE REIMBURSEMENT.**

There will be mileage reimbursement for any employee or town official who has to use their personal vehicle for town business. The mileage reimbursement per mile will coincide with federal government mileage reimbursement rate.

(Ord. 94-4, passed 1-11-94; Am. Ord. 2001-6, passed 12-27-01; Am. Ord. 2006-7, passed 12-19-06)

#### **§ 30.05 CLERK-TREASURER.**

Let it be further ordained that the compensation of the Clerk-Treasurer shall include, in addition to the salary provided for by ordinance of Council, the same health insurance, vacation and leave benefits, and mileage reimbursement that are made available to the employees of the town.

(Ord. 94-3, passed 1-11-94; Am. Ord. 2001-5, passed 12-27-01)

#### **§ 30.06 ADOPTION OF EMPLOYEE MANUAL.**

Salaries and other benefits considered to be compensation for town employees shall be established by ordinance of the Council as passed from time to time. The manual, as amended from time to time, is hereby adopted as the governing employee policies and procedures for employees of the town.

(Ord. 2004-4, passed 8-30-04; Am. Ord. 2006-6, passed 12-19-06; Am. Ord. 2006-7, passed 12-19-06)

#### **§ 30.07 VACATIONS.**

##### *(A) Accrual.*

(1) One-week paid vacation after one year of employment.

(2) Two-week paid vacation after three years of employment.

(3) Three-week paid vacation after ten years of employment.

(4) Four-week paid vacation after 20 years of employment.

##### *(B) Terms and conditions.*

(1) Employees can work their vacations and be paid for them.

(2) All employees shall not have more than ten vacation days carried over into the next year.

(3) The balance of unused vacation days over ten shall be paid to the employee before the end of the year.

(4) Paid holidays will be the same as the Sullivan County Courthouse employees.

(Ord. 2006-7, passed 12-19-06)

#### **§ 30.08 SICK LEAVE.**

Each full-time employee shall be granted five days per year with pay. A doctors excuse will be required for any sickness in excess of three consecutive days. Employees may choose to be paid for any unused sick days at the end of the year or have the unused sick days carried over into the next year. all employees shall not have more than ten sick days carried over. The balance of unused sick days over ten shall be paid to the employee before the end of the year.

(Ord. 2006-7, passed 12-19-06)

**§ 30.09 PERSONAL LEAVE.**

Each full-time employee shall be granted three days per year with pay. Personal leave days may not be carried over into the next year.  
(Ord. 2006-7, passed 12-19-06)

**§ 30.10 BEREAVEMENT LEAVE.**

Full-time employees may request up to three days of paid bereavement leave in conjunction with the time of death and date of funeral for a relative, including: husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, or spouse of any of these, or a person living in the same household as the employee. For a married employee, these members of the spouse's family are also included. Steps and greats of the above-listed relatives are also included.  
(Ord. 2006-7, passed 12-19-06)

**§ 30.11 ON-CALL TIME.**

Full-time employees scheduled to be on-call will receive two hours per day as compensated overtime.  
(Ord. 2006-7, passed 12-19-06)

**§ 30.12 NEPOTISM POLICY.**

(A) *Purpose.* Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the town in a position in which a relative, as defined in this section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the town for goods, services, and public works projects.

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

***BREAK IN EMPLOYMENT.*** Termination, retirement, or resignation of an employee from the town. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the town without loss of payroll time.

***DIRECT LINE OF SUPERVISION.*** An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Town Board regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.

***ELECTED OFFICIALS.*** The Town Clerk-Treasurer and members of the Shelburn Town Board.

***EMPLOYED.*** An individual who works for or is appointed to any department or board of the town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

***MEMBER OF THE FIRE DEPARTMENT.*** The town has no Fire Department that is controlled by the town; however, in the event that one is created, this section shall apply to the fire chief and any firefighter appointed to the Shelburn Fire Department.

***MEMBER OF THE POLICE DEPARTMENT.*** The Town Marshall and any police officer appointed or hired to the Town of Shelburn Police Department.

**RELATIVE.** For the purposes of this section, the term includes any of the following:

- (a) Spouse;
- (b) Parent or step-parent;
- (c) Child or step-child (includes an adopted child);
- (d) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
- (e) Niece or nephew;
- (f) Aunt or uncle;
- (g) Daughter-in-law or son-in-law; and
- (h) Sister-in-law or brother-in-law.

**TOWN.** The Town of Shelburn and its boards and departments.

(C) *Employment policy.*

(1) Individuals who are relatives, as defined in division (B) above, of existing employees may not be employed by the town in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual who is employed by the town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein, with the town.

(3) If an individual is employed by the town and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the town and retain his or her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

(4) While an individual who is employed by the town and the individual's relative begins serving a term of elected office may continue his or her employment with the town, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

(D) *Contracting policy.* The town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(1) The elected official files with the town a full disclosure which must be:

- (a) In writing;
- (b) Describe the contract or purchase to be made by the town; and
- (c) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects.

(2) The appropriate town board or department:

- (a) Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or
- (b) Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

(3) Town satisfies all other requirements of Indiana's public purchasing (see IC 5-22) or public works projects (see IC 36-1-12) statutes.

(4) The elected official complies with disclosure provisions of IC 35-44-1-3.

(E) *Submission of compliance statements.* In addition to any other disclosures or certifications required by this section, the following actions must be taken:

(1) The annual report filed by the town with the State Board of Accounts under IC 5-11-13-1 must include a Board's statement that the town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(2) Prior to December 31 of each year, each elected officer shall submit to the Clerk-Treasurer a certification in writing, subject to the penalties of perjury, that the officer has not violated the provisions of the town's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(Res. 1-2012, passed 6-29-12)





**CHAPTER 31: DEPARTMENTS, BOARDS, AND COMMISSIONS**

Section

*Department of Parks and Recreation*

- 31.01 Department of Parks and Recreation established
- 31.02 Election of Parks and Recreation Board members
- 31.03 Terms of Board members
- 31.04 Administration
- 31.05 Powers and duties
- 31.06 Advisory council and special committees
- 31.07 Budget

*Police Reserve*

- 31.20 Duty reserve established

*Department of Storm Water Management*

- 31.30 Adoption

*Redevelopment Authority*

- 31.40 Redevelopment Authority

**DEPARTMENT OF PARKS AND RECREATION**

**§ 31.01 DEPARTMENT OF PARKS AND RECREATION ESTABLISHED.**

Under the provisions of IC 36-10-3-3, there is established a Department of Parks and Recreation composed of the Board of Parks and Recreation, a Superintendent, and such other personnel as the Board may determine.  
(Ord. V-1975, passed 8-21-75)

**§ 31.02 ELECTION OF PARKS AND RECREATION BOARD MEMBERS.**

The Board shall be composed of four members. The President of the Town Council shall select the regular members on the basis of their interest in and knowledge of parks and recreation, but no more than two members shall be of the same political party.  
(Ord. V-1975, passed 8-21-75)

**§ 31.03 TERMS OF BOARD MEMBERS.**

Upon the establishment of a Board, the terms of the members initially appointed shall be for four years. As of July 10, 2000, the members shall serve in staggered terms (e.g. one member shall serve until January, 2002; one until January, 2003; one until January, 2004; and one until January, 2005). The President of the Town Council shall make the initial appointments within 90 days of the adoption of this regulation. Thereafter as a term expires, each new appointment shall be made by the President of the Town Council for a four-year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until a successor is appointed. All reappointments to the Board shall be made by the President of the Town Council by the first Monday in April of each year or the incumbent shall continue to serve another four-year term. If a vacancy on the Board occurs the President of the Town Council shall appoint a member for the unexpired term.  
(Ord. V-1975, passed 8-21-75; Am. Ord. 2000-2, passed 7-10-00)

**§ 31.04 ADMINISTRATION.**

At its first regular meeting in 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. The Board may select a secretary either from within or without its own membership. (Ord. V-1975, passed 8-21-75)

### § 31.05 POWERS AND DUTIES.

The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be parks and recreation functions. In addition to all other powers necessary to achieve the general objectives of the Board, the Board shall have, for park and recreation purposes, all the powers and duties listed in IC 36-10-3-10 and 36-10-3-11. (Ord. V-1975, passed 8-21-75)

### § 31.06 ADVISORY COUNCIL AND SPECIAL COMMITTEES.

The Board may create an advisory council and special committees composed of citizens interested in the problem of parks and recreation in accordance with IC 36-10-3-17. (Ord. V-1975, passed 8-21-75)

### § 31.07 BUDGET.

The Board shall prepare and submit an annual budget in the same manner as other departments of the town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. V-1975, passed 8-21-75)

## ***POLICE RESERVE***

### § 31.20 DUTY RESERVE ESTABLISHED.

(A) There is created, pursuant to IC 36-8-3-20, police reserves for the town, which reserves shall be appointed by the Town Council.

(B) Police reserves shall have all the same police powers as members of the regular police force or the Town Marshal, except as limited by rules adopted by the Town Council.

(C) The police reserves shall be supervised by the Town Marshal.

(D) No police reserve shall be appointed until he or she has completed any training and probationary period as required by the Town Council and as required by Indiana statute.

(E) Police reserves shall not be paid any compensation for their services provided.

(F) A police reserve officer appointed by the Town Council may not:

- (1) Make an arrest; or
- (2) Conduct a search or a seizure of a person or property; or
- (3) Carry a firearm, unless the police reserve officer successfully completes a prebasic course under IC 5-2-1-9(f).

(G) The Town Council now sets the number of reserve police officers at nine. There shall be no more than nine reserve police officers authorized for the Police Department.

(Ord. 1994-5, passed 3-8-94; Am. Ord. 2000-1, passed 2-14-00; Am. Ord. 2001-1, passed 9-10-01; Am. Ord. 2004-9, passed 12-13-04; Am. Ord. 2013-5, passed 10-14-13)

**DEPARTMENT OF STORM WATER  
MANAGEMENT**

**§ 31.30 ADOPTION.**

(A) The Town Council hereby adopts, on behalf of the town, the provisions of the Act for the purpose of creating and establishing a Department of Storm Water Management (the “Department”) to be governed by a Board of Directors (the “Board”) consisting of three persons appointed by the President of the Town Council, no more than two of which may be of the same political party. The Department shall have all of the powers and duties, subject to the same conditions, as provided in the Act.

(B) Pursuant to section 5 of the Act, all of the territory within the corporate boundaries of the town shall constitute a special taxing district hereby created by this chapter.

(C) The terms of the members of the Board shall be staggered. The term of the first appointed member shall end on June 30, 2005; the term of the second appointed member shall end on June 30, 2006; and the term of the third appointed member shall end on June 30, 2007. All terms of appointment thereafter will be for a period of three years.

(D) The members of the Board shall not be entitled to a salary or any other pecuniary compensation for serving as a member of the Board; however, a member shall be reimbursed for necessary expenses incurred by the member in the performance of official duties.

(Ord. 2004-1, passed 7-12-04)

afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas within the town by establishing a Redevelopment Authority.

(B) The Council hereby establishes the Shelburn Redevelopment Authority.

(C) All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this section are hereby repealed.

(Ord. 2015-2, passed 3-9-15)

**REDEVELOPMENT AUTHORITY**

**§ 31.40 REDEVELOPMENT AUTHORITY.**

(A) The Town Council of the Town of Shelburn, Indiana (the “Council”) now deems it to be in the best interest of Shelburn (the “Town”) and its citizens to



**CHAPTER 32: FINANCE**

Section

water works system for the next succeeding two calendar months.

***General Provisions***

- 32.01 Cash Reserve Fund
- 32.02 Parks and Recreation Board Fund
- 32.03 Rainy Day Fund
- 32.04 Account payable vouchers
- 32.05 Promotional Fund
- 32.06 Downtown Renovation and Water Improvements EDA Fund
- 32.07 ARP Coronavirus Local Fiscal Recovery Fund

(2) An amount equal to the sum of  $\frac{1}{12}$  of the amount required for principal and interest payments during the succeeding 12 calendar months on all bonds payable from the Sinking Fund until the amount of interest on the bonds as the same become payable shall have been held therein.

(3) Sufficient funds of an amount available equal to  $\frac{1}{60}$  of the Bond requirement of \$143,832.50 per month.

***Fees***

- 32.10 Reports
- 32.11 Vehicle inspections

(4) Sufficient funds of an amount available to fund the depreciation account of 5% of gross income per month less meter deposits.

***Policies***

- 32.20 Internal control standards
- 32.21 Materiality threshold

(B) The Town Council shall periodically transfer from the Cash Reserve Fund to the General Fund of the town partial or full balance of the Cash Reserve Fund at a regular monthly Town Council meeting by a majority vote.

(Ord. 88-4, passed 11-19-88)

**GENERAL PROVISIONS**

**§ 32.02 PARKS AND RECREATION BOARD FUND.**

**§ 32.01 CASH RESERVE FUND.**

(A) The Municipal Water Utility shall from and after the effective date of November 19, 1988, establish a Cash Reserve Fund in the Municipal Water Utility and make monthly transfers from the Cash Operating and Maintenance Fund to the Cash Reserve Fund only if such transfers do not interfere with the flow of funds as follows:

(A) Upon request by the Parks and Recreation Board and pursuant to IC 36-10-4-16(g)(1) there is hereby established, within and for the municipal government of the town, a special nonreverting operating fund for park purposes which shall be known as "The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board."

(1) Sufficient funds to pay reasonable expenses of operating, repairing, and maintaining said

(B) The Parks and Recreation Board is hereby authorized to charge and assess reasonable fees, to be determined by said board, for the use of town park facilities, including but not limited to use of the

Shelburn Community Building, shelter houses and tennis courts and for the provision of maintenance services to those portions of the park that are leased to outside entities. The Parks and Recreation Board is further hereby authorized to operate a concession stand or stands at the Shelburn park and at such other park facilities as it may, from time to time, deem appropriate.

(C) All monies received by the collection of fees charged and assessed by the Parks and Recreation Board for the use of park facilities and/or maintenance of leased park facilities and from the operation of concession stands at the Shelburn park facilities shall be placed in “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board.”

(D) There shall, at all times, be maintained an operating balance in “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board” of \$500. The Parks and Recreation Board is hereby authorized to expend, from time to time and by appropriation, any and all monies deposited to “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board” in excess of such \$500 operating balance for such park related purposes as it may deem appropriate.

(E) All funds presently existing in “The Nonreverting Revenue Fund of the Shelburn Parks and Recreation Board” shall be transferred to “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board” as provided herein.

(F) It is further provided that any and all funds deposited into “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board” shall not revert at the end of each fiscal year to the General Fund of the town, but shall remain in “The Special Nonreverting Operating Fund of the Shelburn Parks and Recreation Board” to be utilized by the Parks and Recreation Board on a continuing basis.  
(Ord. 2000-3, passed 6-12-00)

### § 32.03 RAINY DAY FUND.

(A) There is hereby established a Rainy Day Fund consistent with the provisions of IC 36-1-8-5.1.

(B) The Rainy Day Fund shall be funded in the following manner.

(1) The unused funds raised by a general or special tax levy on the taxable property within the Town of Shelburn, and which remain after the purposes of the tax levy have been fulfilled, and which are transferred to the Rainy Day Fund by the fiscal body consistent with the provisions of IC 36-1-8-5.

(2) In any fiscal year, the fiscal body of the town may transfer not more than 10% of the town’s total budget for that fiscal year into the Rainy Day Fund as provided in IC 36-1-8-5.1.

(3) A declaration of a state of financial emergency shall be given to the Town Council at a special call or regular meeting by the Town Executive or by a resolution passed by the Town Council declaring a state of financial emergency.

(C) Funds may be used from the Rainy Day Fund only for emergencies defined to include the following:

(1) A sudden unexpected happening or unforeseen occurrence or condition requiring an expenditure of funds which leaves the town unable to meet its preexisting obligations on an ongoing basis; and

(2) A sudden unexpected happening or unforeseen opportunity which would provide permanent and ongoing benefit to health, welfare, safety or prosperity of the citizens of the town.

(D) All funds to be used from the Rainy Day Fund must be appropriated by a simple majority vote of the fiscal body for the Town of Shelburn.  
(Ord. 2010-3, passed 2-10-10)

**§ 32.04 ACCOUNTS PAYABLE VOUCHERS.**

The Town Council authorizes the Clerk-Treasurer to make payments of such items that need to be made in a timely manner and include them on the next account payable vouchers docket at the Council meeting for approval.  
(Ord. 2017-11-13-1, passed 11-13-17)

**§ 32.05 PROMOTIONAL FUND.**

(A) The Town Council hereby establishes a fund to promote economic development and tourism.

(B) The Town Council may appropriate monies in the annual budgets to fund the Promotional Fund.

(C) The Town Council may approve expenditures from the Promotional Fund and expenses incurred to promote economic development and tourism for the town.

(D) Expenses relating to promotion of economic development and tourism may include, but are not limited to, the following:

- (1) Rental of meeting places;
- (2) Expenses relating to events, such as meals, decorations, memorabilia, awards and commemorative objects;
- (3) Expenses incurred in promoting industrial, commercial and residential development and tourism;
- (4) Expenses incurred in developing relationships with other governmental units;
- (5) Expenses for membership dues, assessments, conference registrations and other assistance in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations;

(6) Direct expenses incurred for travel, meals and lodging in conjunction with municipal business, meetings or organizations to which the municipality belongs; and

(7) Any other expenses of a civic or governmental nature deemed by the Town Council to be in the best interest of the town, such as a reasonable amount spent on employee funeral flowers, an all-employee gathering, or a employee retirement gift deemed by action of the Town Council to be in the interest of the town.  
(Ord. 2020/04/14, passed 4-7-2020)

**§ 32.06 DOWNTOWN RENOVATION AND WATER IMPROVEMENTS EDA FUND.**

(A) The Town Council hereby establishes a Downtown Renovation and Water Improvements EDA Fund.

(B) The Fund shall be funded through 2020 lease rental bonds and monthly interest accrued from the checking account.

(C) The Town Council may approve expenditures from the Fund to downtown revitalization projects and to provide 20% matching for an EDA grant to promote water system improvements.  
(Ord. 2020/12/30-1, passed 12-30-2020)

**§ 32.07 ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND.**

(A) The Common Council hereby creates a new local grant fund within the Clerk-Treasurer's office that shall be titled "ARP Coronavirus Local Fiscal Recovery Fund."

(1) The Clerk-Treasurer has issued a fund number of 176 with respect to these monies.



(2) Such monies shall be non-reverting.

(B) The uses of the Fund are specified in § 603(C) of the American Rescue Plan Act of 2021, and shall be used in accordance with the U.S. Treasury guidance:

(1) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses and nonprofits, or to aid impacted industries such as tourism, travel and hospitality;

(2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government or county that are performing such essential work, or by providing grants to eligible employers with eligible workers who perform essential work;

(3) For the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government or county prior to the emergency; or

(4) To make necessary investments in water, sewer or broadband Infrastructure as approved by the U.S. Treasury.

(C) The monies of the Fund shall be appropriated by the Common Council before expenditure.

(D) All expenditures shall be approved by the Common Council, with any and all claims to be paid from the Fund.

(E) The Common Council will encourage public input in order to create the plan, conditions and rules

(together, the “Plan”) upon which the monies are to be requested and used.

(F) The Plan is attached to Ordinance 2021-05-11 as “Exhibit A” and may be amended.

(G) The Clerk-Treasurer shall keep accurate and complete financial records of the receipt and expenditure of any and all monies deposited into and paid from the Fund.

(H) Any unused monies of the Fund shall be paid back to the U.S. Treasury, as required.

(I) Monies of the Fund shall not be deposited into any pension fund.  
(Ord. 2021-05-11, passed 5-11-2021)

### ***FEES***

#### **§ 32.10 REPORTS.**

The town hereby establishes a \$5 fee per copy of accident and investigative reports.  
(Ord. 2006-01, passed 1-9-06)

#### **§ 32.11 VEHICLE INSPECTIONS.**

The town hereby establishes a \$5 fee for conducting vehicle inspections by the Police Department.  
(Ord. 2006-02, passed 1-9-06)

### ***POLICIES***

#### **§ 32.20 INTERNAL CONTROL STANDARDS.**

(A) The town adopts as policy the Internal Control Standard as set forth by the Indiana State

Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September 2015, as amended from time to time.

(B) All town government personnel will receive appropriate training on the Internal Controls Standards and Procedures. **PERSONNEL** is defined as an officer or employee whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity. As required by statute, the fiscal officer (Clerk-Treasurer) will file annual certification of training with the Indiana State Board of Accounts.

(C) The Clerk Treasurer, in coordination with the Common Council, will develop, maintain and train personnel on Internal Controls Standards and Policies and all new personnel shall receive training timely. All town officers, elected officials and employees are required to comply with the policy. The policy will be integrated into the Employee Policy and Procedure Manual for the Town of Shelburn. Employees who fail to comply with this policy are subject to disciplinary action, up to but not limited to termination of their employment.

(Ord. 2016-12-12-1, passed 12-12-16)

**Statutory reference:**

*For provisions concerning Internal Controls, see I.C. 5-11-1-27*

**§ 32.21 MATERIALITY THRESHOLD.**

(A) It will be the policy of the Clerk-Treasurer to report to the State Board of Accounts any erroneous or irregular variances, losses shortages or thefts of cash in excess of \$500. In addition, all erroneous or irregular variances, losses, shortages, or thefts of cash which occur more than one time in a month and which the aggregate total is \$500 or more shall be reported immediately to the State Board of Accounts.

Exceptions shall be made for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the town and/or the utility.

(B) It will be the policy of the Clerk-Treasurer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of \$5,000 estimated fair market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the town and/or the utility, and except for losses from genuine accidents.

(C) All erroneous or irregular variances, losses, shortages, or thefts shall be reported immediately to the Clerk-Treasurer. The town and the utility shall maintain records and documentation concerning erroneous or irregular variances, losses, shortages, or thefts in accordance with generally accepted accounting principles and the internal control standards provided by the Indiana State Board of Accounts.

(D) The town and the utility shall investigate all erroneous or irregular variances, losses, shortages or thefts, regardless of whether they meet the materiality threshold established by this section. Upon conclusion of each such investigation, the town and/or the utility shall:

(1) Implement procedures designed to prevent the recurrence of such incidents; and

(2) Take appropriate disciplinary action against the employee responsible for the incident.

(Ord. 2016-12-12-2, passed 12-12-2016)



## CHAPTER 33: TOWN COUNCIL

### Section

- 33.01 Town Council established
- 33.02 Powers and duties

### **§ 33.01 TOWN COUNCIL ESTABLISHED.**

A Town Council of the Town of Shelburn, Indiana is hereby established.  
(Ord. 2005-5, passed 12-12-05)

### **§ 33.02 POWERS AND DUTIES.**

By the powers vested in the Town Council of Shelburn, Sullivan County, Indiana, it is hereby ordered that the Town Council shall be vested with the power and authority to approve and execute tax anticipation loans.  
(Ord. 2004-1, passed 3-24-04; Am. Ord. 2004-5, passed 10-12-04; Am. Ord. 2005-2, passed 2-14-05; Am. Ord. 2005-4, passed 8-22-05; Am. Ord. 2006-3, passed 2-13-06; Am. Ord. 2008-1, passed 1-14-08; Am. Ord. 2009-1, passed 2-9-09)



**TITLE V: PUBLIC WORKS**

Chapter

**50. SEWERS**

**51. WATER**



## CHAPTER 50: SEWERS

### Section

- 50.01 Disconnection for late payment
- 50.02 Rates and charges

### **§ 50.01 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city 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. The city'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:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) 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 ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) 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, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city 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, along with a turn-on charge in the sum of \$12.50.

### **§ 50.02 RATES AND CHARGES.**

For the use of, and the service rendered by, the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with, uses or is served by the town's sanitary sewer system, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows;

(A) *Monthly rates and charges for treatment plant.* Based upon the quantity of water used per month as measured by the water meter there in use, a charge at the rate of \$6.75 per 1,000 gallons shall be applied.



(B) *Monthly rates and charges for collection system.* Based upon the size of the water meter installed:

<i>Size</i>	<i>Per Month</i>
$\frac{5}{8}$ -inch	\$ 23.30
$\frac{3}{4}$ -inch	23.30
1-inch	58.31
1½-inch	134.05
2-inch	235.43
3-inch	524.45
4-inch	932.35
6-inch	2,097.86

(C) Domestic users who do not have a metered municipal supply of water shall be charged a flat price of \$46.05 per month.

(D) Any user connecting more than 90 days subsequent to completion of construction of the sewage works shall pay a tap-on fee of \$400 and \$10 for inspection.

(E) For the service rendered to the town, the town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(F) All new customers connected on or after July 1, 1998, to the North Central High School line, in addition to being assessed charges as outlined above, they shall each be assessed a monthly charge of \$11.50 for a term from the present to January 1, 2017.

(Ord. 89-3, passed 8-12-89 Am. Ord. 96-2, passed 8-14-96; Am. Ord. 1999-5, passed 7-13-99; Am. Ord. 2002-3, passed 7-29-02; Am. Ord. 2011-2, passed 4-25-11; Am. Ord. 2011-6, passed 11-14-11; Am. Ord. 2017-4-10, passed 4-10-17)

## CHAPTER 51: WATER

### Section

- 51.01 Disconnection for late payment
- 51.02 Rates and charges

#### *Rules for Installation and Billing*

- 51.10 Installation
- 51.11 Billing and payments
- 51.12 Trustee payments
- 51.13 Customer development

#### *Cross-Connection*

- 51.20 Definitions
- 51.21 Cross-connection; interconnection
- 51.22 Inspection
- 51.23 Right of entry
- 51.24 Discontinuance of water service
- 51.25 Hearing
- 51.26 Backflow preventer required for consumers using toxic or hazardous liquids
- 51.27 Correcting illegal cross-connection
- 51.28 Supplemental to other regulations

#### ***Cross-reference:***

*Cash Reserve Fund, see § 32.01*

#### ***Editor's Note:***

*On December 9, 1987, the town's Municipal Water Utility was removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of issuance of stocks, bonds, notes, or other evidence of indebtedness.*

### **§ 51.01 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city 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. The city'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:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) 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 ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint. If a customer has their water service discontinued for nonpayment, their water service will not be reconnected until the next business day.

(B) 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, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city 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, along with a turn-on charge in the sum of \$12.50. (Am. Ord. 2002-2, passed 7-29-02)

**§ 51.02 RATES AND CHARGES.**

The Town Municipal Water Utility shall, from and after the effective date hereof charge the following rates for water service rendered to customers of the Municipal Water Utility:

(A) *Recurring charges.*(1) *Monthly metered rates.*

<i>Consumption per Month</i>	<i>Rates per 1,000 Gallons</i>
First 2,000 gallons	\$ 14.55
Next 3,000 gallons	11.33
Next 3,000 gallons	10.14
Next 17,000 gallons	9.35
Over 25,000 gallons	7.87

(2) *Minimum charge.* Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<i>Size of Meter</i>	<i>Per Month</i>
<sup>5</sup> / <sub>8</sub> -inch meter	\$ 19.20
<sup>3</sup> / <sub>4</sub> -inch meter	19.20
1-inch meter	36.80
2-inch meter	72.25

(3) *Farmersburg monthly usage.*

<i>Farmersburg (Wholesale User) Monthly Usage</i>	<i>Rate per 1,000 gallons</i>
First 1,000,000 gallons	\$ 5.00
Next 2,000,000 gallons	4.91
Over 3,000,000 gallons	4.76

(4) *Wholesale - Wilfred Water Corp.*

<i>Consumption per Month</i>	<i>Rate per 1,000 gallons</i>
First 1,000,000 gallons	\$ 7.88

(5) *Wholesale customers.* Each wholesale customer shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of wholesale rates (Farmersburg being exempt).

<i>Size of Meter</i>	<i>Per Month</i>
1-inch meter	\$10.08
2-inch meter	19.81

(6) *Surcharge.* Each user shall pay a surcharge of \$1.50 per month for maintenance of the radio reading system.

(B) *Non-recurring charges.* The Municipal Water Utility shall make the following charges on the following non-recurring matters:

<i>Type of Charge</i>	<i>Amount</i>
<sup>5</sup> / <sub>8</sub> and <sup>3</sup> / <sub>4</sub> -inch new service connection on water main side of road charge	\$2,000
<sup>5</sup> / <sub>8</sub> and <sup>3</sup> / <sub>4</sub> -inch new service connection on opposite side or road from water main charge	\$2,800
<sup>5</sup> / <sub>8</sub> and <sup>3</sup> / <sub>4</sub> -inch new service connection County Road 175 West Project charge	\$3,050
1-inch or 2-inch new service connection charge or tap-on	Cost of labor and material plus \$300
Existing service connection charge	\$5
Reconnection charge	\$5
Special meter reading	\$5
Meter profiling charge	\$10
Bad check charge	\$25
Late payment charge	10% of first \$3; 3% over \$3 on water except as to wholesale customer i.e., Farmersburg
Reconnect water service after service discontinued for delinquency	\$25

<i>Type of Charge</i>	<i>Amount</i>
Meter deposit	\$175
Inspecting water lines for empty houses	\$10
Meter tampering charge	\$500

(Ord. 1993-2, passed 9-14-93; Am. Ord. 1998-4, passed 9-28-98; Am. Ord. 2002-2, passed 7-29-02; Am. Ord. 2005-3, passed 7-28-05; Am. Ord. 2007-6, passed 10-15-07; Am. Ord. 2008-2, passed 8-11-08; Am. Ord. 2013-6, passed 12-11-13; Am. Ord. 2020/03/10, passed 3-10-20)

### ***RULES FOR INSTALLATION AND BILLING***

#### **§ 51.10 INSTALLATION.**

(A) All residences must have a separate meter for metering water usage. No two residences may be hooked into the same meter.

(B) Customers must give the water utility at least ten days notice for installation of a new water service.

(Ord. 1998-4, passed 9-28-98; Am. Ord. 2020/03/10, passed 3-10-20)

#### **§ 51.11 BILLING AND PAYMENTS.**

(A) Meters will be read around the 15th of each month.

(B) Bills will be mailed on the end of the month and no later than the first of the next month. Notification should be given to the water utility office at (812) 397-5900 if a bill is not received by the 2nd of the month.

(C) Payment is due by the 15th of the month. After the 15th, penalties will be applied to the bills.

(D) If bills are not paid by noon the disconnect day as stated on the water bill, the customer's water service will be discontinued.

(E) Partial payments will be accepted in order to keep water service from being discontinued. There must be a payment made of at least 10% of the bill due before noon of the final day as stated on the final notice. The remaining balance will be considered in arrears and will be applied to the current bill that the customer has incurred. The arrears balance must be paid on the 6th of the new month or water service will be discontinued and the current bill must also be paid by the disconnect date placed on the water bill.

(F) There will be only one partial payment or payments on one current month's bill per customer per 12-month period.

(G) Payments made with a bad check will be required to reimburse the Shelburn Water Utility with cash, certified check or money order.

(H) There will be no water leak adjustments to a water customer's bill. Payment arrangements will be allowed for a water customer's bill due to the water leak. A customer may have up to 12 months to pay the water bill. If agreed payments are not adhered to, water service will be discontinued until the bill is paid in full.

(Ord. 1998-4, passed 9-28-98; Am. Ord. 2002-2, passed 7-29-02; Am. Ord. 2007-6, passed 10-15-06; Am. Ord. 2020/03/10, passed 3-10-20)

**§ 51.12 TRUSTEE PAYMENTS.**

The water utility will continue to accept the Curry Township Trustee's warrant for agreement to pay the water bill owed.  
(Ord. 1998-4, passed 9-28-98)

**§ 51.13 CUSTOMER DEVELOPMENT.**

Water service may be provided at rates and charges other than as specifically established by the Town Board to new customers which meet the following conditions:

(A) The new customer must enter into a contract for water service that has a term of not less than five years and sets forth, among other provisions, the rates and charges applicable to the service; provided, however, the applicable rates must be sufficient to cover the incremental cost to provide service to the new customer and make a contribution to the water utility's fixed costs;

(B) The new customer must represent that he or she has available to him or her an alternative source of water supply and the rates and charges set forth in his or her contract are necessary for the new customer to receive service; and

(C) The new customer's service must require at least 50,000 gallons per month for at least six months out of any contract year.  
(Ord. 1998-4, passed 9-28-98)

***CROSS-CONNECTIONS***

**§ 51.20 DEFINITIONS.**

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

***CROSS-CONNECTIONS.*** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the town 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. 1995-1, passed 6-13-95)

**§ 51.21 CROSS-CONNECTION;  
INTERCONNECTION.**

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular distribution system of the municipality, unless such private, auxiliary, or emergency water supply shall have been approved by the Town Water Works and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.  
(Ord. 1995-1, passed 6-13-95)

**§ 51.22 INSPECTION.**

It shall be the duty of the Town Water Works to cause inspections to be made of all properties served by the public water system where cross-connection with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Town Water Works.  
(Ord. 1995-1, passed 6-13-95)

**§ 51.23 RIGHT OF ENTRY.**

Upon presentation of credential, the representative of the Town Water Works shall have the right to request entry at any reasonable time to

examine any property served by a connection of 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 piping system or systems on the property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.

(Ord. 1995-1, passed 6-13-95)

#### **§ 51.24 DISCONTINUANCE OF WATER SERVICE.**

The Town Water Works 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 has been eliminated in compliance with the provisions of this subchapter.

(Ord. 1995-1, passed 6-13-95)

#### **§ 51.25 HEARING.**

If it is deemed by the Town Water Works 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 Town Clerk and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of the emergency discontinuance.

(Ord. 1995-1, passed 6-13-95)

#### **§ 51.26 BACKFLOW PREVENTER REQUIRED FOR CONSUMERS USING TOXIC OR HAZARDOUS LIQUIDS.**

(A) 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.

#### **§ 51.27 CORRECTING ILLEGAL CROSS-CONNECTION.**

In the event it is determined by the Town Water Works that an illegal cross-connection exists, then the Town Water Works shall, by written notice, allow the occupant of the property 30 days to correct the illegal cross-connection. In the event the illegal cross-connection is not corrected within 30 days, the Town Water Works shall take legal action by filing a complaint in the Sullivan Circuit Court to correct the illegal cross-connection and recover the expenses incurred in correcting the illegal cross-connection.

(Ord. 1995-1, passed 6-13-95)

#### **§ 51.28 SUPPLEMENTAL TO OTHER REGULATIONS.**

This subchapter does not supersede the I.D.E.M. Rule Code 327 IAC 8-10 or the town plumbing ordinance No. 1995-1, but it is supplementary to them.

(Ord. 1995-1, passed 6-13-95)

(B) The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(Ord. 1995-1, passed 6-13-95)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. TRAFFIC REGULATIONS**

**71. TRAFFIC SCHEDULES**

**72. PARKING SCHEDULES**





## CHAPTER 70: TRAFFIC REGULATIONS

### Section

- 70.01 Definitions
- 70.02 Obedience to stop signs
- 70.03 Placement of stop signs
- 70.04 Vehicle routing and weight
- 70.05 Golf carts and low speed vehicles

- 70.99 Penalty

### **Statutory reference:**

*Local authority over streets, see IC 9-21-1-3*

### **§ 70.01 DEFINITIONS.**

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

***INTERSECTION or INTERSECTIONS.*** The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict.

***STOP SIGN.*** A sign bearing the word “STOP” in letters not less than eight inches in height, luminous at nighttime by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign.

***VEHICLE or VEHICLES.*** Any device in, upon, or by which any person or property may be transported upon a street or highway, except upon rails or tracks.  
(Ord. 1986-2, passed 3-10-86)

### **§ 70.02 OBEDIENCE TO STOP SIGNS.**

When stop signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall bring the vehicle to a complete stop at the sign or at a clearly marked stop line, or before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.  
(Ord. 1986-2, passed 3-10-86)

### **§ 70.03 PLACEMENT OF STOP SIGNS.**

Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection, or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway. All stop signs on streets with traffic traveling north and traveling south will be on the southeast corner facing south and the northwest corner facing north, respectively. All stop signs on the streets with the traffic traveling east and traveling west will be on the southwest corner facing west and the northeast corner facing east, respectively.  
(Ord. 1986-2, passed 3-10-86)

### **§ 70.04 VEHICLE ROUTING AND WEIGHT.**

The Town Board, in order to help prevent damage to town streets, hereby establishes the foregoing section regulating the travel of vehicles weighing ten tons or more and carriers capable of hauling ten or more tons of material:

(A) It is unlawful for: any vehicle weighing ten or more tons, any tractor trailer combination, and any carrier or vehicle where the total weight of vehicle and cargo totals ten or more tons, to be driven, pulled, or hauled on town streets unless excepted under division (B) of this section.

## (B) Exceptions.

(1) The excepted streets where the prohibited vehicles may travel:

(a) North Thomas Street from State Road 48 to Mill Street.

(b) Mill Street.

(c) Washington Street.

(d) Railroad Street south of Mill Street.

(e) Interurban Street south of Mill Street.

(f) Walnut Street from State Road 48 to the IGA store.

## (2) Excepted vehicles:

(a) School buses as defined by Indiana Code;

(b) House trailers and special carriers when issued a permit by the town are allowed exceptance to this section; and,

(c) Public service and utility vehicles.

## (C) Penalties.

(1) One hundred dollars for the first offense.

(2) Three hundred dollars for any subsequent offense.

(D) Permits may be issued after the following criteria have been met:

(1) Payment of a \$25 permit fee.

(2) Proof of liability insurance which would cover any damage to the streets or property of

the town in the amount of \$25,000; or, a \$10,000 deposit which is returned after the post inspection and no damage has been found.

(3) Furnishing a map or description of the intended route of travel.

(4) Pre inspection of the intended route by a representative of the town.

(5) Post inspection of the route by a representative of the town.  
(Ord. 1999-1, passed 3-12-99; Am. Ord. 1999-7, passed 5-11-99)

### § 70.05 GOLF CARTS AND LOW SPEED VEHICLES.

(A) *GOLF CART* is defined by IC 9-13-2-69.7. *LOW SPEED VEHICLE* is defined by IC 9-13-2-94.5. For the purpose of this section both shall be called *VEHICLE* unless otherwise stated.

(B) It is unlawful to operate a golf cart or low speed vehicle on the streets or alleys of Shelburn except when all the following requirements are met:

(1) The vehicle operator must have a valid vehicle driver license in his/her possession;

(2) The vehicle must be registered yearly with the Town Marshal. The owner must provide proof of liability insurance or financial responsibility.

(a) The registration fee is \$25.

(b) The registration decal shall be placed on the rear center of the vehicle.

(c) Registrations are not transferable.

(d) Registration fees will be deposited in the General Fund of the Town of Shelburn;

(3) The vehicle must have a slow moving vehicle device or a flashing yellow light mounted on the rear of the vehicle;

(4) The low speed vehicle must have all equipment, in good condition, as stated in IC 9-13-2-94.5;

(5) The golf cart must have in good operating condition:

(a) Head lamps, front and rear turn signal lamps, tail lamps, and stop lamps if the vehicle is in operation on the streets from sunset to sunrise;

(b) Interior or exterior rear view mirrors;

(c) Brakes; and

(d) Muffler (if gasoline powered);

(6) The operator shall obey all traffic laws and regulations pertaining to any vehicle on the streets;

(7) The vehicle may not have more people on board than the vehicle seating design allows for. The driver and passengers must be seated hi those seats while the vehicle is in motion; and

(8) The vehicle must be driven as close as feasible to the right side of the street to allow passing of regular vehicle traffic.

(C) Traffic signs shall be posted at the entrances to the Town of Shelburn. The signs shall declare:

**GOLF CART AND SLOW MOVING VEHICLE TRAFFIC REGULATED BY ORDINANCE.**

Persons guilty of violation of this ordinance shall pay a fine of \$50 in addition to court and legal fees to be paid to the Clerk/Treasurer of the Town of Shelburn

within 30 days of issuance of a uniform traffic ticket by a law enforcement officer of the town. Fines collected for violations of this ordinance shall be deposited into the general fund of the Town of Shelburn. If the violation is contested, an appearance date will be set for the alleged violator to appear in Sullivan Superior Court.

(Ord. 2010-6, passed 7-21-10)

**§ 70.99 PENALTY.**

Any person, firm, or corporation who shall violate the provisions of this traffic code, where no penalty is otherwise provided, shall be deemed, upon conviction, to have committed a moving traffic violation, and may be fined up to \$2,500, payable to the Clerk-Treasurer of the town.

(Ord. 1986-2, passed 3-10-86)



## CHAPTER 71: TRAFFIC SCHEDULES

### Schedule

#### I. Stop streets

**Statutory reference:**

*Local authority to designate stop intersections,  
see IC 9-21-1-3(a)(7)*

#### SCHEDULE I. STOP STREETS.

There are established and fixed stop signs at certain intersections designated below. Vehicles shall come to a complete stop before proceeding into the intersections of the following described streets of the town:

(A) *Highway 48 south to Broadway.*

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
N.E. corner intersection of Monroe and Walnut	1986-2	3-10-86
N.E. corner intersection of Lincoln and Walnut	1986-2	3-10-86
S.W. corner intersection of Lincoln and Walnut	1986-2	3-10-86
S.W. corner intersection of Lincoln and Poplar	1986-2	3-10-86
N.E. corner intersection of Washington and Broadway	1986-2	3-10-86
N.W. corner intersection of Washington and Broadway	1986-2	3-10-86
S.E. corner intersection of Washington and Broadway	1986-2	3-10-86
S.W. corner intersection of Washington and Broadway	1986-2	3-10-86
N.W. corner intersection of Poplar and Broadway	1986-2	3-10-86
S.W. corner intersection of Monroe and Poplar	1986-2	3-10-86

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<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
N.W. corner intersection of Alabama and Broadway	1986-2	3-10-86
N.W. corner intersection Delaware and Broadway	1986-2	3-10-86
N.E. corner intersection Broadway and Pennsylvania	1986-2	3-10-86
N.W. corner intersection Ohio and Broadway	1986-2	3-10-86
N.E. corner intersection Broadway and CSX Railroad	2000-4	11-13-00
N.W. corner intersection Missouri and Madison	2000-4	11-13-00
S.E. corner intersection Missouri and Madison	2000-4	11-13-00
N.W. corner intersection Missouri and Lincoln	2000-4	11-13-00
S.E. corner intersection Missouri and Lincoln	2000-4	11-13-00
N.W. corner intersection Ohio and Lincoln	2000-4	11-13-00
S.E. corner intersection Ohio and Lincoln	2000-4	11-13-00
N.W. corner intersection of Alabama and Lincoln	2003-1	1-13-03
S.E. corner intersection of Alabama and Lincoln	2003-1	1-13-03
S.W. corner intersection of Lincoln and Alabama	2003-1	1-13-03
N.E. corner intersection of Lincoln and Alabama	2003-1	1-13-03

(B) *Broadway south to Mill.*

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
S.E. corner intersection Delaware and Broadway	1986-2	3-10-86
S.E. corner intersection Broadway and Alabama	1986-2	3-10-86
S.E. corner intersection Broadway and Walnut	1986-2	3-10-86
S.E. corner intersection Broadway and Poplar	1986-2	3-10-86
S.W. corner intersection Jefferson and Delaware	1986-2	3-10-86
N.E. corner intersection Jefferson and Delaware	1986-2	3-10-86
S.E. corner intersection Broadway and Railroad	1986-2	3-10-86
S.W. corner intersection Broadway and Thomas	1986-2	3-10-86

**Traffic Schedules**

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
N.W. corner intersection Jefferson and Alabama	1986-2	3-10-86
S.E. corner intersection Jefferson and Alabama	1986-2	3-10-86
N.W. corner intersection Jefferson and Walnut	1986-2	3-10-86
S.E. corner intersection Jefferson and Walnut	1986-2	3-10-86
N.E. corner intersection Jefferson and Poplar	1986-2	3-10-86
S.E. corner intersection Jefferson and Poplar	1986-2	3-10-86
S.W. corner intersection Jefferson and Washington	1986-2	3-10-86
N.E. corner intersection Maple and Delaware	1986-2	3-10-86
S.W. corner intersection Maple and Delaware	1986-2	3-10-86
N.W. corner intersection Maple and Alabama	1986-2	3-10-86
N.W. corner intersection Maple and Walnut	1986-2	3-10-86
S.E. corner intersection Maple and Walnut	1986-2	3-10-86
N.W. corner intersection Maple and Poplar	1986-2	3-10-86
S.E. corner intersection Maple and Poplar	1986-2	3-10-86
N.E. corner intersection Maple and Washington	1986-2	3-10-86
S.W. corner intersection Maple and Washington	1986-2	3-10-86
N.W. corner intersection Maple and Poplar	1986-2	3-10-86
S.E. corner intersection Maple and Poplar	1986-2	3-10-86
N.E. corner intersection Maple and Washington	1986-2	3-10-86
S.E. corner intersection Maple and Washington	1986-2	3-10-86
N.W. corner intersection Maple and E. Railroad	1986-2	3-10-86
S.E. corner intersection Maple and E. Railroad	1986-2	3-10-86
N.W. corner intersection Maple and W. Railroad	1986-2	3-10-86
S.E. corner intersection Maple and W. Railroad	1986-2	3-10-86
S.W. corner intersection Maple and Thomas	1986-2	3-10-86
N.E. corner intersection Maple and Thomas	1986-2	3-10-86
S.E. corner intersection Maple and State	1986-2	3-10-86



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<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
S.E. corner intersection Maple and Jackson	1986-2	3-10-86
S.E. corner intersection Maple and Warren	1986-2	3-10-86
N.E. corner intersection Griffith and Delaware	1986-2	3-10-86
S.E. corner intersection Griffith and Walnut	1986-2	3-10-86
N.W. corner intersection Griffith and Walnut	1986-2	3-10-86
N.W. corner intersection Griffith and Poplar	1986-2	3-10-86
S.E. corner intersection Griffith and Poplar	1986-2	3-10-86
S.W. corner intersection Griffith and Washington	1986-2	3-10-86
N.E. corner intersection Griffith and Washington	1986-2	3-10-86
N.W. corner intersection Griffith and E. Railroad	1986-2	3-10-86
N.W. corner intersection Griffith and W. Railroad	1986-2	3-10-86
S.E. corner intersection Griffith and W. Railroad	1986-2	3-10-86
S.W. corner intersection Griffith and Thomas	1986-2	3-10-86
N.E. corner intersection Griffith and Thomas	1986-2	3-10-86
S.W. corner intersection Griffith and State	1986-2	3-10-86
N.E. corner intersection Griffith and State	1986-2	3-10-86
N.W. corner intersection Griffith and Jackson	1986-2	3-10-86
S.E. corner intersection Griffith and Jackson	1986-2	3-10-86
N.W. corner intersection Mill and Delaware	1986-2	3-10-86
S.E. corner intersection Mill and Delaware	1986-2	3-10-86
S.E. corner intersection Mill and Park	1986-2	3-10-86
N.W. corner intersection Mill and Walnut	1986-2	3-10-86
S.E. corner intersection Mill and Walnut	1986-2	3-10-86
N.W. corner intersection Mill and Poplar	1986-2	3-10-86
S.W. corner intersection Mill and Poplar	1986-2	3-10-86

## Traffic Schedules

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
N.W. corner intersection Mill and Washington	1986-2	3-10-86
N.E. corner intersection Mill and Washington	1986-2	3-10-86
N.W. corner intersection Mill and E. Railroad	1986-2	3-10-86
N.W. corner intersection Mill and Thomas	1986-2	3-10-86
S.E. corner intersection Mill and Thomas	1986-2	3-10-86
S.E. corner intersection Mill and Buckley	1986-2	3-10-86
N.E. corner intersection Mill and State	1986-2	3-10-86
N.W. corner intersection Mill and State	1986-2	3-10-86
S.E. corner intersection Mill and State	1986-2	3-10-86
S.W. corner intersection Mill and State	1986-2	3-10-86
N.W. corner intersection Mill and Jackson	1986-2	3-10-86
N.W. corner intersection of Mill and Illinois	1987-4	10-10-87
S.W. corner intersection of Griffith and Delaware	1987-4	10-10-87
S.E. corner of Illinois St. and Jefferson St.	1988-1	4-9-88
S.W. corner intersection Broadway and Railroad	2000-4	11-13-00
N.E. corner intersection Maple and Railroad	2000-4	11-13-00
S.W. corner intersection Maple and Railroad	2000-4	11-13-00
N.E. corner intersection Griffith and Railroad	2000-4	11-13-00
S.W. corner intersection Griffith and Railroad	2000-4	11-13-00
N.E. corner intersection Mill and Railroad	2000-4	11-13-00



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(C) *Mill south to Adams.*

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
N.W. corner intersection Glenn and Walnut	1986-2	3-10-86
S.E. corner intersection Glenn and Walnut	1986-2	3-10-86
S.W. corner intersection Glenn and Poplar	1986-2	3-10-86
N.E. corner intersection Glenn and Poplar	1986-2	3-10-86
N.W. corner intersection Wall and Walnut	1986-2	3-10-86
N.E. corner intersection Garfield and Kentucky (Y)	1986-2	3-10-86
N.W. corner intersection Kentucky and Adams	1986-2	3-10-86
S.E. corner intersection Park and Wall (Y)	1986-2	3-10-86
N.W. corner intersection Park and Adams	1986-2	3-10-86
N.E. corner intersection Glenn and Thomas (Y)	1986-2	3-10-86
S.W. corner intersection Glenn and Buckley (Y)	1986-2	3-10-86
N.E. corner intersection Wall and Thomas (Y)	1986-2	3-10-86
S.W. corner intersection Wall and Buckley (Y)	1986-2	3-10-86
N.W. corner intersection Jackson and Terre Haute (Y)	1986-2	3-10-86
S.E. corner intersection Patterson and Jackson (Y)	1986-2	3-10-86
S.W. corner intersection Wall and State	1986-2	3-10-86
N.E. corner intersection Patterson and State	1986-2	3-10-86
N.E. corner intersection Terre Haute and State	1986-2	3-10-86
S.W. corner intersection Mill and Railroad	2000-4	11-13-00
S.E. corner intersection Meadow View and State	2000-4	11-13-00

Penalty, see § 70.99

## CHAPTER 72: PARKING SCHEDULES

### Schedule

- I. Parking limited
- II. Parking prohibited during certain hours
- III. Parking prohibited at all times

#### *Statutory reference:*

*Local authority to regulate parking, see IC 9-21-1-3(a)(1)*

### **SCHEDULE I. PARKING LIMITED.**

There shall be a limitation upon the parking of motor vehicles upon certain streets and public highways of the town for the period of one hour between the hours of 7:00 a.m. and 5:00 p.m. each day of the week except Sunday. The streets and public highways of the town upon which the one hour parking limitation shall be effective are as follows, to-wit:

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Mill Street between Washington Street and Thomas Street	68-II	11-12-68
Railroad Street (east section) between Mill Street and Griffith Street	68-II	11-12-68
Griffith Street between Railroad Street and Thomas Street	68-II	11-12-68

Penalty, see § 70.99



**SCHEDULE II. PARKING PROHIBITED  
DURING CERTAIN HOURS.**

(A) Between the hours of 6:00 p.m. and 6:00 a.m. it is unlawful to park, stand, or loiter in the following areas:

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Griffith Street between Washington Street and Railroad Street	2001-3	10-8-01
Interurban Street between Maple Street and Mill Street	2001-3	10-8-01

(B) Any person in violation of this Schedule shall be fined \$50 to be paid to the Clerk-Treasurer within 30 days from the date of the violation.  
(Ord. 2001-3, passed 10-8-01)





**SCHEDULE III. PARKING PROHIBITED AT ALL TIMES.**

(A) It is unlawful to park any vehicle in the following locations:

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
On Jefferson Street from Poplar Street to 60 feet east of Poplar Street	2001-4	10-8-01
On Poplar Street from Jefferson Street to 90 feet south of Jefferson Street	2001-4	10-8-01
On Washington Street between Broadway Street and Griffith Street (except during Town Council sanctioned activities such as “Old Fashioned Days” and parking for funeral services)	2005-1	1-10-05

(B) Any person in violation of this schedule shall be fined \$50 to be paid to the Clerk-Treasurer within 30 days from the date of the violation.  
 (Ord. 2001-4, passed 10-8-01)



**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ANIMALS**

**91. NUISANCES**

**92. CURFEW**



## CHAPTER 90: ANIMALS

### Section

- 90.01 Definitions
- 90.02 Restraint required
- 90.03 Impoundment procedure
- 90.04 Livestock prohibited within town limits.
  
- 90.99 Penalty

### § 90.01 DEFINITIONS.

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

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

**AT LARGE.** Any animal which is off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, or on a leash.

**OWNER.** Any person or persons, firm, association, or corporation owning, keeping, sheltering or harboring an animal.

**RESTRAINT.** The securing of an animal by a leash or lead or confining it within the motor vehicle or real property limits of its owner.  
(Ord. 1-85, passed 7-8-85)

### § 90.02 RESTRAINT REQUIRED.

All animals shall be kept under restraint.  
(Ord. 1-85, passed 7-8-85) Penalty, see § 90.99

### § 90.03 IMPOUNDMENT PROCEDURE.

In the event any animal is found at large unrestrained within the limits of the town, any law enforcement officer, including but not limited to the Town Marshall, may take the animal into possession. The law enforcement officer shall cause the animal to be confined, either within or outside of the town. The owner of the animal may at any time within 72 hours claim the animal by filing with either the Town Clerk-Treasurer or the Town Marshall a notice of claim, which notice shall show the ownership of the animal in the person filing the notice and the notice will show that any fine as provided in this chapter has been paid and that the owner will pay the actual cost of confining said animal if the animal was confined by an entity other than the town or the Town Marshall or a \$5 per day fee for the costs of confinement if the animal was confined by the town or the Town Marshall. If the animal is not claimed within the 72-hour period, the Town Marshall, either in person or through third persons, may dispose of the animal by giving the animal away or by killing the animal.

(Ord. 1-85, passed 7-8-85)

### § 90.04 LIVESTOCK PROHIBITED WITHIN TOWN LIMITS.

It is unlawful for the owner, occupant, or person having control of or management of any property within the Town of Shelburn to raise, board, keep, house, or harbor any of the following: horses, miniature horses, or ponies; pigs, hogs, swine; cattle or any herd animal; sheep or goats; chickens, ducks, geese or other fowl (does not include birds commonly kept as caged pets); any poisonous snake or spider; any wild animal.

(Ord. 2010-4, passed 8-9-10) Penalty, see § 90.99

**§ 90.99 PENALTY.**

(A) *General penalty.* A person who violates the provisions of this chapter shall be subject to a fine of up to \$50 for the first offense and up to \$100 for a second or subsequent offense together with any court costs and any legal fees incurred by the town in enforcing this chapter or in the collection and payment of the delinquent fine or fines.

(B) *Notice of violation penalty in lieu of general penalty.* Any law enforcement officer, including but not limited to the Town Marshall, may issue to the known owner of any such animal which is at large within the limits of the town without restraint in violation of § 90.02, a notice of violation of ordinance. Such notice shall impose upon the owner a penalty of \$10 for the first offense and \$25 for the second or subsequent offense, which may be paid at the discretion of the owner of the animal at the Clerk-Treasurer's office during usual business hours, whereupon the Clerk-Treasurer shall issue a receipt for payment. The penalty, if paid within three business days of the issuance of notice of violation, shall be in full satisfaction of any monetary penalties provided in division (A). In the event that such payment is not made within the time period prescribed, the town, by its Town Council, shall file proceedings for the enforcement of this chapter in the county court.

(C) Persons guilty of violation of § 90.04 shall pay a fine of \$100 for the first violation; \$150 for the second violation; and \$500 for each subsequent violation in addition to court and legal fees to be paid to the Clerk/Treasurer of the Town of Shelburn within 30 days of issuance of a ticket by a law enforcement officer of the Town. Fines collected for violations of this section shall be deposited into the Ordinance Violation Fund of the Town of Shelburn. If the violation is contested, an appearance date will be set for the alleged violator to appear in Sullivan Superior Court.

(Am. Ord. 2010-4, passed 8-9-10)

## CHAPTER 91: NUISANCES

### Section

- 91.01 Weeds declared a nuisance
- 91.02 Height
- 91.03 Litter and rubbish declared a nuisance
- 91.04 Blind intersections declared a nuisance
- 91.05 Offal, dead animals, vegetable matter declared a nuisance
- 91.06 Abandoned vehicles
- 91.07 Partially demolished buildings, burned buildings and uninhabitable buildings - declared a nuisance
- 91.08 Removal notice
- 91.09 Abatement
- 91.10 Appeal
- 91.11 Lien and charges
- 91.12 Open burning

- 91.99 Penalty

### **Statutory reference:**

*Municipal authority to remove weeds, see IC 36-7-10.1*

### **§ 91.01 WEEDS DECLARED A NUISANCE.**

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of like kind, found growing in any lot or tract of land in the town are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. As used in this chapter “weeds and other rank vegetation” does not include agricultural crops, such as hay and pasture.  
(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18) Penalty, see § 91.99

### **§ 91.02 HEIGHT.**

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, cultivated vegetables, flowers or other ornamental plants to grow to a height exceeding ten inches anywhere in the Town of Shelburn. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.  
(Ord. 2-85, passed 7-8-85; Am. Ord. 2001-1, passed 2-12-01; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18) Penalty, see § 91.99

### **§ 91.03 LITTER AND RUBBISH DECLARED A NUISANCE.**

Any cans, bottles, paper, plastic, indoor furniture, household appliances, rags, metal, vehicle parts, machinery, or materials for recycling or salvage must be kept in a building or in closed containers; or otherwise considered a nuisance. Logs, lumber or fire wood lying on the ground without props holding said material off the ground at least eight inches and in a safe manner on any lot or tract of land in the town are hereby declared a nuisance. Any plastic trash bags, trash, garbage or debris which are not stored in closed trash cans and the same materials kept in closed trash cans and not disposed of within every 14 days, are hereby declared to be a nuisance.  
(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18) Penalty, see § 91.99

### **§ 91.04 BLIND INTERSECTIONS DECLARED A NUISANCE.**

Any plants, bushes, weeds, trees, whether or not growing on fences, signs, or any other structure that

causes a driver of any vehicle not to be able to see traffic from any intersecting street is detrimental to health and safety and is hereby declared to be a nuisance.

(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

**§ 91.05 OFFAL, DEAD ANIMALS, VEGETABLE MATTER DECLARED A NUISANCE.**

Any offal, human or animal waste, dead animals, or vegetable matter exposed to flies or lying upon any lot or tract of land in the Town of Shelburn is detrimental to health and safety and hereby declared a nuisance.

(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

**§ 91.06 ABANDONED VEHICLES.**

It shall be unlawful to have any abandoned vehicles on any lot or tract of land in the Town of Shelburn unless said vehicle is stored in an enclosed area not visible to the public or other properties. The presence of any abandoned vehicle in the Town of Shelburn shall be considered a nuisance. An abandoned vehicle is defined by IC 9-13-2-1 as:

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

(H) A vehicle:

(1) That was repaired or stored at the request of the owner;

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

(3) For which the reasonable value of the charges associated with the repair or storage remain unpaid more than 30 days after the date on which the repair work is completed on the vehicle is first stored. (Am. Ord. 2007-5, passed - -)

**§ 91.07 PARTIALLY DEMOLISHED BUILDINGS, BURNED BUILDINGS AND UNINHABITABLE BUILDINGS - DECLARED A NUISANCE.**

Any buildings that are partially demolished, or have fire damage and are uninhabitable are detrimental to the Town of Shelburn and are a nuisance. (Am. Ord. 2007-5, passed - -)

**§ 91.08 REMOVAL NOTICE.**

It shall be the duty of the Shelburn Police to serve or cause to be served a notice upon the owner and occupant of any premises on which the declared



nuisance exists in violation of the provisions of this chapter and to demand abatement of the nuisance within ten (days. For the purpose of this chapter, notice shall be deemed served upon the owner or occupant of the premises if the Shelburn Police leaves a copy of the notice in a conspicuous manner anywhere on the effected premises, and if a notice has been served in person by the Shelburn Police by uniform traffic ticket form or, a copy of such notice can be mailed "Certified" by United States Postal Service to current owner of such real estate to the same name and address to which tax duplicates are sent by the Treasurer of Sullivan County, Indiana, and such notice will be effective when same is deposited in the mail. Such notice shall be a continuous enforcement order requiring additional and future compliance with the Ordinance, second and subsequent violations may be abated by the Town of Shelburn, Indiana without further notice.

(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

#### § 91.09 ABATEMENT.

If the person so served does not abate the nuisance within ten days, the Shelburn Police or the Town Council may proceed to abate such nuisance, by hiring an independent cleaning crew and paying the independent cleaning crew for their expenses or use Town of Shelburn employees and equipment to abate the nuisance. Any and all costs incurred by the Town Police or Town Council, to abate the nuisance shall be charged to and paid by the owner of the premises. (Ord. 2-85, passed 7-8-85; Am. Ord. 1988-3, passed 9-10-88; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

#### § 91.10 APPEAL.

If the owner or occupant of the property feels that he/she has not violated the provisions of this chapter, upon receiving such notice, he/she has seven days to contact the Clerk-Treasurer of the Town of Shelburn,

Indiana and state in writing why he/she has not violated the provisions of this chapter. The Clerk-Treasurer, after receiving the reasons why such person feels he/she is not violating the provisions of this chapter, will cause this action and appeal to be heard at the soonest meeting of the Town Council. The Town Marshall will present his evidence of the alleged violation to the Town Council and the person appealing the violation notice shall present their defense against the claim. If the Council finds that the violation did occur the Council will give a written report to the Clerk-Treasurer of their finding, with a copy mailed to the owner or occupant. If the Town Council finds against the person so served, the town may proceed under § 91.09 and said expenses shall become a lien as stated in § 91.11.

(Ord. 2-85, passed 7-8-85; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

#### § 91.11 LIEN AND CHARGES.

Charges for the abatement and removal of the nuisance described in this chapter shall become a charge against the owner of the premises. If not paid within 30 days, the Clerk-Treasurer shall file a lien against the property in accordance with I.C. 36-1-6-2.

(Ord. 2-85, passed 7-8-85; Am. Ord. 1988-3, passed 9-10-88; Am. Ord. 2004-7, passed 12-21-04; Am. Ord. 2007-5, passed - -; Am. Ord. 2010-7, passed 9-13-10; Am. Ord. 2018-8, passed 8-13-18)

#### § 91.12 OPEN BURNING.

(A) *Applicability.* No person shall open burn any material except as provided in the following exemptions:

(1) *Exemptions.* The following types of fires are permitted:

(a) Fires celebrating school pep rallies, scouting activities, and camp or picnic fires used solely for recreational purposes, where such fires are properly controlled by a responsible person.

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(b) Residential burning where residence contains two or fewer units.

(c) Burning shall be in a non-combustible container with enclosed sides, a bottom and mesh covering with openings no larger than 1/4 inch square or, a pile no larger than ten feet by ten feet and the surrounding area cleared of combustible material to a distance of at least twenty feet in all directions.

(d) Burning is prohibited in apartment complexes Household or Farm burning of wood or wood products derived from yard maintenance or farming operations. Commercial clearing operations are not considered farm or household operations.

(2) All exemptions shall be subject to the following:

(a) Only wood or vegetation products shall be burned.

(b) Fires shall be attended at all times.

(c) If a fire creates an air pollution problem, a nuisance or a fire hazard, it shall be extinguished.

(d) All residential and farm burning shall be conducted during daylight hours and shall be extinguished at sunset.

(e) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.

### (B) *Nuisance and airborne particulate.*

(1) *Applicability.* This section shall apply to all persons in the Town of Shelburn.

#### (2) *Limitations.*

(a) It shall constitute a nuisance for any person to permit or cause the preventable

emission of such quantities of air containments from whatever source, in such place or manner as to endanger the public, nor in such a manner as to cause or have a tendency to cause injury or damage to property or business. This provision shall specifically include the incineration of garbage, rubbish, trash, or any other material which produces smoke or noxious or offensive odors in such quantity, or in such duration as to interfere with the comfortable enjoyment of life or property or the conduction of business.

(b) It shall be unlawful for any person to cause or permit the handling, transporting, or disposition of any substance or material which is likely to be scattered by the wind, or is susceptible to being windborne, without taking reasonable precautions or measures to minimize atmospheric pollution. It shall be unlawful for any person to operate or maintain or cause to be operated or maintained, any premises, open area, right of demolition, or wrecking operation, or any other enterprise, which involves any material or substance likely to be scattered by the wind, or susceptible to being windborne without taking precautions or measures to minimize atmospheric pollution. No person shall maintain or conduct, or cause to be maintained or conducted, any parking lot, or automobile and/or truck sales lot, or use any roadway unless such lot or roadway is maintained in such a manner as to minimize atmospheric pollution.

(c) *Waiver.* Nothing in any section of this ordinance relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.

(C) *Fines - Offenses.* A fine will be imposed in the amount of \$150 for the first offense and in the amount of \$250 for each offense thereafter.

(Ord. 2019-9-9, passed 9-9-2019)

## § 91.99 PENALTY.

(A) Anyone who violates §§ 91.02 or 91.03(B) or (C) shall be subject to the following penalty: Upon

discovery of the condition, the Town Marshal shall issue a violation notice ticket to the owner or occupant of the property. The owner or occupant will then have seven days from notice to correct the violation. If the violation has not been corrected at the end of the first seven days, the owner or occupant shall pay a fine in the amount of \$50; and an additional fine of \$50 shall be levied upon the owner or occupant for each seven day period thereafter in which the violation continues to exist. Fines shall be payable to the Clerk-Treasurer.

(B) Anyone who violates § 91.07 shall be subject to the following penalty:

(1) Upon discovery of the condition, the Town Marshal will deliver notice of the violation to the owner or occupant of the property, and to the Town Council by use of the uniform ticket form.

(2) The owner or occupant will have 90 days from the time of notice to complete the removal or repair of the structure. If the removal or repair of the structure is completed within 90 days, there shall be no fine or cost. If the removal or repair of the structure is not completed, the fine shall be \$50; and, for each week thereafter in which the condition has not been remedied it shall be a further violation and another fine of \$50.

(C) Anyone who violates any other provision of this chapter shall be subject to a penalty as provided for in § 10.99.

(D) Any fine not paid to the Clerk-Treasurer within 40 days of the notice of violation shall be filed in the Sullivan Superior Court and legal action taken as necessary.

(E) Any person receiving a notice of violation has a right to appeal to the Town Council in person and in writing, before the matter is filed in court, at the first meeting of the Council after notice of violation is given.

(Ord. 2001-1, passed 2-12-01; Am. Ord. 2007-5, passed - -)



## CHAPTER 92: CURFEW

### Section

- 92.01 Violations
- 92.02 Exceptions
- 92.03 Police procedures

(A) Accompanied by the child's parent, guardian, custodian or an adult appointed by the child's parent, guardian or custodian;

(B) Legally emancipated under the laws of this or another state; or

(C) Participating in, going to, or coming from:

(1) Lawful employment;

(2) A school sanctioned activity;

(3) A religious event;

(4) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(5) An activity involving the exercise of the child's rights protected under the United States Constitution or Article 1, § 31 of the Constitution of the State of Indiana, or both, such as the freedom of speech and the right of assembly;

(6) An activity conducted by a nonprofit or government entity that provides recreation, education, training, or other care under the supervision of one or more adults; or

(7) Interstate or international travel from a location outside Indiana to another location outside Indiana.

(8) Participating in an activity undertaken at the prior written direction of the child's parent, guardian or custodian.

(Ord. 2002-5, passed 9-30-02; Am. Ord. 2007-7, passed 10-15-07)

### § 92.01 VIOLATIONS.

(A) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place, a place of public access, or on private property without permission of the owner:

(1) Between 11:00 p.m. on Friday night and 5:00 a.m. on Saturday;

(2) Between 11:00 p.m. on Saturday night and 5:00 a.m. on Sunday;

(3) After 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; and

(4) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(B) It is a curfew violation for a child less than 15 years of age to be in a public place, a place of public access, or on private property without the owner's permission after 9:00 p.m., or before 5:00 a.m. on any day.

(Ord. 2002-5, passed 9-30-02)

### § 92.02 EXCEPTIONS.

It is a defense to a violation of § 92.01 if the child, at the time the child engaged in the prohibited conduct, was:

**§ 92.03 POLICE PROCEDURES.**

(A) Any police officer finding a child in violation of this chapter shall:

(1) Detain the child and contact the juvenile/probation officer on call;

(2) Contact the parent or guardian of the child and have the parent or guardian come to the Sullivan County Sheriff's Department to take custody of the child;

(3) Make a written report of the incident which will include the parent or guardian signature showing receipt of custody of the child:

(a) One copy to the Shelburn Police file;

(b) One copy to the Juvenile/Probation office;

(c) One copy to the prosecutor's office; and

(d) One copy to be given to the Department of Family and Children.

(4) If the police officer cannot locate the parent or guardian, that officer shall immediately contact the on call case worker for the Department of Family and Children; and assist with placement of the child as necessary.

(B) A law enforcement officer may not detain a child or take a child into custody based on a violation of this chapter unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

(1) The child has violated this chapter; and

(2) There is no legal defense to the violation.

(Ord. 2002-5, passed 9-30-02; Am. Ord. 2007-7, passed 10-15-07)







**TITLE XI: BUSINESS REGULATIONS**

*[Reserved for future legislation]*



**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY**



**CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY**

Section

- 130.01 Congregating in public places
- 130.02 Interference with officials
- 130.03 Dumping trash
- 130.04 Firearms discharge
- 130.05 Public safety and order
  
- 130.99 Penalty

**§ 130.01 CONGREGATING IN PUBLIC PLACES.**

It is unlawful for any person to congregate or cause to be congregated, a crowd of three or more persons upon any public street, alley, sidewalk, parking lot, school or school grounds, building, or any other public place within the town so as to obstruct the same or as hinder or annoy passers-by or occupants of adjacent premises or as to interfere with the activities normally carried on, on the premises. (Ord., passed - -77) Penalty, see § 130.99

**§ 130.02 INTERFERENCE WITH OFFICIALS.**

(A) It shall be unlawful for any person or persons to intentionally impede or interfere, or attempt to impede or interfere with any policeman, fireman, or any other town official in the performance of duty or emergency functions as a fireman, policeman, or town official.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of speech only. (Ord., passed - -77) Penalty, see § 130.99

**§ 130.03 DUMPING TRASH.**

(A) There shall be no dumping of trash, dead animals or raw garbage in any of the public streets or properties of the town.

(B) The dumping of trash will be permitted in the Town Dump provided for such purpose southeast of town or in such other place as fixed and posted by the Board of Trustees.

(C) The dumping of trash will be permitted only during the hours and upon the days as set by the Board of Trustees and posted at the Town Hall and the Town Dump.

(D) No brush, trees, limbs, or logs shall be dumped at the Town Dump. No wire of any kind, or solid objects larger than four cubic feet in size shall be dumped. No material such as raw garbage or dead animals which present a health problem shall be dumped at the Town Dump. (Ord. 68-II, passed 11-12-69) Penalty, § 130.99

**§ 130.04 FIREARMS DISCHARGE.**

(A) The Town Board, in order to promote public safety hereby establishes this section regulating the discharge of firearms within or into the town limits.

(B) For the purpose of this section a firearm is defined as any device which can propel a projectile and the propelling force is compressed gasses, explosive, or rapid combustion of any material.

(C) It is unlawful to discharge a firearm within or into the boundaries of the town, with the following exceptions:

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(1) To protect your life or the life of another person in a manner which constitutes self defense as defined by Indiana Code.

(2) To protect yourself or your livestock from a dangerous animal.

(3) Use by law enforcement personnel.

(4) Use of air guns or bb guns when fired in a safe direction by an adult, or a minor when supervised by an adult.

(D) Penalty. Violators will be fined the sum of \$250.  
(Ord. 1999-3, passed 5-21-99)

### § 130.05 PUBLIC SAFETY AND ORDER.

It is unlawful for any person to create a public safety hazard or breach of order by committing any of the following acts:

(A) Unauthorized entry onto any property that is posted "NO LOITERING"; or, "PARKING FOR CUSTOMERS ONLY"; or, "NO ENTRY AFTER BUSINESS HOURS".

(1) The owner(s) or controller(s) of the property must have presented to the Town Board the following:

(a) An affidavit signed by the legal owner(s) or legal controller(s) stating their desire that this section be enforced on their property;

(b) The exact location and description of the property to be covered by the section;

(c) The days and times that enforcement is to be carried out;

(d) Proof of the posting of signs stating: "NO LOITERING" and the hours and days of enforcement; or, stating "PARKING FOR

CUSTOMERS ONLY"; or, stating "NO ENTRY AFTER BUSINESS HOURS" and stating the business hours. The signs must be posted at locations that can be easily seen at the entrances to the property;

(e) Proof of the publication of notice that enforcement will begin on the described property at least two weeks before the enforcement is to begin;

(f) Provide and keep updated a list of persons authorized to be on the property after regular business hours; and

(g) Agree to appear and testify in a court of law concerning validity of the affidavit.

(2) The Executive Officer of the Town Board must sign agreement to the affidavit/request before any enforcement will take place.

(B) Throwing an object at or from a vehicle, except when in the course of a legal business requiring this action and during a parade sanctioned by the town.

(C) Communicating a threat of any illegal action against any person.

(D) Blocking or impeding pedestrian or vehicular traffic by standing, parking, leaving or placing any object on a street, alley, or walkway; excluding utility and emergency services.

(E) Disregarding a lawful safety direction or order from a firefighter, emergency medical personnel, or a police officer.

(F) Making unreasonable noise. The noise is unreasonable if:

(1) It can be heard while on the street and the noise is coming from inside a house or building; or

(2) It can be heard while inside a closed house and noise is coming from the street or another property; or

(3) It can be heard two blocks away.

(4) Excluding utility services, emergency services, operation of legitimate industry, operation of the railways, and public celebrations sanctioned by the town.

(G) Operating a vehicle in a manner that causes the vehicle tires to lose traction on the road or causes the tires to throw gravel or debris. Excludes public utilities and emergency service vehicles.

(H) Discarding or leaving any trash, refuse, or debris on any street, alley, sidewalk, or property not owned or controlled by the respondent.

(I) Failure to bring a vehicle to a complete stop at a stop sign or stop signal.

(J) Creating a safety hazard by driving a vehicle ten or more miles per hour over the prima facie speed limit.

(K) Interfering with utility service operations by blocking access to meters or other utility equipment.

(L) Penalties.

(1) The fine for a violation of this section is \$200.

(2) If the fine is paid within 30 days of the violation, the fine is \$50. The fine is to be paid to the Clerk Treasurer of the town.

(Ord. 1999-2, passed 3-12-99; Am. Ord. 2001-2, passed 10-8-01)

**§ 130.99 PENALTY.**

(A) Any person who violates any of the regulations of § 130.03 shall be penalized \$10 for each violation.

(B) Any person violating any provision of this chapter, for which another penalty has not been specifically provided, shall be punished by a fine of not more than \$2,500, and/or imprisonment in the county jail for a period not to exceed six months. (Ord., passed - -77)





**TITLE XV: LAND USAGE**

Chapter

**150. MANUFACTURED HOMES**

**151. FAIR HOUSING**

**152. UNSAFE BUILDINGS**



## CHAPTER 150: MANUFACTURED HOMES

### Section

- 150.01 Tiedowns and skirting
- 150.02 Placement; securing and appearance
- 150.03 Definition
  
- 150.99 Penalty

(E) A manufactured home may not be placed on any lot that contains any other structure that is used as a dwelling.  
(Ord. 1993-4, passed 10-22-93; Am. Ord. 2002-4, passed 9-9-02) Penalty, see § 150.99

### § 150.01 TIEDOWNS AND SKIRTING.

That all manufactured homes that are located within the town limits shall:

(A) Be securely fastened in at least four separate places by tiedowns which are affixed to the ground. The tiedowns shall be sufficient so that the manufactured home may not be moved by strong winds.

(B) All manufactured homes shall be skirted by metal skirting or other material so that the appearance is neat and attractive and the skirting will block the view from the floor or base of the manufactured home to the ground directly beneath it.

(C) All manufactured homes shall comply with the skirting and tiedown requirements of this chapter within 30 days after the manufactured home is brought within the confines of the town. All manufactured homes within the limits of the town shall comply with the tiedown and skirting requirements on or before January 1, 1994.

(D) No more than one manufactured home will be permitted to be parked on any one lot as originally platted for that section of the town. No manufactured home may be located less than 15 feet from the property line or another building or structure on that lot.

### § 150.02 PLACEMENT; SECURING AND APPEARANCE.

(A) All persons desiring to place or relocate a manufactured home within the town limits shall apply to the town for a permit to place or relocate a manufactured home.

(B) The permit application fee shall be \$25.

(C) The monies collected for the application will be placed in the General Fund of the town.

(D) The application will include:

(1) The name of the owner of the manufactured home and the lot number where it is to be placed.

(2) The manufacturer name and vehicle identification or manufacturer number of the manufactured home.

(3) The address of the lot and a diagram of how the manufactured home is to be placed on the lot.

(4) The dimensions of the manufactured home.

(E) Before issuance of a permit, the manufactured home will be inspected by the Town Marshal to ensure that the requirements of this section

are met and the manufactured home is in good repair and neat in appearance. If the manufactured home is located more than ten miles outside the town limits, pictures of all four sides and the manufacturer's vehicle identification plate may be submitted in lieu of an onsite inspection of the manufactured home, but the Town Marshal may request more information if in fact he or she deems it necessary.

(F) No permit shall be issued by the Town Council unless the manufactured home meets the following requirements and limitations:

(1) The manufactured home shall be at least 14 feet in width or shall contain a minimum of 840 square feet under one roof.

(2) The manufactured home shall be located on a lot of not less than 5,000 square feet in size.

(3) No more than one manufactured home may be placed on any one lot as originally platted for that section of the town.

(4) The manufactured home may not be placed on any lot that contains any other structure that is used as a dwelling.

(5) The manufactured home shall have its own separate sewer connection, separate water connection and separate utility connections.

(6) The tongue or pulling ring for any such manufactured home shall be removed, placed beneath said manufactured home or in such other place so as to not be visible from any public way, or permanently covered so as not to be visible from any public way.

(7) The manufactured home shall be placed upon a permanent foundation or cement slab, with its wheels removed, and such slab shall be at least the same size as the manufactured home and at least 3-1/2 inches thick.

(8) The manufactured home shall have full skirting on all sides consisting of metal, fiberglass or similar construction material.

(9) The manufactured home shall be tied down in accordance with the requirements of 410 IAC 6-6-11.

(10) The manufactured home must be maintained in good repair and neat in appearance.

(G) This section shall not apply with respect to any manufactured home parked or located within the corporate limits of the town prior to the passage of this section. However, if any such manufactured home is removed from the lot on which it is located, this section shall apply to any new or replacement manufactured home to be located on such lot.

(H) In the event that any permit application is denied, then an appeal may be made by sending a certified letter to the town within 30 days stating the permit application denial is being appealed. The denial of the permit application will then be discussed and reviewed at the next scheduled Board meeting of the Town Council, and said Town Council shall vote at said meeting whether to uphold denial of the permit application or to grant said application at that time.

(I) If any section, subsection, paragraph, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this section. It is expressly declared that this section and each section, subsection, paragraph, sentence, clause, and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional. (Ord. 2010-1, passed 1-13-10) Penalty, see § 150.99

### § 150.03 DEFINITION.

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

**MANUFACTURED HOME.** A structure, transportable in one or more sections that:

(1) In the traveling mode, is:

(a) Eight body feet or more in width;

or

(b) Forty body feet or more in length;

or

(2) When erected on site, is:

(a) Three hundred twenty or more square feet; and

(b) Built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities; and includes the plumbing, heating and electrical systems contained therein.

(Ord. 2010-1, passed 1-13-10)

**§ 150.99 PENALTY.**

(A) Each violation of § 150.01 shall be subject to a fine of \$10 plus any court costs incurred. Each day a violation occurs shall be a separate violation.

(B) The Town Council may file an action with the Superior Court against any person, firm, or corporation who shall violate the provisions of § 150.01. Any person, firm, or corporation who shall violate the provisions of § 150.01 shall be fined in a sum not to exceed \$10 per day for each violation by the Superior Court plus any court costs incurred.

(C) Any fine or violations of any provisions of § 150.01 divisions (D) and (E) shall be \$100.

(D) Any manufactured home parked within the corporate limits of the town in violation of § 150.02 shall be deemed a nuisance and may be abated as such by the town or any person or persons injured thereby, and the person, corporation, or any other entity violating § 150.02 shall be subject to a penalty of \$25 for each day that said manufactured home remains so parked, which penalty shall be recovered from any court of competent jurisdiction.

(Ord. 1993-4, passed 10-22-93; Am. Ord. 2002-4, passed 9-9-02; Am. Ord. 2006-5, passed 10-9-06; Am. Ord. 2010-1, passed 1-13-10)



## CHAPTER 151: FAIR HOUSING

### Section

- 151.01 Policy statement
- 151.02 Definitions
- 151.03 Unlawful practice
- 151.04 Discrimination in the sale or rental of housing
- 151.05 Discrimination in residential real estate-related transactions
- 151.06 Discrimination in the provision of brokerage services
- 151.07 Interference, coercion, or intimidation
- 151.08 Prevention of intimidation in fair housing cases
- 151.09 Exemptions
- 151.10 Administrative Enforcement

(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)

**COMMISSION.** The Indiana Civil Rights Commission created pursuant to IC 22-9-1-4 *et seq.* (See IC 22-9.5-2-3)

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

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 151.04 through 151.08 or IC 22-9.5-5.

**DWELLING.** Any building, structure, or part of a building or structure that is occupied as, or designated 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 or structure, or part of a building or structure that is occupied as, or designated or intended for occupancy as a residence by one or more families. (See IC 22-9.5-2-8)

**FAMILIAL STATUS.** One or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

**FAMILY.** A single individual (see IC 22-9.5-2-9) with the status of such family being further defined under **FAMILIAL STATUS**. Also, pursuant to 24 CFR Part 5, 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.

### § 151.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, 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. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

### § 151.02 DEFINITIONS.

Definitions set forth in this section shall apply throughout this chapter.

**AGGRIEVED PERSON.** Includes any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

**HANDICAP.** With respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment;
- (3) Being regarded as having such an impairment;
- (4) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990; or
- (5) Any other impairment defined under IC 22-9.5-2-10.

The term **HANDICAP** shall not include current illegal use or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (see 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)).

**PERSON.** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries (see IC 22-9.5-2-11).

**TO RENT.** To lease, to sublease, to let and other-wise to grant for a consideration the right to occupy the premise a owned by the occupant. (See IC 22-9.5-2-13)  
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

### § 151.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 151.09 and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in IC 22-9.5-1 and in § 151.04 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 § 151.04 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 excepted 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 or 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 § 151.04(C), but nothing 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, or

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

(2) He has, 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

(3) He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.  
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

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

As made applicable by § 151.03 and except as exempted by §§ 151.03(B) and § 151.09, 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 service or 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 induce any person to sell or rent any dwelling by representation 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) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(a) That buyer or renter;

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

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

(a) That person; or

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

(c) Any person associated with that person.

(3) For purposes of this section, discrimination includes:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by 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 modification, reasonable wear and tear excepted.

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

(c) In condition 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:

1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons:

2. 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

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

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

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

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standards for buildings and facilities providing accessibility and

usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of division (F)(3)(c)3.

(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 or whose tenancy would result in substantial physical damage to the property of others.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

#### **§ 151.05 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. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

**§ 151.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.**

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him 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. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

**§ 151.07 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 § 151.03 through 151.06.

(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

**§ 151.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his 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) above; or

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

(C) Any citizen because he 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) above, 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. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

**§ 151.09 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 divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, 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 lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons;

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

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

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.  
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

#### **§ 151.10 ADMINISTRATIVE ENFORCEMENT.**

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

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of this chapter by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to IC 22-9.5-6 and the Chief Elected Officer of the town

shall refer all complaints to the Commission as provided for under division (A) above to said Commission for purposes of investigation, resolution and appropriate relief provided for under IC 22-9.5-6.

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

(D) The Chief Executive Officer of the town or the Chief Executive Officer's designee, shall provide information or remedies available to any aggrieved person or complainant requesting such information.  
(Ord. 1994-1, passed 1-11-94; Am. Ord. 2013-1, passed 1-7-13)

## CHAPTER 152: UNSAFE BUILDINGS

### Section

#### 152.01 Unsafe building regulations

#### § 152.01 UNSAFE BUILDING REGULATIONS.

(A) The Town Council (the "Council") now deems it to be in the best interest of the town and its citizens to adopt the provisions of IC 36-7-9 concerning unsafe buildings.

(B) The Council hereby adopts IC 36-7-9 as its unsafe building code and designates the Town Marshal as the Unsafe Building Code Enforcement Department to act as the enforcement authority under the provisions of IC 36-7-9 and further designates the Town Council as the Hearing Authority pursuant to the provisions of IC 36-7-9 and specifically incorporates by reference the definition of ***SUBSTANTIAL PROPERTY INTEREST*** as contained in IC 36-7-9.

(C) The Council hereby further adopts the definitions and procedures for enforcement of the provisions of IC 36-7-9 including the provisions thereof regarding penalties and forfeitures.  
(Ord. 2017-1, passed 2-27-17)



## **TABLE OF SPECIAL ORDINANCES**

Table

- I. AGREEMENTS**
- II. BONDS**
- III. VACATIONS**
- IV. ANNEXATIONS**





**TABLE I: AGREEMENTS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	12-5-87	A water purchase agreement between the towns of Shelburn and Farmersburg.
—	10-14-97	Agreement regarding billing for sewage services provided by persons by the City of Sullivan between the Town of Shelburn and the City of Sullivan.
—	7-12-99	Intergovernmental agreement between the Town of Shelburn and Northeast School Corporation.
R—	—	Agreement to authorize utility easements on designated streets in the Cherry Dale Subdivision.
2007-02	2-12-07	Approving a reimbursement agreement up to \$15,000 with Jerry and Aaron Kerns regarding expenditures on a waterline extension from C.R. 300 West and S.R.48.
2010-5	7-12-10	Approving a reimbursement agreement concerning the town's waterworks.
Res. 2014-2	7-14-14	Authorizing a municipal lease and option agreement.
2015-8-25-1	8-25-15	Approving lease agreement between Shelburn Redevelopment Authority and Shelburn Redevelopment Commission regarding Northside Economic Development Area
2015-10-26	10-26-15	Approving lease agreement between Shelburn Redevelopment Authority and Shelburn Redevelopment Commission regarding Northside Economic Development Area



**TABLE II: BONDS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1987-2	12-5-87	An ordinance authorizing the issuance of revenue bonds to provide for the costs of construction of additions and improvements to the waterworks.
1993-5	- -93	An ordinance authorizing the issuance of Waterworks Refunding Revenue Bonds of 1993.
1994-4	1-11-94	An ordinance amending Ord No. 1993-5, designating the bonds as the Waterworks Refunding Revenue Bonds of 1994.
1998-1	5-12-98	An ordinance authorizing the issuance of waterworks revenue bonds to pay the cost of certain additions, extensions and improvements to the municipal waterworks.
1998-3	7-28-98	An ordinance amending Ord. No. 1998-1, authorizing the increased cost of the project such increase totaling \$97,000.
1999-6	7-1-99	Authorizing the issuance of sewage works revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal sewage works.
1999-7	8-24-99	An ordinance amending Ord. No. 99-6, authorizing the issuance of the town's sewage works revenue bonds of 1999.
2004-2	8-9-04	Authorizing the issuance and sale of bonds of the town for the purpose of providing funds to be applied on the cost of the acquisition and construction of local roads and streets and other matters connected therewith, together with the incidental expenses in connection therewith and on account of the issuance of bonds therefor.

## Shelburn - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	1-10-07	An opinion regarding issuance of storm water management district revenue bonds in the amount of \$803,000.
2008-4	10-6-08	An ordinance pledging county economic development income tax revenues to the payment of the principal of and interest on certain town redevelopment district revenue bonds and regarding certain related matters.
—	11-12-08	An opinion regarding issuance of redevelopment district revenue county economic development income tax revenue bonds in the amount of \$100,000.
2011-3	4-11-11	Authorizing the issuance and sale of sewage works revenue bonds and the issuance and sale of sewage works revenue bond anticipation notes in anticipation of the issuance and sale of such bonds, to procure funds to pay the cost of certain improvements and extensions to the municipal sewage works.
2011-4	5-9-11	Authorizing the issuance and sale of sewage works revenue bonds and the issuance and sale of sewage works revenue bond anticipation notes in anticipation of the issuance and sale of such bonds.

**TABLE III: VACATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	8-11-90	An ordinance vacating a part of Illinois Street.
1994-6	8-9-94	An ordinance vacating parts of certain alleys.
1994-7	8-9-94	An ordinance to vacate a street located between Lots 45, 46, 47, and 48; and Lots 49, 50, and 51 in the Eldridge Addition, in an area platted as Monroe Street.
1995-2	11-14-95	An ordinance to vacate an alley located between Lots 25 and 38 and Lots 26 and 37 in the Highland Addition, the alley being 15 feet north and south, 150 feet east and west, between and parallel with Broadway Street and Lincoln Street.
1995-11	11-14-95	An ordinance to vacate Kentucky Street, located between Lots 26 and 25 and Lots 37 and 38 in the Highland Addition.
1996-1	3-20-96	An ordinance vacating Lots 29, 30, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 72 in Eldridge Addition.
2007-3	6-18-07	An ordinance vacating an alley running along the east side of Lot 16 in Glenn's Third Addition between Griffith Street and an undedicated alley; and vacating an undedicated alley running along the south side of Lots 13 through 16 of Glenn's Third Addition.
2017-6-9	6-9-17	An ordinance to vacate part of Curry Avenue and part of Poplar Street.
2019-3-11-1	3-11-2019	An ordinance vacating interurban street between Mill Street at the north end of the street and Glenn Street on the south end.



**TABLE IV: ANNEXATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
96-3	7-15-96	Annexing 24.79 acres of land located west of State St., north of Adams St., east of the L & N Railroad corridor and south of Walls St, as described in Exhibit A to Ord. 96-3 and subject to the terms and conditions listed therein.
2002-1	7-8-02	Annexing a 0.43 acre tract of land located at the southeast intersection of Poplar Street and S.R. 48.
2017-2	6-9-17	Annexing a 2.729 acre tract of land as described in Exhibit A to Ord. 2017-2.
2017-12-18	12-18-17	Annexing a .673 acre tract of land as described in Exhibit A to Ord. 2017-12-18.





**PARALLEL REFERENCES**

References to Indiana Code  
References to Ordinances



## REFERENCES TO INDIANA CODE

<i>IC Cite</i>	<i>Code Section</i>
5-2-1-9(f)	31.20
5-11-1-27	32.20
5-11-13-1	30.12
5-22	30.12
9-13-2-1	91.06
9-13-2-69.7	70.05
9-13-2-94.5	70.05
9-21-1-3	Ch. 70
9-21-1-3(a)(7)	Ch. 71
9-21-1-3(a)(1)	Ch. 72
22-9-1-4	151.02
22-9.5-1	151.01, 151.03
22-9.5-2-2	151.02
22-9.5-2-3	151.02
22-9.5-2-4	151.02
22-9.5-2-8	151.02
22-9.5-2-9	151.02
22-9.5-2-10	151.02
22-9.5-2-10(b)	151.02
22-9.5-2-10(c)	151.02
22-9.5-2-11	151.02
22-9.5-2-13	151.02
22-9.5-3	151.03, 151.09
22-9.5-4-8	151.10
22-9.5-5	151.02
22-9.5-6	151.02, 151.10
35-44-1-3	30.12
36-1-3-8(10)	10.99
36-1-6-2	91.11
36-1-8-5	32.03
36-1-8-5.1	32.03
36-1-12	30.12
36-7-9	152.01
36-7-10.1	Ch. 91
36-8-3-20	31.20
36-10-3-3	31.01
36-10-3-10	31.05

**Shelburn - Parallel References**

<i>IC Cite</i>	<i>Code Section</i>
36-10-3-11	31.05
36-10-3-17	31.06
36-10-4-16(g)(1)	32.02

## REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
68-II	11-12-68	Ch. 72, Sched. I, 130.03
V-1975	8-21-75	31.01 - 31.07
1-85	7-8-85	90.01 - 90.03
2-85	7-8-85	91.01 - 91.05, 91.08 - 91.11
1986-2	3-10-86	Ch. 71, Sched. I, 70.01 - 70.03, 70.99
1987-2	12-5-87	T.S.O. II
1987-4	10-10-87	Ch. 71, Sched. I
—	12-5-87	T.S.O. I
1988-1	4-9-88	Ch. 71, Sched. I
1988-3	9-10-88	91.09, 91.11
1988-4	11-19-88	32.01
1989-3	8-12-89	50.02
—	8-11-90	T.S.O. III
1993-2	9-14-93	51.02
1993-4	10-22-93	150.01, 150.99
1993-5	- -93	T.S.O. II
1994-1	1-11-94	151.01 - 151.10
1994-3	1-11-94	30.05
1994-4	1-11-94	T.S.O. II, 30.01 - 30.04
1994-5	3-8-94	31.20
1994-6	8-9-94	T.S.O. III
1994-7	8-9-94	T.S.O. III
1995-1	6-13-95	51.20 - 51.28
1995-2	11-14-95	T.S.O. III
1995-11	11-14-95	T.S.O. III
1996-1	3-20-96	T.S.O. III
96-2	8-14-96	50.02
96-3	7-15-96	T.S.O. IV
—	10-14-97	T.S.O. I
1998-1	5-12-98	T.S.O. II
1998-3	7-28-98	T.S.O. II
1998-4	9-28-98	51.02, 51.10 - 51.13
1999-1	3-12-99	70.04
1999-2	3-12-99	130.05
1999-3	5-21-99	130.04
—	7-12-99	T.S.O. I
1999-5	7-13-99	50.02
1999-6	7-1-99	T.S.O. II
1999-7	5-11-99	70.04
1999-7	8-24-99	T.S.O. II
2000-1	2-14-00	31.20

## Shelburn - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2000-2	7-10-00	31.03
2000-3	6-12-00	32.02
2000-4	11-13-00	Ch. 71, Sched. I
2001-1	2-12-01	91.02, 91.99
2001-1	9-10-01	31.20
2001-2	10-8-01	130.05
2001-3	10-8-01	Ch. 72, Sched. II
2001-4	10-8-01	Ch. 72, Sched. III
2001-5	12-27-01	30.05
2001-6	12-27-01	30.01, 30.03, 30.04
2002-1	7-8-02	T.S.O. IV
2002-2	7-29-02	51.01, 51.02, 51.11
2002-3	7-29-02	50.02
2002-4	9-9-02	150.01, 150.99
2002-5	9-30-02	92.01 - 92.03
2003-1	1-13-03	Ch. 71, Sched. I
2004-1	3-24-04	33.02
2004-1	7-12-04	31.30
2004-2	8-9-04	T.S.O. II
2004-4	8-30-04	30.06
2004-5	10-12-04	33.02
2004-7	12-21-04	91.01 - 91.05, 91.08 - 91.11
2005-1	1-10-05	Ch. 72, Sch. III
2005-2	2-14-05	33.02
2005-3	7-28-05	51.02
2005-4	8-22-05	33.02
2005-5	12-12-05	33.01
2006-01	1-9-06	32.10
2006-02	1-9-06	32.11
2006-3	2-13-06	33.02
2006-6	12-19-06	30.06
2006-7	12-19-06	30.03, 30.04, 30.06 - 30.11
Res--	7-16-07	T.S.O. I
2007-2	2-12-07	T.S.O. I
2007-3	6-18-07	T.S.O. III
2007-5	- -	91.01 - 91.11
2007-6	10-15-07	51.02, 51.11
2007-7	10-15-07	92.02, 92.03
2008-1	1-14-08	33.02
—	1-10-07	T.S.O. II
2008-2	8-11-08	51.02
2008-4	10-6-08	T.S.O. II
—	11-12-08	T.S.O. II
2009-1	2-9-09	33.02
2010-1	1-13-10	150.02, 150.03, 150.99

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2010-3	2-10-10	32.03
2010-4	8-9-10	90.04, 90.99
2010-5	7-12-10	T.S.O. I
2010-6	7-12-10	70.05
2010-7	9-13-10	91.01 - 91.05, 91.08 - 91.11
2011-2	4-25-11	50.02
2011-3	4-11-11	T.S.O. II
2011-4	5-9-11	T.S.O. II
2011-6	11-14-11	50.02
Res 1-2012	6-29-12	30.12
2013-1	1-7-13	151.01 - 151.10
2013-5	10-14-13	31.20
2013-6	12-11-13	51.02
Res. 2014-2	7-14-14	T.S.O. I
2015-2	3-9-15	31.40
2015-8-25-1	8-25-15	T.S.O. I
2015-10-26	10-26-15	T.S.O. I
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2016-12-12-2	12-12-16	32.21
2017-1	2-27-17	152.01
2017-2	6-9-17	T.S.O. IV
2017-4-10	4-10-17	50.02
2017-6-9	6-9-17	T.S.O. III
2017-11-13	11-13-17	32.04
2017-12-18	12-18-17	T.S.O. IV
2018-8	8-13-2018	91.01 - 91.05, 91.08 - 91.11
2019-3-11-1	3-11-2019	T.S.O. III
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