

**TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: NUISANCES

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### **§ 90.01 NUISANCES PROHIBITED; DEFINITION.**

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

***NUISANCE.*** Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or

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(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

('79 Code, § 12-1) Penalty, see § 90.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 90.02 NUISANCES; ILLUSTRATIVE ENUMERATION.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive limiting or restrictive:

(A) Noxious weeds and other rank vegetation;

(B) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;

(C) Any condition which provides harborage for rats, mice, snakes and other vermin;

(D) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

(E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;

(F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;

(G) The carcasses of animals or fowl not disposed of within a reasonable time after death;

(H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;

(I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;

(J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;

(K) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities; and/or

(L) Any grass or weeds obtaining the height of 9 inches or more.  
(’79 Code, § 12-2) (Ord. 10, passed 6-6-1893; Am. Ord. 34, 5-24-04; Am. Ord. passed 6-18-68; Am. Ord. passed 9-23-86; Am. Ord. 2002-29, passed 12-3-02) Penalty, see § 90.99

**Cross-reference:**

*Abandoned or junked vehicles declared nuisances, see § 74.11*

*Littering, see also Schedule of Civil Penalties in § 35.03*

*High grass/weeds, see also Schedule of Civil Penalties in § 35.03*

**§ 90.03 MAINTENANCE OF NUISANCE PROHIBITED.**

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(’79 Code, § 12-3) Penalty, see § 90.99

**§ 90.04 NOTICE TO ABATE.**

(A) Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, the Chief of Police or some other duly designated officer of the city shall give five days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(’79 Code, § 12-4) (Ord. passed 6-18-68)

(B) *Contents of notice.* The notice to abate a nuisance issued under the provisions of this section shall contain:

(1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;

(2) The location of the nuisance, if the same is stationary;

(3) A description of what constitutes the nuisance;

(4) A statement of acts necessary to abate the nuisance;

(5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

(’79 Code, § 12-5)

(C) *Service of notice.* The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

(’79 Code, § 12-6)

**§ 90.05 ABATEMENT BY CITY.**

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of § 90.04 to abate the same, the Chief of Police or other duly designated officer of the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

('79 Code, § 12-7) (Ord. passed 6-18-68)

**§ 90.06 EMERGENCY ABATEMENT BY CITY.**

When, in the opinion of the Chief of Police or other duly designated officer, there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Chief of Police or duly designated officer is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Chief of Police or other duly designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

('79 Code, § 12-8)

**§ 90.07 CITY'S COSTS DECLARED LIEN.**

Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected by certifying the cost of such abatement to the County Auditor on or before October 1 of each year.

('79 Code, § 12-9) (Ord. passed 6-18-68)

***WEEDS*****§ 90.20 JURISDICTION.**

(A) The jurisdiction of this subchapter shall be the corporate limits of the city, as presently defined or as may be modified from time to time by annexation or city ordinance.

(B) This subchapter shall be in addition to any statute or county ordinance presently in effect, subsequently added, amended or repealed.

(Ord. 2012-08, passed 8-7-12)

**§ 90.21 DEFINITIONS.**

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

**DESTRUCTION ORDER.** The notice served by the city executives including, but not limited to, the Planning Director and members of the Police Department, in cases of appeal, on the property owner of the ordinance violation.

**ENFORCEMENT OFFICER.** The Enforcement Officer shall be the City Planner which office has code enforcement authority. The Mayor may designate other persons as the Enforcement Officer.

**PROPERTY OWNER.** The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

**WEEDS, GRASSES AND RANK VEGETATION.**

(1) Canada thistle, thistles, johnson grass, sorghum, alum [i.e., allium], bur cucumber, and shattercane.

(2) **RANK VEGETATION** is the uncontrolled, uncultivated growth of annuals and perennial plants.

(3) **WEEDS** do not include shrubs, trees, cultivated plants or crops.  
(Ord. 2012-08, passed 8-7-12)

**§ 90.22 EXCLUSIONS.**

(A) In no event shall the cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(B) The Indiana Cooperative Extension Service shall be the referenced technical authority for the city executives with respect to the definition of exempt matters, shrubs, trees, cultivated plants and crops.  
(Ord. 2012-08, passed 8-7-12)

**§ 90.23 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.**

All property owners within the corporate limits of the city shall be required and be financially responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice is nine inches or more in height.  
(Ord. 2012-08, passed 8-7-12) Penalty, see § 90.99

**§ 90.24 FILING COMPLAINT.**

Any person who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter, shall make a complaint to the Office of the Mayor or the Office of the Code Enforcement Officer or the office with code

enforcement authority. Complaints may be submitted in writing, including e-mail, or may be submitted by telephone. The city shall also have the authority to initiate enforcement activities without receiving a complaint.

(Ord. 2012-08, passed 8-7-12)

#### **§ 90.25 NOTICE OF VIOLATIONS.**

(A) Complaints received pursuant to § 90.24 shall be investigated by the Enforcement Officer. After concluding the investigation and inspection, if the Enforcement Officer concludes there is a probable belief that this subchapter has been violated, the Enforcement Officer shall forward a written notice designated as a notice to abate or a notice to remove or language similar thereto, to the property owner and the person occupying the property as that information is contained within the records of the DeKalb County Auditor and the utility records of the city or any other source selected by the city. Such notice shall be served in writing by certified mail, return receipt requested, or an equivalent service as permitted under IC 1-1-7-1. The notice shall require that within seven calendar days after the receipt of the notice the designated violation shall be abated or removed by the property owner and/or the person occupying the property.

(B) (1) All notices sent by the city shall be in writing and all records shall be kept with the Enforcement Officer.

(2) Certified mailing to or from the city is deemed filed on the date of posting with the United States Postal Service.

(C) If an initial notice of this subchapter was provided by certified mail or equivalent service, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service.

(D) A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of violation was provided may be abated by the city or its contractors.

(E) Notice shall be given to the owner of record of real property with a single owner or at least one of the owners of real property with multiple owners.

(Ord. 2012-08, passed 8-7-12)

#### **§ 90.26 APPEALS.**

(A) The property owner may appeal by filing written notice of objections with the executive within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the Enforcement Officer. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the Board of Public Works and Safety and shall be decided by a majority vote of the Board of Public Works and Safety members



in attendance and such being at a regularly scheduled or special meeting of the Board of Public Works and Safety.

(Ord. 2012-08, passed 8-7-12)

#### **§ 90.27 ABATEMENT BY CITY.**

In the event that the property owner shall fail to comply with the "Notice to Abate", "Notice to Destroy", or notices similar thereto within seven calendar days and has not filed a notice within 48 hours to the Enforcement Officer of an intent to appeal, the city may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

(Ord. 2012-08, passed 8-7-12)

#### **§ 90.28 LIABILITY.**

(a) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined in this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees, and interest on any unpaid amounts incurred by the city. In the event city employees are used to abate the nuisance, the hourly rate charged by the city shall be \$100 per hour per employee for the first violation, and said rate shall increase by \$50 per hour per employee for all subsequent violations. In addition to the hourly rate, all costs involved with the disposal of any material removed from the property shall be assessed to the property owner. This hourly rate shall be adjusted from time to time by the Board of Public Works and Safety by resolution in order to be assured that the costs of enforcement are completely paid for by the owner and not other tax payers.

(C) A bill for all costs incurred by the city pursuant to division (B) shall be sent to the property owner at the last address for the property owner as indicated on the records identified herein. The property owner shall have 30 days to pay the bill in full. The property owner may appeal the bill by filing a written notice of objections with the Enforcement Officer within seven days after receipt of the bill. Such an appeal by the property owner shall be brought before the Board of Public Works and Safety and decided in the same manner as appeals under § 90.26(A).

(D) Any and all costs incurred by the city in the enforcement of this subchapter which are not paid by the property owner within the time prescribed in this subchapter, shall constitute a lien against the property upon which the violation existed, which lien shall be filed, proved, and collected by certifying the costs incurred by the city to the County Auditor on or before October 1 of each year, or as otherwise provided by law.

(Ord. 2012-08, passed 8-7-12)

**§ 90.99 PENALTY.**

(A) Every person who violates the provisions of §§ 90.01, 90.02, 90.03 and 90.04 shall be fined the sum of \$100 per day for the first offense in a calendar year; \$150 per day for the second offense in the same calendar year; \$300 per day for all subsequent offenses in the same calendar year.

(B) (1) Any person violating a provision of §§ 90.20 et seq. shall, upon conviction, be deemed guilty of an offense and fined not less than \$25 for a first offense, no less than \$100 for a second offense within the same calendar year, and not less than \$200 for all subsequent offenses within the same calendar year, but no fine shall exceed \$2,500.

(2) Each day after the expiration date of the time ordered by the Enforcement Officer for abating a nuisance condition under this chapter shall constitute a distinct and separate offense.

(C) Each and every day a violation of any provision of Chapter 90 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(D) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including court costs and reasonable attorney fees.

(Ord. 2002-39, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03; Am. Ord. 2012-05, passed 6-19-12; Am. Ord. 2012-08, passed 8-7-12)

## CHAPTER 91: NOISE

### Section

91.01 Legislative intent

91.02 Prohibited acts

91.03 Exemptions

91.99 Penalty

### **Cross-reference:**

*Violations of Noise Regulations, see also Schedule of Civil Penalties in § 35.03*

### **§ 91.01 LEGISLATIVE INTENT.**

The making and creating of disturbing, excessive or offensive noises within the limits of the city is a condition which has persisted, and the level and frequency of occurrences of such noises continue. These noise levels are a detriment to the public health, comfort, convenience and safety and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive or offensive noise are not detrimental to his or her life, health or enjoyment of property. This chapter is to be construed liberally, but is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

(Ord. 2001-1, passed 4-20-01) Penalty, see § 91.99

### **§ 91.02 PROHIBITED ACTS.**

No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For the purposes of this chapter, **UNREASONABLE NOISE** is any excessive or unusually loud sound that either annoys, disturbs, injures or endangers the comfort, safety, health, peace or safety of a reasonable person with normal sensibilities.

(Ord. 2001-1, passed 4-20-01) Penalty, see § 91.99

### **§ 91.03 EXEMPTIONS.**

The following shall be exempted from the prohibitions set forth in this chapter:

(A) Sounds produced by sirens, horns or other warning devices of authorized emergency vehicles;

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(B) Sounds produced by lawn movers, garden tractors, snow blowers, leaf blowers, and other home power tools, when properly muffled and operated between the hours of 7:00 a.m. and 9:00 p.m.;

(C) Sounds produced by burglar alarms, fire alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause of such alarm or warning device sound is investigated and turned off within a reasonable period of time;

(D) Sounds produced in connection with municipally sponsored celebrations or events on legal holidays between the hours of 7:00 a.m. and 10:00 p.m.;

(E) Sounds produced in connection with permitted parades, festivals or concerts between the hours of 7:00 a.m. and 12:00 midnight;

(F) Sounds produced in connection with the actual performance of athletic events and practices related to them;

(G) Sounds produced by church bells or church chimes;

(H) Sounds produced in connection with the performance or practice of a band, orchestra or choir organized and maintained as part of the curriculum of a publicly or privately operated educational institution;

(I) Sounds produced by the performance of alerting persons to the existence of any emergency or for the performance of any emergency work;

(J) Sounds produced in connection with the normal conduct of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use.

(K) The erection, including excavation, demolition, alteration or repair of any building between 7:00 a.m. and 9:00 p.m. except in the case of public safety and emergency.  
(Ord. 2001-01, passed 2-2-01)

**§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter will be fined not less than \$50 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during on or which an offense occurs. Violations of this chapter shall be enforced through the Ordinance Violations Bureau.

(B) A violation of the chapter is also declared to be a nuisance. In addition to any other legal remedy provided by this chapter, the City Legal Department may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(C) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including attorney fees. (Ord. 52191-1, passed 5-21-91; Am. Ord. 2001-1, passed 4-20-01; Am. Ord. 2003-06, passed 4-15-03)



## **CHAPTER 92: ANIMALS**

### Section

#### ***General Provisions***

- 92.01 Keeping of bees restricted
- 92.02 Nuisance animals regulated

#### ***Regulation of Dogs***

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- 92.17 Dangerous dogs and female dogs in heat prohibited at large
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- 92.35 Unlawful for cats to run at large
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### ***GENERAL PROVISIONS***

#### **§ 92.01 KEEPING OF BEES RESTRICTED.**

It shall be unlawful and is hereby declared a nuisance to permit, maintain, keep or harbor any bees, honey bees or bees of any character or description in beehives, outbuildings, or structures made for that purpose at any place within the corporate limits of the city, unless there is built and constructed and maintained around the beehives, outbuildings or structures in which bees may be maintained, a closely meshed wire fence around the beehives, outbuildings or

structures eight feet high and so constructed that honey bees or bees maintained are required to rise and fly out over the top of the enclosure.

('79 Code, § 6-1) (Ord. passed 9-1-31) Penalty, see § 10.99

## § 92.02 NUISANCE ANIMALS REGULATED.

(A) *Certain animals declared public nuisance.* It is hereby declared a public nuisance for any person to harbor, maintain or control any horses, cattle, hogs, sheep, jacks, jennets, mules, geese, ducks, chickens, or other wild or dangerous animals within the city limits.

(B) *Notice to abate.* Whenever a nuisance is found to exist because of a violation of division (A) above, the Chief of Police shall give written notice pursuant to § 90.04.

(C) *Seizure and impoundment.* Whenever, in the judgment of the Chief of Police, a violation of division (A) above creates immediate threat to the public health and safety of the citizens of the city, he shall forthwith cause to be seized and impounded any such wild or dangerous animal. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement, which may be with an organization which is authorized by law to accept, own, keep or harbor such animals. If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Chief of Police may render said animal immobile by means of tranquilizers or other safe drugs or, if that is not safely possible, then said animal may be killed.

(D) *Costs for seizure, impoundment and confinement, collection.* Any reasonable costs incurred by the Chief of Police in seizing, impounding and for confining any dangerous or wild animal shall be charged against the owner, keeper or harbinger of such animal and shall be collected by the City Attorney. Such charge shall be in addition to any fine or penalty provided for violating this section.

(E) *Sale of nuisance animals; redemption by owner.* After seizure of the animal either pursuant to division (D) above or after notice pursuant to § 90.04, the Chief of Police may sell such animal in a manner which he deems most appropriate and apply the monies received from said sale to the costs incurred in impounding and seizing the animal. The owner of any animal impounded under this section may, before the same is sold, redeem such animal by payment to the Chief of Police of all his legal fees and proving his ownership thereto to the satisfaction of the Chief of Police and by further proving to the satisfaction of the Chief of Police that arrangements have been made to house said animal outside of the city limits.

(F) *Disposition of receipts.* After the sale of any animal under this section, the Chief of Police shall pay over to the Clerk-Treasurer all the net receipts therefor.

('79 Code, § 6-2) (Ord. passed 8-16-88) Penalty, see § 10.99



**REGULATION OF DOGS****§ 92.15 DEFINITIONS.**

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

**AT LARGE.** Off the premises of the owner, and not under control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.  
(’79 Code, § 6-17) (Ord. passed 5-21-57)

**OWNER.** Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

**UNCONFINED.** A vicious dog is “unconfined” if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

**VICIOUS DOG.**

(1) Any dog with a known vicious propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which because of its vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this subchapter; or

(3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.  
(Ord. 32090, passed 3-20-90)

**§ 92.16 PROHIBITED ACTS.**

(A) No owner or keeper of any dog shall permit such dog to run at large at any time of day or night within the city limits.

(B) No dogs shall be allowed on the following streets and sidewalks:

(1) Randolph Street and the sidewalks east and west of Randolph Street from the south right-of-way line Quincy Street to the south side of the sidewalk on the north side of Houston Street.

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(2) King Street and the sidewalks north and south of King Street, east of Randolph Street to the alley between Randolph and Franklin Street.

(3) King Street and the sidewalks North and South of King Street from Randolph Street to the east right-of-way line of Cowen Street.

(4) Keyser Street and the sidewalks North and South of Keyser Street east from Randolph Street to the alley between Randolph Street and Franklin Street.

(5) Keyser Street and the sidewalks north and south of Keyser Street west of Randolph Street to the east right-of-way line of Cowen Street.

(6) The sidewalk north of Houston Street west of Randolph Street to the east right-of-way line to Cowen Street.

(7) The above prohibition shall not apply to dogs participating in the annual pet parade in connection with the Heritage Days celebration.

(C) Division (B) above shall not prohibited the owner of the keeper of a dog from taking the dog from a parked vehicle into a structure adjoining any of the streets and sidewalks listed in division (B).

(D) No dogs shall be allowed at any time in the West Side Park, the Heritage Park and Union Street Park. Dogs shall be allowed in Feick Park and in the East Side Park between the first day of October and the following March 31st and then dogs are not allowed in Feick Park and the East Side Park between the first day of April and the following September 30th.

(E) Ocker Park is hereby declared a dog park and dogs shall be permitted therein. The Board of Works and the Park Department are hereby authorized to develop rules and regulations for the use of Ocker Park as a dog park.

(F) No animals, including without limitation, domestic animals, wild animals, birds and fowl shall be kept or allowed in any building owned or occupied by the city or any of its agencies, commissions or departments. This section shall not apply to the city animal shelter.

(G) The provisions of divisions (B), (D) and (F) shall not apply to:

(1) A guide dog, signal dog, or service dog accompanied by a totally or partially blind person, deaf person or person whose hearing is impaired, handicapped person.

(2) A dog accompanied by persons licensed to train dogs.

(3) A dog under the control of a uniformed law enforcement officer.

(H) Every person violating any provision of this section shall be fined \$50 plus court costs and attorney fees. Fines and penalties shall be collected pursuant to the provisions of the Ordinance Violations Bureau.

('79 Code, § 6-18) (Ord. passed 5-21-57; Am. Ord. passed 4-17-62; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2004-05, passed 4-6-04; Am. Ord. 2004-34, passed 1-4-05)

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.17 DANGEROUS DOGS AND FEMALE DOGS IN HEAT PROHIBITED AT LARGE.**

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this section it shall be taken up and impounded and shall not be released except upon the approval of a licensed veterinarian after payment of the fees provided for in § 92.24; provided however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.

('79 Code, § 6-19) (Ord. passed 5-21-57) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.18 REMOVAL OF EXCREMENT.**

Any person, firm, corporation or organization or department possessing or harboring or having the care or custody of a dog shall promptly remove and dispose of in a sanitary manner all excrement left by the dog on any public property or public right-of-way in the city and from property belonging to any person other than the owner of the dog. Every person violating the provision of this section shall be fined \$50 per violation plus any court costs and attorney fees incurred by the city.

(Ord. 2004-34, passed 1-4-05)

**§ 92.19 CONFINEMENT OF VICIOUS DOGS.**

The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.20 LEASH AND MUZZLE REQUIRED FOR VICIOUS DOG.**

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. 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 or animal.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.21 SIGNS REQUIRED FOR VICIOUS DOG ON PREMISES.**

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.22 DOG FIGHTING.**

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.23 INSURANCE REQUIRED FOR VICIOUS DOG.**

Owners of a vicious dog must within 30 days of the effective date of this subchapter [i.e., by April 19, 1990] provide proof to the City Clerk of public liability insurance in the amount of at least \$100,000 insuring the owner for any personal injuries inflicted by his or her vicious dog.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.24 IMPOUNDMENT OF DOGS AT LARGE; NOTICE; REDEMPTION; DISPOSITION.**

(A) Every person violating the provisions of § 92.19 through 92.23 shall be fined in the amount of \$100 per violation.

(B) It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of § 92.24 and to impound such dog in the city pound or other suitable place. The Chief of Police or other police officer upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed he shall enter the name and address of the owner and the number of the license tag.

('79 Code, § 6-29)

(C) *Notice of impoundment.* Not later than three days after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown written notice shall be posted for three days at three conspicuous places in the city describing the dog, the time and place of taking and the license number, if licensed.

('79 Code, § 6-30)

(D) *Redemption by owner; charges.*

(1) The owner of any dog impounded may reclaim such dog upon the payment of a fine of \$30 for the first violation; a fine of \$50 for all subsequent violations in the same calendar year plus pound expenses for the first and all subsequent violations in the amount of \$15 per day.

(2) In the event that the owner fails to redeem the dog as provided in (D)(1) and also fails to pay all fines and expenses as provided in (D)(1), the city may collect all such unpaid fines and expenses from the owner of the dog, as determined by the Garrett Police Department.

(3) The owner shall be responsible for all fines, pound expenses, and attorney fees incurred by the city in collecting such fines and expenses.  
(‘79 Code, § 6-31)

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

(E) *Disposition when unclaimed.* It shall be the duty of the Poundmaster to keep all dogs so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner or the posting of notice such dog shall not have been redeemed, it may be disposed of. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infections or dangerous disease shall not be released but may be forthwith destroyed.

(‘79 Code, § 6-32) (Ord. passed 5-21-57; Am. Ord. passed 9-7-76; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2004-35, passed 1-4-05)

**§ 92.25 VACCINATION REQUIRED.**

It shall be unlawful for the owner of any dog to keep or maintain a dog unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which the dog is kept or maintained.

(‘79 Code, § 6-40) (Ord. passed 5-21-57)

**§ 92.26 CONFINEMENT WHEN RABIES SUSPECTED.**

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Poundmaster of the fact that his dog has been exposed to rabies and at his discretion the Poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(B) It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the Poundmaster. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the Poundmaster or a police officer who shall either remove the dog to the pound or summarily destroy it.

(‘79 Code, § 6-41) (Ord. passed 5-21-57)

**§ 92.27 SPECIAL REQUIREMENTS UPON PROCLAMATION BY MAYOR.**

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by the Chief of Police without notice to the owner. Dogs impounded during such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in § 92.24. If unclaimed after that period, such dog may be summarily destroyed.

(79 Code, § 6-42) (Ord. passed 5-21-57)

**CONTROL OF CATS****§ 92.35 UNLAWFUL FOR CATS TO RUN AT LARGE.**

Every person residing within the city limits and owning or having in his possession a cat or cats shall not permit the cat or cats to run at large within the limits of the city at any time. A cat shall be deemed **RUNNING AT LARGE** when it is off the premises of its owner or possessor without being under adequate control of its owner or possessor.

(Ord. 72589-2, passed 7-25-89) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.36 PARENT OR GUARDIAN CONSIDERED OWNER OF CHILD'S CAT.**

The parent or guardian of any minor child claiming ownership or possession of any cat shall be deemed to be the owner or possessor of such cat shall be charged with the responsibilities under this subchapter and shall be responsible for all penalties and fees imposed for violation of this subchapter.

(Ord. 72589-2, passed 7-25-89) Penalty, see § 10.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.37 (RESERVED)**

**§ 92.38 IMPOUNDMENT.**

Any owner or possessor of a cat impounded may reclaim said cat by paying the minimum penalty imposed together with the cost of maintenance of such cat while so impounded.  
(Ord. 72589-2, passed 7-25-89)

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 92.39 ENFORCEMENT.**

(A) The issuance of summons or complaints, collection of fines, and other enforcement matters shall be handled, to the extent so permitted, by the Ordinance Violations Bureau of the city and persons violating the provisions of §§ 92.35 through and including 92.37 shall be fined \$50 per violation.

(B) Each and every day a violation of any provision of Chapter 92 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 72589-2, passed 7-25-89; Am. Ord. 2002-29, passed 12-3-02)

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*





## CHAPTER 93: PARKS AND RECREATION

### Section

#### ***General Provisions***

93.01 Fees for use of Feick Park Pavilion and East Side Park Pavilion

#### ***Rules and Regulations***

- 93.20 Purpose
  - 93.21 Parks and other recreation areas defined
  - 93.22 Park hours
  - 93.23 Vehicles left in parks after closing hours
  - 93.24 Disposal of rubbish, refuse and garbage
  - 93.25 Altering or removing signs, structures, fixtures and other improvements
  - 93.26 Smoking prohibited
  - 93.27 Disturbing, injuring or removing wildlife and vegetation prohibited
  - 93.28 Swimming prohibited
  - 93.29 Pets in the parks and recreation areas
  - 93.30 Camping prohibited
  - 93.31 Fires prohibited
  - 93.32 Solicitations, commercial sales and commercial photography prohibited
  - 93.33 Speed limits
  - 93.34 Bicycle, pedestrian trail and walkway restrictions
  - 93.35 Other prohibited activities
  - 93.36 Possession, consumption and sale of alcoholic beverages prohibited
  - 93.37 [Reserved]
  - 93.38 Prohibited persons
  - 93.39 Additional prohibited activities in parks
- 93.99 Penalty

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

*Consumption of alcoholic beverages in parks and other city property profited, see § 131.01  
Park and Recreation Board, see § 30.47*

#### ***GENERAL PROVISIONS***

### **§ 93.01 FEES FOR USE OF FEICK PARK PAVILION AND EAST SIDE PARK PAVILION.**

(A) The city shall charge and collect a non-refundable fee of \$50 for the use of the Feick Park Pavilion and a non-refundable fee of \$50 for the use of the East Side Park Pavilion by any person,

corporation, partnership, organization, association or entity of any kind. This non-refundable fee shall be paid in advance to the Clerk's office. In addition, the city shall charge and collect a refundable \$25 security deposit, which fee shall also be paid in advance to the Clerk's office.

(B) No reservations will be accepted for any dates during a particular calendar year before the first business day of January of such calendar year. The fee shall be paid in advance at the time the reservation is made.

(C) Each renter is responsible for the clean up of the pavilion after each rental. Failure to clean up as instructed by the city shall be a violation of this section and the \$25 refundable security deposit shall be applied to the cleanup costs incurred by the city, which cleanup costs are calculated at \$30 per hour for each hour or any portion thereof of cleanup time expended by city employees, Park Board employees, or others on behalf of the city.  
(79 Code, § 13-1) (Ord. passed 4-1-86; Am. Ord. passed 1-16-90; Am. Ord. 2007-4, passed 7-10-07)

### ***RULES AND REGULATIONS***

#### **§ 93.20 PURPOSE.**

The purpose of this subchapter is to establish reasonable and responsible rules for those individuals who use the parks and other recreational areas owned and operated by the City of Garrett ("city"). This subchapter is necessary to insure that residents fully enjoy leisure and recreational activities available in Garrett parks and other recreational areas and to protect the health and safety of persons using the parks and other recreational areas.  
(Ord. 2009-08, passed 8-4-09)

#### **§ 93.21 PARKS AND OTHER RECREATION AREAS DEFINED.**

(A) The words "parks and other recreation areas" shall include, but not be limited to, any lands, buildings, structures, waters, parks, trails, drives and roadways in the city, that are located within the following designated areas:

- (1) Eastside Park;
- (2) Westside Park (also known as the John F. Kennedy Park);
- (3) Feick Park;
- (4) Heritage Park;
- (5) Union Street Park;
- (6) Ocker Park; and
- (7) Jordan Wetlands.

(B) Any other areas within the city designated as a “parks and other recreation areas” by the Common Council after the adoption of this subchapter, even though not specifically mentioned herein.

(Ord. 2009-08, passed 8-4-09)

**§ 93.22 PARK HOURS.**

No person shall enter or remain in any park or other recreational area in the city after the park or recreational area is closed to the public. Parks and other recreational areas in the city open to the public at 7:00 a.m. (local time) and close at 10:00 p.m. during daylight savings time and 9:00 p.m. at all other times or at the conclusion of activities approved by the city, whichever is later.

(Ord. 2009-08, passed 8-4-09; Am. Ord. 2012-12, passed 8-21-12) Penalty, see § 93.99

**§ 93.23 VEHICLES LEFT IN PARKS AFTER CLOSING HOURS.**

No person shall leave a vehicle within any park or other recreation area in the city after the location has closed to the public, except in cases of an emergency or with consent of the Chief of Police. The registered owner of a vehicle shall be responsible for the vehicle being within any park or other recreational area after the location has closed to the public. To the extent that the platted area referred to as the Westside Park/John F. Kennedy Park includes the paved parking on the north side of the park adjacent to Houston Street, parking shall be permitted in the paved area.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.24 DISPOSAL OF RUBBISH, REFUSE AND GARBAGE.**

No person shall take into, carry through or put into any park or other recreation area any rubbish, refuse, garbage or other material, except any refuse or garbage resulting from properly using the parks and recreation areas, shall be deposited in receptacles provided. Where receptacles or adequate receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.25 ALTERING OR REMOVING SIGNS, STRUCTURES, FIXTURES AND OTHER IMPROVEMENTS.**

No person shall damage, deface, remove or otherwise alter any sign, structure, fixture or other improvement in any park or other recreational area in the city. The signs, structures, fixtures or other improvements shall include, but not be limited to, any drive, roadway, walk, path, trail, bridge, wall, monument, statue, fountain, grill, table, bench, fence, gate, building, telephone poles, utility poles, pool and recreational equipment.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.26 SMOKING PROHIBITED.**

No person shall smoke in the city parks and recreation areas, except smoking will be permitted in the parking lots of the parks only. To the extent that the platted area referred to as the Westside Park/John F. Kennedy Park includes the paved parking on the north side of the park adjacent to Houston Street, smoking shall be permitted in the paved area.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.27 DISTURBING, INJURING OR REMOVING WILDLIFE AND VEGETATION PROHIBITED.**

(A) No person shall harass, hurt, trap, injure, remove or otherwise disturb any wildlife located in any park or other recreational area in the city without the express written permission of the city. The term **WILDLIFE** shall mean any wild mammal, bird, reptile, amphibian, mollusk, crustacean or other wild animal or any part, product, egg, offspring or the dead body or parts of the wild animal.

(B) No person shall harvest, cut, break, set afire, injure, remove or otherwise disturb or damage any plant, flower, bush, tree or other vegetation growing in any park or other recreational area in the city. No person shall attach any rope, cable or other contrivance to any tree, fence, railing, bridge, bench or other structure.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.28 SWIMMING PROHIBITED.**

No person shall, swim or bathe in any waters that are within any park or other recreational area unless a lifeguard is on duty at the particular site.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.29 PETS IN THE PARKS AND RECREATION AREAS.**

The provisions of Chapter 92, which regulates pets and animals in the parks and other recreation areas, is incorporated herein.

(Ord. 2009-08, passed 8-4-09)

**§ 93.30 CAMPING PROHIBITED.**

No person shall erect or maintain a tent or other shelter, or otherwise camp within any park or other recreational area in the city.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.31 FIRES PROHIBITED.**

No person shall build, kindle, maintain or use a fire within any park or other recreational area in the city except in those facilities furnished by the city and designed for that purpose.  
(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.32 SOLICITATIONS, COMMERCIAL SALES AND COMMERCIAL PHOTOGRAPHY PROHIBITED.**

No person shall solicit, advertise, sell, photograph or promote for sale any commercial product or event within any park or other recreational area in the city without the express written permission of the city which shall be obtained through the Mayor's office. The person must conspicuously post such permission at the site of such activity. Distribution or posting of flyers, brochures or other written material is prohibited in parks and other recreational areas within the city. Persons permitted to conduct activity pursuant to this section are not included in the definition of **PEDDLER** as found in Chapter 113.  
(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.33 SPEED LIMITS.**

No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in the city in excess of the speed limit as posted, which in any event, may not exceed 15 miles per hour, whichever is less.  
(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.34 BICYCLE, PEDESTRIAN TRAIL AND WALKWAY RESTRICTIONS.**

(A) No person shall operate any motorized vehicle, motorized bicycle, motorized skateboard or other similar device upon any trail designed for bicycle/pedestrian use in the city, except if a person with a disability, as defined by the American With Disabilities Act may operate the device specialized motorized equipment designed for their transportation. Motorized vehicles owned and operated by the city and/or its contractors and subcontractors are permitted on any trail designed for bicycle/pedestrian use within the city, when doing work for the city or providing a service for the city.

(B) No person shall ride or allow any horse on any trail designed for bicycle/pedestrian use or in any park or other recreational area in the city.

(C) No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any trail/walkway designed for bicycle/pedestrian use in the city. In-line skaters, skate boarders and bicyclists shall yield to pedestrians. Bicyclists shall yield to all trail/walkway users.  
(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.35 OTHER PROHIBITED ACTIVITIES.**

The following activities are prohibited within any parks or other recreational areas in the city:

(A) Littering;

(B) Use of a metal detector;

(C) Parking vehicles on grass except where otherwise designated by appropriate signage erected by the city;

(D) Golfing with traditional golf equipment. Frisbee golf is permitted;

(E) Use of park equipment, apparatus, structures and buildings in any manner inconsistent with their intended purposes;

(F) Swimming in ponds, retention ponds or other similar bodies of water;

(G) Wash any vehicle;

(H) Hold public assemblages, except as otherwise permitted by § 112.01(B);

(I) Conduct an exhibition, except as otherwise permitted by § 112.01(B);

(J) Hold a parade, except as otherwise permitted by § 112.01(B);

(K) Enter an area posted as “closed to the public”;

(L) Engage in threatening, abusive, insulting or indecent language or engage in any conduct or behavior tending to breach the public peace; and

(M) Fireworks of any type.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.36 POSSESSION, CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES PROHIBITED.**

Possession, consumption and sale of alcoholic beverages is prohibited pursuant to Chapter 131.

(Ord. 2009-08, passed 8-4-09) Penalty, see § 93.99

**§ 93.37 [RESERVED.]**

**§ 93.38 PROHIBITED PERSONS.**

Individuals listed on *State of Indiana Sex Offender Registry* published and disseminated by the Indiana Criminal Justice Institute are prohibited from all parks and other recreational areas of the city.

(Ord. 2009-08, passed 8-4-09)

**§ 93.39 ADDITIONAL PROHIBITED ACTIVITIES IN PARKS.**

(A) Bicycles, roller blades, skates or skateboards are restricted to paved roadways and pedestrian/bicycle trails. Bicycles, roller blades, skates or skateboards are not allowed to be ridden in any pavilion or other structure in the park.

(B) Tape, nails, push pins, thumb tacks, screws or other similar fasteners are not to be driven, bolted, screwed or applied into pavilion posts, railings, beams, fascia, soffit, roof, utility poles and telephone poles.

(Ord. 2009-08, passed 8-4-09)

**§ 93.99 PENALTY.**

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Rules and regulations.*

(1) Any person who violates §§ 93.22 through and including 93.35 or 93.39, shall be fined \$50 for the first offense and \$100 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(2) Any person who violates §§ 93.36 through 93.38 shall be fined \$100 for the first offense and \$200 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(3) In addition to penalties contained herein, any person who damages park property is subject to payment of restitution in an amount equal to the city's cost to repair the damage, any legal/attorney fees and court cost that may be incurred.

(4) Officers and Park Enforcement of the Garrett Police Department, and all officers of the Garrett Police Department may, in addition to fining violators, order violators out of the parks and recreational areas for a period of time, for a minimum of 30 days, and pursue trespassing charges on anyone who fails to comply or returns within the expulsion period.

(5) All violations of §§ 93.20 through 93.39 shall be processed through the Ordinance Violations Bureau.

(Ord. 2009-08, passed 8-4-09; Am. Ord. 2009-11, passed 8-18-09)





## **CHAPTER 94: RAILROADS**

### Section

94.01 Obstructing crossing; time limit

94.02 Successive train movements

94.99 Penalty

### **§ 94.01 OBSTRUCTING CROSSING; TIME LIMIT.**

It shall be unlawful for a railroad corporation to permit any train, railroad car or engine to obstruct public travel at a railroad highway grade crossing for a period in excess of ten minutes, except as where such train, railroad car or engine cannot be moved by reason of circumstances over which the railroad corporation has no control.

('79 Code, § 16-1) (Ord. passed 5-6-86)

### **§ 94.02 SUCCESSIVE TRAIN MOVEMENTS.**

It shall be unlawful for a railroad corporation to permit successive train movements to obstruct vehicular traffic at all railroad highway grade crossings until all vehicular traffic previously delayed by such train movements has been cleared or a period of five minutes has elapsed between train movements.

('79 Code, § 16-2) (Ord. passed 5-6-86)

### **§ 94.99 PENALTY.**

Any person who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine of \$500 per violation.



## **CHAPTER 95: STREETS AND SIDEWALKS**

### Section

#### ***General Provisions***

- 95.01 Sidewalk and gutter repairs responsibility of abutting property owner; action by city
- 95.02 Responsibility of abutting property owners or occupants to remove dirt, rubbish, ice and snow from sidewalks
- 95.03 Keeping cellar doors open at night
- 95.04 Removal of earth, stone or gravel
- 95.05 Burning leaves and rubbish on paved streets prohibited
- 95.06 Permitting oil, gasoline or kerosene to drip on paved streets prohibited
- 95.07 Awnings projecting over sidewalks
- 95.08 Loading and unloading merchandise from sidewalks
- 95.09 Building materials prohibited on sidewalks
- 95.10 Discharge of water over sidewalks

#### ***Excavations***

- 95.15 Supervision
- 95.16 Minimum inconvenience to public
- 95.17 Warning lights and barricades
- 95.18 Bracing
- 95.19 Backfilling and restoration of site

#### ***Permit for Excavation***

- 95.25 Permit required
- 95.26 Application
- 95.27 Bond prerequisite to issuance
- 95.28 Certificate of workman's compensation prerequisite to issuance
- 95.29 Issuance

#### ***House Numbering***

- 95.35 House numbering required
- 95.36 Numbering system

#### ***Obstructing Free Passage of Pedestrians***

- 95.45 Purpose
- 95.46 Obstructing street, sidewalk and the like prohibited
- 95.47 Board of Public Works and Safety may suspend provisions; exceptions
- 95.48 Enforcement

*Street Trees*

- 95.60 Definitions
- 95.61 Trees prohibited
- 95.62 Recommended trees
- 95.63 Damaging and injuring trees
- 95.64 Tree assessment and evaluation of street trees
- 95.65 Tree removal, stump removal and replacement of street trees
- 95.66 Trimming and maintenance of street trees and private residential trees
- 95.67 Emergency action
- 95.68 Notice
  
- 95.99 Penalty

**GENERAL PROVISIONS****§ 95.01 SIDEWALK AND GUTTER REPAIRS RESPONSIBILITY OF ABUTTING PROPERTY OWNER; ACTION BY CITY.**

(A) All sidewalks, either newly constructed, replaced or repaired in the city shall be made in conformity with the provisions of this section, and the grades, plans, profiles and specifications furnished by the City Engineer and on file in the City Clerk's office, as adopted and approved by the Common Council.

(B) When any sidewalk within the city is or becomes out of repair so as to render it unsafe, unfit or inconvenient for passage thereon by pedestrians, the Board of Public Works and Safety shall notify the owners of the abutting property of the defect in such sidewalk, and if not repaired, relaid or replaced as directed within a reasonable time, not to exceed 30 days, the Board of Public Works and Safety shall then present a resolution to the Common Council ordering such sidewalk improved as provided by the laws of the state and the ordinances of the city, and the Council shall take such action as it deems proper.

(C) For the purposes and within the purview of this section, the determination of the Board of Public Works and Safety as to the necessity of the repair, relaying or replacing of any such sidewalk to render it safe, fit or convenient for passage thereover by pedestrians shall be conclusive so far as the city is concerned.

('79 Code, § 18-1) (Ord. 3, passed 5-31-1893; Am. Ord. 2000-13, passed 8-1-00) Penalty, see § 95.99

**§ 95.02 RESPONSIBILITY OF ABUTTING PROPERTY OWNERS OR OCCUPANTS TO REMOVE DIRT, RUBBISH, ICE AND SNOW FROM SIDEWALKS.**

It shall be the duty of any owner, tenant or occupant of any lot or land within the city to remove from the sidewalk and gutter along such premises kept by such tenant or occupant all

dirt, manure, paper or vegetable matter of any kind which may accumulate in or be thrown upon such sidewalk or in such gutter, and all snow and ice which may accumulate upon such sidewalks. ('79 Code, § 18-2) (Ord. 3, passed 5-31-1893) Penalty, see § 95.99

**§ 95.03 KEEPING CELLAR DOORS OPEN AT NIGHT.**

Any person owning, keeping or controlling any cellar, the door of which may be in or on any sidewalk, street, lane or public alley in the city, and who shall cause or permit the same to remain open between twilight of any given evening and daylight of the next ensuing morning, shall be guilty of a misdemeanor.

('79 Code, § 18-3) (Ord. 3, passed 5-31-1893) Penalty, see § 95.99

**§ 95.04 REMOVAL OF EARTH, STONE OR GRAVEL.**

It shall be unlawful for any person to take or cause to be taken any earth, stone or gravel from any street, alley or sidewalk in the city without permission to do so from the Common Council; provided that the provisions of this section shall not apply to any person who shall temporarily remove any dirt, gravel, brick or stone from any street or sidewalk for the purpose of constructing any building on permission of the proper officers of the city.

('79 Code, § 18-4) (Ord. 8, passed 5-31-1893)

**§ 95.05 BURNING LEAVES AND RUBBISH ON PAVED STREETS PROHIBITED.**

It shall be unlawful for any person to cause or suffer any leaves or rubbish to be placed in or upon the paved streets in the city and burned thereon.

('79 Code, § 18-5) (Ord. 43, passed 11-26-07) Penalty, see § 95.99

**§ 95.06 PERMITTING OIL, GASOLINE OR KEROSENE TO DRIP ON PAVED STREETS PROHIBITED.**

It shall be unlawful for any person, either the owner or driver of any vehicle, to suffer or permit oil, gasoline or kerosene to run or drip therefrom upon the asphalt pavement in the city.

('79 Code, § 18-6) (Ord. 43, passed 11-26-07) Penalty, see § 95.99

**§ 95.07 AWNINGS PROJECTING OVER SIDEWALKS.**

All awnings projecting over the public sidewalk shall be constructed of cloth, and the frames shall be elevated at least eight feet and the curtain at least seven feet at the lowest part thereof above the sidewalk, and shall not project over the sidewalk to exceed eight feet. They shall be supported without posts, by iron brackets or an iron framework firmly attached to the building so as to leave the sidewalk entirely unobstructed thereby.

('79 Code, § 18-7) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

**§ 95.08 LOADING AND UNLOADING MERCHANDISE FROM SIDEWALKS.**

No person receiving or delivering goods, wares or merchandise shall place or keep upon, or suffer to be placed or kept upon any sidewalk in the city, any such goods, wares or merchandise, without leaving a passageway for pedestrians at least eight feet in width, and no person receiving or delivering such goods shall suffer the same to remain upon any sidewalk for longer than three hours.

('79 Code, § 18-8) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

**§ 95.09 BUILDING MATERIALS PROHIBITED ON SIDEWALKS.**

It shall be unlawful for any person to throw or allow to remain, material of any kind upon any sidewalk in the city while building, erecting or repairing any building or place fronting or bordering thereon.

('79 Code, § 18-9) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

**§ 95.10 DISCHARGE OF WATER OVER SIDEWALKS.**

It shall be unlawful for the owner or occupant of any building to cause or allow the water pipes or spouting conducting water from such building to discharge upon or over the adjoining sidewalks.

('79 Code, § 18-10) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

***EXCAVATIONS*****§ 95.15 SUPERVISION.**

All excavations in the public streets or alleys shall be made under the supervision of the Board of Public Works and Safety.

('79 Code, § 18-22) (Ord. passed 5-15-56) Penalty, see § 95.99

**§ 95.16 MINIMUM INCONVENIENCE TO PUBLIC.**

All excavations in the public streets and alleys shall be so excavated that a minimum inconvenience to the public shall result, and shall be left in a condition to afford proper storm drainage.

('79 Code, § 18-23) (Ord. passed 5-15-56) Penalty, see § 95.99

**§ 95.17 WARNING LIGHTS AND BARRICADES.**

Red lights or flares shall be kept around excavations and lighted from sunset to sunrise at all unfinished work and sufficient barricades to prevent accidents shall be placed around the excavation at all times.

('79 Code, § 18-24) (Ord. passed 5-15-56) Penalty, see § 95.99

**§ 95.18 BRACING.**

Trenches or excavations made in sloughing or water-bearing soils and trenches and excavations five feet or more in depth made in the immediate vicinity of the foundations of buildings or other foundations shall be sheathed and braced.

('79 Code, § 18-25) (Ord. passed 5-15-56) Penalty, see § 95.99

**§ 95.19 BACKFILLING AND RESTORATION OF SITE.**

When an excavation has been made and the work is completed the permittee at his expense shall without delay backfill the excavation by thorough tamping or such other method required by the Board of Public Works and Safety and shall repave the traveled portion of the street or alley and re-sod or reseed the parkway so as to restore the street or alley to its original condition, and should any settling of the street or alley occur within one year after the same has been filled, shall remove the pavement and refill the excavation and repave in order to restore the site to its original condition all under the direction of the Board of Public Works and Safety. The holder of the permit shall further remove all dirt and debris remaining after the restoration of the site.

('79 Code, § 18-26) (Ord. passed 5-15-56) Penalty, see § 95.99

***PERMIT FOR EXCAVATION***

**§ 95.25 PERMIT REQUIRED.**

No excavation shall be made in any street or alley in the city by any person until and unless they have obtained a permit under this subchapter.

('79 Code, § 18-35) (Ord. passed 5-15-56) Penalty, see § 95.99

**§ 95.26 APPLICATION.**

Any person that desires to excavate into, under or along a public street or alley in the city shall first make application in writing to the Board of Public Works and Safety, designating in such application the purpose for which the excavation is to be made, the size and number of such excavations and such other information as the Board of Public Works and Safety shall require and stating therein that all the terms and conditions of this chapter will be complied with, in making such excavations and the repairs of the surfaces or pavements on the street or alley. The Board

of Public Works and Safety shall make recommendations to the Clerk-Treasurer of the city accordingly.

('79 Code, § 18-36) (Ord. passed 5-15-56)

#### **§ 95.27 BOND PREREQUISITE TO ISSUANCE.**

(A) Before a permit shall be issued by the Clerk-Treasurer under this subchapter, any person applying for such permit shall give, execute and deliver a bond to the city which, except as hereinafter provided, shall be in the penal sum of \$10,000 with surety to be approved by the Clerk-Treasurer and conditioned upon the faithful performance and compliance with this chapter.

(B) Except as hereinafter provided, any person may furnish the bond referred to in division (A) above, upon annual basis, and which shall be binding upon any permit subsequently issued during the year, to the applicant; provided that the annual bond shall be in the sum of \$50,000.

(C) The bond limit, provided in division (A) above shall be inapplicable to projects involving more than 300 lineal feet of excavation in streets or alleys. Projects involving more than 300 lineal feet of excavation shall require a bond equal to \$5,000 for each 300 feet or fraction thereof. A permit may not be issued under an annual bond for a project involving more than 1,000 lineal feet of excavation in streets or alleys.

('79 Code, § 18-37) (Ord. passed 5-15-56)

#### **§ 95.28 CERTIFICATE OF WORKMAN'S COMPENSATION PREREQUISITE TO ISSUANCE.**

No permit shall be issued to any applicant under this subchapter until a certificate is furnished showing the applicant carries workman's compensation insurance, unless the applicant is an individual or partnership and will perform the work without the services of any employees.

('79 Code, § 18-38) (Ord. passed 5-15-56)

#### **§ 95.29 ISSUANCE.**

Upon the bond being furnished under § 95.27, and upon compliance with § 95.28, and upon the permit being approved by the Board of Public Works and Safety the Clerk-Treasurer shall issue a permit. ('79 Code, § 18-39) (Ord. passed 5-15-56)

### ***HOUSE NUMBERING***

#### **§ 95.35 HOUSE NUMBERING REQUIRED.**

(A) All houses and lots in the city shall be designated by number as provided in this section, the numbers to be of the kind, size and character specified herein and to be placed in a conspicuous place on the building or structure located on each lot or parcel of ground in the city.



(B) Specifically, the numbers shall be in contrast with the background and the numbers shall be Arabic numerals or alphabet letters, with the numbers and letters having a minimum height of four inches (102 mm) with a minimum stroke width of one-half inch (12.7 mm).

(C) In the event that the house or structure is set back more than 75 feet from the paved portion of the street in front of the house or structure, the address numbers shall be displayed on a mailbox post, if available, or a separate post close enough to the road as to be plainly legible and visible from the road when traveling in either direction thereon. These numbers shall be white reflective material on a green background which signs are available at the Garrett Fire Department.

('79 Code, § 18-61) (Ord. 219, passed 7-16-14; Am. Ord. 2013-10, passed 5-21-13)



**§ 95.36 NUMBERING SYSTEM.**

On all streets running north and south the numbers of lots shall begin with 100 at King Street and shall increase north and south from such street at the rate of 100 numbers to each block or space between streets, beginning each consecutive 100 at each street intersection. On all streets running east and west the numbers of lots shall begin with 100 at Randolph Street and shall increase east and west from such street at the rate of 100 numbers to each block or space between streets, beginning each consecutive 100 at each street intersection. One number shall be allotted to each lot as the same shall be platted excepting in cases where two or more dwellings shall be located upon the same lot, when each dwelling or edifice shall have a separate number. Odd numbers shall be allotted to properties on east and south sides of streets, and even numbers to properties on north and west sides of streets.

(’79 Code, § 18-63) (Ord. 219, passed 7-16-14)

**OBSTRUCTING FREE PASSAGE OF PEDESTRIANS**

**§ 95.45 PURPOSE.**

The obstruction of sidewalks and streets, disorderly, insolent or scandalous behavior, lounging upon streets, sidewalks, or in vehicles in the vicinity of business establishments, and similar misconduct by idlers and loiterers in the city impedes pedestrians and vehicular traffic on the sidewalks, streets and public ways, and annoys and disturbs shoppers, merchants, and others desiring to conduct business and other legitimate pursuits in the city, all to the detriment of the city in general, and to business establishments therein in particular.

(Ord. 61990, passed 6-19-90) Penalty, see § 95.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 95.46 OBSTRUCTING STREET, SIDEWALK AND THE LIKE PROHIBITED.**

(A) A person shall not lie, lounge or sit, either directly or on a chair, box or other object; on any street, alley, sidewalk, curb, gutter, public right-of-way; or in any driveway open to the public; or in any doorway, entrance, or passage of forwarding entrance or exit by the public into or from any building or into or from any unimproved lot, regardless of whether such building or establishment or unimproved lot is open for business or not, nor shall a person congregate with others in such places so as to physically obstruct by his or her actions or behavior, presence, or location, the unimpeded passage by others.

(B) A person shall not lie, lounge, sit, lounge upon or hang upon or from the exterior of any automobile, motorcycle, bus, truck, motor vehicle or vehicular trailer while such vehicle is stopped or parked, in such a manner as to physically obstruct by his or her actions or behavior, presence or locations, the unimpeded passage by others.

(Ord. 61990, passed 6-19-90) Penalty, see § 95.99

**Cross-reference:**

*See also Schedule of Civil Penalties in § 35.03*

**§ 95.47 BOARD OF PUBLIC WORKS AND SAFETY MAY SUSPEND PROVISIONS; EXCEPTIONS.**

(A) The Board of Public Works and Safety is empowered to suspend the provisions of this subchapter, or particular prohibitions thereof, generally or in certain areas only, when, in connection with carnivals, public activities, celebrations, and other public events, such suspension is warranted in the discretion of said Board.

(B) The prohibitions in this subchapter shall not apply during or immediately prior to any public parade or other public celebration at the site of such parade or celebration for which parade or celebration the proper governmental agency has granted permission.

(C) The prohibitions contained in this subchapter shall not apply to personnel of business establishments during a sidewalk sale or other events and activities for which permission has been granted by the proper governmental agency of city.

(Ord. 61990, passed 6-19-90)

**§ 95.48 ENFORCEMENT.**

Each and every police officer of the city is authorized to enforce this subchapter and may do so by issuing a traffic summons or other appropriate summons to any offender. If the offender is not a resident of the state, the offender may be required to post a bond in an amount not exceeding \$500, notwithstanding his written promise to appear in court.

(Ord. 61990, passed 6-19-90)

***STREET TREES***

**§ 95.60 DEFINITIONS.**

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

***DEVELOPER.*** Any individual, partnership, corporation or other entity that constructs buildings or structures on land for other than their own personal use which shall include preparing land by subdividing or making infrastructure improvements.

***MUNICIPALITY.*** The corporate city limits of Garrett, Indiana.

***PRIVATE RESIDENTIAL STREET TREE.*** Any tree on private property that is outside the right of way but is located near enough to a public street or sidewalk that can negatively affect the public's use of the street or sidewalk.

***PROPERTY OWNER.*** Any person that has an ownership interest in real estate within the City of Garrett.

**PUBLIC PLACES.** All public parks and other municipally owned property that may be used by the public for recreational purposes.

**PUBLIC WAY.** The entire width, including easements and right of ways of any street, highway, avenue, boulevard, road or lane provided for public travel or use in the municipality.

**STREET TREE.** Any tree on public or private property that is located within the right of way. (Ord. 2012-15, passed 10-16-12)

**§ 95.61 TREES PROHIBITED.**

(A) The following trees shall not be planted as street trees within the city:

- (1) Box elder;
- (2) Female ginkgo;
- (3) Siberian elm;
- (4) Cottonwood;
- (5) Basswood;
- (6) Catalpa;
- (7) Tree of Heaven;
- (8) Weeping willow;
- (9) Black walnut;
- (10) Podded honey locust;
- (11) Mulberry;
- (12) Bradford Callery pear; or
- (13) Soft or hard maple.

(B) Any tree prohibited by this subchapter which is already growing in the city on the effective date of this subchapter shall be permitted to remain. However, such trees shall not be permitted to proliferate.

(Ord. 2012-15, passed 10-16-12) Penalty, see § 95.99

**§ 95.62 RECOMMENDED TREES.**

The city recommends that the following street trees be selected when planting trees within the corporate boundaries of the city.

(A) Crimson maple;

(B) European hornbeam;

(C) Hardy rubber;

(D) Male ginkgo;

(E) Sweet gum;

(F) Linden;

(G) White oak;

(H) Burr oak; or

(I) Tulip.

(Ord. 2012-15, passed 10-16-12)

**§ 95.63 DAMAGING AND INJURING TREES.**

It shall be unlawful for any person other than the owner of the tree or other than the city as part of its duties under this subchapter or a public improvement and/or maintenance project to:

(A) Damage, cut, carve or injure any street tree.

(B) Attach any sign, wire or injurious material to any street tree. However, wires or other supports used to straighten trees shall not be deemed to be unlawful.

(C) Allow any gaseous, liquid or solid substance harmful to trees to come in contact with the roots, leaves, or bark of any street tree.

(Ord. 2012-15, passed 10-16-12) Penalty, see § 95.99

**§ 95.64 TREE ASSESSMENT AND EVALUATION OF STREET TREES.**

(A) When a street tree has been identified or reported as being a potential hazard; the city shall conduct a complete Urban Tree Risk Evaluation and utilize the Tree Assessment Checklist to determine the outcome.

(B) There are four risk categories that will be considered when evaluating a street tree:

(1) Low - failure unlikely; corrective measures recommended.

- (2) Moderate - failure possible; mitigation recommended.
- (3) Extreme - failure probable; mitigation or removal recommended.
- (4) Severe - imminent failure; removal recommended.

(C) Once a street tree has been evaluated and categorized using the Urban Tree Evaluation Form, the city has the discretion of taking the action recommended by the evaluation or other appropriate action as the city deems fit in its sole discretion.

(Ord. 2012-15, passed 10-16-12)

**§ 95.65 TREE REMOVAL, STUMP REMOVAL AND REPLACEMENT OF STREET TREES.**

(A) Prior to any corrective measures, mitigation or removal of any street tree, the city shall notify the property owner adjacent to the right of way where the street tree is located, which notice shall state whether the street tree is dead, decayed or diseased and shall state whether the city is going to take a corrective measure, do mitigation or remove the tree.

(B) Prior to any corrective measures, mitigation or removal of any private residential street tree, the city shall notify the owner of the property where the private residential street tree is located, which notice shall state whether the private residential street tree is dead, decayed or diseased and shall state whether the city is going to take a corrected measure, do mitigation or remove the private residential street tree.

(C) The city's decision as to whether to undertake a corrective measure, mitigation or removal shall be made at the sole discretion of the city and shall be final.

(D) If the city removes a street tree for road widening purposes or utility construction, the city at its discretion may offer to replace the street tree at the city's expense.

(E) The city is to develop a program to facilitate the planting of street trees in the city. Under this program, property owners, excluding developers, wishing to have a street tree planted in front of the owner's property, and wants a priority to plant a street tree, and the city agrees that a street tree should be planted, then the property owner will be required to pay 50% of the cost of the purchase and planting of said street tree. In determining who is qualified to receive a street tree, the city shall consider the following factors:

- (1) Whether the funding appropriated by the Common Council for this purpose has been expended.
- (2) Whether the property owner had a street tree removed.
- (3) Whether the property owner has previously received a street tree from the city.
- (4) Whether the tree can be planted in a location within the parameters set forth and without negatively affecting nearby streets, alleys, sidewalks, utilities, buildings, and other trees.
- (5) Whether the tree will be planted along a street.

(6) Whether the tree location is in accordance with any applicable city plan which may be in effect at the time the request is made.

(7) Further, as a condition of receiving a street tree, the property owner must agree to maintain the street tree in accordance with the standards set forth.  
(Ord. 2012-15, passed 10-16-12)

#### **§ 95.66 TRIMMING AND MAINTENANCE OF STREET TREES AND PRIVATE RESIDENTIAL TREES.**

(A) All property owners with any kind of private residential street tree, shrub or hedge shall keep the private residential street tree, shrub or hedge trimmed and maintained so that all dead wood and decayed branches are removed to prevent dangerous conditions to persons or property and so that the tree, shrub or hedge does not obstruct the visibility and free use of public ways.

(B) All street trees and private residential street trees, shrubs or hedges that overhang sidewalks or traveled portions of streets shall be trimmed to a height so that the tree, shrub or hedge does not interfere with pedestrian and vehicular traffic. Any street tree or private residential tree trimmed to a height of not less than eight feet over sidewalks and 14 feet over streets will be construed to meet this section. If the city believes that any street tree or private residential street tree, shrub or hedge needs to be trimmed to bring it into conformity with this section, a notice of the need of the trimming shall be given to the property owner. The city shall give the property owner 20 days to trim the private residential street tree, shrub or hedge so that it complies with this subchapter.

(C) In the event the property owner does not take the corrective actions within the 20-day period as provided in division (B) above, then the city shall take such corrective actions and bill the property owner for the city cost.  
(Ord. 2012-15, passed 10-16-12) Penalty, see § 95.99

#### **§ 95.67 EMERGENCY ACTION.**

If the city finds it necessary to take emergency action concerning a street tree in order to protect life, safety or property, it may take action without issuing notice as required by § 95.65.  
(Ord. 2012-15, passed 10-16-12)

#### **§ 95.68 NOTICE.**

(A) This subchapter may be enforced by the Garrett Board of Public Works and Safety through the Garrett Ordinance Administrator, any Garrett Police Officer, City Legal Department or any other designee of the Garrett Board of Public Works and Safety.

(B) Any notice issued in the enforcement of this subchapter must contain the name of the person to whom the order is issued, the address of the property that is the subject of the order,



the action the order requires, and the period of time in which the action is required to be accomplished measured from when the notice of the order is given. The notice shall also include a brief statement indicating why the action is required.

(C) Any service of process required by this subchapter is sufficient if it is served upon owners of the property listed in the DeKalb County Auditor's Office by first-class U.S. mail. In addition, notice must be posted on the property where the tree is located.  
(Ord. 2012-15, passed 10-16-12)

**§ 95.99 PENALTY.**

(A) A person violating any provision of §§ 95.60 et seq. is subject to a fine of up to \$500.

(B) Every person violating any other provision of this chapter shall be fined \$30 per violation.

(C) Each and every day a violation of any provision of this chapter is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 61990, passed 6-19-90; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2002-39, passed 12-3-02; Am. Ord. 2012-15, passed 10-16-12)



## CHAPTER 96: FAIR HOUSING STANDARDS

### Section

- 96.01 Policy statement
- 96.02 Definitions
- 96.03 Unlawful practice
- 96.04 Discrimination in sale or rental of housing
- 96.05 Discrimination in residential real estate-related transactions:
- 96.06 Discrimination in provision of brokerage services
- 96.07 Interference, coercion, or intimidation
- 96.08 Exemptions

### *Administration and Enforcement*

- 96.20 Administrative enforcement
- 96.99 Penalty

### **§ 96.01 POLICY STATEMENT.**

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 IC 22-9.5-1 et. seq.

(Ord. 96-2, passed 1-16-96)

### **§ 96.02 DEFINITIONS.**

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

**AGGRIEVED PERSON** includes any person who (IC 22-9.5-2-2):

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

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

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



**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 96.04 through 96.07 or 96.99 of this section or IC 22-9.5-5.

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

**FAMILIAL STATUS.** One or more individuals (who have not attained the age of 18 years) being domiciled with:

(1) A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of 18 years.

**FAMILY.** Includes a single individual as defined in IC 22-9.5-2-9.

**HANDICAP** means, with respect to a person:

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

(2) A record of having such an impairment;

(3) Being regarded as having such an impairment;

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

(5) Any other impairment defined under state law.

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; nor does the term **HANDICAP** include an individual solely because that individual is a transvestite.

**PERSON** (IC 22-9.5-2-11) includes 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.

**TO RENT** (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy the premises owned by the occupant.  
(Ord. 96-2, passed 1-16-96)

**§ 96.03 UNLAWFUL PRACTICE.**

Subject to the provisions of division (B) of this section, § 96.08, and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth IC 22-9.5-5-1 and in § 96.04 shall apply to:

(A) All dwelling 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 § 96.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of 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 more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business or 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 section 4(c) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(C) For the purposes of division (B) 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. 96-2, passed 1-16-96) Penalty, see § 96.99

**§ 96.04 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.**

As made applicable by § 96.03 and except as exempted by §§ 96.03(B) and 93.09, 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, familial status or national origin.

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

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(a) That buyer or renter;

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

(c) Any person associated with that person.

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

(a) That person; or

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

(c) Any person associated with that person.

(3) For purposes of this 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; and
3. All premises within such dwellings contain the following features of adaptive design:
  - i. An accessible route into and through the dwelling;
  - ii. Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
  - iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A177.1") suffices to satisfy the requirements of division (F)(3)(c)3. of this section.

(5) Nothing in this division requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.  
(Ord. 96-2, passed 1-16-96) Penalty, see § 96.99



**§ 96.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS:**

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, the term **RESIDENTIAL REAL ESTATE-RELATED TRANSACTION** means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance;
  - (a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
  - (b) Secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Ord. 96-2, passed 1-16-96) Penalty, see § 96.99

**§ 96.06 DISCRIMINATION IN 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 broker, 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. 96-2, passed 1-16-96) Penalty, see § 96.99

**§ 96.07 INTERFERENCE, COERCION, OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 96.04 through 96.06.

(Ord. 96-2, passed 1-16-96) Penalty, see § 96.99

**§ 96.08 EXEMPTIONS.**

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

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

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

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

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

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

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

(Ord. 96-2, passed 1-16-96)

**ADMINISTRATION AND ENFORCEMENT**

**§ 96.20 ADMINISTRATIVE ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) of this section shall be vested in the Zoning Administrator of the City of Garrett, Indiana.

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the City of Garrett, Indiana, because of 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 or violation of the articles of this chapter by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to IC 22-9.5-6 and the Zoning Administrator of the City of Garrett, Indiana, shall refer all said complaints to the Commission as provided for under division (A) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under IC 22-9.5-6.

(C) All executive departments and agencies of the 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 Zoning Administrator and the Commission to further such purposes.

(D) The Zoning Administrator shall provide information on remedies available to any Aggrieved Person or Complainant requesting such information.  
(Ord. 96-2, passed 1-16-96)

**§ 96.99 PENALTY.**

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

(A) Any person because of 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 subsection 15(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 abiding 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) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate is subject to the following penalties under Indiana law:

(1) A fine of not more than \$1,000 or imprisonment for not more than one year, or both;

(2) A fine of not more than \$10,000 or imprisonment for not more than ten years, or both, if bodily injury results from the violation; and

(3) Imprisonment for any term of years or for life if death results from the violation.  
(Ord. 96-2, passed 1-16-96)

## CHAPTER 97: SMOKE DETECTORS

### Section

- 97.01 Definitions
- 97.02 Basic requirements
- 97.03 Installation; location
- 97.04 Maintenance
- 97.05 Duty of property owner, manager or rental agent
- 97.06 Enforcement of provisions
  
- 97.99 Penalty

### § 97.01 DEFINITIONS.

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

**AUTHORITY HAVING JURISDICTION.** The Garrett Fire Department shall have enforcement responsibility for this article.

**FAMILY LIVING UNIT.** That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

**LABELED.** Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction".

**LISTED.** Equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

**NFPA 74.** Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 02269.

**RENTAL AGENT.** Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed for the sole purpose of selling residential units.

**SLEEPING AREAS.** The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, (but not bathrooms), shall be construed sleeping areas.

**SHALL.** Indicates a mandatory requirement.

**SMOKE DETECTOR.** A device which detects visible or invisible particles or products or combustion other than heat, as approved by Underwriter's Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current. (Ord. 98-6, passed 3-17-98)

### § 97.02 BASIC REQUIREMENTS.

(A) Subject to the effective date of installation specified herein, all family living units within the corporate limits of the city shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the NFPA 74.

(B) The effective dates of installation of smoke detectors are:

(1) Newly constructed family living units effective on March 17, 1998.

(2) Existing family living units on or before the 1st day of January, 1999.

(Ord. 98-6, passed 3-17-98) Penalty, see § 97.99

### § 97.03 INSTALLATION; LOCATION.

(A) A minimum of one smoke detector, or its equivalent or better as described in the NFPA 74, shall be installed in each family living unit within the corporate limits of the city.

(B) All smoke detectors must be installed according to the manufacturer's instructions and subject to the approval of the "authority having jurisdiction".

(C) The smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity of the sleeping areas, within 15 feet of all rooms used for sleeping areas.

(D) The smoke detector shall be installed on or near the ceiling, not less than six inches from any wall, or on a wall, not less than six inches nor more than 12 inches from the ceiling, and its installation shall be subject to approval by the "authority having jurisdiction". No detector shall be recessed into the ceiling.

(E) All smoke detectors shall be accessible for servicing and testing.

(F) If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall conform to all electrical standards adopted by the city. A smoke detector required under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

(Ord. 98-6, passed 3-17-98) Penalty, see § 97.99

**§ 97.04 MAINTENANCE.**

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

(A) *Rented residential dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is reoccupied.

(B) *Owner-occupied dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals, and maintained as necessary, to ensure it is in operable condition.

(Ord. 98-6, passed 3-17-98) Penalty, see § 97.99

**§ 97.05 DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT.**

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation of all smoke detectors. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises unless said smoke detector requires AC power supply, then the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property.

(Ord. 98-6, passed 3-17-98) Penalty, see § 97.99

**§ 97.06 ENFORCEMENT OF PROVISIONS.**

The Fire Department and/or the Fire Chief shall be responsible for monitoring compliance with the terms of this chapter and may issue citations for violations hereof. Such citations for violations and penalties therefor shall be processed through the Ordinance Violations Bureau.

(Ord. 98-6, passed 3-17-98)

**§ 97.99 PENALTY.**

Any person, firm or corporation violating any provisions of this chapter shall be fined not less than \$35 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

(Ord. 98-6, passed 3-17-98)



**CHAPTER 98: FALSE ALARMS**

Section

- 98.01 Fees imposed
- 98.02 Fee schedule
- 98.03 Fire Chief to administer
  
- 98.99 Penalty

**§ 98.01 FEES IMPOSED.**

Fees and charges as set forth in § 98.02 may be imposed for reimbursement of services rendered by the City Volunteer Fire Department in the following cases:

(A) For responses made to a fire or accident which occurred as a result of negligent or intentional act or an alarm caused by improper installation or improper maintenance or for a response to a drill or test of which the Fire Department was not previously notified, the fee shall be imposed against the owner of the property; and

(B) For responses made as a result of a maliciously set false alarm or repeated non-maliciously set false alarms, the fee shall be imposed against the owner of the property for the false alarm.

(Ord. 2003-04, passed 4-1-03)

**§ 98.02 FEE SCHEDULE.**

The following fee schedule shall apply:

(A) Initial service charge. . . . . \$20 per truck used

(B) Subsequent service charges for subsequent false alarms in the same calendar year. . . . . \$100 per truck used

(Ord. 2003-04, passed 4-1-03) Penalty, see § 98.99



**§ 98.03 FIRE CHIEF TO ADMINISTER.**

The Fire Chief shall make the determination as to when the fees set forth in this chapter shall be assessed and which individual or individuals shall be responsible for the payment of set fees. (Ord. 2003-04, passed 4-1-03)

**§ 98.99 PENALTY.**

Failure to pay fines assessed by the Fire Chief shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau. Any penalties and fines collected for violations of this chapter shall be credited to the Fire Department budget. Any person who fails to pay the fines and penalties provided for in this chapter shall be responsible for all fees and expenses incurred in the collection of said fines and penalties, including attorney fees. (Ord. 2003-04, passed 4-1-03)

## CHAPTER 99: FIREWORKS

### Section

- 99.01 Definitions
- 99.02 Use of consumer fireworks
- 99.03 Enforcement
  
- 99.99 Penalty

### § 99.01 DEFINITIONS.

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

#### ***CONSUMER FIREWORKS.***

(1) A small firework that is designed primarily to produce visible or audible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. Propelling and expelling charges consisting of a mixture of charcoal sulfur, and potassium nitrate are not considered to be designed to produce an audible effect.

(2) ***CONSUMER FIREWORKS*** include:

(a) Aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells;

(b) Ground audible devices, which include, but are not limited to, firecrackers, salutes and chasers; and

(c) Firework devices containing combinations of the effects described in division (2)(a) and (b) above.

(3) ***CONSUMER FIREWORKS*** do not include the following fireworks described in IC 22-11-4-8(a):

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(a) Dipped sticks or wire sparklers. However, the total pyrotechnic composition may not exceed 100 grams per item; and devices containing chlorate or per chlorate salts may not exceed five grams per item;

(b) Cylindrical fountains;

(c) Cone fountains;

(d) Illuminating torches;

(e) Wheels;

(f) Ground spinners;

(g) Flitter sparklers;

(h) Snakes or glow worms;

(i) Smoke devices;

(j) Trick noisemakers that include party poppers, booby traps, snappers, trick matches, cigarette loads and auto burglar alarms.

(Ord. 2013-14, passed 9-17-13)

**§ 99.02 USE OF CONSUMER FIREWORKS.**

No person within the corporate boundaries of the city shall use, ignite or discharge or permit to be used, ignited or discharged any type of consumer fireworks on any day or time other than the following:

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

(B) July 4 between the hours of 10:00 a.m. and 12:00 midnight;

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

(D) Between the hours of 10:00 a.m. and 11:00 p.m. on January 1;

(E) In the event the Heritage Days Celebration is on any day not specified above, between the hours of 10:00 a.m. and 11:00 p.m.

(Ord. 2013-14, passed 9-17-13; Am. Ord. 2015-05, passed 8-4-15) Penalty, see § 99.99

**§ 99.03 ENFORCEMENT.**

The Garrett Police Department shall be charged with enforcing the provisions of this chapter. (Ord. 2013-14, passed 9-17-13)

**§ 99.99 PENALTY.**

Any person, firm or corporation violating the terms of this chapter commits a Class C infraction and shall be fined in an amount of \$100 for each violation. Violations of this chapter shall be prosecuted through the Ordinance Violations Bureau.  
(Ord. 2013-14, passed 9-17-13)

