

ORDINANCE 2012-11

AN ORDINANCE TO ESTABLISH AN ORDINANCE VIOLATIONS BUREAU
FOR THE CORPORATE TOWN OF STINESVILLE

BE IT ORDAINED AND ADOPTED BY THE TOWN COUNCIL OF
STINESVILLE, INDIANA AS FOLLOWS:

- (A) The Town of Stinesville hereby establishes its Ordinance Violations Bureau ("OVB") subject to the provisions of Indiana Code 33-36-1-1, et seq.
- (B) The Stinesville Town Clerk/Treasurer is hereby designated as the Violations Clerk of the OVB. The Violations Clerk may accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties not more than Two Hundred Fifty Dollars (\$250.00) for Stinesville Town Code and ordinance violation notices or citations issued pursuant to this section, subject to the schedule set forth below in subsection (C).
- (C) For a violation of the code provisions or ordinances identified by Stinesville Town Code sections numbers and descriptions in the schedule below, the Violations Clerk may accept a payment of a civil penalty in the amounts designated on the code or violation notice or citation issued by an enforcement officer in accordance with the schedule.

| <u>Code</u> | <u>Description of Violation</u> | <u>Penalty</u> |
|-------------|---|-----------------------|
| 91-3 | "No Parking" sign conditions | \$10 to \$100 |
| 97-2/2007-1 | Refuse and weeds | \$25 to \$100 per day |
| 98-1 | Regulatory stop conditions | \$25 |
| 98-2 | One way conditions for vehicular traffic on designated road | \$25 |
| 2003-1 | Abandoned, salvaged or scrapped vehicles | \$25 per day |
| 2012-7 | Confinement of Dogs | \$25 |
| 2012-8 | Four Way Stop-Market/Walnut | \$25 |
| 2012-9 | Handicapped Parking | \$25 |
| 2012-10 | Noise Control Policy | \$50 |
| 2012-6 | Maximum Speed Limits/Main Street | \$25 |

The enforcement officer may determine the amount of the penalty to charge within that range based on his/her determination of the severity of the violation. For purposes of this section, an enforcement officer is the Stinesville Town Marshal or any Stinesville Town Deputy Marshal.

(D) A person cited for a violation of a code provision subject to this section is entitled to a trial before the Court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the Violations Clerk. Upon such an admission, the Violations Clerk shall assess and receive from the violator the amount imposed as a civil penalty for the violation in accordance with subsection C, above. If a person charged with a violation subject to this section wants to exercise the right to a trial, the person shall appear before the Violations Clerk and deny the violation or enter a written denial with the Violations Clerk. Waivers, admissions, and denials must be filed with the Violations Clerk within ten (10) days of the date of the issuance of the code or ordinance violation notice or citation. The Town Attorney shall prepare or approve the forms the enforcement officers use for violation notices and citations and all forms deemed necessary by the Violations Clerk to process a code or ordinance violation through the procedures set forth in this section.

(E) If a person:

- (1) denies a code or ordinance violation before the Violations Clerk or enters a written denial with the Violations Clerk; or
- (2) fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation;
- (3) fails to deny or admit the violation within ten (10) days of the date of the issuance of the code or ordinance violation notice citation;

the Violations Clerk shall report this fact to the Stinesville Town Attorney and the enforcement officer issuing the notice or citation.

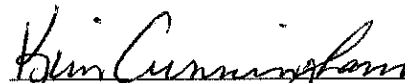
(F) All sums collected or received by the Violations Clerk as civil penalties for code or ordinance violations shall be accounted for by the Violations Clerk under the procedures provided for by the State Board of Accounts. Payments of civil penalties to the Violations Clerk may be made in person or by mail.

(G) A code or ordinance violation admitted under this section does not constitute a judgment for the purposes of Indiana Code 33-37. If a person admits the violation with the Violations Clerk and pays the civil penalty assessed by the Violations Clerk or denies the violation before the Violations Clerk or enters a written denial with the Violations Clerk and a court enters judgement for that person on the violation, an ordinance violation cost fee may not be collected from the person under Indiana Code 33-37-4.


- (H) The Violations Clerk and the enforcement officer issuing the notice or citation shall be notified when the Town Attorney files a complaint in Court on an ordinance violation that has been the subject of an OVB notice or citation. After thirty (30) days of the issuance of the notice or citation for the violation and of the resolution of any timely and properly filed administrative appeal of the notice or citation, or upon notification from the Town Attorney of a complaint being filed in Court, the Violations Clerk shall not accept an admission of a violation or voluntary payment of a civil penalty for that violation without the consent of the Town Attorney.
- (I) The Town Attorney may amend or dismiss or replace any notice, citation or complaint issued pursuant to this section with the complaint brought under authority of other sections of the Town Code or the Indiana Statutes in order to seek a different civil penalty or remedy than that provided by this section.

This ordinance takes effect at 12:01 a.m. on the third day following its final publication according to the procedures specified by Indiana Code 5-3-1. This Ordinance was passed and adopted by the Stinesville Town Council on the 5th day of Feb, 2013.


Stinesville Town Council



Kim Cunningham, President



Andrea Asher, Vice President



Luther Miller, Member

ATTEST:



Lois Pursell, Town Clerk/Treasurer

This ordinance was published in the Ellettsville Journal on the 20th day of February, 2013.

Lois Pursell
Lois Pursell, Town Clerk/Treasurer