City of Delphi, Indiana

Code of Ordinances

updated: October, 2007

DELPHI, INDIANA
TABLE OF CONTENTS

Chapter

TITLE I: GENERAL PROVISIONS

10. General Provisions
11. City Standards

TITLE III: ADMINISTRATION

30. City Government
31. Departments, Boards and Commissions
32. Revenue and Taxation; Funds
33. Personnel
34. Police and Fire Department
35. Ordinance Violations Bureau

TITLE V: GARBAGE AND REFUSE

50. Garbage and Refuse
51. Water
52. Sewers

TITLE VII: TRAFFIC CODE

70. Traffic Regulations
71. Stopping, Standing and Parking
72. Bicycles and Toy Vehicles
73. Railroads
74. Snowmobiles and Off-Road Vehicles
75. Traffic Schedules
76. Parking Schedules

TITLE IX: GENERAL REGULATIONS

90. Public Nuisances
91. Junked, Wrecked and Abandoned Vehicles
92. Animals
93. Noises
94. Weeds

Delphi - Table of Contents

Chapter

95. Streets and Sidewalks
96. Fire Prevention
97. Garage and Yard Sales
98. Cemeteries

TITLE XI: BUSINESS REGULATIONS

110. Licenses
111. Itinerant Merchants, Peddlers and Solicitors
112. Restaurants
113. Vending Machines
114. Delphi City Market
115. Laundry and Dry Cleaning Establishments
116. Taxicabs; Buses
117. Cable Television

TITLE XIII: GENERAL OFFENSES

130. General Offenses

TITLE XV: LAND USAGE

150. Building Regulations
151. Development Areas
152. Thoroughfare Planning
153. Subdivision Regulations
154. Zoning Code

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CITY STANDARDS

CHAPTER 10: GENERAL PROVISIONS

Section

10.01 Title of code
10.02 Interpretation
10.03 Application to future ordinance
10.04 Captions
10.05 Definitions
10.06 Rules of interpretation
10.07 Severability
10.08 Reference to other sections
10.09 Reference to offices
10.10 Errors and omissions
10.11 Official time
10.12 Reasonable time
10.13 Ordinances repealed
10.14 Ordinances unaffected
10.15 Effective date of ordinances
10.16 Repeal or modification of ordinance
10.17 Ordinances which amend or supplement code
10.18 Section histories; statutory references
10.19 Constitutionality
10.98 Offenses punishable under separate provisions
10.99 General penalty

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Delphi shall be designated as the Code of Delphi 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,

CITY, MUNICIPALITY,* or *MUNICIPAL CORPORATION. The City of Delphi, Indiana.

COMMON COUNCIL, CITY COUNCIL* or *COUNCIL. The legislative body of the city.

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. Carroll 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 departaient 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.

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 25-1-5-9(7)) (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:

§ 31.10 MAYOR OF THE CITY COUNCIL.

The executive authority of the city shall be vested in and exercised by the Mayor of the City Council.
(Ord. 10, passed 1-1-80)
Statutory Reference:
Designation of city executive, see IC 36-5-2-2

§ 10.19 CONSTITUTIONALITY.

If any part or parts, section or division, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the code.
(63 Code, § 1-11)

§ 10.98 OFFENSES PUNISHABLE UNDER SEPARATE PROVISIONS.

In all cases where the same offenses may be made punishable or may be created by different clauses or sections of this code or any other ordinances of the city, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.
(63 Code, § 1-10)

§ 10.99 GENERAL PENALTY.

Wherever in this Code or in any ordinance of the city, or rule or regulation promulgated by an officer or agency, thereof, under the authority invested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to

do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code, ordinance, rules or regulation shall be punished by a fine nor to exceed $2,500. Every day any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.
(IC 36-1-3-8(10)) ('63 Code, § 1-9)

CHAPTER 11: CITY STANDARDS

Section

11.01 Corporate boundaries

§11.01 CORPORATE BOUNDARIES.

(A) The entire corporate boundaries of the city are declared and defined hereafter as follows:

Beginning at the Northeast corner of Section Twenty-nine (29) in Township Twenty-five (25) North and Range Two (2) West in Deer Creek Township, Carroll County, Indiana, and running in a Southerly direction along the East line of Section Twenty-nine (29) to the Southeast corner of the Northeast quarter *(VA)* of said Section Twenty-nine (29); thence following the South line of the Northeast quarter *(VA)* of said Section Twenty-nine Westerly to a point bearing 139 feet Westerly from the Southwest corner of the East half (1/2) of the Northeast quarter (1/4*)* of Section Twenty-nine (29); thence running South 45 degrees 30' West along the extended South line of Vine Street a distance of 1256 feet to the Northeast corner of Lot No. 1 in Vine Street Addition to Delphi (see Record Plat Book 3, page 32, in the Office of the Carroll County Recorder); thence running Southeasterly along the West line of Prince William Road to a point where said West line of Prince William Road intersects the East right-of-way of U.S. Highway No. 421; thence running Southwesterly, at a right angle to the intersection point of the two right-of-ways, to a point on the West right-of-way of U.S. Highway, No. 421; thence following the West right-of-way of U.S. Highway No. 421 in a Southeasterly direction to the North right-of-way line of Carroll County Road No. 200N; thence following the North right-of-way line of Carroll County Road No. 200N in a Westerly direction to the point of intersection with the West line of Gillifords Addition to south Delphi (see Record Plat Book 2, page 160 in the Office of Carroll County Recorder); thence following the West line of Gillifords Addition Northerly to the Northwest corner of said Addition; thence Westerly along the South line of Summit Street extended to a point on the East right-of-way line of a Carroll County Road known as the Dayton Road; thence following the East right-of-way of said Dayton Road in a Northerly direction to the North bank of Deer Creek; thence following the North Bank of Deer Creek in a Southwesterly direction to a point on the West right-of-way line of the Wabash Railroad; thence following the West right-of-way line of the Wabash Railroad in a Northerly direction to a point on the South line of Samuel Grimes Addition (see Deed Record Book "C" page 162, in Office of Carroll County Recorder); thence following the South line of Samuel Grimes Addition in a Southwesterly direction and extended to the East bank of the Old Wabash and Erie Canal; thence following the East bank of the Old Wabash and Erie Canal in a Northwesterly direction to a point of intersection with the North line extended of Samuel Grimes Addition; thence following the

extended North line of Samuel Grimes Addition in a Northeasterly direction to the Southwest corner of Lot No. 1 in Cases Addition to Delphi (see Record Plat Book 2, page 56, in the Office of the Carroll County Recorder(; thence running in a Northwesterly direction along the West line of said Lot No. 1 (and the East line of an alley) to the South right-of-way line of the Monon Railroad; thence following the South right-of-way of the Monon Railroad in a Northwesterly direction to the East bank of the Old Wabash and Erie Canal; thence following the East bank of the Old Wabash and Erie Canal in a Northeasterly direction to the North right-of-way line of the Monon Railroad; thence running along the North right-of-way line of the Monon Railroad in a Southeasterly direction to the East line of Cases Addition; thence following the East line of Cases Addition in a Northwesterly direction to the Northeast corner of said Addition; thence running in a Northeasterly direction along the extended North line of Cases Addition to the West line of the Northwest quarter (1/4) of Section Twenty-nine (29); thence running North on the West line of said Northwest quarter (1/4) to the West line of Market Street; thence running in a Northwesterly direction along the West line of Market Street to the South line of Section Nineteen (19) in Township Twenty-five (25) North and Range Two (2) West in Deer Creek Township, Carroll County, Indiana.; thence following said South line of Section Nineteen (19) West to the East bank of the Old Wabash and Erie Canal; thence following the East bank of the old Wabash and Erie Canal in a Northeasterly direction to a point which is North 250.80 feet from said South line of Section Nineteen (19); thence running West Parallel to (and North 250.80 feet from) the South line of Section Nineteen (19) to the East line of the West half (1/2) of the southeast quarter *(1/4)* of Section Nineteen (19); thence running North on said East line of the West half *(1/2)* of the Southeast quarter (1/4) of Section Nineteen (19) a distance of 134.50 feet to the Southeast corner of the Peter-Revington Manufacturing Company, Inc. (see Deed Record Book 117, page 485, in the Office of the Carroll County Recorder); thence running West along the South line of the Peter-Revington Manufacturing Company, Inc, property to the Southwest corner of said property (this line being parallel to and 385.30 feet to the South line of Section Nineteen (19) and the Southeast corner of the Globe Valve Corporation property (see Deed Record Book 114, page 593, in the Office of the Carroll County Recorder); thence running West along the south line of Section Nineteen (19) a distance of 714 feet to the Southwest corner of the Southeast quarter (1/4) of said Section Nineteen (19) and the Southwest corner of the Green Acre Soil Service property (see Deed Record Book 111, page 25, in the Office of the Carroll County Recorder); thence North along the West line of the Green Acre Soil Service property 176 feet to the South right-of-way of the Delphi Belt Railroad; thence following the South right-of-way line of the Delphi Belt Railroad in a Northeasterly direction to a point where the extended East property line of the High Point Oil Company land (see Deed Record Book 116, page 184, in the Office of the Carroll County Recorder) intersects said South right-of-way line of the Delphi Belt Railroad; thence running North 3 degrees East along the extended East property line of the High Point Oil company land 250 feet to the Northeast corner of said property and being on the South right-of-way line of Pittsburgh Avenue in the Commercial Club Addition to the City of Delphi (see Record Plat Book 2, page 186, in the Office of the Carroll County Reeorder); thence running *South* 87 degrees East along the South line of Pittsburgh Avenue to the South right-of-way line of the Delphi Belt Railroad; thence following the South right-of-way line of the Delphi Belt Railroad in a Northeasterly direction to a point on the East bank of the old Wabash and Erie Canal; thence following the East bank of the old Wabash and Erie Canal in a Southeasterly direction to the Northeast corner of Lot No. 107

in Grimes Second Addition to Delphi (see Record Plat Book 2, page 45, in the Office of the Carroll County Recorder); thence following the North line of said Grimes Second Addition in a Southeasterly direction to the West line of the East half (1/2) of the Northwest quarter (1/4*)* of Section Twenty (20) in Township Twenty-five (25) North and range Two (2) West; thence South on said West line of the East half *(1/2)* of the Northwest quarter (1/4) of Section Twenty (20) to the Northeast corner of Lot 6 in Grimes Second Addition to Delphi thence in a Northeasterly direction to the Northeast corner of the American Oil Company property (see Deed Record Book 114, page 462, in the Office of the Carroll County Recorder); thence following the property line of the American Oil Company land South 49 degrees 45' East 169 feet to the North right-of-way line of the Wabash Railroad; thence following the North right-of-way line of the Wabash Railroad in a Northeasterly direction to the East line of said Section Twenty (20); thence following the East line of said Section Twenty (20) in a Southerly direction to the Northeast corner of Section Twenty-nine (29) and the point of beginning for this description.

(B) All contiguous territory within the above described boundaries not previously located within or annexed to the same is annexed to and made and declared a part of the corporate territory of the city.
(Ord. 1-65, passed 6-21-65)

(C) Subsequent annexations to the city are listed in Schedule II, Annexations, of the Table of Special Ordinances.

TITLE III: ADMINISTRATION

Chapter

30. CITY GOVERNMENT

31. DEPARTMENTS, BOARDS AND COMMISSIONS

32. REVENUE AND TAXATION; FUNDS

33. PERSONNEL

34. POLICE AND FIRE DEPARTMENTS

35. ORDINANCE VIOLATIONS BUREAU

CHAPTER 30: CITY GOVERNMENT

Section

General Provisions

30.01 Organization
30.02 Executive branch
30.03 Legislative branch
30.04 Councilmanic districts
30.05 Fiscal branch
30.06 Judicial branch
30.07 City credit cards
30.08 Official bank depository

Officers and Employees

30.15 Animal Control Supervisors

Community Room

30.25 Use by community service organizations
30.26 Use by noncommunity service organizations
30.27 Scheduling of Community Room use; maintenance

GENERAL PROVISIONS

§30.01 ORGANIZATION.

Pursuant to LC. 36-4-4-1 through 36-4-4-5, the government of the city shall consist of three branches, those being:

(A) Executive Branch (LC. 36-4-5).

(B) Legislative Branch (LC. 36-4-6).

(C) Fiscal Branch (LC. 36-4-10).

(D) Judicial Branch (LC. 33-10.1-1-3).

(E) Statutory Boards and Commissions.
(Ord. 82-3, passed 3-15-82)

§ 30.02 EXECUTIVE BRANCH.

(A) *Mayor*. The Mayor is the city executive and head of the executive branch. He or she shall faithfully perform the duties and responsibilities contained in I.C. 36-4-5 and other statutes of the state.

(B) *Board of Public Works and Safety*.

(1) There is established a Board of Public Works and Safety within the executive branch. The Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments that are hereby established:

(a) Police Department.

(b) Fire Department.

(c) Utilities Department, consisting of the Sewerage Collection and Disposal System, and Water Works Department.

(d) Street and Sanitation Department.

(2) The Board of Works and Public Safety shall meet on the first Monday of each month at 6:30 p.m. The Board of Works and Public Safety shall also meet on the third Wednesday of each month at 5:30 p.m. Both meetings will be held in the City Council Chambers in the Delphi City Building.

(C) There is established a Department of Law pursuant to I.C. 36-4-9-4.

(D) (1) The members of the Board of Public Works and Safety are the Mayor and two persons who shall be chosen by the Mayor and serve at his or her pleasure. The Chiefs of the Police and Fire Departments and the heads of the Department of Law, the Sewerage Department and the Street and Sanitation Department are appointed by the Mayor and serve at his or her pleasure pursuant to I.C. 36-4-9.

(2) Pursuant to I.C. 36-4-9-2, the Mayor shall appoint the heads of the Departments of Water Works, Parks and Recreation, and appoint two members to the Area Plan Commission with the approval of the statutory board or commission operating the Department. Such appointees serve at the pleasure of the Mayor pursuant to I.C. 36-4-11-2.

(E) Subject to the appropriation power of the Common Council, the foregoing departments shall leave the ability to hire such employees, and purchase or contract for such materials or service as the

Board of Public Works and Safety, or other governing board or commission, deems necessary to perform their public functions.
(Ord. 82-3, passed 3-15-82; **Am.** Ord. 96-2, passed 2-1-96; Am. Ord. 2000-1, passed 1-3-00)

§30.03 LEGISLATIVE BRANCH.

(A) The legislative branch of the city is the Common Council. The Common Council shall be composed of five members, four of whom are elected from districts and one of whom is elected at large. The Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the city, and to perform other necessary and desirable legislative functions pursuant to I.C. 36-4-6.

(B) The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by I.C. 36-4-6-9 and such others as the Council may direct.

(C) The regular and stated meeting of the Common Council shall be held at the Council Chambers at 7:00 p.m. on the first Monday evening of each month, provided, however, the first regular meeting of the newly elected Council shall be held on the first Monday in January after the election of officers, at 7:30 p.m. Any regular meeting may be adjourned to a future day or hour, at which adjourned meeting it shall be lawful to transact any business which might have been transacted at the regular meeting of which this is a continuance, and at such adjourned meeting, said Council will not be limited to complete particular items of business, which had actually been entered upon and left unfinished at the regular meeting, unless the order of adjournment of such regular meeting so limits the work of the adjourned meeting.

(D) The Mayor, or in his or her absence, the President of the Council, shall be the presiding officer of Council pursuant to I.C. 36-4-6-8, and meetings shall be conducted pursuant to I.C. 36-4-6-10 through 36-4-6-17 and in accordance with the following rules which are hereby adopted as a part of this ordinance:

(1) Order of Business. The order of business to be followed at a meeting of the Common Council shall be as follows:

(a) Calling to order.

(b) Roll call by the Clerk-Treasurer.

(c) Reading of minutes and approval.

(d) Act on all items posted on agenda.

(e) Reports from committees, boards and commissions.

(f) Unfinished business, including, ordinances or resolutions already introduced.

(g) New business, including introduction of ordinances and resolutions.

(h) Miscellaneous business, including any matters not already considered.

(i) Adjournment.

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

(3) Introduction and adoption of ordinances and resolutions.

(a) All ordinances shall be read three times before being, passed, and no ordinance shall pass on the same day in which it is introduced unless the provisions of I.C. 36-4-6-13 are complied with.

(b) Resolutions shall be subject to the same rule in method of introduction and adoption as ordinances.

(c) On the passage or adoption of any ordinance or resolution the "yeas" and "nays" shall be taken and entered in the record, and the ordinances shall be processed in accordance with I.C. 36-4-6-14 through 36-4-6-17.

(4) Questions of order. The Mayor or presiding officer shall decide all questions of order. He or she shall decide whether any question submitted to the Council for adoption or rejection is decided in the affirmative or negative,

(5) Appeal from decision of presiding officer. From any decision of the presiding officer any member may appeal to the Council. The appeal shall be by motion duly made and seconded. A majority vote as defined in I.C. 36-4-6-11 is necessary to overrule the chair.

(6) Suspension of rules. The order of business may be suspended by a two-thirds vote of the members of the Council.

(7) City attorney. The City Attorney may be consulted for an opinion of which a majority of the Council lacks certainty and a Council member requests the use of an attorney for a second opinion. When any Council member believes an outside opinion is necessary or useful, the Council member shall notify the President of the Council. The Council President shall then poll the other members of the Council. If a majority of Council members shall agree the need for a second opinion would be helpful, the Council President or the Council member shall proceed to secure a second opinion. The Council Attorney will respond in writing his opinion and that opinion will be presented to all of the City Council members,

(Ord. 82-3, passed 3-15-82; Am. Ord. 7-86, passed 11-17-86; Am. Ord. 92-1, passed 1-31-92; Am. Res. R98-1, passed 4-2-98; Am. Ord. 2000-2, passed 1-3-00)

§30.04 COUNCILMANIC DISTRICTS.

The Common Council shall be composed of five members, four of whom are elected from districts and one of whom is elected at large, The districts are as follows:

(A) *Councilmanic District 1*. Councilmanic District 1 shall consist of that area within the corporate limits of the city lying south of Franklin Street from the westernmost corporate limit boundary to Indiana Street on the east; thence south to Deer Creek and containing that area within the corporate limits south of Deer Creek to the easternmost corporate limits. The district shall be bounded on the south from Armory Road on the westernmost corporate limit boundary east to Masonic Street; then north on Masonic Street to West Summit Street; then east to South Hamilton Street to North Street; then east to Prince William Road and continuing due east to the easternmost corporate limits of the city to include Riley Road and Riley Meadows.

(B) *Councilmanic District* 2. Councilmanic District 2 shall consist of that area within the corporate limits of the city lying north of Franklin Street from the westernmost corporate limit boundary to Indiana Street on the east and north and west by the corporate limit boundaries.

(C) *Councilmanic District* 3. Councilmanic District 3 shall consist of that area within the corporate limits of the city lying north of Deer Creek and bounded on the west by Indiana Street, on the north and east by the corporate limit boundaries and on the south by Deer Creek.

(D) *Councilmanic District 4*, Councilmanic District 4 shall consist of that area bounded on the north by Councilmanic District 1 and on the south by the corporate limit boundaries.

(E) *Councilmanic District At-Large*. Councilmanic District At-Large shall consist of the entire city. (Ord. 82-3, passed 3-15-82; Am. Ord. 7-86, passed 11-17-86; Am. Ord. 2002-13, passed 11-4-02)

§ 30.05 FISCAL BRANCH.

(A) The Clerk-Treasurer is the fiscal officer of the city and the head of the fiscal branch. He or she shall perform the duties assigned by I.C. 36-4-10, and such other duties as the Common Council may, by ordinance, require.

(B) The Clerk-Treasurer is authorized, pursuant to I.C. 36-4-11-4, to appoint one Deputy Clerk-Treasurer to be paid solely from funds appropriated for the office of Clerk-Treasurer. The Deputy shall work under the exclusive direction of the Clerk-Treasurer and serves at the pleasure of the Clerk-Treasurer.

(C) The Clerk-Treasurer shall furnish space within his or her office for the administration and records of the city's utilities. The various Utility Clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the Board having control of the utility the Clerk serves. The Utility Clerks serve at the pleasure of the Board which appointed them. The Clerk-Treasurer shall be compensated for services he or she renders to the city's utilities, and shall have the power to supervise the utility personnel in his or her office, subject to the approval of the governing boards of the various utilities.
(Ord. 82-3, passed 3-15-82)

§ 30.06 JUDICIAL BRANCH.

There is established a City Court to be headed and operated by a City Judge elected and seated pursuant to I.C. 33-10.1-1-3.
(Ord. 82-3, passed 3-15-82)

§ 30.07 CITY CREDIT CARDS.

(A) The administration of the city shall be and is authorized to secure and to maintain a credit card in the name of the city for use by properly authorized city employees and/or officials in carrying out the business of the city.

(B) The Clerk-Treasurer is designated as the custodian of the credit card and the Clerk-Treasurer shall maintain a log wherein city employees and officials desiring temporary possession and use of the card shall enter their names upon receipt of the card and, in a like manner, shall enter their names upon return of the card to the Clerk-Treasurer along with details specifying the nature of the use of the card.

(C) All charges incurred with the use of the card be substantiated by proper receipt, which receipt shall be submitted to the Clerk-Treasurer upon return of the card. Thereupon, the Clerk-Treasurer shall properly assign charges made by use of the credit card to the appropriate budget fund for accounting purposes.

(D) Only necessary expenses incurred by the employee or official for travel, lodging and meals and other items in connection with carrying out the city's business, shall be charged by use of the card. No expenses shall be incurred *by* use of the card for items or services for personal use by employees. Improperly documented charges or those charges shown to be unnecessary in carrying out the city's business, shall be the responsibility of the employee or official making the charge, as well as any finance charges resulting from use of the credit card.

(E) Insofar as possible, the Clerk-Treasurer shall endeavor to pay the monthly statement associated with the use of the card in full so that finance charges are not incurred.
(Ord. 96-8, passed 8-1-96)

§ 30.08 OFFICIAL BANK DEPOSITORY.

(A) The Bright National Bank of Delphi, Indiana, shall act as the official depository of funds for the City of Delphi, Indiana.

(B) Notice of the passage of this section shall be given as provided by law, and this section shall become effective and enforceable upon given such notice as provided by law.
(Ord. 9748, passed 9-4-97)

OFFICERS AND EMPLOYEES

§ 30.15 ANIMAL CONTROL SUPERVISORS.

(A) *Creation.* There is created by the Common Council an office to be known as the Office of Animal Control Supervisors. Such office shall consist of two supervisors appointed by the Mayor and supported by such funding as shall be approved by the Common Council in the municipal budget of the city. The Supervisors shall serve without compensation, but shall be reimbursed for their reasonable and necessary expenses incurred pursuant to the exercise of their duties.

(B) *Duties.* It shall be *the* duty of the Supervisors to oversee the operation, maintenance and regulation of an animal control program jointly with the town of Flora Animal Control Supervisors, pursuant to a written agreement between the city and the town of Flora executed under the authority of I.C. 36-1-7, the Interlocal Cooperation Act.

(C) *Funding.* The funding from the joint program shall be administered through an account established in the books of the Clerk-Treasurer of the city. The Common Council may make appropriations to this account at times and in amounts that it deems necessary for the successful implementation of the program.

(D) *Term; budget.* The Supervisors shall serve for two-year terms to be established at the pleasure of the Mayor of the city. They shall submit annually their budget requests through the Common Council and shall report their activities when requested to do so by the Council.
(Ord. 7-81, passed 8-24-81)

Cross-reference:

Animals, see Ch. 92
Interlocal agreement, see T.S.O. I

COMMUNITY ROOM

§ 30.25 USE BY COMMUNITY SERVICE ORGANIZATIONS.

(A) *Definition.* ***COMMUNITY SERVICE ORGANIZATIONS*** as used herein is defined as not-for-profit organizations providing a service to the citizens of the city without compensation and having a charitable or civic purpose.

(B) The "Community Room" located on the second floor of the City Building shall be available for use by community service organizations without charge.
(Ord. 84-2, passed 3-5-84)

§ 30.26 USE BY NON-COMMUNITY SERVICE ORGANIZATIONS.

The "Community Room" shall be made available for use by non-community service organizations as scheduling permits, and the non-community service organizations shall pay a fee to the city in the amount not greater than $100 for each such use.
(Ord. 84-2, passed 3-5-84)

§ 30.27 SCHEDULING OF COMMUNITY ROOM USE; MAINTENANCE.

(A) The Mayor or the Mayor's designee shall be responsible for scheduling use of the "Community Room" by all organizations.

(B) All organizations using the "Community Room" shall leave the same in the same condition as when the use began and shall turn off lighting before leaving.
(Ord. 84-2, passed 3-5-84)

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

31.01 Statutory boards and commissions
31.02 Parks and Recreation Board
31.03 City Plan Commission
31.04 Department of Development; Commission.
31.05 Utility Rate Advisory Board

Cross-reference:

Forestry Commission, see § 99.02

§ 31.01 STATUTORY BOARDS AND COMMISSIONS.

(A) *Police Pension Board.* There shall be a Police Pension Board of Trustees to perform certain duties prescribed by I.C. 36-8-6 (1925 Fund) and IC 36-8-8 (1977 Fund) concerning the statutory pensions of city police.

(B) *Commissions.* The following statutory commissions are established:

(1) Economic Development Commission.

(2) Board of Flood Control Commissioners.

(3) Board of Aviation Commissioners.

(Ord. 82-3, passed 3-15-82)

§ 31.02 PARKS AND RECREATION BOARD.

(A) Under the provisions IC 36-10-4 there is created a Department of Public Parks as an executive department of the city, with all powers specifically granted by I.C. 36-10-4-9.

(B) (1) "Park Authority" shall be vested in the Parks and Recreation Board which is created and comprised of the following: four resident freeholders appointed by the city executive. No member may also serve on the City Council and no more than two members may have the same political affiliation. All members must be qualified by an interest in and knowledge of the social and educational value of recreation. The members serve without compensation. The members shall be appointed for four year terms from January 1 of the year of their appointment or until their successors are appointed. The initial terms of Board members, however are as follows:

(a) One for a term of one year.

(b) One for a term of two years.

(c) One for a term of three years.

(d) One for a term of four years.

(2) A vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

(C) At its first regular meeting in each year, the Board shall elect a president and vice-president from its membership. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president.

(D) (1) The park authority shall manage all public parks, including approaches, that belong to the City of Delphi.

(2) If the city decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located within five miles of the city. Before the park authority condemns the property, it shall assess the damages to the owners of the property at a meeting of the authority. Additional condemnation proceedings are the same as those provided for the taking of property to open streets.

(3) The park authority may adopt rules concerning the laying out, improvement, preservation, ornamentation, and management of parks. The park authority may allow monuments or buildings for libraries, works of art, or historical collections to be erected in a park, as long as they are under the control of the persons in charge of the park and no inclosure separates them from the rest of the park.

(4) The City Council may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The Council may also borrow money and issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The Council shall annually levy a tax sufficient to pay the interest on the debt on all taxable property in the City to create a sinking fund for the liquidation of the principal of the debt.

(5) If the park authority of the city decides to lease any buildings or grounds belonging to the city and located in a public park when they are not required for public use, the proceeds shall be deposited with the City Clerk to the credit of park funds, which funds shall be nonreverting, and devoted to the improvement of public parks.

(E) The Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.
(Ord. 2000-8, passed 11-6-00)

§31.03 CITY PLAN COMMISSION.

(A) *Created.* There is established a City Plan Commission under the authority provided in IC 36-7-4.

(B) *Membership*. The Plan Commission shall exercise those powers and perform those duties conferred and authorized by statute. Membership and terms of office shall be made and served in accordance with Chapter 174 of the Acts of 1947 of the Indiana General Assembly, as amended.
('63 Code, §§17-11, 17-12)

§ 31.04 DEPARTMENT OF DEVELOPMENT; COMMISSION.

(A) There is created a Department of Development of the city to be under the control of a commission to be known as "Delphi Development Commission," as authorized by I.C. 36-7-3 and acts amendatory thereof or supplemental thereto.

(B) The Delphi Development Commission shall consist of five members who shall be appointed by the Mayor as follows: two selected by the Mayor to serve for terms of three years each, one selected by the Mayor to serve for a term of one year, one to be nominated by the County Council to serve for a term of one year, and one to be nominated by the Common Council of the city to serve for a term of two years, each of such terms to commence on February 1 following the date of such respective appointments.
(Ord. 12-74, passed 12-16-74; Am. Ord. 4-75, passed 8-18-75)

§ 31.05 UTILITY RATE ADVISORY BOARD.

(A) *Created.* There is hereby created as a part of the city government an advisory board to be known as the Utility Rate Advisory Board.

(B) *Membership*. The Advisory Board shall consist of five members to be appointed by the Mayor with the approval of the Common Council. Members shall serve for four year terms each; provided, that of the individuals first selected to serve, two members will serve an initial term of one year, one member will serve an initial term of two years, one member will serve an initial term of three years, and one member will serve an initial term of four years. Any vacancy occurring shall be filled for the remainder of the term by Mayor with the approval of the Common Council.

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

(D) *Powers and duties.*

(1) The Board shall have the responsibility of investigating, gathering information, deliberating, and advising the Common Council with regard to any future proposed changes to the general rates and charges for the use of and services rendered by the municipally owned electric, natural gas and water utilities, and with regard to any future proposed capital improvements, the costs of which would be required to be financed by the issuance of a debt instrument by the City. The Board's capacity shall be advisory only, and the Common Council shall not be bound by any recommendations or advise received from the Board. The Board shall not be required to investigate, deliberate, or advise the Council with regard to any rate increases or decreases which are implemented solely for the purpose of tracking increases or decreases in the cost of fuel, electricity, natural gas or water from the city's wholesale supplier.

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

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

(F) *Removal*. The members of the Board may be removed at any time by the Mayor for cause upon notice to the Common Council.
(Ord. 94-3, passed - -94)

CHAPTER 32: REVENUE AND TAXATION; FUNDS

Section

32.01 Levying of taxes
32.02 Bank to be depository
32.03 Economic Development Income Tax (EDIT)
32.04 Promotional Activities Fund
32.05 Special non-reverting operating fund for park purposes
32.06 Special non-reverting operating fund for main street purposes
32.07 Tri-Township Equipment Fund
32.08 Fixed Asset Capitalization Policy

Cross-reference:

Business licenses and permits, see Ch. 110

§ 32.01 LEVYING OF TAXES.

Taxes for the purpose of raising revenue to meet necessary expenses for the fiscal year shall be levied on the assessed valuation of taxable property and the rate of taxation shall be fixed by ordinance of the Common Council from time to time.
(Ord. 4-67, passed 8-28-67; Am. Ord. 6-71, passed 8-31-71)

§ 32.02 BANK TO BE DEPOSITORY.

The depository for all public funds shall be as designated by the Common Council.
(Res. passed 2-19-65)

§ 32.03 ECONOMIC DEVELOPMENT INCOME TAX (EDIT).

(A) Pursuant to I.C. 6-3.5-7-15, the city finds that it is in the best interest of the city and its residents to designate, and hereby designates, the city EDIT revenues for a term of years not less than the term of any EDIT obligations plus the term of any obligations issued in anticipation of the issuance of EDIT obligations to finance the projects, or until obligations payable from tax increment are issued to refund the EDIT obligations,

(B) The Common Council ratifies and confirms the action taken by the Mayor designating the city EDIT revenues to the county for a term of years not less than the term of any EDIT obligations plus the term of any obligations issued in anticipation of the issuance of EDIT obligations to finance

the projects, or until obligations payable from tax increment are issued to refund the EDIT obligations. The Common Council hereby irrevocably ratifies and confirms the action taken by the Mayor irrevocably pledging the city EDIT revenues to the payment of EDIT obligations for the term of years not less than the term of any EDIT obligations to finance the projects, or until obligations payable from tax increment are issued to refund the EDIT obligations.

(C) The city represents and warrants that there are no prior liens, encumbrances or other restrictions on the city EDIT revenues or on the city's ability to pledge and designate the city EDIT revenues.
(Ord. 91-7, passed 7-15-91)

§ 32.04 PROMOTIONAL ACTIVITIES FUND.

(A) The Promotional Activities Fund is hereby established. The City Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

(B) Expenditures from this fund may include, but are not necessarily limited to, the following:

(1) Membership dues 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.

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

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting-room rental, decorations, meals and travel.

(4) Commemorative plaques, certificates, or objects such as commemorative keys.

(5) Other purposes which are deemed by the Mayor to directly relate to promotion or betterment of the city.

(C) No expenses shall be allowed from this fund without prior authorization and approval of the Mayor. Claims for expenses under this section shall be allowed as prescribed by law.
(Ord. 82-4, passed 4-19-82)

§ 32.05 SPECIAL NON-REVERTING OPERATING FUND FOR PARK PURPOSES.

There is hereby established a special non-reverting operating fund for park purposes pursuant to the provisions of I.C. 36-10-3-22. Expenditures shall be made therefrom by appropriation by the Park

and Recreation Board.
(Ord. 92-7, passed - -92)

§ 32.06 SPECIAL NON-REVERTING OPERATING FUND FOR MAIN STREET PURPOSES.

There is hereby established a special non-reverting operating fund for purposes of landscaping and planting trees. Expenditures shall be made there from by appropriation by the Delphi Main Street Board.
(Ord. 92-7, passed 9-3-92)

§ 32.07 TRI-TOWNSHIP EQUIPMENT FUND.

(A) All monies received by the Delphi Township Fire Department shall be placed in one fund under the supervision of the Clerk-Treasurer of the city, which fund shall be the Delphi Tri-Township Equipment Fund,

(B) The fund shall be used only to purchase equipment for the Tri-Township Fire Department.

(C) The Tri-Township Fire Department shall send the request for payment for each fire run made by the department to the claims office of the affected insurance company.

(D) No more than 50% of the fund may be used at any one time by either the townships or the city.

(E) The fund may be used only one time per year except in case of emergency.

(F) A group consisting of seven members, being the Fire Chief, the Board of Public Works and Safety of the city and Township Trustees from Deer Creek, Madison and Tippecanoe townships, shall meet annually on the first Tuesday of June to approve any purchases to be made with monies from the fund. All purchases must be approved by a majority of the group.

(G) Monies from the fund may be invested and any interest earned shall be deposited to the fund.
(Ord. 88-6, passed 8-22-88)

§ 32.08 FIXED ASSET CAPITALIZATION POLICY.

(A) *Definitions and Provisions.*

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

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

ENTERPRISE FUNDS. Those funds used to account for operations:

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

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

The ***ENTERPRISE FUNDS*** of the city shall include the municipally owned water and sewage utilities. Operation of these utilities shall require ***ENTERPRISE FUND*** accounting and reporting.

FIXED ASSET. Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or ***FIXED ASSETS.*** These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than building, machinery and equipment, furniture and fixtures.

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

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

(2) *Land.* This city will capitalize all land purchases, regardless of cost.

(a) Exceptions to land capitalization are land purchased outright, as easements, or right of ways for infrastructures. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs and storm sewer collections.

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

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

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

(3) *Machinery and Equipment.*

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

(b) The city will capitalize and tag items with an individual value equal to or greater than $1,000. Machinery combined with other machinery to form one unit with a total value greater than the above-mentioned limit will be one unit.

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

(d) Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

1. Total costs exceeds $1,000,

2. The useful life is extended two or more years, and

3. The total costs will be greater than the current book value and less than the fair market value.

(e) Examples include:

1. A work truck being equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.

2. If police cars are constantly changing light bars or radios to other vehicles, the city will capitalize each piece of equipment separately, if it meets the required dollar amount.

3. A department's computer (CPU, monitor, keyboard and printer) is considered one unit.

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

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

(4) *Buildings.*

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

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

1. The total cost exceeds $5,000, and

2. The useful life is greater than two years.

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

1. The total cost exceeds $5,000,

2. The useful life is extended two or more years, and

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

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

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

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

(5) *Improvements Other than Buildings.*

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

(b) Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems and other similar items.

(c) Improvements do not include roads, streets or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon city-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon city-owned land for use by the public and for the support of our facility are capital assets.

(d) The city will capitalize new improvements other than buildings only if it meets the following conditions:

1. The total cost exceeds $5,000, and

2. The useful life is greater than two years.

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

1. The total cost exceeds $5,000,

2. The asset's useful life is extended two or more years, and

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

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

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

(B) *Recording and Accounting.*

(1) The city and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the chart of accounts of the

Cities and Towns Accounting Manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purpose of recording fixed assets of the city and its departments, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

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

(a) Assets acquired for a lump sum purchase price.

(b) Purchase on deferred payment contract.

(c) Acquisition under capital lease.

(d) Acquisition by exchange of nonmonetary assets.

(e) Acquisition by issuance of securities.

(f) Acquisition by self construction.

(g) Acquisition by donation or discovery.

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

(3) In addition, an asset register (prescribed form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit.

(G) *Safeguarding of Assets*. Accounting controls shall be designed and implemented to provide reasonable assurances that:

(1) Capital expenditures made by the city, its various departments and utilities be in accordance with management's authorization as documented in the minutes.

(2) Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.

(3) Adequate detail records be maintained to assure accountability for city and utility owned asset.

(4) Access to assets be permitted in accordance with management's authorization.

(5) The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.
(Ord. 96-18, passed 12-18-96)

CHAPTER 33: PERSONNEL

Section

33.01 Salaries
33.02 "Christmas Club" withholding from paycheck
33.03 Mileage allowance
33.04 Deferred compensation plan
33.05 Savings bonds through payroll plan
33.06 Professional association dues
33.07 Retirement fund
33.08 Authority to keep city-owned vehicles

§33.01 SALARIES.

The Common Council shall establish from time to time by ordinance salaries and policies related to such for certain employees. Said ordinance shall be kept on file in the office of the Clerk-Treasurer. (Ord. 92-8, passed 7-8-92; Am Ord. 97-17,passed 7-16-97; Am. Ord. 98-8, passed 7-15-98; Am. Ord. 98-9, passed 7-15-98; Am. Ord. 99-6, passed 1-7-99; Am. Ord. 99-6, passed 7-15-98; Am. Ord. 99-7, passed 9-2-99; Am. Ord. 2000-7, passed 5-1-00; Am. Ord. 2000-12, passed 8-7-00; Am. Ord. 2000-15, passed 11-6-00; Am. Ord. 2000-16, passed 11-6-00)

§ 33.02 "CHRISTMAS CLUB" WITHHOLDING FROM PAYCHECK.

The Clerk-Treasurer is authorized and instructed to withhold stated amounts from the periodic paychecks of those employees of the city who file written requests and authorizations with the Clerk-Treasurer for such withholding, to be in addition to tax or other withholding amounts otherwise provided for by law or by previous authorization of the Common Council. The additional amounts so withheld pursuant to the provisions of this section will be paid in lump sum by the Clerk-Treasurer to each such employee during the month of December of each year during which such additional withholding has occurred.
(Ord. 9-77, passed 12-19-77)

§33.03 MILEAGE ALLOWANCE.

A mileage allowance to be established by ordinance may be allowed and paid to city officers and employees for travel necessary and undertaken by private automobile in connection with the responsibility of their respective office or employment.
(Ord. 92-8, passed 7-8-92; Am. Ord. 97-17, passed 7-16-97)

§ 33.04 DEFERRED COMPENSATION PLAN.

(A) The Common Council establishes the Deferred Compensation Plan for the voluntary participation of all eligible city employees and elected officials.

(B) The city will utilize the state's Plan Document and its investment options. The city will contract with Indiana Deferred Compensation Plan, Inc., to be the exclusive servicing manager and en-roller.

(C) The Common Council hereby appoints the Clerk-Treasurer as Administrator of the Plan and authorizes her to make deductions from the pay of employees, who voluntarily participate, and to make such other arrangements as are necessary to implement the plan. It is understood that, other than the incidental of collecting the employees' deferrals and other minor administrative matters, there is to be no cost or contributions by the city to this plan.
(Ord. 84-15, passed 10-15-84)

§ 33.05 SAVINGS BONDS THROUGH PAYROLL PLAN.

(A) The Common Council hereby establishes the United States Saving Bonds Through Payroll Plan of the city for the voluntary participation of all eligible city employees and elected officials.

(B) The city will utilize the National Bond & Trust Company and its investment options. The city will contract with National Bond & Trust Company to be the exclusive servicing manager and en-roller.

(C) The Council appoints the Clerk-Treasurer as Administrator of the Plan, and authorizes her to make deductions from the pay of employees, who voluntarily participate, and to make such other arrangements as are necessary to implement the plan. It is understood that, other than the incidental expenses of collecting the employees' deferrals and other minor administrative matters, there is to be no cost or contribution by the city to this Plan.
(Ord. 84-17, passed 11-19-84)

§ 33.06 PROFESSIONAL ASSOCIATION DUES.

The annual dues for memberships of any and all elected officers and any and all departmental heads of the city in professional associations relating to the functions or responsibilities of their respective offices or departments shall be paid by the city,
(Ord. 5-76, passed 6-21-76)
Cross-reference:
Promotional activities fund, see § 32.04

§33.07 RETIREMENT FUND.

For eligible employees 3 % of their salary/wages will be paid to the Public Employees Retirement Fund by the City of Delphi.
(Ord. 97-17, passed 7-16-97; Am. Ord. 2001-4, passed 8-6-01; Am. Ord. 2001-5, passed 11-5-01)

§ 33.08 AUTHORITY TO KEEP CITY-OWNED VEHICLES.

On call personnel are authorized to keep a city-owned vehicle at their home during their on call shift.
(Ord. 97-17, passed 7-16-97)

CHAPTER 34: POLICE AND FIRE DEPARTMENTS

Section

Police Department

34.01 Salaries and compensation for police officers
34.02 Rank of sergeant created
34.03 Work period

Volunteer Fire Department

34.15 Creation
34.16 Appointment
34.17 Chief to have control and charge
34.18 Chief responsible for operation

POLICE DEPARTMENT

§ 34.01 SALARIES AND COMPENSATION FOR POLICE OFFICERS.

(A) The Common Council shall establish from time to time by ordinance salaries and policies related to such for officers of the Police Department. Said ordinance shall be kept on file in the office of the Clerk-Treasurer. (Ord. 92-8, passed 7-8-92; Am. Ord. 97-17, passed 7-16-97; Am. Ord. 98-8, passed 7-15-98; Am. Ord. 99-1, passed 1-7-99; Am. Ord. 99-6, passed Am. Ord. 2000-7, passed 5-1-00; Am. Ord. 2000-12, passed 8-7-00; Am. Ord. 2000-15, passed 11-6-00; Am. Ord. 2000-16, passed 11-6-00)

(B) When a member of the Police Department of the city is requested or required to appear in court or to perform any other service and the time served does not fall within the limits of his normal eight-hour shift, then the member shall be compensated for such additional time at the rate to be established from time to time by ordinance of the Common Council. Said ordinance shall be kept on file in the office of the Clerk-Treasurer. (Ord. 6-71, passed 11-15-71)

(C) Incentive pay will be paid to Police Officers at the following rates and longevity basis: (1) $100.00 upon completion of three (3) years of service and an additional $50.00 for each year of service thereafter. Incentive pay is limited to a maximum payment of $950.00 for twenty (20) years of service. Incentive payments will be paid annually on each Officers employment anniversary date. Payments will be subject to the appropriate tax withholding requirements. (Ord. 97-17, passed 7-16-97)

(D) In addition to the above stated salary for the Chief of Police, an amount of $2,000.00 will be paid annually for the benefit of the Chief of Police into an Individual Retirement Account. This benefit is applicable only if the Chief of Police is ineligible to participate in the Police Pension Program. (Ord. 97-17, passed 7-16-97)

§34.02 RANK OF SERGEANT CREATED.

The rank of Sergeant is hereby created in the Police Department of the city. This rank shall have a salary to be set from time to time by ordinance of the Common Council.
(Ord. 84-4, 6-18-84)

§34.03 WORK PERIOD.

The work period for Police Officers is 160 hours per 28 day period. Hours in excess of 160 but less than 171 will be paid at the equivalent hourly rate. Hours in excess of 171 will be paid at normal rates.
(Ord. 97-17, passed 7-16-97)

VOLUNTEER FIRE DEPARTMENT

§34.15 CREATION.

The Volunteer Fire Department shall be organized by the adoption of a constitution and bylaws and the approval thereof by the City Council, and shall be governed by the laws of the state applicable thereto, and such rules and regulations as may from time to time be adopted by the Volunteer Fire Department upon approval of the City Council.
063 Code, §9-11

Cross-reference:
Fire prevention, see Ch. 96

§34.16 APPOINTMENT.

The Chief and the officers and men shall be appointed by the Mayor.
('63 Code, § 9-12)

CHAPTER 35: ORDINANCE VIOLATIONS BUREAU

Section

35.01 Ordinance Violations Bureau

§ 35.01 ORDINANCE VIOLATIONS BUREAU.

(A) There shall be created an Ordinance Violations Bureau pursuant to I.C. 36-1-6-9 et seq., as amended, for the city.

(B) The City Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who administers the Bureau.

(C) The Clerk-Treasurer and her staff, as her agents, shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties in the amount and for the violations as provided in this code of ordinances and in the schedule set forth in Ordinance 89-5 that is adopted by reference as if fully set forth herein. Said schedule shall be kept on file in the office of the Clerk-Treasurer.
(Ord. 89-5, passed 5-1-89)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. WATER

52. SEWERS

CHAPTER 50: GARBAGE AND REFUSE

Section

General Provisions

50.01 Definitions
50.02 Business service
50.03 Residential service
50.04 Authorized containers and fees
50.05 Improper disposal
50.06 Recyclable materials
50.07 Special collection fee for dumpsters
50.08 Yard waste
50.09 Revenues

Sanitary Landfills

50.15 Definitions
50.16 Dumps and dumping prohibited

50.98 Violations
50.99 Penalty

GENERAL PROVISIONS

§50.01 DEFINITIONS.

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

BULK ITEMS. Including, but not limited to, furniture, mattresses, carpeting, tires, televisions and non-Freon appliances.

BUSINESS. *A* business shall be defined as a commercial entity that is subject to Indiana's Personal Property Tax. Apartment buildings containing more than four units shall be considered "business" property.

CITY-OWNED RECEPTACLES. Any trash/garbage container or dumpster located on city property, city parks or on public sidewalks.

RESIDENCE. A single family or multi-family dwelling within the city including apartments with less than four units.

RUBBISH. Unacceptable waste including, but not limited to, crates, barrels, building materials, lumber, concrete, metals, shavings, Freon-containing appliances, liquids, liquid and water-carried wastes which are normally disposed of in a sanitary sewer, hazardous waste, rocks or animal carcasses.

TRASH or ***GARBAGE.*** All non-decaying solid and semi-solid items except for rubbish, bulk items and yard waste; waste resulting from handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

YARD WASTE. Grass cuttings and trimmings; leaves; hedge, shrub, bush or tree trimmings; limbs or sticks from trees, bushes, shrubs or hedges, whether alive or dead; and other organic matter normally associated with yard and garden maintenance.
(Ord. 98-5, passed 7-2-98)

§50.02 BUSINESS SERVICE.

It shall be a business owner's responsibility to ensure his/her property is free of trash/garbage, rubbish and/or yard waste, and to assure regularly scheduled trash/garbage removal.

The Superintendent of the Street Department may classify a small business as a residential unit if the Superintendent finds and determines that the business entity requires the same or less services and/or time as a residential unit.
(Ord. 98-5, passed 7-2-98) Penalty, see § 50.99

§50.03 RESIDENTIAL SERVICE.

Effective January 1, 1999, the city will provide for pickup on a weekly schedule of trash/garbage and bulk items pursuant to the authorized containers and fees section of this subchapter. It shall be a residence owner's responsibility to ensure his/her property is free of trash/garbage and/or rubbish and to keep the sidewalks on such property free of trash/garbage, rubbish and/or yard waste.
(Ord. 98-5, passed 7-2-98) Penalty, see § 50.99

§ 50.04 AUTHORIZED CONTAINERS AND FEES.

The following shall become effective January 1, 1999:

(A) *Container*. A securely closed receptacle described as a water-tight metal or plastic garbage can or heavy-duty plastic garbage bag. When full, said container shall weigh no more than 40 pounds and be no larger than 33 gallons. Each residence shall be allowed one container per week at no charge.

(B) Each additional container must display a sticker, to be purchased from the city, or its authorized agents, at a price to be determined by the Common Council of the city. Effective January 1, 1999, a per bag fee of $.50 per bag or container in excess of one bag or container shall apply.

(C) Containers must be placed within five feet of the curb and shall be so located that they cannot be easily upset. These containers must be put out no earlier than 5:00 P.M. on the preceding night and no later than 7:00 A.M. on the morning of scheduled collection.

(D) A "bulk" sticker can be purchased from the city, or its authorized agents, for a fee to be determined by the Common Council of the city. Effective January 1, 1999, a fee of $5 per bulk item tag shall apply.
(Ord. 98-5, passed 7-2-98; Am. Ord. 98-6, passed 7-2-98) Penalty, see § 50.99

§50.05 IMPROPER DISPOSAL.

(A) It shall be unlawful to dispose of trash/garbage, rubbish or yard waste by burial or cremation.

(B) Rubbish will not be collected by the Street Department and remains the resident's responsibility.

(C) Items requiring special handling:

(1) Ashes: must be cooled and bagged.

(2) Broken glass, needles or other sharp or otherwise dangerous objects: must be placed in a non-permeable receptacle prior to placement in an authorized container.

(3) Carpet: must be cut into four foot strips, rolled and tied, and protected from the weather.
(Ord. 98-5, passed 7-2-98) Penalty, see § 50.99

§ 50.06 RECYCLABLE MATERIALS.

The city may provide one or more community recycling options where residents or business owners of the community may dispose of their recyclable materials. These recyclables, once collected, become subject to the control of the city.
(Ord. 98-5, passed 7-2-98)

§ 50.07 SPECIAL COLLECTION FEE FOR DUMPSTERS.

The city may provide dumpsters to residence owners for the purpose of disposal of a large amount of rubbish, excepting roofing materials. The charge for such dumpsters shall be established by the

Superintendent of the Street Depaftment based upon the current tipping fees, plus a nominal service charge. It shall be the Superintendent's discretion as to how long each dumpster shall remain at a site. (Ord. 98-5, passed 7-2-98; Am. Ord. 98-6, passed 7-2-98)

§50.08 YARD WASTE.

(A) Yard waste will be collected once per week in season. All yard waste must be bagged or in a container. Yard waste shall not contain any trash/garbage or rubbish.

(1) Grass clippings shall be bagged or in a container and protected from the weather.

(2) During fall leaf collection, leaves shall be raked along the curb in the street. Leaves shall not exceed four feet into the roadway and shall be raked clear of utility poles and mailboxes. During the remainder of the year, all leaves shall be bagged or in a closed container.

(B) The city will collect tree limbs of a maximum 5" in diameter. Limbs over 1" in diameter must be trimmed to single branches. Limbs must be bundled, in a container or neatly stacked with the ends facing the same direction, parallel to the street, within five feet of the curb.

(C) If a private tree service is used, it shall be the tree service's responsibility to remove all yard waste.

(D) No fee shall be assessed by the city for the collection of yard waste.
(Ord. 98-5, passed 7-2-98; Am. Ord. 98-6, passed 7-2-98)

§50.09 REVENUES.

Any revenue generated by the sale of stickers and/or the payment of fines shall be appropriated to the City Street Department to offset the costs associated with its solid waste management programs and operations.
(Ord. 98-5, passed 7-2-98)

SANITARY LANDFILLS

§50.15 DEFINITIONS.

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

DUMP. Any land or area used for the throwing, storage, dumping, or disposing of refuse of any sort not conforming to the requirements of a sanitary landfill as hereinafter prescribed.

REFUSE. Any waste materialof any sort, nature or kind, trash, debris, rubbish, garbage, offal, filth and excrement, including both sanitary and solid waste as hereinafter defined.

SANITARY WASTE. Any and all refuse of an organic nature subject to decay, putrefaction or rot, including but not limited to garbage, rejected food, offal, filth and excrement.

SOLID WASTE. Refuse not subject to decay or putrefaction.
('63 Code, § 11-4).

§50.16 DUMPS AND DUMPING PROHIBITED.

No person shall maintain or cause, or permit to be maintained any dump, either public or private, within the corporate limits of the city.
('63 Code, § 11-5)

§50.98 VIOLATIONS.

(A) *Upsetting and damaging containers.* It shall be unlawful for any person to willfully upset or overturn or take any receptacle or container for trash/garbage or to remove stickers from containers. ('63 Code, § 11-9) (Am. Ord. 98-5, passed 7-2-98)

(B) *Mixing garbage and rubbish.* It shall be a violation of this chapter for any person to place broken glass or any other sharp or otherwise dangerous objects in any heavy-duty garbage bags. The reason for excluding this dangerous material from plastic bags is to protect city employees or private garbage or rubbish collectors who must handle the material from physical harm. ('63 Code, § 11-10) (Am. Ord. 3-78, passed 5 -15-78)

(C) It shall be unlawful for any person to use the container of another person or business, or city-owned receptacles, for the disposal of trash/garbage, rubbish and/or yard waste. It shall be the violated property owner's responsibility to advise the City Police Department of the violation and to assure the disposal of the trash/garbage. Any person so violating this section or permitting such violation shall be subject to criminal proceedings pursuant to state criminal statutes, (Ord. 98-5, passed 7-2-98)

§50.99 PENALTY.

(A) Any person violating any of the provisions of this chapter for which no other penalty is set forth or refusing to comply with any of the provisions therein contained shall upon conviction be fined in any sum of not more than $2,500 and each day's continuance of such violation or failure shall be a separate and distinct offense. ('63 Code, § 11-11)

(B) Failure to maintain property pursuant to the requirements of § 50.02 and § 50.03 shall be a Class C infraction and may result in written notification of the failure or a citation for violation of the Class C infraction and the violator shall be subject to penalties as provided by the state laws relative to Class C infractions. (Ord. 98-5, passed 7-2-98)

(C) Failure to comply with the authorized containers and fees policy pursuant to the requirements of § 50.04 shall be a Class C infraction and may result in written notification of the failure or a citation for violation of the Class C infraction and the violator shall be subject to penalties as provided by the state laws relative to Class C infractions. (Ord. 98-5, passed 7-2-98)

CHAPTER 51: WATER

Section

General Provisions

51.01 Establishment; jurisdiction
51.02 Board of Public Works and Safety to control
51.03 Superintendent; duties
51.04 Agent; Duties
51.05 Salaries of Water Works employees
51.06 Funds
51.07 Water Works not liable
51.08 Turn-off; fee
51.09 Delinquent accounts
51.10 Wasting water
51.11 No water user exempt due to absence
51.12 Steam users
51.13 Notice to discontinue
51.14 Prohibited activities

Services and Fixtures

51.20 Meters
51.21 Inspections and meter readings
51.22 Turn-on
51.23 Service pipe

Charges and Water Rents

51.35 Tap fees
51.36 Metered rate
51.37 Minimum charge
51.38 Automatic sprinkler connections
51.39 Public and private fire protection services
51.40 Temporary users
51.41 Railroads
51.42 Collection or deferred payment charge

Cross-Connections

51.50 Definition
51.51 Cross-connections prohibited
51.52 Inspections
51.53 Discontinuance of service; emergency discontinuance
51.54 Backflow preventer required
51.55 Regulations supplementary

Water Shortages

51.60 Application
51.61 Declaration of Need
51.62 Exceptions
51.63 Voluntary Conservation
51.64 Mandatory Conservation
51.65 Rationing
51.66 Notice

51.99 Penalty

Cross-reference:

Utility Rate Advisory Board, see § 31.05

GENERAL PROVISIONS

§ 51.01 ESTABLISHMENT; JURISDICTION.

(A) The following bylaws, rules and regulations are established and adopted for the management, protection and control of the Water Works of the city.
(Ord. 84-14, passed 10-15-84)

(B) The Common Council determines to remove the Water Works from the jurisdiction of the Indiana Regulatory Commission pursuant to IC 8-1.5-3-9.1. Written notice of this determination has been provided to all rate payers of the Water Works and to the said Commission in accordance with said statute.
(Ord. 90-12, passed - -90)

(C) The city's water utility is removed from the jurisdiction of the Indiana Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 94-2, passed - -94)

(D) The City of Delphi shall be, and is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness. (Ord. 2005-1, passed May 2, 2005)

§ 51.02 BOARD OF PUBLIC WORKS AND SAFETY TO CONTROL.

The Water Works shall be under the control and management of the Board of Public Works and Safety, with power to do all such acts as may be necessary for the prudent and efficient management, protection and control thereof not inconsistent with the applicable provisions of this code and any other ordinance of the city, and rules and regulations established, or which mayhereafter be established, by the Common Council in regard to the Water Works.
(Ord. 84-14, passed 10-15-84)

§ 51.03 SUPERINTENDENT; DUTIES.

(A) Appointment. In January after each municipal election, the City Board of Public Works shall appoint a Superintendent of the Water Works, who shall be subject to removal at the pleasure of the Board of Public Works. At the same time the Board of Public Works shall appoint such additional employees of the Water Works as it deems necessary, who shall be under the supervision of the Superintendent and the Board of Public Works and Safety, and shall be subject to removal at the pleasure of the Board of Public Works.

(Continued on next page)

(B) ***Duties.***

(1) The Superintendent shall have general supervision of the Water Works and shall perform the duties assigned to him or her in Article I, entitled "The Superintendent" in the *Rules and Regulations* for the government and protection of the Water Works, and such other duties as may be assigned to him or her from time to time by the Board of Public Works and Safety.

(2) The Superintendent shall be the general executive officer of the Water Works, and he or she shall:

(a) Enforce all rules and regulations of the Common Council in regard to the Water Works;

(b) Assure compliance with the provisions of all contracts by or with the Board of Public Works and Safety or the Water Works;

(c) Keep the Board of Public Works and Safety informed regarding the Water Works and make suggestions in connection therewith;

(d) Supervise the operation, maintenance, repair, alteration and replacement of all of the property of the Water Works, including the personal property thereof and the real estate thereof and the and the pumping station, wells, buildings, grounds, pipelines, distributing pipes and meters of the Water Works, except the property under the control of the Agent, and he or she shall keep accurate records in connection therewith;

(e) Supervise all employees of the Water Works, except the Agent and his or her assistant.

(f) Supervise all water extensions or repairs for excavations made for such extensions or repairs, perform or supervise all tappings of the mains, and inspect all additions, alterations or repairs made by any water taker or customer;

(g) Cause all water meters to be read and such readings to be reported to the Agent;

(h) See that the Fire Department is furnished with sufficient water;

(i) Turn off the water for all delinquent water takers or customers when ordered by the Agent, and turn the same on again when such delinquency together with all collection or deferred payment charges are paid in full;

(j) Work with the Agent in enforcing the bylaws, rules, regulations, ordinances and resolutions of the city or of the Common Council, or of the Board of Public Works and Safety; and

(k) Perform such other acts and duties as may be prescribed by the Board of Public Works and Safety.
(Ord. 84-14, passed 10-15-84; Am. Ord. 98-4, 6-4-98)

§ 51.04 AGENT; DUTIES.

(A) *Duties.*

(1) The City Clerk-Treasurer shall act as Agent of the Water Works.

(2) The Agent shall be the clerk, treasurer and collector for the Water Works, and he or she shall:

(a) Procure such books, blanks, forms and supplies as are necessary to carry out the provisions of this chapter and to properly conduct his or her office;

(b) Order all supplies and equipment for the proper maintenance of the Water Works;

(c) Maintain a business office for the Water Works, and the hours of such office shall be from 8:00 a.m. to 5:00 p.m. on Monday, Tuesday, Thursday and Friday of each calendar week and from 8:00 a.m. to 12:00 noon on Wednesday of each calendar week, excepting holidays;

(d) Have the care and safekeeping of the books and papers belonging to the Water Works;

(e) Receive all monies paid to or belong to the Water Works and make disbursements from the same upon the presentation of proper warrants;

(f) Keep an accounting of all receipts and disbursements and other transactions of the Water Works;

(g) Prepare and send monthly all necessary statements for water rents and give all necessary notices for the collection of water rents and collection charges, pursuant to the provisions of this chapter and these bylaws, rules and regulations, and as the same may be amended from time to time;

(h) Keep a complete and accurate list and record of all water takers or customers.

(i) Make an annual report to the Common Council of the receipts and disbursements of the Water Works and such further reports as may be required by said Council.

(j) Issue all water tap permits and applications and place the name of the applicant in the proper books of his or her office;

(k) Work with the Superintendent in enforcing the bylaws, rules, regulations, ordinances and resolutions of the city or of the Common Council, or of the Board of Public Works and Safety; and

(1) Perform such other acts and duties as may be prescribed by the Board of Public Works and Safety,

(C) The City Clerk-Treasurer, in issuing warrants for payments upon all matters arising out of services in and about the Water Works, shall endorse upon such warrants "Water Works" and the department thereof.
(84-14, passed 10-15-84; Am. Ord. 87-11, passed 12-30-87)

§ 51.05 SALARIES OF WATER WORKS EMPLOYEES.

The Common Council shall by ordinance from time to time fix the salary of the Agent, Superintendent and the employees of the Water Works.
(Ord. 2-69, passed - -69)

§51.06 FUNDS.

(A) In addition to the funds already provided, there shall be kept a Water Works Operation and Maintenance Fund, a Bonded Interest Redemption Fund, and a Depreciation Fund, which funds shall be separate from other funds, and all water rents, dues, incomes, fines and penalties assessed or collected by reason of the provisions of this chapter shall be paid into the applicable fund.

(B) The Common Council may at any time permitted by law order all surplus Water Works funds transferred to the general funds of the city.
(Ord. 84-14, passed 10-15-84)

§ 51.07 WATER WORKS NOT LIABLE.

It is made a condition precedent to the use of water by any taker or customer, and the permission to tap any main and connection service pipe therewith, or to connect service pipe with any branch main, that no damage or compensation shall be demanded of the Water Works or of the city for any injury caused by the breakage of any water main or service pipe or by shutting off the water to repair a water main, or by shutting off the water for any other purpose, and the taking or use of water shall operate as a discharge of any right of action against the Water Works.
(Ord, 84-14, passed 10-15-84)

§ 51.08 TURN-OFF; FEE.

Each taker or customer, who is not delinquent in the payment of his or her water rent, shall be entitled to one turn-off of water for his or her premises and one turn-on therefor in each calendar year without any fee for turning on the same. Thereafter he or she shall be charged a fee of $20.
(Ord. 84-14, passed 10-15-84; Am. Ord. 93-15, passed - -93)

§51.09 DELINQUENT ACCOUNTS.

(A) If any statement for water rent is not paid by the fifth working day following the due date as indicated on the statement, the water to the premises of such delinquent user or customer shall be turned off and not turned on again until all delinquent water rents collection charges are paid in full and an additional fee of $25 for the first such reconnection and $35 for each such reconnection thereafter is paid. Takers or customers who have become delinquent, or owe the Water Works in any sum for water or collection charges, shall not be permitted to take water from any tap until all such delinquency or charges have been paid except as follows:

(1) For owners of single family residences, forbearance may be granted by the agent for a hardship only. Hardship shall be defined as unemployment or catastrophic illness.

(2) Forbearance for other reasons must be approved by a member of the Board of Works.

(3) Forbearance for non-property owners may be granted for the same reasons only after receiving approval of the property owner.

(4) In matters of forbearance, the amount due must be repaid in regular installments over a period not to exceed 30 days. Requests for terms exceeding 30 days must be approved by the Board of Works.

(B) It is hereby expressly stated that the ultimate responsibility for water rent shall be the owner of the property to which water is furnished. The City Water Works shall be entitled to deny water service to any property in which there is a default in payment of any water rent regardless of the individual or individuals who had made use of such water.
(Ord. 98-4, passed 6-4-98)

§51.10 WASTE WATER.

Waste of water will be sufficient causes for shutting off the supply to any premises.
(Ord. 84-14, passed 10-15-84)

§ 51.11 NO WATER USER EXEMPT DUE TO ABSENCE.

No persons shall be exempt from the payment of water rent because of absence from the City.
(Ord. 84-14, passed 10-15-84)

§51.12 STEAM USERS.

All parties using water for steam purposes shall provide suitable tanks of capacity sufficient to afford a supply for at least ten hours in case the water should be shut off; and no claim for damages

on account of such shutting off of the water will be allowed to any person failing to comply with this regulation.
(Ord. 8444, passed 10-15-84)

§ 51.13 NOTICE TO DISCONTINUE.

In case any taker or customer desires to discontinue the use of water, he must give notice of his intention to the Agent.
(Ord. 84-14, passed 10-15-84)

§ 51.14 PROHIBITED ACTIVITIES.

(A) *Shut-off key. A* plumber shall not loan or furnish any taker or customer with a shut-off key whereby said taker or customer may tamper with or turn the water on or off at the stopcock at the curb.

(B) *Hydrants.*

(1) Opening. No person shall open or attempt to open any public hydrant, fire plug or sprinkler, or turn on any public stopcock, or take water therefrom, except as authorized by the Superintendent.

(2) Obstructing. No person shall obstruct access to or the use of any fire hydrant or stopcock.

(C) *Water Works property.* No person shall injure in any manner any building, machinery, pipe, apparatus, tool, fixture, equipment or other property of the Water Works.

(D) *Illegal taps and connection.* No person, except duly authorized agents of the Water Works acting under the direction of the Superintendent, will be permitted to tap or make any connection with or alteration to the mains or distributing pipes of the Water Works.

(E) *Illegal turn on and off.*

(1) No person, whose service shall have been turned off, shall be allowed to reopen or turn on the water, or shall permit the same to be done except with the consent of the Superintendent or Agent.

(2) No person, except duly authorized agents of the Water Works, shall tamper with any stopcock at the curb or possess any shut-off key for the purposes of turning on or off water at the curb.
(Ord. 84-14, passed 10-15-84)

SERVICES AND FIXTURES

§51.20 METERS.

(A) *Required.* Each premises or tenement shall have a separate water meter, unless the owner or operator thereof requests only one meter. The Agent shall make only one statement for each meter, and the person controlling such meter shall pay all of the water rent for such meter.

(B) *Placement.* The Board of Public Works and Safety reserves the right to place on or install a water meter to any service pipe where the Board deems a meter advisable. The taker or customer will be required to rearrange or change his or her plumbing to meet the requirements of the Board.

(C) *Damage.* Except for structural defects and ordinary wear and tear, the taker or customer shall be held responsible for all damages to meters arising from his or her violation of any provisions of this chapter. All charges for such damages shall be payable within ten days from date of statement or demand.

(D) *Repair or removal* Only a person duly authorized by the Board of Public Works and Safety shall be allowed to take off, repair or place on water meters.
(Ord. 84-14, passed 10-15-84; Am. Ord. 98-4, passed 6-4-98)

§ 51.21 INSPECTIONS AND METER READINGS.

(A) The Superintendent and the proper officers of the Water Works shall have free access, at all reasonable hours, to all parts of the premises to which water is supplied to make necessary examinations or inspections or for due purpose of reading water meters.

(B) The city shall charge the City Wastewater Department a monthly fee for the services of meter reading. This charge will be in the amount of $1.00 per meter, per month, retroactive to January 1, 1998.
(Ord. 84-14, passed 10-15-84; Am. Ord. 98-3, passed 6-4-98)

§51.22 TURN-ON.

The water will not be turned on for any property or private service pipe except by the Superintendent or someone authorized by the Superintendent or agent and then only after the applicant has paid his water rent, collection charges, tap fees or other amounts then due and payable to the Water Works, both the Superintendent or Agent may authorize plumbers to turn on the water for purposes of testing only and when such testing is completed the water shall be turned off again.
(Ord. 84-14, passed 10-15-84; Am. Ord. 98-4, passed 6-4-98)

§51.23 SERVICE PIPE.

(A) Persons taking water must keep the service pipes and all the fixtures connected therewith in good repair and protected from frost at their own expense,

(B) Every service pipe must be placed at least 42 inches below the grade, and so protected as to prevent injury by freezing.

(C) Where service pipe passes through or within three feet of a vault, sewer, drop or wall of any kind, the pipe must be encased or otherwise protected from frost.

(D) Laying a water service pipe in or along a sewer trench is positively forbidden.
(Ord. 84-14, passed 10-15-84**)**

CHARGES AND WATER RENTS

§51.35 TAP FEES.

(A) (1) Any person desiring water service shall file with the Agent an application for a tap permit, shall sign a water user's agreement, and shall pay a tap fee to the Water Works as follows:

(a) The sum of $750.00 for a 5/8" or 3/4" tap, including a meter which shall remain the property of the Water Works;

(b) The sum of $750.00, or the actual cost, whichever is greater for a 1" tap, including a meter, which meter shall remain the property of the Water Works; and

(c) For a tap larger than 1", the applicant shall pay a fee in an amount estimated by the Superintendent to be sufficient to pay the cost of labor and materials necessary for such tap, and upon completion of such tap the applicant shall pay to the Water Works the balance, if any, of such cost, or the Agent shall pay to the applicant any excess of the fee so paid over such cost.

(d) A larger than 1" meter is the property owner's meter to maintain and repair.

(2) In addition, the applicant shall pay, as a deposit to the Water Works as follows:

(a) For single family residential customers, a sum equal to the total of the water rents for the property of the applicant for two months, as estimated by the Agent and Superintendent, but the minimum deposit shall be $50.

(b) For all other customers, a sum equal to the total of the water rents for the property of the applicant for two months, as estimated by the Agent and Superintendent, but the minimum deposit shall be $75.

(c) In the event of default in payment of any water rent such deposit may be applied by the Agent toward the payment of such water rent. Upon payment of said fees the Agent shall issue the necessary tap permit to the applicant, who shall be deemed to have agreed to all of the provisions of this chapter. The Water Works shall furnish all labor and materials necessary to make all taps and shall maintain the pipes or lines from the main water line to the curb or meter, whichever is nearer to the main water line, and the applicant or the owner of the property on which the service line is located shall maintain the pipe or line therefrom to the building or other place of use. In the event the applicant applies for a tap permit for property not on a street in which is located a water main, said applicant shall also be required to bear and pay all of the expense of such tap to and from the existing water line in the nearest street where said main is located, in addition to the tap fee hereinabove required to be paid.

(B) Fees for a second tap permit to the same premises will be charged at the same rates as set out in division (A) of this section.
(Ord. 84-14, passed 10-15-84; Am. Ord. 89-10, passed 8-7-89; Am. Ord. 93-15, passed - -93; Am. Ord. 98-4, passed 6-4-98)

§51.36 METERED RATE.

Each taker or customer shall pay the following metered charges as water rent to the Water Works:

METERED	Effective Date	MONTHLY RATE PER 100 C.F.			
		June 5, 2006	Jan. 1, 2007	Jan. 1, 2008	Jan. 1, 2009
	Approved Increase:	12%	8%	8%	4%
FIRST	500 CU. FT.	$3.14	$3.39	$3.66	$3.81
NEXT	1,000 CU. FT.	2.83	3.06	3.30	3.43
NEXT	1,500 CU. FT.	2.50	2.70	2.92	3.04
NEXT	2,000 CU. FT.	2.08	2.25	2.43	2.53
NEXT	2,500 CU. FT.	1.75	1.89	2.04	2.12
OVER	7,500 CU. FT.	1.27	1.37	1.48	1.54

(Ord. 84-14, passed 10-15-84; Am. Ord. 93-15, passed - -93; Am. Ord. 95-3, passed 2-27-95; Am. Ord. 98-4, passed 6-4-98; Am. Ord. 98-7, passed 5-21-98, Am. Ord. 2006-1, passed June 5, 2006)

§ 51.37 MINIMUM CHARGE.

Each taker or customer shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the taker will be entitled to the quantity of water set out in the metered schedule of rates set forth in § 51.36:

METER SIZE		Effective Date:	MONTHLY MINIMUM CHARGE / CF ALLOWED			
			June 5, 2006	Jan. 1, 2007	Jan. 1, 2008	Jan. 1, 2009
		Approved Increase:	12%	8%	8%	4%
5/8	INCH	200	$6.27	$6.77	$7.31	$7.60
3/4	INCH	266	8.33	9.00	9.72	10.11
1	INCH	520	6.25	17.55	18.95	19.71
1	INCH	845	25.45	27.49	29.69	30.88
1	INCH	1,198	35.45	38.29	41.35	43.00
2	INCH	1,977	55.89	60.36	65.19	67.80
3	INCH	5,331	129.25	139.59	150.76	156.79
4	INCH	14,100	250.17	270.18	291.79	303.46
6	INCH	30,966	462.81	499.83	539.82	561.41

(Ord. 84-14, passed 10-15-84; Am. Ord. 93-15, passed - -93; Am. Ord. 95-3, passed 2-27-95; Am.Ord. 98-4, passed 6-4-98; Am. Ord. 98-7, passed 5-21-98, .Am Ord. 2006-01, passed June 5, 2006)

§ 51. 38 AUTOMATIC SPRINKLER CONNECTIONS.

The following shall be paid for private fire protection:

		FIRE PROTECTION ANNUAL CHARGE			
	Effective Date:	June 5, 2006	Jan. 1, 2007	Jan. 1, 2008	Jan. 1, 2009
	Approved Increase:	12%	8%	8%	4%
Public Hydrants, per hydrant		$416.95	$450.31	$486.33	$505.78
Private Hydrants, per hydrant		416.95	450.31	486.33	505.78
AUTOMATIC SPRINKLERS:					
2	Inch connection and under	$100.07	$108.08	$116.73	$121.40
3	Inch connection	225.15	243.16	262.61	273.11
4	Inch connection	300.20	324.22	350.16	364.17
6	Inch connection	500.36	540.39	583.62	606.96
8	Inch connection	500.36	540.39	583.62	606.96

(Ord. 95-3, passed 2-27-95; Am. Ord. 98-4, passed 6-4-98, Am. Ord. 2006-1, passed June 5, 2006)

§ 51.39 PUBLIC AND PRIVATE FIRE PROTECTION SERVICES.

The amount to be paid by the city for fire hydrants rental shall be $175.50 per hydrant per year, payable semi-annually. The amount to be paid by owner or owners of private fire protection as rental shall be $175.50 per hydrant per year, payable semi-annually. (Ord. 84-14, passed 10-15-84; Am. Ord. 93-15, passed - -93; Am. Ord. 95-3, passed 2-27-95; Am. Ord. 98-4, passed 6-4-98)

§51.40 TEMPORARY USERS.

Water furnished to temporary takers and customers, such as contractors, circuses and the like, shall be charged on the basis of the metered cubic feet rates set forth in this chapter as estimated and established by the Waterworks Superintendent. (Ord. 84-14, passed 10-15-84; Am. Ord. 95-3, passed 2-27-95; Am. Ord. 98-4, passed 6-4-98)

§51.41 RAILROADS.

Water supplied for railroad cars may be charged for on such terms as shall be fixed by contract approved by the Board of Public Works and Safety and the Public Service Commission of Indiana. (Ord. 84-14, passed 10-15-84)

§ 51.42 COLLECTION OR DEFERRED PAYMENT CHARGE.

All bills for water service not paid within 15 days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first $3, and 3% on the excess over $3, (Ord. 84-14, passed 10-15-84)

§51.43 BAD CHECK AND RECONNECTION CHARGES

(A) A Reconnection charge of $25.00 will be imposed on each occurrence of a reconnection.

(B) A Bad Check charge of $25.00 will be imposed on all checks returned to the City for insufficient funds, closed accounts, or other reasons of nonpayment.
(Am. Ord. 2006-1, passed June 5, 2006)

CROSS-CONNECTIONS

§51.50 DEFINITION.

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

CROSS-CONNECTION. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city 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 flow from one system to the other, direction of flow depending on the pressure differential between the two systems.
(Ord. 84-1, passed 2-20-84)

§ 51.51 CROSS-CONNECTIONS PROHIBITED.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private auxiliary or emergency water supply other than the regular public water supply m a y enter the supply or distribution system of the city, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Works and by the Environmental Management Board in accordance with Rule 320 IAC 3-9. (Ord. 84-1, passed 2-20-84)

§ 51.52 INSPECTIONS.

(A) It shall be the duty of the Utility Superintendent 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 as established by the Water Works.

(B) Upon presentation of credentials, the representative of the Water Works shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.
(Ord. 84-1, passed 2-20-84)

§ 51.53 DISCONTINUANCE OF SERVICE; EMERGENCY DISCONTINUANCE.

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

(B) If it is deemed by the Water Works that a cross-connecting or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer [Agent] and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of such emergency discontinuance.
(Ord. 84-1, passed 2-20-84)

§51.54 BACKFLOW PREVENTER REQUIRED.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users shall install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. (Ord. 84-1, passed 2-20-84)

§ 51.55 REGULATIONS SUPPLEMENTARY.

This subchapter does not supersede the State Uniform Plumbing Code or the plumbing regulations of the city, but it is supplementary to them. (Ord. 84-1, passed 2-20-84)

WATER SHORTAGES

§51.60 APPLICATION.

Sections 51.60 through 51.66 shall apply to all persons, firms, partnerships, companies, associations, corporations or organizations of any kind connected to the city public water system or using water therefrom (hereafter called Users). (Ord. 96-10, passed 6-6-96)

Water

§51.61 DECLARATION OF NEED.

Upon determining that the city's public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body may declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof. (Ord. 96-10, passed 6-6-96)

§51.62 EXCEPTIONS.

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

(A) Health care providers.

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

(C) Those industrial and agricultural activities declared to be necessary for the public health and well-being. (Ord. 96-10, passed 6-6-96)

§ 51.63 VOLUNTARY CONSERVATION.

In accordance with § 51.66, Users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body may suggest reasonable and meaningful actions which will help to alleviate existing or potential water shortage. (Ord. 96-10, passed 6-6-96)

§ 51.64 MANDATORY CONSERVATION.

In accordance with § 51.66, Users shall be restricted from the water uses listed below, subject to reasonable terms, times and conditions as the governing body shall determine.

(A) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation. The water use shall be permitted for property located on the north side of Deer Creek in the city on even numbered days of the month and shall be permitted on the south side of Deer Creek in the city on odd numbered days. All watering permitted by this subsection shall be after sundown of each day or before sunrise.

(B) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment. The water use shall be permitted on weekends only with

such use by property owners located on the north side of Deer Creek in the city on Saturday and shall be permitted on the south side of Deer Creek in the city on Sunday.

(C) Cleaning or spraying of sidewalks, driveways, paved areas or other outdoor surfaces shall not be permitted at any time.

(D) Washing and cleaning of any business equipment or machinery shall be permitted only after sundown of each day and only before sunrise.

(E) The filling of swimming pools, wading pools and ornamental fountains shall not be permitted.

(F) It shall not be permitted to knowingly allow leakage through defective plumbing.

(G) Non-residential users will be required to abide by subsections (A) through (F) above and in addition, shall restrict usage to the absolute minimum amount required to maintain basic operation. (Ord. 96-10, passed 6-6-96)

§51.65 RATIONING.

In addition to the mandatory conservation measures of § 51.64 and in accordance with § 51.66, Users shall be limited to water use per the following schedule:

(A) Residential use shall be limited to 30 gallons per person per day.

(B) In the event the governing body determines it is in the best interest of the citizens of the city, the governing body shall have the discretion to terminate the supply of water to business, commercial and industrial users for such time period as shall be necessary. (Ord. 96-10, passed 6-6-96)

§51.66 NOTICE.

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

(B) Notice of mandatory conservation or rationing shall be by first class United States mail or by door to door distribution to each current User, and by electronic and print media. The notice shall be deemed effective on the conclusion of door to door distribution, or at noon of the third day after depositing the notice in the United States mail.
(Ord. 96-10, passed 6-6-96)

§51.99 PENALTY.

(A) Any person who shall violate or fail to comply with the provisions of this chapter, or who shall counsel, aid or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine not to exceed $2,500.
(Ord. 84-14, passed 10-15-84)

(B) Any User who violates §§ 51.64 or 51.65 may be punished by a fine of not more than $2,500. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any User who violates §§ 51.64 or 51.65.
(IC 36-1-3-8(10)) (Ord. 96-10, passed 6-6-96)

CHAPTER 52: SEWERS

Section

General Provisions

52.01 Definitions
52.02 Unsanitary deposits unlawful
52.03 Destruction of sewer system property
52.04 Privies and septic tanks regulated
52.05 Toilet facilities and sewer connections required
52.06 Private sewage disposal systems

Sewer Connections

52.15 Permit required
52.16 Costs to be borne by owner
52.17 Separate connection required; exception
52.18 Old building sewers
52.19 Materials and specifications
52.20 Prohibited connections
52.21 Inspections
52.22 Excavations; barricades and lights required

Discharges into Public Sewers

52.30 Natural outlets
52.31 Unpolluted drainage
52.32 Wastes and wastewater
52.33 Prohibited substances
52.34 Pretreatment
52.35 Grease, oil and sand interceptors
52.36 Manholes
52.37 Measurements and tests
52.38 Special agreements

Rates and Charges

52.50 Sewage rates
52.51 Monthly usage
52.52 Minimum charge
52.53 Classes of sewer users
52.54 Sampling requirements
52.55 Limits, surcharges, and penalties
52.56 Premises and facilities
52.57 Responsibility for cost of capital items

Administration and Enforcement

52.60 Inspections

52.97 Industrial User Affirmative Defense
52.98 Violations
52.99 Penalty

GENERAL PROVISIONS

§52.01 DEFINITIONS.

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

BOD (denoting BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 200° C, expressed in milligrams per liter.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER . A sewer receiving both surface runoff and sewage. GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

INSPECTOR. The person or persons duly authorized by the city, through its Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.

NATURAL OUTLET Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow

[§ 52.01 Continues on Next Printed Page]

conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

PUBLIC SEWER. *A* sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY BUILDING DRAIN. That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building walls where it connects with its respective building sewer.

SANITARY SEWER. *A* sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWAGE. *A* combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWER. *A* pipe or conduit for carrying sewage.

SLUG. Any discharge of water, sewage, or industrial waste Which in concentration of any given constituent or in quantity of flow exceeds for a*ny* period of duration longer then 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

STORM DRAIN or ***STORM SEWER.*** *A* sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of the municipal sewage works or his authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE. *A* channel in which a flow of water occurs, either continuously or intermittently.
(Ord. 8-67, passed 1-22-68)

§ 52.02 UNSANITARY DEPOSITS UNLAWFUL.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary

manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
(Ord. 8-67, passed 1-22-68)

§ 52.03 DESTRUCTION OF SEWER SYSTEM PROPERTY,

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the city sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct,
(Ord. 8-67, passed 1-22-68)

§ 52.04 PRIVIES AND SEPTIC TANKS REGULATED.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 8-67, passed 1-22-68)

§ 52.05 TOILET FACILITIES AND SEWER CONNECTIONS REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that the public sewer is within 100 feet of the property line, on or before a date for connection as stated in a written notice to do so. The notice shall be in writing and shall be given by the city by its Clerk-Treasurer by certified mail to the property owner at the address of such property, not less than 90 days prior to the date for connection as stated in said notice and upon determination that the public sewer is ready to receive the sewage therefrom; and the city by its Clerk-Treasurer shall give such further notice, if any, as it may deem necessary or proper.
(Ord. 8-67, passed 1-22-68)

§ 52.06 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 52.05, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans,

specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $5 shall be paid to the city at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 5,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter on or before a date for connection as stated in a written notice to do so, and any use of any privies, cesspools, septic tanks, and similar structures shall be discontinued on or before the date so stated, and all such private sewage disposal facilities so discontinued shall be cleaned of sludge or sewage and filled with clean bank-run gravel or dirt. The notice shall be in writing and shall be given by the city by its Clerk-Treasurer by certified mail to the property owner at the address of the property, not less than 90 days prior to the date for connection as stated in the notice and upon determination that the public sewer is ready to receive the sewage therefrom; and the city by its Clerk-Treasurer shall give Such further notice, if any, as it may deem necessary or proper.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(Ord. 8-67, passed 1-22-68)

SEWER CONNECTIONS

§52.15 PERMIT REQUIRED.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of $300 for a residential or commercial building sewer permit and $500 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.
(Ord. 8-67, passed 1-22-68; Am. Ord. 89-11, passed 8-7-89)

§52.16 COSTS TO BE BORNE BY OWNER.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Ord. 8-67, passed 1-22-68)

§ 52.17 SEPARATE CONNECTION REQUIRED; EXCEPTION.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer,
(Ord. 8-67, passed 1-22-68)

§ 52.18 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.
(Ord. 8-67, passed 1-22-68)

§ 52.19 MATERIALS AND SPECIFICATIONS.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the *A.S.T.M. and W.P.C.F. Manual of Practice Number 9* shall apply.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the *A.S.T.M. and the W. P.C.F. Manual of Practice Number 9.* All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
(CM. 8-67, passed 1-22-68)

§ 52.20 PROHIBITED CONNECTIONS.

No person shall make connection of roof downspouts, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Ord. 8-67, passed 1-22-68)

§52.21 INSPECTIONS.

The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.
(Ord; 8-67, passed 1-22-68)

§ 52.22 EXCAVATIONS; BARRICADES AND LIGHTS REQUIRED.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a mariner satisfactory to the city.
(Ord, 8-67, passed 1-22-68)

DISCHARGES INTO PUBLIC SEWERS

§ 52.30 NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been

provided in accordance with subsequent provisions of this chapter.
(Ord. 8-67, passed 1-22-68)

§52.31 UNPOLLUTED DRAINAGE,

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooking water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
(Ord. 8-67, passed 1-22-68)

§ 52.32 WASTES AND WASTEWATER.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, petroleum, oil, nonbiodegradable cutting oil, products of mineral oil origin, or other flammable or explosive liquid, solid, or gas that could create a fire or explosion hazard or could cause pass through or interference at the wastewater treatment plant, including waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit [sixty (60) degrees Celsius] using the test methods in 40 CFR 261.21.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(D) Solid or viscous substances in such quantities or of such size as are capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.
(Ord. 8-67, passed 1-22-68) (Amended Ord. 2007-7, passed August 6, 2007)

§52.33 PROHIBITED SUBSTANCES.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F (65° C.) or heat in any amount that could: (a) inhibit biological activity and result in interference or damage at the wastewater treatment plant, or (b) exceed 104° F (40° C) at the wastewater treatment plant.

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0 and 65° C.).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes caving a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limiited to, Fullers earth, lime slurries, and lime residues.) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process; employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Any trucked or hauled pollutant, except with the permission of the Superintendent and at a discharge point designated by the Superintendent.

(12) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(B) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (A) of this section and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitutes a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 5238.

(Ord. 8-67, passed 1-22-68) (Amended Ord. 2007-7, passed August 6, 2007)

§52.34 PRETREATMENT.

(A) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

(B) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
(Ord. 8-67, passed 1-22-68)

§ 52.35 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid woes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
(Ord. 8-67, passed 1-22-68)

continued on next page

§ 52.36 MANHOLES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
(Ord. 8-67, passed 1-22-68)

§52.37 MEASUREMENTS AND TESTS.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD) and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.
(Ord. 8-67, passed 1-22-68)

§ 52.38 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.
(Ord. 8-67, passed 1-22-68)
Cross-reference:
Special rate agreements, see T.S. O.. I

RATES AND CHARGES

§ 52.50 SEWAGE RATES.

Except as herein otherwise provided, sewage rates and charges shall be based on the quantity of

water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use.
(Ord. 8-67, passed 1-22-68)
Cross-reference:
Special rate agreements, see T.S.O.I.

§52.51 MONTHLY USAGE.

(A) The water usage schedule on which the amount of the sewage rates and charges shall be determined are as follows:

			METERED RATES PER MONTH: (PER 100 CUBIC FEET)			
	Effective Date:		***June 5, 2006***	***Jan. 1, 2007***	***Jan. 1, 2008***	***Jan. 1, 2009***
	Approved Increase:		***4%***	***5%***	***5%***	***6%***
FIRST	***500***	***CUBIC FEET***	***$2.64***	***$2.77***	***$2.91***	***$3.08***
NEXT	***1,000***	***CUBIC FEET***	***2.40***	***2.52***	***2.65***	***2.81***
NEXT	***1,500***	***CUBIC FEET***	***1.76***	***1.85***	***1.94***	***2.06***
OVER	***3,000***	***CUBIC FEET***	***1.55***	***1.63***	***1.71***	***1.81***

(B) *Multiple dwellings, trailers and the like.* In the event two or more dwelling units, such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set our elsewhere herein, except that an additional charge shall be added thereto in the amount of $4.62 per month for each dwelling unit over one served through the single water meter. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided.
(Ord. 8-67, passed 1-22-68; Am. Ord. 92-5, passed - -92)

§ 52.52 MINIMUM CHARGE.

(A) The minimum charge for any user, where the user is a metered water customer, shall be based upon meter sizes as follows:

		MONTHLY MINIMUM CHARGE			
	Effective Date:	June 5, 2006	Jan. 1, 2007	Jan. 1, 2008	Jan. 1, 2009
	Approved Increase:	4%	5%	5%	6%
5/8	Inch Meter	$5.28	$5.54	$5.82	$6.16
3/4	Inch Meter	7.04	7.39	7.76	8.23
1	Inch Meter	13.74	14.43	15.15	16.06
1.25	Inch Meter	21.49	22.56	23.69	25.11
1.5	Inch Meter	29.94	31.44	33.01	34.99
2	Inch Meter	47.20	49.56	52.04	55.16
3	Inch Meter	109.19	114.65	120.38	127.60
4	Inch Meter	211.33	221.90	233.00	246.98
6	Inch Meter	390.96	410.51	431.04	456.90

(B) The minimum charge for sewage service where the user is not a metered water customer shall be based on the size of the sewage service connection, but in no event shall such charge be less thanthe corresponding minimum monthly water meter charge.
(Ord. 8-67, passed 1-22-68)

§52.53 CLASSES OF SEWER USERS.

Residential, Commercial, Governmental, Institutional, and Industrial users shall be designated by the expected amount of daily flow as determined by the City:

Class I -399,000 gallons or less per day

Class II - 400,000 gallons or more per day
Ord. 99-23, passed 12-2-99)

§52.54 SAMPLING REQUIREMENTS

(A) Except as provided in subsection (B), all Class II users shall be subject to the following sampling requirements for flow and loadings: The Class II user shall collect flow weighted composite samples, on an hourly basis, of the user's discharge for seven days per week. The Class II user shall submit the sampling and flow measurement recording to the City on a weekly basis unless otherwise instructed by the City. The City shall designate the sampling point for Class II users. The Class II user shall, at the request of the City, install a recorder on the Class II user's flowmeter.

(B) All Class II users shall comply with the sampling requirements in subsection (A) for oil and grease for the first four months following adoption of ordinance 99-23, passed 12-2-99. If the oil and grease samples provided during this four month period are within the limits established by Section 52.55, the Class II user providing such acceptable samples shall be subject to sampling requirements for oil and grease as follows: flow weighted composite samples, on an hourly basis, for three days per month, each taken on a day when the flow is at or above the average of the previous month's flow. The results shall be submitted to the City monthly. If the monthly sampling reports reveal that oil and grease exceed the limits established in Section 52.55, the Class II user shall revert to the sampling requirements established in subsection *(A*) for oil and grease for another four month period and followthe provisions of this subsection (B). (Ord. 99-23, passed 12-2-99)

§ 52.55 LIMITS, SURCHARGES, AND PENALTIES

(A) Effective, upon the date of adoption of this ordinance, the Class II users shall be subject to the following limits, which are established to prevent pass through and interference and apply at the point where the wastewater is discharged to the POTW:

	Monthly Average Allocation[1]	Weekly Maximum Allocation[2]	Daily Maximum Allocation
Flow	0.80 Mgd	0.80 Mgd	0.95 Mgd[3]
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	3,580 lb/day	3,580 lb/day	3,580 lb/day
Total Suspended Solids (TSS)	4,390 lb/day	4,390 lb/day	4,390 lb/day
Ammonia-Nitrogen[4] (NH_3)	680 lb/day	680 1b/day	680 lb/day
Total Kjeldahl Nitrogen[4] (TKN)	To Be Determined	To Be Determined	To Be Determined
Oil and Grease	670 lb/day	670 lb/day	670 lb/day

[1] Monthly average shall be determined based upon the average of a calendar month. The monthly average shall be determined by the summation of the calculated daily value divided by the number of days during the calendar month when measurements were taken.

[2] Weekly maximum shall be determined based upon the highest average of a calendar week during the calendar month. The weekly average shall be determined by the summation of the calculated daily value divided by the number of days during the calendar week when measurements were taken.

[3] Maximum hourly discharge rate shall not exceed 900 gal/min,

[4] As of the date of adoption of this ordinance there is not sufficient data available to establish a formula for TKN; the Gouncil shall establish the appropriate limits as soon as the City's engineers provide the necessary data. When the limits for TKN are established, the limits for NH_3 shall be eliminated.

(B) In addition to all existing rates and charges of the sewage works (treatment rate and base rate), any Class It user shall be subject to surcharges and penalties under the circumstances described below:

(1) No surcharge for flow. Penalty applies for weekly and daily flows and for exceedances of $CBOD_5$, TSS, NH_3 or TKN, and Oil and Grease.

(2) Surcharge applies to monthly average allocation for $CBOD_5$, TSS, NH_3 or TKN, Oil and Grease.

(Amended Ord. 2007-7, passed August 6, 2007)

(3) Penalties apply for exceedance of weekly maximum allocations and/or daily maximum allocations.

Situation	Surcharge Applies		Penalty Applies	
Monthly Average Achieved Daily Max Achieved Weekly Max Achieved	No		No No	
Monthly Average Achieved Daily Max Exceeded Weekly Max Exceeded	No		Yes No	
Monthly Average Achieved Daily Max Achieved Weekly Max Exceeded	No		No Yes	
Monthly Average Achieved Daily Max Exceeded Weekly Max Exceeded	No		Yes Yes	Calculate and assess both penalties
Monthly Average Exceeded Daily Max Achieved Weekly Max Achieved	Yes		No No	
Monthly Average Exceeded daily Max Exceeded Weekly Max Achieved	Yes	Calculate both surcharg and penalty, assess both	Yes No	
Monthly Average Exceeded Daily Max Achieved Weekly Max Exceeded	Yes	Calculate both surcharge and penalty, assess both	No Yes	
Monthly Average Exceeded Daily Max Exceeded Weekly Max Exceeded	Yes	Calculate both surcharge and penalty; assess both	Yes Yes	

(C) Effective December 2, 1999, the following surcharges shall apply:

(1) Class II Surcharge Based upon TSS. There shall be an additional charge of $0.1717 per pound for waste that exceeds the monthly average allocation of pounds per day. The monthly average allocation of pounds per day shall be determined in accordance with the table set forth in Subsection (A) of this section.

(2) Class II Surcharge Based upon $CBOD_5$. There shall be an additional charge of $0.1056 per pound of $CBOD_5$ for waste that exceeds the monthly average allocation of pounds per day. The monthly average allocation of pounds per day shall be determined in accordance with the table set forth in Subsection (A) of this section.

(3) Class II Surcharge Based upon Oil and Grease. There shall be an additional charge of $0.2473 per pound for oil and grease that exceeds the monthly average allocation of pounds per day. The monthly average allocation of pounds per day shall be determined in accordance with the table set forth in Subsection (A) of this section.

(4) Class II Surcharge Based upon NH_3 or TKN. There shall be an additional charge of $0.2473 per pound of NH_3 for waste that exceeds the monthly average allocation of pounds per day NH_3. The monthly average allocation of pounds per day shall be determined in accordance with the table set forth in Subsection (A) of this section. The City shall eliminate the NH_3 surcharge once limits for the TKN surcharge are established.

(5) Class I Surcharge Based upon TSS. There shall be an additional charge of $0.1717 per pound for waste that exceeds 250mg/l.

(6) Class I Surcharge Based upon CBOD5. There shall be an additional charge of $1.0156 per pound of $CBOD_5$ for waste that exceeds 250 mg/1.

(7) Class I Surcharge Based upon Oil and Grease. There shall be an additional charge of $0.2473 per pound for oil and grease that exceeds 100 mg/1.

(8) Class I Surcharge Based Upon NH3 or TKN. There shall be an additional charge of $0.2473 per pound of NH_3 or TKN for waste that exceeds 30 mg/1 NH_3 or 50 mg/1 TKN. The City may apply the NH_3 surcharge or the TKN surcharge to a user's sewage flow, but not both; such surcharges are mutually exclusive.

(D)(1) In the event the City is required to accept sewage from a Class II user in volumes of flow and wasteload which exceed weekly maximum or daily maximum limits set out in § 52.55(B)(3), then an additional fee (hereinafter called the "Sewer Charge Penalty") shall be paid to the City. The Sewer Charge Penalty shall be in an amount not to exceed the maximum amount the City is allowed to levy, from time to time. The maximum Sewer Charge Penalty is established as follows:

Daily Maximum Violations: $2,500 per day, per violation
Weekly Maximum Violations: $2,500 per week, per violation

(2) Each daily maximum and weekly maximum limit established in Subsection (A) of this section which is exceeded shall constitute a separate violation, each subject to a separate Sewer Charge Penalty.

(3) The Board of Works shall determine the amount of each Sewer Charge Penalty to be assessed for each violation under this section. The Board of Works shall take into account the

following factors in determining the amount of the Sewer Charge Penalty: (i) the amount of the exceedance in flow and wasteload, (ii) whether the exeeedances are repetitive, (iii) the effect of the exceedance on the City's sewage works facilities, and (iv) the magnitude of any civil penalties that will be imposed on the City. The Board of Works shall also have the discretion to waive the Sewer Charge Penalty provided that the following findings can be made: (i) the amount of the exceedance is minimal, (ii) the exceedances have not been repetitive, (iii) the exceedance did not have an adverse effect on the City's sewage works facilities, and (iv) the exceedance did not cause the City to become subject to a penalty or fine.

(4) The Sewer Charge Penalty will be paid in addition to all other rates and charges of the sewage works.

(5) The Sewer Charge Penalty will be calculated and collected monthly.

(6) The Sewer Charge Penalty will become effective December 2, 2000, provided the following conditions are satisfied: (i) the Class II user subject to this section provides evidence of action being taken by such Class II user to address the flow and loadings of its waste, (ii) such evidence is in a form prepared by professional engineers and contains specific design plans for improvements that the Class II user will implement, and (iii) such evidence is submitted to the City within three (3) months of December 2, 1999. The Board of Works may consider Whether a good faith effort has been shown by the Class II user in determining whether the above conditions have been satisfied. If the Boards of Works determines that any of the above conditions are not satisfied, the Sewer Charge Penalty shall become effective immediately thereafter.

(E) The determination of TSS, NH_3, TKN and $CBOD_5$ contained in the waste shall be in accordance with the latest edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" as is written by the American Public Health Association, the American Water Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," 40 CFR part 136.

(F) Any fines levied by the Indiana Department of Environmental Management or the United States Environmental Protection Agency against the City for violations which are attributable to a Class II user who violates the limits established by Subsection (A) of this section shall be paid by such Class II user.

(G) If the sampling conducted by a Class II user reveals that any of the limits established by Subsection (A) of this ordinance have been exceeded, such user shall immediately notify the City. Such notification shall be made within one hour of the sampling which reveals the exceedance. In the event a Class II user is planning a permanent or short-term change in its flow or wasteload, the Class II user shall notify the City prior to such change. All notices under this subsection shall be given by telephone to the Wastewater Superintendent or his designated representative followed with a written confirmation to the Wastewater Superintendent of his designated representative. A notification regarding an exceedance shall detail the amount and type of exceedance, and what action, if any, has been taken to address the Exceedance. *A* notification of a planned change in flow of wasteload shall detail the

nature and duration of the change. Failure to provide such notification, to be determined by the sampling records submitted to the City, shall result in a fine of $500 per failure to notify.
(Ord, 99-23, passed 12-2-99)

§52.56 PREMISES AND FACILITIES.

(A) The City shall have the authority to inspect the premises of a Class II user at any time upon two hours notice from the City to the Class II user. The Class II users shall also provide, upon request from the City, a line diagram showing the sewer configuration of a Class II user.

(B) Any additions, changes or modifications made to the facilities of a Class II user which affect the flow or loadings of the Class II user shall be submitted to the City before implementation. The approval of the City shall be required for any addition, change or modification, which, in the judgment of the City, will have an effect on the sewage works facilities of the City.
(Ord. 99-23, passed 12-2-99)

§ 52.57 RESPONSIBILITY FOR COST OF CAPITAL ITEMS

The cost of any capital items that must be acquired by the City for its sewage works to enable it to accommodate the flow or loadings of a Class II user shall be paid by such Class II user, so long as the City can demonstrate, through the sampling reports required by Section 52.54, that such additional flow or loadings is attributable to such Class II user, rather than the other users of the City's sewage works facilities.
(Ord. 99-23, passed 12-2-99)

ADMINISTRATION AND ENFORCEMENT

§52.60 INSPECTIONS.

(A) The Superintendent, Inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or

property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.36.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in fall accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 8-67, passed 1-22-68)

(D) Employees, officials, or other authorized representatives of the Environmental Protection Agency, Indiana Department of Environmental Management, or the City of Delphi shall be authorized to review any records of sampling results or other information pertaining to the discharge of wastewater held at the facility. (Ord 2007-7, passed August 6, 2007)

§52.97 INDUSTRIAL USER AFFIRMATIVE DEFENSE

An industrial user shall have an affirmative defense in any action brought against the user alleging a pass through or interference violation of this Chapter if the user can demonstrate that:

(1) it did not know or have reason to know that its discharge, alone or in conjunction with a discharge from another source, would cause pass through or interference; and

(2) a limit under this Chapter:

(A) was in effect for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

(B) was not in effect for the pollutant that caused the pass through or interference, and the user's discharge, directly prior to and during the pass through or interference, had not changed substantially in nature or constituents from its usual discharge condition when the POTW was regularly in compliance with the applicable:

(i) NPDES permit requirements; and

(ii) requirements for sewage sludge use or disposal, in the case of interference.

§52.98 VIOLATIONS.

(A) Any person found to be violating any provision of this chapter except § 52.03 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.
(Ord 2007-7, passed August 6, 2007)

§52.99 PENALTY.

Any person who shall continue any violation beyond the time limit provided for in § 52.98(A) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding $2,500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 8-67, passed 1-22-68)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC REGULATIONS

71. STOPPING, STANDING AND PARKING

72. BICYCLES AND TOY VEHICLES

73. RAILROADS

74. SNOWMOBILES AND OFF-ROAD VEHICLES

75. TRAFFIC SCHEDULES

76. PARKING SCHEDULES

CHAPTER 70: TRAFFIC REGULATIONS

Section

General Provisions

70.001 Short title
70.002 Definitions
70.003 Application
70.004 Uniformity of interpretation
70.005 Traffic code not retroactive
70.006 Publication
70.007 Required obedience to traffic code
70.008 Written accident reports confidential
70.009 Removal of traffic hazards
70.010 Limitations on turning around
70.011 Fees for accident reports
70.012 Authority for towing of vehicles in case of emergencies

Traffic-Control Devices

70.025 Authority to install traffic-control devices
70.026 Manual and specifications for traffic-control devices
70.027 Interference with official traffic-control devices
70.028 When official traffic-control devices are required
70.029 Presumption of legality
70.030 Crosswalks
70.031 Traffic lanes
70.032 Devices altering normal course for turns
70.033 Restricted turn signs
70.034 One-way streets
70.035 Stop and yield intersections

Speed Regulations

70.045 State speed laws applicable
70.046 Speed in alleys
70.047 Altering state speed limits on certain street segments
70.048 Yield streets
70.049 Stop when traffic obstructed

70.050 Drivers in a procession
70.051 Permits required for parades and processions
70.052 Boarding or alighting from vehicles
70.053 Unlawful riding
70.054 Driving upon a sidewalk
70.055 Containment of loads
70.056 Load restrictions upon vehicles using certain highways
70.057 Truck restrictions
70.058 Unattended motor vehicle
70.059 Clearing debris from streets
70.060 Spinning wheels

Pedestrians' Rights and Duties

70.070 Crosswalks
70.071 Pedestrians' right-of-way on sidewalks
70.072 Crossing at right angles

Administration and Enforcement

70.085 Duty of Police Department
70.086 Records of traffic violations
70.087 Police Department to investigate accidents
70.088 Traffic accident studies
70.089 Traffic accident reports
70.090 Annual traffic safety report
70.091 Emergency traffic control
70.092 Traffic Engineer
70.093 Authority of Police and Fire Department officials
70.094 Duties of City Attorney
70.095 Disposition of traffic fines and forfeitures
70.096 Official misconduct

Violations and Penalty

70.999 Penalty

Cross-reference:

Streets and sidewalks, see Ch. 95
Traffic schedules, see Ch. 75

Traffic Regulations

GENERAL PROVISIONS

§70.001 SHORT TITLE.

This ordinance may be known and cited as the "Delphi Traffic Ordinance." (Ord. 12-79, passed 11-5-79)

§70.002 DEFINITIONS.

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

ALLEY. A public way in an urban district that meets the following qualifications:

(1) Is open to the public for vehicular traffic;

(2) Is publicly maintained;

(3) Is one lane wide; and

(4) Is designated as an alley by the local authorities on an official map of the urban district.

AUTHORIZED EMERGENCY VEHICLE.

(1) The following vehicles:

(a) Fire department vehicles;

(b) Police department vehicles;

(c) Ambulances;

(d) Emergency vehicles operated by or for hospitals or health and hospital corporations under I.C. 16-22-8.

(2) Vehicles designated as emergency vehicles by the Indiana department of transportation under I.C. 9-21-20-1.

(3) Motor vehicles that, subject to I.C. 9-21-20-2, are approved by the Indiana emergency medical services commission that are:

(a) Ambulances that are owned by persons, firms, limited liability companies, or corporations other than hospitals; or

(b) Not ambulances and that provide emergency medical services, including extrication and rescue services (as defined in IC. 16-18-2-110).

(4) Vehicles of the department of correction that, subject to IC. 9-21-20-3, are:

(a) Designated by the department of correction as emergency vehicles; and

(b) Responding to an emergency. (IC. 9-13-2-6)

BICYCLE. Any foot propelled vehicle, irrespective of the number of wheels in contact with the ground.

BUSINESS DISTRICT. The territory contiguous to and including a highway when at least 50% of the frontage of the territory for a distance of at least 500 feet is occupied by buildings in use for business. (IC. 9-13-2-18)

COMMON COUNCIL. A simple majority vote of the Common Council of the city.

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(2) A part of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. (IC. 9-13-2-40)

DRIVER. Every person who drives or is in actual physical control of a vehicle. (IC. 9-13-2-47)

HOLIDAY. The following days of the year shall be designated as holidays: January 1, commonly known as New Years' Day; the last Monday of May, commonly known as Memorial Day; July 4, commonly known as Independence Day; the first Monday of September, commonly known as Labor Day; the fourth Thursday of November, commonly known as Thanksgiving Day; and December 25, commonly known as Christmas Day.

INTERSECTION.

(1) The area embraced with:

(a) The prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways that join at, or approximately at, right angles; or

(b) The area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways at least 30 feet apart, every crossing of each roadway of the divided highway by an intersecting highway is regarded as a separate intersection. If the intersecting highway also includes two roadways at least 30 feet apart, every crossing of two roadways of the intersecting highway is regarded as a separate intersection. (I.C. 9-13-2-84)

LOADING ZONE. A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

OFFICIAL TIME STANDARD. Standard time or daylight saving time, as may be in current use in the city.

OFFICIAL TRAFFIC-CONTROL DEVICES. A sign, signal, marking and device, including a railroad advance warning sign, not inconsistent with this title placed or erected, by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (I.C. 9-13-2-117)

PARK* or *PARKING. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PARKING SPACE* or *PARKING PLACE. *A* designated portion of the surface of a street of sufficient length and depth to accommodate a vehicle of reasonable dimensions to be parked. Such designated portion shall be specified and marked off as provided in this title.

PEDESTRIAN. Any person afoot.

PERSON. An individual, firm, partnership, association, fiduciary, executor or administrator, a governmental entity, a limited liability company, or corporation. (I.C. 9-13-2-124(a))

POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (I.C. 9-13-2-127)

RESIDENCE DISTRICT. The territory contiguous to and including a highway not comprising a business district, when the property on such street for a distance of at least 500 feet is primarily improved with residences or residences and buildings in use for business. (I.C. 9-13-2-153)

RIGHT-OF-WAY. The privilege of the immediate use of the highway. (I.C. 9-13-2-155)

ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel. (I.C. 9-13-2-157)

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (I.C. 9-13-2-167)

STAND* or *STANDING. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers. (

STATE LAW. State laws regulating and relating to motor vehicles and their operation.

STOP. When required, means complete cessation from movement.

***STOP* or *STOPPING*.** When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET. The entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel, The term includes an alley. (IC. 9-13-2-175)

***TRAFFIC*.** Pedestrians, ridden or herded animals, street cars, vehicles, and other conveyances, either singly or together, while using any highway for purposes of travel. (IC. 9-13-2-182)

TRAFFIC &CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

TRUCK. A motor vehicle designed, used or maintained primarily for the transportation of property. (IC. 9-13-2- 188(a))

VEHICLE. A device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
(Ord. 12-79, passed 11-5-79)

§70.003 APPLICATION.

The provisions of this title relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets, alleys, municipally operated parking lots, or municipal parks except where a different place is specifically referred to in a given section.
(Ord. 12-79, passed 11-5-79)

§70.004 UNIFORMITY OF INTERPRETATION.

This title shall be so interpreted and construed as to effect its general purpose to make uniform the laws of the city.
(Ord. 12-79, passed 11-5-79)

Traffic Regulations

§70.005 TRAFFIC CODE NOT RETROACTIVE.

This traffic code set forth in this Title VII shall not have a retroactive effect. It shall not apply to any traffic accident, cause of action arising out of a traffic accident or judgment arising therefrom, or violation of the motor vehicle regulations and ordinances of this city occurring prior to the effective date [i.e., November 5, 1979] of this title.
(Ord. 12-79, passed 11-5-79)

§70.006 PUBLICATION.

The City Clerk-Treasurer shall certify to the passage of this title, cause notice of its passage to be published in a local newspaper of general circulation and make not less than three copies available for inspection by the public during regular business hours.
(Ord. 12-79, passed 11-5-79)

§ 70.007 REQUIRED OBEDIENCE TO TRAFFIC CODE.

It is unlawful and a violation of this title for any person to do any act forbidden, or fail to perform any act required, in this title.
(Ord. 12-79, passed 11-5-79)

§ 70.008 WRITTEN ACCIDENT REPORTS CONFIDENTIAL.

All written accident reports made by drivers, owners or occupants, of vehicles involved in accidents shall be without prejudice to the individual so reporting, and shall be for the confidential use of the Police Department or other governmental agencies having use of the records for accident prevention purposes, except that the Police Department may disclose the identity of a person involved in an accident when such identity is not otherwise known, or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of any accident, except that the Department shall furnish upon demand of any person who has, or claims to have, made to the Police Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.
(Ord. 12-79, passed 11-5-79)

§70.009 REMOVAL OF TRAFFIC HAZARDS.

(A) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.

(B) When the Chief of Police determines that such a traffic hazard exists, he shall notify the owner and order that the hazard be removed within 10 days.

(C) The failure of the owner to remove such traffic hazard within ten days shall constitute a violation of this title and every day said owner shall fail to remove it shall be a separate and distinct offense.
(Ord. 12-79, passed 11-5-79)

§ 70.010 LIMITATIONS ON TURNING AROUND.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district.
(Ord. 12-79, passed 11-5-79)

§ 70.011 FEES FOR ACCIDENT REPORTS.

(A) A fee of $5.00 shall be charged for each copy of any accident report prepared by a member of the city Police Department.

(B) Fees received in compliance with division (A) above shall be placed into the local Law Enforcement Continuing Education Fund established by IC. 5-2-8-2.
(Ord. 96-14, passed 9-14-96)

§ 70.012 AUTHORITY FOR TOWING OF VEHICLES IN CASE OF EMERGENCIES.

(A) *Definition.* Emergency, shall be defined for the purpose of this section as fire, water line break or leak, sewer line break or leak, and repair of the traveled portion of a public street due to aforesaid.

(B) *Removal of Vehicles by Law Enforcement Officers.* Any police officer, upon being notified by a member of the Street Department, Water Department, Sewer Department or Fire Department that a vehicle is parked so that it hinders, delays or obstructs the emergency vehicles or service vehicles of said department and prevents the completion of work necessary by said department, may remove such vehicle or cause the same to be removed to any secure location, where such vehicle shall be impounded and retained, and shall be released only upon order of the Chief of Police or the Board of Public Works.

(C) *Notice.* Such person or police officer shall notify the owner or operator of a vehicle that an emergency situation exists and their vehicle is parked so as to hinder, delay or obstruct the emergency or service vehicles and said owner or operator shall have the opportunity to remove said vehicle immediately upon notification. In the event said owner or operator is unable to remove said vehicle immediately upon notification, such person or police officer shall have the authority to remove or cause to be removed said vehicle. The City of Delphi shall be responsible for all towing, impounding

or storage costs incurred by the removal of said vehicle. However, the City of Delphi shall not incur charges in connection with the storage of said vehicle for more than two (2) days after notice is given to the owner or operator of said vehicle.

(D) Notice of the passage of this section shall be given as provided by law, and this section shall become effective and enforceable upon given such notice as provided by law.
(Ord. 97-14, passed 8-7-97)
Cross-reference:
Junked, wrecked and abandoned vehicles, see Ch. 91

TRAFFIC-CONTROL DEVICES

§ 70.025 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The Common Council shall place and maintain official traffic-control devices when and as required under the traffic regulations of the city to make effective the provisions of these regulations. It may place and maintain such additional official traffic-control devices as it may deem necessary to regulate, warn or guide traffic under the traffic regulations of this city or the state vehicle laws.
(Ord. 12-79, passed 11-5-79)

§ 70.026 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

All traffic-control signs, signals and devices shall conform to the *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways*. All signs and signals required hereunder for a particular purpose shall be uniform as to type and location throughout the city. All traffic-control devices so erected, and not inconsistent with the provisions of state law or this title, shall be official traffic-control devices
(Ord. 12-79, passed 11-5-79)

§ 70.027 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES.

No person shall without lawful authority, attempt to or in fact alter, injure, deface, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.028 WHEN OFFICIAL TRAFFIC-CONTROL DEVICES ARE REQUIRED.

No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.
(Ord. 12-79, passed 11-5-79)

§70.029 PRESUMPTION OF LEGALITY.

(A) Whenever official traffic-control devices are placed in positions approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.
(Ord. 12-79, passed 11-5-79)

§70.030 CROSSWALKS.

The Common Council is authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections, where in its opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.
(Ord. 12-79, passed 11-5-79)

§70.031 TRAFFIC LANES.

(A) The Common Council is authorized to mark traffic lanes upon the roadway of any street or highway under the jurisdiction of the city.

(B) Where such traffic lanes have been marked, the operator of any vehicle shall keep such vehicle within the boundaries of any such lane, except when lawfully changing traffic lanes or making a lawful turning movement.
(Ord. 12-79, passed 11-5-79)

§ 70.032 DEVICES ALTERING NORMAL COURSE FOR TURNS.

The Common Council is authorized to place official traffic-control devices, within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections. Such course to be traveled as so indicated may conform to, or be other than as prescribed by, state law.
(Ord. 12-79, passed 11-5-79)

§70.033 RESTRICTED TURN SIGNS.

The Common Council is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.
(Ord. 12-79, passed 11-5-79)

§ 70.034 ONE-WAY STREETS.

The Common Council is authorized to determine and designate one-way streets or alleys and shall place and maintain official traffic-control devices giving notice thereof. No such designation shall be effective unless such devices are in place.
(Ord. 12-79, passed 11-5-79)
Cross-reference:
One-way streets, see Sched. V, Ch. 75

§70.035 STOP AND YIELD INTERSECTIONS.

(A) *Intersections where stop or yield is required.* The Common Council is authorized to determine and designate intersections where a particular hazard exists and to determine:

(1) Whether vehicles shall stop at one or more entrances to any such intersection, in which event it shall have erected a stop sign at every such place where a stop is required; or

(2) Whether vehicles shall yield the right of way to vehicles on a different street at such intersection, in which event it shall have erected a yield sign at every place where obedience thereto is required.

(B) *Vehicles to stop at stop signs.* When stop signs are erected as herein authorized, at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) *Multiway [i.e., four-way] stop intersections.* When signs are erected giving notice thereof, all streets at the following intersections shall be stop streets. Drivers of all vehicles shall stop, as required by state law, before entering the described intersection.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999
Cross-reference:
Four-way stop intersections, see Sched. II, Ch. 75
Stop streets, see Sched. I, Ch. 75
Yield streets, see Sched III, Ch. 75

SPEED REGULATIONS

§70.045 STATE SPEED LAWS APPLICABLE.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this title, as authorized by state law, declares and determines, upon the basis of an

engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so determined when signs are in place giving notice thereof.
(Ord. 12-79, passed 11-5-79; Am. Ord. 95-11, passed 9-7-95) Penalty, see § 70.999
Statutory reference:
For provisions controlling the alteration of maximum speed limits by local authorities, see IC 9-21-5-6

§70.046 SPEED IN ALLEYS.

Except when a special hazard exists that requires lower speed for compliance with state law, the maximum lawful speed limit in an alley shall be 15 miles per hour, and no person shall drive a vehicle in an alley in excess of such limit.
(Ord. 12-79, passed 11-5-79; Am. Ord. 95-11, passed 9-7-95) Penalty, see § 70.999

§ 70.047 ALTERING STATE SPEED LIMITS ON CERTAIN STREET SEGMENTS.

It is hereby determined, upon the basis of a traffic engineering investigation, that the speed permitted by state law on the certain streets or portion thereof is different than is reasonable and safe under the conditions found to exist upon such segments. It is declared that the maximum speed limit on these segments as set forth in Schedule IV, Chapter 75, shall be effective at the times specified when signs are erected giving notice.
(Ord. 12-79, passed 11-5-79; Am. Ord. 95-11, passed 9-7-95) Penalty, see § 70.999
Cross-reference:
Speed zones, see Sched. IV, Ch. 75

§ 70.048 YIELD STREETS.

When signs are erected giving notice thereof, streets designated in Sched III, Chapter 75 shall be yield streets. Drivers of all vehicles on these streets shall yield the right-of-way, as required by state law, before entering the described intersection.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999
Cross-reference:
Yield streets, see Sched. III, Ch. 75

§ 70.049 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal

indication to proceed.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§70.050 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.051 PERMITS REQUIRED FOR PARADES AND PROCESSIONS.

No procession or parade except funeral processions, the United States Armed Forties, the military forces of this state and the forces of the Police and Fire Departments shall occupy, march, or proceed along any street, except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth which may apply.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.052 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§70.053 UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.
(Ord, 12-79, passed 11-5-79) Penalty, see § 70.999

§70.054 DRIVING UPON A SIDEWALK.

No person shall drive any vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§70.055 CONTAINMENT OF LOADS.

Any person hauling any material shall see that the vehicle shall be of adequate dimensions, so that none of such material shall fall from such vehicle. Any material falling from a vehicle shall be

promptly removed from the street by the driver who shall be responsible for any damage done.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.056 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN HIGHWAYS.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified at any time upon any of the streets or parts of streets described in Schedule VII, Chapter 75.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999
Crass-reference:
Load restrictions, see Sched. VII, Ch. 75

§ 70.057 TRUCK RESTRICTIONS.

When signs are erected giving notice thereof, no person shall operate any truck with a gross weight over 9,000 pounds, except that such restrictions shall not apply to the necessary local operation on such streets for the purpose of picking up or delivering materials.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.058 UNATTENDED MOTOR VEHICLE.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.059 CLEARING DEBRIS FROM STREETS.

Any person removing a wrecked or damaged vehicle from a street shall immediately remove any glass or other injurious substance dropped upon the street from such vehicle.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§70.060 SPINNING WHEELS.

(A) No person shall start a motor vehicle from a stopped position in such a manner as to purposely cause a wheel of said vehicle to lose traction and spin.

(B) A penalty shall be imposed for violation of this section in the same manner as for a Class C Infraction under Indiana law.
(Ord. 99-4, passed 6-3-99)

PEDESTRIANS' RIGHTS AND DUTIES

§70.070 CROSSWALKS.

No pedestrian shall cross a roadway, other than in a cross-walk in any business! district.
(Ord. 12-79, passed 11-5-79) Penalty, **see §** 70.999

§70.071 PEDESTRIANS' RIGHT-OF-WAY ON SIDEWALKS.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, road or driveway.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 70.072 CROSSING AT RIGHT ANGLES.

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the roadway or by the shortest route to the opposite side.
(Ord, 12-79, passed 11-5-79) Penalty, see § 70,999

ADMINISTRATION AND ENFORCEMENT

§70.085 DUTY OF POLICE DEPARTMENT.

It shall be the duty of the police department to enforce the street traffic regulations of this city and all of the state laws, make arrests for traffic violations, investigate accidents, cooperate with officers of the city in the administration of the traffic laws and in developing ways to improve traffic conditions, and carry out those duties specially imposed upon the Department by the traffic regulations of this city.
(Ord. 12-79, passed 11-5-79)

§70.086 RECORDS OF TRAFFIC VIOLATIONS.

The Police Department shall keep a record of all violations of the traffic regulations of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall show all types of violations and the total

number of each.
(Ord. 12-79, passed 11-5-79)

§ 70.087 POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS.

It shall be the duty of the Police Department to investigate traffic accidents in the prosecution of those persons charged with violations of law causing or accidents.
(Ord. 12-79, passed 11-5-79)

§ 70.088 TRAFFIC ACCIDENT STUDIES.

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate with city officials in conducting studies of such accidents and determining remedial measures.
(Ord. 12-79, passed 11-5-79)

§ 70.089 TRAFFIC ACCIDENT REPORTS.

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Sup reports shall be available for the use and information of city officials.
(Ord. 12-79, passed 11-5-79)

§ 70.090 ANNUAL TRAFFIC SAFETY REPORT.

The Police Department shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this city as follows:

(A) The number of traffic accidents, the number of persons killed, the number; of persons injured, and other pertinent traffic accident data;

(B) The number of traffic accidents investigated and other pertinent data on the safety activities of the police; and

(C) The plans and recommendations of the Department for future traffic safety activities.
(Ord. 12-79, passed 11-5-79)

§ 70.091 EMERGENCY TRAFFIC CONTROL.

The Chief of Police may authorize the temporary placing of official traffic control devices when

required by an emergency. The Chief of Police shall notify the Mayor of his actions as| soon thereafter as is practicable.
(Ord. 12-79, passed 11-5-79)

§ 70.092 TRAFFIC ENGINEER.

The Chief of Police shall serve as City Traffic Engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic, as provided in this title.
(Ord. 12-79, passed 11-5-79)

§ 70.093 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the officers of the Police Department, or such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this city and all of the state vehicle laws.

(B) Officers of the Police Department, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws,

(D) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic in the immediate vicinity.
(Ord. 12-79, passed 11-5-79)

§70.094 DUTIES OF CITY ATTORNEY.

The City Attorney or his duly appointed deputy is authorized to prosecute all charges of violation of this title.
(Ord. 12-79, passed 11-5-79)

§ 70.095 DISPOSITION OF TRAFFIC FINES AND FORFEITURES.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid into the city treasury and deposited in the "General Fund."
(Ord. 12-79, passed 11-5-79)

§70.096 OFFICIAL MISCONDUCT.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or

having custody of any such fine or forfeiture, either before or after a deposit in the "General Fund," to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.
(Ord. 12-79, passed 11-5-79)

VIOLATIONS AND PENALTY

§70.999 PENALTY.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this title and any other traffic ordinance of the city shall be punished by a fine of not more than $2,500.
(Ord. 12-79, passed 11-5-79)

CHAPTER 71: STOPPING, STANDING AND PARKING

Section

General Provisions

71.01 Overtime parking prohibited
71.02 Parking time limited on certain streets
71.03 Parking prohibited during certain hours on certain streets
71.04 Angle parking
71.05 Parking not to obstruct traffic
71.06 Parking restricted in alleys
71.07 Parking for certain purposes prohibited
71.08 Obedience to parking signs or markings
71.09 Truck and bus parking restricted
71.10 Standing or parking prohibited off roadway
71.11 Standing or parking prohibited at alleys
71.12 Loading zones
71.13 Standing in loading zone
71.14 Stopping, standing or parking restricted or prohibited on certain streets
71.15 Unlawful to deface, injure or tamper with signs

Administration and Enforcement

71.25 Regulation of parking
71.26 Location of parking spaces and hours for parking
71.27 Notice of parking regulations
71.28 Fines to be delivered to City Clerk-Treasurer
71.29 Hours of enforcement

Violations

71.40 Exemptions for Sundays and holidays
71.41 Notice of violation to be attached to vehicle
71.42 Notice of violations
71.43 Receipts for payment of violations
71.44 Presumption that owner parked the vehicle
71.45 Summons

71.99 Penalty

Cross-reference:

Parking schedules, see Ch. 76

Streets designated as "Emergency Snow Streets," see § 95.60
Streets designated as "No Parking "for street cleaning, see § 95.61

GENERAL PROVISIONS

§71.01 OVERTIME PARKING PROHIBITED.

It shall be unlawful and a violation of the parking provisions of this title and any other applicable parking regulation of the city for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established for any parking space within the city. Any vehicle which remains in an individual parking space after the prescribed time for parking is determined to be illegally parked.
(Ord. 1-80, passed 5-6-80) Penalty, see § 71.99

§ 71.02 PARKING TIME LIMITED ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle longer than the time specified during the times and days specified, if any, within the district or upon any of the streets described in Schedule II, Chapter 76.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)
Cross-reference:
Parking restricted, see Sched. II, Ch. 76

§ 71.03 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle, during the hours and days specified, within the district or upon any of the streets described in Schedule I, Chapter 76.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)
Cross-reference:
Parking prohibited, see Sched. I, Ch. 76

§ 71.04 ANGLE PARKING.

The Board of Public Works and Safety shall determine upon what streets angle parking shall be permitted and mark or sign such streets. Such angle parking shall not be indicated upon any federal or state highway within this city.
(Ord. 12-79, passed 11-5-79)
Cross-reference:
Angle parking streets, see Sched. III, Ch. 76

§ 71.05 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.06 PARKING RESTRICTED IN ALLEYS.

It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle in any alley for a period of time longer than is necessary for the loading or unloading of passengers or freight. No vehicle shall stand or park in any alley for any such purpose so as to leave available less than eight feet of the width of the alley for the free movement of traffic.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.07 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale, or for greasing, or repairing such vehicle except repairs necessitated by an emergency.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.08 OBEDIENCE TO PARKING SIGNS OR MARKINGS.

In those locations that have been officially signed or marked for parking on the streets or in municipal parking lots, no person shall park or stand a vehicle other than within any markings and at the orientation indicated by such signs or markings.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.09 TRUCK AND BUS PARKING RESTRICTED.

(A) *Residential district.* No person owning, leasing, possessing or operating a truck, trailer, bus, tractor or tractor and trailer, taller, wider and longer than a conventional station wagon, pickup truck or van shall be permitted to park the same upon any street or alley within the residential district of the corporate limits of the city. However, such vehicles may park for a sufficient time to make deliveries or pick up merchandise, provided such parking does not interrupt the regular flow of traffic and does not create a hazard for the safety of others.

(B) *Business district.* In the business district, no such truck, trailer, bus, tractor, or tractor and trailer, taller, wider and longer than a conventional station wagon, pickup truck or van shall park upon any street or alley within the corporate limits of the city longer than one hour. However, such vehicles may park for a sufficient time to make deliveries or pick up merchandise in the regular course of business, provided such parking does not interrupt the regular flow of traffic and does not create a

hazard for the safety of others and provided such parking complies with all other parking regulations in force in the city.

(C) *Parks or other city owned property***.** In a city park or other city owned property, no such truck, trailer, tractor or tractor and trailer, wider and longer than a conventional station wagon, pick-up truck or van shall park upon any city park or on any other city owned property. However, such vehicles may park for sufficient time to make deliveries or pick up merchandise in the regular course of business, provided such parking does not interrupt the regular flow of traffic and does not create a hazard for the safety of others and provided such parking complies with all other parking regulations in force in the city.

(D) Notwithstanding the provisions of divisions (A) or (B) of this section, such truck, trailer, bus, tractor, or tractor and trailer, taller, wider and longer than a conventional station wagon, pickup truck or van may park upon a street in a business or residential district after obtaining written permission from the Police Department which shall stipulate the location and length of time the vehicle may be parked. (Ord. 12-79, passed 11-5-79; Am. Ord. 2002-11, passed 1-6-03; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(B)

§ **71.10 STANDING OR PARKING PROHIBITED OFF ROADWAY**,

No person shall stand or park a vehicle on a street other than on the roadway or paved shoulder. (Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.11 STANDING OR PARKING PROHIBITED AT ALLEYS.

No person shall stand or park a vehicle on a street within five feet of an alley.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.12 LOADING ZONES.

The Board of Public Works and Safety is authorized to determine the location of loading zones and shall place and maintain appropriate signs indicating the same and stating the hours and days during which the provisions of this section are applicable.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)
Cross-reference:
Loading zones, see Sched. TV, Ch. 76

§71.13 STANDING IN LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers or materials, in any place marked as a loading zone

during hours and days when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes for passengers or 15 minutes for materials.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)
Cross-reference:
Loading zones, see Sched. IV, Ch. 76

§ 71.14 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS.

(A) The provisions of this title prohibiting the parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(B) The parking provisions of this title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.
(Ord. 12-79, passed 11-5-79; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(A)

§ 71.15 UNLAWFUL TO DEFACE, INJURE OR TAMPER WITH SIGNS.

It shall be unlawful and a violation of the parking provisions of this title and any other applicable parking regulation of the city for any person to deface, injure, tamper with, or willfully break, destroy or impair the usefulness of any sign or marking posted in the city under the parking provisions of this title and any other applicable parking regulation of the city.
(Ord. 1-80, passed 5-6-80; Am. Ord. 2002-12, passed 1-3-03) Penalty, see § 71.99(B)

ADMINISTRATION AND ENFORCEMENT

§ 71.25 REGULATION OF PARKING.

(A) The Common Council shall control and regulate parking within the city.

(B) To control and regulate parking within the city, the Common Council may install and remove parking control devices such as, but not limited to, appropriate signs or markings upon the curb side or in the immediate vicinity of individual parking spaces whether located upon the streets or within the municipal parking lots, in the city. All such appropriate signs or markings shall be under the control, management and supervision of the Common Council.
(Ord. 1-80, passed 5-6-80; Am. Ord. 96-12, passed 10-18-96)

§ 71.26 LOCATION OF PARKING SPACES AND HOURS FOR PARKING.

The Common Council shall determine and establish the location of parking spaces within the city and the hours for parking therein.
(Ord. 1-80, passed 5-6-80; Am. Ord. 96-12, passed 10-18-96)

§ 71.27 NOTICE OF PARKING REGULATIONS.

The Common Council shall give notice of the parking regulations for the city by appropriate signs or markings setting forth the lengths of time for which parking is permitted for parking spaces. Notice of the parking regulations by appropriate signs or markings shall be given by placing the same upon appropriate places in the immediate vicinity of the parking spaces.
(Ord. 1-80, passed 5-6-80; Am. Ord. 96-12, passed 10-18-96)

§ 71.28 FINES TO BE DELIVERED TO CITY CLERK-TREASURER.

On each business day, the Chief of Police, or his designee, shall deliver to the City Clerk-Treasurer, all monies collected for parking violations of this title and any other applicable parking regulation of me city and shall deliver with said monies a record of the serial numbers of the violations upon which payments were made, together with the amount paid on each violation.
(Ord. 1-80, passed 5-6-80)

§ 71.29 HOURS OF ENFORCEMENT.

The parking provisions of this title and any other applicable parking regulation of the city may only be enforced and applied to vehicles parked within the city on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays from 9:00 a.m. to 6:00 p.m.
(Ord. 1-80, passed 5-6-80)

VIOLATIONS

§ 71.40 EXEMPTIONS FOR SUNDAYS AND HOLIDAYS.

The parking provisions of this tide and any other applicable parking regulation of the city shall not be enforced and applied to vehicles parked within the city on any Sunday, New Year's Day, Memorial Day, July 4, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.
(Ord. 1-80, passed 5-6-80)

§ 71.41 NOTICE OF VIOLATION TO BE ATTACHED TO VEHICLE.

(A) It shall be the duty of persons designated by the Common Council acting in accordance with the instructions issued by Council to report:

(1) The state license number of such vehicle occupying the parking space in violation of the parking provisions of this title;

(2) The time of day, month, and year during which such vehicle is parking in violation of this title; and

(3) Any other facts, a knowledge of which *is* necessary to the thorough understanding of the circumstances attending such violation.

(B) Each such designated person shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the parking provisions of this title, and instructing such owner or operator to report to the office of the City Clerk-Treasurer or to the City Police Department in regard to such violation.
(Ord. 1-80, passed 5-6-80; Am. Ord. 96-12, passed 10-18-96) Penalty, see § 71.99

§ 71.42 NOTICE OF VIOLATIONS.

The notice issued by the designated person to the owner or operator of any vehicle parked in violation of the parking provisions of this title and any other applicable parking regulation of the city shall be issued in duplicate. One copy of the notice shall be attached to the vehicle and the other to be delivered to the office of the City Clerk-Treasurer or to the City Police Department. All such notices shall be serially numbered, the notices forming the duplicates to be numbered identically as to each set of notices,
(Ord. 1-80, passed 5-6-80)

§ 71.43 RECEIPTS FOR PAYMENT OF VIOLATIONS.

Upon the payment of any sum for the violation of the parking provisions of this title and any other applicable parking regulation of the city as herein provided, to the office of the City Clerk-Treasurer or to the City Police Department, a receipt shall be issued therefor, in duplicate. One copy of the receipt shall be kept on file and the other shall be delivered to the payor of such sum so paid. The receipt shall contain the serial number which appeared on the notice of violation given to the person so paying.
(Ord. 1-80, passed 5-6-80)

§ 71.44 PRESUMPTION THAT OWNER PARKED THE VEHICLE.

The fact that a motor vehicle is owned by a person and the fact that the motor vehicle is in a parking space shall *be prima facie* evidence that the motor vehicle was parked in the parking space by the owner.
(Ord. 1-80, passed 5-6-80) Penalty, see § 71.99

§ 71.45 SUMMONS.

Summons shall be served only after one written notice, by regular United States mail, has been given of the failure to pay the penal sum. The notice shall be given within 14 days of the expiration of the seven-day period.
(Ord. 1-80, passed 5-6-80) Penalty, see § 71.99

§71.99 PENALTY.

(A) (1) Unless another penalty is specifically stated, any person who shall violate any of the parking provisions of this title may, within 48 hours of the time a notice of violation is attached to such person's motor vehicle, pay a penal sum of $7, in full satisfaction of the violation, to the office of the City Clerk-Treasurer or to the City Police Department.

(2) On the lapse of such 48 hours period and within 7 days of the time a notice of violation is attached to such person's motor vehicle, that person may pay a penal sum of $25, in full satisfaction of the violation, to the office of the City Clerk-Treasurer or to the City Police Department,

(3) If such person has not paid the penal sum of $25 within the seven-day period, that person shall be subject to summons to the City Court for a damage suit for violation of this title or any other applicable parking regulation of the city in an amount not to exceed $500 plus court costs, payable to the city.

(B) Any person who shall violate § 71.09 or § 71.15 or any other applicable parking regulation of the city wherein no other penalty has been specifically established, or any person who aids, abets, or assists therein, shall be fined not less than $10 nor more than $500 for each offense or violation, payable to the city.
(Ord. 1-80, passed 5-6-80; Am. Ord. 2001-2, passed 6-4-01; Am. Ord. 2002-12, passed 1-3-03)

CHAPTER 72: BICYCLES AND TOY VEHICLES

Section

General Provisions

72.01 Use of coasters, roller skates and similar devices

Bicycles

72.15 Effect of regulations
72.16 Traffic regulations apply to persons riding bicycles
72.17 Parking
72.18 Riding on sidewalks
72.19 Riding on roadways and bicycles paths
72.20 Attaching bicycle to poles
72.21 Speed
72.22 Emerging from driveway or alley

72.99 Penalty

GENERAL PROVISIONS

§ 72.01 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk. When so crossing, such person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

BICYCLES

§72.15 EFFECT OF REGULATIONS.

(A) It is a violation of this title for any person to do any act forbidden or fall to perform any act required in this chapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(C) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 72.16 TRAFFIC REGULATIONS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all of the rights and be subject to ail of the duties applicable to the driver of a vehicle by this title except as to special regulations in this chapter and except as to those provisions of this title which, by their nature, can have no application. However, a rider dismounted from the bicycle shall be granted all of the rights and be subject to all of the duties applicable to pedestrians by this title or state law.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§72.17 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§72.18 RIDING ON SIDEWALKS.

(A) No person shall ride a bicycle, roller blades, skateboard, or any other similar method of conveyance upon a sidewalk within a business district of the City of Delphi.

(B) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and give an audible signal before overtaking and passing such pedestrian.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 72.19 RIDING ON ROADWAYS AND BICYCLES PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§ 72.20 ATTACHING BICYCLE TO POLES.

Any person may park a bicycle near, and secure to, any publicly owned pole or post for a period of not more than 12 consecutive hours unless an official traffic-control device or any applicable law prohibits parking or securing bicycles at that location. No bicycle shall be secured to any tree, fire hydrant, or police or fire call box. No bicycle shall be secured in any manner so as to impede the normal and reasonable movement of pedestrian or other traffic.
(Ord. 12-79, passed 11-5-79) Penalty, see § 70.999

§72.21 SPEED.

No person shall operate a bicycle at a greater speed than reasonable prudent to conditions existing.
('63 Code, § 3-4) Penalty, see § 70,999

§ 72.22 EMERGING FROM DRIVEWAY OR ALLEY.

Emerging from an alley or driveway, the operator of a bicycle shall yield the right-of-way to pedestrian and vehicular traffic.
(63 Code, § 3-5) Penalty, see § 70.999

§72.99 PENALTY.

(A) Any person convicted of a violation of any provisions of this chapter for which no other penalty is set forth shall be subject to the penalty provisions of § 70.999.

(B) Any person convicted of a violation of §§ 72.15 through 72.22 shall be punished by a fine of not more than $2,500 or by impounding of such person's bicycle for a period not to exceed 30 days or by any combination thereof. (Ord. 12-79, passed 11-5-79)

CHAPTER 73: RAILROADS

Section

73.01 Definitions
73.02 Interference with drainage
73.03 Unauthorized construction
73.04 Elevation and grade
73.05 Railroad crossings
73.06 Gutters

73.99 Penalty

Cross-reference:

Gates and signals required at certain streets, see Sched. V7, *Ch. 75*

§73.01 DEFINITIONS.

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

DRIVER, any person driving, operating, moving or having physical control of a vehicle.

CROSSING GATE, shall mean any device which, when lowered, at least partially blocks any person from crossing railroad tracks while driving a vehicle on the right-hand side of the center of a street with reference to their direction of his movement.

PERSON, any natural person, firm, co-partnership, association or corporation.

POLICE DEPARTMENT. Each member of the Police Department of the city and any person regulating traffic, if such person has been authorized to do so by either the Police Department, the Board of Public Works and Safety or the Mayor.

RAILROAD COMPANY. Any firm, co-partnership, association, or corporation operating any train or group of trains, including any trustee or receiver thereof.

RAILROAD TRACKS. Any parallel rails laid on ties over a roadbed.

STREET. The entire width between the boundary lines of any public street, avenue, alley, highway, or roadbed located in this city and established for the use of vehicles.

TRAIN. Any car, group or cars, engine, locomotive, or other object or any combination thereof, operating upon a railroad track.

VEHICLE. Any device in, upon or by which any person or property is or may be transported upon a street, except a device customarily moved by human power or a train.
('63 Code, § 20-1)

§73.02 INTERFERENCE WITH DRAINAGE.

It shall be unlawful and a violation of this chapter for any railroad company, by any of its officers, agents or servants, or for any other person to lay, place or maintain any railroad tracks, ties or roadbed which interfere with the drainage of any street.
('63 Code, § 20-3)

§ 73.03 UNAUTHORIZED CONSTRUCTION.

It shall be unlawful to lay, or place any railroad tracks, ties or roadbed across, along, or upon any street hereafter without permission first obtained therefore from the Board of Public Works and Safety of this city.
('63 Code, § 20-4)

§ 73.04 ELEVATION AND GRADE.

It shall be unlawful to lay, place or maintain, across, along, or upon any street any railroad tracks, ties, or roadbed at an elevation other than the elevation of the surface of such street as therefore maintained by this city, without permission first to be obtained from the Board of Public Works and Safety of this city for so doing.
('63 Code, § 20-5)

§73.05 RAILROAD CROSSINGS.

The railroad company must keep the railroad crossings clean and in good repair.
('63 Code, § 20-7)
Cross-reference:
Railroad crossings, see Sched. VI, Ch. 75

§73.06 GUTTERS.

The railroad company must keep all gutters located across, along or on any of its right-of-way

clean and free from obstructions.
('63 Code, § 20-8)

§73.99 PENALTY.

Any railroad company or person who shall violate or fail to comply with any of the provisions of this chapter, or who shall council, aid or abet any such violation or failure to comply shall be deemed guilty of an offense and shall be punished by a fine not to exceed $2,500. Each day during which such violations continue shall constitute a separate offense.
('63 Code, § 20-9)

CHAPTER 74: SNOWMOBILES AND OFF-ROAD VEHICLES

Section

74.01 Definitions
74.02 Traffic regulations to apply
74.03 Off-road vehicles regulated
74.04 Crossing street
74.05 Entering intersections
74.06 Prohibited activities
74.07 Equipment required
74.08 Operator to remove key
74.09 Emergency operation
74.10 Animal rights to be respected
74.11 Registration

74.99 Penalty

§74.01 DEFINITIONS.

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

OFF-ROAD VEHICLE. *A* motor-driven vehicle capable of cross-country travel without benefit of road or trail and shall be limited to a "snowmobile" and a "low-pressure rubber-tired vehicle."

OPERATE. To ride in or on and control the operation of an off-road vehicle.

OPERATOR. Any person who operates or is in actual physical control of an off-road vehicle.

OWNER. *A* person, other than a lien holder, having the property in or title to an off-road vehicle and entitled to the use or possession thereof.

PERSON. An individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84)

§ 74.02 TRAFFIC REGULATIONS TO APPLY.

The traffic regulations of the city shall apply to the operation of off-road vehicles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§ 74.03 OFF-ROAD VEHICLES REGULATED.

Except as herein specifically permitted and authorized, it is unlawful for any person to operate an off-road vehicle within the corporate limits of the city:

(A) On the portion of any right of way of any public highway, street, road, trail or alley used for motor vehicle travel, except the most right-hand lane (other than in passing) which is used for vehicle traffic in the same direction, and except that off-road vehicles may also be operated upon the ditch bottom where lawfully so posted or the outside bank of trunk, county state-aid and county highways where such highways are so configured within the corporate limits.

(B) On a public sidewalk provided for pedestrian travel.

(C) On private property of another without specific permission of the owner or person in control of the property.

(D) On any other public place except as may be specifically permitted by other provisions of this code and other ordinances of the city.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§74.04 CROSSING STREET.

An off-road vehicle may make a direct crossing of a street or highway, provided:

(A) The crossing is made at an angle of approximately 90" to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

(B) The off-road vehicle is brought to a complete stop before crossing the shoulder or main traveled way.

(C) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

(D) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

(E) If the crossing is made between the hours of one-half hour after sunset to one-half hour before

sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§ 74.05 ENTERING INTERSECTIONS.

No off-road vehicle shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§ 74.06 PROHIBITED ACTIVITIES.

It is unlawful for any person to operate an off-road vehicle within the corporate limits of the city:

(A) At any place, while under the influence of alcohol or drugs.

(B) At a rate of speed greater than reasonable or proper under all surrounding circumstances.

(C) At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others; or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.

(D) During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons.

(E) So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the off-road vehicle.

(F) Within 100 feet of any skating rink or sliding areas where the operation would conflict with use of such rink or area or endanger other persons or property.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§74.07 EQUIPMENT REQUIRED.

It is unlawful for any person to operate an off-road vehicle any place within the corporate limits of the city unless it is equipped with the following:

(A) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight-pipe or similar device on an off-road vehicle motor.

(B) Brakes adequate to control the movement of and to stop and hold the off-road vehicle under any condition of operation.

(C) A safety or so-called "deadman" throttle in operating condition. A ***SAFETY*** or ***"DEADMAN"*** throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

(D) When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of the operator of an oncoming off-road vehicle or other motor vehicle of any kind. It shall also be equipped with at least one red tail lamp having a minimum candle-power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(E) A pennant flag of red or blaze-colored material of a size not less than 12" x 12" x 9", at a height of not less than six feet from the ground level, at any time when the vehicle is operated on public streets or highways.

(F) Reflective material of at least 16 square inches on each side, forward of the handlebars, so as to reflect light at a 90 angle.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§74.08 OPERATOR TO REMOVE KEY,

Every person leaving an off-road vehicle on a public place shall lock the ignition, remove the key and take the same with him.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§ 74.09 EMERGENCY OPERATION.

Notwithstanding any prohibitions in this chapter, an off-road vehicle may be operated on a public thoroughfare in an emergency during the period of time when, and at locations where, snow upon the roadway renders travel by automobile impractical.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§ 74.10 ANIMAL RIGHTS TO BE RESPECTED.

It is unlawful to intentionally drive, chase, run over or kill any animal with an off-road vehicle.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§74.11 REGISTRATION.

No off-road vehicle shall be operated within the city unless registered by the owner with the State

of Indiana Department of Natural Resources, and the registration number displayed on both sides of the front portion of the off-road vehicle. Such registration numbers shall be of a highly visible nature and not less than three inches in height. The certificate of registration shall be carried by the person driving or in control of the off-road vehicle, and the certificate shall be displayed upon the demand of any police officer.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

§74.99 PENALTY.

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine of not more than $2,500.
(Ord. 13-78, passed 12-18-78; Am. Ord. 84-6, passed 7-2-84) Penalty, see § 74.99

CHAPTER 75: TRAFFIC SCHEDULES

Schedule

I Stop streets
II. Four-way stop intersections
III. Yield streets
IV. Speed zones
V. One-way streets
VI. Railroad crossings
VII. Load restrictions
VIII. Train whistles and bells regulated

SCHEDULE I. STOP STREETS.

When signs are erected giving notice thereof, the streets at the following intersections shall be stop streets. Drivers of all vehicles shall stop, as required by state law, before entering the described intersections.

STREET	*CROSS STREET*	*ORD. NO.*	*DATE PASSED*
Adams	Washington	95-11	9-7-95
Adams	Wilson	95-11	9-7-95
Armory Rd	Dayton Rd	95-11	9-7-95
Arnold	Camden Rd	95-11	9-7-95
Camden Rd	E. Main	95-11	9-7-95
Charles	Washington	95-11	9-7-95
Charles	Wells	95-11	9-7-95
Clay	Washington	95-11	9-7-95
Columbia	Washington	95-11	9-7-95
Connely	E. Main	95-11	9-7-95
Cook	Hamilton	95-11	9-7-95

Delphi - Traffic Code

STREET	***CROSS STREET***	***ORD.NO.***	***DATE PASSED***
Crest Dr.	Riley Rd.	95-11	9-7-95
Crockett	Franklin	2003-4	9-2-03
Crockett	Monroe	2003-4	9-2-03
Dodge	E. Main	95-11	9-7-95
Dodge	Access Rd	95-11	9-7-95
Franklin	E. Main	95-11	9-7-95
Franklin	Union	95-11	9-7-95
Franklin	Wilson	95-11	9-7-95
Front	Hamilton	95-11	9-7-95
Hamilton	Franklin	95-11	9-7-95
Hamilton	Armory Rd	95-11	9-7-95
Harrison	Washington	95-11	9-7-95
Harrison	Wilson	95-11	9-7-95
High	Monroe	95-11	9-7-95
High	Franklin	95-11	9-7-95
Howard	Washington	95-11	9-7-95
Howard	Wilson	95-11	9-7-95
Illinois	Monroe	95-11	9-7-95
Illinois	Franklin	95-11	9-7-95
Illinois	Front	95-11	9-7-95
Illinois	Summit	95-11	9-7-95
Indiana	Adams	95-11	9-7-95
Indiana	Franklin	95-11	9-7-95
Indiana	Front	95-11	9-7-95
Lafayette	E. Main	95-11	9-7-95
Lake Shore Dr.	Market	95-11	9-7-95

Traffic Schedules

STREET	*CROSS STREET*	*ORD. NO.*	*DATE PASSED*
Madison	Washington	95-11	9-7-95
Madison	Wilson	95-11	9-7-95
Market	Franklin	95-11	9-7-95
Market	Front	95-11	9-7-95
Masonic	Summit	95-11	9-7-95
Masonic	Armory Rd	95-11	9-7-95
Monroe	High	95-11	9-7-95
Monroe	Market	95-11	9-7-95
Monroe	Washington	95-11	9-7-95
North	Prince William Rd	95-11	9-7-95
J Pearl	Franklin	95-11	9-7-95
Rhinehart	E. Main	95-11	9-7-95
Riley Annex	Hamilton	95-11	9-7-95
Riley Rd	Prince William Rd	95-11	9-7-95
Robinson	E. Main	95-11	9-7-95
Robinson	Access Rd	95-11	9-7-95
Ruffing Ave	Washington	95-11	9-7-95
Summit	Prince William Rd	95-11	9-7-95
Tally Ho	Dayton Rd	95-11	9-7-95
Union	Front	95-11	9-7-95
Union	Franklin	95-11	9-7-95
Wabash	Front	95-11	9-7-95
Wabash	Vine	95-11	9-7-95
Wabash	Monroe	95-11	9-7-95

Delphi - Traffic Code

STREET	*CROSS STREET*	*ORD. NO.*	*DATE PASSED*
Walnut	E. Main	95-11	9-7-95
Walnut	Access Rd	95-11	9-7-95
Water	Hamilton	95-11	9-7-95
Wells	Washington	95-11	9-7-95
Wilson	Adams	95-11	9-7-95
Wilson	Franklin	95-11	9-7-95
Vine	Prince William Rd	95-11	9-7-95

SCHEDULE II. FOUR-WAY STOP INTERSECTIONS.

When signs are erected giving notice thereof, all streets at the following intersections shall be stop streets. Drivers of all vehicles shall stop, as required by state law, before entering the described intersections.

Location	***Ord. No.***	***Date Passed***
Franklin Street and Union Street	12-79	11-5-79
Franklin Street and Washington Street	12-79	11-5-79
Franklin Street and Market Street	12-79	11-5-79
High Street and Monroe Street	12-79	11-5-79
Monroe Street and Wilson Street	12-79	11-5-79
Wilson Street and Front Street	92-10	- -92

SCHEDULE III. YIELD STREETS.

It is in the public interest and safety to pause traffic to yield the right-of-way before entering the intersections described as follows:

Street	*Direction*	*Intersection*	*Ord. No.*	*Date Passed*
Adams Street	Eastbound	Wilson Street	12-79	11-5-79
Charles Street	Southbound	Market Street	12-79	11-5-79
Clay Street		Union Street	12-79	11-5-79
Columbia Street	Westbound	Walnut Street	88-2	4-4-88
Columbia Street	Westbound	Market Street	12-79	11-5-79
Columbia Street	Eastbound	Dodge Street	88-2	4-4-88
Connelly Street		Columbia Street	12-79	11-5-79
Connelly Street		Monroe Street	12-79	11-5-79
Cook Street	Westbound	Hamilton Street	12-79	11-5-79
Crest Drive	Northbound	Riley Road	88-2	4-4-88
Dreifus Street	Southbound	Washington Street	12-79	11-5-79
Elizabeth Street		Dodge Street	12-79	11-5-79
Franklin Street		Lafayette Street	12-79	11-5-79
Hamilton Street	Northbound	Monroe Street	12-79	11-5-79
Hamilton Street		Summit Street	12-79	11-5-79
Harrison Street		Union Street	12-79	11-5-79
Harrison Street	Westbound	Washington Street	12-79	11-5-79
Harrison Street	Eastbound	Wilson Street	12-79	11-5-79
Harrison Street		Indiana Street	12-79	11-5-79
Howard Street	Westbound	Market Street	12-79	11-5-79
Howard Street	Eastbound	Washington Street	12-79	11-5-79
Howard Street		Wilson Street	12-79	11-5-79
Howard Street	Westbound	Indiana Street	12-79	11-5-79
Illinois Street	Southbound	Cook Street	12-79	11-5-79

Delphi - Traffic Code

Street	*Direction*	*Intersection*	*Ord. No.*	*Date Passed*
Illinois Street	Northbound	Front Street	12-79	11-5-79
Illinois Street		Water Street	12-79	11-5-79
Indiana Street		Franklin Street	12-79	11-5-79
Indiana Street		Monroe Street	12-79	11-5-79
Lafayette Street		Monroe Street	12-79	11-5-79
Lafayette Street	Northbound	Columbia Street	12-79	11-5-79
Madison Street		Union Street	12-79	11-5-79
Madison Street	Westbound	Market Street	12-79	11-5-79
Madison Street		Washington Street	12-79	11-5-79
Madison Street	Eastbound	Wilson Street	12-79	11-5-79
Madison Street		Indiana Street	12-79	11-5-79
Market Street	Southbound	Vine Street	12-79	11-5-79
Market Street	Northbound	North Street	12-79	11-5-79
Market Street	Southbound	Water Street	12-79	11-5-79
Market Street		Front Street	12-79	11-5-79
Market Street		Summit Street	12-79	11-5-79
Monroe Street		Dodge Street	12-79	11-5-79
Ohio Street		Monroe Street	12-79	11-5-79
Polk Street	Westbound	Washington Street	12-79	11-5-79
Polk Street	Eastbound	Union Street	12-79	11-5-79
Riley Meadows Drive	Eastbound	Riley Meadows Drive	12-79	11-5-79
Riley Meadows Drive	Northbound	Riley Road	12-79	11-5-79
Tally Ho Street	Westbound	Masonic Street	88-2	4-4-88
Terrace Lane	Southbound	Tally Ho Street	88-2	4-4-88
Terrace Lane	Eastbound	Masonic Street	88-2	4-4-88
Union Street	Northbound	North Street	12-79	11-5-79

Traffic Schedules

Street	*Direction*	*Intersection*	*Ord. No.*	*Date Passed*
Union Street		Monroe Street	12-79	11-5-79
Union Street	Southbound	Summit Street	12-79	11-5-79
Wabash Street	Southeast	Vine Street	87-1	3-2-87
Wabash Street	Northbound	Water Street	12-79	11-5-79
Wabash Street		Franklin Street	12-79	11-5-79
Wabash Street		Summit Street	12-79	11-5-79
Walnut Street		Monroe Street	12-79	11-5-79
Wabash Street		North Street	12-79	11-5-79
Wilson Street		Franklin Street	12-79	11-5-79

SCHEDULE IV. SPEED ZONES.

The maximum speed limit on the designated sections of the following streets shall be as shown. Appropriate traffic control signs shall be installed directing traffic in accordance with these designations.

Street	***Direction***	***Location***	***Speed***	***Time(s)***	***Ord. No.***	***Date Passed***
Franklin Street	Eastbound	Walnut Street to Lafayette Street	10	All	95-11	9-7-95
Franklin Street	Westbound	Ohio Street to Indiana Street	20	All	95-11	9-7-95
Franklin Street	Eastbound	Wilson Street to High Street	20	All	95-11	9-7-95
Hamilton Street		Hamilton Street Bridge to Main Street	20	All	95-11	9-7-95
Illinois Street	Northbound	Summit Street to Wabash Street	10	All	95-11	9-7-95
Monroe Street	Westbound	High Street to Union Street	20	All	95-11	9-7-95
Riley Road	Eastbound	Prince William Street to corporation line	20	All	95-11	9-7-95
Summit Street		Hamilton Street and Washington Street	20	When children are present	97-7	3-6-97
Summit Street		Wabash Street to Washington Street	20	All	95-11	9-7-95
Vine Street		Washington Street to Wabash Street	20	When children are present	97-8	3-6-97
Wilson Street	Northbound	Railroad Street to Madison Street	20	All	95-11	9-7-95

SCHEDULE V. ONE-WAY STREETS.

The following streets or portions of streets are designated one-way streets in the city:

Street	***Direction***	***Location***	***Ord. No.***	***Date Passed***
Alley	Eastbound	Between Franklin Street and Monroe Street from Washington Street to Union Street	12-79	
Alley	Northbound	Between Union Street and Washington Street from Monroe Street to one-half block south of Monroe Street	12-79	11-5-79

SCHEDULE VI. RAILROAD CROSSINGS.

The following intersections with the railroad shall be protected by automatic crossing gates and flashing light signals:

Location	*Ord. No.*	*Date Passed*
Franklin Street	-	- -
Indiana Street	-	
Main Street	-	- -
Market Street	-	- -
Monroe Street	-	- -
Union Street	-	- -
Washington Street	-	
Wilson Street		

('63 Code, § 20-6)

SCHEDULE VII. LOAD RESTRICTIONS.

No person shall operate any vehicle with a gross weight in excess of the amounts specified at any time upon any of the streets, parts of streets or locations described as follows:

Street	***Location***	***Ord. No.***	***Date Passed***
Hamilton Street	Bridge over Deer Creek	12-79	11-5-79

SCHEDULE VIII TRAIN WHISTLES AND BELLS REGULATED.

(A) Absent a clear and present emergency situation observed by the train operator, it shall be unlawful to sound a train whistle or bell; or to instruct, order, or induce another person to sound a train whistle or bell; at or just prior to entering any of the protected train crossings detailed in the table below.

(B) A penalty shall be imposed for violation of this schedule in the same manner as for a Class A Infraction under Indiana law.

(C) Evidence of the sounding of a train whistle or bell in violation of this schedule shall be prima facie evidence of the following:

(1) That the person on the train from which the whistle or bell was sounded who was in the highest position or authority at the time the whistle or bell was sounded was the person who sounded the train whistle or bell; and,

(2) That the whistle or bell was sounded pursuant to an instruction, order, or inducement from the employer of the person who sounded the train whistle or bell.

Location of Crossing	*Ord. No.*	*Date Passed*
Monroe St. between Illinois and Market Streets	99-11	9-2-99
Market St. between Monroe and Madison Streets	99-12	9-2-99
Washington St. between Monroe and Madison Streets	99-13	9-2-99
Union St. between Monroe and Madison Streets	99-14	9-2-99
Indiana St. between Monroe and Madison Streets	99-15	9-2-99
Wilson St. between Monroe and Madison Streets	99-16	9-2-99
Main St. between Illinois and Crockett Streets	99-17	9-2-99
Franklin St. between Illinois and Crockett Streets	99-18	9-2-99

CHAPTER 76: PARKING SCHEDULES

Schedules

I. Parking limitations
II. Reserved
III. Angle parking permitted
IV. Loading zones

Cross-reference:

Streets designated as "Emergency Snow Streets," see § 95.60
Streets designated as "No Parking" for street cleaning, see § 95.61

SCHEDULE I. PARKING LIMITATIONS.

Parking limitations on the following streets shall be as designated. Appropriate traffic control signs shall be installed directing traffic as designated.

STREET	*SIDE*	*LOCATION*	*LIMITATION*	*ORD. NO.*	*DATE PASSED*
Franklin St.	South	West 1/2 block between Wabash and Market	Allowed ALL day	96-12	10-18-96
Franklin St.	South	East 1/2 block between Wabash and Market	2 hour	96-12	10-18-96
Franklin St.	South	Entire block between Market and Washington	2 hour	96-12	10-18-96
Franklin St.	South	Entire block between Washington and Union	2 hour	96-12	10-18-96
Franklin St.	North	West 1/2 block between Wabash and Market	2 hour	96-12	10-18-96
Franklin St.	North	East 1/2 block between Wabash and Market	5 minute	96-12	10-18-96
Franklin St.	North	Entire block between Market and Washington	2 hour	96-12	10-18-96

Delphi - Traffic Code

STREET	*SIDE*	*LOCATION*	*LIMITATION*	*ORD. NO.*	*DATE PASSED*
Franklin St.	North	West 1/2 block between Washington and Union	Allowed ALL day	96-12	10-18-96
Franklin St.	North	East 1/2 block between Washington and Union	2 hour	96-12	10-18-96
Main St.	South	East 1/2 block between Wabash and Market	2 hour	96-12	10-18-96
Main St.	South	Entire block between Market and Washington	2 hour	96-12	10-18-96
Main St.	South	Entire block between Washington and Union	2 hour	96-12	10-18-96
Main St.	North	Entire block between Wabash and Market	NO Parking	96-12	10-18-96
Main St.	North	Entire block between Market and Washington	2 hour	96-12	10-18-96
Main St.	North	Entire block between Washington and Union	2 hour	96-12	10-18-96
Market St.	West	Entire block between Monroe and Franklin	Allowed ALL day	96-12	10-18-96
Market St.	West	North 1/2 block (between Franklin and Main	2 hour	96-12	10-18-96
Market St.	West	South 1/2 block between Franklin and Main	Allowed ALL day	96-12	10-18-96
Market St.	West	North 1/2 block between Main and Front	2 hour	96-12	10-18-96
Market St.	West	South 1/2 block between Main and Front	Allowed ALL day	96-12	10-18-96
Market St.	East	North 1/2 block between Monroe and Franklin	Allowed ALL day	96-12	10-18-96
Market St.	East	South 1/4 block between Monroe and Franklin	Allowed ALL day	96-12	10-18-96
Market St.	East	Entire block between Franklin and Main	2 hour	96-12	10-18-96
Market St.	East	North 1/4 block between Main and Front	2 hour	96-12	10-18-96

Parking Schedules

STREET	SIDE	LOCATION	LIMITATION	ORD. NO.	DATE PASSED
Market St.	East	South 1/4 block between Main and Front	Allowed ALL day	96-12	10-18-96
Washington St.	West	North 1/2 block between Monroe and Franklin	NO parking	96-12	10-18-96
Washington St.	West	South 1/2 block between Monroe and Franklin	2 hour	96-12	10-18-96
Washington St.	West	Entire block between Franklin and Main	2 hour	96-12	10-18-96
Washington St.	West	North 1/2 block between Main and Front	2 hour	96-12	10-18-96
Washington St.	West	South1/2 block between Main and Front	Allowed ALL day	96-12	10-18-96
Washington St.	East	North 1/2 block between Monroe and Franklin	2 hour	96-12	10-18-96
Washington St.	East	South 1/2 block between Monroe and Franklin	Allowed ALL day	96-12	10-18-96
Washington St.	East	Entire block between Franklin and Main	2 hour	96-12	10-18-96
Washington St.	East	North 1/2 block between Main and Front	2 hour	96-12	10-18-96
Washington St.	East	South 1/2 block between Main and Front	Allowed ALL day	96-12	10-18-96
Washington St.	Both	Entire block between Summit and Vine	NO parking	99-10	9-2-99
Union St.	West	North 1/2 block between Franklin and Main	2 hour	96-12	10-18-96
Union St.	West	South 1/2 block between Franklin and Main	Allowed ALL day	96-12	10-18-96
Union St.	West	North 1/2 block between Main and Front	2 hour	96-12	10-18-96
Union St.	West	South 1/2 block between Main and Front	Allowed ALL day	96-12	10-18-96
Union St.	East	North 1/2 block between Franklin and Main	2 hour	96-12	10-18-96

Delphi - Traffic Code

STREET	*SIDE*	*LOCATION*	*LIMITATION*	*ORD. NO.*	*DATE PASSED*
Union St.	East	South 1/2 block between Franklin and Main	Allowed ALL day	96-12	10-18-96
Union St.	East	South 1/2 block between Main and Front	Allowed ALL day	96-12	10-18-96
West Franklin St.	North	Between Wabash and Illinois	NO parking	97-9	3-6-97
West Main St.	North South	Between Illinois and Norfolk Southern Railway tracks	NO parking	97-9	3-6-97
West Vine St.	South	Between State Road 39 and Wabash	NO parking	96-12	10-18-96

Parking Schedules

SCHEDULE II. PARKING RESTRICTED.

Parking shall be restricted on the following streets at the locations and times designated:

Street	*Side(s)*	*Location*	*Time Limit*	*When Restricted*	*Ord. No.*	*Date Passed*
Franklin Street	North	Market Street to one-half block west of Market Street	5 min.	All times	12-79	11-5-79
Franklin Street	South	Market Street to one-half block west of Market Street	5 min.	All times	12-79	11-5-79
Front Street	South	Union Street to one-eighth block east of Union Street	15 min.	All times	12-79	12-79
Indiana Street	West	Main Street to one-half block south of Main Street	1 hr.	9:00 a.m. -6:00 p.m.	12-79	11-5-79
Monroe Street	North	Washington Street to one-quarter block west of Washington Street	15 min.	All times	12-79	11-5-79
Union Street	East	One-quarter block south of Main Street to three-eighths block south	5 min.	8:00 a.m. -4:00 p.m.	12-79	11-5-79
Union Street	West	One-quarter block north of north of Front Street to Front Street	15 min.	8:00 a.m. -4:00 p.m.	12-79	11-5-79
Washington Street	East	Monroe Street to one-half block south	15 min.	All times	12-79	12-79

Parking Schedules

SCHEDULE III. ANGLE PARKING PERMITTED.

The following streets are designated to permit angle parking:

Street	***Side(s)***	***Location***	***Ord. No.***	***Date Passed***
Franklin Street	Both	For one-half block west of Wabash Street	91-3	- -91
High Street	West	Monroe Street to one-half block north of Monroe Street	12-79	11-5-79
Market Street	Both	Monroe Street to one-half flock south of Main Street	12-79	11-5-79
Union Street	East	For one-half block south of Main Street	91-3	- -91
Union Street	West	Front Street to one-half block north of Franklin Street	12-79	11-5-79
Wabash Street	East	Main Street to one-half block south	12-79	11-5-79
Washington Street	Both	Main Street to Franklin Street	12-79	11-5-79
Washington Street	Both	For one-half block north of Franklin Street	91-3	- - 91

SCHEDULE IV. LOADING ZONES.

Loading zones shall be established at the following locations:

Street	*Side(s)*	*Location*	*Time(s)*	*Ord. No.*	*Date Passed*
Union Street	East	110' south of Franklin Street to 130' south of Franklin Street	All	12-79	11-5-79
Union Street	West	60' south of Franklin Street to 70' south of Franklin Street	All	12-79	11-5-79
Washington Street	East	160' south of Main Street to 200' south of Main Street	All	12-79	11-5-79

SCHEDULE V. HANDICAP PARKING

Handicap parking spaces shall be established at the following locations:

	STREET	SIDE	LOCATION	ORD. NO.	DATE PASSED
1	Adams St.	South	Parallel parking space from center 180 feet West of Washington Street apex	04-1	04-05-2004
2	Franklin St.	North	First angle parking space West of Union Street	04-1	04-05-2004
3	Franklin St.	North	First angle parking space East of Market Street	04-1	04-05-2004
4	Indiana St.	East	Parallel parking space from center 89 feet South of Main Street apex.	04-1	04-05-2004
5	Indiana St.	West	Parallel parking space from center 120 feet South of Main Street apex	04-1	04-05-2004
6	Indiana St.	East	Parallel parking space from center 53 feet South of Franklin Street apex	04-1	04-05-2004
7	Main St.	South	Sixth parallel parking space East of Washington Street	04-1	04-05-2004
8	Market St.	East	Second angle parking space South of Franklin Street	04-1	04-05-2004
9	Market St.	East	Third angle parking space South of Franklin Street	04-1	04-05-2004
10	Market St.	West	First angle parking south of Main St.	04-1	04-05-2004
11	Monroe St.	South	Parallel parking space from center 80 feet East of Union Street apex	04-1	04-05-2004
12	Monroe St.	North	Parallel parking space from center 80 feet East of Washington Street apex	04-1	04-05-2004
13	Monroe St.	North	Parallel parking space from center 102 feet East of Washington Street apex	04-1	04-05-2004
14	Union St.	East	Sixth angle parking space South of Main Street	04-1	04-05-2004
15	Union St.	West	First parallel parking space South of Main Street	04-1	04-05-2004
16	Union St.	West	First angle parking space South of Franklin Street	04-1	04-05-2004
17	Union St.	West	First angle parking space North of Main Street	04-1	04-05-2004
18	Washington St.	East	Seventh angle parking space South of Franklin Street	04-1	04-05-2004
19	Franklin Street	North	First angle parking space west of Washington St.	06-3	05-05-2006

TITLE IX: GENERAL REGULATIONS

Chapter

90. PUBLIC NUISANCES

91. JUNKED, WRECKED AND ABANDONED VEHICLES

92. ANIMALS

93. NOISE

94. WEEDS

95. STREETS AND SIDEWALKS

96. FIRE PREVENTION

97. GARAGE AND YARD SALES

98. CEMETERIES

99. TREES

100. FAIR HOUSING

CHAPTER 90: PUBLIC NUISANCES

Section

90.01 Menaces to health
90.02 Abatement of nuisances

§90.01 MENACES TO HEALTH.

The following conditions constitute the deposit of an unwholesome substance and the existence of a menace to health and are declared to be and to constitute a public nuisance if the same are found to exist on any public or private property within the said city:

(A) All noxious weeds.

(B) Putting any filth to any cistern, reservoir, trough or other place in which water may be kept which belongs to the city or any individual therein, or in any manner to injure the same.

(C) The throwing, placing, causing to be placed, or suffering to remain in existence of any putrid or unsound meats, fish, hides, skins of any kind, or any filth, offal, dung, dead animals, vegetables, tin cans, or rubbish of any kind, or any other deleterious substance or obnoxious matter. which is in any way offensive or which will likely become putrid or offensive.

(D) Manure in any quantity that is not securely protected from flies and treated as required by the enforcement officials.

(E) Filthy, littered or trash covered cellars, houses yards, barnyards, stable yards, factory yards or vacant lots.

(F) Any cellar, vault, drain, privy, pool, sewer, sink, catchbasin or premises which shall become noxious, foul or offensive or which may emit foul or offensive odors, gases, effluvia or stenches.

(G) The maintenance or keeping of any farm animals, poultry, birds, dogs, cats in such a manner that the same are or may become injurious to the health or offensive to the inhabitants in the vicinity of the same.
('63 Code, § 17-7)

CHAPTER 91: JUNKED, WRECKED AND ABANDONED VEHICLES

Section

91.01 Definitions
91.02 Applicability
91.03 Responsibility of owner
91.04 Inability to establish right to possession
91.05 Notice tag prepared by police officer
91.06 Preparation of report; photographs
91.07 Disposition of vehicle of less than one hundred dollars in value
91.08 Disposition of vehicle of one hundred; dollars or more
91.09 Vehicle abandoned on rental property notification procedures
91.10 Disposition of vehicle abandoned on private property
91.11 Towing operator required to notify public agency and state Bureau of Motor Vehicles
91.12 Vehicle abandoned on private property; notification and disposition procedures
91.13 Abandoned vehicle report; forwarding to state Bureau of Motor Vehicles
91.14 Disposal of vehicle without notice
91.15 Establishment of procedures by City Council; establishment of abandoned vehicle fund
91.16 Removal of abandoned vehicles; establishment by ordinance of procedures
91.17 Exempt from liability

Cross-reference:

Authority for towing of vehicles in case of emergencies, see § 70.012

§91.01 DEFINITIONS.

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

ABANDONED VEHICLE. Shall mean any of the following:

(1) A vehicle located on public property illegally;

(2) A vehicle left on public property without being removed for three days;

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

(4) 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;

(5) 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;

(6) A vehicle that has been removed by a 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 of the vehicle's removal; or

(7) A vehicle that is at least three model years old, mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days. (I.C. 9-13-2-1)

OFFICER. Shall mean any of the following:

(1) A regular member of the state police department;

(2) A regular member of the city police department;

(3) A city marshal or town marshal deputy;

(4) A regular member of the county police force; or

(5) An individual of an agency designated by ordinance. (I.C. 9-22-1-2)

PUBLIC AGENCY. The local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles. (I.C. 9-22-1-3)

§ 91.02 APPLICABILITY.

This chapter does not apply to the following:

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

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

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;

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

(E) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle.
(I.C. 9-22-1-1)

§91.03 RESPONSIBILITY OF OWNER.

The person who owns an abandoned vehicle or parts is:

(A) Responsible for the abandonment; and

(B) Liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or parts under this chapter.
(I.C. 9-22-1-4)

§ 91.04 INABILITY TO ESTABLISH RIGHT TO POSSESSION.

When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.
(I.C. 9-22-1-5)

§ 91.05 NOTICE TAG PREPARED BY POLICE OFFICER.

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

(A) The date, time, officer's name, public agency, and address and telephone number to contact for information;

(B) That the vehicle or parts are considered abandoned;

(C) That the vehicle or parts will be removed after 72 hours;

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

(E) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours,
(I.C. 9-22-1-11)

§ 91.06 PREPARATION OF REPORT; PHOTOGRAPHS,

If a vehicle or a part tagged under § 91.05 is not removed within the 72 hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.
(I.C. 9-22-1-12)

§ 91.07 DISPOSITION OF VEHICLE OF LESS THAN ONE HUNDRED DOLLARS IN VALUE.

If in the opinion of the officer the market value of an abandoned vehicle or parts determined under §91.06 is less than $100, the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the state Bureau of Motor Vehicles. The public agency disposing of the vehicle shall retain the original records and photographs for at least two years.
(I.C. 9-22-1-13)

§ 91.08 DISPOSITION OF VEHICLE OF ONE HUNDRED DOLLARS IN VALUE OR MORE.

If in the opinion of the officer the market value of the abandoned vehicle or parts determined under § 91.06 is at least $100, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage area.
(I.C. 9-22-1-14)

§ 91.09 VEHICLE ABANDONED ON RENTAL PROPERTY; NOTIFICATION PROCEDURES.

A person who finds a vehicle believed to be abandoned on the person's rental property shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name and address of the person who owns the rental property and a telephone number to contact for information.

(2) That the vehicle is considered abandoned.

(3) That the vehicle will be removed after 72 hours.

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

(E) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.
(I.C. 9-22-1-15)

§ 91.10 DISPOSITION OF VEHICLE ABANDONED ON PRIVATE PROPERTY.

(A) If after 72 hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.

(2) Deliver, by certified mail, a copy of the information contained in the notice required under § 91.09 to the person who owns the vehicle. The notice required by this subdivision must be given not later than five business days after the vehicle is removed.

(B) Notwithstanding division (A), in an emergency situation a vehicle may be removed immediately. As used in this division, ***EMERGENCY SITUATION*** means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both,
(I.C. 9-22-1-16)

§91.11 TOWING OPERATOR REQUIRED TO NOTIFY PUBLIC AGENCY AND STATE BUREAU OF MOTOR VEHICLES.

A towing operator who tows a vehicle under § 91.10 shall give notice to the public agency and state Bureau of Motor Vehicles that the abandoned vehicle is in the possession of the towing operator.
(I.C. 9-22-1-17)

§91.12 VEHICLE ABANDONED ON PRIVATE PROPERTY; NOTIFICATION AND DISPOSITION PROCEDURES.

Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in §§ 91.05 through 91.08.
(I.C. 9-22-1-18)

§ 91.13 ABANDONED VEHICLE REPORT; FORWARDING TO STATE BUREAU OF MOTOR VEHICLES.

(A) Within 72 hours after removal of an abandoned vehicle to a storage area under § 91.07, § 91.08, or § 91.10, the public agency or storage lot shall prepare and forward to the state Bureau of Motor Vehicles an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

(1) The make;

(2) The model;

(3) The identification number; and

(4) The number of the license plate.

(B) The public agency or storage lot shall request that the state Bureau of Motor Vehicles advise the public agency or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle.

§91.14 DISPOSAL OF VEHICLE WITHOUT NOTICE.

If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.
(I.C. 9-22-1-21)

§91.15 ESTABLISHMENT OF PROCEDURES BY CITY COUNCIL; ESTABLISHMENT OF ABANDONED VEHICLE FUND.

(A) The City Council shall, by ordinance, establish procedures to carry out this chapter, including the following;

(1) The charges allowed for towing and storage of abandoned vehicles, which shall be filed with the state Bureau of Motor Vehicles.

(2) The means of disposition of vehicles.

(B) The City Council shall establish an abandoned vehicle fund for the purposes of this chapter.
(I.C. 9-22-1-30)

§91.16 REMOVAL OF ABANDONED VEHICLES; ESTABLISHMENT OF PROCEDURES.

To facilitate the removal of abandoned vehicles or parts, a public agency may employ personnel, acquire equipment, property, and facilities, and enter into towing contracts for the removal, storage, and disposition of abandoned vehicles and parts. The City Council may, by ordinance, establish procedures to carry out this section.
(I.C. 9-22-1-31)

§91.17 EXEMPT FROM LIABILITY.

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

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

(B) A public agency.

(C) A towing service.

(D) An automobile scrapyard.
(I.C. 9-22-1-32)

CHAPTER 92: ANIMALS

Section

General Provisions

92.01 Definitions
92.02 Owner responsibility
92.03 Running at large; impoundment
92.04 Redemption
92.05 Adoption
92.06 Interference

Licensing; Rabies Vaccination

92.15 License required
92.16 State and local taxes
92.17 Term
92.18 Fee; fee waived
92.19 Tag
92.20 Funds
92.21 Issuance and revocation of licenses

Dangerous Dogs

92.41 Procedure for Determination of Dangerous Dog
92.42 Notification of Dangerous Dog Declaration
92.43 Hearing on Dangerous Dog Declaration
92.44 Appeal from Dangerous Dog Declaration
92.45 Permit and Tag Required for a Dangerous Dog
92.46 Pit Bull Dogs Presumed Dangerous
92.47 Notification of Intent to Impound
92.48 Immediate Impoundment
92.49 Impoundment Hearing Results
92.50 Exceptions to Dangerous Dog Determination
92.51 Consequences of a Dangerous Dog Determination
92.52 Dangerous Dog Registration and Handling Requirements

Police Dogs

92.30 Unlawful to injure or kill

Authority to Act/Penalty

92.80 Authority to Act
92.99 Penalty

Cross-reference:

Animal Control Supervisors, see § 30.15

GENERAL PROVISIONS

§92.01 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 vertebrate creature other than a human being.

ANIMAL CONTROL OFFICER. Any person employed or appointed by the City or by Carroll County who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.

ANIMAL SHELTER. Facility designated or recognized by Animal Control Commission for the purpose of impounding and caring for animals.

AT LARGE. A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

COMMISSION. The Carroll County Animal Control Commission or its designated representative.

DANGEROUS DOG. Any dog that, because of its aggressive nature, training or characteristic behavior presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dog" includes any dog that according to the records of the City of Delphi or the Carroll County Animal Control Commission, or any law enforcement agency:

(1) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(3) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

DIRECT CONTROL. Immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person

capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and dearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

HUMANE MANNER. Care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

IMPOUNDMENT. The taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this Ordinance.

MUZZLE. A device constructed of strong soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

NEUTERED. Rendered permanently incapable of reproduction.

NUISANCE. A dog or cat shall be considered a nuisance if it damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise-making; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on property, other than that belonging to the owner.

OWNER. Any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for any three (3) or more days within seven (7) day period. This definition shall not apply to any veterinary clinic or boarding kennel.

PERSON. Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

PIT BULL DOG. Includes any of the following dogs:

(1) The Staffordshire Bull Terrier breed of dogs.
(2) The American Staffordshire Terrier breed of dogs.
(3) The American Pit Bull Terrier breed of dogs.
(4) Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

PROPER ENCLOSURE. Secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which

provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.

RESPONSIBLE PERSON. A person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

RESTRAINT. A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

SANITARY CONDITION. A condition of good order and cleanliness to minimize the possibility of disease transmission.

SERIOUS INJURY. Any physical injury that results in broken bones or lacerations that require multiple sutures or cosmetic surgery.

UNDER RESTRAINT. That an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS ANIMAL. Any animal which constitutes a physical threat to humans or other domestic animals.
(Ord. 82-2, passed - -82) (Ordinance 2006-4, passed August 7, 2006)

§92.02. OWNER RESPONSIBILITY – GENERAL. It shall be unlawful for any person having ownership or custody of an animal to, within the corporate limits of the City of Delphi:

(A) Knowingly or negligently permit an animal to run at large, or to destroy or deface shrubbery, lawns, flowers, gardens, or other property;

(B) Keep any animal which by barking, howling, yelping or making any other noise disturbs the peace and quiet of any neighborhood, or which by foul and noxious odors or behavior detracts from the use, enjoyment, and value of surrounding properties;

(C) Keep any animal known to be dangerous or vicious, other than securely confined in an enclosed area on the premises of the owner with clearly visible signs posted to warn persons of the presence of such animal;

(D) Knowingly or negligently permit an animal to kill or injure livestock or other domestic animals, or to attack or injure any person who is engaged in lawful pursuits;

(E) Knowingly or negligently permit any animal to chase or harass vehicles, bicycles or pedestrians on public streets and sidewalks, or obstruct the normal use of streets and sidewalks;

(F) Fail to confine any female animal in heat in a closed building so that such animal cannot come into contact with other animals except for planned and supervised breeding;

(G) Keep any livestock on any property having a lot size of less than one acre, provided, however, that the City Council may, at its discretion, grant a conditional variance from this provision if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would result by virtue of disruption of an existing use of property at the time this provision first becomes applicable thereto;

(H) Keep any wild animal, other than such small species as may be lawfully obtained through regular retail pet stores, or otherwise without proper State or Federal permit keep animals customarily kept by zoos, circuses, educational institutions, or scientific establishments which are authorized under the game and wildlife laws of the state or the United States to keep and harbor such animals in captivity;

(I) Walk any animal on the streets or other public places except on a leash controlled by the owner or other responsible person, and when not on a leash such animal shall be confined to the property of its owner;

(J) Permit any vicious or dangerous animal, as determined by the Animal Control Commission or its designated representative to not be confined by its owner within a building or secure enclosure and securely leashed or caged whenever off the premises of its owner; or

(K) Possess any animal, other than a trained and certified service animal or law enforcement animal, in a public place within the business district of the City of Delphi during any festival or scheduled public gathering or event, except as necessary to obtain Veterinary service for said animal.
(Ord. 82-2,(passed - -82)(Ordinance 2006-4, passed August 7, 2006)
Penalty, see §92.99

§92.03 ***OWNER RESPONSIBILITY – DANGEROUS DOG***

It shall be unlawful for an owner of a dog determined to be a dangerous dog to:

(A) Keep a dog determined to be dangerous without a valid certificate of registration issued under §92.45;

(B) Permit a dangerous dog to be outside a proper enclosure unless the dangerous dog is under the control of a Responsible Person, muzzled, and restrained by a lead not exceeding four (4) feet in length; The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(C) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment of examination, the dangerous dog shall be caged or under the control of a Responsible

Person, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(D) Keep a dangerous dog on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(E) Fail to notify the Animal Control Commission immediately upon escape if a dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous or potentially dangerous dog has been

sold or given away, the owner shall also provide the City of Delphi Police Department and the Animal Control Commission or its designee with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;

(F) Fail to display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."

(G) Fail to provide to the Animal Control Commission and Delphi Police Department proof that he or she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars ($100,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminate or expires. The liability insurance or surety bond shall be obtained prior to die issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and

not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period. In the event that the owner proves to the satisfaction of the Animal Control Commission that insurance is not available, he may pay a non-refundable cash fee in the amount of one thousand dollars ($ 1,000) to the City.

(H) Fail to register all offspring born of dangerous dogs with the Animal Control Officer within six (6) weeks of birth

(I) Fail to surrender a dangerous dog to the Animal Control Commission or its designee for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety; or

(J) Fail to comply with any special security or care requirements for a dangerous dog the Animal Control Commission or its designee may have established pursuant to the finding that the dog was dangerous.

(Ordinance 2006-4, passed August 7, 2006) Penalty, see §92.99

§92.04 STATE ANIMAL CONTROL LAWS.

(A) In addition to any requirements of § 92.03, the following state laws governing animal control are noted and shall be enforced in the City of Delphi:

(1) IC 15-2.1-21-8, which prohibits recklessly allowing domestic animals to run at large (Class B misdemeanor);

(2) IC 15-5-9-13, which prohibits (Class C infraction):

(a) Harboring a dog over six months of age which does not at all times wear a collar with a current township dog tax tag attached; or

(b) Permitting a dog to stray beyond the owner's premises unless under reasonable control of some person;

(3) IC 35-46-3-1, prohibiting the having of any dog over six months of age which has not been currently vaccinated against rabies (Class C infraction, or Class B misdemeanor if dog bites person);

(4) IC 35-46-3-7, prohibiting cruelty to or neglect of vertebrate animals (Class B misdemeanor);

(5) IC 35-46-3-8, prohibiting purchase or possession of animals for fighting contests (Class A misdemeanor), or

(6) IC 35-46-3-11, prohibiting cruelty to a law enforcement animal, or IC 35-46-3-12, prohibiting torture or mutilation of a vertebrate animal, or IC 35-46-3-11.3, prohibiting cruelty to a search and rescue dog, or IC 35-46-3-11.5, prohibiting cruelty to a service animal (all of which constitute Class A misdemeanor or Class D felony).

(B) The above enumerated statutes are not intended to be exhaustive of all state laws relating to animals, and the fact that any other such statute is not enumerated in this section does not imply that same will not be enforced by the town authorities within their proper jurisdiction.
(Ordinance 2006-4, passed August 7, 2006)

§92.05 RUNNING AT LARGE; IMPOUNDMENT.

(A) Any dog or cat found running at large shall be impounded by the Commission in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the Commission shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of three full days in which the shelter is open to the public shall become the property of the city.

(B) When a dog or cat is found running at large and its ownership is verified by the Commission, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

(C) In the event that the Commission finds dogs or cats to be suffering or improperly cared for as described in this chapter, it shall have the right forthwith to remove or cause to have removed any such animal to a safe place for care at the owner's expense or to euthanize them! when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

(D) When a vicious dog or cat is found running at large and cannot be captured by normal, accepted means, the Commission may exercise the option of destroying the animal if it is determined to be an immediate physical threat to humans or other domestic animals.

(E) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.
(Ord. 82-2, passed -82) (Amended Ord 2006-4, passed August 7, 2006)
Penalty, see § 92.99

§92.06 REDEMPTION.

(A) Any animal impounded may be redeemed by the owner thereof within three days upon payment of an impoundment fee of $40 per animal for any animal under 50 pounds and $45 per animal for any animal over 50 pounds. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.

(B) No animal required to be licensed or vaccinated under this chapter may! be redeemed until provisions for such licensing have been fulfilled.
(Ord. 82-2, passed - -82; Am. Ord. 93-9, passed 5-6-93) (Amended Ord 2006-4, passed August 7, 2006)

§92.07 ADOPTION.

An adoption fee of $5 shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.
(Ord. 82-2, passed - -82) (Amended Ord 2006-4, passed August 7, 2006)

§92.08 INTERFERENCE.

No person shall interfere with, hinder, or molest any agent of the Commission in the performance of any duty as herein provided.
(Ord. 82-2, passed - -82) (Amended Ord 2006-4, passed August 7, 2006) Penalty, see § 92.99

LICENSING; RABIES VACCINATION

§92.15 LICENSE REQUIRED.

No person shall own, keep or harbor any dog or cat over four months of age within the city unless such dog or cat is vaccinated against rabies and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licenses animal shelter.
(Ord. 82-2, passed - -82) Penalty, see § 92.99

§92.16 STATE AND LOCAL TAXES.

(A) In addition to the state dog tax, a city dog or cat tax shall be required for residents of the city. Application for a license must be made within 30 days after obtaining a dog or cat over four months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than 60 days.

(B) A dog or cat license shall be obtained from the Clerk-Treasurer and shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of rabies vaccination within one year preceding the date of application.
(Ord. 82-2, passed - -82) Penalty, see § 92.99

§92.17 TERM.

(A) The licensing period shall be for one year. The license must be obtained by April 15 of each calendar year.

(B) New residents must apply for a license within 30 days of establishing residence.
(Ord. 82-2, passed -82; Am. Ord. 96-4, passed 3-7-96) Penalty, see § 92.99

§ 92.18 FEE; FEE WAIVED.

(A) A license shall be issued after payment of a fee of $4 for each unneutered dog or cat and $2 for each neutered dog or cat. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee of $2. In the event that a tag is lost or destroyed, a duplicate tag may be obtained from the Clerk-Treasurer for a fee $1 $1.

(B) License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.
(Ord. 82-2, passed - -82; Am. Ord. 93-9, passed 5-6-93) Penalty, see § 92.99

§ 92.19 TAG.

Upon issuance of the license, the Clerk-Treasurer shall issue a durable license tag, including an identifying number, year of issuance, city, county and state. The license tag must be worn at all times and are not transferable. The Clerk-Treasurer shall maintain a record of all licences issued and such records shall be available to the Commission.
(Ord. 82-2, passed - -82)

§92.20 FUNDS.

Funds derived from the sale of these tabs shall be used for the expressed purpose of administering the Delphi-Flora Animal Control Program. Purpose of the tags shall be for identification of the animals and to help locate owners of same.
(Ord. 82-2, passed - -82)

§ 92.21 ISSUANCE AND REVOCATION OF LICENSES.

(A) The Clerk-Treasurer may revoke any license if the person holding the license refuses or fails to comply with this chapter or any other law governing the protection and keeping of animals.

(B) If an applicant is shown to have withheld or falsified any material information on the application, the Clerk-Treasurer may refuse to issue or may revoke a license.
(Ord. 82-2, passed - -82)

DANGEROUS DOGS

§ 92.41. PROCEDURE FOR DETERMINATION OF A DANGEROUS DOG

(A) The Animal Control Officer or any adult person may request under oath that a dog be classified as dangerous as defined in §92.01 by submitting a sworn, written complaint on a form approved by the Animal Control Commission. Upon receipt of such complaint, the Animal Control Officer shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(B) At the conclusion of an investigation, the Animal Control Commission may:

(1) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(2) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in §92.03, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the Animal Control Officer may cause the dog to be humanely destroyed.

(Ordinance 2006-4, passed August 7, 2006)

§ 92.42. NOTIFICATION OF DANGEROUS DOG DECLARATION.

(A) Within five (5) business days after a dog is declared to be dangerous, the Animal Control Officer shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in §92.03 of this Ordinance. The Animal Control Officer also shall notify the Mayor and the Police Department of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.

(B) The notice shall inform the dog owner that he or she may request, in writing, a hearing to contest the Animal Control Officer's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(C) If the Animal Control Officer cannot with due diligence locate the owner of a dog that has been seized pursuant to this Ordinance, the Animal Control Officer shall cause the dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the Animal Control Officer may cause the dog to be humanely destroyed.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.43 HEARING ON DANGEROUS DOG DECLARATION.

(A) The Animal Control Commission shall hold a hearing within fifteen (15) business days after receiving die dog owner's written request for such a hearing. The Commissioners shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.

(B) At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this Section shall include but not be limited to the following:

(1) Provocation, severity of attack or injury to a person or domestic animal,
(2) Previous aggressive history of the dog,
(3) Observed or observable behavior of the dog,
(4) Site and circumstances of the incident, and
(5) Statements from interested parties.

(C) Determination at a hearing that the dog is in fact a dangerous dog as defined in §92.01 shall subject the dog and its owner to the provisions of this Ordinance.

(D) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this Ordinance.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.44 APPEAL FROM DANGEROUS DOG DECLARATION.

(A) If the Animal Control Commission determines that a dog is dangerous at the conclusion of a hearing conducted under §92.43, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Animal Control Officer's determination of dangerousness.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.45. PERMIT AND TAG REQUIRED FOR A DANGEROUS DOG.

(A) The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the Department of Animal Control to harbor the dog. The fee for such permit shall be Twenty Five dollars ($25.00) per year.

(B) At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous dog, The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

(C) The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.46. PIT BULL DOGS PRESUMED DANGEROUS.

(A) There shall be an refutable presumption that any dog which would be classified as a member of the breed pit bull dog is a dangerous dog and is therefore subject to the requirements of this Ordinance.

(B) Any owner of a pit bull dog as defined in this ordinance may request a hearing pursuant to §92.43. A ruling under §92.43 that a pit bull dog is not a dangerous dog solely because of its breed may be reviewed at any time upon written complaint as provided in this Ordinance.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.47 NOTIFICATION OF INTENT TO IMPOUND.

(A) Except as provided in §92.48, when the Animal Control Officer or his designee intends to impound a dog declared to be dangerous for violation of §92.03 or any other Section of this Ordinance, he shall notify the owner or custodian of the dog, by leaving written notice with the owner, of the intended impoundment at least five (5) business days prior to the intended impoundment.

(B) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(C) Upon request by the owner or custodian of the dog for a hearing pursuant to subsection (B), a hearing shall be held within ten (10) business days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided personal service to person requesting such hearing.

(D) If the owner or custodian requests a hearing pursuant to subsection (B), no impoundment shall take place until conclusion of the hearing, except as authorized in §92.48.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.48. IMMEDIATE IMPOUNDMENT.

(A) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the Animal Control Officer or his designee determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of §92.03 or when the dog attacks or bites a person or domestic animal.

(B) The owner or custodian of the dog immediately impounded pursuant to subsection (A) shall be notified of the impoundment by personal service or certified mail within five (5) business days after the dog's impoundment.

(C) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(D) Upon request by the owner or custodian of the dog for a hearing under subsection (C), a hearing shall be held within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing.
(Ordinance 2006-4, passed August 7, 2006)

§ 92.49 IMPOUNDMENT HEARING RESULTS.

(A) If after a hearing on impoundment, the Animal Control Commission finds no violation of §92.03, or that the dog has not attacked or bitten an individual or domestic animal, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

(B) Incident to the findings and conclusions made at the impoundment hearing, the Animal Control Commission may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:

(1) Posting of bond or other proof of ability to respond in damages;
(2) Specific requirements as to size, construction and design of a kennel in which to house the dog;
(3) Requirements as to type and method of restraint and/or muzzling of the dog;
(4) Photo identification or permanent marking of the dog for purposes of identification; and
(5) Payment of reasonable fees to recover the costs incurred by the Animal Control Commission in ensuring compliance with this Ordinance.

(Ordinance 2006-4, passed August 7, 2006)

§ 92.50. EXCEPTIONS TO DANGEROUS DOG DETERMINATION

No dog shall be declared a dangerous dog if:

(A) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(B) The threat, injury, or damage was sustained by a person:
(1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
(2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
(3) Who was committing or attempting to commit a crime; or

(C) The dog was:
(1) Responding to pain or injury, or was protecting itself, its offspring; or
(2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(Ordinance 2006-4, passed August 7, 2006)

§ 92.51. CONSEQUENCES OF A DANGEROUS DOG DETERMINATION

(A) If the Animal Control Commission or its designee determines that a dog is a dangerous dog under this Ordinance, the owner shall comply with the provisions of §92.03 and any other special security or care requirements the Animal Control Commission or its designee may establish.

(B) The Animal Control Commission or its designee may require impoundment of the dog until the owner of the dog has satisfied all the requirements of the certificate of registration holding permit. The requirements must be met within thirty (30) days.

(C) If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day.

(Ordinance 2006-4, passed August 7, 2006) Penalty, see §92.99

§ 92.52. DANGEROUS DOG REGISTRATION AND HANDLING REQUIREMENTS

(A) The Animal Control Commission or its designee shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Animal Control Commission that

(1) The owner of the potentially dangerous dog is 21 years of age or older;
(2) The potentially dangerous dog has a current rabies vaccination;
(3) The owner has proof of current County dog license;
(4) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said dangerous dog as described in §92.01;
(5) The owner has paid an annual fee in an amount to be determined by the Animal Control Commission or its designee, in addition to regular dog licensing fees, to register the dangerous dog with the City of Delphi;
(6) The dangerous dog has been spayed or neutered; and
(7) The dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered with the Animal Control Commission.

(B) In addition, prior to issuing a certificate of registration, the Animal Control Commission or its designee may require additional proof from the owner that:

(1) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable;
(2) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and
(3) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.

(C) The Animal Control Commission or its designee may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions for registration or confinement or handling of a dangerous dog.

(D) If any dog previously determined to be a dangerous dog has not exhibited any of the behaviors specified in §92.01 within the thirty-six (36) months since the date of the dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous dog if it again exhibits any of the specified behaviors.
(Ordinance 2006-4, passed August 7, 2006)

POLICE DOGS

§ 92.30 UNLAWFUL TO INJURE OR KILL.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department in performance of the functions or duties of such department or to interfere with or meddle with any such dog while being used by the Department or any member thereof.
(Ord. 5-65, passed 9-20-65) Penalty, see § 92.99

AUTHORITY TO ACT/PENALTY

§ 92.80 AUTHORITY TO ACT.

Any duly appointed law enforcement officer or Animal Control Officer responding to an observed or reported incident of a dangerous or vicious animal may immediately destroy such animal if any person, including the responding officer, is in immediate danger due to the aggressive or dangerous behavior of the animal, and the responding officer cannot safely restrain and confine the animal.
(Ordinance 2006-4, passed August 7, 2006, as Amended September 11, 2006)

§ 92.99. PENALTY.

(A) Except as provided below, any person violating any provision of this chapter shall be guilty of an infraction and shall be subject to a fine and penalty as follows:

(1) not to exceed $100 for the first offense;
(2) not to exceed $1,000 for the second offense; and
(3) not to exceed $2,000 for the third offense, plus forfeiture of the subject animal of the violation. If said animal is not determined to be a dangerous dog or vicious animal, and is of good health, said animal may be adopted, provided that possession of the animal does not return to the owner adjudicated to be in violation of the provisions of this chapter.

(B) Except as provided below, an owner of a dog determined to be a dangerous dog and who violates the provisions of this chapter shall subject to a fine as follows:

(1) not to exceed $500 for a first offense;
(2) not to exceed $1,000 for a second offense; and
(3) not to exceed $2,000 for a third offense, plus the dog determined to be potentially dangerous or dangerous shall be impounded and humanely euthanized within five (5) days of the imposition of the final order.

(C) An owner of a dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to $7,500, and the dog shall be immediately impounded and humanely euthanized within five (5) days of the incident which causes serious injury or death of a human being or domestic animal. Any other City, State or Federal penalties may also apply for the incident.
(Ordinance 2006-4, passed August 7, 2006, as Amended September 11, 2006)

CHAPTER 93: NOISE

Section

93.01 Loud and unnecessary noises
93.02 Vehicle warning signs
93.03 Radios and phonographs
93.04 Screaming and whistling
93.05 Loudspeakers and public address systems

93.99 Penalty

§ 93.01 LOUD AND UNNECESSARY NOISES.

It is declared unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonable Ioud and unnecessary noise in the city.
(Ord. 92-2, passed -92) Penalty, see §93.99

§ 93.02 VEHICLE WARNING SIGNS.

It shall be unlawful for any person to sound any horn, klaxon, siren, or other warning signal on any automobile, truck, train, noticeable, or other vehicle on any public street or in any public place in the city, except as a necessary warning of danger to persons and property.
(Ord. 92-2, passed - -92) Penalty, see § 93.99

§93.03 RADIOS AND PHONOGRAPHS.

The loud and unnecessary use of a radio, phonograph, megaphones, loudspeaker, automatic piano, or any other instrument for the reproduction, amplification, or transmission of sound in such manner or in such volume as to unnecessarily distract the attention, comfort, or repose of persons in the vicinity thereof is prohibited and declared to be unlawful.
(Ord. 92-2, passed - -92) Penalty, see § 93.99

§93.04 SCREAMING AND WHISTLING.

It shall be unlawful for any person to make any noise on the public streets, or in such close

proximity thereto as to be distinctly and loudly audible on the streets, by any loud and unnecessary talking, calling, shouting, screaming, shrieking, whistling, or by use of any bell, gongs, exhaust explosion, music instrument or other noise-making device, whereby the attention, comfort, or repose of persons in the vicinity thereof is, or is likely to be disturbed thereby.
(Ord. 92-2, passed - -92) Penalty, see § 93.99

§ 93.05 LOUDSPEAKERS AND PUBLIC ADDRESS SYSTEMS.

(A) *Permit required.* It shall not be unlawful for any person to whom a permit lias been granted to use and operate on the public streets and public places of the city any loudspeaker or any public address system or other device for the reproduction, amplification, or transmission of sound, on the occasion of any public celebration, commemoration, entertainment, or for the advertising and publicity thereof, or for making public announcements or for any other public purpose.

(B) *Application.* Permits referred in division (A) of this section shall be granted only on application in writing addressed to the Chief of Police, stating therein the time, place,! and purpose of the intended use of the loudspeakers, public address system, or other device.

(C) *Issuance.* If the Chief of Police shall believe that the use as is referred to in the application filed under division (B) of this section will promote the public interest, and will not result in blocking traffic or hindering the Fire or Police Department in performance of duty, he shall grant the permit without cost to the applicant therefor.

(D) *Term; transferability.* Permits granted under this section shall be valid for one occasion or event only and the permit shall not be continuous nor shall it be transferable.
(Ord. 92-2, passed - -92) Penalty, see § 93.99

§93.99 PENALTY.

Any person found in violation of any provisions of this chapter shall upon conviction be subject to a fine of not less than $10 nor more than $2,500.
(Ord. 92-2, passed - -92)

CHAPTER 94: WEEDS

Section

94.01 Removal of noxious weeds
94.02 Notice
94.03 Failure to comply; city to remove
94.04 Failure to pay; procedure for collection

§ 94.01 REMOVAL OF NOXIOUS WEEDS.

The city shall require the owners of real estate within the limits of the city to cut and remove noxious weeds and other rank vegetation growing therein.
('63 Code, § 29-1)

§94.02 NOTICE.

A written notice to remove weeds or vegetation shall be issued by the Clerk Treasurer and shall be served by the Chief of Police on the landowner if he is a resident, or by registered mail addressed to his last known address if he is a nonresident.
('63 Code, § 29-2)

§ 94.03 FAILURE TO COMPLY; CITY TO REMOVE.

If the landowner fails to remove such weeds or rank vegetation within the time prescribed, the city may remove such weeds and rank vegetation, and the Clerk-Treasurer shall make a certified statement of the actual cost incurred by the city in such removal, which statement shall be delivered to the owner of such real estate by the Chief of Police, or by registered mail and such owner |shall have not more than ten days within which to pay the amount to the Clerk-Treasurer.
('63 Code, § 29-3)

§ 94.04 FAILURE TO PAY; PROCEDURE FOR COLLECTION.

If the owner fails to pay the sum within the time prescribed for removal of weeds on his property, a certified copy of the statement of costs shall be filed in the office of the Auditor's wherein the real estate is located and the Auditor shall place the amount so claimed on the tax duplicate against the

lands of the landowner affected by the work, and the same shall be collected as taxes are collected, and when so collected shall be disbursed to the general fund of the city.
('63 Code, § 29-4)

CHAPTER 95: STREETS AND SIDEWALKS

Section

Sidewalks

95.01 Conformance required
95.02 Permit required
95.03 Width and grade
95.04 Subgrade
95.05 Forms
95.06 Concrete
95.07 Expansion joints
95.08 Placing concrete
95.09 Driveways
95.10 Alley crossing
95.11 Inspection and acceptance
95.12 Notice to property owners
95.13 Repair of sidewalk
95.14 Disposition of dirt and old material
95.15 Tampering with grade stakes

Curbs and Gutters

95.25 Curbs responsibility of property owner
95.26 Compliance with city regulations
95.27 Failure to maintain

Excavations

95.35 Definitions
95.36 Board of Public Works to administer
95.37 Permit
95.38 Restoration guidelines
95.39 Violations

Snow Removal; Street Cleaning

95.60 Snow removal
95.61 Street cleaning

Replacement of Curbs and Sidewalks

95.70 Standards for repair or replacement
95.71 Joint payment of costs of repair or replacement
95.72 Administration by Commissioner of Street Department
95.73 Discretionary powers of enforcing officers
95.74 Violations

95.99 Penalty

Cross-reference:
Thoroughfare Planning, see Ch. 152

SIDEWALKS

§95.01 CONFORMANCE REQUIRED.

All sidewalks made new, replaced or repaired within the city, shall be made in conformity with the provisions of this subchapter and the grades, plans, profiles and specifications furnished by the Clerk and on file in his office as adopted and approved by the City Council.
('63 Code, § 22-1) Penalty, see § 95.99
Cross-reference:
Replacement of curbs and sidewalks, see §§ 95.*70 et seq.*

§95.02 PERMIT REQUIRED.

Any person desiring or required to build, replace or repair any sidewalk within the city before doing so or commencing any construction work thereon whatever, except where sidewalks are to be laid in accordance with the provisions of special improvement resolutions, must file an application for a permit with the City Engineer to be transmitted by him to the Board of Public Works and Safety, which application shall be signed by the owner or agent of the abutting property where such sidewalk is to be built, replaced or repaired.
('63 Code, § 22-2) Penalty, see § 95.99
Cross-reference:
Replacement of curbs and sidewalks, see §§ *95.70 et seq.*

§95.03 WIDTH AND GRADE.

All sidewalks shall be constructed a minimum of five feet in width, except in case of the continuation of an already constructed sidewalk which is less than five feet in width; but in no event to be constructed less than four feet in width. If the sidewalks under construction is a gap between already constructed sidewalks in the same block, it shall be constructed according to the width of the wider sidewalk adjoining to the new sidewalk, four inches in thickness, and "One Course Concrete" according to the specifications that follow. The surface of any walks when completed shall be in conformity with the grade given by the Street Department, and shall have a slope of one-quarter of an inch to the foot toward the center of the street. All sidewalks shall be laid with the inner edge on the property line, unless by special permit from the Council.
('63 Code, § 22-3) Penalty, see § 95.99

§ 95.04 SUBGRADE.

The subgrade shall be constructed to the required depth below the finished surface in accordance with the plans and specifications provided by the Street Department and shall be thoroughly compacted to a firm smooth surface. All soft or spongy places not affording a suitable subgrade, must be removed and replaced with a suitable material and compacted according to the above specifications.
('63 Code, § 22-4) Penalty, see § 95.99

§95.05 FORMS.

The forms shall be of metal or wood, straight and free from warp and of sufficient strength to resist springing during the process of depositing concrete against them. If of wood, they shall be of two inch surfaced plant. If of metal, they shall be of approved section. The forms shall be of the Ml depth of the walk and shall be securely staked, braced and held firmly to required line and grade. All forms shall be thoroughly cleaned and oiled before concrete is placed against them.
('63 Code, § 22-5) Penalty, see § 95.99

§95.06 CONCRETE.

(A) *Type*. Every cubic yard of concrete in place shall contain approximately 1.50 barrels of cement. The fine aggregate shall be concrete sand No. 14 and shall meet State Highway Commission Standard Specifications. The course aggregate shall be Concrete Aggregate "L" No. 5, and shall meet the State Highway Commission Standard Specifications. The concrete shall consist of one part of the best Portland Cement, two parts of fine aggregate and three parts of course aggregate accurately measured. Water for use with cement in concrete shall be clear from oil, acid, injurious alkali and/or vegetable matter.

(B) *Mixing*.

(1) The aggregate, cement and water shall be thoroughly mixed in an approved batch mixer

so designed, constructed and operated that a thorough mixing of the materials is assured and the consistency of all batches is the same. Al1 of the material shall remain in the drum of the mixer for a period of not less than two minutes, during which time the drum shall revolve not less than 14 nor more than 20 revolutions per minute. The entire contents of each batch shall be removed from the drum before the materials for the succeeding batch are placed therein.

(2) The volume of material mixed per batch shall not exceed the manufacturer's rating or a rating approved by the Associated General Contractors of America.

(3) If the actual construction work of the sidewalk is being done by the property owner himself, the mixing may be done by hand providing the workmanship meets the specifications so set out in this subchapter.

(C) *Consistency*, The consistency of the concrete shall be measured as described in "Tentative Method of Test for Consistency of Portland Cement, A.S.T.M. Serial Designation D 138-32T." The slump- shall not be less than one inch nor more than three inches.
('63 Code, §§ 22-6 - 22-8) Penalty, see § 95.99

§95.07 EXPANSION JOINTS.

Expansion joints shall be placed at intervals not to exceed 25 feet. The preformed filler to be used in the expansion joints shall be composed of a durable elastic compound of mineral or vegetable matter. The thickness shall not be less than one-half inch, the length shall be equal to the sidewalk width and the width shall not be less than the thickness of the sidewalk. Preformed filler of one-inch thickness shall be placed where the sidewalk joins with any curb or curb gutter.
('63 Code, § 22-9) Penalty, see § 95.99

§ 95.08 PLACING CONCRETE.

The sub-grade shall be wetted before the concrete is placed therein. The concrete shall be deposited within the forms upon the wetted sub-grade to such a depth that after being compacted it shall be to the full thickness required. It shall be leveled off and tamped sufficiently to bring the mortar to the surface after which it shall be Finished smooth and even by means of a wood float. The edges shall be rounded with an edger having a radius of one-fourth inch. Transverse joints shall be cut with a jointer having a radius of one-quarter inch at intervals not greater than the width of the sidewalk being constructed, unless otherwise directed by the Street Department. When completed, the sidewalk shall be covered with wet burlap, straw or sisal kraft paper and kept wet for a period of not less than 48 hours. No concrete work shall be done during freezing weather. Whenever there is danger that the temperature shall reach the freezing point, sufficient straw or other suitable material shall be added to the covering material to prevent freezing of the concrete before it is thoroughly cured.
('63 Code, § 22-10) Penalty, see § 95.99

§ 95.09 DRIVEWAYS.

Where driveways are to be built across the sidewalk space they shall conform to the sidewalk grade and shall be six inches in depth of the same quality and material as specified for walks.
('63 Code, § 22-11) Penalty, see § 95.99

§95.10 ALLEY CROSSING.

All alley crossings shall be constructed of concrete six inches thick, of the same finish and material as specified for walks and will be concave or straight as may be ordered by the Street Department.
('63 Code, § 22-12) Penalty, see § 95.99

§95.11 INSPECTION AND ACCEPTANCE.

The material for all sidewalks hereafter built or repaired in the city, shall be inspected and approved by the Street Department before using, and all sidewalks made new or repaired shall be done under the supervision of the Street Department, who shall inspect and report on the same before the approval and acceptance of the City Council.
('63 Code, § 22-13) Penalty, see § 95.99

§95.12 NOTICE TO PROPERTY OWNERS.

Whenever in the opinion of the Board of Public Works and Safety a new sidewalk should be built, or old sidewalks repaired, the Board shall forthwith give notice to the owner of the abutting property or his agent, if residents of the city and in case such owner or agents be nonresidents of the city, the Street Department shall serve such notice by sending a copy thereof by registered mail to such owner or agent, if the address of such owner or agent be known to the Street Department, and if such owner or agent be nonresidents and their address be unknown, or such real estate be vacant or unoccupied and the residence of the owner or agent be unknown, then the Street Department shall post a copy of the notice on the property in a conspicuous place requiring the owner to build or repair the same within 30 days from the date of the notice. In case the owner shall fail to build or repair any such sidewalk, after the notice is given, then the city shall proceed to build or repair such walk and the costs, charges and expenses thereof shall be charged against the owner of such property and shall be collected in the same manner as assessments for street improvements.
('63 Code, § 22-14) Penalty, see § 05.99
Cross-reference;
Joint payment of repair or replacement costs by owner and city, see § 95.71

§95.13 REPAIR OF SIDEWALK.

(A) When any sidewalk within the city shall become out of repair and it is necessary to make

repair according to the section that follows, consultation shall be made with the Street Department. No sidewalk block made at the time of the original construction shall be cut in order to save a part of the original block at the time of repair. The entire block shall be replaced.

(B) *Determination of repair.* When any sidewalk within the city shall be or become out repair so as to render the same unsafe, unfit or inconvenient for passage thereover by pedestrians, the Board of Public Works and Safety shall notify the owners of the abutting property adjoining of the defect in such sidewalk, and in the event the same is not repaired, relaid or replaced as directed within 30 days, then the Board shall present a resolution to the Council ordering such sidewalk improved as provided by the laws of the state, this subchapter and any other provisions of this code and any other ordinance of the city, and the Council shall take such action as shall be deemed proper by the Council. For the purpose and within the purview of this subchapter, the determination of the Board of Public Works and Safety as to the necessity of the repair, relaying or replacing of any such sidewalks to render the same safe, fit or convenient for passage thereover by pedestrians, shall be conclusive so far as the city is concerned.
('63 Code, § 22-16) Penalty, see § 95.99
Cross-reference:
Replacement of curbs and sidewalks, see §§ 95.70 et seq.

§ 95.14 DISPOSITION OF DIRT AND OLD MATERIAL.

Whenever any sidewalk shall have been ordered built, repaired, relaid or replaced, the dirt removed may be used by the city in improvement of the street on which building or repairs are being made or on streets, alleys, or public places the grading of which is of the same general plan. In case the city does not so use the dirt, the property owner may remove it together with all old material within five days from the completion of such work. In case the property owner fails to do so, the contractor shall proceed to remove the same and the cost thereof shall be collected as part of the cost of the improvement. It shall be the duty of the contractor, at all time while building, repairing, relaying or replacing any sidewalk, to see to it that the stakes indicating the grade of the same have not been tampered with.
('63 Code, § 22-17) Penalty, see § 95.99
Cross-reference:
Joint payment of repair or replacement costs by owner and city, see § 95.71

§ 95.15 TAMPERING WITH GRADE STAKES.

It shall be unlawful for any unauthorized person to tamper with or in any way interfere with any grade stake for any sidewalk or to deface or disturb any such walk while in process of construction, and upon conviction thereof, shall be fined according to the penalty provided for in this subchapter.
('63 Code, § 22-18) Penalty, see § 95.99

CURBS AND GUTTERS

§ 95.25 CURBS RESPONSIBILITY OF PROPERTY OWNER.

It shall be the responsibility of the property owner to maintain curbs and gutters fronting his property on the street in proper and safe condition.
('63 Code, § 22-20) Penalty, see § 95.99

§95.26 COMPLIANCE WITH CITY REGULATIONS.

Curbs and gutters must be constructed according to the specifications as set out by the city.
('63 Code, § 22-21) Penalty, see § 95.99

§95.27 FAILURE TO MAINTAIN.

The city shall give proper notice to any property owner whose curbs and gutters are in faulty repair and unsafe condition. In the event the property owner does not comply with such order, the city shall repair such gutters and curbs and the property owner shall bear the cost of the expense.
('63 Code, § 22-22) Penalty, see § 95.99
Cross-reference:
Joint payment of repair or replacement costs by owner and city, see § 95.71

EXCAVATIONS

§95.35 DEFINITIONS.

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

APPLICANT, The person or firm who is applying for excavation permit and who is responsible either directly or through subcontractor, to complete or perform the work.

COMMERCIAL EXCAVATION. An excavation performed at a residential unit located within a commercial, industrial, or retail area OR at any non residential property OR any residential unit with more than two family dwelling units.

EXCAVATION. Any hole, hollow, or opening in or on or under any street, sidewalk, curb, alley, or any area within the City right-of-way.

MAKE. Any act by which some object or purpose is accomplished or is attempted to be accomplished, which act is performed by a person himself or by any agent or servant, or both.

PERSON. Any natural person, firm, copartnership, association or corporation.

PERVIOUS MATERIAL. Any gravel or crushed stone and shall not include any soil, subsoil or nonporous matter.

RESIDENTIAL EXCAVATION. An excavation performed at a residential living property containing two family dwelling units or less located in an area outside of a commercial, industrial, or retail area.

STREET. The entire width between the boundary lines of any public street, avenue, highway or road located in this city and established for the use of vehicles.
('63 Code, § 8-1) (Am. Ord. 99-5, passed 7-1-99)

§ 95.36 BOARD OF PUBLIC WORKS TO ADMINISTER.

It shall be the duty of the Board of Public Works and Safety to administer the provisions of this subchapter. But the Board shall have the power to delegate any of its duties created by this subchapter to its clerk or other officers, employees and agents of this city. In administrating the provisions of this subchapter, the Board:

(A) Shall collect all sums of money required by this subchapter or by the Board to be paid. The Board may delegate the collection of such sums of money to the Clerk-Treasurer.

(B) Shall conduct inspections of all excavations.

(C) Shall determine from time to time the unit prices to be used as a basis for any established expense and shall determine all cost required by this subchapter or by the Board to be paid.

(D) Shall issue an excavation permit to any person desiring to make an excavation if such person has complied with the provisions of this subchapter relative to the procurement of such permit.

(E) Shall keep a record of all violations of this subchapter and of all violations of the laws of the state applicable to excavations, together with the final disposition.

(F) Shall prescribe the form or forms to be utilized in administering the provisions of this subchapter.

(G) May correct any work performed by any person in violation of any of the provisions of this subchapter, determine the cost thereof and require of such person the payment of such cost.

(H) May fill, compact the subsoil in, an excavation made by a person who has failed or is failing to do so such as prescribed in this subchapter, determine the cost thereof, and require such person to pay such cost.

(I) May give barriers, lights, signs or otherwise warning of an excavation made or being made by any person who has failed or is failing to give warning, determine the cost thereof and require of such person the payment of such cost.

(J) May issue orders concerning excavations and supervise any work performed at any excavation made or being made for the purpose of connecting with or tapping a sewer of this city.

(K) May restore to its condition prior to an excavation, the surface of the street in, on or under which such excavation was made, determine the cost thereof, and require the person who made such excavation the payment of such cost.

(L) May revoke any or all of the excavation permits of any person who has failed or is failing to comply with any order of the Board concerning an excavation made or being made by such person.

(M) May perform any other act necessary for the due administration of this subchapter,
('63 Code, § 8-2) Penalty, see § 95.99

§95.37 PERMIT.

(A) *Permit required.* It shall be unlawful and a violation off this subchapter for any person except an agent or employee of this city acting within the scope of his employment to make an excavation without a permit first obtained therefore from the Board of Public Works and Safety.

(B) *Application; information required.* Any person desiring to make an excavation may obtain an excavation permit therefore by filing with the Board a written and sworn application on a form or forms prescribed by the Board, therein setting out the location, purpose, and size of the proposed excavation, together with any other matter deemed by the Board to be essential for the administration of its office.

(C) *Fee.* The permit fee is $25.00 to cover the cost of issuing such permit.

(D) *Damage Deposit.* Residential Excavation: $250.00
Commercial Excavation: $500.00

('63 Code, §§ 8-3 - 8-5) (Am. Ord. 99-5, passed 7-1-99) Penalty, see § 95.99

§95.38 RESTORATION GUIDELINES.

Applicant shall return all areas of any street, alley, sidewalk, curb, or any other area within the City's right-of-way or easement, to as good a condition as it was in prior to commencing excavation. In all cases excavation work shall be carried out according to the following guidelines and procedures:

(A) Concrete, asphalt, or any other paved surface shall be cut by a saw or air hammer to make an even square edge.

(B) Excavations shall be marked appropriately with barricades. Flashing yellow lights are also required if excavation is to be left open during the night, and excavation shall be covered, using appropriate material to prevent property damage or injuries. Where crowd control is needed, appropriate fencing shall be erected. By obtaining a permit under this chapter, the contractor expressly agrees to hold the City harmless and indemnify it for any and all liability and costs, including attorney's fees, arising out of or in any way connected with the project which is the subject of the permit.

(C) Back fill material shall be compacted in six inch lifts. Sand or crushed stone shall be used as backfill material one foot below any pipe and two feet above any pipe. Within more than 12 inches from the top of an asphalt or concrete surface, sand shall be used as the backfill material. The 12 inches between the aforementioned point and the concrete or asphalt surface shall be filled with #52 or #73 crushed stone, heaping approximately two inches above the surface level. All materials are to be brought up and compacted in six inch lifts.

(D) The Street Department will monitor for settling and make a repair patch after the back fill material has had a reasonable time to settle. The cost therefor shall be charged to the contractor. The contractor, with the City's authority, may be permitted to make concrete or asphalt repairs on a case by case basis, within 90 days of the end of the project.

(E) Charges for asphalt and concrete repair patches shall be based on current City costs.

(F) Alleys (non-vacated), shall be returned to the condition they were in prior to excavation using compacting practices stated in paragraph (C). No substitutions of materials shall be authorized except that the use of upgraded materials may be authorized by the Street Commissioner.

(G) Sidewalks and curbing shall be repaired and/or replaced in accordance with the standards outlined elsewhere in this chapter.

(H) Areas within the right-of-way must be returned to the condition they were in prior to the excavation to the satisfaction of the City, in consultation with adjoining property owners.

(I) Prior to excavation, the contractor shall mark specific areas to be excavated with flags or marking paint. Photographs of property to be excavated shall then be taken by an authorized City employee and maintained on file with the excavation permit in the City Clerk's Office. Only then shall excavation begin. Once the work is completed, the site shall be given a final inspection by the Street

Commissioner and a determination shall be made by said commissioner as to any payments required by the applicant. No refund of damage deposit paid pursuant to this section shall be given until the Street Commissioner, or other authorized City employee, has determined the contractor has fully complied with this section.

(J) At the time of permitting, a pre-construction meeting shall be scheduled between the contractor and the authorized city employee to discuss the details of the excavation, obtain photos, and to handle other matters connected with the project,

(K) A current certificate of insurance naming the contractor and the City as beneficiaries shall be maintained in the Clerk's Office for all projects requiring a permit.

(L) All other provisions of Municipal Code of the City of Delphi shall remain in full force and effect.

(M) A contractor or property owner who fails to obtain permits under this section as required, or who fails to follow the guidelines established hereby, commits a Class A Infraction as defined in I.C. 34-4-324. Additionally, such a failure shall result in liability to the City for costs associated with the restoration of any property which is required by the violation of this section, forfeiture of any damage deposit; and loss of permitting privileges under this section for a period of 90 days.
('63 Code, § 8-6) (Am, Ord. 99-5, passed 7-1-99) Penalty, see § 95.99

§95.39 VIOLATIONS.

The following acts shall constitute violations of this subchapter of the code:

(A) Falsifying statements on an application for an excavation permit or otherwise fraudulently induce the Board of Public Works and Safety.

(B) Utilizing an excavation permit for making an excavation not authorized by such permit.

(C) Failure to allow the Board to inspect at any time any excavation made or being made by such person.

(D) Failure to allow the Board to supervise any work performed at any excavation made or being made for the purpose of connecting with or tapping a sewer of this city or fail to perform any such work as directed by the Board.

(E) Failure to comply with any order of the Board relative to any excavation made or being made by such person.

(F) Failure to erect or place barriers, lights, signs or otherwise warning of any excavation made or being made by such person, or fail in the event the Board shall give such warning, to pay the cost thereof required by the Board to be paid by such person.

(G) Failure after such person has made an excavation and after the purpose thereof has been accomplished:

(1) To fill such excavation promptly.

(2) To fill with subsoil that portion of such excavation which is more than 18 inches beneath the surface of the street where such excavation is located.

(3) To compact any subsoil used for filling such excavation.

(4) To fill with pervious material that portion of such excavation which is located 18 inches beneath the surface of street where such excavation is located to such surface.

(H) Failure, in the event the Board shall fill and compact the subsoil in an excavation, to do the same as prescribed by this subchapter.

(I) Failure, in the event the Board shall correct any work performed by any person in violation of any provision of this subchapter, to pay the cost thereof required by the Board to be paid by such person.

(J) Failure to pay the cost required by the Board to be paid to cover the actual cost incurred by this city by restoring to its condition, prior to an excavation made by such person, the surface of the streets in, on or under which such excavation was made.
063 Code, § 8-7) Penalty, see § 95.99

STREET TREES

§95.45 CITY AUTHORITY.

The city shall have charge, custody and control of all trees and shrubs growing now or hereafter on any street, highway, or public place in the city.
('63 Code, § 27-1)

§95.46 TREE CARE.

It shall be the duty of each property owner abutting street shade trees to keep the abutting trees properly trimmed to a proper height so as not to interfere with pedestrian or vehicular traffic. Also to remove dead limbs that may be doing damage to the buildings or property of either his own or his neighbor's property. Property owners are also responsible for the care trees need, treatment or removal by reason of any type of tree disease.
('63 Code, § 27-2)

§ 95.47 PLANTING PERMIT; PROHIBITED TYPES.

(A) No person shall plant or cause to be planted any tree, plant, or shrub in any parkway within the city without first obtaining a written permit from the Street Commissioner.

(B) In no case shall any person be allowed to plant any of the following plants, trees or shrubs or any derivation thereof:

(1) Poplars.

(2) Cotton woods.

(3) Tree of Heaven.

(4) Catalpas.

(5) Mulberry.

(6) Fruit trees.
('63 Code, § 27-3)

SNOW REMOVAL; STREET CLEANING

§95.60 SNOW REMOVAL.

(A) The following sections of the following streets in the city are designated as "Emergency Snow Street" sections:

(1) Franklin Street:

(a) Between Union Street and Market Street; and

(b) Between Union Street and the Norfolk and Southern Railroad right of way.

(2) Front Street, between Market Street to Union Street

(3) Illinois Street, between Front Street and the Norfolk and Southern Railroad right of way.

(4) Main Street, between Indiana Street and the Norfolk and Southern Railroad right of way.

(5) Market Street:

(a) Between Main Street and Franklin Street; and

(b) Between Front Street and the Norfolk and Southern Railroad right of way.

(6) Union Street:

(a) Between Main Street and Franklin Street; and

(b) Between Front Street and the Norfolk and Southern Railroad right of way.

(7) Wabash Street, between Front Street and the Norfolk and Southern Railroad right of way.

(8) Washington Street:

(a) Between Main Street and Franklin Street; and

(b) Between Front Street and the Norfolk and Southern Railroad right of way.

(B) Whenever it is determined by the Mayor or Street Commissioner that more than two inches of snowfall have accumulated and that a snow emergency exists, it shall be unlawful to block or interfere with efficient snow clearance within any of those sections of streets listed in division (A) of this section until adequate clearance of such snowfall accumulation within such section has been accomplished by the Street Department. Any of the following acts or omissions shall constitute the unlawful blocking of or interference with efficient snow clearance within the meaning of this section:

(1) To initially park any vehicle or leave any vehicle standing within any such street section after a snowfall accumulation in excess of two inches and prior to the clearance thereof.

(2) To fail to remove promptly, upon a snowfall accumulation in excess of two inches, any vehicle previously parked
or left standing within any such street section.

(C) Any vehicle found to be blocking, parked, or left standing in violation of division (B) of this section may be removed by or at the direction of the Street Commissioner or any employee of the Street Department and taken to the nearest garage or other place of safety for storage until claimed by the owner of such vehicle. The cost and expense of the removal and storage shall be paid by the owner of such vehicle, who shall be notified by the Street Commissioner or Chief of Police of the location of such vehicle as soon as feasible after such removal.

(D) The Street Commissioner shall cause those sections of streets enumerated in division (A) of this section to be clearly marked as "Emergency Show Street" sections by posting signs at reasonable intervals along such sections of said streets bearing the inscription "Emergency Snow Street."
(Ord. 1-76, passed 2-2-76; Am. Ord. 94-17, passed 12-1-94)

§ 95.61 STREET CLEANING.

(A) The provisions of this section shall apply to the following sections of the following streets within the City:

(1) Franklin Street:

(a) From Illinois Street to Union Street; and

(b) From the Norfolk and Southern Railroad right of way to Union Street.

(2) Front Street, from Market Street to Union Street.

(3) Main Street:

(a) From Illinois Street to Indiana Street; and

(b) From the Norfolk and Southern Railroad right of way to Union Street.

(4) Market Street:

(a) From Front Street to Monroe Street; and

(b) From Front Street to the Norfolk and Southern Railroad right of way.

(5) Monroe Street, from the Norfolk and Southern Railroad right of way to Union Street.

(6) Union Street:

(a) From Front Street to Franklin Street; and

(b) From Front Street to Monroe Street.

(7) Washington Street:

(a) From Front Street to Monroe Street; and

(b) From Water Street to the Norfolk and Southern Railroad right of way.

"

(B) It shall be unlawful to block or interfere with efficient street sweeping within any of those

sections of streets listed in division (A) of this section between the hours of 3:00 a.m. and 6:00 a.m. on any Monday during the months of March through November of any year. Any of the following acts or omissions shall constitute the unlawful blocking of or interference with such efficient street sweeping within the meaning of this section:

(1) To initially park any vehicle or leave any vehicle standing within any such street section between the hours of 3:00 a.m. and 6:00 a.m. on any Monday during the months of March through November.

(2) To fail to remove, on or before the hour of 3:00 a.m. on any Monday during the months of March through November, any vehicle previously parked or left standing within any such street section prior to such hour of 3:00 a.m.

(C) Any vehicle found to be blocking, parked, or left standing in violation of division (B) of this section may be removed by or at the direction of the Street Commissioner or any employee of the Street Department and taken to the nearest garage or other place of safety for storage until claimed by the owner of the vehicle. The cost and expense of the removal and storage shall be paid by the owner of such vehicle, who shall be notified by the Street Commissioner of the location of such vehicle as soon as feasible after such removal.

(D) The Street Commissioner shall cause those sections of streets enumerated in division (A) of this section to be clearly marked, during the months of March through November of each year, as "No Parking" areas between the hours 3:00 a.m. and 6:00 a.m. on Mondays, by posting signs to that effect at reasonable intervals along each of the street sections.
(Ord. 2-76, passed 5-3-76; Am. Ord. 94-18, passed 12-1-94)

REPLACEMENT OF CURBS AND SIDEWALKS

§ 95.70 STANDARDS FOR REPAIR OR REPLACEMENT.

(A) The description of safe and satisfactory sidewalks and curbs contained in this chapter is hereby adopted to provide minimum standards for construction of sidewalks and curbs.

(B) All work for the replacement or repair of sidewalks and curbs shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade.
(Ord. 94-14, passed 11-3-94) Penalty, see § 10.99
Cross-reference:
Construction standards for sidewalks, see § 95.01 through 95.15
Construction standards for curbs, see § 95.25 through 95.27

§ 95.71 JOINT PAYMENT OF COSTS OF REPAIR OR REPLACEMENT.

The Board of Works after consultation with the Street Commissioner and subject to appropriation of funds by the Common Council, may from time to time establish programs whereby the city may join in with property owners to jointly pay for the repair and/or replacement of curbs and sidewalks in the city at such cost percentages as the Board of Works may determine for that year pursuant to bids received by the city for such construction work. Provided however, that all sums due by property owners shall be deposited into the fund hereby established for that purpose in the office of the Clerk-Treasurer prior to the commencement of the repair or replacement on the owner's property.
(Ord. 94-14, passed 11-3-94)

§ 95.72 ADMINISTRATION BY COMMISSIONER OF STREET DEPARTMENT.

The Commissioner of the Street Department shall be authorized to administer and to proceed under the provisions of this subchapter in order to facilitate the repair and/or removal and replacement of any sidewalks or curbs within the city found to be in need of replacement or repair as specified from time to time by the Board of Works.
(Ord. 94-14, passed 11-3-94)

§ 95.73 DISCRETIONARY POWERS OF ENFORCING OFFICERS.

Whenever it is provided that anything must be done to the approval of or subject to the direction of the Street Commissioner or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary manner.
(Ord. 94-14, passed 11-3-94)

§95.74 VIOLATIONS.

No person, firm, or corporation, whether as owner, lessee, sublessee or occupant, shall repair, replace, or remove, any sidewalk or curb or cause or permit the same to be done, contrary to or in violation of any of the provisions of this subchapter or any other provision in this Code of Ordinances.
(Ord. 94-14, passed 11-3-94) Penalty, see § 10.99

§ 95.99 PENALTY.

(A) Any person violating any of the provisions of §§ 95.01 through 95.27 shall, upon conviction, be fined in any sum not less than one $1 nor more than $2,500, and each day's continuance of such violation shall constitute a separate and distinct offense. ('63 Code, § 22-19)

(B) Any person who shall violate or fail to comply with any of the provisions of §§ 95.35 through 95.39, or who shall council, aid or abet any such violation or failure to comply, shall be deemed guilty of an offense and shall he punished by a fine not to exceed $2,500. In addition, the court at its discretion may revoke any excavation permits issued to such person. Any person who shall violate the provisions of said sections relative to the costs incurred by this city or other sums of money, may also be adjudged liable for such cost or sums of money. ('63 Code, § 8-9)

CHAPTER 96: FIRE PREVENTION

Section

96.01 Inflammable liquids
96.02 False alarms
96.03 Liquified petroleum gases

96.99 Penalty

Cross-reference:

Volunteer Fire Department, see § 34.14 et seq.

§96.01 INFLAMMABLE LIQUIDS.

(A) *Residential storage.* The storage of benzine, benzol, gasoline, naphtha and their compounds in any home or residence is forbidden.

(B) *Storage in private garage.* The storage in private garages of benzine, benzol, gasoline, naphtha and their compounds is limited to approved sealed containers or safety cans and shall not exceed an aggregate total of five gallons.
('63 Code, §9-8,9-9)

§ 96.02 FALSE ALARMS.

It shall be unlawful for any person to give or attempt to give or cause to be given a false alarm of fire.
('63 Code, § 9-10)

§ 96.03 LIQUIFIED PETROLEUM GASES.

(A) *State Fire Marshal rules to govern.* The installation, use, handling and storage of liquified petroleum gases within the territorial jurisdiction of the City shall be regulated and governed by the rules and regulations therefor, adopted by the State Fire Marshal as amended.

(B) *New installations.*

(1) Prior inspection required. Any person intending to install, use, handle or store liquified

petroleum gases within the territorial jurisdiction of the city shall, prior to the actual installation, use, handling or storage of liquified petroleum gases, apply to and request the Chief of the Fire Department, or his duly authorized representative, to inspect the premises upon which such installation, use, handling and storage is contemplated and to examine the proposed installation, use, handling or storage of liquified petroleum gases with reference thereto.

(2) Inspector to issue permits. If said premises and the proposed installation, use, handling or storage of said liquified petroleum gasses thereon shall be in accordance with the rules and regulations provided in division (A) of this section, the Inspector or his duly authorized representative shall give written authorization for the issuance of a permit to the applicant for the use, installation, handling and storage of the liquified petroleum gases on the premises.

(C) *Old installations.*

(1) Inspection by Fire Chief required. All persons having before installed and presently are using, handling or storing liquified petroleum gases within the territorial jurisdiction of the city shall within 90 days from the effective date of this chapter, apply to and request the Chief of the Fire Department, or his duly authorized representative, to inspect the premises and examine the installation, use, handling, or storage of liquified petroleum gases thereon.

(2) Inspector to issue permits. If the installation, use, handling or storage of liquified petroleum gases shall conform to the rules and regulations provided in division (A) of this section, the Inspector or his duly authorized representative, shall give written authorization for the issuance of a permit to the applicant for the continued installation, use, handling or storage of the liquified petroleum gasses on the premises.

(D) *Defects; procedure for remedying.* In the event the present installation, use, handling or storage of liquified petroleum gases shall not conform to the rules and regulations of division (A) of this section, the applicant shall be given notice thereof and shall within 90 days after and from the date of the notice, alter the installation, use, handling or storage of the liquified petroleum gases on the premises and conform to the rules and regulation therefor, as provided in division (A) of this section.

(E) *Fire Chief to inspect.* The Chief of the Fire Department or his duly authorized representative shall conduct all inspections and examinations of and the Clerk shall issue all permits for the installation, use, handling or storage of liquified petroleum gases within the territorial jurisdiction of the city, and no charge shall be made for the inspection or examination or for the issuance of any permit.
('63 Code, §§ 15-1 - 15-7)

§ 96.99 PENALTY.

Wherever in this chapter any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this chapter shall be

punished by a fine not to exceed $2,500. Every day any violation of this chapter shall continue shall constitute a separate offense.
(I.C. 36-1-3-8(10))

CHAPTER 97: GARAGE AND YARD SALES

Section

97.01 Definition
97.02 Restrictions

97.99 Penalty

§97.01 DEFINITION.

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

***GARAGE* or *YARD SALE*.** A public or private sale conducted by the owner or occupier of a premises, and conducted within a residence, garage, or other accessory buildings or outside thereof, which sale is of six or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale or acquired within one year of date of such sale.
(Ord. 4-81, passed 6-15-81)

§97.02 RESTRICTIONS.

(A) A garage or yard sale may be conducted no more than three times in any one calendar year on a premises located in any U-l or U-2 zoned areas. Such sale shall not be conducted for more than three consecutive days.

(B) All items of personal property sold at such garage or yard sale shall be owned by the owner or occupier of the premises, unless permission for sale of items not owned is given by the official issuing the permit.

(C) The garage or yard sale shall only be conducted during the hours from sunrise to sunset.

(D) All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such sale shall likewise be removed.

(E) (1) Signs are to be erected only on the premises where the garage or yard sale is being

conducted, unless specific permission has been granted for the erection of a sign on another property by the owner or occupier of the premises.

(2) Under no circumstances shall signs of any kind be attached to any utility poles.

(F) No garage or yard sale shall be held without the owner or occupier of the premises where such sale is to be conducted having first obtained a permit from the office of the City Clerk-Treasurer.

(G) The sale permit may be obtained upon payment of the fee of $1, and the permit shall be posted at the premises where the garage or yard sale is to be held.
(Ord. 4-81, passed 6-15-81)

§97.99 PENALTY.

Any person violating any provision of this chapter shall be deemed guilty of a Class C infraction and upon conviction shall be punished by a fine of not less than $5, and not more than $2,500.
(Ord. 4-81, passed 6-15-81)

CHAPTER 98: CEMETERIES

Section

98.01 Designation of cemetery
98.02 City to operate
98.03 Grave charge
98.04 Desecration of graves; vandalism

98.99 Penalty

§ 98.01 DESIGNATION OF CEMETERY.

Morning Heights Cemetery is designated as the city cemetery.
('63 Code, § 17-20)

§98.02 CITY TO OPERATE.

The city shall supervise, maintain and operate the Morning Heights Cemetery in accordance with the statutes applicable and shall enact such rules and regulations as are necessary for its proper care and operation.
('63 Code, § 17-21)

§98.03 GRAVE CHARGE.

The cost of a grave shall be $8.
('63 Code, § 17-22)

§ 98.04 DESECRATION OF GRAVES; VANDALISM.

It shall be unlawful for any person to desecrate any grave or cemetery property by reason of destruction of property or other act of vandalism.
('63 Code, § 17-23)

§ 98.99 PENALTY. Any person in violation of § 98.04 shall upon conviction be fined not less than $25
more than $2,500.

('63 Code, § 17-24)

CHAPTER 99: TREES

Section

99.01 City Authority
99.02 Definitions
99.03 Forestry Commission
99.04 Tree species to be planted
99.05 Spacing
99.06 Distance from curb and sidewalk
99.07 Utilities
99.08 Public tree care
99.09 Treatment of street and park trees
99.10 Pruning, corner clearance
99.11 Dead or diseased tree removal on private property
99.12 Removal of stumps
99.13 Interference with Forestry Commission
99.14 Arborists license and bond
99.15 Review by Common Council
99.16 Tree Care
99.17 Planting Permit; Prohibited Types
99.99 Penalty

§99.01 CITY AUTHORITY.

The city shall have charge, custody and control of all trees and shrubs growing now or hereafter on any street, highway, or public place in the city.
('63 Code, § 27-1, recodified Ordinance 2007-3, passed, August 6, 2007)

§99.02 DEFINITIONS.

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

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and greenways, and all areas owned by the city, or to which the public has free access as a park.

PARKWAY. The land along the curb, or the grass strip between the sidewalk and the curb adjacent to public streets and/or highways in the public right-of-way.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.
(Ord. 95-2, passed 4-6-95)

§ 99.03 FORESTRY COMMISSION.

(A) Creation and Establishment. There is created and established a Forestry Commission for the city for the purpose of promoting and protecting the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs, and other plants within the city. This Commission shall consist of five members, citizens and residents of this community, who shall be appointed by the Mayor with the approval of the/Common Council. The Director of Development and the Street Commissioner shall be ex-officio members.

(B) Term of Office. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(C) Compensation. Members of the Commission shall serve without compensation.

(D) Duties and Responsibilities. It shall be the responsibility of the Commission to plan, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. It shall also be the responsibility of the Commission to develop and/or update annually, and to administer a written Forestry Manual regulating the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan and Forestry Manual will be presented annually to the Common Council and (upon their acceptance and approval) shall constitute the comprehensive city forestry plan and Forestry Manual for the city.

(E) Operation. The Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings, A majority of the members shall be a quorum for the transaction of business.
(Ord. 95-2, passed 4-6-95)

Trees

§ 99.04 TREE SPECIES TO BE PLANTED.

The Forestry Commission shall develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height; small (under 20 feet); medium (20 - 40 feet); large (over 40 feet). Lists of trees not suitable for planting shall also be created by the Forestry Commission.
(Ord. 95-2, passed 4-6-95)

§99.05 SPACING.

The spacing of street trees will be in accordance with the tree species size classes listed in § 99.04 and no trees may be planted closer than as specified in the Forestry Manual.
(Ord. 95-2, passed 4-6-95)

§99.06 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 99.04 and no trees may be planted closer to any curb, sidewalk, street corner or fireplug than as specified in the Forestry Manual.
(Ord. 95-2, passed 4-6-95)

§ 99.07 UTILITIES.

No street trees other than those species listed as small trees in § 99.04 may be planted under or within 10 feet of any overhead utility wire.
(Ord. 95-2, passed 4-6-95)

§ 99.08 PUBLIC TREE CARE.

(A) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds.

(B) The Forestry Commission may remove or cause or order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is

infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with this Chapter, and with approval from the Forestry Commission as to species and location of the tree. Any application for permit or approval from the Forestry Commission shall be directed to the Office of the Clerk-Treasurer.
(Ord. 95-2, passed 4-6-95)

§ 99.09 TREATMENT OF STREET AND PARK TREES.

It shall be unlawful for any person other than a person appointed by the city or the Forestry Commission to fasten or attach, in any way, to any street tree, park tree or other tree on public property, any rope, wire, sign, poster, handbill or other object. It shall further be unlawful as a normal practice for any person or firm, other than as appointed by the city or the Forestry Commission, to prune, spray, treat, top or remove any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the Forestry Commission.
(Ord. 95-2, passed 4-6-95)

§ **99.10 PRUNING, CORNER CLEARANCE,**

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any intersection and so that there shall be a clear space of 13 feet above the street surface or 8 feet above the sidewalk surface. The owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and the Forestry Commission prior to any trimming by the utility company.
(Ord. 95-2, passed 4-6-95)

Trees

§ 99.11 DEAD OR DISEASED TREE REMOVAL ON PUBLIC OR PRIVATE PROPERTY.

The city shall have the right to cause the removal of any trees prohibited pursuant to §99.17. and any dead or diseased trees on the public right of way or on private property within the city, when such trees constitute a hazard of life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The Forestry Commission will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.
(Ord. 95-2, passed 4-6-95)

§99.12 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed to within six inches or less from the surface of the ground so that the top of the stump shall not project more than six inches above the surface of the ground.
(Ord. 95-2, passed 4-6-95)

§ 99.13 INTERFERENCE WITH FORESTRY COMMISSION.

It shall be unlawful for any person to prevent, delay or interfere with the Forestry Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private property, as authorized in this chapter.
(Ord. 95-2, passed 4-6-95)

§99.14 ARBORISTS LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be $25 annually in advance; provided, however, that no license shall be required of any public service company, including electric utilities and their agents/contractors or city employees doing such work in the pursuit of their public service endeavors. Before any licenses shall be issued, each applicant shall first file evidence

of possession of liability insurance in the minimum amounts of $300,000 for bodily injury and $50,000 for property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. An application for permit as described herein shall be directed to the Office of the Clerk-Treasurer and shall be granted or rejected by the Commission
(Ord. 95-2, passed 4-6-95)

§99.15 REVIEW BY COMMON COUNCIL.

The Common Council shall have the right to review the conduct, acts and decisions of the Forestry Commission. Any person may appeal from any ruling or order of the Forestry Commission to the Common Council who may hear the matter and make final decisions.
(Ord. 95-2, passed 4-6-95)

§99.16 TREE CARE.

Notwithstanding other provisions of this Chapter, It shall be the duty of each property owner abutting street shade trees to keep the abutting trees properly trimmed to a proper height so as not to interfere with pedestrian or vehicular traffic. It shall also be the duty of each property owner to remove dead limbs that may be doing damage to the buildings or property of either his own or his neighbor's property. Property owners are also responsible for the care trees need, treatment or removal by reason of any type of tree disease.
('63 Code, § 27-2, amended and recodified Ordinance 2007-3, passed, August 6, 2007)

§99.17 PLANTING PERMIT; PROHIBITED TYPES.

(A) No person shall plant or cause to be planted any tree, plant, or shrub in any parkway or City right-of-way within the City without first obtaining a written permit from the Street Commissioner.

(B) In no case shall any person be allowed to plant any trees or shrubs or any derivation thereof declared to be a hazard or otherwise quarantined by the Indiana Department of Natural Resources because of communicable disease or epidemic insect infestation.

(C) Any trees, shrubs or plants placed on public or private property must conform with the standards set forth in the Forestry Manual, including selection of species, placement, maintenance, and removal.
('63 Code, § 27-3,amended and recodified Ordinance 2007-3, passed, August 6, 2007)

§99.99 PENALTY.

Any person or firm violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed $500 and/or revocation off their license to prune, treat or remove trees within the city.
(Ord. 95-2, passed 4-6-95)

CHAPTER 100: FAIR HOUSING

Section

100.01 Policy
100.02 Definitions
100.03 Unlawful practice
100.04 Discrimination in the sale or rental of housing
100.05 Discrimination in residential real estate-related transactions
100.06 Discrimination in the provision of brokerage services
100.07 Interference, coercion, or intimidation
100.08 Prevention of intimidation in fair housing cases
100.09 Exemptions
100.10 Administrative enforcement

§ 100.01 POLICY.

It shall be the policy of the city to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 et seq. (Ord. 96-11, passed 8-1-96)

§ 100.02 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. (I.C. 22-9.5-2-2)

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

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 100.04, 100.05, 100.06, 100.07, 100.08 of this chapter or I.C. 22-9.5-5-5.

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. (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 protection 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. Includes a single individual, with the status of such family being further defined hereunder. (I.C. 22-9.5-2-9)

HANDICAP. With respect to a person:

(1) A physical or mental impairment which substantially limits one or more of such persons 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,

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

The term ***HANDICAP*** shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code (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)) nor does the term ***HANDICAP*** include legal but disabling use of alcohol.

PERSON. One or more individuals, corporations, limited liability companies, 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.
(IC. 22-9.5-2-11)

RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (IC 22-9.5-2-13)
(Ord. 96-11, passed 8-1-96)

§ 100.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 100.09 and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in § 100.04 and IC 22-9.5-5-1 shall apply to;

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

(B) Other than the provisions of division (C) of this section, nothing in § 100.04 shall apply to:

(1) Any single-fiamily house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any the 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 who was not the most recent resident oif such house prior to the sale, the 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 rnore 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 maimer of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesperson, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of §100.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title cornpanies 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) of this section, 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. 96-11, passed 8-1-96)

§ 100.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 100.03 and except as exempted by §§ 100.03(B) and § 100.09, 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 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 representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(F) (1) To discriminate in the sale or rental, or to otherwise make available 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 subsection, 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 connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, 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;

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 bathroom walls to allow later installation of grab bars, and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(d) Compliance with the appropriate requirements of Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of division (F)(c)(3) above.

(e) Nothing in this section 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. 96-11, passed 8-1-96)

§ 100.05 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) For the purposes of 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 for purchasing, constructing, improving, repairing, or maintaining a dwelling, or 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, 96-11, passed 8-1-96)

§ 100.06 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. 96-11, passed 8-1-96)

§ 100.07 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 atcount 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 §§ 100.03, 100.04, 100.05, or 100.06 of this chapter.
(Ord. 96-11, passed 8-1-96)

§ 100.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under the 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); or

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

(C) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than $2,500.
(Ord. 96-11, passed 8-1-96)

§ 100.09 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) below,

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to 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 lodging 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) For the purpose of this section, ***HOUSING FOR OLDER PERSONS*** means housing;

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

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

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

(Ord. 96-11, passed 8-1-96)

§ 100.10 ADMINISTRATIVE ENFORCEMENT.

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

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the city, 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 the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant

to IC Title 22 and the Chief Elected Officer of the city shall refer all 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 IC Title 22.

(C) All executive departments and agencies of the city 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 city, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.
(Ord. 96-11, passed 8-1-96)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. LICENSES

111. ITINERANT MERCHANTS, PEDDLERS AND SOLICITORS

112. RESTAURANTS

113. VENDING MACHINES

114. DELPHI CITY MARKET

115. LAUNDRY AND DRY CLEANING ESTABLISHMENTS

116. TAXICABS; BUSES

117. CABLE TELEVISION

CHAPTER 110: LICENSES

Section

110.01 Schedule of licenses

Cross-reference:

Garage or yard sale permit, see § 97.02(G)

§ 110.01 SCHEDULE OF LICENSES.

Licenses and permit fees for businesses, trades and like activities shall be paid to the Clerk-Treasurer or another official of the city if another official is designated. Said licenses and permits are set forth in the following schedule:

Type of Business or Trade	*Ch. or Sec. No.*	*License or Permit Fee*
Itinerant Merchants and Peddlers	Ch. 1ll	$ 5.00 daily 35.00 annual
Taxicabs	Ch. 116	20.00 first taxicab 5.00 each additional
Eating and Drinking Establishments	Ch. 112	See §§ 112.02 and 112.03
Itinerant Restaurants	Ch. 112	3.00 per day
Food and Vending Machines	Ch. 113	3.00 annual 1.50 semi-annual
Excavations	§§ 95.35 et seq.	2.00 permit fee
Launderette and Dry Cleaning Establishments	Ch. 115	See § 115.02
Liquified Petroleum	§96.06	See section

('63 Code, §§ 14-1 - 14-7, 14-9)

Editor's note: Permits and licenses for non-business related categories are set forth in the relevant parts of this code. The above schedule is limited in scope. Other licenses and permits may be required. In this case, consultation with the Clerk-Treasurer or another appropriate city official may be necessary.

CHAPTER 111: PEDDLERS, TRAVELING SALESMAN AND SOLICITORS

Section

111.01 Definitions
111.02 License
111.03 License Fee
111.04 Exhibition of Permit
111.05 Chief of Police to Investigate
111.06 Group Permits Prohibited
111.07 Revocation of License
111.08 Restrictions
111.09 Exemptions

111.99 Penalty

§ 111.01 DEFINITIONS.

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

PEDDLER, TRAVELING SALESMAN, SOLICITOR and the like. Any person, whether a resident of the City of Delphi or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services; and shall also mean and include any person transacting a temporary business within the city at an established place of business. The word "peddler" shall included the terms "solicitor," "transient or itinerant merchant or vendor," or "transient or itinerant photographer." This term is not intended to apply to wholesale sales to local businesses who are dealers in the products offered for sale.
('63 Code, § 12-1, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.02 LICENSE.

(A) *Required.* Every person who desires to operate as a traveling salesman, peddler or solicitor shall procure a license before engaging in such work.

(B) *Application.* Every person desiring such license shall make application in writing to the Chief of Police, giving full information as indicated in this section and on a form to be furnished by the Delphi Police Department, and the application must contain the following information:

1. Name, permanent home address and telephone number, local address and local telephone number;
2. Date of Birth;
3. Social Security Number;
4. Head and shoulders photograph;
5. Vehicle(s) to be used in the course of business, including Vehicle Registration Information (issuing state, description of vehicle(s), year, make, color, license plate number);
6. Proof of insurance in at least an amount to comply with Indiana law;
7. Name, address, telephone number of Employer;
8. Duration of permit request;
9. The type of work the applicant intends to engage and/or a list of the type of goods, merchandise, wares or other products intended for sale.
10. If selling goods or services from a temporary location within the city limits of the City of Delphi, written permission from the owner of the temporary location property which includes the name, address and telephone number of the property owner;
11. If selling foods not grown or prepared within Carroll County, copy of a permit from the Carroll County office of the Indiana Board of Heath;
12. Copy of current state or federal photo identification;
13. Complete set of applicant's fingerprints;
14. Copy of Indiana Retail Merchant Certificate;
15. Copies of permits from the previous five (5) cities where applicant conducted business;
16. Disclosure of any criminal or misdemeanor convictions, including date of conviction and city and state where convicted;
17. Certified copy of criminal history from home state of residence

(C) *Identification of applicant: procedure and material required.* Applicant shall deposit a license fee as required for the particular form of license issues. . Upon satisfactory evidence being submitted to the Chief of Police that the applicant is a fit, proper person to engage in such business as a traveling salesman, peddler or solicitor and upon payment of the fee as hereinafter provided, there shall be issued to the applicant a permit in a form to be approved the City Clerk and the Chief of Police, which form shall bear the signatures of these officers and a photograph of the person to whom a permit is issued. Applicant shall then be permitted to engage in his business in the city for such time as it is provided for in this permit.
('63 Code, § 12-2 - 12-4, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.03 LICENSE FEE.

The license fees under the terms of this chapter, and for any such purpose shall be as follows:

(A) $ 40.00 per day

(B) $ 150.00 annually
('63 Code, § 12-5, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.04 EXHIBITION OF PERMIT.

Every holder of a permit under this chapter shall exhibit the same at the request of any police officer or any citizen of the city, and shall immediately upon making contact with a prospect in the city exhibit such permit and properly identify himself.
('63 Code, § 12-6)

§ 111.05 CHIEF OF POLICE TO INVESTIGATE.

The Chief of Police may verify that all the information on the application is true and accurate. The Chief of Police may make such investigations of each and every applicant as he may deem proper and if in his opinion a longer time than is provided in this chapter is required, he shall be at liberty to refuse to issue a license until such investigation is completed.
('63 Code, § 12-7, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.06 GROUP PERMITS PROHIBITED.

An individual permit shall be issued for each person and each applicant must appear in person to submit a separate application under his own signature.
('63 Code, § 12-8, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.07 REVOCATION OF LICENSE.

Permits and licenses issued under the provisions of this chapter may be revoked by the Mayor after notice and hearing, for any of the following reasons and causes:

(A) Fraud, misrepresentation or false statements contained in the application or license.

(B) Fraud, misrepresentation or false statements made in the course of carrying on his business as a peddler, solicitor, or traveling salesman.

(C) Any violation of this chapter.

(D) Conviction of any crime or misdemeanor involving moral turpitude.

(E) Conducting the business of peddling **or** soliciting in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
('63 Code, § 12-9, revised by Ordinance #2005-2 , passed August 1, 2005)

§ 111.08 RESTRICTIONS.

(A) *No Sale of Alcoholic Beverages.* Under no circumstances may peddlers, traveling salesmen or solicitors sell alcoholic beverages.

(B) *No Sales in Violation of Posted Signs.* Peddlers, traveling salesman and solicitors may not enter premises where signs are posted stating "No Peddlers Allowed" or similar words.

(C) *No Sales Outside of Permitted Hours.* The permit is valid only between the hours of 8:00 a.m. and 8:00 p.m.
(Ordinance #2005-2 , passed August 1, 2005)

§111.09 EXEMPTIONS.

The following described persons or types of sales are exempted from the provisions of this chapter:

1. Persons exempted by Indiana Law (must show proof).
2. Solicitations, sales or distributions made by established charitable, educational or religious organizations which have their principal place of activity within Carroll County.
3. Sales at annual festivals or fairs providing that the sales are limited to the vicinity of the event and proper permits or certificates have been obtained or fees have been paid for the participation in that event.
4. Sale of agriculture goods grown or handcrafted products produced by residents of the State of Indiana.

(Ordinance #2005-2 , passed August 1, 2005)

§111.99 PENALTY.

Violation of any of the provisions of this chapter shall be subject to a fine in the amount of not less than **$10.00** nor more than **$2,500.00** for each offense and each day or part of a day in which such violation shall occur shall constitute a separate and distinct offense.
('63 Code, § 12-10, Ordinance #2005-2 , passed August 1, 2005)

CHAPTER 112: RESTAURANTS

Section

112.01 Definitions
112.02 License; term
112.03 Application for license
112.04 Itinerant restaurants
112.05 Posting of license
112V06 Compliance required
112.07 Health permits
112.08 Separate license
112.09 Miscellaneous organizations; license required
112.10 Minimum sanitation requirements for restaurants
112.11 Examination and condemnation of unwholesome or adulterated food
112.12 Disease control
112.13 Procedure when infection suspected
112.14 Inspection of restaurants
112.15 Procedure when violations noted
112.16 Authority to inspect and to copy records
112.17 Final inspection; prosecution or hearing for violators
112.18 Revocation of permit and voiding of license
112.19 Notice of revoked permits given to proper city officials
112.20 Inspection of itinerant restaurants; sanitation violation
112.99 Penalty

§ 112.01 DEFINITIONS.

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

EMPLOYEE. Any person who handles food during the preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food is prepared or served.

FOOD. All articles used for food, drink, confectionery or condiment whether simple, mixed or compound, and all substances or ingredients used in the preparation)thereof.

HEALTH OFFICER. The authority having jurisdiction in the city or his duly authorized representative.

ITINERANT RESTAURANT *A* restaurant operating for a temporary period, in connection with a fair, carnival, circus, public exhibition or other similar gathering.

PERSON Any person, firm, corporation, or association.

RESTAURANT. A restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich shop, soda fountain, commissary or food establishment, whether fixed or movable, where food for human consumption is prepared and served in such manner that it is ready for consumption on the premises. The term shall not include a food establishment where the only food handled or served is in original containers not filled or packaged on the premises, nor shall it include what is commonly known as a grocery where food is not prepared and served for consumption on the premises.

UTENSIL. Any kitchenware, tableware, glassware, cutlery, containers, or other equipment of any kind or nature with which food comes in contact during storage preparation or serving.
('63 Code, § 6-1)

§ 112.02 LICENSE; TERM.

(A) It shall be unlawful for any person to operate a restaurant or itinerant restaurant in the city who does not have a valid license issued by the city.

(B) *Expiration date.* The license for a restaurant shall be for a term of one year beginning January 1, and expiring December 31 of the same year and shall be renewed annually.
('63 Code, §§ 6-2, 6-7)

§ 112.03 APPLICATION FOR LICENSE.

(A) Any person desiring a license to operate a restaurant shall make application to the Common Council or their appointed representative. Such application shall contain the following information:

(1) Name and address of person to whom license is to be issued.

(2) Address of premises for which the same is to be issued.

(3) Application must be accompanied by a valid and current permit from the State and County Health Board.

(B) Upon approval by the Common Council a license shall be issued to the applicant by the Clerk-Treasurer.
(63 Code, § 6-3)

§ 112.04 ITINERANT RESTAURANTS.

(A) A license for an itinerant restaurant shall be issued by the Clerk-Treasurer upon approval of the Common Council, or their representative.

(B) The same application procedure as restaurant licenses shall be followed plus additional fee of $3 per day.
('63 Code, §§ 6-4, 640)

§ 112.05 POSTING OF LICENSE.

The license shall be posted in a conspicuous place in a restaurant or itinerant restaurant.
('63 Code, §6-5)

§112.06 COMPLIANCE REQUIRED.

Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such license.
('63 Code, § 6-6)

§ 112.07 HEALTH PERMITS.

Any permit issued by the Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued and such other pertinent data as may be required by the Health Officer.
('63 Code, § 6-8)

§ 112.08 SEPARATE LICENSE.

A separate license shall be required for each restaurant or itinerant restaurant operated or to be operated by any person.
('63 Code, § 6-9)

§ 112.09 MISCELLANEOUS ORGANIZATIONS; LICENSE REQUIRED.

The provisions of this chapter shall apply to restaurants and itinerant restaurants operated by fraternal organizations, service clubs and religious, educational and charitable institutions.
('63 Code, §6-11)

§ 112.10 MINIMUM SANITATION REQUIREMENTS FOR RESTAURANTS.

All restaurants and itinerant restaurants shall comply with the minimum sanitation requirements specified in the Indiana State Board of Health, as now provided in its Regulation HFD #17, or as the same may be hereafter changed or amended. Such regulations and any changes and amendments thereto which may hereafter be adopted or promulgated, are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the City Clerk.
('63 Code, § 6-12)

§ 112.11 EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD.

Samples of food and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed any food which is unwholesome or unadulterated.
('63 Code, § 6-13)

§ 112.12 DISEASE CONTROL.

No person who is affected with any disease in a communicable form, or is a carrier of such disease, shall work in any restaurant or itinerant restaurant, and no restaurant or itinerant restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form, or of being a carrier of such disease. If the restaurant or itinerant restaurant manager suspects that any employee has contacted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately,
('63 Code, § 6-14)

§ 112.13 PROCEDURE WHEN INFECTION SUSPECTED.

When suspicion arises as to the possibility of transmission of disease from any restaurant or itinerant restaurant employee, the Health Officer is authorized to require any or all of the following measures:

(A) The immediate exclusion of the employee from all restaurants.

(B) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists in the opinion of the Health Officer.

(C) Adequate medical examinations of the employee and of his associates with such laboratory examinations as may be indicated.

(D) All restaurant owners and employees shall have a chest X-ray for tuberculosis at least once in each three years. A report of satisfactory compliance shall be filed in the records of the Health Officer.
('63 Code, § 6-15)

§112.14 INSPECTION OF RESTAURANTS.

At least once each six months, the City Health Officer shall inspect each restaurant for which a permit and/or license is required under the provisions of this chapter.
('63 Code, §6 - 16)

§ 112.15 PROCEDURE WHEN VIOLATIONS NOTED.

If during the inspection of any restaurant, the Health Officer finds that the restaurant has violated any of the sanitation requirements in § 112.10, he shall issue a written order listing such violations to the proprietor or, in his absence, to the person in charge and fixing a time within which the proprietor of the restaurant shall abate and remedy such violations. A copy of the written order shall be filed with the records of the Health Officer.
('63 Code, § 6-17)

§ 112.16 AUTHORITY TO INSPECT AND TO COPY RECORDS.

The person operating the restaurant shall, upon the request of the Health Officer, permit access to all parts of such restaurant and shall permit copying any or all records of food purchased.
('63 Code, § 6-18)

§ 112.17 FINAL INSPECTION; PROSECUTION OR HEARING FOR VIOLATORS.

If, upon a second and final inspections the Health Officer finds that such restaurant, person or employee is violating any of the provisions of this subchapter which were in violation on the previous inspections and concerning which a written notice was issued, the Health Officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the pity in which the violation occurs, and he shall prosecute all persons violating the provisions of this chapter. Or, the Health Officer may promptly issue a written order to the permittee and/or permittee, licensee of such restaurant to appear at a certain time, no later than ten days from the date of final inspection, and at a place in the city fixed in the order, to show cause why the permit issued under the provisions of § 112.10 should not be revoked.
063 Code, § 6-19)

§ 112.18 REVOCATION OF PERMIT AND VOIDING OF LICENSE.

The Health Department's Inspector upon such hearing, if the permittee and/or licensee should fail to show cause, shall revoke the permit and promptly give written notice to the permittee. Upon the revocation of any permit by the Health Officer, the license of the permittee shall automatically be considered as revoked, null and void. The Health Officer shall maintain a permanent record of his proceedings filed in the office of the Health Department.
('63 Code, § 6-20)

§ 112.19 NOTICE OF REVOKED PERMITS GIVEN TO PROPER CITY OFFICIALS.

The Health Officer shall give written notice to the city Clerk-Treasurer of all revoked permits.
('63 Code, § 6-21)

§ 112.20 INSPECTION OF ITINERANT RESTAURANTS; SANITATION VIOLATION.

(A) *Inspection.* At least once every 48 hours the Health Officer shall inspect each itinerant restaurant for which a permit and/or license is required under the provisions of this chapter.

(B) *Sanitation violation.* If during the inspection of any itinerant restaurant, the health inspector discovers the violations of any sanitation requirements of this chapter, he shall order the immediate correction of the violation,

(C) *Authority to inspect and to copy records.* The person operating the itinerant restaurant shall, upon the request of the health officer, permit access to all parts of the itinerant restaurant and shall permit copying of any or all records of food purchased.

(D) *Revocation of permit and penalties for continued operation.* Upon failure of any person maintaining or operating an itinerant restaurant to comply with any order of the Health Officer, it shall be the duty of the Health Officer summarily to revoke the permit of such person and establishment and to forbid the further sale or serving of food therein. Upon the revocation of any permit by the Health Officer, the license of the permittee shall automatically be considered revoked, null and void. Any person continuing to sell or serve food in such itinerant restaurant, the permit of which has been revoked shall be subject to the penalties in § 112.99.

(E) *Notice of revoked permits given to proper city official* The health officer shall give written notice to the City Clerk of all revoked permits.
('63 Code, §§ 6-22 - 6-26)

§ 112.99 PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor

and shall upon conviction be punished by a fine of not less than $10 nor more than $2,500. Each day of operation of a restaurant in violation of this chapter shall constitute a distinct and separate offense. ('63 Code, § 6-27)

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CHAPTER 113: VENDING MACHINES

Section

113.01 Definitions
113.02 Operator's permits and licenses
113.03 Sanitation requirements
113.04 Disease control
113.05 Sales, examination and condemnation of adulterated or misbranded food or beverages
113.06 Inspection
113.07 Commissaries outside jurisdiction of the Health Officer

113.99 Penalty

§ 113.01 DEFINITIONS.

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

***ADULTERATED* and *MISBRANDED*.** These terms have the meanings as provided in Article 5, Chapter 157, Acts of 1949, known as the Indiana Food Drug and Cosmetic Act, being IC 16-1-29.

APPROVED. Approved by the Health Officer.

COMMISSARY. A commissary, catering establishment, restaurant, or any other place in which food, beverages, ingredients, containers, or supplies are kept, handled, prepared, stored and directly from which vending machines are serviced.

EMPLOYEE. Any operator or any person employed by him who handles any food to be dispensed through vending machines, or who comes into contact with product contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machine operations, or who otherwise services or maintains one or more such machines.

FOOD. Any raw, cooked, or processed edible substance, beverage or ingredient thereof used or intended for use in whole or in part for human consumption.

HEALTH OFFICER. The health authority having jurisdiction in the city or his authorized representative.

HOT LIQUID FOOD. **Any liquid food or beverages, the temperature of which at the time of service to the customer is at least 150* F.**

MACHINE LOCATION. **The room, enclosure, space, or area where one or more vending machines are installed and operated.**

OPERATOR. **Any person, who by contact, agreement, or ownership is responsible for furnishing, installing, servicing, operating, or maintaining one or more vending machines.**

PERSON. **Any individual partnership, corporation, company, firm, institution, trustee, association, or any other public or private entity.**

PRODUCT CONTACT SURFACE. **Any surface of a vending machine, appurtenance, or container which comes into direct contact with any food.**

READILY PERISHABLE FOOD. **Any food, beverage, or ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication; provided, products which are in hermetically-sealed containers processed by heat or other methods approved by the Health Officer of preventing spoilage, and dehydrated, dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.**

SALE. **Any and every sale and includes:**

(1) Manufacture, processing, transporting, handling, bottling, or any other production, preparation, or putting up;

(2) Exposure, offer, or any other proffer;

(3) Holding, storing or any other possession;

(4) Dispensing, giving delivering, serving or any other supplying; and

(5) Applying, administering, or any other using.

SINGLE-SERVICE ARTICLE. **Any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.**

VENDING MACHINE. **Any self-service device offered for public use which, upon insertion of a coin, coins or token, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.**

UTENSILS. **Any kitchenware, tableware, glassware, cutlery, utensils, containers, cleaning, brushes, or other equipment which comes in contact with food or product contact surfaces during cleaning of vending machines or commissary equipment, or during storage, preparation, serving**

dispensing, or consumption of food.
('63 Code, § 10-1)

§ 113.02 OPERATOR'S PERMITS AND LICENSES,

(A) ***Permits.***

(1) It shall be unlawful for any person to engage in the operation of the or more vending machines in the city who does not possess a valid operator's permit from the Health Officer. Only persons who comply with the applicable provisions of this chapter shall be entitled to receive and retain such a permit. Such a permit shall be for a term of one par beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

(2) Any person desiring to operate one or more vending machines in the city shall make in writing application for a permit from the Health Officer on forms provided by the Health Officer. Such applicant shall provide the following information:

(a) The applicant's full name, residence, and post office address,; and whether such applicant is an individual, firm or corporation. If a partnership exists, the names of the partners, together with their addresses shall be included.

(b) The location of the commissary or commissaries, and of other establishments operated by the applicant where supplies are kept and where vending machines are repaired or renovated.

(c) The type and form of the food to be dispensed through vending machines and the number of each such type vending machine in his possession.

(d) The signature of the applicant or applicants.

(3) Upon receipt of a satisfactory completed application, and such inspection of the commissary and vending machines as the Health Officer shall deem necessary, a numbered operator's permit shall be issued to the applicant by the Health Officer after compliance by the operator with the applicable provisions of this chapter. Such permit shall not be transferable. The Health Officer may refuse to issue a permit, if, on inspection, the commissary, vending machines or method of operation are found to be in violation of this chapter.

(4) The operator's permit number of a size and style approved by the Health Officer shall be conspicuously displayed on each vending machine operated by such operator. The Health Officer may further require the permit to bear the number of the machine.

(5) In order to secure and retain an operator's permit, the operator shall maintain, within the jurisdiction of the Health Officer, a list of all vending machines operated by him, including the types and their locations and all of commissaries or other establishments from which his machines are serviced. This information shall be made available to the Health Officer upon request.

(6) In order to retain a operator's permit, the operator shall notify the Health Officer within five days of any change in operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the permit was issued.

(B) *License and license fee.*

(1) It shall be unlawful for any person to engage in the operation of one or more vending machines in the city who does not possess a valid license for the operation of such machines. The license shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

(2) Such license shall be provided by the City Clerk if there is presented at his office a valid permit from the Health Officer together with $3, or with $1.50 if the application for license is made on or after June 1.

(C) *Permit, license and license fee exemption.* Vending machines which dispense only prepackaged, non-readily perishable food such as candy, chewing gum, nut meats, potato chips, pretzels, popcorn, soft drinks and beverages shall be exempt from the provisions of division (B) of this section but shall be subject to all of the other applicable provisions of this chapter.
('63 Code, § 10-2) Penalty, see § 113.99

§ 113.03 SANITATION REQUIREMENTS.

All vending machines shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in its Regulation HFD 21 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the County Clerk for public inspection.
063 Code, § 10-3)

§ 113.04 DISEASE CONTROL.

No employee with any disease in a communicable form, or who is a carrier of such disease, shall work in any commissary or in vending machine operations in any capacity which brings him into contact with the production, handling, storage or transportation of food, beverage, ingredient or equipment used in vending machine operation; and no operator shall employ in any capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any employee who has a discharging or infected wound, sore, or lesion on hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him into contact with foods, beverages, utensils, or equipment used in vending machine operations. Any operator among whose employees there occurs a communicable disease or who suspects that any employee has contacted any disease shall notify the Health Officer immediately.
('63 Code, § 10-4)

§ 113.05 SALES, EXAMINATION AND CONDEMNATION OF ADULTERATED OR MISBRANDED FOOD OR BEVERAGES.

(A) It shall be unlawful for any person to sell through a vending machine any food, beverage, or ingredient which is adulterated or misbranded.

(B) Samples of food, beverage or ingredient may be taken and examined by the Health Officer as often as may be necessary to determine freedom from unwholesomeness, adulteration or misbranding, The Health Officer may, on written notice to the operator, impound and forbid the sale of any food or beverage which is adulterated or misbranded, or which he has probable cause to believe to be unwholesome, adulterated or misbranded. The Health Officer may cause to be removed or destroyed any food or beverage which in his opinion is unwholesome, adulterated or misbranded; provided, that in case of misbranding, such food or beverage may be released for correct labeling to the operator under the supervision of the Health Officer.
('63 Code, § 10-5)

§ 113.06 INSPECTION.

(A) *Frequency of inspection.* At least once each three months, the Health Officer shall inspect the servicing maintenance, and operation of vending machines dispensing readily perishable food for which a permit and/or license is required under the provisions of this chapter. Vending machines dispensing other than readily perishable food may be inspected by the Health Officer as often as he deems necessary to insure compliance with the provisions of this chapter.

(B) *Procedure when violations noted.* If during the inspection of any servicing, maintenance, and operation of a vending machine the Health Officer discovers the violation of any of the sanitation requirements in § 113.03, he shall issue a written order listing such violations to the operator, or, in his absence, to the person in charge and fixing a time within which the operator of the vending machine shall abate and remedy such violations. A copy of the written order shall be filed with the recprds of the Health Department.

(C) *Authority to inspect and to copy records.* The person operating the vending machine shall, upon the request of the Health Officer, permit access to all parts of such vending operation and locations of all vending machines owned or serviced by the operator and shall permit copying any or all records relative to the enforcement of this chapter. The confidentiality of such records shall be maintained by the Health Officer.

(D) *Final inspection; Prosecution or hearing for violators.* If upon a second and final inspection the Health Officer finds that such a vending machine, person or employee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the city, and he shall prosecute all persons violating said provisions of this chapter; or the Health Officer may promptly issue a vending operation to appear at a certain tune, no later than ten days from the date of final inspection, and a place in the city fixed in said order to show cause why the permit issued under the provision of § 113.02(A) should not be revoked.

(E) *Revocation of permit and voiding of license.*

(1) The Health Officer upon such hearing, if the permittee and licensee should fail to show cause, shall revoke the permit and promptly give written notice to the permittee. Upon the revocation of any permit by the Health Officer, the license of the permittee shall automatically be considered revoked, null and void. The Health Officer shall maintain a permanent record of his proceedings filed in the office of the Health Department.

(2) Procedure of equity. The Health Officer may bring a procedure in equity against any person to whom a final order has been issued to compel compliance therewith and petition the court having jurisdiction in such action to enforce such order by prohibitory or mandatory injunction.

(3) Corrective action. Notwithstanding any other provisions of this chapter, whenever the Health Officer finds insanitary or other conditions involving the operation of any vending machine which, in his opinion, endangers the public health, he may, without notice or hearing, issue a written order to the operator citing the existence of such condition and specifying corrective action to be taken, and, if deemed necessary, require immediate discontinuance of operation. Such order shall be effective immediately and shall apply only to the vending machine, commissary or product involved. Any operator to whom such order is issued shall comply therewith, but upon petition to the Health Officer shall be afforded a hearing as soon as possible. When necessary corrective action has been taken and on the request of the operator, the Health Officer shall make a reinspection to determine whether operations may be resumed.

(F) *Suspension of permit.* Any permit issued under this chapter may be temporarily suspended by the Health Officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(1) Insanitary or other conditions which in the health officer's opinion endangers the public's health;

(2) Interference with the Health Officer or any of this authorized representatives in the performance of their duty; provided, however, that upon written application from the permittee, served upon the Health Officer within 15 days after such suspension, the Health Officer shall conduct a hearing upon the matter after giving at least five days written notice of the time, please, and purpose thereof to the suspended permittee, provided, further, that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of registered or certified mail to such address.

(G) *Reinstatement of permit.* Any person whose permit has been suspended may at any time make application to the Health Officer for the reinstatement of his permit.
('63 Code, § 10-6)

§ 113.07 COMMISSARIES OUTSIDE JURISDICTION OF THE HEALTH OFFICER.

(A) Foods from commissaries and other sources outside the jurisdiction of the Health Officer of

the city may be sold within the city if such commissaries or other sources or supply conform to the applicable provisions of this code and any other ordinance of the city or to substantially equivalent provisions.

(B) To determine the extent of compliance with such provisions, the Health! Officer may accept reports from the responsible authority in the jurisdiction where the commissary or commissaries are located.
('63 Code, § 10-7)
Crass-reference:
Restaurants, see Ch. 112

§ 113.99 PENALTY.

Any person who violates the provisions of § 113.02 shall, upon conviction, be punished by a fine of not more than $2,500. Each day of operation of a vending machine in violation of § 113.02 shall constitute a distinct and separate offense.
('63 Code, § 10-8)

CHAPTER 114: DELPHI CITY MARKET

Section

114.01 Delphi City Market

114.99 Penalty

§ 114.01 DELPHI CITY MARKET.

(A) *Market established.* There shall be a Delphi City Market located on the east side of Market Street between Franklin and Main Streets in the city.

(B) *Location.* The area to be known as the Delphi City Market shall consist of 13 parking spaces at the location referenced in division (A) of this section. Initially, not all these spaces will be used.

(C) *Hours of operation.* The Market shall operate Monday through Saturday from 8:00 a.m. to 6:00 p.m. from June 1 to November 1 of each year.

(D) *Prohibition.* The Market shall be the only area from which vendors may sell their produce or crafts on city streets. There shall be no cost to vendors to sell their produce or! crafts in the Delphi City Market.

(E) *Parking prohibited.*

(1) No parking shall be allowed in the Delphi City Market area during the operation thereof with the exception of the vendors' vehicles. Signs shall be posted indicating the Market hours and the prohibition of parking during the times set forth in division (C) of this section.

(2) Persons in violation of the parking prohibitions set forth in division (E)(1) of this division shall he penalized in the same manner as other violations of parking regulations set forth in Title VII of this code.
(Ord. 90-3, passed 6-1-90; Am. Ord. 91-5, passed - -91)

§ 114.99 PENALTY.

Any person in violation of § 114.01(D) shall be subject to a fine not to excejed $2,500.

CHAPTER 115: LAUNDRY AND DRY CLEANING ESTABLISHMENTS

Section

115.01 Definitions
115.02 Permit
115.03 Compliance with zoning and code requirements required
115.04 Full-time attendant required
115.05 Emergency procedure
115.06 Fire extinguishers
115.07 Electrical grounding of machinery
115.08 Interlocks
115.09 Shut-off and relief devices
115.10 Thermostatic controls
115.11 lint collecting devices
115.12 Ventilation systems
115.13 Instruction to public
115.99 Penalty

§115.01 DEFINITIONS.

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

LAUNDERETTE* or *DRY CLEANING ESTABLISHMENT Any place, building, structure or room which is used for the purpose of washing, drying, ironing or dry cleaniilg various types of wearing apparel or household linens and/or other washable fabrics by means of coin-operated washers, dryers, dry cleaning units, mangles and other related coin-operated devices for use by the general public.
('63 Code, § 13-1)

§ 115.02 PERMIT.

(A) *Permit required.* No person shall operate a coin-operated launderette or dry cleaning establishment without a permit issued by the Common Council.

(B) *Application.* Application shall be made to the office of the Director of Public Works. The

application shall contain:

(1) Name and address of person to whom permit is to be issued.

(2) Location of place of business.

(3) Type of business to be established.

(4) Any other information required by the Director of Public Works.

(C) *Issuance*. The Clerk-Treasurer shall not issue a permit until satisfactory compliance with all zoning and plumbing code requirements and payment of applicable fees.
('63 Code, §§ 13-2, 13-3, 13-5)

§ 115.03 COMPLIANCE WITH ZONING AND CODE REQUIREMENTS REQUIRED.

Any coin-operated launderette or dry cleaning establishment must comply with all zoning requirements and in addition comply with the rules and regulations of the building, electrical, plumbing and safety codes of the city.
('63 Code, § 13-4)

§ 115.04 FULL-TIME ATTENDANT REQUIRED.

A competent full-time attendant shall be in attendance and supervise all activities during all hours which the establishment is opened.
('63 Code, § 13-6)

§ 115.05 EMERGENCY PROCEDURE.

A sign should be posted giving the name of the operator and telephone number to be called in the event of an emergency.
('63 Code, § 13-7)

§ 115.06 FIRE EXTINGUISHERS.

Fire extinguishers shall be provided and placed in accordance with the directions of the Chief of the Fire Department.
('63 Code, § 13-8)

§ 115.07 ELECTRICAL GROUNDING OF MACHINERY.

All machines should be adequately grounded. Routine maintenance should include electrical inspections and tests.
('63 Code, § 13-9)

§ 115.08 INTERLOCKS.

All equipment should have interlocks which will cause the machine to stop operating if doors are opened.
('63 Code, § 13-10)

§ 115.09 SHUT-OFF AND RELIEF DEVICES.

Temperature controlled automatic fuel shut-off and pressure temperature relief devices should be provided. These should be tamper proof.
('63 Code, § 13-11.)

§ 115.10 THERMOSTATIC CONTROLS.

Approved thermostatic controls should be provided and checked regularly.
('63 Code, § 13-12)

§ 115.11 LINT COLLECTING DEVICES.

All parts of lint collecting devices should be cleaned often enough to prevent hazardous accumulations.
('63 Code, § 13-13)

§ 115.12 VENTILATION SYSTEMS.

Adequate consideration should be given to site selection and method of disposing of vapors, fumes, and lint. Disposal equipment should be kept clean and well maintained.
('63 Code, § 13-14)

§ 115.13 INSTRUCTION TO PUBLIC.

Instructions should be posted stating, that machine door should not be opened until completion of cycle, also that in event of malfunction management should be called before attempting to remove clothes. Adequate forced exhaust should be provided with provision for sufficient diffusion under

unfavorable atmospheric conditions. Flammable solvents should not be used unless the dry-cleaning equipment is installed and operated in strict conformance with adopted standard of the Fire Department.
('63 Code, § 13-15)

§ 115.99 PENALTY.

Any person violating the provisions of this chapter shall be subject to a fine of not less than $2,500 and revocation of license.
('63 Code, § 13-16)

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CHAPTER 116: TAXICABS; BUSES

Section

General Provisions

116.01 Definitions
116.02 License
116.03 License fees
116.04 Clerk-Treasurer to issue license
116.05 License form
116.06 License nontransferable
116.07 Prorating of fees
116.08 Copies to be kept on file
116.09 Insurance
116.10 Driver to be 21; valid driver's license required
116.11 Front seat limitations
116.12 Schedule of rates
116.13 Taxi stand designations
116.12 Unauthorized use of stands prohibited
116.13 External identification required
116.14 Inspection by Chief of Police
116.15 Revocation powers

Buses

116.25 Bus loading zones
116.26 Unauthorized use of zones prohibited

116.99 Penalty

GENERAL PROVISIONS

§ **116. 01 DEFINITIONS.**

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

LICENSEE. Any person having a proper license in full force and effect.

j*TAXICAB*. Any motor vehicle adapted to the transportation of passengers, the principal operation of which is limited to the corporate limits and suburban areas of the city, which is not operated over any fixed route when transporting a passenger or passengers at the time of such transportation to their destination and which is generally held for public hire.
('63 Code, § 24-1)

§ 116.02 LICENSE,

(A) *License required*. It shall be unlawful to operate any taxicab within the corporate limits of the city without a license issued by the city.

(B) *Application; information required*.

(1) The application for license to operate a taxicab within the city shall contain the following information:

(a) Name of owner of business;

(b) Business address;

(c) Home address;

(d) Automobile:

1. Make;

2. Model;

3. Year;

4. Engine number;

5. Serial number;

6. License plate number; and

(e) Certificate of insurance.

(2) When additional vehicles are to be used as taxicabs, all required information and payment of fees must be submitted prior to use.
('63 Code, §§ 24-2, 24-3)

§ 116.03 LICENSE FEES.

Any person desiring a license to operate one or more taxicabs shall first pay to the Clerk-Treasurer of the city for each taxicab to be operated an annual license fee as follows:

(A) Taxicab, $20.

(B) Each additional taxicab, $5.
('63 Code, §24 -4)

§ 116.04 CLERK-TREASURER TO ISSUE LICENSE.

The Clerk-Treasurer is directed and empowered to issue the license provided for whenever the required fee has been paid in full, and the required application and the required certificate of insurance has been delivered to his office.
('63 Code, § 24-5)

§ 116.05 LICENSE FORM.

The license shall be in a form to be prescribed by the Clerk-Treasurer and shall include date of its issuance, name, and address of the licensee, a description of each license thereby, and the date of expiration of such license (which date shall be the December 31 next following its issuance.)
('63 Code, § 24-6)

§ 116.06 LICENSE NONTRANSFERABLE.

The license is not transferable as to licensee but may be as to any vehicle.
('63 Code, § 24-7)

§116.07 PRORATING OF FEES.

Any license issued subsequent to January 1 in any year shall be prorated for the remaining weeks of such year.
('63 Code, §24-8)

§ 116.08 COPIES TO BE KEPT ON FILE.

Copies of each license are to be kept on file by the Clerk-Treasurer.
('63 Code, § 24-9)

§ 116.09 INSURANCE.

(A) *Requirements*. At the time of the application for license the applicant shall deliver to the Clerk-Treasurer a certificate executed by or on behalf of the insurance company providing the insurance coverage herein required, which certificate shall affirmatively show that the applicant for a license has policies or contracts of insurance then in force, issued to and received by the applicant for the term of the license applied for, issued by an insurance corporation authorized by the laws of the state to write such insurance in this state, providing indemnity against damage for death or bodily injury resulting from any one accident to the amount of $30,000, and against damages for death or bodily injury resulting to any one person to the amount of $15,000, and providing indemnity against damages to property to the amount of $5,000.

(B) *Insurance loss; automatic revocation*. Any license issued under the provisions of this chapter shall be revoked automatically in the event the insurance required under the provisions of this section should expire or be canceled.
('63 Code, §§ 24-10, 24-19)

§ 116.10 DRIVER TO BE 21; VALID DRIVER'S LICENSE REQUIRED.

No taxicab license shall be issued to any individual under the age of 21 years of age. It shall be unlawful for any individual under 21 to drive or operate a taxicab and it shall be unlawful for any owner or licensee to cause or permit any individual under the age of 21 to drive or operate a taxicab. All drivers must have a valid public chauffeur's license issued by the state.
('63 Code, §24-11)

§ 116.11 FRONT SEAT LIMITATIONS.

It shall be unlawful for any licensee or for the operator of any taxicab to permit more than one passenger to ride in the front seat of a taxicab with the driver.
('63 Code, § 24-12)

§ 116.12 SCHEDULE OF RATES.

No license shall be issued to any applicant until such applicant shall have filed a schedule of rates which he intends to charge for taxicab services during the period of the license applied for and such schedule of rates shall have been approved by the Common Council. That such schedule, when filed, and so approved, shall be binding upon the licensee and the charging and collecting of a fee or fees for taxicab service in excess of the rate so established for such service shall be sufficient cause for revocation of licensee's license.
('63 Code, § 24-13)

§ 116.13 TAXI STAND DESIGNATIONS.

The Common Council may, by appropriate action, from time to time, designate a taxicab stand at some appropriate space adjacent to the street curb in the business section of the city. Such space shall be equivalent to the parking space generally provided for one motor vehicle, and only one such space shall be provided as a taxicab stand for each licensee irrespective of the number of taxicabs licensed and operated by such licensee.
('63 Code, § 24-14 (part))

§ 116.12 UNAUTHORIZED USE OF STANDS PROHIBITED.

It shall be unlawful for the operator, driver or owner of any motor vehicle other than a taxicab to cause or permit such motor vehicle to park, stand or wait in any parking space which has been established as a taxicab stand by the Common Counci and is publicly designated as such by appropriate markings.
('63 Code, § 24-15 (part))

§ 116.13 EXTERNAL IDENTIFICATION REQUIRED.

Each taxicab operated under the provisions of this chapter shall have the word "TAXI" or "TAXICAB" lettered upon the outside thereof at a place plainly visible, in letters not less than three inches high.
('63 Code, §24-16)

§ 116.14 INSPECTION BY CHIEF OF POLICE.

The Chief of Police shall cause the brakes, lights and windshield wipers of all taxicabs licensed to be tested from time to time and shall report to the licensee all defects discovered by any such test. The licensee shall promptly remedy any defects so reported and failure to do so shall be cause for revocation of his license.
('63 Code, § 24-17)

§116.15 REVOCATION POWERS.

The Mayor of the city shall have the right and power to revoke any licensee's license for a violation of any of the provisions of this chapter. Such power of revocation being supplemental and in addition to the penalty clause or violations of this chapter
('63 Code, § 24-18)

BUSES

§ 116.25 BUS LOADING ZONES.

The Common Council may by appropriate action, from time to time, designate a bus loading zone, for the use of intercity passenger busses operated as common carriers while loading or discharging passengers; and any such bus loading zone shall be at some appropriate space adjacent to the street curb in the business section of the city.
('63 Code, § 24-14 (part))

§ 116.26 UNAUTHORIZED USE OF ZONES PROHIBITED.

It shall be unlawful for the operator, driver or owner of any motor vehicle other than a taxicab or an intercity, passenger bus, which is a common carrier, to cause or permit such motor vehicle to park, stand or wait in the parking space which has been established as a bus loading zone by the Common Council and is publicly designated as such by appropriate markings.
('63 Code, § 24-15 (part))

§ 116.99 PENALTY.

The violation of any provisions of this chapter either by the licensee or by any other person shall constitute a criminal offense and upon conviction he shall be fined not less than $l nor more than $2,500 and each and every day that any such violation continues shall constitute a separate and distinct offense.
('63 Code, § 24-20)

CHAPTER 117: CABLE TELEVISION

Section

117.01 Franchise ordinances adopted by reference

§ 117.01 FRANCHISE ORDINANCES ADOPTED BY REFERENCE.

The ordinance establishing a cable television system for the city and all ordinances amendatory thereof are hereby adopted by reference and included by reference in this chapter as if said ordinances were set forth in their entirety. Copies of said ordinances are on file and available for public examination in the office of the Clerk-Treasurer.

Cross-reference:

Franchises, see T.S.O. V

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Firearms
130.02 Expectorating in public places
130.03 Advertising; scattering on public ways; posting prohibited
130.04 Destruction of public property
130.05 Curfew for minors

130.99 Penalty

Cross-reference:

Desecration of graves; vandalism, see § 98.04
False alarms, see § 96.05
Police dogs, unlawful to injure or kill, see § 92.30

§130.01 FIREARMS.

(A) *Definition.* For the purpose of this section the word ***GUN*** shall mean and be taken as any firearm, air gun, or other device whereby anything is or can be discharged, thrown or propelled into space for any distance, by any means whether mechanical, explosive or otherwise.

(B) *Operation within city limits unlawful.* Except duly authorized officers of the law, in the performance of their duties, it shall be unlawful to use, operate, discharge or otherwise cause the operation of any gun, as defined in division (A) of this section within the corporate limits of the city. ('63 Code, §§ 17-17, 17-18)

§ 130.02 EXPECTORATING IN PUBLIC PLACES.

It shall be unlawful for any person to spit or expectorate upon any of the sidewalks, public ways, public buildings or other places intended for the general use of the public.
('63 Code, § 17-25)

§ 130.03 ADVERTISING; SCATTERING ON PUBLIC WAYS; POSTING PROHIBITED.

It shall be unlawful for any person to scatter, throw or deposit any advertising matter upon any sidewalk, street or other public place within the city. It shall also be unlawful for any person to place or fasten any poster, sign, card or other advertisement upon any public building, sidewalk or

pavement.
('63 Code, § 17-26)

§ 130.04 DESTRUCTION OF PUBLIC PROPERTY.

It shall be unlawful for any person to destroy, deface or damage public property.
('63 Code, § 17-28)

§ 130.05 CURFEW FOR MINORS.

(A) It is unlawful for a child 15,16, or 17 years of age to be in a public place in the city at any time during the following curfew hours:

(1) Between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday,

(2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

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

(B) It is unlawful for a child younger than 15 years of age to be in a public place in the city after 11:00 p.m. or before 5:00 a.m. on any day.

(C) *Application.* The above limitations do not apply to a child who is:

(1) Accompanied by the child's parent, guardian, or custodian;

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

(3) With the consent of the child's parent, guardian, or custodian, either participating in, going to, or returning from:

(a) Lawful employment;

(b) A school-sanctioned activity; or

(c) An expressive, religious, or associational activity protected by either federal or state law, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly,

(D) *Curfew; responsibility of parent, guardian or custodian.* It is unlawful for a parent, guardian, or custodian of a child under the age of 18 years knowingly to allow that child to commit a curfew violation under this chapter.

(E) *Enforcement*.

(1) A child who commits a curfew violation under this chapter is subject to the enforcement procedures provided in I.C. 34-28-5-1. Whenever a complaint is filed against a child for a violation of this chapter, the city shall direct a copy of the complaint to the Carroll County Prosecutor's Office and Carroll County Probation Department.

(2) The penalty for violation of this section shall be the same as that imposed for a Class C infraction under Indiana Code; however, in addition to said penalty, the Court upon request shall order such injunctive relief as is appropriate and necessary to prevent a child from committing further violations of this section.
(Ord. 2000-14, passed -00)

§130.06 CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

(A) It shall be unlawful for any person to drink, use or consume, sell or offer for sale, trade, barter, give away or exchange any malt, vineious, or spiritous alcoholic beverage or liquor in, upon or within the confines of any park, now or hereafte3r operated, owned or maintained by the City, and administered by its Parks Department without a valid permit issued by the Indiana Alcoholic Beverage Commission and approved by the Chief of Police of the City of Delphi.

(B) Anyone in violation of this section shall be fined not more than Five Hundred Dollars ($500.00).
(Ord. 2004-3, passed April 5, 2004)

§ 130.99 PENALTY.

(A) Any person in violation of any section of this chapter for which no other penalty is set forth shall be fined not less than $5 nor more than $2,500. ('63 Code, §§ 17-19, 17-27)

(B) Any person in violation of § 130.04 shall upon conviction be fined not less than $10 nor more than $2,500. ('63 Code, § 17-29)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. DEVELOPMENT AREAS

152. THOROUGHFARE PLANNING

153. SUBDIVISION REGULATIONS

154. ZONING CODE

155. FLOOD CONTROL

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

150.01 Short title
150.02 Purpose
150.03 Authority
150.04 Scope
150.05 Adoption of rules by reference

Permits

150.15 Application for permits
150.16 Permit required
150.17 Other ordinances
150.18 Fees and required inspections
150.19 Review of application

Inspections and Enforcement

150.30 Inspections
150.31 Inspection assistance
150.32 Entry
150.33 Stop order
150.34 Certificate of occupancy
150.35 Workmanship
150.36 Right of appeal
150.37 Remedies

150.98 Violations
150.99 Penalties

Statutory reference:

For provisions concerning the state building code, see IC 22-13-2-3

GENERAL PROVISIONS

§ 150.01 SHORT TITLE.

This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Delphi, Indiana," may be cited as such, and will be referred to herein as "this code."
(Ord. 92-4, passed - -92)

§ 150.02 PURPOSE.

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.
(Ord. 92-4, passed - -92)

§ 150.03 AUTHORITY.

The Building Commissioner is authorized and directed to administer and enforce all of the provisions of this code. Whenever in this code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the City Building Department, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by this code or any other ordinances of the city, or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7(b).
(Ord. 92-4, passed - -92)

§ 150.04 SCOPE.

The provisions of this code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4 in the city.
(Ord. 92-4, passed - -92)

§150.05 ADOPTION OF RULES BY REFERENCE.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the

Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13 - Building Codes.

(a) Fire and Building Safety Standards.

(b) Indiana Building Code.

(c) Indiana Building Code Standards.

(d) Indiana Handicapped Accessibility Code.

(2) Article 14 - One and Two Family Dwelling Code: Indiana One and Two Family Dwelling Code.

(3) Article 16 - Plumbing Code: Indiana Plumbing Code.

(4) Article 17 - Electrical Codes.

(a) Indiana Electrical Code.

(b) Safety Code for Health Care Facilities.

(5) Article 18 - Mechanical Code: Indiana Mechanical Code.

(6) Article 19 - Energy Conservation Codes.

(a) Indiana Energy Conservation Code.

(b) Modifications to the Model Energy Code.

(7) Article 20 - Swimming Pool Code: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of Clerk-Treasurer of the city.
(Ord. 92-4, passed - -92)

PERMITS

§ 150.15 APPLICATION FOR PERMITS.

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and

specifications showing the work to be done. In addition, a copy of a design release, issued by the state Building Commissioner and the state Fire Marshal pursuant to IC 22-15-34, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such design release. (Ord, 92-4, passed - -92) Penalty, see § 150.99

§ 150.16 PERMIT REQUIRED.

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, the cost of which exceeds $500, using forms furnished by the Building Commissioner, and all fees required by this chapter shall be paid to Clerk-Treasurer of the city.
(Ord. 92-4, passed - -92) Penalty, see § 150.99

§ 150.17 OTHER ORDINANCES.

All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.
(Ord. 92-4, passed - -92) Penalty, see § 150.99

§ 150.18 FEES AND REQUIRED INSPECTIONS.

(A) Permits required by § 150.16 shall be issued upon prior payment of inspection fees according to the following schedule:

Type of Construction	*Required Inspections*	*Single Inspection Fee*	*Permit Fee*
One or two family dwelling, detached	4	$25	$100
Apartment, hotels, motels, ea. unit	3	25	**75**
Business, commercial, public	6	25	**150**
Educational, institutional, church	6	25	150
Industrial, warehouse, bulk storage	4	25	**100**
Mobile homes, temporary structures	1	25	**25**
Accessory buildings (residential use)	1	25	**25**
Additions/alterations (all occupancies)	2	25	**50**

(B) The minimum permit fee for any permit shall be $25. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of

required inspections by 50%. The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of $25 for each such additional inspection. Reinspection fees shall be paid to the Clerk-Treasurer prior to the issuance of a certificate of occupancy. The Building Commissioner shall submit an annual report to the Common Council of permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.
(Ord. 92-4, passed - -92)

§ 150.19 REVIEW OF APPLICATION.

Prior to the issuance of any building permit, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with the provisions of this chapter.

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) is protected against flood damage; is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage; and uses construction methods and practices that will minimize flood damage.
(Ord. 92-4, passed - -92)

INSPECTIONS AND ENFORCEMENT

§ 150.30 INSPECTIONS.

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the

provisions of this chapter and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this chapter.
(Ord. 92-4, passed - -92)

§ 150.31 INSPECTION ASSISTANCE.

The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commissioner.
(Ord. 92-4, passed - -92)

§ 150.32 ENTRY.

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this chapter.
(Ord. 92-4, passed - -92)

§ 150.33 STOP ORDER.

Whenever any work is being done contrary to the provisions of this chapter, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.
(Ord. 92-4, passed - -92)

§ 150.34 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure constructed after the adoption of this chapter shall be issued unless such building or structure was constructed in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.
(Ord. 92-4, passed - -92) Penalty, see § 150.99

§ 150.35 WORKMANSHIP.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Ord. 92-4, passed - -92) Penalty, see § 150.99

§ 150.36 RIGHT OF APPEAL.

All persons shall have the right to appeal any order of the Building Commissioner first through the Common Council and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.
(Ord. 92-4, passed - -92)

§ 150.37 REMEDIES.

The Building Commissioner shall in the name of the city bring actions in the Circuit or Superior Courts of Carroll County for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.
(Ord. 92-4, passed - -92)

§ 150.98 VIOLATIONS.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupancy, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, or cause or permit the same to be done, contrary to or in violation of the provisions of this chapter.
(Ord. 92-4, passed - -92) Penalty, see § 150.99

§ 150.99 PENALTIES.

If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this chapter for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than $25, nor more than $2,500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.
(Ord. 92-4, passed - -92)

CHAPTER 151: DEVELOPMENT AREAS

Section

151.01 Urban development area
151.02 Economic revitalization area

§ 151.01 URBAN DEVELOPMENT AREA.

The Common Council finds that the following described real estate in the city is an "urban development area" as defined by IC 6-1 1-12.1-2:

All that part of the following described real estate lying north and east of U.S. 421: A tract of land laying in part of the northeast quarter *(1/4)* of section thirty (30) in township twenty-five (25) north and range two (2) west in Deer Creek Township, Carroll County, Indiana, and being Lots Four (4), Five (5), Six (6), Seven (7) and part of Lots Two (2), Three (3), Eight (8) and Fifteen (15) in Grimes Second Addition to the Town (now City) of Delphi (as platted and recorded in Record Plat Book 1, page 48, in the Carroll County Recorder's Office, Delphi, Indiana) and also part of the Old Wabash and Erie Canal being more particularly described as follows: Beginning at a point which bears north 26° 22' west 12.00 feet from the northwest corner of Lot Seven (7) in Block Forty-three (43) of Grimes First Addition to the Town (now City) of Delphi (as platted and recorded in Record Plat Book "B", page 428, in the Office of the Carroll County Recorder, Delphi, Indiana) and running thence south 63" 38' west along the extended north line of a twelve (12) foot alley for a distance of 605.65 feet to the west bank of the old Wabash and Erie Canal; thence following said bank of canal north 30° 04" west 165.00 feet; thence north 27° 06' west 159.15 feet; thence north 14° 24' west 67.00 feet to a concrete right of way marker on the west side of U. S. Highway No. 421; thence north 4° 09' west across said Highway 159.52 feet; thence north 5' 53' west 104.23 feet; thence north 7° 00' east 100.35 feet; thence north 27' 06' east 116.40 feet; thence north 47° 48' east 117.30 feet; thence north 66° 35' east 166.40 feet; thence north 54' 44' east 162.65 feet; thence north 24" 57' east 217.85 feet to the south right of way line of the Chicago, Indianapolis and Louisville Railroad (Monon); thence leaving the west bank of the old Wabash and Erie Canal and following said south right of way of the Railroad south 65* 03' east 445.00 feet; thence south 65* 54' east 102.22 feet; thence south 68* 26' east 112.55 feet; thence leaving the Railroad right of way line and running south 4* 52' 30" east along an old fence line 499.50 feet to the north line of a platted twelve (12) foot alley; thence south 63* 38' west along the north line of said alley 488.25 feet to the place of

beginning, containing 20.82 acres, more or less,
(Ord. 83-2, passed 7-18-83)

§ 151.02 ECONOMIC REVITALIZATION AREA.

The following area located within the corporate limits is an Economic Revitalization Area pursuant to IC 6-1.1-12-1.2:

Beginning at a point distant East 714 feet and North 448.45 feet from the Southwest corner of the Southeast quarter of Section 9, Township 25 North, Range 2 West, and running thence West 427 feet to the south right of way line of the Delphi Belt Railway, thence along said right of way line North 40" 42' East to the center of the Delphi and Pittsburg gravel road, thence in an easterly direction to a Point where the east line of the west half of the Southeast Quarter of Section 19, Township 25 North, Range 2 West, crosses the middle line of the Delphi and Pittsburg gravel road, thence in an easterly direction to a Point where the east line of the west half of the Southeast Quarter of Section 19, Township 25 North, Range 2 West, crosses the middle line of the Delphi and Pittsburg gravel road; running thence South 80• 45' East 132.95 feet; thence South 64' 33' East 681 feet; thence South 24* 12' West 259.40 feet; thence South 63 * 48' East 237.55 feet to the West bank of the Old Wabash and Erie Canal; thence following said Canal South to a Point 250.8 feet North of the South line of said Section 19; thence West to the West line of the East One Half (1/2) of the Southeast Quarter of said Section; thence North on said West line 134.50 feet; thence West 618 feet; thence North to the place of beginning;

and also

Including a tract of land beginning at a Point in the center line of the Delphi and Range Line gravel road west 714 feet and north 1108.55 feet from the Southwest Corner of the Southeast Quarter of Section 19; thence North 87 W 83.75 feet; thence South 3' West to the South right of way line of the Delphi Belt Railway; thence North 40* 42' East with said right of way line to the centerline of said Delphi and Pittsburg gravel road; thence West to the place of beginning.

(Ord. 85-2, passed 5-3-85)

CHAPTER 152: THOROUGHFARE PLANNING

Section

152.01 Designation; plan adopted by reference
152.02 Maps adopted by reference
152.03 Copies on file
152.03 Standards; policies and directives
152.04 Continued authority
152.05 Amendments

§ 152.01 DESIGNATION; PLAN ADOPTED BY REFERENCE.

This chapter shall be known as the Development-Thoroughfare Plan, a part of the Master Plan of Delphi, Indiana, said part to be adopted by reference as if fully set forth herein.
('63 Code, § 26-1)

§ 152.02 MAPS ADOPTED BY REFERENCE.

The following maps are declared to be a part of the Development-Thoroughfare Plan for the city and are hereby adopted by reference as if fully set forth herein:

(A) A map entitled "Delphi, Indiana, Major Thoroughfare & Development Plan Map" which shows the land use plan and the location of major thoroughfares and certain minor streets within the city limits.

(B) A map entitled "Delphi, Indiana, Territorial Jurisdiction, City Plan Commission, Major Thoroughfare & Development Plan" which indicates the land use plan and the location of major thoroughfares located beyond the city limits.
('63 Code, § 26-2)

§ 152.03 COPIES ON FILE.

A copy of the Development-Thoroughfare Plan, including maps, shall be kept on file in the office

of the Clerk-Treasurer and shall be subject to public examination during the regular office hours of the Clerk-Treasurer.
('63 Code, § 26-6)

§ 152.03 STANDARDS; POLICIES AND DIRECTIVES.

(A) *Right-of-way widths*. The minimum right-of-way widths for major streets and secondary streets shall be:

Type of Street	*Minimum Width in Feet*
Major	100
Secondary	70
Minor	50

(B) *Roadway widths (Face to face of curbs).*

Type of Street	*Minimum Width in Feet*
Major	40
Secondary	
With curb and gutter	36
Without curb and gutter	24
Minor	
With curb and gutter	28
Without curb and gutter	20

(C) *Opening or widening of streets*. Whenever a street designated on the plan is to be platted as part of a subdivision of lands the right-of-way width shall conform to the policies and specified designations and indications in the Development-Thoroughfare Plan Ordinance and Maps, provided, that where a street borders a tract of land to be subdivided, the owner of such and shall be required to plat only one-half of the right-of-way width designated for such street, measured at 90* to the centerline thereof.

(D) *Location of streets*. Wherever the locations of streets are indicated as following existing roads or streets, or section or half-section lines, or other established property lines, such streets shall confirm to such locations. Streets which follow irregular alignments, or indicate revised alignments, or are not referenced to established lines, shall follow in a general manner the alignment shown on the maps which accompany the Development-Thoroughfare Plan. They shall be subject to detailed surveys of their alignments, which may be made by the City Engineer, the City Plan Commission or other public agencies, or by the owners of the land to be subdivided Such surveys shall be subject to the approval of the City Plan Commission prior to the filing of subdivision plans affecting such streets.

(E) *Consideration by public agencies*. After the adoption of the Development-Thoroughfare Plan and this chapter, the Common Councils the Board of County Commissioners or other governing body

or official agency within the territorial jurisdiction of the City Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in the Development-Thoroughfare Plan in the authorization, construction, alteration or abandonment of public highways and public structures; in the approval of land subdivisions and the street patterns involved in such land subdivisions; in the determination of sites for schools, parks and recreational facilities, shopping centers and industrial districts and the acquisition of land therefore and in other matters affecting the development of the territorial jurisdiction area of the City Plan Commission.

(F) *Issuance of Permits,* In the issuance of permits authorized by the Building Commissioner for the erection or alteration of structures and other improvements, the proposed streets and thoroughfare rights-of-way as set forth in this plan shall be protected and no such permit or permits shall be issued if the work proposed thereunder would encroach upon the existing or proposed sites or existing or proposed rights-of-way indicated on the Development-Thoroughfare Plan adopted by this chapter.
('63 Code, § 26-3)

§ 152.04 CONTINUED AUTHORITY.

Subsequent to the adoption of the Development-Thoroughfare Plan and the passage of this chapter, the City Plan Commission may:

(A) Determine lines for new, extended, widened or narrowed thoroughfares in any portion of the territorial jurisdiction of the City Plan Commission.

(B) Certify to the Common Council the amended or additional plan under the same procedures as established for the certification and approval of the original Development-Thoroughfare Plan.
('63 Code, § 26-4)

§ 152.05 AMENDMENTS.

In addition to the provisions of § 152.04, amendments may be initiated as follows:

(A) The Common Council may direct the City Plan Commission to prepare an amendment as desired, and submit it to public hearing within 60 days after formal written request by the Common Council.

(B) The owners of 50% or more of the area of property abutting upon a street may also petition the City Plan Commission requesting an amendment to the Development-Thoroughfare Plan.
('63 Code, § 26-5)

CHAPTER 153: SUBDIVISION REGULATIONS

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

The Subdivision Regulations, as enacted by Ord. 4-71 and all amendments thereto, are hereby adopted by reference and made a part of this code as if set forth in fall. A copy of the Subdivision Regulations is available for public inspection at town offices during normal business hours.

CHAPTER 154: ZONING CODE

Section

154.01 Adoption by reference

§ 154.01 ADOPTION BY REFERENCE.

The Zoning Code, as enacted by Ord. 3-71 and all amendments thereto, is hereby adopted by reference and made a part of this code as if set forth in full. A copy of the Zoning Code is available for public inspection at town offices during normal business hours.

CHAPTER 155: FLOOD CONTROL

Section

155.01 Statutory authorization
155.02 Statement of purpose
155.03 Definitions
155.04 Duties of the Administrator
155.05 Regulatory flood elevation
155.06 Improvement location permit
155.07 Preventing increased damages
155.08 Protecting buildings
155.09 Other development requirements
155.10 Variances
155.11 Disclaimer of liability
155.12 Violations
155.13 Abrogation and greater restrictions

§ 155.01 STATUTORY AUTHORIZATION.

The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the provisions of this chapter.
(Ord. 95-7, passed 8-3-95)

§ 155.02 STATEMENT OF PURPOSE.

The purpose of this chapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the City Council hereby adopts the following flood plain management regulations in order to accomplish the following:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To protect human life and health from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

(F) To make federally subsidized flood insurance available for property in the city by fulfilling the requirements of the National Flood Insurance Program.
(Ord, 95-7, passed 8-3-95)

§ 155.03 DEFINITIONS.

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

BUILDING. Sec STRUCTURE.

DEVELOPMENT.

(1) Any man-made change to improved or unimproved real estate including but not limited to:

(a) Construction, reconstruction, or placement, of a building or any addition to a building;

(b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;

(d) Construction of flood control structures such as levees, dikes, channel improvements, and the like;

(e) Mining, dredging, filling, grading, excavation, or drilling operations;

(f) Construction and/or reconstruction or bridges or culverts;

(g) Storage of materials; or

(h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) *DEVELOPMENT does* not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

EXISTING MANUFACTURED HOME PARK* or *SUBDIVISION. *A* manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter;

***EXPANSION TO AN EXISTING MANUFACTURED HOME PARK* or *SUBDIVISION.* The** preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FBFM. Flood Boundary and Flood way Map.

FEMA. Federal Emergency Management Agency.

FHBM. Flood Hazard Boundary Map.

FIRM. Flood Insurance Rate Map.

FLOOD. *A* general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

FLOOD PROTECTION GRADE or the ***FPG.*** The elevation of the regulatory flood plus two feet at any given location in the **SFHA.**

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE. Those portions of the floodplain lying outside the floodway.

LETTER OF MAP AMENDMENT (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LOWEST FLOOR. The lowest of the following:

(1) The top of the basement floor;

(2) The top of the garage floor, if the garage is the lowest level of the building;

(3) The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

(4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless;

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

(b) Such enclosed space shall be usable for the parking of vehicles and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ***MANUFACTURED HOME*** does not include a ***RECREATIONAL VEHICLE.***

NEW MANUFACTURED HOME PARK* or *SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

RECREATIONAL VEHICLE. A vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

REGULATORY FLOOD. The flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and FEMA. The regulatory flood elevation at any location is as defined in § 155.05 of this chapter. The ***REGULATORY FLOOD*** is also known by the term "Base Flood."

SFHA* or *SPECIAL FLOOD HAZARD AREA. Those lands within the jurisdiction of the city that are subject to inundation by the regulatory flood. The SFHAs of the city are generally identified as such on the Flood Insurance Rate Map of the city prepared by the Federal Emergency Management Agency and dated August 1, 1995. The SFHAs of those parts of unincorporated Carroll County that are within the extraterritorial jurisdiction of the city generally identified as such on the Flood Insurance Rate Map prepared for Carroll County by the Federal Emergency Management Agency and dated November 15, 1989.

STRUCTURE. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL IMPROVEMENT Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure,
(Ord. 95-7, passed 8-3-95)

§ 155.04 DUTIES OF THE ADMINISTRATOR.

The Carroll County Plan Commission Administrator shall implement this chapter and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the city is appointed to review all development and subdivision proposals to ensure compliance with this chapter, including, but not limited to, the following duties:

(A) Ensure that all development activities within the SFHAs of the jurisdiction of the city meet the requirements of this chapter.

(B) Provide information and assistance to citizens upon request about permit procedures and flood plain construction techniques.

(C) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to § 155.07, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

(D) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.

(E) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to § 155.08.

(F) Cooperate with state and federal flood plain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program.

(G) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this chapter.
(Ord. 95-7, passed 8-3-95)

§ 155.05 REGULATORY FLOOD ELEVATION.

(A) This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(B) The regulatory flood elevation and floodway limits for the SFHAs of Delphi delineated as an "A Zone" on the Flood Insurance Rate May of Delphi dated August 1, 1995 prepared by the Federal Emergency Management Agency shall be according to the best data available as provided by the Department of Natural Resources.
(Ord. 95-7, passed 8-3-95)

§ 155.06 IMPROVEMENT LOCATION PERMIT.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an improvement location permit from the Zoning Administrator. The Zoning Administrator shall not issue an improvement location permit if the proposed "development" does not meet the requirements of this chapter.

(A) The application for an improvement location permit shall be accompanied by the following:

(1) A description of the proposed development.

(2) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.

(3) A legal description of the property site.

(4) A site development plan showing existing and proposed development locations and existing and proposed land grades.

(5) Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

(B) Upon receipt of an application for an improvement location permit, the Zoning Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

(1) If the site is an identified floodway, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

(a) Under the provisions of I.C. 14-28-1-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, paving and the like undertaken before the actual start of construction of the building,

(b) No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Zoning Administrator may issue the local improvement location permit, provided the provisions contained in §§ 155.07 and 155.08 of this chapter have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local improvement location permit provided the provisions contained in §§ 155.07 and 155.08 of this chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the flood protection grade.

(3) If the site is in an identified flood plain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

(a) No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended flood protection grade has been received from the Department of Natural Resources.

(b) Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the improvement location permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in §§ 155.07 and 155.08 of this chapter have been met.

(4) (a) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

(b) Upon receipt, the Zoning Administrator may issue the local improvement location permit, provided the provisions contained in §§ 155.07 and 155.08 of this chapter have been met. (Ord. 95-7, passed 8-3-95)

§ 155.07 PREVENTING INCREASED DAMAGES.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(A) Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Map or engineering analysis as provided in § 155.06(B)(4), the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees) the city shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

(B) Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply: The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

(C) Public health standards in all SFHAs.

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or building constructed according to the requirements of § 155.08(B)(5) of this chapter.

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located above the FPG or those which are located below the FPG are watertight.
(Ord. 95-7, passed 8-3-95)

§ 155.08 PROTECTING BUILDINGS.

In addition to the damage prevention requirements of § 155.07, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(A) This building protection requirement applies to the following situations:

(1) Construction or placement of any new building having a floor area greater than 400 square feet;

(2) Structural alterations made to:

(a) An existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);

(b) Any previously altered building;

(3) Reconstruction or repairs made to a damaged building that are valued at more than 50% of the market value of the building (excluding the value of the land) before damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(B) This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in § 155.04 of this chapter.

(1) A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

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(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor (see definition of lowest floor in § 155.03), including basements, shall be at or above the FPG.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above the enclosed area's floor.

2. Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

1. Outside a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored in an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) Recreational vehicles placed on a site shall either:

(a) Be on the site for less than 180 consecutive days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devises, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" in division (B)(3) above.

(5) A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
(Ord. 95-7, passed 8-3-95)

§ 155.09 OTHER DEVELOPMENT REQUIREMENTS.

(A) The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Zoning Administrator finds the subdivision to be so located, the Zoning Administrator shall forward plans and materials to

the Indiana Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:

(1) It is consistent with the need to minimize flood damages;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) On site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere by ordinance) within a flood hazard area prior to submitting the plats for approval by the Plan Commission,

(C) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.
(Ord. 95-7, passed 8-3-95)

§ 155.10 VARIANCES.

(A) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:

(1) There exists a good and sufficient cause for the requested variance;

(2) The strict application of the terms of this chapter will constitute an exceptional hardship to the applicant; and

(3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) The Board of Zoning Appeals may issue a variance to the terms and provisions of this chapter subject to the following standards and conditions:

(1) No variance or exception for a residential use within a floodway subject to § 155.07(A) or (B) may be granted;

(2) Any variance or exception granted in a floodway subject to § 155.07(A) or (B) will require a permit from Natural Resources;

(3) Variances or exceptions to the building protection standards of § 155.08 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;

(4) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

(5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection Will be given to the proposed construction; and

(6) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.
(Ord. 95-7, passed 8-3-95)

§ 155.11 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood-damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. 95-7, passed 8-3-95)

§ 155.12 VIOLATIONS.

Failure to obtain an improvement location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and shall be treated as such in accordance with the provisions of the Zoning Code, Chapter 154.

(A) A separate offense shall be deemed to occur for each day the violation continues to exist.

(B) The Carroll County Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 95-7, passed 8-3-95)

§ 155.13 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the Common Council to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Common Council shall assure that all national Flood Insurance Program regulations and laws (310 IAC 6-1-1; IC. 14-28-1-22 and I.C. 14-28-1 through 14-28-6) are met.
(Ord. 95-7, passed 8-3-95)