TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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§ 90.01 DEFINITIONS.

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

ABANDONMENT. The leaving of an animal on any premises without the consent of the owner, occupant or tenant and without the making of any agreement for the care of the animal. *ABANDONMENT* of an animal shall include the act of leaving the animal at the County Humane Society shelter without notification to the Animal Control Officer of the ownership of the animal.

ANIMAL. Any living non-human creature, domestic or wild, including livestock and poultry.

OWNER. Any person owning, harboring or keeping any animal.

RESTRAINT. Confinement to the premises of the owner, being outside the premises of the owner while on a leash not more than eight feet in length, being outside the premises of the owner while under voice control in the presence of a competent person, being outside the premises of the owner while within a vehicle being driven or parked or being upon the premises of another person with the consent of that person.

(B) The Animal Control Officer shall be referred to as the ACO.
(Ord. 1997-6, passed 5-5-97)

§ 90.02 DOG LICENSES.

(A) No person may own, harbor or keep a dog within the town unless it is registered and licensed under this section.

(B) All dogs owned, harbored or kept in the town shall be registered within 30 days of being brought into town. The owner shall supply the town with the information concerning sex, breed, certificate of rabies vaccination, name of the dog and the name and address of the owner.

(C) (1) Any person owning or harboring a dog shall pay to the town an annual license fee within 30 days of bringing a dog into the town and thereafter, by June 1 of each year, for each dog owned, harbored or kept on the same premises, as follows:

(a) For each neutered dog, $5.

(b) For each non-neutered dog, $10.

(2) Dogs kept in kennels for breeding, boarding or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay an annual kennel license fee, by June 1 of each year, according to the following schedule:

(a) For a major kennel, consisting of 15 or more dogs, a fee of $30.

(b) For a minor kennel, consisting of less than 15 dogs, a fee of $20.

(3) Upon the payment of the license fee required by subsection (2) of this section, the ACO shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in the kennel. The license shall be dated and numbered and shall bear the name of the town and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within 30 days after becoming the owner, apply to the ACO and, upon payment of the required fee, procure a license and a metallic tag for all dogs in the kennel.
(Ord. 1997-6, passed 5-5-97; Am. Ord. 2012-13, passed 9-18-12) Penalty, see §§ 10.99 and 90.10

§ 90.03 RESTRAINT.

(A) No owner shall fail to keep any of his or her animals under restraint at all times.

(B) Every female dog in heat shall be confined in a building or a secure enclosure in such a manner that such female dog cannot make contact with another dog except for planned breeding.
(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.04 DANGEROUS ANIMALS.

(A) An animal which poses a clear and present danger to persons, property or other animals shall be considered a dangerous animal. The ACO or any police officer may destroy any dangerous animal.

(B) Any unrestrained animal that is injured or diseased to the extent that any reasonable veterinary care would not restore the animal to a normal state of health may be destroyed by the ACO.
(Ord. 1997-6, passed 5-5-97)

§ 90.05 IMPOUNDMENT.

(A) Unrestrained animals may be taken by the Police Department or ACO, and impounded in the County Humane Society animal shelter, and there be confined in a humane manner. The ACO shall record all impoundments under this section. That record shall be kept in a book maintained for that purpose and shall be entered immediately following impoundment. The record shall state the date of the impoundment, a description of the animal, whether any license required under this chapter has been obtained.

(B) It shall be unlawful to permit any animal of any kind to run at large within the town. Any animal found running loose on the streets, sidewalks or other public property within the town shall be taken to the Orange County Humane Society to be held according to the rules of the Humane Society. Whenever any animal running at large is not catchable and the owner of the animal cannot be identified or located, the animal shall be darted or tased by the ACO, town employee, or police officer and impounded. If the owner of the animal is identified and located, the owner shall immediately take control of the animal, or assist in the seizure of the animal. In either instance, the owner shall be considered in violation of this section and subject to penalties for such violation as set forth in § 90.05(F) or § 90.10.

(C) The ACO shall give public notice of the impoundment by posting one copy of a document stating the date of impoundment and containing a description of the animal. This document shall be posted on the bulletin board in the town hall lobby.

(D) The ACO shall also notify the owner of any animal licensed under this section if that animal is impounded. Sufficient notice shall be constituted by ordinary mail to the last known address, by verbal notice of the owner or by written notice at the door of the owner's residence.

(E) The owner of any impounded animal may reclaim it by paying all costs and charges incurred by the town and the animal shelter prior to reclamation. The owner must also produce adequate proof that the animal has obtained all required licenses and rabies vaccination certificate.

(F) The town shall charge a fee of $10, plus $2 for each day of impoundment, with a maximum fee of $50. Any animal impounded by the ACO that must be isolated for any reason, such as rabies or other disease, shall be subject to the normal impoundment fee of $10, plus a daily fee of $4. There shall be no maximum impoundment fee for an animal requiring isolation. The owner shall be liable for the cost of any inoculation or other veterinary service deemed necessary by the ACO during the impoundment.

(G) If any impounded animal with ownership identification is not reclaimed within 20 days following the posting of the public notice required by this section, the ACO shall instruct the animal shelter to humanely destroy that animal. Animals without any ownership identification will be classified as unwanted strays and may be destroyed within 20 days after the posting of public notice. Animals may be adopted immediately after public notification with the understanding that if a previous owner is found within five days of public notice the animal will be returned upon payment of any reasonable expenses to the adopter, and payment of any fines, impoundment fees, and the like, to the town.

(H) Any animal eligible for release may be released by the ACO to any responsible person following the expiration of the five days set forth above. That person shall, for the purposes of this section, assume ownership upon claiming the animal. No animal shall be released under this section until the responsible person pays all charges due under division (F) of this section.

(I) No unspayed or unneutered dog or any dangerous animal shall be released to any responsible person other than its owner. No animal that was considered dangerous at the time of impoundment by the ACO shall be released to its owner if it is still considered a dangerous animal by the ACO. If such animal is no longer considered to be a dangerous animal by the ACO, the animal shall be released to its owner if all impoundment fees are paid, if the animal has had a rabies vaccination within the previous year and if the owner signs a statement indemnifying the town and its officers, employees and agents from all liability which may arise from the actions of the animal.

(J) The ACO shall also act as the town's agent under I.C. 15-5-9-14 in impounding all dogs upon which no license fee has been paid on or after June 15 of each year. Any such animal may be released to its owner upon proof that the impoundment fees set out in this section have been paid, that the dog has been licensed by the town and has been vaccinated against rabies. If any dog impounded under this section is not reclaimed within 20 days following its impoundment, the ACO may humanely dispose of the animal or release it as provided for in division (G) of this section.
(Ord. 1997-6, passed 5-5-97; Am. Ord. 2015-03, passed 4-21-15)
Editor's Note:
I.C. 15-5-9-14 was repealed by P.L. 162-2006, effective 7-1-06.

§ 90.06 ABANDONMENT OF AN ANIMAL.

No owner shall abandon an animal in the town. Such abandonment shall be a violation of this chapter and shall be subject to the fines and penalties set out in this chapter.
(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.07 NUISANCES.

No owner shall allow his or her animals to become a public nuisance. Animals who engage in excessive or continuous barking, molesting persons, chasing vehicles or habitually attacking other animals shall be deemed a public nuisance and shall be impounded and/or the owner cited.
(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.08 MULTIPLE ANIMALS.

All kennels, pet shops or other facilities, whether operated by for-profit or not-for-profit organizations, or individuals keeping more than five animals over six months of age on their premises are subject to inspection by the ACO upon his or her request and during reasonable hours. The ACO must certify that all local, state and federal laws are being complied with and that the animals are being cared for in a reasonable and humane manner.
(Ord. 1997-6, passed 5-5-97)

§ 90.09 ENFORCEMENT.

(A) The ACO is authorized to enforce this chapter, all federal and state laws by impounding animals, issuing citations and receiving fees and issuing impoundment notices and warning violations as provided by law.

(B) The ACO is further authorized to conduct an investigation and to make complaints to the County Prosecuting Attorney for violation of any state or federal statute regarding the protection or keeping of animals, including I.C. 35-46-3-1 through 35-46-3-12 and any statutes amendatory thereof or supplemental thereto.

(C) The ACO is authorized to enforce all provisions of I.C. 15-2.1-6-1 through 15-2.1-6-13 in regard to the control and prevention of rabies

(D) The ACO and the town shall not be responsible to control, regulate, capture or impound any wild animal under the jurisdiction of the State Department of Natural Resources (DNR) unless specific authority is delegated to the ACO by an officer or agent of DNR.

(E) No person shall, in any manner, resist or obstruct any ACO, police officer or any other individual authorized to enforce provisions of this chapter.
(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10
Editor's note:
I.C. 15-2.1-6-1 through 15-2.1-6-13 were repealed by P.L. 2-2008, effective 7-1-08.

§ 90.10 FINES.

(A) Any person who violates any provision of Chapter 90 shall, in addition to any enforcement processes contained in the chapter, upon conviction, be subject to the following fines:

(1) First Offense $50.00

(2) Second Offense $100.00

(3) Third Offense $150.00

(4) Fourth Offense or More . . . . . up to $2,500.00

(B) A separate offense shall be deemed committed upon each day during which a violation occurs or continues. The assessed fine may be paid to the Clerk-Treasurer of the town within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings may be filed in the county court of competent jurisdiction. Funds generated from the assessed fines shall be placed in a fund to defray the expenses incurred by the town of the maintenance of impounded animals and to defray the expense of enforcing this section.
(Ord. 1997-6, passed 5-5-97; Am. Ord. 2015-03, passed 4-21-15)

ORDINANCE 2015-03

TOWN OF PAOLI

ORDINANCE AMENDING THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 90.05 (B), 90.05 (F), and 90.10

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAOLI, INDIANA, THAT THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 90.05 (B) and (F), BE AMENDED, BY REMOVING AND REPEALING THE CURRENT PROVISIONS OF § 90.05 (B), 90.05 (F), AND 90.10 AND CHANGING THEM AS FOLLOWS:

90.05 (B) It shall be unlawful to permit any animal of any kind to run at large within the Town. Any animal found running loose on the streets, sidewalks or other public property within the Town of Paoli shall be taken to the Orange County Humane Society to be held according to the rules of the Humane Society. Whenever any animal running at large is not catchable and the owner of the animal cannot be identified or located, the animal shall be darted or tased by the ACO, Town of Paoli employee, or police officer and impounded. If the owner of the animal is identified and located, the owner shall immediately take control of the animal, or assist in the seizure of the animal. In either instance, the owner shall be considered in violation of this section and subject to penalties for such violation as set forth in § 90.05 (F) or § 90.10.

90.05 (F) Any person found to be in violation of this section shall be fined in accordance with § 90.10.

90.10 FINES. Any person who violates any provision of Chapter 90 shall, in addition to any enforcement processes contained in the chapter, upon conviction, be subject to the following fines:

- First Offense- $50.00
- Second Offense-$100.00
- Third Offense-$150.00
- Fourth Offense or More-up to $2,500

A separate offense shall be deemed committed upon each day during which a violation occurs or continues. The assessed fine may be paid to the Clerk-Treasurer of the Town of Paoli within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings may be filed in the county court of competent jurisdiction. Funds generated from the assessed fines shall be placed in a fund to defray the expenses incurred by the Town of the maintenance of impounded animals and to defray the expense of enforcing this ordinance.

SO ORDAINED this 21st day of April, 2015. The Ordinance is effective immediately.

TOWN COUNCIL OF THE TOWN OF PAOLI

Michael A. Harkness, President

Gary Barnett, Member

Mark Jones, Vice President

Carolyn Clements, Member

William E. Chastain, Member

Attest:
Amy Morris, Clerk-Treasurer

FINE FOR VIOLATION OF CHAPTER 90 OF THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES

You are in violation of the Town of Paoli, Indiana Code of Ordinances, Chapter 90, and are subject to the following fine pursuant to § 90.10:

Check one of the following:

_____ **First Offense ($50.00)**

_____ **Second Offense ($100.00)**

_____ **Third Offense ($150.00)**

_____ **Fourth Offense or More (up to $2,500)**

**A separate offense shall be deemed committed upon each day during which a violation occurs or continues. The assessed fine may be paid to the Clerk-Treasurer of the Town of Paoli within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings may be filed in the county court of competent jurisdiction. Funds generated from the assessed fines shall be placed in a fund to defray the expenses incurred by the Town of the maintenance of impounded animals and to defray the expense of enforcing this ordinance.

CHAPTER 91: FAIR HOUSING

Section

91.01 Policy statement
91.02 Definitions
91.03 Unlawful practice; application and qualifications
91.04 Discrimination in the sale or rental of housing
91.05 Discrimination in residential real estate transactions
91.06 Discrimination in the provision of brokerage service
91.07 Interference, coercion, or intimidation
91.08 Prevention of intimidation in fair housing cases
91.09 Exemptions
91.10 Administrative enforcement

§ 91.01 POLICY STATEMENT.

It shall be the policy of the town of to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968 (42 USC 5301 *et seq.*), as amended, the federal Housing and Community Development Act of 1974 (42 USC 1981 *et seq.*), as amended, and I.C. 22-9.5-1 *et seq.*
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12)

§ 91.02 DEFINITIONS.

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

AGGRIEVED PERSON. Any person who:

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

(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 91.04, 91.05, 91.06, 91.07, or 91.08 or I.C. 22-9.5-5.

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

FAMILIAL STATUS.

(1) 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.

(2) The protections afforded against discrimination on the basis of ***FAMILIAL STATUS*** shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual, with the status of such family being further defined in ***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.

HANDICAP.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990; or

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) The term ***HANDICAP*** shall not include current illegal use of or addictions to a controlled substance as defined in 21 U.S.C. 802 (I.C. 22-9.5-2-10(b)); nor does the term ***HANDICAP*** include an individual solely because that individual is a transvestite (I.C. 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.

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12)
Statutory reference:
State definitions, see I.C. 22-9.5-2-2, I.C. 22-9.5-2-3, I.C. 22-9.5-2-4, I.C. 22-9.5-2-9, I.C. 22-9.5-2-11, and I.C. 22-9.5-2-13.
Editor's Note:
I.C. 22-9.5-2-10, 22-9.5-2-10(b) and 22-9.5-2-10(c) were repealed by P.L. 99-2007, passed 5-2-07.

§ 91.03 UNLAWFUL PRACTICE; APPLICATION AND QUALIFICATIONS.

Subject to the provisions of division (B) of this section, § 91.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 91.04 shall apply to:

(A) All dwellings except as exempted by division (B) of this section and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this Section, nothing in § 91.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24 month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

(A) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 91.04(C), but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; 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 or her residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

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

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

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12) Penalty, see § 10.99

§ 91.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 91.03 and except as exempted by §§ 91.03(B) and 91.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin;

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin;

(C) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(E) For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin;

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

(1) That buyer or renter;

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

(3) Any person associated with that person; or

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

(1) That person;

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

(3) Any person associated with that person.

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

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(2) 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

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(b) 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

(c) All premises within such dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling;

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

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

(I) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of paragraph division (H)(3)(c)3. of this section.

(J) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12) Penalty, see § 10.99

§ 91.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE 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, ***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. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12) Penalty, see § 10.99

§ 91.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12) Penalty, see § 10.99

§ 91.07 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 91.03, 91.04, 91.05 or 91.06 of this chapter.
(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12) Penalty, see § 10.99

§ 91.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

(A) Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

(1) 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

(2) 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:

(a) 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)(1) of this section; or

(b) affording another person or class of persons opportunity or protection so to participate; or

(B) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A)(1) of this section, 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. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12)

§ 91.09 EXEMPTIONS.

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

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

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

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

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

(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12)

§ 91.10 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) of this section shall be vested in the Chief Elected Official of the town.

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

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

(D) The Chief Elected Official of the town, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(Ord. 1980-6, passed 11-24-80; Am. Ord. 1992-7, passed 12-9-92; Am. Ord. 1995-1, passed 8-2-95; Am. Ord. 2012-14, passed 12-4-12)

CHAPTER 92: NUISANCES

Section

Removal and Control of Waste Materials

92.01 [Reserved]
92.02 Duty to abate public nuisance
92.03 Removal; notice
92.04 Failure to abate
92.05 Civil penalties
92.06 Billing procedure
92.07 Appeal
92.08 Lien
92.09 Administrative liability
92.10 Enforcement

Removal of Weeds and Rank Vegetation

92.20 Weed or rank vegetation height
92.21 Vegetation or permanent structures on easements and governmental property
92.22 Noxious weeds or other rank vegetation
92.23 Removal; notice
92.24 Failure to abate
92.25 Civil penalties
92.26 Billing procedure
92.27 Appeal
92.28 Lien
92.29 Administrative liability
92.30 Enforcement

Cross-reference:

Abatement of vacant and abandoned structures, see Ch. 154

REMOVAL AND CONTROL OF WASTE MATERIALS

§ 92.01 [RESERVED.]

§ 92.02 DUTY TO ABATE PUBLIC NUISANCE.

(A) It shall be the duty of all owners of private property within the corporate limits of the town to remove or cause to be abated any public nuisance as specified in division (B) of this section.

(B) Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon including, but not solely limited to, waste paper, rags, cans, bottles, boxes, lumber, metal, garbage or disused or inoperable motor vehicles, trailers, or any other machinery, or appliances or furniture thereon, unless specifically authorized under existing laws and regulations, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity or offensive to the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance.

(C) *Exceptions*. Motor vehicles necessary in the course of business of an Indiana licensed motor vehicle dealer or auto repair shop are excepted from this section provided, however that no inoperable motor vehicle shall be on the premises of the dealer or shop more than 60 days in any 365-day period. (Ord. 1996-4, passed 10-2-96; Am. Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.03 REMOVAL; NOTICE.

The Clerk-Treasurer shall be responsible for the administration of this subchapter. The Clerk-Treasurer and/or a representative designated by the Clerk-Treasurer, upon receipt of a complaint of a violation of this subchapter, will issue a written notice giving the landowner no less than ten nor more than 60 days to remove the waste materials which constitute a nuisance. Such notice will be by certified mail, return receipt requested, to the owner of the real estate as shown on the Orange County Auditor's records. Following the issuance of written notice, the Clerk-Treasurer and/or a representative designated by the Clerk-Treasurer will report the notification at the next Town Council Meeting.
(Ord. 1996-4, passed 10-2-96; Am. Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06; Am. Ord. 2015-10, passed 8-3-15)

§ 92.04 FAILURE TO ABATE.

If the landowner fails to cut, remove or cause to be abated any public nuisance within the time prescribed in the notice, or any extension of that time granted by the Town Council or Clerk-Treasurer, the town, through town employees or contractors hired by the town may enter the property to abate the violation of this subchapter and may remove or cause to be abated any public nuisance.
(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.05 CIVIL PENALTIES.

(A) First Offense $100.00

(B) Second Offense $150.00

(C) Third Offense $200.00

(D) Fourth Offense or More . . . . . up to $2,500.00

(Ord. 2006-01, passed 2-7-06; Am. Ord. 2015-10, passed 8-3-15)

§ 92.06 BILLING PROCEDURE.

(A) The Clerk-Treasurer shall then send a bill to the landowner for the costs incurred by the town in abating the violation, a civil penalty, administrative costs and removal costs. The bill shall be served upon the landowner in the same manner as the service of notice of violation.

(B) If a truck is required to remove debris from a site, that service will be billed at the town's current rate for such service, together with a multiple of 1.25 (or an additional 25%) for overhead expenses. In addition to billing for equipment use, the current wage scale per hour for each employee or contractor hired by the town will be charged for transporting equipment to and from the property, and labor will be charged at the current wage scale per hour for each employee or contractor hired by the town together with an a multiple of 1.25 (or an additional 25%) for overhead expenses. These charges are in addition to any fines issued for violating this subchapter; however, the total may not exceed $2,500.

(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.07 APPEAL.

Any appeal of the removal notice or bill must be made in writing, within ten calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Town Council, which shall set the matter for hearing. The hearing may be at a special meeting of the Town Council or any regular scheduled meeting of the Town Council. After the hearing, the Town Council shall issue its written findings. Any appeal from written findings of the Town Council must be made to a court of competent jurisdiction located in Orange County, Indiana, within 60 calendar days of the issuance of its written findings by the Town Council.

(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.08 LIEN.

If the landowner fails to pay a bill issued under this subchapter within 30 days after billing, the Clerk-Treasurer shall certify to the Auditor of Orange County the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor of Orange County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the General Fund of the town.
(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.09 ADMINISTRATIVE LIABILITY.

No officer, agent or employee of the town shall render himself/herself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties under this subchapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of his/her duties shall be defended by the Town Attorney until the final determination of the proceedings therein.
(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

§ 92.10 ENFORCEMENT.

The Town Council shall enforce this subchapter.
(Ord. 2002-2, passed 3-19-02; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2006-01, passed 2-7-06)

REMOVAL OF WEEDS AND RANK VEGETATION

§ 92.20 WEED OR RANK VEGETATION HEIGHT.

It shall be unlawful for anyone to permit any weeds, rank vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine inches anywhere in the town. Weeds and rank vegetation does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose. Weeds or rank vegetation exceeding such a height are hereby declared to be a nuisance.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

ORDINANCE 2015-08

TOWN OF PAOLI

ORDINANCE AMENDING THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 92.05

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAOLI, INDIANA, THAT THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 92.05 BE AMENDED BY REMOVING AND REPEALING THE CURRENT PROVISIONS OF § 92.05 AND REPLACING IT AS FOLLOWS:

§ 92.05 CIVIL PENALTIES

(A) First Offense.....$100.00
(B) Second Offense.....$150.00
(C) Third Offense.....$200.00
(D) Fourth Offense or More.....up to $2,500

SO ORDAINED this 7th day of May, 2015. The Ordinance is effective immediately.

TOWN COUNCIL OF THE TOWN OF PAOLI

Michael A. Harkness, President

Gary Barnett, Member

Mark Jones, Vice President

William E. Chastain, Member

Carolyn Clements, Member

Attest: Amy Morris
Amy Morris, Clerk-Treasurer

§ 92.21 VEGETATION OR PERMANENT STRUCTURES ON EASEMENTS AND GOVERNMENTAL PROPERTY.

It is unlawful to permit weeds, vegetation, trees, permanent structures or woody growth on private property which due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way or easement. Such interference is hereby declared to be a nuisance.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

§ 92.22 NOXIOUS WEEDS OR OTHER RANK VEGETATION.

It is unlawful for anyone to permit any noxious weed, including but not limited to Canadian thistle and Johnson grass, to grow or be grown on any premises on which weeds, plants or grass are permitted to grow.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

§ 92.23 REMOVAL; NOTICE.

The Clerk-Treasurer shall be responsible for the administration of this subchapter. The Clerk-Treasurer and/or a representative designated by the Clerk-Treasurer, upon receipt of a complaint of a violation of this subchapter, will issue a five-day written notice, by regular mail, to remove the weeds or rank vegetation. Following the issuance of written notice, the Clerk-Treasurer and/or a representative designated by the Clerk-Treasurer will report the notification at the next Town Council meeting.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05; Am. Ord. 2012-10, passed 7-3-12; Am. Ord. 2015-06, passed 4-21-15; Am. Ord. 2015-10, passed 8-3-15)

§ 92.24 FAILURE TO ABATE.

If the landowner fails to cut and remove the weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted by the Town Council or Clerk-Treasurer, the town, through town employees or contractors hired by the town may enter the property to abate the violation of this subchapter and may remove or cause to be cut and removed, such weeds and/or rank vegetation.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

§ 92.25 CIVIL PENALTIES.

(A) First Offense $100.00

(B) Second Offense $150.00

(C) Third Offense $200.00

(D) Fourth Offense or More . . . . . up to $2,500
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05; Am. Ord. 2015-06, passed 4-21-15)

§ 92.26 BILLING PROCEDURE.

(A) The Clerk-Treasurer shall then send a bill to the landowner for the costs incurred by the town in abating the violation, a civil penalty, administrative costs and removal costs. The bill shall be served upon the landowner in the same manner as the service of notice of violation.

(B) Man-hour fees for removal are hereby set at $35 per hour with a minimum charge of one hour. Equipment use fees are hereby set at $50 per hour. These charges are in addition to any fines issued for violation of this subchapter.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05; Am. Ord. 2015-06, passed 4-21-15)

§ 92.27 APPEAL.

Any appeal of the removal notice or bill must be made in writing, within ten calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Town Council, which shall set the matter for hearing. The hearing may be at a special meeting of the Town Council or any regular scheduled meeting of the Town Council. After the hearing, the Town Council shall issue its written findings. Any appeal from written findings of the Town Council must be made to a court of competent jurisdiction located in Orange County, Indiana, within 60 calendar days of the issuance of its written findings by the Town Council.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

§ 92.28 LIEN.

If the landowner fails to pay a bill issued under this subchapter within the time specified, the Clerk-Treasurer shall certify to the Auditor of Orange County the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor of Orange County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the town. The procedure by which the lien becomes a part of delinquent taxes is described in I.C. 36-7-10.1-4.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

ORDINANCE 2015-06

TOWN OF PAOLI

ORDINANCE AMENDING THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 92.23, 92.25(A), (B), AND (C), AND 92.26(B)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAOLI, INDIANA, THAT THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 92.23, 92.25(A), (B) AND (C), 92.26(B), AND 92.27 BE AMENDED BY REMOVING AND REPEALING THE CURRENT PROVISIONS OF § 92.23, 92.25(A), (B) AND (C), AND 92.26(B) AND REPLACING THEM AS FOLLOWS:

§ 92.23 REMOVAL; NOTICE

The Clerk-Treasurer shall be responsible for the administration of this subchapter. The Clerk-Treasurer, upon receipt of a complaint of a violation of this subchapter, will issue a five-day written notice, by regular mail, to remove the weeds or rank vegetation. Following the issuance of written notice, the Clerk-Treasurer will report the notification at the next Town Council Meeting.

§ 92.25 CIVIL PENALTIES

(A) First Offense.....$100.00
(B) Second Offense.....$150.00
(C) Third Offense.....$200.00
(D) Fourth Offense or More.....up to $2,500

§ 92.26 BILLING PROCEDURE

(B) Man-hour fees for removal are hereby set at $35.00 per hour with a minimum charge of one-hour. Equipment use fees are hereby set at $50.00 per hour. These charges are in addition to any fines issued for violation of this subchapter.

In all other respects, § 92.23, 92.25, and 92.26 shall stand as written.

SO ORDAINED this 21st day of April, 2015. The Ordinance is effective immediately.

TOWN COUNCIL OF THE TOWN OF PAOLI

Michael A. Harkness, President

Gary Barnett, Member

Mark Jones, Vice President

William E. Chastain, Member

Carolyn Clements, Member

Attest: Amy Morris, Clerk-Treasurer

FINE FOR VIOLATION OF CHAPTER 92 OF THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES

You are in violation of the Town of Paoli, Indiana Code of Ordinances, Chapter 92, and are subject to the following fine pursuant to § 92.25:

Check one of the following:

_____ First Offense ($100.00)

_____ Second Offense ($150.00)

_____ Third Offense ($200.00)

_____ Fourth Offense (up to $2,500)

§ 92.29 ADMINISTRATIVE LIABILITY.

No officer, agent or employee of the town shall render himself/herself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties under this subchapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of his/her duties shall be defended by the Town Attorney until the final determination of the proceedings therein.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

§ 92.30 ENFORCEMENT.

The Town Council shall enforce this subchapter.
(Ord. 2002-1, passed 3-19-02; Am. Ord. 2005-02, passed 2-1-05)

CHAPTER 93: NOISE CONTROL

Section

93.01 Loud and unnecessary noise prohibited
93.02 Enumeration of certain prohibited acts concerning the use of property
93.03 Enumeration of certain prohibited acts concerning the use of motorized vehicles
93.04 Enumeration of certain acts concerning the producing or reproducing of sound on or from a motor vehicle
93.05 Exemptions
93.06 Prosecution

93.99 Penalty

§ 93.01 LOUD AND UNNECESSARY NOISE PROHIBITED.

It shall be a violation of this section for a person to make any loud, improper, unreasonable, offensive or unusual noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town.
(Ord. 1997-5, passed 5-5-97) Penalty, see § 93.99

§ 93.02 ENUMERATION OF CERTAIN PROHIBITED ACTS CONCERNING THE USE OF PROPERTY.

The following acts, among others, are declared to be loud or disturbing noises in violation of this section, but such enumeration shall not be deemed exclusive:

(A) Using, operating or permitting to be played, used or operated, any radio receiving set, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, phonograph, machine or device, in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk or vehicle shall be prima facie evidence of a violation of this section.

(B) Using, operating, or permitting to be played, used or operated, any radio receiving set, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
(Ord. 1997-5, passed 5-5-97) Penalty, see § 93.99

§ 93.03 ENUMERATION OF CERTAIN PROHIBITED ACTS CONCERNING THE USE OF MOTORIZED VEHICLES.

The use of any automobile, motorcycle, truck or other motorized vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise. It shall be unlawful for any person to operate, cause to operate or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified muffler and/or exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal.
(Ord. 1997-5, passed 5-5-97) Penalty, see § 93.99

§ 93.04 ENUMERATION OF CERTAIN ACTS CONCERNING THE PRODUCING OR REPRODUCING OF SOUND ON OR FROM A MOTOR VEHICLE.

It shall be unlawful for any person to produce or reproduce any sound so as to cause excessive noise levels as a result of the operation of audio devices such as but not limited to radios, phonographs, CD players, and cassette players on or from motor vehicles within the town.
(Ord. 1997-5, passed 5-5-97) Penalty, see § 93.99

§ 93.05 EXEMPTIONS.

The following are exempted from the provisions of this section:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, and similar home power tools, when properly muffled.

(C) Celebrations on legal holidays and celebrations in connection with duly authorized parades.

(D) School band practice.
(Ord. 1997-5, passed 5-5-97)

§ 93.06 PROSECUTION.

(A) In any prosecution for a violation of this chapter, the court may admit any evidence of a noise level as tested by a sound level meter, testimony of the police officer who investigated the violation or testimony of a subpoenaed witness or complaining witness who had the opportunity to evaluate the noise level.

(B) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer issues a citation for any violation of the provisions of this chapter, he or she shall take down the name, address, and/or the operator's license number, if it applies, and shall issue to the alleged violator in writing on the form provided by the Town Clerk/Treasurer, a citation for a violation of any provisions of this chapter.
(Ord. 1997-5, passed 5-5-97) Penalty, see § 93.99

§ 93.99 PENALTY.

Whoever violates any provision of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than $2,500 and not less than $50. Each day any violation shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the town, the Town Attorney may elect under which to proceed, but not more than one recovery shall be paid against the same person for the same offense.
(Ord. 1997-5, passed 5-5-97)

CHAPTER 94: CEMETERIES

Section

94.01 Sale of cemetery lots

§ 94.01 SALE OF CEMETERY LOTS.

Upon the payment of $400 for a lot, or $100 for a plot, the Town Council shall have a "cemetery deed" prepared for the cemetery real estate and does authorize the President of the Town Council to sign the deeds and the Clerk Treasurer to attest the deeds, without further action by the Council until such time as a change in price structure may be deemed appropriate by the Council.
(Ord. 1997-9, passed 9-15-97)

CHAPTER 95: PARADES AND PUBLIC DEMONSTRATIONS

Section

95.01 Definition
95.02 Permit required
95.03 Exceptions
95.04 Application
95.05 Standards for issuance
95.06 Notice of issuance
95.07 Contents of permit
95.08 Chairman to carry permit
95.09 Signs
95.10 Public conduct

95.99 Penalty

§ 95.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or calls for a different meaning:

PARADE. A *PARADE*, march, ceremony, show exhibition, pageant or procession of any kind, or rallies, demonstrations or any similar display, in or on any street or other outdoor place owned or under control of the Town of Paoli, Indiana.
(Ord. 2003-04, passed 10-21-03)

§ 95.02 PERMIT REQUIRED.

When required, except as provided in § 95.04, no person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Clerk-Treasurer as provided in this chapter.
(Ord. 2003-04, passed 10-21-03)

§ 95.03 EXCEPTIONS.

The provisions of this chapter do not apply to:

(A) Funeral processions;

(B) Any procession, rally, demonstration or similar activity on the sidewalks that does not violate any other provision of this chapter or other city ordinances; and

(C) A governmental agency acting within the scope of its function.
(Ord. 2003-04, passed 10-21-03)

§ 95.04 APPLICATION.

Any person seeking the issuance of a parade permit as required by this chapter shall file an application therefor with the Clerk-Treasurer on forms provided by his or her office, which application shall be governed by the following provisions:

(A) *Filing period.* An application for a parade permit shall be filed with the Traffic Supervisor not less than 48 hours before the date on which it is proposed to conduct the parade. The application must be signed by the applicant and notarized.

(B) *Contents.* An application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, telephone number of the headquarters of the organization and of the authorized responsible heads of such organization.
(Ord. 2003-04, passed 10-21-03)

§ 95.05 STANDARDS FOR ISSUANCE.

The Clerk-Treasurer shall issue a permit as provided by this chapter when, after investigating the facts set out in the application, he or she shall find that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the area contiguous thereto as to prevent normal police protection to the city.

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(E) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The conduct of such parade is not reasonably likely to cause injury to persons or property;

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and

(H) The parade is not to be held for the sole purpose of advertising any product, goods, or event and is not designed to be held purely for private profit. However, the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.
(Ord. 2003-04, passed 10-21-03)

§ 95.06 NOTICE OF ISSUANCE.

Immediately upon the issuance of a parade permit, the Clerk-Treasurer shall send a copy thereof to the following:

(A) The President of the Town Council;

(B) The Superintendent of the Paoli Street Department;

(C) The Chief of Police;

(D) The Fire Chief; and

(E) The Indiana Department of Transportation.
(Ord. 2003-04, passed 10-21-03)

§ 95.07 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) The date of the parade,

(B) The starting time and termination time of the parade;

(C) The portions of the streets to be traversed that may be occupied by the parade; and

(D) The estimated number of persons, animals and motor vehicles that will be in the parade.
(Ord. 2003-04, passed 10-21-03)

§ 95.08 CHAIRMAN TO CARRY PERMIT.

The parade chairman or other person heading or leading such activity shall carry the parade permit on his or her person during the conduct of the parade.
(Ord. 2003-04, passed 10-21-03)

§ 95.09 SIGNS.

Any placard or sign carried by any person in any parade shall consist of a cardboard sign on a wooden stick in a size not to exceed six square feet. Any placard or sign attached to a vehicle shall not extend beyond the dimensions of the vehicle.
(Ord. 2003-04, passed 10-21-03)

§ 95.10 PUBLIC CONDUCT.

(A) *Interference.* No persons shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) *Parking on parade routes.* The Director shall have authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway, or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(D) *Violations.*

(1) It shall be unlawful for any person to stage, present or conduct, or attempt to stage, present, or conduct a parade without first having obtained a permit therefor as provided in this chapter or which shall otherwise violate any of the provisions of this chapter.

(2) It shall be unlawful for any person to participate in a parade on the city streets for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit issued pursuant to this chapter.
(Ord. 2003-04, passed 10-21-03)

§ 95.99 PENALTY.

Any person violating the terms and conditions of this ordinance may be subject to a civil penalty in a sum not to exceed $1,000, plus court costs.
(Ord. 2003-04, passed 10-21-03)

CHAPTER 96: STREETS AND SIDEWALKS

Section

96.01 Removal of snow
96.02 Sidewalks in front of premises to be kept clean
96.03 Tree limbs
96.04 Permit required; exception
96.05 One-half of street to remain open
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96.09 Obstructing sidewalk
96.10 Sidewalk auctions
96.11 Spitting on sidewalk
96.12 Barbed and electrical wire
96.13 Goods and personal property prohibited on sidewalks; failure to comply
96.14 Grass clippings on streets prohibited

96.99 Penalty

§ 96.01 REMOVAL OF SNOW.

No person, having the control, management, possession, or ownership of any lot, tract, or parcel of ground within the town, along and adjoining which any sidewalk extends, shall permit or allow any snow to be and remain on the sidewalk so extending along and abutting the lot, tract, or parcel of land in the town, longer than a period of twelve hours during the daytime, after the snow has ceased falling. Where snow or ice cannot be readily removed and presents a slippery surface, sand shall be spread on it.
(Ord. 2013-06, passed 9-17-13; Am. Ord. 2015-05, passed 4-21-15) Penalty, see § 96.99

§ 96.02 SIDEWALKS IN FRONT OF PREMISES TO BE KEPT CLEAN.

(A) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, dirt, and/or grass clippings.

(B) Persons owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter.
(Ord. 2013-06, passed 9-17-13; Am. Ord. 2015-05, passed 4-21-15)

§ 96.03 TREE LIMBS.

No person shall allow, suffer, or permit the limbs of any tree on any lot, or in any street or alley adjacent to the lot owned or occupied by that person to hang over any street, alley, or sidewalk, unless there is a space of at least ten feet between the limbs of the trees and the surface of the street, alley, or sidewalk.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.04 EXCAVATION PERMIT REQUIRED; EXCEPTION.

No person shall excavate in, dig up, or disturb the surface of any street, alley, or sidewalk in the town for the purpose of laying, removing, or repairing gas pipes, water pipes, or for any purpose whatever without having first obtained a written permit to do so from the Clerk-Treasurer. This permit shall state and correctly describe the nature, character, location, and extent of the proposed work and the purpose for which it shall be done. However, this section shall not apply to any work to be done or any repairs made on the sanitary sewer system in the town, nor to causes of urgent necessity or emergency where there is not time or opportunity to obtain the permit.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.05 ONE-HALF OF STREET TO REMAIN OPEN.

No person shall trench or otherwise excavate in any street, so as to obstruct the street for more than one-half its width at any one time, but shall at all times leave the street so that one-half thereof shall be open for use and free from obstruction.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.06 WARNING DEVICES.

It shall be the duty of the person so occupying or obstructing any street, alley, or sidewalk to cause one or more red lights to be securely and conspicuously posted at or upon the excavation or obstruction, stationing one of the lights at each end of the space so occupied. Where the space so occupied is 50 feet or more either in length or width, the person shall place additional lights at intervals of not more than 25 feet and shall maintain and continue the burning of the lights from dusk until daylight during every night the excavation or obstruction shall be allowed to remain.
(Ord. 2013-06, passed 9-17-13)

§ 96.07 REPLACEMENT OF STREET OR SIDEWALK REQUIRED.

(A) Any person who, having obtained a permit as provided for in § 96.04 and who shall have excavated in, dug up, or disturbed the surface of any street, alley, or sidewalk in the Town for the

purpose of laying, removing, or repairing gas pipes, water pipes, or for any purpose whatever, shall upon the completion of the work replace the street, alley, or sidewalk in as good a condition as before the work commenced, and to the satisfaction of the Town Council.

(B) Any person who shall have excavated in, dug up, or disturbed the surface of any street, alley, or sidewalk in the town, and who shall fail to replace the same in as good a condition as before the work was commenced shall be liable to the town for the sum of money as is necessarily expended by the town in restoring the street, alley, or sidewalk to its former condition, and shall further be liable for any and all damages that may result to any property owner or person which the Town is required to pay. Should the town be required to repair and restore the street to its former condition, the town shall make and present to the Town Council an itemized statement of the labor done and expense incurred in making the repairs. The Town Council shall deduct the amount of its costs and expenses for the repair or restoration from any allowances or claim of the person for work and labor done for the Town, or from any money due them from the town for any other cause.
(Ord. 2013-06, passed 9-17-13)

§ 96.08 BOND.

(A) All corporations, companies, firms, and persons shall, before excavating in, digging up, or disturbing the surface of any street, alley, or sidewalk in the town, execute and deliver to the town a bond payable to the town in the penal sum of not less than $1,000 nor more than $5,000, with sufficient surety approved by the Town Council. The penal sum of each bond shall be fixed and determined by the Town Council. No written permit as provided for in § 96.04 shall be issued by the Clerk-Treasurer until the applicant for the permit has executed and delivered the bond.

(B) This bond shall be conditioned that the streets, alleys, sidewalks, and public places where the work is done shall be promptly replaced and restored in as good repair as before the work was commenced, that the replacements and repairs will be settled, and that the places will be promptly restored with the same grade and surface in as good or better condition that prevailed prior to the commencement of the work. The principal in the bond will indemnify and hold the town harmless from all damages they may accrue to any person arising out of or in any way connected with the work or the performance thereof.
(Ord. 2013-06, passed 9-17-13)

§ 96.09 OBSTRUCTING SIDEWALKS.

(A) No person shall congregate on any sidewalk in this town, so as to prevent the free passage of all persons on and along the sidewalk. It shall be the duty of any police officer to order all persons so congregated to disperse and leave the sidewalk, and not to congregate thereon again. No person or persons shall disobey any such order.

(B) No person shall obstruct the sidewalk in front of their store or place of business by placing on the walk any bench, platform, or other devices on which to display their goods; or place on the walk any boxes, barrels, or anything else that will obstruct the free use of any portion of the sidewalk.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.10 SIDEWALK AUCTIONS.

No person shall offer at auction any goods or other property for sale on any sidewalk of this town.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.11 SPITTING ON SIDEWALK.

No person shall expectorate on any sidewalk along any street in the town, any tobacco juice, mucous, or any other offensive matter.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.12 BARBED WIRE AND ELECTRICAL WIRE.

No person owning or occupying any lot in the town shall erect, or cause or permit to be erected, or maintain or suffer to be maintained along the lot adjacent to any street, alley, or sidewalk any fence built in whole or in part of barbed and/or electrical wire.
(Ord. 2013-06, passed 9-17-13) Penalty, see § 96.99

§ 96.13 GOODS AND PERSONAL PROPERTY PROHIBITED ON SIDEWALKS; FAILURE TO COMPLY.

(A) It shall be unlawful for any person, firm, corporation, or other entity, or any person in charge or having control of the personal or business property of any firm, corporation, or other entity, to place any goods, wares, merchandise or other personal or business property on any street or sidewalk or alley of the town for exhibit, storage, sale, or for any other purpose. However, this shall not apply to the parking of trucks or automobiles not for sale, nor to any act performed under order of the court.

(B) In any instance where personal or business property has or shall remain on any street, sidewalk, or any space between the curb of the street and any sidewalk for a period of 12 hours or more, the same shall be unlawful, and any member of the Town Police shall have the authority to remove the personal property without first giving notice to the owner or owners, and the owner of the personal property shall not be entitled to the possession of the same until the penalties assessed pursuant to § 96.99 have been paid in full.
(Ord. 2015-05, passed 4-21-15)

§ 96.14 GRASS CLIPPINGS ON STREETS PROHIBITED.

It shall be unlawful for any persons owning or occupying property or businesses to blow, sweep, place or deposit any grass clippings and/or shrub clippings, whether generated by households or businesses, in streets or public right-of-way, in and around the town.
(Ord. 2015-12, passed 9-1-15) (Penalty, see § 96.99)

§ 96.99 PENALTY.

Any person who violates any provision of this Chapter 96 shall 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.
(Ord. 2013-06, passed 9-17-13)

ORDINANCE 2015-05

TOWN OF PAOLI

ORDINANCE AMENDING THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 96.01 AND 96.02 (A) AND ADDING § 96.13

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAOLI, INDIANA, THAT THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, TITLE IX, § 96.01 AND 96.02 (A), BE AMENDED, BY REMOVING AND REPEALING THE CURRENT PROVISIONS OF § 96.01 AND 96.02 (A) AND CHANGING THEM AS FOLLOWS AND ADDING § 96.13:

§ 96.01 REMOVAL OF SNOW.

No person, having the control, management, possession, or ownership of any lot, tract, or parcel of ground within the town, along and adjoining which any sidewalk extends, shall permit or allow any snow to be and remain on the sidewalk so extending along and abutting the lot, tract, or parcel of land in the town, longer than a period of twelve hours during the daytime, after the snow has ceased falling. Where snow or ice cannot be readily removed and presents a slippery surface, sand shall be spread on it.

96.02 (A)

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, dirt, and/or grass clippings.

96.13 GOODS AND PERSONAL PROPERTY PROHIBITED ON SIDEWALKS; FAILURE TO COMPLY.

(A) It shall be unlawful for any person, firm, corporation, or other entity, or any person in charge or having control of the personal or business property of any firm, corporation, or other entity, to place any goods, wares, merchandise or other personal or business property on any street or sidewalk or alley of the Town for exhibit, storage, sale, or for any other purpose. However, this shall not apply to the parking of trucks or automobiles not for sale, nor to any act performed under order of the court.

(B) In any instance where personal or business property has or shall remain on any street, sidewalk, or any space between the curb of the street and any sidewalk for a period of 12 hours or more, the same shall be unlawful, and any member of the Town Police shall have the authority to remove the personal property without first giving notice to the owner or owners, and the owner of the personal property shall not be entitled to the possession of the same until the penalties assessed pursuant to § 96.99 have been paid in full.

SO ORDAINED this 21st day of April, 2015. The Ordinance is effective immediately.

TOWN COUNCIL OF THE TOWN OF PAOLI

Michael A. Harkness, President

Gary Barnett, Member

Mark Jones, Vice President

Carolyn Clements, Member

William E. Chastain, Member

Attest:
Amy Morris, Clerk-Treasurer

ORDINANCE 2015-12

TOWN OF PAOLI

AN ORDINANCE PROHIBITING BLOWING GRASS CLIPPINGS ON STREETS

WHEREAS, the Town Council of the Town of Paoli, Indiana (the "Town") has a pervasive problem with persons blowing grass clippings into the street, which clogs the storm sewers, costing the Town unnecessary expense in correcting these problems,

WHEREAS, the Town has a problem with persons blowing grass clippings into the street and causing it to become unsightly;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAOLI, INDIANA, THAT § 96.14 BE ADDED TO TITLE IX OF THE TOWN OF PAOLI, INDIANA CODE OF ORDINANCES, AS FOLLOWS:

§ 96.14 GRASS CLIPPINGS ON STREETS PROHIBITED

It shall be unlawful for any persons owning or occupying property or businesses to blow, sweep, place or deposit any grass clippings and/or shrub clippings, whether generated by households or businesses, in streets or public right-of-way, in and around the Town of Paoli, Indiana. Penalty, see § 96.99.

SO ORDAINED this 1st day of September, 2015. The Ordinance is effective immediately.

TOWN COUNCIL OF THE TOWN OF PAOLI

Michael A. Harkness, President

Gary Barnett, Member

ABSENT
Mark Jones, Vice President

William E. Chastain, Member

Carolyn Clements, Member

Attest:
Amy Morris, Clerk-Treasurer