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CODE OF ORDINANCES

City of

MUNCIE, INDIANA

Looseleaf Supplement

This copy of the Muncie Code of Ordinances is issued as a "replacement copy" and contains all ordinances deemed advisable to be included through Ordinance No. 17-04, passed August 2, 2004. See the References To Ordinances Table for further information.

This copy replaces all existing copies of the Code of Ordinances. Future Supplements will commence with "Supplement No. 1."

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(850) 576-3171
1-800-262-CODE
Website: www.municode.com

CODE OF ORDINANCES

CITY OF

MUNCIE, INDIANA

Orignially Published by American Legal Publishing Co.
Republished by Order of the Common Council

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 2004

OFFICIALS

of the

CITY OF

MUNCIE, INDIANA

Daniel C. Canan
Mayor

Phyllis J. Amburn
Deputy Mayor

Mary Jo Barton
Jack Isenbarger
Charles (Chuck) Leonard
Robert (Sam) Marshall
Monte Murphy
Alison Quirk
William (Bill) Shroyer
David A. Taylor
Bruce F. Wiemer
Common Council

Phyllis Reagon,
City Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the City of Muncie, Indiana.

Source materials used in the preparation of the Code were the 1968 Code as subsequently supplemented. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Muncie Code, as supplemented, and any subsequent ordinance included herein.

The Code was republished in 2004 with the inclusion of ordinances subsequent to publication of Supplement No. 42 through Ord. No. 17-04, adopted August 2, 2004.

The Code has been organized into titles relating to a general subject and then divded into more specific chapters. The various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Title and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a period. The figure before the period refers to the chapter number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of chapter 10 is numbered 10.02, and the first section of chapter 50 is 50.01. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the (index itself or indexes themselves) which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This repubublication was prepared under supervision Marge Hansen, and Robert S. Hornyak, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

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ORDINANCE NO. 16-86

AS AMENDED

AN ORDINANCE ADOPTING AND INCORPORATING CERTAIN AMENDMENTS TO THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

WHEREAS, American Legal Publishing Company of Cincinnati, Ohio has completed the 1981 S-1, 1982 S-2, 1983 S-3, 1984 S-4, 1985 S-5 and 1986 S-6 Supplements to the Code of Ordinances of the City of Muncie; and

WHEREAS, said American Legal Publishing Company has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, adoption of these recommendations would bring those sections of the Code of Ordinances of the City of Muncie into conformance with the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Muncie, State of Indiana:

SECTION 1. That Title I, General Provisions, of the Code of Ordinances of the City of Muncie, Indiana, be and the same is hereby amended by the repeal of existing Sections 10.04 and 10.12, and the enactment of new Sections 10.04 and 10.12, as submitted by American Legal Publishing Company of Cincinnati in the 1985 S-5 Supplement, which sections are incorporated herein by reference as if set out in their entirety.

SECTION 2. That Title III, Administration, of the Code of Ordinances of the City of Muncie, Indiana, be and the same is hereby amended by the repeal of existing Sections 30.03, 30.05, 33.03, 33.05, and 35.02, and the enactment of new Sections 30.03, 30.05, 33.03, 33.05, and 35.02 as submitted by American Legal Publishing Company of Cincinnati in the 1983 S-3 and 1985 S-5 Supplements, which sections are incorporated herein by reference as if set out in their entirety.

SECTION 3. That Title VII, Traffic Code, of the Code of Ordinances of the City of Muncie, Indiana, be and the same is hereby amended by the repeal of existing Sections 70.01, 70.17, 70.20, 70.99, 71.02, 71.08, 71.09, 71.11, 71.15, 71.29, 71.38, 71.45, 71.51, 72.01, 72.04, 72.07, 72.11, 72.15, 72.16, 72.17, 72.18, 72.19, 72.25, 72.26, 72.27, 72.28, 72.29, 72.30, 72.31, 72.32, 72.33, 72.35, 73.01, 73.06, 74.02, 74.26, 75.01, 75.08, 75.10, 75.12, 75.16, 75.47 and the enactment of new Sections 70.01, 70.17, 70.20, 70.99, 71.02, 71.08, 71.09, 71.11, 71.15, 71.29, 71.38, 71.45, 71.51, 72.01, 72.04, 72.07, 72.11, 72.15, 72.16, 72.17, 72.18, 72.19, 72.25, 72.26, 72.27, 72.28, 72.29, 72.30, 72.31, 72.32, 72.33, 72.35, 73.01, 73.06, 74.02, 74.26, 75.01, 75.08, 75.10, 75.12, 75.16, 75.47, as submitted by American Legal Publishing Company of Cincinnati in the 1982 S-2, 1983 S-3, and 1985 S-5 Supplements, which sections are incorporated herein by reference as if set out in their entirety.

SECTION 4. That Title XI, Business Regulations, of the Code of Ordinances of the City of Muncie, Indiana, be and the same is hereby amended by the repeal of existing Section 117.01 and the enactment of new Section 117.01, as submitted by American Legal Publishing Company of Cincinnati in the 1983 S-3 Supplement, which section is incorporated herein by reference as if set out in its entirety.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publications as required by law.

Passed by the Common Council of the City of Muncie, Indiana, by the following vote on this 12 day of May, 1986:

	YEAS	*NAYS*	*ABSTAINED*	*ABSENT*
Leo A. Voisard	X			
David A. Taylor	X			
Phillip Swearingen	X			
Dorothea Bump	X			
Harold J. Kwiatkowski	X			
Alice T. Mc Intosh	X			
Mary I. Chambers	X			
John S. Rust	X			
William O. Shroyer	X			

William O. Shroyer, President
of the Common Council
of Muncie, Indiana

Presented by me to the Mayor for his approval, this 13 day of May, 1986.

Billie Joan Burkett, City Clerk
Clerk of the Common Council

The above Ordinance is approved (vetoed) by me this 13 day of May, 1986.

James P. Carey, Mayor
of the City of Muncie, Indiana

ATTEST:

Billie Joan Burkett, City Clerk
Clerk of the Common Council

This Ordinance is proposed by Councilmember William O. Shroyer and approved in form by City Attorney _____

ORDINANCE NO. 15-87

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF MUNCIE, INDIANA.

WHEREAS, American Legal Publishing Company of Cincinnati, Ohio has completed the 1987 S-7 Supplement to the Code of Ordinances of the City of Muncie, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Company has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, adoption of these recommendations would bring those sections of the City of Muncie into conformance with the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, State of Indiana:

SECTION 1. That the 1987 S-7 Supplement to the Code of Ordinances of the City of Muncie, Indiana as submitted by American Legal Publishing Company of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed by the Common Council of the City of Muncie, Indiana, this 3rd day of August, 1987.

	YEAS	*NAYS*	*ABSTAINED*	*ABSENT*
Leo A. Voisard				X
David A. Taylor	X			
Phillip Swearingen	X			
Dorothea Bump	X			
Harold J. Kwiatkowski	X			
Alice T. Mc Intosh	X			
Mary I. Chambers	X			
John S. Rust	X			
William O. Shroyer	X			

William O. Shroyer
President of the Common Council of
Muncie, Indiana

Presented by me to the Mayor for his approval this 4th day of August, 1987.

Billie Joan Burkett, City Clerk
City Clerk of the Common Council

The above Ordinance is approved (vetoed) by me this 4th day of August, 1987.

James P. Carey
Mayor of the City of Muncie, Indiana

ATTEST:

Billie Joan Burkett, City Clerk
City Clerk of the Common Council

This Ordinance is proposed by:

David A. Taylor
Councilmember

This Ordinance approved in form by:

Ronald K. Smith
Corporate Counsel

ORDINANCE NO. 54-89

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1989 S-9 Supplement to the Code of Ordinances of the City of Muncie, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana:

SECTION 1. That the 1989 S-9 Supplement to the Code of Ordinances of the City of Muncie, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Muncie, Indiana.

Passed by the Common Council of the City of Muncie, Indiana, this 2nd day of October, 1989.

	YEAS	*NAYS*	*ABSTAIN*	*ABSENT*
Phillip Nichols	X			
David Taylor	X			
F. Clifford Johnson	X			
Dorothea Bump	X			
Winston Brandon	X			
Monty Murphy	X			
Mary Chambers	X			
John S. Rust	X			
William Shroyer	X			

John S. Rust /s/
President

Presented by me to the Mayor for his approval this 4th day of October, 1989.

Billie Joan Burkett /s/
City Clerk

The above ordinance is approved (vetoed) by me this 4th day of October, 1989.

James P. Carey /s/
Mayor

ATTEST:

Billie Joan Burkett /s/
City Clerk

This Ordinance is proposed by Councilman: John S. Rust

Approved in form by Asst. Corporate Counsel: Barbara Gasper Hines

ORDINANCE NO. 27-90

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1990 S-10 Supplement to the Code of Ordinances of the City of Muncie, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana:

SECTION 1. That the 1990 S-10 Supplement to the Code of Ordinances of the City of Muncie, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Muncie, Indiana.

Passed by the Common Council of the City of Muncie, Indiana, this 6th day of August, 1990.

	YEAS	*NAYS*	*ABSTAIN*	*ABSENT*
Phillip H. Nichols	X			
David A. Taylor	X			
F. Clifford Johnson	X			
Dorothea Bump	X			
Winston Brandon	X			
Monty Murphy	X			
Mary I. Chambers	X			
John S. Rust	X			
William O. Shroyer	X			

Winston Brandon /s/
President

Presented by me to the Mayor for his approval this 8th day of August, 1990.

Billie Joan Burkett /s/
City Clerk

The above ordinance is approved by me this 8th day of August, 1990.

James P. Carey /s/
Mayor

ATTEST:

Billie Joan Burkett /s/
City Clerk

This Ordinance is proposed by Councilmember: Monty M. Murphy /s/

Approved in form by Asst. Legal Counsel: Ronald K. Smith /s/

LOOSELEAF SUPPLEMENTS

Beginning with Supplement No. 12, the Code is being updated through the supplement service provided by Municipal Code Corporation. Upon the final passage of amendatory ordinances, they should be forwarded to Municipal Code Corporation to be edited and the affected code page or pages reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

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Sec. 10.01. Title of code.

This codification of ordinances by and for the City of Muncie, Indiana, shall be designated as "Muncie City Code" and may be so cited.
(Ord. No. 636-80, passed 11-10-80; Am. Ord. No. 810-82, passed 4-5-82)

Sec. 10.02. Interpretation.

(A) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of the Indiana Code.

(B) Where a section of this code is followed by a reference to the Indiana Code, such reference indicates that the section is analogous or similar to the cited sections in the Indiana Code. Footnotes, cross-references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.

(C) All provisions of this code are limited in application to the territorial boundaries of the municipal corporation although the same may not be so limited specifically.

Sec. 10.03. Application to future ordinances.

All provisions of Title I, not incompatible with future legislation, shall apply to ordinances hereafter adopted, amending, or supplementing this code unless otherwise specifically provided.

Sec. 10.04. Captions.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

Sec. 10.05. Definitions.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
State law reference—Similar provisions, IC 1-1-4-1.

(B) For the purposes of this code, unless otherwise specifically provided, the following words and phrases shall have the following meanings ascribed to them respectively.

City, municipal corporation, or *municipality.* The City of Muncie, Indiana.

This code or *this code of ordinances.* The municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

Council. The Common Council of Muncie, Indiana.

May is permissive.

Month. A calendar month, unless otherwise expressed.
State law reference—Similar provisions, IC 1-1-4-5.

Owner. Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or a part of such building or land, either alone or with others.

Person. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms "person" or "whoever" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
State law reference—Similar provisions, IC 8-1.5-1-9.

Personal property. Every species of property except real property.

Population. The population according to the most recent federal special or decennial census, special tabulation, or corrected population count effective under IC 1-1-3.5. This definition applies even if the reference is to the most recent federal decennial census.

Property. Real and personal property.
State law reference—Similar provisions, IC 1-1-4-5.

Real property. Lands, tenements, hereditaments, and all chattels real.

Shall is mandatory.

Sidewalk. That portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

State. Applies to any one of the United States, including the District of Columbia and the commonwealths, possessions, states in free association with the United States and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.
State law reference—Similar provisions, IC 1-1-4-5.

Street. Except as provided in the traffic code, the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right.

Year. A calendar year, unless otherwise expressed; equivalent to the words "YEAR OF OUR LORD."
State law references—Similar provisions, IC 1-1-4-5; Am. Ord. 33-89, passed—89.

Sec. 10.06. Rules of interpretation.

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *And* or *or.* Either conjunction shall include the other as if written "and/or." if the sense requires it.

(B) *Acts by assistants.* When a statute requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
State law reference—Similar provisions, IC 1-1-4-1.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(E) *Joint authority.* Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons, unless otherwise declared in the law giving such authority.
State law reference—Similar provisions, IC 1-1-4-1.

Sec. 10.07. Severability.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
State law reference—Similar provisions, IC 1-1-1-8.

Sec. 10.08. Reference to other sections.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Sec. 10.09. Reference to offices.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Sec. 10.10. Errors and omissions.

If a manifest error is discovered consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent; such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

Sec. 10.11. Official time.

The official time, as established by applicable state and federal law, shall be the official time within the city for the transaction of all city business.

Sec. 10.12. Reasonable time.

(A) In computing any period of time prescribed or allowed by these rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is:

(1) A Saturday;

(2) A Sunday;

(3) A legal holiday as defined by state statute; or

(4) A day the office in which the act is to be done is closed during regular business hours.

(B) In any event, the period runs until the end of the next day that is not a Saturday, a Sunday, a legal holiday, or a day on which the office is closed. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, legal holidays, and days on which the office is closed shall be excluded from the computations.

State law reference—Similar provisions, IC, Trial Rule 6 (A)).

Sec. 10.13. Ordinances repealed.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

Sec. 10.14. Ordinances unaffected.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Sec. 10.99. General penalty.

Whoever violates any provision of this code for which another penalty is not specifically provided shall be fined not more than $2,500.00 for each offense.

(Ord. No. 27-84, passed 6-11-84)

State law reference—Similar provisions, IC 36-1-3-8.

CHAPTER 11. CORPORATE BOUNDARIES*

Sec. 11.01. Corporate boundaries; city engineer to maintain boundary map.

Sec. 11.01. Corporate boundaries; city engineer to maintain boundary map.

(A) The boundaries of the city shall be as shown by boundary lines on a map entitled "Department of Engineering Map of the City of Muncie, 1958," as revised, which map is adopted by reference. Two copies of the map are on file in the office of the city clerk for public inspection.

(B) The city engineer shall keep such map up-to-date by incorporating thereon valid annexations to the city.
(Code 1968, § 2.01)

*__Cross reference—__Annexation ordinances, see Table of Special Ordinances

CHAPTER 12. COUNCILMANIC DISTRICTS

Sec. 12.01. Code provisions concerning councilmanic districts; restatement of existing ordinances.
Sec. 12.02. City divided into six councilmanic districts.
Sec. 12.03. Councilmanic district no. 1.
Sec. 12.04. Councilmanic district no. 2.
Sec. 12.05. Councilmanic district no. 3.
Sec. 12.06. Councilmanic district no. 4.
Sec. 12.07. Councilmanic district no. 5.
Sec. 12.08. Councilmanic district no. 6.

Sec. 12.01. Code provisions concerning councilmanic districts; restatement of existing ordinances.

The sections of this Code concerning councilmanic districts are determined and declared to be restatements of ordinances and amendments thereto heretofore properly adopted. Such chapters and sections of the Code shall be deemed reordained by the passage of this Code.
(Code 1968, § 3.01)

Sec. 12.02. City divided into six councilmanic districts.

(A) The city shall be divided into six councilmanic districts, to be known and numbered as councilmanic districts No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.

(B) For the purpose of this and the following six sections, and for the purpose of completely defining the limits and lines of each of the several councilmanic districts, such districts shall be defined and known to include the various voting precincts within the city.
(Code 1968, § 3.02)

Sec. 12.03. Councilmanic district no. 1.

Councilmanic district No. 1 shall consist of the following precincts: 9, 13, 22, 28 and 29.
(Code 1968, § 3.03; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 17-83, 4-4-83; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02)

Sec. 12.04. Councilmanic district no. 2.

Councilmanic district No. 2 shall consist of the following precincts: 25, 26, 33, 38 and 81.
(Code 1968, § 3.04; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02)

Sec. 12.05. Councilmanic district no. 3.

Councilmanic district No. 3 shall consist of the following precincts: 1, 6, 14, 15 and 23.
(Code 1968, § 3.05; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 17-83, 4-4-83; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02)

Sec. 12.06. Councilmanic district no. 4.

Councilmanic district No. 4 shall consist of the following precincts: 2, 3, 4, 10, 27, 34, 36, 47 and 68.
(Code 1968, § 3.06; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 17-83, 4-4-83; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02; Ord. No. 42-02, 9-8-02)

Sec. 12.07. Councilmanic district no. 5.

Councilmanic district No. 5 shall consist of the following precincts: 7, 8, 35, 39, 40, 45, 48 and 92.
(Code 1968, § 3.07; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 17-83, 4-4-83; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02; Ord. No. 42-02, 9-8-02)

Sec. 12.08. Councilmanic district no. 6.

Councilmanic district No. 6 shall consist of the following precincts: 11, 12, 18, 19, 20 and 46.
(1968 Code, § 3.08; Ord. No. 69-75, 12-30-74; Ord. No. 705-81, 8-3-81; Ord. No. 17-83, 4-4-83; Ord. No. 40-90, 10-1-90; Ord. No. 15-93, §§ 1, 2, 5-3-93; Ord. No. 24-02, 8-5-02)

Title III

ADMINISTRATION

Chapter

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31. Executive
32. Legislative
33. Judicial
34. Boards and Commissions
35. Police and Fire Divisions
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CHAPTER 30. GENERAL PROVISIONS

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Sec. 30.09. (Reserved).
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Sec. 30.40. Prevailing scale of wages.
Sec. 30.41. Prohibiting payment of less than prevailing wages.
Sec. 30.42. Filing schedule of wages.
Sec. 30.43. Proof of compliance.
Sec. 30.99. Penalty.

Sec. 30.01. Elective officers; appointed officials.

The elective officers of the city, elected in accordance with the provisions of the state election laws, shall be:

(A) The mayor;

(B) The city clerk;

(C) The members of the common council; and

(D) The city judge.

(Ord. No. 672-81, 4-6-81; Ord. No. 810-82, 4-5-82)

Sec. 30.02. (Reserved).

Sec. 30.03. Notice; oath; bond.

(A) After the execution of the certificate of election of any city officer by the board of canvassers, the city clerk shall forthwith give notice of election to every person elected, either by personal service or by leaving a copy at his usual place of residence, and shall inform every person of the time when he must qualify. The city clerk shall make return of such service and file the same in his office.

(B) Every officer of the city, before entering upon the duties of his office, shall take and subscribe an oath to be endorsed on his certificate of election. Every appointive officer shall likewise take such oath, to be endorsed on his certificate of appointment, before the city clerk or some officer authorized to administer oaths. The oath will state that he will support the constitution of the United States and the constitution of the state, and that he will faithfully discharge all his official duties. The oath shall also be filed with the city clerk. If any officer does not take and file the oath within ten days after the beginning of his term, the office shall become vacant. In the event that any city officer does not file his oath with the proper office within ten days after the beginning of the term, the officer shall be deemed to have refused to serve, and the office shall be deemed to be vacant.

(C) Bonds.

(1) The following officers shall execute their official bonds in the following amounts:

(a) The bond of the head of the department of finance is in an amount at least equal to $15,000.00 for each $100,000,000.00 of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the amount may not be less than $15,000.00 nor more than $300,000.00.

(b) The head of the department of law, city judge, and city engineer's bond shall be in the sum of $8,500.00.

(c) All other city officers, except the mayor and members of the City Council shall be in the sum of $8,500.00.

(2) These bonds shall be approved as follows:

(a) Members of the board of public works bonds are approved by the common council.

(b) All other bonds are approved by the mayor.

(c) Every official bond must be approved, and shall not be filed until lawfully approved.

(3) The bonds shall be filed with the recorder of Delaware County within ten days after their approval. The bond of the city judge shall also be filed with the recorder of Delaware County within ten days of its approval by the mayor.

(4) If any officer for whom an official bond is required, shall fail before the commencement of his term of office to give bond, the officer may not take office.

(5) All official bonds shall be payable to the state, and every such bond shall be obligatory to such state on the principal and sureties for the faithful discharge of all duties required of such officer by any law, for the use of any person injured by a breach of the condition.

(Ord. No. 672-81, 4-6-81)

State law references—Notice of election, IC 3-12-5-17; oath and bond requirements, IC 5-4-1-1—5-4-1-19.

Sec. 30.04. (Reserved).

Sec. 30.05. Conflict of interest; penalty.

(A) A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity that he serves, commits conflict of interest, and it shall be a punishable violation subject to a fine of not more than $2,500.00.

(B) This section does not prohibit a public servant from receiving compensation for his services as a public servant or for his expenses as provided by law.

(C) This section does not prohibit a public servant from having a pecuniary interest in or deriving a profit from a contract or purchase connected with the governmental entity he serves if:

(1) The:

(a) Public servant is not a member or on the staff of the governing body empowered to contract or purchase on behalf of the governmental entity;

(b) Functions and duties he performs for the governmental entity are unrelated to the contract or purchase; and

(c) Public servant makes a disclosure under subsection (D)(1) through (6);

(2) The contract or purchase involves utility services from a utility whose rate structure is regulated by the state or federal government;

(3) The public servant:

(a) Is an elected public servant or a member of the board of trustees of a state-supported college or university; and

(b) Makes a disclosure under subsection (D)(1) through (6); or

(4) The public servant:

(a) Was appointed by an elected public servant or the board of trustees of a state-supported college or university; and

(b) Makes a disclosure under subsection (D)(1) through (7).

(D) A disclosure required by this subsection must:

(1) Be in writing;

(2) Describe the contract or purchase to be made by the governmental entity;

(3) Describe the financial interest that the public servant has in the contract or purchase;

(4) Be affirmed under penalty of perjury;

(5) Be submitted to the governmental entity prior to final action on the contract or purchase;

(6) Be filed within 15 days after final action on the contract or purchase with:

(a) The state board of accounts; and

(b) If the governmental entity is a governmental entity other than the state or a state-supported college or university, with the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase; and

(7) Contain the written approval of the elected public servant (if any) or the board of trustees of a state-supported college or university (if any) which appointed the public servant.

(E) It is a defense in a prosecution under this section that the public servant's interest in the contract or purchase and all other contracts and purchases made by the governmental entity during the 12 months before the date of the contract or purchase was $250.00 or less.

(F) Notwithstanding subsection (D), a member of the board of trustees of a state-supported college or university, or a person appointed by such a board of trustees, complies with the disclosure requirements of this chapter with respect to his financial interest in a particular type of contract or purchase which is made on a regular basis from a particular vendor if he files with the State board of accounts and the board of trustees a statement of his financial interest in that particular type of contract or purchase made with that particular vendor. The statement required by this section must be made on an annual basis.

State law reference—Similar provisions, IC 35-44-1-3.

Sec. 30.06. Bribery; official misconduct.

(A) A person who confers, offers, or agrees to confer on a public servant, either before or after the public servant becomes appointed, elected, or qualified, any property except property the public servant is authorized by law to accept, with intent to control the performance of an act related to the employment or function of the public servant;

(1) Being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to withhold any testimony, information, document, or thing, avoid legal process summoning him to testify or supply evidence, or absent himself from the proceeding or investigation to which he has been legally summoned; or

(2) Confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant withholds any testimony, information, document, or thing; avoid legal process summoning the witness or informant to testify or supply evidence, or absent himself from any proceeding or investigation to which the witness or informant has been legally summoned; commits bribery, a Class C felony.

(3) It is no defense that the person whom the accused person sought to control was not qualified to act in the desired way.

(B) A public servant who:

(1) Knowingly or intentionally performs an act that he is forbidden by law to perform;

(2) Performs an act he is not authorized by law to perform with intent to obtain any property for himself;

(3) Knowingly or intentionally solicits, accepts, or agrees to accept from his appointee or employee any property other than what he is authorized by law to accept as a condition of continued employment;

(4) Knowingly or intentionally acquires, or divests himself of, a pecuniary interest in any property, transaction or enterprise, or aids another person to do so, based on information obtained by virtue of his office that official action that has not been made public is contemplated; or

(5) Knowingly or intentionally fails to deliver public records and property in his custody to his successor in office when that successor qualifies, commits official misconduct, a Class B misdemeanor.

(Ord. No. 672-81, 4-6-81)

State law reference—Similar provisions, IC 35-44-1-2.

Sec. 30.07. Franchises, certificates of public convenience.

No lease, right, grant, or certificate of public convenience shall be effective or in force until the lessee or grantee shall have first fully paid the amount provided for the use granted by the city, such payment to be evidenced by the receipt for the payment so made signed by the controller of the city.

(Code 1968, § 30.01)

Sec. 30.08. Cancellation upon failure to pay fees and charges.

No person now holding or who may hereafter acquire any lease, right, grant, or privilege franchise or grant of public convenience from the city shall have the right of the use of same, unless the person has first paid the fee and charges for the same, and upon failure to pay, the mayor is authorized and empowered to cancel the same, designating cancellation for nonpayment of fees, and no such person shall use or attempt to use the right, grant, lease, or certificate of public convenience thereafter.

(Code 1968, § 30.02)

Sec. 30.09. (Reserved).

Sec. 30.10. Civil defense merit system.

There is established a merit system of personnel administration for all employees of the civil defense agency to be serviced by the state personnel division. The city civil defense director is authorized and directed to enter into such arrangements and agreements with the state department of civil defense and the state personnel division as may be necessary to provide for continuing merit program of personnel administration for municipal civil defense employees. This merit program shall be serviced by the state personnel division pursuant to the authority granted by Section 37, Chapter 139, Act 1941, page 307 of the State Personnel Act and shall meet the merit system standards established by the federal government pursuant to Section 205 of the Federal Civil Defense Act of 1950, as amended, including the exemption of any position from the merit program as is recognized in these same federal standards. For the purposes of administering the merit program for all employees of the civil defense agency, the city civil defense director is considered and designated as the appointing officer.

(Code 1968, § 32.20)

Sec. 30.11. Mileage and travel expenses.

(A) All city employees and elected officials may be reimbursed for actual miles traveled in the course of authorized and approved official business, with mileage being reimbursed at the current mileage rate as determined periodically by the federal government for business tax deductions.

(B) All travel requests must be approved by the appropriate governing board prior to their being incurred.

(C) Registration fees can be approved and paid in advance by the appropriate governing board, and travel expenses reimbursements request must be submitted on the proper form with all receipts attached. Expenses not properly filed will not be reimbursed.

(Code 1968, § 30.26; Ord. No. 586-80, 4-7-80; Ord. No. 784-82, 2-1-82; Ord. No. 8-84, 4-2-84; Ord. No. 9-93, 4-5-93)

Sec. 30.12. Charges for use of facsimile machines.

All city offices shall charge noncity employees the City's actual cost or the sum of $5.00, whichever is greater, for facsimile transmission using the City's facsimile equipment, and shall charge City employees the City's actual cost or the sum of $5.00, whichever is greater, for facsimile transmission using the City's facsimile equipment for purposes unrelated to City business.

(Ord. No. 26-92, 8-3-92)

Sec. 30.13. Fees: copies.

The clerk of the City of Muncie shall charge the public and any nongovernmental agency the city's actual cost or the sum of $1.00, whichever is greater, for copies of records or documents on file in the office of city clerk. The clerk shall charge city employees the city's actual cost or the sum of $1.00, whichever is greater, for copies of records and documents for purposes unrelated to city business.
(Ord. No. 38-94, 7-11-94)

Secs. 30.14—30.19. Reserved.

DIVISION 1. INVENTORY OF CITY PROPERTY

Sec. 30.20. Inventory of city property required by department heads.

The head of each department of the municipal government shall make an annual inventory of all municipally-owned property in the custody or control of such department.
(Code 1968, § 30.30)

Sec. 30.21. Transfer to successor.

In the event of the resignation, or at the expiration of the term of service of the department head, such retiring department head shall turn over to his successor in office the inventory required by section 30.20 and receive a clearance receipt for all municipally-owned property accounted for from his successor in office. In the event of the death of any department head during his term of service, the president of the common council shall appoint a committee of three members of the common council to take an inventory of all municipally-owned property in the department of such deceased official, and certify such inventory to the mayor, who shall receive a clearance receipt for all properties accounted for on behalf of such deceased department head from his successor in office.
(Code 1968, § 30.31)

Secs. 30.22, 30.23. Reserved.

Sec. 30.24. Completion date; filing; presentation to council.

All department heads' inventories must be completed prior to December 31st of each year, with a complete inventory as of November 15th of each year. This inventory shall be filed with the city clerk, who shall present the same to the common council for acceptance or rejection at the first meeting of each year.
(Code 1968, § 30.34)

Sec. 30.25. File record of city property based on inventories.

The city clerk shall set up and file record of all municipally-owned property based on the inventories required by section 30.20 removing such properties from the file whenever any municipally-owned properties have been disposed of in accordance with existing laws.
(Code 1968, § 30.35)

Sec. 30.26. Expendable properties excepted from inventory requirements.

Expendable properties, such as office supplies, ink, paper, pens, pencils, envelopes, stamps, erasers, etc., shall not be included in the inventory required by section 30.20.
(Code 1968, § 30.36)

Sec. 30.27. Penalty for failure to file on time.

Any department head who fails to file the inventory required by this chapter within the prescribed time shall be subject to a fine not exceeding $5.00 for each of the first three months that such inventory is overdue, and not exceeding $10.00 per month for each month following that such inventory is overdue.
(Code 1968, § 30.37)

Secs. 30.28—30.39. Reserved.

DIVISION 2. WAGES

Sec. 30.40. Prevailing scale of wages.

Any sole proprietorship, partnership or corporation which is hereinafter awarded a contract by the city or by the sanitary district for construction

projects which are over $10,000.00 or fall under the federal Davis-Bacon laws or Indiana state prevailing wage laws shall be required to pay the prevailing wage rate as determined by the most current Indiana Department of Labor, Wage and Hour Division, Area Wage Survey for each class of work on the project.
(Ord. No. 8-91, 6-3-91; Ord. No. 20-93, 6-7-93)

Sec. 30.41. Prohibiting payment of less than prevailing wages.

It shall be considered unlawful for any contractor or subcontractor to make payment of wages for skilled, semi-skilled (skilled or unskilled) labor on any project covered herein which are less than the minimum provided for in the applicable national code of fair competition or regional agreement approval by the President of the United States.
(Ord. No. 8-91, 6-3-91)

Sec. 30.42. Filing schedule of wages.

It shall be required that any contractor or subcontractor performing work under the terms of this section shall file a schedule of the wages to be paid to such laborers, workmen, or mechanics with the city. The schedule shall not be less than the prevailing scale of wages stated in section 30.40 herein for the class of work being performed by each laborer, workman or mechanic. Such schedule shall be clearly posted on the job site during construction.
(Ord. No. 8-91, 6-3-91; Ord. No. 20-93, 6-7-93; Ord. No. 37-93, 8-2-93; Ord. No. 24-94, 4-4-94)

Sec. 30.43. Proof of compliance.

The city or its authorized representative shall have the power and the authority to request and receive information which would substantiate proper payment under this chapter. The recipient of the contract shall supply the requested documents or information to the city or its designee within five working days of receipt of the request. Failure to comply with the request will result in a fine of $1,000.00 per day for each day after the five working-day response period has passed.
(Ord. No. 8-91, 6-3-91)

Sec. 30.99. Penalty.

(A) Any sole proprietorship, partnership or corporation who knowingly or willingly fails to pay the rate of wages required to be paid under terms of this subchapter shall be fined not less than $1,000.00 for each violation for each day that the violation is permitted to continue past the date the violation was discovered. All wage shortages owed to laborers shall be paid on the date of discovery. Any proprietorship, partnership or corporation who is determined by the Common Council to have committed two violations of this subchapter in any consecutive 24-month period shall be prohibited from submitting any bid for any public work required by the city for a period of 36 consecutive months from the date of the second violation was determined.

(B) A sole proprietorship, partnership or corporation who knowingly or willfully fails to pay the rate of wages determined under this subchapter commits a Class B misdemeanor. If the sole proprietorship, partnership or corporation has committed a prior offense under this subchapter, the contract on which the instant offense occurred shall be forfeited and the sole proprietorship, partnership or corporation may not receive any further payment on the contract, nor may the city making the contract make any further payments on the contract from any of the funds under its charge or control.
(Ord. No. 8-91, 6-3-91)

CHAPTER 31. EXECUTIVE

Division 1. General Organization

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DIVISION 1. GENERAL ORGANIZATION

Sec. 31.01. Organization.

The executive branch of the city shall consist of the office of the mayor, deputy mayor, and the following executive departments.

(A) Department of finance.

(B) Department of law.

(C) Department of public works.

(D) Department of parks and recreation.

(E) Department of community services.

(F) Department of public safety.

(G) Department of redevelopment.

(Ord. No. 810-82, 4-5-82; amend. Ord. No. 13-90, 5-14-90)

Sec. 31.02. Uniformity; official titles of various officers and departments.

Throughout the code, wherever the titles in column A appear they shall be deemed to mean the titles in column B.

Column A	*Column B*
City Attorney	Head of the Department of Law
Controller	Head of the Department of Finance
Building	Building Director Commissioner
Community Development Executive Director	Head of the Department of Community Services
Fire Department	Fire Division
Fire Chief	Fire Director
Police Department	Police Division
Police Chief	Police Director
Superintendent of the Animal Shelter	Director of the Animal Shelter
Park Superintendent	Head of the Department of Parks and Recreation
Traffic Engineer	Traffic Director

(Ord. No. 810-82, 4-5-82)

Sec. 31.03. Mayor.

The mayor is the city executive and the head of the executive branch. He shall faithfully perform the duties and responsibilities contained in IC 35-4-5 and other statutes of the state and the city code.

(Ord. No. 810-82, 4-5-82)

Sec. 31.04. Deputy mayor.

(A) Creation of position. There is hereby created the position of deputy mayor, who shall have the same qualifications for office as the mayor, shall report to the mayor, and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the deputy mayor shall include but not be limited to the following.

(1) Assumption of the responsibilities, duties, and powers of the mayor, in the event of the mayor's incapacity to carry out his

duties, as determined by the mayor's own declaration or by a two-thirds vote of the heads of the executive departments, until such time as the mayor regains his capacity or a new mayor is selected in accordance with state law.

(2) Supervision and management of the departments of public works, parks and recreation, community services and public safety.

(3) Supervision and management of all personnel matters in the personnel division of the city.

(4) All other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(Ord. No. 810-82, 4-5-82)

State law reference—Vacancies in office, see IC 3-13-8.

Sec. 31.05. Personnel division.

There is hereby created a personnel division to be headed by a personnel director, who shall report to the deputy mayor, shall be appointed by and serve at the pleasure of the deputy mayor with the approval of the mayor and shall be internal equal employment opportunity/affirmative action officer. This division shall have responsibility for all personnel matters and other duties assigned by state law, the city code, and the deputy mayor.

(Ord. No. 810-82, 4-5-82)

Sec. 31.06. Department of finance.

(A) Creation. There is hereby created a department of finance, headed by a department head, who shall report to the mayor and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of finance shall include but not be limited to the following.

(1) Support and assistance to the board of public works and safety.

(2) Financial administration, including but not limited to purchasing and data processing, for all of the offices, departments, boards, commissions, authorities, separate municipal corporations, and other agencies of the city.

(3) All other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(C) Controller and fiscal officer. The head of the department of finance shall also be the controller and fiscal officer.

(D) Finance division. There is hereby created a finance division to be headed by the head of the department of finance. This division shall have responsibility for all financial matters and other duties assigned by state law, the city code, and the head of the department of finance.

(E) Purchasing division. There is hereby created a purchasing division to be headed by a purchasing director, who shall report to the head of the department of finance and shall be appointed by and serve at the pleasure of the head of the department of finance with the approval of the mayor. This division shall have responsibility for all purchasing matters and other duties assigned by state law, the city code, and the head of the department of finance.

(F) Data processing division. There is hereby created a data processing division to be headed by a data processing director, who shall report to the head of the department of finance and shall be appointed by and serve at the pleasure of the head of the department of finance with the approval of the mayor. This division shall have responsibility for all data processing matters and other duties assigned by state law, the city code, and the head of the department of finance.

(Ord. No. 810-82, 4-5-82)

Sec. 31.07. Department of law.

(A) Creation. There is hereby created a department of law, headed by a department head, who shall report to the mayor and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of law shall include but not be limited to the following.

(1) Representation in all legal matters of all offices, departments, boards, commis-

sions, authorities, separate municipal corporations, and other agencies of the city and the officers, members, and employees of those bodies for their action within the scope of their duties with those bodies.

(2) Responsibility for all legal and zoning matters and other duties assigned by state law, city code, and the head of the department of law.

(3) Settlement of all legal matters which are the responsibility of the department of law, subject to the approval of the mayor.

(4) Any other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(C) Corporation counsel. The head of the department of law shall be the corporation counsel. (Ord. No. 810-82, 4-5-82; Am. Ord. No. 30-84, 6-11-84)

Sec. 31.08. Department of public works.

(A) Creation of department of public works. There is hereby created a department of public works headed by a department head, who shall report to the deputy mayor and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of public works shall include but not be limited to the following.

(1) The maintenance of the public rights-of-way of the city.

(2) The management of traffic including but not limited to signalization and signage.

(3) The operation of the Muncie Middletown facility.

(4) The operation of the waste water treatment division of the sanitary district.

(5) The operation of the water quality division of the sanitary district.

(6) The operation of the sewage collection division of the sanitary district.

(7) The operation of the sanitation division of the sanitary district.

(8) The operation of the sanitary engineering division of the sanitary district.

(9) The operation and maintenance of Beech Grove Cemetery.

(10) Liaison with the public transportation corporation and the sanitary district.

(11) Any other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(C) City civil engineer. The head of the department of public works shall also be the city civil engineer.

(D) Traffic division. There is hereby created a traffic division to be headed by a traffic director, who shall be appointed by and serve at the pleasure of the head of the department of public works with the approval of the mayor. This division shall be responsible for all traffic-control matters and other duties assigned by state law, the city code, and the head of the department of public works.

(E) Street division. There is hereby created a street division to be headed by a street director, who shall be appointed by and serve at the pleasure of the head of the department of public works with the approval of the mayor. This division shall be responsible for maintenance of the streets and other duties assigned by state law, the city code, and the head of the department of public works.

(F) Public facilities and engineering division. There is hereby created a public facilities and engineering division to be headed by the head of the department of public works. This division shall have responsibility for design, construction, disposal, and maintenance of and assignment of space in all public facilities and other duties assigned by state law, the city code, and the head of the department of public works.
(Ord. No. 810-82, 4-5-82)

Sec. 31.09. Department of parks and recreation.

(A) Creation. There is hereby created a department of parks and recreation in accordance with the provisions of IC 36-10-3, which shall be man-

aged by a board of parks and recreation. The board shall consist of four members appointed by the mayor in accordance with Indiana Statutes and one ex-officio member, appointed by the board of school trustees for the Muncie community schools.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of parks and recreation shall include but not be limited to the following.

(1) Those powers, duties, and responsibilities delegated by IC 36-10-3.

(2) Construction, operation, and maintenance of all city parks and recreation facilities.

(3) Any other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(C) Department head. The department of parks and recreation shall be headed by a department head who shall also be the superintendent of parks and recreation provided for in IC 36-10-3-13. He shall be appointed by the mayor with the approval of the board of parks and recreation, and shall serve at the pleasure of the mayor and report to the deputy mayor and board of parks and recreation.

(D) Park division. There is hereby created a park division which shall be headed by a parks director, who shall be appointed by and serve at the pleasure of the head of the department of parks and recreation with the approval of the board of parks and recreation. This division shall be responsible for the construction and maintenance of all park and recreation facilities and other duties assigned by state law, the city code, and the head of the department of parks and recreation.

(E) Recreation division. There is hereby created a recreation division to be headed by a recreation director, who shall be appointed by and serve at the pleasure of the head of the department of parks and recreation with the approval of the board of parks and recreation. This division shall be responsible for recreation activities and operations and other duties assigned by state law, the city code, and the head of the department of parks and recreation.
(Ord. No. 810-82, 4-5-82)

Sec. 31.10. Department of community services.

(A) Creation of department of community services. There is hereby created a department of community services, headed by a department head, who shall report to the deputy mayor and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of community services shall include but not be limited to the following.

(1) Procurement, distribution, and coordination of Federal Block Grant Programs.

(2) Procurement, distribution, and coordination of other state and federal funds available to the city.

(3) Liaison between the city and the following bodies.

(a) Downtown business council.

(b) Economic development commission.

(c) Industrial revolving fund board.

(d) Muncie housing authority.

(e) Metropolitan planning commission.

(f) Board of zoning appeals.

(g) Historical preservation commission.

(h) Muncie redevelopment commission.

(i) Muncie area growth and industrial council.

(4) Any other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.
(Ord. No. 810-82, 4-5-82)

Sec. 31.11. Department of public safety.

(A) Creation. There is hereby created a department of public safety, headed by a department head, who shall report to the deputy mayor and shall be appointed by and serve at the pleasure of the mayor.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the department of public safety shall include but not be limited to the following.

(1) Direction, management, and operation of the divisions of the department.

(2) Provision for public safety of the city and its citizens.

(3) Liaison and administrative assistance to the following commissions and boards.

(a) Police and fire merit commission.

(b) Police pension board of trustees.

(c) Firemen's pension fund.

(4) Any other powers, duties, and responsibilities assigned by state law, the city code, and the mayor.

(C) Police division. There is hereby created a police division more commonly known as the police department, to be headed by a police director, who shall also be the chief of police. The police director shall report to the head of the department of public safety and shall be appointed by and serve at the pleasure of the mayor in accordance with the Indiana Statutes. This division shall have the law enforcement responsibilities and other duties assigned by state law, the city code, and the head of the department of public safety.

(D) Fire division. There is hereby created a fire division, more commonly known as the fire department, to be headed by a fire director, who shall also be the fire chief. The fire director shall report to the head of the department of public safety and shall be appointed by and serve at the pleasure of the mayor in accordance with the Indiana Statutes. This division shall have the fire prevention and suppression responsibilities and other duties assigned by state law, the city code, and the head of the department of public safety.

(E) Animal shelter division. There is hereby created an animal shelter division to be headed by an animal shelter director. The director shall report to the head of the department of public safety and shall be appointed by and serve at the pleasure of the head of the department of public safety, with the approval of the mayor. This division shall have animal control responsibilities and other duties assigned by state law, the city code, and the head of the department of public safety.
(Ord. No. 810-82, 4-5-82)

Sec. 31.12. Divisions.

(A) Additional divisions. Each department head may establish within his department any other divisions that he believes are necessary to carry out his powers, duties, and responsibilities, with each division to be headed by a director, who shall be appointed by and serve at the pleasure of the department head with the approval of the mayor.

(B) Deputies. All directors of divisions shall be considered deputy department heads.

(C) Directors. All directors of divisions, whether created in this section or elsewhere, shall also be responsible for carrying out any instruction of the mayor.
(Ord. No. 810-82, 4-5-82)

Sec. 31.13. Board of public works and safety.

(A) Creation of board. There is hereby created a board of public works and safety in conformity with IC 36-4-9-5, consisting of three persons appointed by the mayor who have been voters of the city for at least one year immediately prior to their appointment. A member may hold other appointive positions in city government during his tenure on the board of public works and safety.

(B) Powers, duties, and responsibilities. The powers, duties, and responsibilities of the board of public works and safety shall be those powers, duties, and responsibilities necessarily imposed upon the board of public works and safety by the Indiana Statutes or assigned to the board of public works and safety by the city code or the mayor.

(C) Clerk. The board of public works and safety shall have a clerk, who shall be appointed by and serve at the pleasure of the mayor.

(D) Definitions. When used in this section, unless the context clearly requires otherwise, the following terms shall have the meaning indicated.

(1) *Affirmative action.* Includes, but not limited to the following:

(a) The issuance of a statement of policy regarding equal employment opportunity and its communication to all policy making personnel.

(b) Active efforts to review the qualifications of all applicants for employment regardless of race, religion, color, sex, age, national origin, ancestry, or handicap.

(c) Recruiting, hiring, training, promoting and making other personnel decisions regardless of race, religion, color, sex, age, national origin, ancestry, or handicap.

(2) *City contract.* Any contract in which the city, or one of its agencies, commissions, boards or departments, is a party.

(3) *Contract compliance officer.* An employee of the city, as designated by the mayor, who shall administer the contract compliance program which is established herein and help establish procedures to implement the contract compliance program.

(4) *Contractor.* Any private party that contracts with the city.

(5) *Public works construction.* The construction, alteration, repair of a public building, airport facility, highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment.

(E) Words not defined. Words appearing in this section which are not defined by this section but are defined by the official rules and regulations of the human rights commission or the human rights ordinance shall have the meaning as defined in those regulations or that ordinance unless the context clearly requires otherwise.

(F) Exemptions.

(1) Dollar amount limitation. Only those city contracts for public works construction that cost $25,000.00 or more shall be covered by the provisions of this section, except as provided in division (F)(4) below.

(2) Number of employees. The provisions of this section shall only apply to those contractors who have at least six permanent full-time employees on their payroll.

(3) Federal funding irrelevant to coverage. The fact that federal funds are used to pay all or any part of the city's obligations under any city contract shall be of no consideration in determining coverage under this section, with the exception that this section shall not apply to the city contracts which are monitored for nondiscrimination pursuant to the regulations of the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended (Pub. L. 93-383).

(4) Contracts that cost more than $5,000.00 but less than $25,000.00. City contract for public works construction that cost more than $5,000.00 but less than $25,000.00 shall be awarded pursuant to the quote procedures established by state law. Any such contracts shall only be awarded to those quoters who submit an acceptable EEO Policy Statement or who have submitted an acceptable EEO Policy Statement within the 12-month period preceding the opening of quotes.

(G) Equal opportunity contract provision required.

(1) When required. On any public works construction covered by this section, there shall be included in the contract a provision entitled "Equal Opportunity".

(2) Language required. The "Equal Opportunity" provision of a city contract shall consist of the following language:

(a) The contractor shall demonstrate commitment to equal opportunity by

attempting to employ a minority work force to the greatest extent feasible.

(b) The contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, religion, color, sex, age, national origin, ancestry, or handicap. Consideration of minorities and females not in the workforce: Contractors of the city shall take affirmative action to reach persons who are members of a protected class who are no longer actively seeking employment, and shall attempt to engage said members in employment.

(c) The contractor's breach of the foregoing subsections concerning equal opportunity and affirmative action shall be a material breach of this contract, for which the city shall be entitled, at its option, to cancel, terminate, or suspend the contract in whole or in part; use the breach of this contract as a factor to be considered for the award of future contracts for a period not to exceed one year.

(3) Federal language required. The "equal opportunity" provision of a city contract may be required to contain additional terms required by the government of the United States or any agency or department of the United States government.

(H) Prior to award of contract.

(1) Notice of requirements. For every city contract reasonably expected to be covered by this section, there shall be notice given to bidders that prior to the execution of the city contract, the bidder must submit an affirmative action plan. The bidder shall also be notified that the contract compliance officer shall be available to assist in the completion of an affirmative action plan. Such notice shall also include the name, address and telephone number of the contract compliance officer. Such notice shall appear each and every time and in the same place and manner in which a notice for an opportunity to bid on the city contract appears. After any board, agency, commission or department establishes a bid date, notice must be provided to the contract compliance officer on or before the date notice is first given to the general public.

(2) Submission of plans. When the successful bidder is given notice that his bid is accepted, notice shall also be included that an affirmative action plan must be on file with the board of works office. The contractor shall have five working days after notice that its bid is accepted to submit such a plan. Failure to do so shall bar the contractor from being awarded a contract for its bid.

(3) Plans submitted within past 12 months. Those contractors who have submitted acceptable affirmative action plans within 12 months prior to the opening of bids on any subsequent public works project shall not be required to submit an affirmative action plan.

(4) Content of plans. Affirmative action plans shall be submitted on a form that is approved by the board of works.

(5) Criteria for review. Affirmative action plans shall be evaluated in accordance with the following criteria:

(a) Is the affirmative action plan properly and completely filled out?

(b) Does the affirmative action plan demonstrate a good faith commitment to affirmative action (see definition herein, division (D)(1))?

(c) Language in contractor's affirmative action plan which promises future actions to promote equal opportunity or affirmative action may be considered in determining whether the plan is acceptable, but only if

such promised affirmative action is accompanied by projected timetables for implementation.

(6) Review of plans.

(a) Within ten working days after receipt, the contract compliance officer shall audit any affirmative action plan submitted under division (H)(2) and make a determination as to the acceptability of said plan. The audit shall be consistent with the Desk Audit procedures as outlined in Chapter 2 of the Office of Federal Contract Compliance Programs (OFCCP) Compliance Manual. If the contract compliance officer finds said plan to be in compliance, he or she shall cause such finding to be made in writing and submitted to the board of works.

(b) Within ten working days after the receipt of the contract compliance officer's finding that an affirmative action plan is unacceptable, the board of works shall review the finding and shall: overrule said finding; or approve said finding of unacceptability in writing.

(7) Emergency. If the mayor of the city or a board, agency, commission or department declares that an emergency exists for a public works project, the provisions of this section concerning submission of affirmative action plans shall be waived.

(8) Violations. The city and any of its agencies, commissions, boards or departments, shall not enter into any city contract covered by this section until the contract compliance officer or the board of works has notified the body awarding the contract that the contractor has submitted an acceptable affirmative action plan.

(9) Enforcement of violations. Upon request of the board of works, the city attorney may take appropriate legal action to void a contract that has been executed in violation of this section.

(I) Partial invalidity. If any provision of this section or the application of a provision to any person or circumstance shall be held invalid, the remainder of this section or the application of a provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(J) Judicial review. Any party to a city contract covered by this section who is aggrieved by a determination made by the board of works shall be entitled to judicial review of such determination if a petition for a review is filed in the Circuit or Superior Court of Delaware County, Indiana, within ten days of the receipt of the notice of such determination by the aggrieved party.

(K) Contract compliance rules and regulations.

(1) Board of works may adopt procedural rules and regulations to accomplish the purposes of the foregoing provisions concerning contract compliance. Any such rules and regulations shall be consistent with the contract compliance enabling ordinance, and those rules and regulations as outlined in the Office of Federal Contract Compliance Programs (OFCCP) Compliance Manual, specifically sections 60-2, 50, 250, 741.

(2) Any such procedural rules and regulations may be adopted by the board of works after a public hearing, and by majority vote of the board of works. Said rules and regulations shall be made available to the public through the contract compliance officer and the board of works.

(Ord. No. 810-82, 4-5-82; Am. Ord. No. 37-89, 7-10-89)

Sec. 31.14. Department of building.

For provisions concerning the department of building see § 152.05.

Sec. 31.15. Department of redevelopment.

(A) There is hereby created a department of redevelopment, which shall be managed by the redevelopment commission, the creation and operation of which is described in §§ 34.40, 34.31 and 34.42.

(B) Powers, duties and responsibilities of the department of redevelopment shall be as determined by the redevelopment commission and the mayor.

(C) The redevelopment department shall be headed by a department head who shall be appointed by the mayor with the approval of the redevelopment commission and shall serve at the pleasure of the mayor and report to the mayor and the redevelopment commission.
(Ord. No. 13-90, 5-14-90)

Secs. 31.16—31.19. Reserved.

DIVISION 2. ORDER OF SUCCESSION FOR OFFICE OF MAYOR

Sec. 31.20. Vacancy in office.

The office of the mayor becomes vacant whenever the mayor:

(A) Dies, resigns, or is removed from office;

(B) Ceases to be a resident of the city;

(C) Is incapacitated to the extent that he is unable to perform his duties for more than six consecutive months.

(Ord. No. 864-82, 7-12-82)

Sec. 31.21. Filling vacancies with a caucus.

(A) Vacancies requiring a caucus. Those vacancies where the mayor who last held the vacated office was elected to that office as a candidate of a political party, whose candidate at the most recent election for Secretary of State received either the highest or next highest number of votes cast state-wide for that office or was selected for that office shall be filled with a caucus as provided in this section.

(B) Call for caucus. Within ten days of the occurrence of a vacancy in the office of the mayor, the county chairman of the same political party as the mayor, shall call a caucus of all eligible precinct committeemen to be held within 30 days after the occurrence of the vacancy. The call for a caucus under this section must:

(1) Be in writing;

(2) State the name of the chairman of the caucus;

(3) State the date, time, and place of the caucus;

(4) State the purpose of the caucus; and

(5) Be sent by first class mail to all members of the caucus at least ten days prior to the caucus.

(C) Eligibility for caucus. To be eligible as a member of a caucus under this section, a person must:

(1) Be a member of the same political party as the mayor who vacated the office which is to be filled;

(2) Be the precinct committeeman of a precinct in which voters were eligible to vote for the mayor who vacated the office which is to be filled; and

(3) Have been a precinct committeeman continuously for a period beginning 30 days prior to the date the vacancy occurred, until after the caucus has adjourned in the case of an appointed precinct committeeman. However, in the event that no person at all is eligible as a member of a caucus under division (2) and (3) above, the chairman shall be deemed to be an official member of the caucus and entitled to vote.

(D) Chairman of the caucus. The chairman of a caucus, who shall not be eligible to vote in the caucus unless he is also a member of the caucus, shall be the chairman of the county central committee of the same political party as the mayor who vacated the office which is to be filled.

(E) Declaration of candidacy. A person who is a candidate for election to fill a vacancy under this section must file a declaration of candidacy with the chairman of the caucus at least 72 hours before the time fixed for the caucus.

(F) Vote by proxy. No member of a caucus, under this subchapter, may vote by proxy.

(G) Caucus rules of procedure; tie vote. Except as provided otherwise in this section, the caucus rules of procedure shall be established by the

caucus. Before the vote to elect an individual to fill a vacancy under this subchapter, the caucus shall establish procedure for breaking a tie vote. The chairman shall break any tie vote that occurs in establishing the procedure for breaking a tie vote in electing an individual to fill a vacancy.

(H) Election by caucus. The members of a caucus called under this subchapter shall elect, by a majority vote of the members present and voting, a person to fill the vacancy described in the written call of the caucus. The election shall be conducted by secret ballot.

(I) Certification of results. Within five days after the election, the chairman shall certify the election results to the clerk of the circuit court, who shall file the certificate in his office in the same manner as other certificates of election are filed.

(J) Filling of vacancy until election by caucus. The deputy mayor shall serve as mayor for the period of time following the occurrence of the vacancy until the vacancy is filled by the caucus as provided herein.
(Ord. No. 864-82, 7-12-82)

Sec. 31.22. Third party vacancy.

In the event of a vacancy in the office of the mayor, where he was not a member of one of the two political parties, as provided in § 31.21 (A), the deputy mayor shall assume the office of mayor for the remainder of the mayor's term.
(Ord. No. 864-82, 7-12-82)

CHAPTER 32. LEGISLATIVE

Division 1. General Provisions

Sec. 32.01. Legislative authority.
Sec. 32.02. Council members; councilmanic districts.
Sec. 32.03. Council meetings.
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DIVISION 1. GENERAL PROVISIONS

Sec. 32.01. Legislative authority.

The legislative power and authority of the city shall be vested in a common council. Unless otherwise provided by law, all powers and duties of the city which are legislative in nature shall be exercised and performed by the common council. The common council of the city shall not elect or appoint any person to any office or employment whatever, except as expressly provided by statute.

State law reference—Similar provisions, IC 18-1-1.5-26.

Sec. 32.02. Council members; councilmanic districts.

In the city there shall be nine members of the common council: six district councilmen elected from such districts as the council may from time to time establish, and three councilmen-at-large elected at large from the entire city.
(Ord. No. 620-80, 10-10-80)

State law reference—Similar provisions, IC 18-2-1-8.

Sec. 32.03. Council meetings.

The council shall meet at least once a month, and as much oftener as the rules may require. Special meetings shall be held on the call of the mayor, or on such other call as may be provided for by the rules. A majority of all the members shall constitute a quorum. It shall require a majority vote of all the members to pass an ordinance. Whenever it is required that any ordinance or resolution shall be passed or other action of the council taken by a ⅔ vote, such requirement shall be construed to mean a ⅔ vote of all the members. All meetings of the common council shall be public.

Cross reference—Time and place of regular meetings, see § 32.33

State law reference—Similar provisions, IC 18-1-3-2.

Sec. 32.04. Officers of the common council.

The officers of the common council shall be a president, president pro tempore, and reading clerk, all of whom shall be elected from the membership of the common council by the common council. The city clerk shall be the clerk of the common council. The duties of such officers shall be as follows.

(A) The President of the common council shall preside at all council meetings, carry out such other duties as presiding officers generally perform, and shall carry out such duties as shall from time to time be directed by ordinance or resolution of the council.

(B) The president pro tempore shall preside in the absence of the president, or at the request of the president, and shall perform such other duties as may from time to time be directed by the president or the council.

(C) The reading clerk shall, upon the call of the presiding officer, read aloud by number and title each matter to be considered by the council. Upon the vote of a majority of the members present and voting the reading clerk shall read aloud in its entirety any particular matter.

(D) The clerk of the common council shall accurately record and prepare the minutes of all meetings of the common council. The minutes shall include the record of the vote taken on each matter considered, as well as sufficient other material to accurately reflect the transaction of all business at such meetings and public hearings. The clerk shall also be custodian of all official records of the council and shall perform such other duties as may be directed by the council or prescribed by law.

(Ord. No. 620-80, 10-10-80)

Statutory reference—Presiding officer in second-class cities, see IC 18-1-3-3.

Sec. 32.05. Records of meetings.

The city clerk shall be the clerk of the common council. It shall be the clerk's duty, as such clerk of the council, to keep the files and papers thereof, to make and keep accurate minutes and a journal of the proceedings, to enter the yeas and nays on the passage of every ordinance and resolution and on all other votes, whenever requested by two members, and to perform all other duties required by such office.

(Ord. No. 620-80, 10-10-80)

State law reference—Similar provisions, IC 18-1-3-4.

Sec. 32.06. Expulsion of members.

The council shall have the power to expel any of its own members for violation of official duty, and to declare the seat of any member vacant by reason of his disability to perform the duties of his office. The council may adopt its own rules to govern in such cases; but a ⅔ vote shall be required to expel a member or vacate his seat under this section.

State law reference—Similar provisions, IC 18-1-3-5.

Sec. 32.07. Powers of council concerning ordinances.

(A) The common council of the city shall have power to pass all ordinances, orders, resolutions, and motions for the government of the city, for the control of its property and finances, and for the appropriation of money. No appropriation shall be made for the payment of money other than by ordinance, specifying by items the amount thereof and the department for which the appropriation is made. The council may prescribe by ordinance its own rules.

(B) No ordinance, order, or resolution of the council shall become a law, or operative until it has been signed by the presiding officer and approved in writing by the mayor, or passed over his veto, as hereinafter provided, and, whenever necessary, promulgated according to law. No ordinance shall be passed on the same day, or at the same meeting that it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members of the council. Every ordinance imposing a penalty or forfeiture for the violation thereof shall, before the same shall take effect, be published, once each week for two consecutive weeks, in a newspaper of general circulation printed in such city, provided that in case of insurrection, riot, pestilence, conflagration, or in other case of urgent necessity requiring the immediate operation of any such ordinance, it shall take effect as soon as proclamation is made thereof by the mayor, and copies are posted in three public places in each of the wards of the city.

(C) When the city shall publish any of its ordinances in book or pamphlet form, such publication shall be of itself sufficient, and such ordinance or ordinances shall be in force in two weeks from the date of publication of such book or pamphlet. Any such publication of the ordinances of a city in book or pamphlet form, if the same shall purport to be printed under the authority of the common council of such city, shall be presumptive evidence, in all courts and places, of the

ordinances therein contained and of the date of their passage, and that the same are properly signed, attested, recorded, and approved.

(D) Every ordinance, order, or resolution of the common council shall, immediately upon its passage, enrollment, attestation and signature by the clerk and presiding officer, be presented by the city clerk to the mayor, and a record of the time of such presentation make by the clerk. If the mayor approves the ordinance, order, or resolution, he shall enter his approval thereon and sign the same, and the ordinance, order, or resolution shall become a law. If he does not approve the ordinance, order, or resolution, he shall return it to the clerk, with his objections in writing within ten days after receiving it, and the clerk shall present the same to the common council at its next meeting. If the mayor fails to discharge his duty by approving or disapproving such ordinance, order, or resolution within the time named, such failure shall be deemed a disapproval. In all cases of disapproval by the mayor, such ordinance, order, or resolution shall not become a law unless, at its next regular or special meeting after the time named for the mayor's action, the council shall again pass the same by a ⅔ vote of all the members.

(E) All ordinances shall, within a reasonable time after their approval by the mayor or their passage over his veto, be recorded in a book kept for that purpose by the city clerk. Such record shall include the signature of the presiding officer, the attestation of the clerk and the mayor's written approval or disapproval, and, in the latter case, a memorandum of the passage record, or a certified copy thereof, shall be presumptive evidence of the passage and going into effect of such ordinance.

State law reference—Similar provisions, IC 18-1-3-6.

Sec. 32.08. Investigative powers; removal of officers, employees.

(A) The common council of the city shall have the power to supervise and investigate all departments, officers, and employees of the government of the city and to examine into any charge preferred against them and into the affairs of any corporation, firm, or person in which the city may be interested or with which it may enter or may have entered into a contract. The common council shall have power of access to all records pertaining to any such investigation and power to compel the attendance of witnesses and the production of books, papers, and other evidence at any meeting of the council or of any committee thereof. For that purpose, the council or committee may issue subpoenas and attachments in any case of inquiry, investigation, or impeachment and cause the same to be served and executed in any part of the county.

(B) If any witness shall refuse to testify as to any fact within his knowledge or to produce any books or papers within his possession or under his control that are required to be used in evidence in any such case, the clerk of the body by whose authority such witness was subpoenaed, if so directed by the body or committee holding the investigation, shall forthwith report in writing to the circuit court of the county or the judge thereof in vacation the facts relating to such refusal. All questions arising upon such refusal and also upon any new evidence not included in such first report, which new evidence may be offered in behalf of or against such witness, shall be heard by such court or the judge thereof in vacation. If the court determines that the testimony or evidence required of such witness is competent, relevant, and material and to be given or produced by the witness, the court or the judge thereof in vacation shall make an order requiring the witness to testify or to produce books and papers or both. In case of a refusal to comply with such order, the court or the judge thereof in vacation shall have the power to commit the witness or otherwise punish him for contempt as provided by law in case of contempt of court.

(C) No witness shall be excused from testifying in any criminal proceedings or any investigation or inquiry before the common council, any committee thereof, or any department or office of the city having the right to conduct the investigation, touching his knowledge of any offense committed against the provisions of this chapter or of any ordinance passed in pursuance thereof or continued in force by this act. However, such testimony shall not be used against such witness in any criminal prosection.

(D) Whenever any written charges have been adopted by the common council or by any committee thereof, against any officer, employee, or department of the corporation, except members of the council, such charge shall be heard by the council under such regulations as may be prescribed by ordinance. Should such charge be sustained, the common council shall take action thereon and may remove any officer or employee against whom such charges are sustained, subject to the right of appeal hereinafter provided for. It shall take a ⅔ vote to impeach or remove an officer or employee, and such vote or order of removal shall become effective after three days; provided that any city official or employee against whom the common council has made or voted an order of impeachment or removal may, by a petition filed within three days thereafter, appeal from such order to the circuit or superior court in the county.

(E) The appeal shall be granted on filing cost-bond to the approval of such court or the judge thereof in vacation. While such appeal is pending, the order of impeachment or removal shall be suspended. Upon the filing of such bond, the clerk of the court shall immediately issue notice of the appeal to the city clerk and to all members of the common council. Thereupon the city clerk shall file in court a certified copy of the written charges against the officer and the proceedings thereunder including the vote and order of impeachment or removal. The court, or the judge thereof in vacation, shall, within ten days after the granting of such appeal, rehear the matter of the charges against such officer de novo, and the finding and judgment of the court in sustaining or overruling the charges shall be final and conclusive upon all parties. In case the charges are sustained upon the appeal, the order of impeachment or removal shall at once be in full force and effect.

State law reference—Similar provisions, IC 18-1-4-2.

Sec. 32.09. Financial management powers.

(A) The common council of the city shall have power to manage the finances of the city subject, however, to the powers and duties vested in the several executive departments of cities.

(B) The common council, on passage of an ordinance for that purpose, shall have power to make permanent loans of money to an amount not exceeding two percent of the taxable property of the city, to be determined by the last assessment for state and county taxes. The common council shall also have the power to issue bonds for the purpose of refunding such loans. Such loans may be made only for the purpose of procuring money to be used in the legitimate exercise of the corporate powers of the city and for the payment of corporate debts. Such ordinance for loans shall provide for the terms and tenor of the bonds or other form of security which shall be issued in evidence thereof, and for the time and character of notice and the mode of making sale of such securities. A total amount of any issue may be authorized in such ordinance and such issue sold in such parcels and at such times as the proceeds thereof may be required by the city.

(C) The common council may also make temporary loans in anticipation of current revenues of the city actually levied. The ordinance authorizing the issue of such temporary loans shall appropriate and pledge sufficient of the current revenues in anticipation of which they are issued, and out of which the same are payable to the payment thereof.

(D) All bonds and other securities issued and sold by the city shall be negotiable with or without registration, as may be provided in the ordinance authorizing the same, may bear interest not exceeding six percent per annum, payable annually or semiannually, may run not longer than 30 years, may contain an option allowing the city to redeem the same in whole or in part at specified times prior to maturity, and may be sold for any price not less than par value.

State law reference—Similar provisions, IC 18-1-4-3.

Secs. 32.10—32.19. Reserved.

DIVISION 2. RULES OF COUNCIL

Sec. 32.20. Rules of council established.

The rules set out in §§ 32.20 through 32.41 are established for the government of the deliberations of the common council.
(Code 1968, § 31.01)

Sec. 32.21. Presiding officer to decide questions of order; appeal.

The presiding officer shall decide all questions of order, subject to an appeal to the council by any member whose appeal shall be seconded.
(Code 1968, § 31.02)

Sec. 32.22. Presiding officer to decide whether or not question carried; division of council.

The presiding officer shall decide whether any question is carried by affirmative or negative vote, but if in doubt, or a division be called for, the council shall divide.
(Code 1968, § 31.03)

Sec. 32.23. Debate prohibited on questions relating to order of business.

All questions relating to the order of business shall be decided without debate.
(Code 1968, § 31.04)

Sec. 32.24. Manner of obtaining the floor.

Before a member of the council may make a motion or address the council, he shall raise his hand, address the chair as "Mr. President", or "Madam President", and obtain recognition from the presiding officer. No member may be recognized while another member is speaking. No member shall speak more than twice on the same question, except by unanimous consent of the council members present at the time, nor more than once, until every member wishing to speak shall have spoken.
(Code 1968, § 31.05; Ord. No. 620-80, 10-10-80)

Sec. 32.25. Motion to be reduced to writing when requested; withdrawal of motion.

Every motion shall be reduced to writing, if the presiding officer or any member desires it, and after being stated or read shall be considered in the possession of the council, but may be withdrawn at any time before decision or amendment.
(Code 1968, § 31.06)

Sec. 32.26. Motion not to be received while question is under debate; exception.

When any question is under debate, no motion shall be received but to adjourn, to fix the day to which the council may adjourn, to lie on the table, for the previous question, to postpone to a certain day, to commit or amend or to postpone indefinitely, which several motions shall have precedence in the order in which they are here arranged.
(Code 1968, § 31.07)

Sec. 32.27. Moving the previous question.

Debate upon any pending matter may be closed upon motion of any member, a second thereto, and an affirmative vote of a majority of the council members present. Such a motion takes precedence over all debatable questions and all subsidiary motions except motions to table, and is itself undebatable and not subject to amendment. The effect of such a motion is confined to the immediately pending motion unless specified otherwise.
(Code 1968, § 31.08; Ord. No. 620-80, 10-10-80)

Sec. 32.28. Commission and recommission of ordinances, resolutions, and reports.

Ordinances, resolutions, and reports may be committed and recommitted at the pleasure of the council.
(Code 1968, § 31.09)

Sec. 32.29. Reconsideration of question.

When any question has been once decided in the affirmative or negative, any member voting with the prevailing side may move a reconsideration thereof at the same or the next subsequent regular meeting; provided, that a vote passing any general ordinance shall not be reconsidered at any subsequent meeting.
(Code 1968, § 31.10; Ord. No. 703-81, 8-3-81)

Sec. 32.30. Order of propounding questions; filling blanks.

All questions shall be propounded in order in which they are moved, except that in filling blanks

the largest sum and the longest time shall be put first, and then the next largest sum and the next longest time, and so on until the blank be filled.
(Code 1968, § 31.11)

Sec. 32.31. Roll call required, when.

The vote on the passage of every ordinance and resolution shall be decided by the call of the roll. The vote on all other matters, including the introduction and amendment of pending ordinances and resolutions, may be decided by a voice vote, unless a division of the house is requested by a member of the common council.
(Code 1968, § 32.12; Ord. No. 620-80, 10-10-80)

Sec. 32.32. Certain motions not debatable.

A motion to lie on the table or to fix the time to which the council shall adjourn shall not be debatable.
(Code 1968, § 31.13)

Sec. 32.33. Time and place for regular meetings.

The first regular meeting of the council shall be held on the first Monday in January after the general election of the members-elect of the council, at 7:30 p.m. as provided by IC 18-1-3-2. All regular meetings shall be held on the first Monday evening of each month at 7:30 p.m. and may be adjourned at the pleasure of the council. Adjourned meetings shall have all the force and effect of regular meetings. Meetings shall be held in the council chamber, unless otherwise determined by the president and designated on the agenda.
(Code 1968, § 31.14; Ord. No. 620-80, 10-10-80)

Sec. 32.34. Special meetings.

Special meetings of the council shall be held on the call of the mayor or the presiding officer of the council, or, in the event of the absence from the city of the presiding officer of the council, on the call of the presiding officer pro tempore, or, upon the written request of seven members of the council. All members of the council must be notified by the city clerk.
(Code 1968, § 31.15)

Sec. 32.35. Committees, appointment.

The presiding officer shall appoint all standing and other committees of the council as he shall deem necessary from time to time and designate the duties of each committee and members thereof; unless the council shall, by resolution, prescribe another mode of such designation and appointment.
(Code 1968, § 31.16)

Sec. 32.36. Duties of committees.

The duties of the several committees designated by the presiding officer shall be enumerated by the presiding officer and the persons appointed to the committees shall be and take cognizance of and consider all matters concerning the city which are indicated by the title of the committee so designated and all other matters which may be referred to them by the council or by the presiding officer.
(Code 1968, § 31.17)

Sec. 32.37. Order of business.

The order of business at every meeting of the council shall be as follows:

(A) Calling the roll.

(B) Reading the journal of the preceding meeting.

(C) Hearing of petitions, memorials and remonstrances.

(D) Reports of standing committees.

(E) Reports of select committees.

(F) Reports of city officers.

(G) Ordinances on a second or third reading.

(H) Introduction of ordinances.

(I) Introduction of resolutions.

(J) Unfinished and miscellaneous business.
(Code 1968, § 31.18)

Sec. 32.38. General rules.

The general rules of parliamentary law shall be considered the rules of the council, so far as applicable, unless in conflict with this chapter.
(Code 1968, § 31.19)

Sec. 32.39. Prerequisites to action on ordinance, resolution.

(A) The city clerk shall not accept for filing any ordinance or resolution to be considered by the common council unless it has been approved by written signature thereon of a member of the council, and further, unless it has been approved for form by the city attorney or the attorney for the common council. Each ordinance and resolution shall bear at the top of the first page thereof a caption which shall briefly and fairly describe the nature, purpose, and content of the document. Any ordinance or resolution submitted which conforms to the requirements of this division shall be given an identifying number and placed on the agenda of the first regular council meeting occurring at least 15 days from the date of filing. The city clerk shall distribute the ordinance or resolution to council members for their study no later than ten days prior to the meeting.

(1) Any matter filed with the clerk in conformity with subsection (A) above shall be eligible for consideration by the council 15 days after filing. No ordinance shall be passed on the same day, or at the same meeting, that it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all of the members-elect of the council. The consent of a simple majority of those present and voting shall be required in order to suspend the rules for any other purpose.

(2) Any matter may be amended at any point in the proceedings by appropriate vote, and the amendment shall not need to comply with any time or filing provisions in this section. Any matter except ordinances to amend the comprehensive zoning ordinance may be withdrawn from consideration by the council upon the oral request of the sponsoring council member without a vote upon the request. Ordinances to amend the comprehensive zoning ordinance may only be withdrawn by the applicant with the consent of a majority of the members of the council present.

(B) The date the ordinance is officially brought before or certified to the council is the date the ordinance is introduced by the council at a regular meeting or special meeting, as provided by sections 32.33 and 32.34 and in compliance with the provisions of this section.

(C) No ordinance or resolution affecting a specific department of city government shall be passed unless and until the department head of the affected department or his designee appears before the council to answer any inquiries the council may have regarding the ordinance.
(Code 1968, § 31.20; Ord. No. 44-74, 11-12-74; Ord. No. 183-76, 5-10-76; Ord. No. 376-78, 5-8-78; Ord. No. 620-80, 10-10-80; Ord. No. 19-93, 6-7-93)

Sec. 32.40. Reintroduction of defeated ordinance.

No ordinance that has been defeated by council action shall be reintroduced in the same year, unless by unanimous consent of the council.
(Code 1968, § 31.21)

Sec. 32.41. Motions to recess or adjourn.

Motions to recess or adjourn must be by roll call vote.
(Code 1968, § 31.22)

Sec. 32.42. Expenditures from council budget.

(A) All expenditures of money from the appropriated budget of the common council must be approved by the president of the common council or, in the absence of the president, the president pro tempore prior to payment by the controller, subject to subsection (D), below.

(B) No expenditure of appropriated money from the budget of the common council shall be approved which is not reasonably related to the carrying out of the duties of the members of the common council.

(C) All expenditures from the budget of the common council, except for salaries of elected officials, shall be in the nature of reimbursement for expenditures incurred by the council members. Each expenditure shall be supported by a

sworn claim signed by the council member seeing reimbursement and shall be supported by appropriate and reasonable documentation thereof.

(D) The decision of the president or president pro tempore under subsection (A) may be appealed to the full council by any member of the council whose motion shall be seconded. Such motion shall be debatable, and shall require the affirmative vote of at least the majority of the members present, for passage, provided a quorum is present.

(E) The controller shall prepare and file with the city clerk for distribution to the council a monthly statement of expenditures under the provisions of this section.
(Ord. No. 713-81, 9-14-81)

CHAPTER 33. JUDICIAL

Sec. 33.01. Establishment of city court; office of city judge.
Sec. 33.02. Powers of city court and court officers; change of venue.
Sec. 33.03. Election of city judge; duties; bond; jurisdiction.
Sec. 33.04. Additional powers and duties; appeals; docket fees; jury trials.
Sec. 33.05. Powers and duties of the bailiff of the city court.
Sec. 33.06. Duties of prosecuting attorney; duties of city attorney.
Sec. 33.07. City court referee.

Sec. 33.01. Establishment of city court; office of city judge.

(A) There is hereby established a city court, which shall come into existence on January 1, 1988, pursuant to IC 33-10.1-1-3.

(B) As permitted under IC 33-10.1-1-3, the office of city judge is also hereby established, as set forth more particularly in § 33.03 below.
(Ord. No. 72-86, 12-8-86)

(C) The board of works and safety, in consultation with the city judge, shall designate and provide adequate and appropriate quarters for the city court.
(Code 1968, § 32.04)

Sec. 33.02. Powers of city court and court officers; change of venue.

(A) Judicial power of the city shall be vested in the city court. The court shall be a court of record, and all judgments, decrees, orders, and proceedings shall have the same force and effect as those of the circuit court, except that no judgment shall be a lien on real estate unless a transcript of the judgment has been filed in the office of the clerk of the circuit court.

State law reference—Similar provisions, IC 33-10.1-5-8.

(B) The city judge shall provide a court seal at the expense of the city and all books, dockets, papers, and printed blanks necessary for the discharge of the duties of the court.

State law reference—Similar provisions, IC 33-10.1-2-8.

(C) No change of venue shall be taken for the court, but any defendant may take a change of venue from the judge and a special judge may be appointed, as provided by law.

State law reference—Similar provisions, IC 33-10.1-5-2.

Sec. 33.03. Election of city judge; duties; bond; jurisdiction.

(A) The city judge shall initially be elected at the municipal election of November, 1987, and shall thereafter be elected by the voters of the city at the same time and in the same manner as other city officers are elected. He shall serve for a term of four years and until his successor is elected and qualified. His term of office shall begin at noon on January 1 following his election. Before beginning his duties, the city judge shall execute a bond in the manner prescribed by IC 5-4-1 et seq., conditioned on the faithful discharge of the duties of his office. He shall hold sessions of the city court, daily except Sunday, at a place designated by the common council.

(B) He shall those duties and powers prescribed by IC 33-10.1-2 et seq., 33-10.1-3 et seq., and 33-10.1-5 et seq.
(Ord. No. 72-86, 12-8-86)

Sec. 33.04. Additional powers and duties; appeals; docket fees; jury trials.

The judge shall have full power and authority to make and adopt rules and regulations not repugnant to the laws of the state, for conducting the business of the court and shall have all powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempt, the enforcement of its orders, and the issuing of commissions for taking depositions in cases pending in the court. He shall have full authority to administer oaths and to give all necessary certificates for the authentication of the records and proceedings of the court. In the matter of changes of venue and other matters relating to the trial of any person charged with the violation of any law of the state or of any ordinance of the city, the court shall be governed, so far as may be, by the law, rules, practice, and pleading in circuit courts, except where herein otherwise provided. Appeals may be taken from the judgment of the court to the circuit or superior

court of the county, and tried de novo. In case of the temporary absence or inability of the regular city judge to act, he shall appoint any reputable practicing attorney to preside in his absence. Such special judge shall have and possess all the powers and rights and perform and exercise all the duties of judge of the court as fully and completely as the regular judge appointing him.

Statutory references—Powers of judge, see IC 33-10.1-2-1; appeals, see IC 33-10.1-5-9; absence of regular city judge, see IC 33-10.1-2-1

Sec. 33.05. Powers and duties of the bailiff of the city court.

The bailiff of the city court shall be a police officer of the city, designated and assigned to the court by the police director, under direction of the board of public works and safety. He shall give bond, payable to the city, in the sum of $1,000.00, with surety, to be approved by the mayor, conditioned on the faithful and honest discharge of his duties, which bond shall be filed in the office of the clerk. It shall be his duty to be present at the sessions of the court, maintain order, and perform all other duties subject to the order of the court. He shall take charge of all executions issued by the city court, and shall see to the collection of them. He shall keep, in books to be furnished him by the head of the department of finance, an accurate account and docket of all executions which may come into his hands, showing the names of the defendants, date, and number of the execution, amount of fines, fees, or penalties imposed, and the disposition of such execution. He shall make out and deliver a written report to the clerk of the city court, or to the judge acting as clerk, on Tuesday of each week, showing all moneys collected by him during the previous week, giving the names of the defendants, number of executions, amount of fines, fees, or penalties collected, and forthwith pay such moneys to such clerk, or judge acting as such, taking his receipt therefor. The salary of the bailiff of the police court shall be fixed as salaries of other police officers are fixed.

State law reference—Similar provisions, IC 33-10.1-6-3.

Sec. 33.06. Duties of prosecuting attorney; duties of city attorney.

The prosecuting attorney of the judicial circuit in which the city is located shall prosecute all cases in the court for violation of the laws of this state. The head of the department of law shall prosecute all cases of violations of the ordinances of the city.

State law reference—Similar provisions, IC 33-10.1-6-6.

Sec. 33.07. City court referee.

(A) There is created the position of city court referee for the city court.

(B) There may be no more than three such referees, two of whom shall serve one session or more per week every week during the year, and one who shall serve as chief referee and who shall serve two sessions or more per week every week during the year. The term of the referees shall be at the pleasure of the city judge.

(C) The referees shall be appointed by the city court judge and shall serve at his pleasure, and the referees shall assist the court in the manner they are directed, and shall be available for appointment as special judges from time to time.

(D) The salary of the regular referee and the chief referee shall be fixed by the judge subject to the approval of the Council.

(Ord. No. 314-B, 2-7-72)

Statutory reference—City court referee, see IC 33-10.1-6-5.

CHAPTER 34. BOARDS AND COMMISSIONS

Division 1. Plan Commission

Sec. 34.01. Delaware-Muncie plan commission created.
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DIVISION 1. PLAN COMMISSION

Sec. 34.01. Delaware-Muncie plan commission created.

There is created the Delaware-Muncie Metropolitan Plan Commission, with its term of existence and its powers, authorities, and duties beginning as of January 1, 1965.
(Code 1968, § 34.01)

State law reference—Advisory plan commissions, IC 18-7-4-101 et seq.

Sec. 34.02. Powers and duties.

The Delaware-Muncie Metropolitan Plan Commission shall have the powers, functions, and duties and shall be constituted, all as defined by Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended by Chapter 59 of the Acts of the General Assembly of the State of Indiana, 1959, and as further amended by Chapter 114 of the Acts of the General Assembly of the State of Indiana, 1961.
(Code 1968, § 34.02)

Sec. 34.03. Termination of commission.

In the event the board of county commissioners of Delaware County, Indiana, shall fail to adopt an identical ordinance providing for the cooperation of Delaware County in such metropolitan plan commission, or in the event the county council of Delaware County shall, in any year fail to appropriate necessary funds for the use of the said metropolitan plan commission as provided by section 8 of Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended,

or in the event Chapter 114 of the Acts of the General Assembly of the State of Indiana, 1961, shall be declared to be unconstitutional or inoperative for any reason, with respect to the City of Muncie and Delaware County, Indiana, then and in any such event the Muncie City Plan Commission, as heretofore constituted, and with the powers, functions, and duties as set out in Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended, shall be reconstituted and shall function thereafter for the purposes and with the powers set out in the statute, all as if this ordinance of cooperation had never been adopted.
(Code 1968, § 34.04)

Secs. 34.04—34.19. Reserved.

DIVISION 2. MUNCIE ECONOMIC DEVELOPMENT COMMISSION

Sec. 34.20. Purpose.

The financing of single, identified economic development or pollution control facilities and the provision of a program to finance multiple unidentified economic development or pollution control facilities that promote a substantial likelihood of:

(A) Creating or retaining opportunities for gainful employment;

(B) Creating business opportunities;

(C) Providing reliable water services;

(D) The abatement, reduction, or prevention of pollution; or

(E) The removal or treatment of substances in materials being processed that otherwise would cause pollution when used; serve a public purpose and will be of benefit to the health or general welfare of the unit proposing to issue bonds for the financing or program or of the unit where the facilities that are to be financed are located.

(Ord. No. 13-85, 5-6-85; Ord. No. 33-89, 1989)

State law references—Similar provisions, IC 36-7-12-3; promotion of economic development, IC 36-7-12.

Sec. 34.21. Creation.

There is created the muncie economic development commission, which shall consist of five members.
(Code 1968, § 34.60; Ord. No. 13-85, 5-6-85)

Sec. 34.22. Nomination and appointment.

(A) Members of the Muncie Economic Development Commission shall be nominated and appointed as provided in IC 36-7-12 and shall serve for the terms as provided in such chapter.

(B) The clerk is directed to notify the mayor and common council of the city and the Delaware County Council of the adoption of these sections and of their duty to nominate, select, and/or appoint members of the Muncie Economic Development Commission as required by IC 36-7-12-9.
(Code 1968, § 34.61; Ord. No. 13-85, 5-6-85)

Sec. 34.23. Meeting.

The Muncie economic development commission shall meet upon call of the mayor to organize and shall notify the director of the Indiana Department of Commerce in writing of the formation of the commission within 30 days of the organization meeting.
(Code 1968, § 34.62; Ord. No. 13-85, 5-6-85)

Secs. 34.24—34.39. Reserved.

DIVISION 3. REDEVELOPMENT COMMISSION

Sec. 34.40. Creation.

There is created the department of redevelopment and the redevelopment commission, which commission shall consist of five members.
(Code 1968, § 34.20)

Sec. 34.41. Nomination and appointment.

(A) Trustees and commissioners of the redevelopment commission shall be nominated and appointed as provided in IC 18-7-7 and shall serve for the terms as provided in that chapter.

(B) The clerk is directed to notify the mayor and common council of the city and the judge of the Delaware Circuit Court of the adoption of these sections and of their duty to nominate, select, and appoint trustees of the redevelopment commission as required by IC 18-7-7-5 and 18-7-7-6.
(Code 1968, § 34.21)

Sec. 34.42. Meetings.

The redevelopment trustees shall meet upon call of the mayor within 30 days of their appointment and shall appoint five commissioners by majority vote in accordance with IC 18-7-7-6 and 18-7-7-7.
(Code 1968, § 34.22)

Secs. 34.43—34.69. Reserved.

DIVISION 4. POLICE AND FIREMEN'S PENSION BOARDS*

Sec. 34.70. Police pension fund board of trustees.

A police pension fund is established in accordance with the provisions of state law.
(Code 1968, § 34.40)

Sec. 34.71. Firemen's pension fund board of trustees.

A firemen's pension fund is established in accordance with the provisions of state law.
(Code 1968, § 34.41)

Secs. 34.72—34.79. Reserved.

DIVISION 5. HUMAN RIGHTS COMMISSION

Sec. 34.80. Public policy and purpose.

(A) It is the public policy of the city to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate discrimination based on race, religion, color, sex, handicap, ancestry or national origin since such discrimination is an impediment to equal opportunity. Equal education, employment opportunities, access to and use of public accommodations, and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(B) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, handicap, ancestry or national origin of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objective of the public policy of this city and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, handicap, ancestry or national origin is the purpose of this section.

(C) It is also the public policy of the city to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(D) In filling such broad purposes, the Muncie Human Rights Commission is to:

(1) Study, investigate and take action in regard to any condition having an adverse effect upon relations between persons of various races, sexes, creeds, abilities, and nationalities;

(2) Institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons.

(3) Solicit the cooperation the various racial, ethnic, handicapped, women's rights, and religious groups within the community in order to improve the quality of communications and understanding within the community;

(4) Stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Muncie Human Rights Commission;

*__State law references__—Firemen's pension fund, IC 18-1-12, 19-1-37; police pension fund, IC 19-1-24-1.

(5) Insure the equal protection of all person and the full availability of all rights and privileges of citizenship to all persons.

(Ord. No. 41-89, 10-2-89)

Sec. 34.81. Definitions and exemptions.

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

Discrimination. Any difference in treatment based on race, sex, color, religious, handicap, ancestry, or national origin. The term "discrimination" shall also mean the exclusion of a person from or failure or refusal to extend to a person equal opportunities because of race, sex, religion, color, handicap, ancestry, or national origin. The term "discrimination" shall also mean the promotion of segregation or separation, in any manner on the basis of race, sex, religion, color, handicap, ancestry, or national origin.

Employer. Any person employing six or more individuals within the territorial limits of the city. Employer does not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, or any school, educational, or charitable religious institution, or any exclusively social club, corporation, or association that is not organized for profit.

Executive committee. The Chairman, Vice Chairman and Secretary of the Muncie Human Rights Commission. The Executive Director will service as an ex-officio member to this group. The Chairman may, if necessary, invite the input of other individuals in the deliberations of the Executive Committee.

Handicap. Physical or mental impairment which substantially limits one or more of a person's major life activities; a record of such an impairment and includes a person who is regarded as having such an impairment. This term does not apply to drug or alcohol abuse or addiction.

Labor organization. Any organization which exists for the purpose, in whole or part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

Owner. Includes the Lessor, Sublessor, Assignor or managing agent or other persons having the right of ownership or possession or the right to sell, rent, or lease any housing accommodation.

Person. One or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, mutual companies, joint stock companies, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and other groups or persons. The foregoing includes members, representatives, officers, directors, and agents.

Real estate operator. Any person, partnership, association, or corporation who for a fee or other valuable consideration, sells, purchases, exchanges or rents, negotiates, or offers, or attempts to negotiate the sale, purchase, exchange, or rental of the real property of another, or collects rental of the use of real property of another.

(B) Exemptions.

(1) With respect to employment discrimination, employers of six or less employees are exempt from the provision of this section.

(2) It shall not be deemed discrimination for any not-for-profit corporation or association organized exclusively for religious purposes or for any school, educational or charitable institution owned or conducted by or affiliated with a church or religious institution to devote its resources to its owner religion or denomination, or to give preference to members of such institution or educationally to promote exclusively the religious principles for which it is established or maintained.

(3) It shall not be deemed discrimination on account of handicap for any governmental agency or not-for-profit corporation established for the purpose of offering or providing education, training or other social services and benefits to handicapped persons or to give a preference to handi-

capped persons with respect to such education, training or social services and benefits.

(Ord. No. 41-89, 10-2-89)

Sec. 34.82. Human rights commission created.

To assist in the elimination of discrimination in the city, there is hereby created a commission to be known as the Muncie Human Rights Commission.

(A) The Commission shall be composed of nine members serving without compensation, except members may be reimbursed for authorized expense incurred in the performance of their duties, providing there are sufficient monies in the Human Rights Commission budget to cover such expenses.

(B) The members shall be broadly representative of the religious, educational, ethnic, economic, and handicapped group in the city.

(C) Each member shall be a registered voter in, and resident of the city.

(Ord. No. 41-89, 10-2-89)

Sec. 34.83. Term of office.

(A) The term of each member shall be three years commencing June 1. No member may serve more than two full consecutive terms.

(B) Future appointments. The mayor shall appoint six members and the Common Council shall appoint three members. Terms of office of the present Commission are staggered. On June 1 of each year, there shall be three expirations and three appointments. Of these three appointments, two shall be made by the mayor and one shall be made by the Common Council.

(C) In the event of death, removal, or resignation of any member, the member's successor shall be appointed by the mayor or the Common Council, whichever originally appointed the vacating member, to serve for the unexpired period of the vacated term.

(D) A member who is absent from three consecutive regular meetings of the Commission or four in a calendar year without good and sufficient cause, will be removed from the Commission. In this case the vacancy caused by the removal shall be filed as in other vacancies.

(E) Either the mayor or the Common Council shall, at any time, have the right to remove any member of the Commission appointed by him or it with cause.

(Ord. No. 41-89, 10-2-89)

Sec. 34.84. Officers.

(A) The Commission shall elect a Chairperson at the annual meetings and shall also elect such other officers as the Commission shall desire from among their members. They shall serve until noon of the succeeding January 1.

(B) The Commission shall appoint an Executive Director who shall serve and be responsible to the Human Rights Commission for daily operations of the Commission and other related duties as assigned by the Commission.

(C) The Chairman or the Executive Director act as the official representative and spokesperson for the Commission. No Commissioner shall speak for the Commission unless designated by the Chairman or the Executive Director.

(Ord. No. 41-89, 10-2-89)

Sec. 34.85. Meetings.

(A) The Commission shall meet once each month at a regularly published time and place and shall hold special meetings as the Chairperson deems necessary or at the request of a majority of its members. All regularly scheduled meetings shall be open to the public.

(B) A quorum consisting of five Commissioners must be present in order to conduct any business at the regular monthly meetings or special meetings.

(Ord. No. 41-89, 10-2-89)

Sec. 34.86. Powers and duties.

The Commission shall have the following powers and duties:

(A) All powers that may lawfully be conferred upon the Commission pursuant to the applicable provisions of Indiana law including the power to:

(1) Investigate, conciliate and hear complaints;

(2) Subpoena and compel the attendance of witnesses or production of pertinent documents and records, and make use of such other discovery techniques as shall be necessary to complete investigations or conduct full hearings as provided for in IC 4-22-1 et. seq. and Rule 28(F) of the Indiana Rules of Trial Procedure. Subpoena shall only be used in the investigative and hearing processes.

(3) Administer oaths;

(4) Examine witnesses;

(5) Appoint hearing examiners or panels;

(6) Make findings and recommendations;

(7) Issue cease and desist orders requiring remedial action;

(8) Order payment of actual damages, except that damages to be paid as result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits;

(9) Institute actions for appropriate legal or equitable relief in an appropriate court;

(10) Employ an Executive Director and other staff personnel;

(11) Adopt rules and regulations;

(12) Initiate complaints, except that no person who initiates complaints may participate as a member of the agency in the hearing or disposition of the complaint; and

(13) Conduct programs and activities via standing committees to carry out the purposes of the Muncie Human Rights Commission provided for in this subchapter within the territorial boundaries of the city.

(B) The Executive Director of the Human Rights Commission, will present, in writing, documentation for a subpoena to the City Attorney for the purpose of further conducting an investigation. The City Attorney shall review the documentation provided by the Human Rights Commission and then, in writing, inform the person or party to be subpoenaed. Upon receipt of notification, five working days are allotted to show cause why the subpoena should not be issued. Appropriate weight shall be given to the information submitted by the person or party in question. The City Attorney will approve or deny the subpoena request based on documentation provided by the Human Rights Commission and the person or party involved; If approved, than the subpoena may be issued as requested by the Executive Director. If denied, then no subpoena shall be issued.

(C) The Commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices falling within the Commission's jurisdiction.

(D) Commissioners must attend a minimum of two training sessions per year. Failure to meet this minimum will result in the offending commissioner's removal from the Commission at year's end. Training for members of the Commission will be arranged by the Executive Director.

(Ord. No. 41-89, 10-2-89)

Sec. 34.87. Unlawful discriminatory practices.

(A) It shall be unlawful for any person to commit ant act of discriminatory practice as herein defined.

(B) Unlawful Housing Discrimination in the sale or rental of housing (including mobile homes) by any owner, or any real estate operator or any person employed by or acting on behalf of any real estate operator, is prohibited. It shall be an unlawful discriminatory housing practice for any owner, or any real estate operator or any person employed by or acting on behalf of any real estate operator:

(1) 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 to indicate such dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, ancestry or handicap;

(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 therewith, because of race color, religion, sex, national origin, ancestry or handicap;

(3) 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, national origin, ancestry or handicap, or an intention to make any such performance, limitation, or discrimination;

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

(C) Unlawful financial discrimination.

(1) It shall be unlawful for any person, herein defined, whose business consists in whole or in part in the appraising of property of the making of real estate loans, to deny a loan or other financial assistance to an applicant therefor, or to discriminate against such applicant in the fixing or amount, interest rate, duration, or other terms or conditions or such loan or other financial assistance, or to make a lower appraisal valuation because of the race, sex, color, religion, national origin, ancestry or handicap of such applicant, or of any person connected with such applicant in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or because of the presence or absence or the prospective presence or absence within a neighborhood of concentrations of persons of a particular race, sex, handicap, color, religion, ancestry or national origin.

(2) It shall be unlawful for any creditor to discriminate against any person in any credit transaction because of sex, race, color, handicap, religion, ancestry or national origin.

(D) Unlawful employment discrimination.

(1) It shall be unlawful for any person or employer to discriminate against any person by treating any such person differently or by excluding form or failing or refusing to extend to any person equal opportunities with respect to hiring, termination, compensation, tenure, or other terms, conditions or privileges of employment, because of race, sex, color, religion, handicap, ancestry or national origin.

(2) It shall be unlawful for any person or employer to limit, segregate, or classify his or employees or applicants for employment in any way which would deprive or tend to deprive, any individual of employment opportunities or otherwise adversely effect his or her status as an employer, because of such individual's sex, race, religion, color, national origin, ancestry or handicap.

(3) It shall be unlawful for any employer to fail to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped employee or prospective employer or fail to make reasonable accommodations to the religious observance or practice of any employee or prospective employee unless such employer can demonstrate that the accommodation would impose an undue hardship on the conduct of the employer's business.

(4) It shall be unlawful for any person to make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement with respect to employment that indicates a preference, limitation, specification or discrimination based on race, color, sex, religion, national origin, ancestry or handicap.

(5) It shall be unlawful for any employment or agency to fail or refuse to refer for employment or otherwise to discriminate against any individual on the basis of his or her sex, race, religion, color, national origin, ancestry or handicap.

(E) Unlawful labor organization discrimination. It shall be unlawful for a labor organization:

(1) To exclude or expel from its membership, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, ancestry or handicap;

(2) To limit, segregate, or classify its membership, or applicants for membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of race, color, religion, sex, national origin, handicap or ancestry;

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this action.

(F) Unlawful public place of accommodation or amusement discrimination. It shall be unlawful for any person or establishment which caters or offers its services or facilities or goods to the general public to discriminate against anyone because of race, sex, color, religion, national origin, ancestry or handicap.

(1) It shall be unlawful for any person to deny another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of his or her sex, race, color, religion, national origin, ancestry or handicap.

(2) It shall be unlawful for any person to directly or indirectly publish, circulate, display, or mail any written communication which he or she knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his or her sex, race, color, religion, national origin, ancestry or handicap or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons.

(3) It shall be unlawful for any person of any place of public accommodation or amusement to refuse to permit a visually impaired, hearing impaired, or mobility impaired person to enter or use any such accommodations as are available, for the reason that the person is being assisted by a dog specially trained to assist such person if:

(a) The dog is wearing a harness or appropriate collar with identification; and

(b) The person has presented, for inspection, credentials issued by a bona fide school for training such dogs.

(G) Unlawful discrimination in education institutions. It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of education services to discriminate against anyone because of race, sex, color, national origin, religion, ancestry or handicap.

(H) Other unlawful practices:

(1) It shall be unlawful for any person to aid, abet, incite, compel, or coerce the doing of any act declared by this subchapter to be unlawful.

(2) It shall be unlawful for any person knowingly to obstruct the fair and lawful enforcement of this subchapter by coercing or intimidating any complainant or prospective complainant, or any witness to any act made unlawful herein, or by destroying any records, documents or other evidence relevant to any alleged unlawful discriminatory practice as defined herein, after such person has received actual notice of a discrimination charge or has been served notice of a complaint filed.

(3) It shall be unlawful for any person to discriminate against any other person with regard to, or to deny any other person access to or opportunities in employment, real estate transactions, education or public accommodations because any other person has opposed any practice made unlawful by this subchapter, or because other person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

(Ord. No. 41-89, 10-2-89)

Secs. 34.88—34.94. Reserved.

DIVISION 6. INDUSTRIAL REVOLVING FUND BOARD

Sec. 34.95. Creation.

An industrial revolving fund board (hereinafter referred to as the "board of directors") is created and established to administer the industrial revolving fund account (hereinafter referred to as the "fund account") and the industrial revolving fund account instrument of trust (hereinafter referred to as the "trust"). The trust shall be entered into by the city with The Merchants National Bank of Muncie, Indiana, as trustee (hereinafter with its successor or successors referred to as "trustee"), in order to facilitate the administration of the fund account.

(Ord. No. 322-77, 8-22-77)

Sec. 34.96. Membership.

(A) The board of directors shall act only through its members who shall consist of eight people who shall be appointed by the mayor and shall consist of the following:

(1) The city attorney of the city;

(2) The community development executive director;

(3) A member of the common council elected by the common council;

(4) A member of the economic sets in accordance with those directions and the terms of the trust.

(5) A representative of the minority community appointed by the mayor;

(6) A member of the Muncie-Delaware County Chamber of Commerce, nominated by the chamber of commerce board of directors and appointed by the mayor.

(7) A member of organized labor appointed by the mayor;

(8) Trustee appointed by the mayor, who shall serve as an ex officio member having a voice but not a vote.

(B) If there is no office in these designated agencies or their equivalent successors, the director shall be a resident of the city.

(C) Each director shall hold office until the annual meeting of the board of directors and until his successor shall have been appointed and qualified. Any director may resign and such resignation shall become effective upon delivery of written notice thereof to the mayor and trustee. Upon appointment, the directors shall take an oath to faithfully perform their duties pursuant to sections 34.95 through 34.97 and applicable federal law and to elect one among them to serve as chairman of the board of directors and one among them to serve as secretary.

(D) In the event of resignation, disability, or death of any director, pending the proper appointment of his successor the remaining members of the board of directors may name a temporary member or members to hold office until such proper appointment is made.
(Ord. No. 322-77, 8-22-77; Ord. No. 2-92, 2-3-92)

Sec. 34.97. Powers and duties of the board.

(A) The board of directors shall have the sole power and authority to direct the administration of the fund account and shall act as the majority of its members shall decide. The board of directors shall give directions in writing to the trustee as to the administration of funds and assets of the trust and the trustee shall administer said funds and assets in accordance with those directions and the terms of the trust.

(B) In view of the purposes of the fund account, the board of directors is permitted to take more risk than normally might be taken by lenders in the area and to make loans to promote those purposes though the credit-worthiness of the borrower might not be sufficient to justify lending by conventional lenders. As a consequence, no member of the board of directors, the trust or trustee, and/or the city shall be personally liable for any losses sustained by such fund account due to the failure of a borrower to repay such loans or for the loss or depreciation of the security securing any such loans. However, any loan utilization of the trust funds after the initial loan to the initial beneficiaries under the adjustment strategy is specifically subject to the prior review and concurrence of the assistant secretary for economic development or his designee to assure that the use of such funds is consistent with the requirements of the economic development administration.

(C) All decisions of the board of directors as to the facts of any case and the meaning and intent of any of the provisions of the trust or of their application to any case shall be final and conclusive. In exercising the broad discretionary powers herein granted, it is the intention of sections 34.95 through 34.97 that the board of directors may act solely upon the best judgment of its members and that the members of the board of directors shall not be liable to the federal government, the city, or any applicant or any other person whomsoever for errors of judgment or for depreciation or losses of the trust assets or for failure of such assets to produce greater earnings, interest, or profits so long as those members exercise their discretion in good faith. Each member of the board of directors shall be bound by the acts of the board of directors unless within 30 days after such action is taken, such opposing member files with the board of directors a written statement of his disapproval of the act and did not approve the act in the first instance. Likewise, the city shall not be liable to the federal government for errors in judgment of members of the board of directors or for depreciation or losses of the trust assets or for failure of such assets to produce greater earnings, interest, or profits.

(D) Sections 34.95 through 34.97 shall incorporate by reference all terms and conditions of the EDA Grant Agreement (Project No. 06-19-01414) and directs the board members to comply with all grant terms and conditions and the requirements of Title IX of the Public Works and Economic Development Act of 1965, as amended (P.L. 98-136; 42 U.S.C. 3121 et seq.) and any further amendments to that act or other federal requirements.

(E) Members of the board of directors shall serve without compensation and without the requirement to file any bond. However, any expenses related to the business of the trust such as, but not by way of limitation, trustee's fees and expenses, secretarial, accounting, legal, supplies, and quarters, shall be paid by the trust as a legitimate expense upon specific authorization of the board of directors.
(Ord. No. 322-77, 8-22-77)

Secs. 34.98, 34.99. Reserved.

DIVISION 7. HISTORIC PRESERVATION AND REHABILITATION COMMISSION

Sec. 34.100. Creation.

There is established an historic preservation and rehabilitation commission with the membership, powers, and duties as set forth in §§ 34.100 through 34.102.
(Ord. No. 239-76, 12-6-76)

Sec. 34.101. Membership.

(A) Upon December 6, 1976, the nine original members of the historic preservation subcommittee of the bicentennial commission shall be appointed by the mayor with the affirmation of the common council as the historic preservation and rehabilitation commission. The commission shall be convened by the city clerk within 30 days of affirmation and shall choose by lot two members to serve one year, two members to serve two years, two members to serve three years, three members to serve four years from January 1, 1977. The commission shall inform the mayor of the results of the choosing by lot, and the expiration date of the appointment of each commissioner shall be placed on his or her certificate of appointment. All future appointments shall be for four years from January 1 except to fill unexpired terms. Upon the expiration of the terms of appointment, each member shall continue to serve until a replacement shall be appointed by the mayor and confirmed by the common council. In appointments to the commission, the mayor may be guided by the following general principles. The desirability of having on the commission:

(1) An architectural historian;

(2) A person interested in local history;

(3) A representative of the common council;

(4) A representative of county government;

(5) Representatives of historical preservation areas or districts.

(6) A staff member designated by the mayor as the historic preservation officer, who is knowledgeable in the field of historic preservation. Such historic preservation officer will serve as a nonvoting member of the commission.

(B) Members of the historic preservation and rehabilitation commission shall serve without compensation for their services as commissioners.
(Ord. No. 239-76, 12-6-76; amend. Ord. No. 656-80, 5-4-81)

Sec. 34.102. Powers and duties.

The historic preservation and rehabilitation commission shall have the following powers and duties.

(A) Adopt bylaws for carrying out the powers and duties set forth in this section.

(B) Utilize the personnel and resources of the office of community development with the approval of the director of the office of community development and the personnel and resources of the College of Architecture and Planning of Ball State University as they are made available.

(C) Prepare an historic preservation plan. The plan shall include maps, surveys, studies, and recommendations for the creation of historic preservation areas. The plan shall include maps, surveys, and recommendations for the creation of a multiple resource area, defined as an area within the city limits. Within the multiple resource area, separate historic preservation areas, sites, objects, and individual structures may be designated. Such plan shall be presented to the Common Council, which shall take action to approve, amend and approve, or disapprove the plan. On approval of a plan by a resolution of the Common Council: such separate historic preservation areas, sites, objects, and individual structures shall be designated in the following manner:

(1) On approval of a plan by a resolution of the Common Council, the owners of at least 50 percent of the real estate within any area considered by the plan may petition the Common Council for such area to be desig-

nated as historic preservation district or landmark. Such petition shall contain a scale drawing and legal description of the area proposed to be included, together with the names and addresses of all of the owners of real estate within the proposed area. Notice of the filing of such petition, together with the date of designation thereof by the Council, shall be mailed by the city clerk, at the expense of the petitioners, to all property owners not signing the petition. The Common Council shall consider such petition and approve, or disapprove such petition, by ordinance, which ordinance shall contain the legal description of such area and shall, if approved, be recorded in the office of the County Recorder, at the expense of the Commission.

(2) Individual structures listed on or determined eligible for listing on the National Register of Historic Places may also be designated as local historic landmarks by an ordinance introduced by a member of the Common Council and approved by a majority of Common Council. The ordinance if approved shall be recorded in the office of the county recorder at the expense of the Commission.

(D) Within any area designated by ordinance as a historic preservation district, site, or landmark, pursuant to division (C) above, the Commission shall have the following powers and duties:

(1) The Commission shall issue a certificate of appropriateness before any one or more of the following actions is taken by any property owner: demolition of a building or structures; moving a building; making changes in the exterior contours of existing buildings by additions, reconstructions, alterations, changes of material by additions such as aluminum siding, sandblasting, or maintenance involving exterior color change; any new construction of a principal building or accessory building or structure subject to view from a public street, changes in the streetscape including radically altering pavement materials, curbs, walls, fences, walks, and lighting.

(a) The Commission shall base all decisions on the appropriateness of proposed changes in the Emily Kimbrough Historic District on the "Design Guidelines for the Emily Kimbrough Historic District," hereby incorporated by reference. If the proposed change is not addressed in the Guidelines, the decision will be based on the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," hereby incorporated by reference. Decisions on proposed changes to individual local landmarks and in local districts designated after this date will be based on the "Secretary of the Interior's Standards" until such time as specific guidelines for those buildings or districts are developed by the Commission and adopted by the Common Council.

(2) An application for a building permit, demolition permit, sign permit, or moving permit, within an historic preservation district, shall be deemed to be an application for a certificate of appropriateness. Within five working days, the Historic Preservation Officer shall meet with the applicant and aid the applicant in preparing the application for a certificate of appropriateness.

(3) An application for a certificate of appropriateness, other than for the purposes specified in division (D)(2),

above, shall be filed with the historic preservation officer on the form prescribed by the commission.

(4) The historic preservation officer shall forward application for a certificate of appropriateness to the historic preservation and rehabilitation commission review committee, which shall serve as the board of review and consider the application. In considering the merits of such application, the historic preservation and rehabilitation commission review committee shall be guided by the standards set forth in IC 36-7-11-4 through 36-7-11-18, as from time to time amended. Within 30 days after the filing of the application, the review committee shall either issue a certificate of appropriateness with or without condition, or deny the application, stating in writing the reason for such denial. On such denial, the applicant may appeal the denial to the building review board in such manner as appeals from the decisions of the building commissioner.

(5) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any building or structure, which will not involve a change in any exterior features or to prevent construction, reconstruction, alteration, demolition, or moving of any building, structure, or use which the building director or other official having such power may certify as required by the public safety because of an unsafe or dangerous condition.

(E) Promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(F) Advise and assist owners of historic landmarks in the preservation of those landmarks.

(G) Aid, assist, and encourage the formation of neighborhood development committees. These committees will advise the Commission in matters relating to the preservation and rehabilitation or restoration of the neighborhood where members of the committee live or hold property.

(Ord. No. 239-76, 12-6-76; amend. Ord. No. 656-80, 5-4-81; amend. Ord. No. 117-83, 12-19-83; Am. Ord. No. 66-89, 95-89; amend. Ord. No. 10-91, 6-3-91)

Sec. 34.103. Certificate of appropriateness required.

It shall be unlawful to carry out any act for which a certificate of appropriateness is required without first acquiring the certificate. Any person who acts in such an unlawful manner shall be fined a sum not to exceed $1,000.00 for each such act.

(Ord. No. 656-80, 5-4-81)

Sec. 34.104. Demolition permit.

The building director shall not issue a demolition permit for any structure located within or on any historic preservation district, site, or landmark established by ordinance, unless a certificate of appropriateness has first been issued by the historic preservation and rehabilitation commission, or unless the building review board or any court of competent jurisdiction, pursuant to an appeal by a person to whom the commission has denied such certificate, so orders.

(Ord. No. 656-80, 5-4-81)

Sec. 34.105. Decision subject to review.

A decision of the building review board is subject to judicial review under IC 4-21.5-1 et seq., the same as if it were a decision of a state agency.

(Ord. No. 656-80, 5-4-81; Ord. No. 17-87, 8-3-87)

Secs. 34.106—34.119. Reserved.

DIVISION 8. MUNCIE CABLE TELEVISION COMMISSION

Sec. 34.120. Creation.

(A) There is created the Muncie Cable Television commission, which shall consist of five members.
(Ord. No. 21-94, 5-9-94)

Sec. 34.121. Nomination and appointment; qualifications.

(A) The members of the commission shall be appointed by the mayor. The mayor shall designate one member as chairman.

(B) No more than three of the commissioners may be members of the same political party.

(C) Members shall serve terms of four years; however, the first appointments to the commission shall be to terms which shall be staggered as follows: Two terms of four years, one term each of three, two and one year so that thereafter appointments will be made in different years. All appointments thereafter, except to fill a vacancy and serve the balance remaining in a term, shall be for four years.

(D) No commissioner or member of the commissioner's immediate family may be employed by or have any financial interest in the city's cable television franchisee, or any entity engaged in the manufacture or sale of any service or equipment subject to regulation by the commission, or which engages for profit in the business of communication by wire or radio or the electromagnetic spectrum.

(E) Members may only be removed before the end of their term for just cause.

(F) At least one of the members shall be an attorney, and at least one member shall be a certified public accountant.
(Ord. No. 21-94, 5-9-94)

Sec. 34.122. Powers and duties.

The cable television commission shall have the following powers and duties.

(A) Adopt bylaws to provide for governing its activities and to carry out the powers and duties of this section;

(B) Utilize the personnel and resources of the City of Muncie, with the approval of the mayor, to carry out its duties;

(C) Employ attorneys, financial analysts, technical consultants and such other providers of services as may be necessary, in its judgment, to carry out its duties;

(D) Recommend to the common council ordinances necessary for the regulation of the activities of the franchisee;

(E) Hold hearings and receive evidence when necessary to gather information or receive public input in order to perform its duties;

(F) Propose, negotiate and recommend to the common council and the mayor for their adoption and execution amendments to the existing franchise agreement, and renewals or new agreements upon expiration of existing ones;

(G) Regulate the activities of the franchisee as more fully provided in Title V, sections 55.01 through 55.02 of this Code of Ordinances, and such other ordinances as may be enacted.
(Ord. No. 21-94, 5-9-94)

Secs. 34.123—34.144. Reserved.

DIVISION 9. PUBLIC TRANSPORTATION CORPORATION

Sec. 34.145. Establishment of urban mass transportation system.

The establishment and maintenance of an urban mass transportation system is necessary to the welfare of the general public, and it expands the economy and social opportunities available to the residents of the city and benefits those who for economic reasons, reasons of health, reasons of age, and demonstrated unfit to operate a motor vehicle, cannot freely move about except through the services rendered by an urban mass transportation system.
(Ord. No. 81-682, 5-4-81)

Cross references—Smoking on public transit vehicles, see § 130.27; consuming or spilling food or beverages on public transit vehicles, § 130.28.

Sec. 34.146. Creation of municipal corporation; board of directors.

(A) There is created a municipal corporation which shall be known as the Muncie Public Transportation Corporation for the purposes of purchasing the existing public transportation system owned by Southeastern Trailways, Inc. and establishing a mass transportation system pursuant to the authorities contained in the Acts of the Indiana General Assembly for 1965, Chapter 337.

State law reference—Similar provisions, IC 36-9-4.

(B) The corporation shall have a board of directors consisting of five members.
(Ord. No. 81-682, 5-4-81)

Sec. 34.147. Maximum territorial boundaries; map.

The maximum territorial boundaries of the services of the public transportation corporation shall be a parallel line two miles outside the corporate limits of the city, as they presently exist or as they change from time to time for any reason. A map showing the exact boundaries shall be prepared and certified by the public transportation corporation and available for public inspection in it's office, and the corporation shall furnish a certified copy thereof to any public official requesting it. Services of the public transportation corporation, within the boundaries, shall be established by the board to serve the purposes of this subchapter and conforming with the Urban Mass Transportation Act of 1965, Chapter 337
(Ord. No. 81-682, 5-4-81)

State law reference—Similar provisions, IC 36-9-4.

Sec. 34.148. Governed by state law.

The public transportation corporation shall be governed by the provisions of the Urban Mass Transportation Act of 1965, of the Indiana Acts, Chapter 337, and the amendments thereto.
(Ord. No. 81-682, 5-4-81)

State law reference—Similar provisions, IC 36-9-4.

CHAPTER 35. POLICE AND FIRE DIVISIONS

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Sec. 35.91. Agreement allowed prior to arbitrator's decision.
Sec. 35.92. Unfair practices.
Sec. 35.93. Judicial relief.

DIVISION 1. GENERAL PROVISIONS

Sec. 35.01. Residency requirements for police and firemen.

(A) All new applicants for the positions of regular policemen or regular firemen are required to reside within the municipal corporate boundaries of the city and are required to reside within the city on the date of hire-in.

(B) All new regular policemen and regular firemen shall reside within the municipal corporate boundaries of the city from and after June 8, 1976, and shall be required to reside within the city during their job tenure.
(Ord. No. 188-76, 6-8-76)

Sec. 35.02. Adoption of police and fire merit system.

All of the provisions of IC 19-1-14 are hereby adopted by reference and made a part hereof, and shall remain in full force and effect.
(Ord. No. 924-82, 12-6-82)

State law reference—Retention of merit system, see IC 36-8-3.5-1.

Secs. 35.03—35.09. Reserved.

DIVISION 2. POLICE DIVISION

Sec. 35.10. Powers and duties of officers and members of the police force.

(A) The officers and members of the police force of the city shall possess all the common-law and statutory powers of constables, except in relation to the service of civil process. Any war-

rant of search or arrest issued by any judge, magistrate, or justice of the peace of the state may be executed in any part thereof by any member of the police force, subject to the laws of the state governing arrest and bail.

(B) The members of the police force shall have the exclusive power, and it shall be their duty, to serve all process within the city issuing from the city court. They shall be conservators of the peace in the city and shall arrest, without process, all persons who within view commit any crime or misdemeanor contrary to the statutes of the state, or who violate the ordinances of the city. Such violations shall include violations on public school property of any traffic ordinance adopted for that school property by the Common Council after recommendation by the governing body of the school corporation operating that school within the city. The members of the police force shall take the violators before the city court, or other officer having jurisdiction of the offense with which such person is charged, and retain them in custody until the cause of such arrest has been investigated. The members of the police force shall suppress all breaches of the peace within their knowledge. Authority is given to the police force members to call to their aid the power of the city, and to pursue and commit to jail all felons and persons guilty of misdemeanors or crimes in violation of the statutes of this state.

(C) They shall have the exclusive power, and it shall be their duty, to serve all process issued by the common council or any committee thereof, pursuant to this chapter, or issued by any of the executive departments of the city.

(D) They shall attend upon the city court and assist the bailiff to preserve order in the court. The members of the police force, under the direction of the police director, shall convey prisoners to and from the county jail or station houses of the city for arraignment or trial in the city court, or to the house of correction, workhouse, reform school, county jail, or other place of punishment or imprisonment, under judgment, sentence, order, or process of the court.

State law reference—Similar provisions, IC 18-1-11-4.

Sec. 35.11. Special powers.

(A) It is made the duty of the police force, and the members thereof are specially empowered, at all times, within the city, to preserve peace; prevent crime; detect and arrest offenders; suppress riots, mobs, and insurrections; disperse unlawful and dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks, and places; protect the rights of persons and property; guard the public health; preserve order at elections and public meetings; direct the movement of vehicles in streets, alleys, or public places; enforce traffic ordinances; remove all nuisances in public streets, parks, or highways; arrest all street beggars and vagrants; provide proper police assistance at fires; assist, advise, and protect strangers and travelers in public streets or at railroad stations; carefully observe and inspect all places of business under license, or required to have the same, all houses of ill fame or prostitution, and houses where common prostitutes resort or reside, all lottery or policy shops, all gambling houses, cock pits, dance houses and resorts; and to suppress and restrain all unlawful or disorderly conduct or practices, and enforce and prevent the violation of all ordinances and laws in force in the city.

(B) The police director and each captain in his precinct shall possess the power of supervision and inspection over all pawnbrokers, vendors, junk shop keepers, cartmen, expressmen, dealers in secondhand merchandise, intelligence offices, and auctions; and any member of the force may be authorized, in writing, by the director to exercise the same powers. The director or any captain may, by written authority, empower any member of the police force, when in search of stolen property, of evidence, or of suspected offenders, to examine the books, business, or premises of any of the persons named in this section and to examine property in whosesoever possession the same shall be.

State law reference—Similar provisions, IC 18-1-11-7.

Sec. 35.12. Police dogs, privileges.

Any person, being a duly appointed police officer of any duly authorized law enforcement agency, who is accompanied by a dog described as "police attack dog" or "police K-9 dog" or any dog

educated by a recognized training agency or school which is used as a tool or assistance to law enforcement, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, lodging places, and all other places to which the public is invited, and is entitled to take said dog into such conveyances and places subject only to the conditions and limitations applicable to all persons not so accompanied provided that said dog shall not occupy a seat in any public conveyance.
(Code 1968, § 33.05)

Sec. 35.13. Interference with police dogs.

No person shall willfully or intentionally interfere with any police officer while accompanied by a trained "police attack dog" or "police K-9 dog" while performing his duties as a police officer.
(Code 1968, 5 33.06)
Cross reference—Penalty, see § 10.99.

Sec. 35.14. Injuring police dogs.

No person shall do or attempt to do bodily harm, physical harm, or cause mental anguish to any trained "police attack dog" or "police K-9 dog" that has been trained for use by any law enforcement agency as an assistance or tool to assist law enforcement officials.
(Code 1968, § 33.07)
Cross reference—Penalty, see § 10.99.

Secs. 35.15—35.19. Reserved.

DIVISION 3. FIRE DIVISION

Sec. 35.20. Members; requirements.

In order to be eligible for appointment to the fire division, an applicant must be 21 years of age and not over the age of 30 years.

Secs. 35.21—35.29. Reserved.

DIVISION 4. POLICE RESERVE UNIT

Sec. 35.30. Established.

There is established a police reserve unit for the city, to be known as the Muncie police reserve unit with members of the unit to be known as police reserve officers.
(Ord. No. 543-79, 12-3-79)

Sec. 35.31. Number of officers.

The maximum number of police reserve officers shall be 124.
(Ord. No. 543-79, 12-3-79; amend. Ord. No. 767-81, 1-4-2)

Sec. 35.32. Appointment; powers.

(A) Police reserve officers shall be appointed by the police and fire merit commission in accordance with IC 36-8-3-20.

(B) Those persons now serving and duly appointed as city reserve, special or auxiliary officers prior to the effective date hereof, shall continue under their prior appointment with the full powers afforded by an appointment until such time as the police and fire merit commission shall make appointments to the police reserve unit.

(C) On appointment to the police reserve unit by the police and fire merit commission, the police reserve officers shall have all the police powers of members of the regular police force, except as limited by the rules of the police department.
(Ord. No. 543-79, 12-3-79)

Sec. 35.33. Prior reserve officers.

All prior reserve, special, or auxiliary officers who have given satisfactory service in such capacity, shall be given first priority by the police and fire merit commission in the commission's appointments to the police reserve unit, provided the prior reserve, special, or auxiliary officer applies for appointment thereto.

Sec. 35.34. Residency.

All appointees to the police reserve unit shall be residents of Delaware County. In addition, all members must reside within 15 miles of the

corporate boundaries of the city; have adequate means of transportation into the city; and maintain residential telephone service with the city.
(Ord. No. 1-90, 3-5-90)

Secs. 35.35—35.49. Reserved.

DIVISION 5. POLICE REPRESENTATION*

Sec. 35.50. Short title.

This subchapter shall be sited as the police officer recognition and arbitration ordinance.
(Ord. No. 41-93, § 1, 9-13-93)

Sec. 35.51. Representation of police bargaining unit.

The city hereby recognizes Fraternal Order of Police Lodge No. 87 as the representative selected by the majority of police officers in the bargaining unit, and that F.O.P. Lodge No. 87 has the exclusive right to bargain collectively in its members behalf.
(Ord. No. 41-93, § 2, 9-13-93)

Sec. 35.52. No right to strike granted.

In the protection of the public health, safety and welfare of the citizens of Muncie, Indiana, police officers thereof shall not, and will not, be accorded the right to strike. A strike will constitute a violation of this subchapter.
(Ord. No. 41-93, § 3, 9-13-93)

Sec. 35.53. Definitions.

As used in this subchapter, the following terms shall have the following meanings, unless the context requires a different interpretation:

Bargaining unit shall apply to all active and retired members of the Muncie police department except:

(1) The police chief;

(2) The deputy police chiefs;

(3) Any active member with less than one year seniority;

(4) The police reserves;

(5) Any retired member who does not remain in good standing with F.O.P. Lodge No. 87.

City shall mean the proper officials within the City of Muncie whose duty or duties it is to establish wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of members of the Muncie police department whether they be the common council of the City of Muncie, the mayor or any combination thereof.

Collective bargaining or *bargain* means the performance of the city and the exclusive representation of the mutual obligation:

(1) To meet at reasonable times, including meeting in advance of the budget-making process, and

(2) To negotiate in good faith with respect to wages, rates of pay, hours of employment, fringe benefits, working conditions including health and safety issues and all other terms and conditions of employment; however, this obligation does not require either party to make a concession.

Exclusive representation shall mean F.O.P. Lodge No. 87 who shall represent the bargaining unit as to wages, hours of employment, fringe benefits and working conditions including health and safety issues, and all other terms and conditions of employment.

Factors shall mean wages, rates of pay, hours of employment, fringe benefits, working conditions including health and safety issues, and all other terms and conditions of employment.

Police officer shall mean the active and retired members of the Muncie police department in the bargaining unit.

Strike shall mean any group action or refusal to act, which results in any interference with normal activity of the department, such as, but not limited to willful absence from one's position, sick in, stoppage of work, abstinence, interference

*__Editor's note__—Nonamendatory Ord. No. 41-93, §§ 1—14, adopted Sept, 13, 1993, has been included herein as §§ 35.50—35.63 at the discretion of the editor.

Cross references—Firefighters representation, § 35.80 et seq.; collective bargaining, § 37.01 et seq.

in whole, or in part from the full, faithful and proper performance of duties of employment without the lawful approval of the city.
(Ord. No. 41-93, § 4, 9-13-93)

Sec. 35.54. Collective bargaining procedures—generally.

(A) The city, acting through its corporate authorities, shall meet and bargain in good faith with the exclusive representative within 15 days after receipt of a written request from the exclusive representative for a meeting for collective bargaining purposes. The mayor shall have the responsibility for the overall coordination of the bargaining team, for all matters including compensation and such other matters as may be within the authority of the city. The mayor shall appoint the members of the city's bargaining team and designate a chief spokesman.

(B) If no member of the city council is appointed to the city's bargaining team, it shall be the responsibility of the chief spokesman to update the chairman of the city council finance committee on the status of negotiations within 48 hours after any negotiating session with the union.

(C) An agreement resulting from negotiations shall be ratified by resolution of the common council and the board of public works of the city. The contract shall be signed by the mayor, common council president, finance committee members of the council, president of the board of public works, F.O.P. Lodge No. 87 president and the secretary of F.O.P. Lodge No. 87. The common council shall appropriate the monies necessary to fund the cost items contained in any contract which it ratifies. Nothing in this subchapter prevents the use of multi-year contracts; however, contracts may not exceed the then remaining term of the mayor, plus one year.
(Ord. No. 41-93, § 5, 9-13-93; Ord. No. 15-97, § 1, 5-5-97)

Sec. 35.55. Same—Advance notice when appropriations required.

Whenever the factors requiring the appropriation of money by the city are included as matters of collective bargaining conducted under the provision of this subchapter, it shall be the obligation of the bargaining unit to serve notice of request for collective bargaining in the respect to those factors to the city at least 120 days before the last day on which money can be appropriated by the city to cover the contract period which is the subject of the collective bargaining procedure.
(Ord. No. 41-93, § 6, 9-13-93)

Sec. 35.56. Meditation.

In the event that the bargaining unit and the city are unable, within forty-five (45) days from and including the date of their first meeting, to reach any agreement on a contract, any and all unresolved issues with the last and final offer from both sides in writing shall be submitted to mediation and if need be to arbitration. If the selection of a mediator cannot be agreed upon mutually, the American Arbitration Association Service shall provide a mediator upon the joint request of the city and the exclusive representative.

If the bargaining unit representative and city, with the assistance of a mediator, are unable within five days after the date of the first meeting with the mediator to reach an agreement on a contract, any unresolved issues with the last and final offer from both sides in writing must be submitted to arbitration.

If the city and the exclusive representative can't agree on a mediator and don't jointly request a mediator from the American Arbitration Association Service either the city or the exclusive representative shall have the right to declare an impasse and go directly to the selection of an arbitrator as outlined in section 35.57.
(Ord. No. 41-93, § 7, 9-13-93)

Sec. 35.57. Arbitration—Selection of arbitrator.

Within ten days from the expiration date of the five day period referred to in section 35.56, the bargaining unit and the city shall contact the American Arbitration Association Service for the selection and appointment of an arbitrator. [The city and the bargaining unit shall] begin the process of selecting one arbitrator from a list of seven arbitrators (list of arbitrators will be provided by the American Arbitration Association

Service) by alternately eliminating names until one arbitrator's name remains. Elimination procedure will be determined by drawing of lots and selection must be completed within ten days from receipt of list from the American Arbitration Association Service, the arbitrator so selected shall be deemed the arbitrator.
(Ord. No. 41-93, § 8, 9-13-93)

Sec. 35.58. Arbitration—Hearing.

(A) The arbitrator shall call a hearing to be held within ten days, or as soon as possible after the date of his/her selection. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to him/her for determination. The hearing conducted by the arbitrator shall be concluded within 20 days from the time of commencement, and within ten days after the conclusion of the hearing. The arbitrator shall make written findings and conclusions upon the issues presented. The arbitrator shall choose, on a issue by issue basis, either the city's or the exclusive representative's last and final offer, a copy of which shall be mailed or otherwise delivered to the exclusive representative and the city.

All the terms decided by the arbitrator requiring the expenditure of funds must be included in an agreement to be submitted to the city council for ratification and adoption by ordinance. The city council shall review each term decided by the arbitrator.

(B) If the city council does not reject one or more terms of the arbitrator's decision by a simple majority vote of the elected members of the city council within 20 days of issuance of the decision, the term becomes a part of the collective bargaining agreement.

(C) If the city council rejects one or more of the arbitrator's decisions, it must provide reasons for the rejection of each term within 20 days of the rejection. The city and the exclusive representative shall then return to arbitration for further proceedings and issuance of a supplemental decision with respect to the rejected terms.

(D) The supplemental decision by the arbitrator must be submitted to the city council for ratification in accordance with this section.

(E) The voting requirements of this subchapter apply to all disputes submitted to arbitration not withstanding inconsistent voting requirements contained in the rules or order adopted by the city council.

(F) If the city council rejects the arbitrator's decision, the city and the exclusive representative shall then return to arbitration within 30 days after the issuance of the reasons for rejection, for further proceedings and issuance of a supplemental decision.

(G) The city and the exclusive representative shall pay in equal shares all reasonable cost of a supplemental proceeding, and each party shall be responsible for its own attorney's fees.

(H) In the event the selection of a mediator and/or arbitrator should delay an agreement or an arbitrator's decision(s) shall extend beyond the deadline for setting salaries any such agreement or decision(s) shall remain binding on both the city and the exclusive representative on a retroactive basis.
(Ord. No. 41-93, § 9, 9-13-93)

Sec. 35.59. Same—Decision of arbitrator.

The arbitrator shall conduct the hearing and render his/her decision(s) upon the basis of a prompt, peaceful and just settlement of all disputes and issues between the exclusive representative and the city with respect to factors. The matters, among others, to be given weight by the arbitrator in arriving at a decision shall include:

(1) Comparison of factors in respect to police departments with similar and like factors prevailing in other second class cities within the State of Indiana.

(2) The interest and the welfare of the public.

(3) Comparison of peculiarities of employment in regard to other trades or professions. In particular:

(A) Hazards of employment.

(B) Physical qualifications.

(C) Educational qualifications.

(D) Mental qualifications.

(E) Job training and skills

(4) Such other matters as the arbitrator may deem pertinent or relevant.

(Ord. No. 41-93, § 10, 9-13-93)

Sec. 35.60. Fees and expenses for mediation and arbitration.

Reasonable fees and necessary expenses of mediation and arbitration shall be borne equally by the exclusive representative and the city.

(Ord. No. 41-93, § 11, 9-13-93)

Sec. 35.61. Agreement allowed prior to arbitrator's decision.

Before the arbitrator's decision is received under section 30.57 [35.59], the exclusive representative and the city may negotiate an agreement that is subject to this subchapter, the same as if the agreement was negotiated under section 30.54.

(Ord. No. 41-93, § 12, 9-13-93)

Sec. 35.62. Unfair practices.

(A) It is a unfair practice for the city to do the following:

(1) Interfere with, restrain, or coerce any police officer in the exercise of the rights guaranteed in this subchapter.

(2) Dominate, interfere, or assist in the administration of the F.O.P. Lodge No. 87 or contribute financially to it.

(3) Discriminate in regard to hiring practices, tenure of employment, or any term or condition of employment to discourage membership in F.O.P. Lodge No. 87.

(4) Discharge or otherwise, discipline or discriminate against a police officer because that person has a complaint, affidavit, petition, or has given information or testimony under this subchapter.

(5) Refuse to bargain collectively in good faith with the exclusive representative about wages, hours of employment, fringe benefits, working conditions including health and safety issues and all other terms and conditions of employment.

(6) Fail or refuse to comply with this subchapter.

(B) It is an unfair practice for a police officer, F.O.P. Lodge No. 87 or its agents to do the following:

(1) Interfere with, restrain, or coerce the city in the selection of a representative for the purpose of collective bargaining.

(2) Refuse to bargain collectively in good faith with the city.

(3) Cause encourage, or engage in a strike or in any action by police officers that interferes with the city's operation.

(4) Fail to comply with this subchapter.

(C) It is not an unfair practice for the city to confer with police officers without loss of time or pay during working hours.

(D) It is not an unfair practice for F.O.P. Lodge No. 87 to prescribe its own rules with respect to the acquisition or retention of its membership.

(Ord. No. 41-93, § 13, 9-13-93)

Sec. 35.63. Judicial relief.

The city or F.O.P. Lodge No. 87 has standing to seek judicial relief at law or in equity to require compliance with this subchapter. Any suits filed under this section shall be in the circuit court or superior court of Delaware County, Indiana. The prevailing party in litigation under this section is entitled to recover reasonable attorney's fees incurred.

(Ord. No. 41-93, § 14, 9-13-93)

Secs. 35.64—35.79. Reserved.

DIVISION 6. FIREFIGHTERS REPRESENTATION*

Sec. 35.80. Short title.

This subchapter shall be cited as the firefighters recognition and arbitration ordinance.
(Ord. No. 4-92, § 1, 3-2-92)

Sec. 35.81. Representation of firefighters bargaining unit.

The city hereby recognizes Local No. 1348 International Association of Firefighters AFL-CIO (CLC) as the labor organization selected by the majority of firefighters in the bargaining unit, and that Local No. l348 I.A.F.F. has the exclusive right to bargain collectively in its members behalf.
(Ord. No. 4-92, § 2, 3-2-92)

Sec. 35.82. No right to strike granted.

That in the protection of the public health, safety and welfare of the citizens of Muncie, Indiana, firefighters thereof shall not, and will not, be accorded the right to strike. A strike will constitute a violation of this subchapter.
(Ord. No. 4-92, § 3, 3-2-92)

Sec. 35.83. Definitions.

As used in this subchapter, the following terms shall have the following meanings, unless the context requires a different interpretation:

Bargaining unit shall apply to all active and retired members of the Muncie fire department except:

(1) The fire chief;

(2) The deputy fire chief;

(3) Any active member with less than one year seniority;

(4) Clerical personnel;

(5) Any retired member who does not remain in good standing with Local No. 1348 I.A.F.F.

City shall mean the proper officials within the City of Muncie whose duty or duties it is to establish wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of members of the Muncie fire department whether they be the common council of the City of Muncie, the mayor or any combination thereof.

Collective bargaining or *bargain* means the performance of the city and the exclusive representation of the mutual obligation:

(1) To meet at reasonable times, including meeting in advance of the budget-making process, and

(2) To negotiate in good faith with respect to wages, rates of pay, hours of employment, fringe benefits, working conditions including health and safety issues and all other terms and conditions of employment; however, this obligation does not require either party to make a concession.

Exclusive representation shall mean Local No. 1348 I.A.F.F. AFL-CIO (CLC) who shall represent the bargaining unit as to wages, hours of employment, fringe benefits and working conditions including health and safety issues, and all other terms and conditions of employment.

Factors shall mean wages, rates of pay, hours of employment, fringe benefits, working conditions including health and safety issues, and all other terms and conditions of employment.

Firefighters shall mean the active and retired members of the Muncie fire department in the bargaining unit.

Strike shall mean any group action or refusal to act, which results in any interference with normal activity of the department, such as, but not limited to willful absence from one's position, sick in stoppage of work, abstinence, interference in whole, or in part from the full, faithful and proper performance of duties of employment without the lawful approval of the city.
(Ord. No. 4-92, § 4, 3-2-92)

***Editor's note—**Nonamendatory Ord. No. 4-92, §§ 1—14, adopted March 2, 1992, has been included herein as §§ 35.80—35.92 at the discretion of the editor.

Cross references—Police representation, § 35.50 et seq.; collective bargaining, § 37.01 et seq.

Sec. 35.84. Collective bargaining procedures—generally.

(A) The city, acting through its corporate authorities, shall meet and bargain in good faith with the exclusive representative within 15 days after receipt of a written request from the exclusive representative for a meeting for collective bargaining purposes. The mayor shall have the responsibility for the overall coordination of the bargaining team, for all matters including compensation and such other matters as may be within the authority of the city. The mayor shall appoint the members of the city's bargaining team and designate a chief spokesman.

(B) If no member of the city council is appointed to the city's bargaining team, it shall be the responsibility of the chief spokesman to update the chairman of the city council finance committee on the status of negotiations within 48 hours after any negotiating session from the Union.

(C) An agreement resulting from negotiations shall be ratified by resolution of the common council and the board of public works of the city. The contract shall be signed by the mayor, common council president, finance committee members of the council, president of the board of public works, Local No. 1348 president and the secretary of Local No. 1348. The common council shall appropriate the monies necessary to fund the cost items contained in any contract which it ratifies. Nothing in this subchapter prevents the use of multi-year contracts; however, contracts may not exceed the then remaining term of the mayor, plus one year.
(Ord. No. 4-92, § 5, 3-2-92; Ord. No. 15-97, § 1, 5-5-97)

Sec. 35.85. Advance notice when appropriations required.

Whenever the factors requiring the appropriation of money by the city are included as matters of collective bargaining conducted under the provision of this subchapter, it shall be the obligation of the bargaining unit to serve notice of request for collective bargaining in respect to those factors to the city at least 120 days before the last day on which money can be appropriated by the city to cover the contract period which is the subject of the collective bargaining procedure.
(Ord. No. 4-92, § 6, 3-2-92)

Sec. 35.86. Mediation.

In the event that the bargaining unit and the city are unable, within 45 days from and including the date of their first meeting, to reach any agreement on a contract, any and all unresolved issues with the last and final offer from both sides in writing shall be submitted to mediation and if need be to arbitration. If the selection of a mediator cannot be agreed upon mutually, the American Arbitration Association Service shall provide a mediator upon the joint request of the city and the exclusive representative.

If the bargaining unit representative and city, with the assistance of a mediator, are unable within five days after the date of the first meeting with the mediator to reach an agreement on a contract, any unresolved issues with the last and final offer from both sides in writing must be submitted to arbitration.

If the city and the exclusive representative can't agree on a mediator and don't jointly request a mediator from the American Arbitration Association Service either the city or the exclusive representative shall have the right to declare an impasse and go directly to the selection of an arbitrator as outlined in section 35.87.
(Ord. No. 4-92, § 7, 3-2-92)

Sec. 35.87. Arbitration—Selection of arbitrator.

Within ten days from the expiration date of the five day period referred to in Section 35.86, the bargaining unit and the city shall contact the American Arbitration Association Service for the selection and appointment of an arbitrator. [The city and the bargaining unit shall] begin the process of selecting one arbitrator from a list of seven arbitrators (list of arbitrators will be provided by the American Arbitration Association Service) by alternately eliminating names until one arbitrator's name remains. Elimination procedure will be determined by drawing of lots and selection must be completed within ten days from

receipt of list from the American Arbitration Association Service, the arbitrator so selected shall be deemed the arbitrator.
(Ord. No. 4-92, § 8, 3-2-92)

Sec. 35.88. Arbitration—Hearing.

(A) The arbitrator shall call a hearing to be held within ten days, or as soon as possible after the date of his/her selection. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to him/her for determination. The hearing conducted by the arbitrator shall be concluded within 20 days from the time of commencement, and within ten days after the conclusion of the hearing. The arbitrator shall make written findings and conclusions upon the issues presented. The arbitrator shall choose, on a issue by issue basis, either the city's or the exclusive representative's last and final offer, a copy of which shall be mailed or otherwise delivered to the exclusive representative and the city.

All the terms decided by the arbitrator requiring the expenditure of funds must be included in an agreement to be submitted to the city council for ratification and adoption by ordinance. The city council shall review each term decided by the arbitrator.

(B) If the city council does not reject one or more terms of the arbitrator's decision by a simple majority vote of the elected members of the city council within 20 days of issuance of the decision, the term becomes a part of the collective bargaining agreement.

(C) If the city council rejects one or more of the arbitrator's decisions, it must provide reasons for the rejection of each term within 20 days of the rejection. The city and the exclusive representative shall then return to arbitration for further proceedings and issuance of a supplemental decision with respect to the rejected terms.

(D) The supplemental decision by the arbitrator must be submitted to the city council for ratification in accordance with this section.

(E) The voting requirements of this subchapter apply to all disputes submitted to arbitration not withstanding inconsistent voting requirements contained in the rules or order adopted by the city council.

(F) If the city council rejects the arbitrator's decision, the city and the exclusive representative shall then return to arbitration within 30 days after the issuance of the reasons for rejection, for further proceedings and issuance of a supplemental decision.

(G) The city and the exclusive representative shall pay in equal shares all reasonable cost of a supplemental proceeding, and each party shall be responsible for its own attorney's fees.

(H) In the event the selection of a mediator and/or arbitrator should delay an agreement or an arbitrator's decision(s) shall extend beyond the deadline for setting salaries any such agreement or decision(s) shall remain binding on both the city and the exclusive representative on a retroactive basis.
(Ord. No. 4-92, § 9, 3-2-92)

Sec. 35.89. Same—Decision of arbitrator.

The arbitrator shall conduct the hearing and render his/her decision(s) upon the basis of a prompt, peaceful and just settlement of all disputes and issues between the exclusive representative and the city with respect to factors. The matters, among others, to be given weight by the arbitrator in arriving at a decision shall include:

(1) Comparison of factors in respect to fire departments with similar and like factors prevailing in other second class cities within the State of Indiana.

(2) The interest and the welfare of the public.

(3) Comparison of peculiarities of employment in regard to other trades or professions. In particular:

(a) Hazards of employment.

(b) Physical qualifications.

(c) Educational qualifications.

(d) Mental qualifications.

(e) Job training and skills.

(4) Such other matters as the arbitrator may deem pertinent or relevant.

(Ord. No. 4-92, § 10, 3-2-92)

Sec. 35.90. Fees and expenses for mediation and arbitration.

Reasonable fees and necessary expenses of mediation and arbitration shall be borne equally by the exclusive representative and the city.
(Ord. No. 4-92, § 11, 3-2-92)

Sec. 35.91. Agreement allowed prior to arbitrator's decision.

Before the arbitrator's decision is received under section 35.87 [35.89], the exclusive representative and the city may negotiate an agreement that is subject to this subchapter, the same as if the agreement was negotiated under section 35.84.
(Ord. No. 4-92, § 12, 3-2-92)

Sec. 35.92. Unfair practices.

(A) It is a unfair practice for the city to do the following:

(1) Interfere with, restrain, or coerce any firefighter in the exercise of the rights guaranteed in this subchapter.

(2) Dominate, interfere, or assist in the administration of Local No. 1348 I.A.F.F. or contribute financially to it.

(3) Discriminate in regard to hiring practices, tenure of employment, or any term or condition of employment to discourage membership in Local No. 1348 I.A.F.F.

(4) Discharge or otherwise discipline or discriminate against a firefighter because that person has a complaint, affidavit, petition, or has given information or testimony under this subchapter.

(5) Refuse to bargain collectively in good faith with the exclusive representative about wages, hours of employment, fringe benefits, working conditions including health and safety issues and all other terms and conditions of employment.

(6) Fail or refuse to comply with this subchapter.

(B) It is an unfair practice for a firefighter, Local No. 1348 I.A.F.F. or its agents to do the following:

(1) Interfere with, restrain, or coerce the city in the selection of a representative for the purpose of collective bargaining.

(2) Refuse to bargain collectively in good faith with the city.

(3) Cause encourage, or engage in a strike or in any action by firefighters that interferes with the city's operation.

(4) Fail to comply with this subchapter.

(C) It is not an unfair practice for the city to confer with firefighters without loss of time or pay during working hours.

(D) It is not an unfair practice for Local No. 1348 I.A.F.F. to prescribe its own rules with respect to the acquisition or retention of its membership.
(Ord. No. 4-92, § 13, 3-2-92)

Sec. 35.93. Judicial relief.

The city or Local No. 1348 I.A.F.F. has standing to seek judicial relief at law or in equity to require compliance with this subchapter. Any suits filed under this section shall be in the circuit court or superior court of Delaware County, Indiana. The prevailing party in litigation under this section is entitled to recover reasonable attorney's fees incurred.
(Ord. No. 4-92, § 14, 3-2-92)

CHAPTER 36. ORDINANCE VIOLATIONS

Sec. 36.01. Ordinance violations bureau established.
Sec. 36.02. Enforcement.
Sec. 36.03. Schedule of ordinance subject to admission of violation.

Sec. 36.01. Ordinance violations bureau established.

There shall be created an ordinance violations bureau for the city, and the city clerk shall serve as the violations clerk of such bureau.
(Ord. No. 78-88, 12-15-88)

Sec. 36.02. Enforcement.

The city clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than $25.00 in ordinance violation cases.
(Ord. No. 78-88, 12-15-88)

Sec. 36.03. Schedule of ordinance subject to admission of violation.

The following schedule of ordinances of the City Code of Ordinances shall be subject to admission of violation before the city clerk:

The following provisions of Chapter 77 of the Code of Ordinances, dealing with parking regulations: 77.99(A), (C), (D), (E), and (F).
(Ord. No. 78-88, 12-15-88)

CHAPTER 37. COLLECTIVE BARGAINING*

Sec. 37.01. Definitions.
Sec. 37.02. Applicability.
Sec. 37.03. Right to bargain collectively.
Sec. 37.04. Secret ballot election to decide representation.
Sec. 37.05. Recognition of representing labor organization; decertification.
Sec. 37.06. Agency shop provisions permitted.
Sec. 37.07. Negotiation procedures.
Sec. 37.08. No right to strike granted.
Sec. 37.09. State laws applicable.
Sec. 37.10. Approval by common council.

Sec. 37.01. Definitions.

Bargain collectively shall mean the mutual obligation of the city through the mayor, or her/his designee, and the designees of the exclusive representative to meet at reasonable times, including meetings in advance of the budget-making process, to negotiate in good faith with respect to wages, hours and other terms and conditions of employment, and to execute a written contract incorporating any agreement reached if requested by either party. Such obligation does not compel either party to agree to a proposal or require the making of concession.

Confidential shall mean any employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the employer and its employees would make her/his membership in an employee organization incompatible with official duties.

Exclusive collective bargaining representative shall mean the labor organization selected by the employees in accordance with this chapter as their exclusive bargaining agent concerning wages, hours, terms and conditions of employment with the city.

Exempt shall mean any employee who is exempt from the minimum wage and overtime pay requirements of the Federal Fair Labor Standards Act.

Labor organization shall mean any organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, wages, compensation, rates of pay, or conditions of work.

Municipal employee shall mean a person who works for the City of Muncie, its departments or districts, consistent with the laws of the State of Indiana; in a position with no predetermined termination date, except persons excluded herein.

Strike means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, without the lawful approval of the employer.

Supervisor shall mean any individual having authority, in the interest of employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the forgoing of the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.
(Ord. No. 2-89, § 1, 3-8-89)

Sec. 37.02. Applicability.

This chapter shall apply to all municipal employees of the city of Muncie, except confidential, supervisory, and exempt employees, and those employees currently covered by separate ordinances and/or agreements.
(Ord. No. 2-89, § 2, 3-8-89)

Sec. 37.03. Right to bargain collectively.

Employees covered by this chapter shall have the right to bargain collectively and to be represented by a labor organization they have selected.
(Ord. No. 2-89, § 3, 3-8-89)

***Editor's note—**Nonamendatory Ord. No. 2-89, §§ 1—11 adopted March 8, 1989 has been included herein as Ch. 37, §§ 37.01—37.11 at the discretion of the editor.

Cross references—Police representation, § 35.50 et seq.; firefighters representation, § 35.80 et seq.

Sec. 37.04. Secret ballot election to decide representation.

(A) When a labor organization presents written evidence to the mayor of the city that it represents a majority of city employees covered by this chapter the mayor shall within 15 days after the mayor's receipt of such evidence, request the Indiana division of labor to conduct a secret ballot election.

(B) An election shall be held as soon as possible following the representation claim, with the Indiana division of labor establishing the date for the secret ballot election; provided, however, the election shall be held not less than 30 days after the date of the Indiana division of labor's order establishing the exact date of the election. Other labor organizations may be listed on the ballot if they provide evidence to the mayor or her/his designee before date of the Indiana division of labor's order establishing the exact date of the election. The ballot shall list each labor organization as well as "No Representation" as choices. A majority vote by those voting in the election shall be determinative, unless there is more than one labor organization on the ballot; in that event, if one choice does not receive a majority of the votes cast, then, a runoff election will be held between the two choices receiving the most votes. To be eligible to vote in the election an employee covered by this chapter must be an employee of the city on the date the election is conducted.
(Ord. No. 2-89, §§ 4, 5, 3-8-89)

Sec. 37.05. Recognition of representing labor organization; decertification.

The city's commitment is to allow for collective bargaining with its employees. Such collective bargaining shall occur by and between the city and a labor organization selected as the exclusive representative of employees. Once recognition is obtained by a labor organization, it shall continue in full force and effect unless the mayor or a majority of the employees request the Indiana division of labor to conduct an election to decertify the labor organization, or unless a new election is requested, as stated in subsection 37.04(b), at the end of a contract by another labor organization claiming to represent a majority of the employees. Any application for decertification or a new election shall occur within six months prior to the termination of a contract. Mergers of labor organizations and the affiliation of one labor organization with another one will be automatically honored by the mayor of the city without the need of an election. The election shall be conducted as stated in subsection 37.04(b).
(Ord. No. 2-89, § 6, 3-8-89)

Sec. 37.06. Agency shop provisions permitted.

Labor agreements may provide for agency shop provisions under which an employee within a bargaining unit is required to either join the labor organization, or pay an amount equal to the cost of initiation fees and dues.
(Ord. No. 2-89, § 7, 3-8-89)

Sec. 37.07. Negotiation procedures.

It shall be the obligation of the city and the applicable labor organization to meet and bargain in good faith. To expedite the collective bargaining process the following negotiation procedures shall be utilized:

(A) To commence collective bargaining, the parties shall follow the terms and conditions of their previous labor agreement, if there is one, with respect to notifications regarding the intent and desire to negotiate. If the labor organization has just been certified, then negotiations must commence within 30 days. The parties shall attend and collectively bargain in good faith in all negotiation meetings that may be required under each collective bargaining agreement.

This requirement to initially meet and negotiate shall include three mandatory collective bargaining sessions between the parties. Such meetings are to take place within 30 calendar days after initial notification as provided by one party to the other concerning the commencement of collective bargaining.

(B) If, after exhaustion of step (A) above, the parties have not reached an agreement, the parties still will be obligated to bar-

gain in good faith. In that regard, the parties shall be required to have at least two bargaining sessions within 14 calendar-day period referenced in sub-paragraph (A) above. Negotiations, beyond the point, shall continue as deemed necessary by the parties involved.

(C) Employee ratifications of contracts between the city and the labor organization will be by secret ballot.

The time limits and other requirements as referenced in subparagraphs (A) and (B) may be altered or changed by mutual agreement of the city and the appropriate labor organization. The requirements to bargain and negotiate, as herein referenced in this section, shall not impose upon either side the duty to bargain over issues that are part and parcel of a collective bargaining agreement that has not expired. That is, certain terms and conditions contained in a collective bargaining agreement may have a duration of greater than one year but not greater than three years. If the term for such issues has not elapsed, then there shall be no requirement to bargain over same.
(Ord. No. 2-89, § 8, 3-8-89)

Sec. 37.08. No right to strike granted.

Nothing in this chapter is to be interpreted or construed as granting employees the right to strike.
(Ord. No. 2-89, § 9, 3-8-89)

Sec. 37.09. State laws applicable.

This chapter shall be construed in accordance with the laws of the State of Indiana.
(Ord. No. 2-89, § 10, 3-8-89)

Sec. 37.10. Approval by common council.

Notwithstanding anything herein to the contrary, all decisions in regards to budget, annual pay and compensation shall be subject to approval by the common council, in accordance with budgetary guidelines and state law.
(Ord. No. 2-89, § 11, 3-8-89)

Title V

PUBLIC WORKS

Chapter

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CHAPTER 50. SEWERS AND SEWAGE DISPOSAL*

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*Cross reference—Sanitary district rates and charges, Ch. 54.

DIVISION 1. GENERAL PROVISIONS

Sec. 50.01. Sanitary district established.

(A) The Code of the State of Indiana provides that "Cities of the second class located in any county having a population of more than 95,000 and less than 120,000 according to the last preceding decennial United States census may create and establish, by an ordinance duly passed by the common council of such cities, a sanitary district"

State law reference—IC 36-9-25-1(b), IC 36-9-25-7(b).

(B) Pursuant to this act, a sanitary district is created for the following purposes:

(1) To provide for the collection and sanitary disposal of sewage, the collection of trash and garbage, and the drainage of storm water in such manner as to protect the public health, safety, and welfare.

(2) To prevent the undue pollution of rivers, streams, and water courses and other water.

(3) To continue to utilize a system of charges for sewage facilities to provide revenue for constructing and operating sewage treatment works, and sewer mains connected to such treatment works, and retirement of bonds for the construction of such sewage treatment works and connecting mains, including the collection of delinquent charges.

(4) To stimulate metropolitan growth by providing an adequate sewer system, trash and garbage collection, and drainage facilities through a direct tax levy and expanded bonding capacity.

(5) To preserve to bond holders of any revenue bonds issued by the city and outstanding at the time of this act the same rights and privileges as existed prior to this act.

(C) The territory to be included initially in the district shall be all that territory included at any time within the corporate limits of such city, and any territory, addition or platted subdivision, or unplatted lands, lying outside the corporate limits of the city, which has been taken into or has been connected with the public sanitation system of the city, in accordance with the provisions of any prior act, and the sewage or drainage of which discharges into or through the sewage system of the city.

(D) Any territory, addition, platted subdivision, and unplatted lands lying within or without the corporate limits of the city which at any time hereafter shall be taken into or shall be connected with the public sanitation system of the city and the sewage or drainage of which shall discharge into or through the sewage system of the city, shall become a part of the sanitary district at the time the sewage or drainage is discharged into or through the sewage system.
(1968 Code, § 50.01; amend. Ord. No. 41-90, 9-10-90)

Sec. 50.02. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

B.O.D. (Biochemical oxygen demand). The quantity of oxidation or organic matter under standard laboratory procedure in five days at 20 C., expressed in parts per million (ppm.) or milligrams per liter (mg/l.)

Building sewer. That part of the horizontal piping of a building drainage system extending from the outside of the building or end of the inside plumbing system to and including the connection with the municipal sewerage system.

C.O.D. Chemical oxygen demand.

Combined sewer. A sewer intended to receive and carry domestic sewage, treated or weak industrial wastes, and surface and storm water.

Commissioners. The board of sanitary commissioners or its authorized deputies.

District engineer. The person duly appointed to that position by the board of sanitary commissioners.

Industrial wastes. The liquid wastes resulting from any commercial, manufacturing, or industrial operation or process.

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

ppm. Parts per million by weight.

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

Sanitary board. Those persons, individually or collectively, appointed to such office.

Sanitary sewage. The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains.

Sanitary sewer. A sewer intended to receive and carry domestic sewage and treated or weak industrial waste, without the admixture of surface or storm water.

Sewage treatment works. Any artificial process to which sewage is subjected in order to remove or so alter its objectionable constituents as to render it less offensive or dangerous, and the means of final disposition of the sewage.

Sewer. A pipe or conduit for carrying sewage or wastes.

Sewerage system. All facilities for collecting, pumping, treating, and disposing of sewage or wastes.

Sewerage works. All construction for the collection, transportation, pumping, treatment, and final disposition of sewage.

Storm sewer. A sewer intended to receive and carry storm and surface water, street wash, and other wash waters or drainage, but excludes domestic sewage and industrial wastes.
(1968 Code, § 50.02 (18))

Superintendent. The district and/or sewage works superintendent, or his authorized deputy, agent, or representative duly appointed by the board of sanitary commissioners.

Suspended solids. Solids that either float on the surface of, or are in suspension in water, sewage, wastes, or other liquids, and which are removable by laboratory filtering.
(1968 Code, § 50.02)

Sec. 50.03. Board to designate supervisor.

The board of sanitary commissioners shall designate the person employed as the supervisor of the sanitary district and the sewage treatment plant of the sanitary district.
(1968 Code, § 50.03)

Sec. 50.04. Depositing waste from private systems into public system.

No person shall deposit waste products of septic tanks, cesspools, dry wells, privies, or other private waste disposal systems into the sewage disposal system of the sanitary district, except at a point or points designated for such deposits by the sanitary commissioners.
(1968 Code, § 50.04)
Cross reference—Penalty, see § 10.99.

Sec. 50.05. Regulations governing septic tank cleanings at sewage treatment plant.

The following regulations shall govern the disposal of septic tank cleanings at the sewage treatment plant:

(A) A license fee of $25.00 for the privilege of dumping shall be paid to the office of the sanitary district, 21 East Washington Street, not later than February 1 of each year for the current year.

(B) An additional fee of $1.50 up to 1,000 gallon truck tank; $2.00 from 1,000 to 1,500 gallon truck tank; $2.50 from 1,500 to 2,000 gallon truck tank shall be due and payable upon receipt of invoice from the sanitary district. These invoices shall be issued monthly.

(C) Tank trucks entering the plant shall not exceed 15 miles per hour upon entering the operating area. The driver shall stop at the operating building and register each load in the log book provided for that purpose giving the time, date, location from which cleanings were removed, and any other information required from him. This must be done for each and every load before permission is granted to empty the truck tank at location designated.

(D) The board of sanitary commissioners reserves the right, through its district superintendent, to refuse any and all undesirable wastes that may tend to interfere with the biological process or place an undue solids load, grease or oil, or combustible material load on the plant.

(E) The designated unloading point at the plant shall be used for all dumping. Discharge into manholes, catch basins, or clean-outs, in the sewerage system being strictly forbidden.

(F) The customer shall furnish any required samples from any designated load to the plant laboratory upon request.

(G) Cleanings from grease pits, grease traps, or chemical holding tanks from any industry, commercial establishment, or school will not be accepted for treatment.

(H) Dumping hours at the plant will be from 7:00 a.m. to 4:00 p.m. daily, Monday through Friday, and from 7:00 a.m. to 12:00 noon Saturday. Dumping on Sunday is strictly prohibited.

(I) Violations of the foregoing regulations will be sufficient cause for revocation of dumping privileges.

(1968 Code, § 50.05)
Cross reference—Penalty, § 10.99.

Sec. 50.06. Inspections of private systems.

Every person depositing waste products referred to in § 50.04 into the sewage disposal system shall be subject to inspection by officials designated by the commissioners to make such inspections, and such persons making the inspec-

tions shall have the right to require any person depositing waste products in the sewage disposal system to meet proper sanitation requirements in the delivery and deposit of the waste products.
(1968 Code, § 50.06)

Sec. 50.07. Unlawfully depositing human excrement, garbage, or organic wastes.

No owner or lessee of any lot or parcel of land within the sanitary district shall place, deposit, or permit to be deposited, any human excrement, garbage, or any other organic waste upon the premises in such a way or place that the same is exposed to flies, rodents, or small domestic animals, or in such a way or place that a water supply may be polluted.
(1968 Code, § 50.11)
Cross reference—Penalty, § 10.99.

Sec. 50.08. Privies, cesspools, and septic tanks prohibited; exception.

No person shall construct and maintain any privy, privy vault, cesspool, or septic tank intended for, or subject to, receiving human excrement wherever a public sanitary or combined sewer is located in any street or alley adjacent to, or within 200 feet of such lot or parcel of land. Where a sanitary or combined sewer is located in any street or alley adjacent to, or within 200 feet of any lot or parcel of land on which is located any privy, privy vault, cesspool, or septic tank intended for or subject to receiving human excrement, such privy vault shall be removed and the privy vault, cesspool, or septic tank shall be filled with earth. However, where municipal sewage treatment is not available, a septic tank may be constructed, maintained, and connected to the sanitary or combined sewer.
(1968 Code, § 50.12)
Cross reference—Penalty, § 10.99.

Sec. 50.09. Sanitary privies generally.

Where a sanitary or combined sewer is not located in any street or alley adjacent to, or within 200 feet of any lot or parcel of land on which is located an inhabited dwelling, business house, boardinghouse, lodging house, eating place, tenement, shop, factory, public hall, place of amusement, or any other building in the city, a water-flush toilet, or a sanitary privy of the type of construction approved by the state board of health shall be provided by the owner or agent of the premises. Where a water-flush system of excreta disposal is installed or is in use which is not connected to the public sewage system, there shall be installed a private sewage disposal plant consisting of a septic tank and a system of underground filtration or absorption constructed and maintained in an approved manner as described and illustrated in Bulletin Nos. 8 and 11, of the bureau of sanitary engineering of the state board of health, which are incorporated as a part of this section.
(1968 Code, § 50.13)
Cross reference—Penalty, § 10.99.

Sec. 50.10. Stream pollution.

No person shall throw, run, drain, or otherwise dispose into any of the streams or public waters within the sanitary district or into any sewer or drain connected thereto any oils, greases, fats, acids, chemicals, iron or mineral wastes, garbage, dead animals, rags, hair, or any other organic or inorganic matter that shall cause or contribute to the polluted condition of such waters, whereby the public health may be jeopardized, impaired, or materially interfered with, or whereby the color of water will be changed and made unsightly, or whereby any fish life or any beneficial animal or vegetable life in such waters may be destroyed or the growth or propagation thereof prevented or injuriously affected except in an approved manner under the requirements of the Stream Pollution Control Board of the State of Indiana, SPC IR, Water Control Standards for Waters of Indiana.
(1968 Code, § 50.14)
Cross reference—Penalty, § 10.99.

Sec. 50.11. Inflow sources to sanitary sewers prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, parking lot drainage or other sources of surface runoff or ground water to a building sewer or drain which connects directly or indirectly to a sanitary sewer.
(Ord. No. 57-98, § 1, 11-9-98)

Sec. 50.12. Separation of clear water and sanitary building laterals.

For any new building, the inflow/clear water connection to a combined sewer shall be made separate and distinct from the sanitary waste connection in order to facilitate disconnection of the clear water if a separate storm sewer subsequently becomes available.
(Ord. No. 58-98, § 1, 11-9-98)

Sec. 50.13. Construction of new combined sewers within the jurisdiction of the sanitary district prohibited.

It shall be unlawful to construct new combined sewers within the jurisdiction of the Muncie Sanitary District.
(Ord. No. 59-98, § 1, 11-9-98)

Secs. 50.14—50.19. Reserved.

DIVISION 2. SEWER CHARGES

Sec. 50.20. Collection of sewer charges; rules and regulations.

The rates and charges established by this chapter shall be collected by the sanitary district. The commissioners shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the sanitary districts sewerage system, regulator chambers, pumping stations, and sewerage treatment works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating, and refunding of such rates and charges.
(1968 Code, § 50.20)

Sec. 50.21. Charges in general.

For the use of and the service rendered by the sewage works of the sanitary district, rates and charges shall be collected from the owners of each lot, parcel of real estate, or building that is connected with the sanitary district's sewerage system or which discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the sanitary district. These rates and charges shall be payable as provided in this chapter and shall be determined as provided in this chapter.
(1968 Code, § 50.21)

Sec. 50.22. Charges based on quantity of water used; exception.

Except as otherwise provided in this chapter, the sewage rates and charges shall be based on the quantity of water used on the property or in the premises subject to such rates and charges, as the same is measured by the water meter in use and shown by the consumption records of the water utility serving the sanitary district and its inhabitants.
(1968 Code, § 50.22)

Sec. 50.23. Minimum charge; exception.

The minimum charge for any user of the sewage works shall be $0.90 per month or $2.75 per quarter, except that where the user is not a metered water consumer, the minimum charge shall be determined by means and methods satisfactory to the sanitary district.
(1968 Code, § 50.24)

Sec. 50.24. Nonusers of city water.

In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the sanitary district's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the sanitary district, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the sanitary district, in order to ascertain the rate or charge provided in this chapter, or the owner or other interested party, at his expense, may install and maintain a meter acceptable to the sanitary district for such purpose.
(1968 Code, § 50.25)

Sec. 50.25. Charges for persons using city water and water from other sources.

In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial

wastes, water, or other liquids into the sanitary district's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the sanitary district, and in addition, uses water from another source which is not measured by a water meter or is measured by a meter not acceptable to the sanitary district, then the amount of water used shall be otherwise measured or determined by the sanitary district, in order to ascertain the rate or charge provided in this chapter, or the owner or other interested party, at his expense, may install and maintain a meter acceptable to the sanitary district for such purpose.
(1968 Code, § 50.26)

Sec. 50.26. Charges for persons whose entire metered water supply does not enter sanitary sewer system.

In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the sanitary district's sewerage system, either directly or indirectly, and it can be shown, to the satisfaction of the sanitary district, that a portion of the water as measured by the water meter does not and cannot enter the sanitary sewerage system, then the sanitary district may determine by any method it deems practicable the percentage of metered water entering the sanitary sewerage system. Such percentage, when so determined, shall then constitute the basis of sewage service charges. However, the sanitary district in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such manner as to determine the quantity of water actually entering the sewerage system, in which case the quantity of water used to determine the sewage service charge shall be the quantity of water actually entering the sanitary sewerage system as so determined.
(Code 1968, § 50.27)

Sec. 50.27. Adjustment of charges based on strength and character of sewage.

(A) In order that rates and charges for the use of the sewage works may be justly and equitably adjusted to the service rendered, the sanitary district shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The sanitary district shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary district's sewerage system, in such manner and by such method as it may deem practicable in order to determine the proper charge.

(B) Each person discharging wastes into the sanitary district sewers shall be subject to a surcharge in addition to the regular sewerage service charge based on the B.O.D. or C.O.D. and the suspended solids (SS) content of the wastes, if the wastes have a concentration higher than that set forth in § 50.09, except C.O.D. which is set at 600 ppm.

(1) B.O.D.—300 ppm.

(2) Suspended solids—300 ppm.

(C) Sampling and testing.

(1) The discharge sewage will be sampled during each sewage billing period for a minimum of a one-day period (24 continuous hours) by means of a composite sample. An extended sampling period of up to one week (seven continuous days) may be requested to enable the gathering of a sample representative of a business's sewage. The extension of the sampling period beyond the initial one day sampling period may be requested by either the sewer user involved or the Muncie Sanitary District. If an extended sampling period is requested, the parameter values used to calculate the surcharge will be the arithmetical average of the individual values. In the event a business or industry has multiple discharges of sewage, each discharge shall be sampled according to quality. The volume of each discharge shall be determined by actual measurement or by means of process usage. If significant process changes are made to affect quality of any discharge,

resampling may be requested by either the sewer user involved or the Muncie Sanitary District.

(2) The sewage sample shall be measured for the following parameters: B.O.D. or C.O.D. and suspended matter or solids (SS). These tests shall be made in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater by APHA, AWWA, WPCF or Methods for Chemical Analysis of Water and Wastes by the United States Environmental Protection Agency.

(D) Computation of surcharge. The excess pounds of B.O.D. or C.O.D. and of suspended solids will each be computed by multiplying the sewage billing volume measured in units of 100 cubic feet for the current sewage billing period by the factor 0.006238 and then multiplying the difference between the concentration measured in milligrams per liter of the B.O.D. or C.O.D. and of the suspended solids, respectively, in the customer's sewage and the allowed concentrations set out above and in § 50.09 (A), resulting in the pounds of each constituent. The surcharge of each constituent will then be determined by multiplying the excess pounds of ech constituent by the appropriate rate of surcharge set out in subsection (E).

(E) Rates of surcharge. The rates of surcharge for each of the aforementioned constituents shall be as follows:

(1) For B.O.D. in excess of 300 ppm. $.018 per pound.

(2) For suspended solids (SS) in excess of 300 ppm. $.016 per pound.

(3) For C.O.D. in excess of 600 ppm. $.018 per pound.

(F) Revision of rates of surcharge. Prior to April of each year, the superintendent and the director of the division of water quality shall submit to the board of sanitary commissioners a detailed report showing cost for removing B.O.D. and/or C.O.D. and suspended solids from wastewater treatment plant influent during the previous calendar year with the unit charges currently in effect, in order that the board may determine whether the current rates are adequate or should be changed.
(Code 1968, § 50.28)

Sec. 50.28. Charges for service rendered to city.

For the sewer service rendered to the city, the city shall be subject to the same rates and charges provided in this chapter, or to charges and rates established in harmony therewith.
(Code 1968, § 50.29)

Sec. 50.29. Billing to tenant; responsibility of owner.

The rates and charges for use of the sewage works may be billed to the tenants occupying the properties served, unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability in the event payment is not made as required in this chapter. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the sanitary district for the purpose of determining whether such rates and charges have been paid by such tenants; provided, that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.
(Code 1968, § 50.30)

Sec. 50.30. Adjustment of charges when metered water supply used for fire protection.

Where a metered water supply is used for fire protection as well as for other uses, the sanitary district may, in its discretion, make adjustments in the charges for use of the sewage works as may be equitable.
(Code 1968, § 50.31)

Secs. 50.31—50.39. Reserved.

DIVISION 3. SEWER CONNECTIONS

Sec. 50.40. Building sewer to be laid by licensed person.

No building sewer shall be laid, altered, or repaired except by or under the supervision of a person licensed by the city to do such work.
(Code 1968, § 50.40)
Cross reference—Penalty, see § 10.99.

Sec. 50.41. Permit.

A permit shall be secured from the sanitary district by the owner of the property or by his authorized agent before connecting to or tapping a sewer, or altering or laying a building sewer to or from any sewer which is a part of the sanitary district's sewerage system. Application for a permit shall be made a blank form furnished for that purpose. Each application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work. No permit shall be deemed to authorize anything that is not stated in the application. When the permit has been granted, the sanitary district shall, through its duly constituted authority, designate the position or location of the "Y" branch in the street. Before the work has been done, the person securing the permit shall file in the office of the sanitary district a correct statement of the work done under the permit, and where required, a sketch showing the location of the building sewer.
(Code 1968, § 50.41)
Cross reference—Penalty, see § 10.99.

Sec. 50.42. Material for building sewer.

Material for the building sewer shall be not less than six inches in diameter, except that one- and two-family houses may use four-inch minimum diameter, and shall conform to the requirements of the specifications for clay sewer pipe. Other materials may be accepted by the board of sanitary commissioners.
(Code 1968, § 50.42; amend. Ord. No. 451-B, 10-2-73)
Cross reference—Penalty, see § 10.99.

Sec. 50.43. Use of "Y" branch for connection; exception.

The connection between the building sewer and the sanitary district's sewer shall be made at the "Y" or "T" branch provided, there is one. Where no "Y" branch was left for the building sewer, a hole may be cut in the sanitary district's sewer large enough to receive the end of the building sewer, and the connection made so that the building sewer enters the municipal sewer at an angle. In no case shall the spigot end extend past the inside surface of the municipal sewer. A smooth joint shall be made and the connection made secure and watertight by encasing with concrete. The person securing the permit shall notify the commissioners when the work will be completed and ready for an inspection. No backfill shall be placed over any connection made with the sanitary district's sewer until it has been inspected and approved by the commissioners or their authorized representative. Such inspection shall be made within 30 hours after the receipt of notice that the connection is made and ready for inspection.
(Code 1968, § 50.43)
Cross reference—Penalty, see § 10.99.

Sec. 50.44. Grade of building sewer.

The grade of the building sewer shall not be less than one-fourth inch per foot for 4- or 6-inch pipe and not less than one-eighth inch per foot for pipe eight inches or over in diameter. All pipes shall be laid on a uniform grade and where possible, on a straight line. Where the building sewer cannot be laid on a straight line, curved pipe shall be used for every deflection from a straight line of more than three inches per foot. All joints between two sections of pipe shall conform to A.S.T.M. specifications.
(Code 1968, § 50.44)
Cross reference—Penalty, see § 10.99.

Sec. 50.45. Barricading and lighting trenches; backfilling; safety measures in blasting.

Proper barricades and lights shall be maintained on the banks of the trenches to guard the public against accidents during the progress of the work. In backfilling, the material shall be

carefully placed and packed around the pipe to provide a uniform bearing and to keep the pipe in proper position. No stones, brick, or other debris shall be used in the backfill until there has been a depth of at least 12 inches of gravel placed over the pipe. If blasting of rock is required in excavating, the utmost precaution shall be used to cover the blast with suitable cover such as mats, timber, brush, etc., so that life and property in the vicinity will not be jeopardized.
(Code 1968, § 50.45)

Cross reference—Penalty, see § 10.99.

Sec. 50.46. Tap-in and inspection charges.

A tap-in and inspection charge shall be collected from the owners of each lot, parcel of real estate, or building that connects with the sanitary district's sewage system by tapping into an existing sewer. These rates and charges shall be payable as provided in this chapter and shall be in an amount determinable as provided in this chapter.
(Ord. No. 145-76, 4-5-76)

Sec. 50.47. Schedule of tap-in and inspection fees.

(A) Owners of each lot, parcel of real estate, or buildings located in any territory, addition, platted subdivision, or unplatted lands lying within the limits of the sanitary district shall be charged as follows for connecting into an existing sanitary sewer.

Connection Size	*Tap-in Fee (per tap)*	*Inspection Fee*
6-inch diameter or less	$400.00	$25.00
8-inch diameter	700.00	25.00
10-inch diameter	1,100.00	25.00
12-inch diameter	1,600.00	25.00
15-inch diameter or larger	2,500.00	25.00

(B) Owners of each lot, parcel of real estate, or buildings located in any territory, addition, platted subdivision, or unplatted lands lying outside the limits of the sanitary district shall be charged as follows for connecting into an existing sanitary sewer which is a part of the sanitary district's sewage system.

Connection Size	*Tap-in Fee (per tap)*	*Inspection Fee*
6-inch diameter or less	$1,000.00	$25.00
8-inch diameter	1,750.0	25.00
10-inch diameter	2,750.00	25.00
12-inch diameter	4,000.00	25.00
15-inch diameter or larger	6,250.00	25.00

(C) Owners of each lot, parcel of real estate, or buildings located in any territory, addition, platted subdivision, or unplatted lands lying inside or outside the limits of the sanitary district shall be charged as follows for connecting into an existing storm water sewer.

Connection Size	*Tap-in and Inspection Fee*
All connections	$25.00

(D) When property owners are assessed for benefits received from the new construction of local and/or trunk-line sewers, the applicable tap-in and inspection fees shall be waived if the subject connection is made within 90 days from the date of final project completion, inspected by the project representative and approved. Any and all revenue resulting from these charges shall be placed in the cumulative building and sinking fund to provide funds for the construction of new sanitary and storm sewers.

(E) When property owners are charged a tap-in fee, a minimum of one-fourth of the total amount charged must be made at the time of issuance of the tap-in permit. The remaining balance shall be payable at six percent simple interest on the unpaid balance and three equal installments shall be made on the principal amount, all to be collected on the anniversary date of the initial issuance of the tap-in permit by the city controller or his authorized agents at the controller's office in city hall. Any failure of the property owner to pay said tap-in fee and/or interest shall result in a lien being placed against the real estate serviced by the tap-in.
(Ord. No. 145-76, 4-5-76)

Sec. 50.48. Abandoned or unused connections.

When sewer pipes are abandoned, the remaining pipes shall be plugged and sealed and inspected by the duly constituted authority of the sanitary district. When a building is demolished and/or removed, the existing sewer pipes may be used only if they are determined to be in satisfactory condition by the fully constituted authority of the sanitary district. An inspection fee of $25.00 shall be charged on reconnection.
(Ord. No. 145-76, 4-5-76)

Sec. 50.49. Payment of tap-in and inspection charges.

The charges for connecting with any existing sewer of the sanitary district's sewage system shall be paid and collected before a permit is issued in accordance with this chapter, and these tap-in and inspection charges shall be paid at the office of the city controller.
(Ord. No. 145-76, 4-5-76)

Sec. 50.50. Unlawful acts.

It shall be unlawful for the owners of any lot, parcel of real estate, or buildings located in any territory, addition, platted subdivision, or unplatted lands inside or outside the limits of the sanitary district to connect into an existing sewer of the sewage system of the sanitary district without first having tendered the applicable tap-in and inspection charges and obtained the necessary permits as required by this chapter. Any person found violating this section shall be served with written notice stating the nature of the violation and providing a reasonable time for the correction thereof. Any person who shall continue the violation beyond the time limit provided in the written notice shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500.00. Each day in which such violation shall continue shall constitute a separate offense.
(Ord. No. 145-76, 4-5-76)

CHAPTER 51. WATER SERVICE

Sec. 51.01. Fluoride compound in water supply.
Sec. 51.02. Periodic tests for fluoride content.

Sec. 51.01. Fluoride compound in water supply.

The city waterworks company shall provide the means for and proceed with the addition of sufficient quantities of fluoride compound to the public water supply to bring the total amount of fluoride ions present in the finished water to the optimum concentration recommended by the state board of health.
(Code 1968, § 51.01)

Sec. 51.02. Periodic tests for fluoride content.

The board of health of the city shall periodically test the fluoride content of the water supply, using standard methods and procedures, and shall cause information relative to such tests to be filed monthly with the city council and the clerk of the city.
(Code 1968, § 51.02)

CHAPTER 52. WASTE AND LITTER; CARE OF PREMISES

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Sec. 52.48. Abatement; lien.
Sec. 52.49. Liability for costs.
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DIVISION 1. GENERAL PROVISIONS

Sec. 52.01. Definitions.

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

Construction sites. Any private or public property on which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

Elements. Shall include, but not be limited to, animals.

Litter. Debris, refuse, garbage, or any other thing, or substance of any kind, which is no longer usable for the purpose for which it was manufactured, or which has been abandoned or discarded. It shall include, but shall not be limited to, motor vehicle parts or any motor vehicle which does not bear a current registration plate or which cannot move under its own power.

Litter receptacles. Any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient capacity to hold all litter generated between collection periods.

Loading or unloading docks. Any dock space or area used for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons.

Nuisance. Any condition, use of premises or of building exterior which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located. This shall include, but not be limited to, the keeping or depositing on, or the scattering over the premises of litter.

Owner. The person or persons holding legal title to real estate as shown on the records of the auditor of Delaware County.

Parking lot. Any real estate used or designed to be used for the parking of vehicles.

Private premises. Any real estate, and the improvements and appurtenances thereto, owned by a nongovernmental entity and to which the public is not invited.

Public place or *place of public resort.* All streets, highways, alleys, and other public ways; parks, plazas, squares, grounds, and buildings frequented by the general public, or to which the

public is invited, whether or not owned by a governmental entity; and all publicly-owned property.

Vacant lot. Any parcel, lot, or other ground within the corporate limits of the city on which there is no permanent structure or on which there is a permanent structure which is vacant or abandoned.
(Ord. No. 578-80, 6-2-80)

Sec. 52.02. Enactment of regulations.

Rules and regulations, or revisions thereof, in furtherance of this chapter may from time to time be proposed by the board of public works. These rules and regulations shall first be submitted in writing to the city attorney who shall approve them as to legality and form. Once approved, they shall be submitted to the common council by filing them with the city clerk. The common council shall then have 60 days to either approve or disapprove, by resolution, the rules or regulations. On approval or the expiration of the 60-day period without action by the council, the rules and regulations shall then be submitted to the mayor who shall either approve or disapprove them. If the rules and regulations are approved by the mayor, they shall take full force and effect 15 days after promulgation and publication.
(Ord. No. 578-80, 6-2-80)

Sec. 52.03. Liability.

(A) The occupant of any premises, and the owner of unoccupied premises, on which a violation of this chapter is apparent, the owner of any object or material placed or remaining anywhere in violation of this chapter, and the person causing the violation shall be deemed prima facie responsible for the violation so evidenced and subject to the penalty provided therefor.

(B) In all cases where a civil remedy and a criminal penalty are herein provided for violations of this chapter, the civil remedy shall not be considered to be a recovery or penalty so as to bar any other penalty being enforced.
(Ord. No. 578-80, 6-2-80)

Sec. 52.04. Prohibited actions.

It shall be unlawful for any person, in person or by his agent, employee, or servant, to do any of the following.

(A) Fail to comply with a duty imposed by this chapter.

(B) Fail to comply with any rule or regulation issued pursuant to the terms of this chapter.

(C) Fail to comply with the order of the city issued pursuant to the terms of this chapter.

(D) Maintain a nuisance.

(E) Hinder, obstruct, or refuse entry to any agent of the city acting pursuant to a notice of violation of this chapter and attempting to abate the violation.

(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, see § 52.99.

Sec. 52.05. Storage of building materials.

Building materials and equipment may be placed or stored on vacant lots only during the process of building on the lot or during a period no longer than one month prior to the commencement of building on the lot. In no instance shall the materials remain stored on the lot for a period of more than 12 months.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, see § 52.99.

Secs. 52.06—52.09. Reserved.

DIVISION 2. CARE OF PREMISES

Sec. 52.10. Duties of owner or occupant.

(A) Every owner, occupant, or lessee of a house or building used for residence, business, or commercial purposes shall maintain litter collection and storage areas in clean condition and ensure that all litter is placed and stored in litter containers. On days designated as collection days by the sanitary district the following shall apply.

(1) All containers for deposit of garbage and rubbish shall be located upon the alley line or a place to be readily accessible for

removing and emptying the same. On those premises where the collection and removal of refuse is not accomplished by use of an alley, the containers and items shall be placed adjacent to the street in a neat, orderly, and sanitary manner on the day designated for their collection.

(2) The containers and items to be collected shall be placed on the collection site for collection not earlier than the evening preceding the day of collection, shall be removed from the site within 12 hours after the containers have been emptied, and shall be stored on the premises so as not to be visible from any street.

(B) All litter that is subject to movement by the elements shall be secured by the owner or occupant of the premises, in such a manner that it is not carried from the premises by the elements.

(C) It shall be the duty of any person owning or controlling any premises to maintain the premises in a clean and orderly manner. It shall be a violation of this section to permit the accumulation of litter on any premises. Every owner or person in control of premises shall so maintain his property as to prevent litter from being visible thereon from any public or private premises. Persons owning, occupying, or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, see § 52.99.

Sec. 52.11. Areas around businesses.

The owner or person in control of any premises shall at all times keep the premises free of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, § 52.99.

Sec. 52.12. Loading docks.

The person owning, operating, or in control of a loading or unloading lock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements to adjoining premises.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, § 52.99.

Sec. 52.13. Construction sites.

The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each work day and placed in containers which will prevent litter from being carried by the elements to adjoining premises.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, § 52.99.

Sec. 52.14. Care of waste containers.

(A) It shall be unlawful for any person who is in control of any premises on which is located or on whose behalf there is maintained any container of refuse, waste, or garbage which has been placed in a container in accordance with a contract for its removal to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal. In any case, it is unlawful to allow a container to remain unemptied for longer than 14 days, or until a health hazard is created, whichever occurs first.

(B) It shall be unlawful for any person who has contracted to collect and remove refuse, waste, or garbage described in (A) above, to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow a container to remain unemptied for longer than 14 days, or until a health hazard is created, whichever occurs first. In addition to any other remedy provided in this chapter, the city may remove and impound such a refuse container, in which case the city may sell the container and recover the costs of removal and storage, or the city may recover the costs from the bond provided in § 52.37.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, § 52.99.

Secs. 52.15—52.19. Reserved.

DIVISION 3. WEED CONTROL

Sec. 52.20. Weed control required.

(A) No persons owning or controlling any premises in the city shall allow a rank growth of grass, weeds, or other vegetation to remain thereon, or permit them to become unsanitary or a nuisance, or fail to comply with the requirements of this chapter.

(B) Weeds and other rank vegetation growing on any lot or ground, including a vacant lot, in the city are declared to be a nuisance. It shall be unlawful and a violation of this chapter for any person to allow or permit any weeds or other rank vegetation to be or remain on any property owned, leased, occupied by, or under his control. Any person who is found to be in violation of this section shall be subject to punishment as provided in this chapter.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, see § 52.99.

Sec. 52.21. Removal.

(A) A violation of § 98.12 shall be deemed a violation of this chapter.

(B) All remedies permitted by § 98.13 shall be available to enforce the provisions of this chapter.
(Ord. No. 578-80, 6-2-80; Am. Ord. No. 9-88, 4-11-88)
Cross reference—Penalty, see § 52.99.

Sec. 52.22. Vacant lots.

The board of public works and safety or its designee shall prepare a file, to be kept in the office of the city clerk, of all vacant lots in the city, this information to include a physical description of the lot, and the name, address, and telephone member of the owner of the lot.
(Ord. No. 578-80, 6-2-80)

Secs. 52.23, 52.24. Reserved.

DIVISION 4. LITTER

Sec. 52.25. Littering prohibited.

(A) It shall be unlawful for any person, in person or by his agent, employee, or servant, to do any of the following.

(1) Cast, throw, sweep, sift, or deposit in any manner in or on any public way or other public place in the city or any river, canal, public water, drain, sewer, or receiving basin within the jurisdiction of the city, any litter of any kind.

(2) Cast, throw, sweep, sift, or deposit any litter anywhere within the jurisdiction of the city in such a manner that it may be carried or deposited, in whole or in part, by the action of the elements, into any public place, private premises, or parking lot within the city.

(3) Permit the accumulation of litter on any premises owned or controlled by that person.

(B) Persons placing litter in litter receptacles shall do so in such a manner as to prevent litter from being carried from the receptacles by the elements.

(C) The existence of litter within the city, and the existence of any condition which constitutes a violation of this chapter are declared to be a nuisance.
(Ord. No. 578-80, 6-2-80)
Cross reference—Penalty, see § 52.99.

Sec. 52.26. Litter receptacles.

(A) Every owner, occupant, tenant, or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers, and types as required to contain all litter generated by those persons frequenting that public place.

(1) All parking lots shall be equipped with litter receptacles by the owner of the property.

(2) The owner, occupant, and person in control of private premises shall maintain litter receptacles for collection of litter as necessary to comply with this chapter.

(3) Litter receptacles shall comply with the regulations made pursuant to § 52.02.

(4) All litter shall be removed periodically from litter receptacles in accordance with regulations issued pursuant to § 52.02.

(5) Litter receptacles which conform to the requirements of this chapter may be placed on city property by any civic group or merchants' association after consent by the board of public works and safety.

(B) It shall be unlawful for any person, in person or by his agent, employee, or servant, to do the following.

(1) Place litter receptacles, or any container containing litter, or allow the container to remain in any alley or at any other pick-up point on any day which is not the designated pick-up day for that location, as designated by the city sanitary district. Allowing litter receptacles owned by a permittee under § 52.36 to remain at pick-up points shall not be a violation hereunder.

(2) Overturn, remove, mutilate, deface, or tamper with litter receptacles or cause the contents thereof to be spilled or strewn in or on any public place or private premises.

(Ord. No. 578-80, 6-2-80)

Cross reference—Penalty, see § 52.99.

Sec. 52.27. Litter removal fund.

There is created a revolving fund for the purpose of supporting the cost of abatement of violations of this chapter. Into this fund shall be paid the following.

(A) All civil penalties and judgments collected for violations of this chapter.

(B) All criminal penalties collected for violations of this chapter.

(C) Such other revenues as the city may from time to time authorize to be paid into this fund.

(D) All donations designed to promote the purpose of this chapter, whether from public or private sources.

(Ord. No. 578-80, 6-2-80)

Secs. 52.28—52.34. Reserved.

DIVISION 5. WASTE COLLECTION

Sec. 52.35. Use of vehicles.

It shall be unlawful for any person, in person or by his agent, employee, or servant, to do any of the following.

(A) Use any vehicle to haul any kind of litter, objects, things, or material, whether liquid or solid, unless the vehicle is covered to prevent at all times while the vehicle is on any street or alley in the city, any part of its load from spilling. However, this requirement for cover shall not apply if the material is contained in closed boxes or other containers.

(B) Allow litter to fall, sift, spill, scatter, or be blown upon the public way or private premises from any vehicle being operated on a public place.

(C) Fail to remove any litter which has spilled from a vehicle operated by that person on a public place.

(Ord. No. 578-60, 6-2-80)

Cross reference—Penalty, see § 52.99.

Sec. 52.36. Collection permits.

(A) No person may engage in the collecting of litter or garbage, other than the city sanitation department, without a permit authorized by the board of public works and safety and issued by the head of the department of finance. This section shall only apply to those persons who contract for the collecting of litter or garbage on a regular basis with a given customer or customers. The fee for these permits shall be $15.00 per year, renewable on the second day of January in each year. Applications for permits shall be made to the board of public works and safety, and the board shall determine that the information therein is consistent with the applicable provisions of this

chapter. If approved, a permit shall be issued to the applicant; if denied, the board shall notify the applicant in writing of the reason or reasons for the denial. Any permit may be revoked or suspended by the board of public works and safety if at any time the permittee fails to comply with this chapter or regulations issued hereunder. The act of applying for a permit shall constitute an agreement to comply with this chapter and regulations issued hereunder.

(B) It shall be unlawful for any person, in person or by his agent, employee, or servant, to allow any person, other than the owner or other person holding an interest in the premises, to collect litter from any premises without a collection permit as required in (A) above.
(Ord. No. 578-80, 6-2-80)

Cross reference—Penalty, see § 52.99.

Sec. 52.37. Bond required for permit.

The board of public works and safety may require persons applying for permits described in § 52.35 (A) to post a bond, in an amount and in the manner specified by regulation, guaranteeing compliance with this chapter and indemnifying the city against loss occasioned by noncompliance.
(Ord. No. 578-80, 6-2-80)

Sec. 52.38. Care of receptacles by permit holder.

Any person to whom a permit is issued pursuant to § 52.36 shall maintain all litter receptacles owned or controlled by that person in such a manner as to comply with all provisions of this chapter and regulations issued hereunder, the same as if the person was the owner of the premises on which the receptacle is located.
(Ord. No. 578-80, 6-2-80)

Cross reference—Penalty, see § 52.99.

Secs. 52.39—52.44. Reserved.

DIVISION 6. ADMINISTRATION

Sec. 52.45. Enforcement procedure.

(A) Procedure for enforcement of the criminal penalties contained herein shall be governed by IC 18-5-12.5-1 through 18-5-12.5-8, as it applies to the city, as from time to time amended, and applicable rules of criminal procedure.

(B) In addition to any other penalty provided for herein, the city may take such civil action as provided by law, including, but not limited to, injunctive relief, abatement of a nuisance, or imposition of a lien for expenses.
(Ord. No. 578-80, 6-2-80)

Sec. 52.46. Department of public works.

The department of public works shall cause the complaint to be investigated, and shall, if a violation appears to have occurred, refer the complaint to the department of law for appropriate action.
(Ord. No. 578-80, 6-2-80; Am. Ord. No. 819-82, 5-10-82; Am. Ord. No. 9-88, 4-11-89)

Sec. 52.47. Orders to comply.

Prior to the institution of any proceedings under § 52.45 (A), the department of public works, the office of community development, or a designated employee of the city shall cause the occupant, owner of record, or person in control of the premises to be notified of the existence and nature of a violation and give that person ten days from the date of the notice to eliminate the violation and comply with the terms of this chapter. The notice shall be delivered by certified mail, return receipt requested, or by personal service. Proof of mailing shall be prima facie evidence of receipt of the notice. The notice shall not be required for violations of §§ 52.04 (C), (E); 52.25 (A) (1), (2); 52.26 (B) (2); 52.35 (A), (B); 52.36 (B); or of this chapter or in the event of an immediate danger to the public health. For purposes hereof, the owner of the premises is presumed to have appointed the occupant and the person in control of the premises as the owner's agent for purposes of receiving the notices.
(Ord. No. 578-80, 6-2-80; Am. Ord. No. 310-62, 5-10-82; Am. Ord. No. 9-88, 4-11-88)

Sec. 52.48. Abatement; lien.

(A) On the failure of the owner, occupant, or person in control of the property to comply with the provisions of this chapter, and after notice thereof pursuant to § 52.47, the board of public works and safety may cause the condition to be abated. For this purpose, the city or its agents may enter on the premises and do such acts as are

necessary to eliminate the nuisance, and every owner or person in control of the premises who has received a notice shall give entry and free access to the agents of the city for the purpose of abating the nuisance.

(B) The costs and expenses of abatement of violations of this chapter may become a lien on the premises in the same manner as mechanic's liens become liens against real estate, and the liens may be enforced and foreclosed in the same manner as mechanic's liens are now enforced and foreclosed.

(C) The city and its agents may use any and all remedies available under § 98.13 in enforcing this chapter.
(Ord. No. 578-80, 6-2-80; Am. Ord. No. 9-88, 4-11-88)

Sec. 52.49. Liability for costs.

Any owner, occupant, or person in control of premises who has received an order to comply pursuant to § 52.45 (A) or § 52.47 and who has failed to comply with the provisions of this chapter shall be liable for all costs and expenses paid or incurred by the city in abating the nuisance. These costs and expenses may be recovered in a civil action brought by the city, which shall also be entitled to recover reasonable attorney's fees therein.
(Ord. No. 578-80, 6-2-80)

Sec. 52.99. Penalty.

(A) Whoever violates any provision of this chapter may, in addition to any other penalties provided herein, be fined not more than $2,500.00 for each offense. Each day upon which a violation of this chapter occurs shall be considered a separate offense.

(B) Any person charged with a violation of this chapter may, within five days after receiving the notice of violation provided for herein, appear in person in the office of the city clerk, enter an admission of violation, and, notwithstanding the provisions of division (A) above, pay a fine of $25.00, plus court costs. The person making the admission shall, at the time of making the admission, sign a waiver of his right to trial and a verified statement that the violation charged no longer exists and that he is in compliance with this chapter.
(Ord. No. 578-80, 6-2-80; Am. Ord. No. 9-33, 4-11-88)

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*__Editor's note—__Ord. No. 70-95, §§ 1—16, adopted Dec. 11, 1995, amended Ch. 53, Wastewater Treatment, in its entirety. Such provisions are included herein as §§ 53.01—53.10, 53.16—53.21, 53.26—53.40, 53.41—53.58, 53.61—53.74, 53.81—53.83, and 53.86—53.90. Formerly, such chapter derived from Ord. No. 203-76, adopted Aug. 2, 1976.

DIVISION 1. IN GENERAL

Sec. 53.01. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

Act or *the act*. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority. The State of Indiana and/or US EPA, Region V.

Authorized representative of the industrial user.

(1) If the industrial user is a corporation, authorized representative shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

(4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the director of the bureau of water quality.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organize matter under standard laboratory procedure, five days at 200 degrees centigrade expressed in terms of mass and concentration (mg/l).

Board of sanitary commissioners. The board of sanitary commissioners of the Muncie sanitary district.

Bureau. The bureau of water quality of the Muncie Sanitary District.

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter I, Subchapter N, Parts 405 through 471.

Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Director. The person hired by the board of sanitary commissioners to supervise the operation of the bureau of water quality, and who is charged with certain duties and responsibilities by this ordinance or his duly authorized representative.

Environmental Protection Agency or *EPA*. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical

pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

Grab sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Indirect discharge or discharge. The introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the act.

Industrial user or user. A source of indirect discharge.

Maximum allowable discharge limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the Muncie Sanitary District's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulation contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Monthly average. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

New source.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
   (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
   (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility if integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   (a) Begun, or caused to begin as part of a continuous onsite construction program:
      (i) Any placement, assembly, installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

Pass through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the Muncie Sanitary District's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or *standards.* Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Publicly owned treatment works or POTW. A "treatment works" as defined by section 212 of the act (33 U.S.C. 1292), which is owned by the state or municipality or sanitary district. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

Sanitary district. The Muncie Sanitary District of Muncie, Indiana.

Septic tank waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

Significant industrial user. Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the bureau on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Slug load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 53.04 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC) Code. A classification pursuant to the standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

Storm water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

Superintendent. The person hired by the board of sanitary commissioners to supervise the operation of the POTW.

Suspended solids. The total suspended matter that floats on the surface of; or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 U.S.C. 1317) of the act.

Treatment plant effluent. Any discharge of pollutants from the Muncie POTW into waters of the State of Indiana.

Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or *treatment plant*. That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; *may* is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
(Ord. No. 7-95, § 1.3, 12-11-95)

Sec. 53.02. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
ERG	Enforcement response guide
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 67901, et seq.)
TSS	Total suspended solids
USC	United States Code

(Ord. No. 7-95, § 1.4, 12-11-95)

Sec. 53.03. Administration.

Except as otherwise provided herein, the director of the bureau of water quality, Muncie Sani-

tary District shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director may be delegated by the director to other bureau personnel.
(Ord. No. 7-95, § 1.2, 12-11-95)

Sec. 53.04. Prohibited discharge standards.

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

(A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed up flashpoint of less than 140 degrees Fahrenheit (60C) using the test methods specified in 40 CFR 261.21.

(B) Any wastewater having a pH less than five (5.0) or more than ten (10.0), unless authorized by the director, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering sanitary district personnel. No wastewater having a pH of less than five (5.0) shall be authorized and no wastewater having a pH of more than 12 point five (12.5) shall be authorized, since this would be considered a hazardous waste under section 40 CFR 261.22 of the act.

(C) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.

(D) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(E) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.5C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° Fahrenheit (40C).

(F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(G) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(H) Any trucked or hauled pollutants, except at discharge points designated by the bureau in accordance with section 53.19.

(I) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(J) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the Muncie Sanitary District's NODES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonably established norm for aquatic life.

(K) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state or federal regulations.

(L) Subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the director.

(M) Any sludges, or other residues from the pretreatment of industrial wastes.

(N) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(O) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(P) Obstruction of flow in a sewer system or injury of the system, or a nuisance or prevention of the effective maintenance or operation of the sewer system.

(Q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 200 mg/l.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.
(Ord. No. 7-95, § 2.1, 12-11-95)

Sec. 53.05. Federal categorical pretreatment standards.

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated.
(Ord. No. 7-95, § 2.2, 12-11-95)

Sec. 53.06. State requirements.

Indiana Industrial State Pretreatment Standards are also incorporated into this ordinance.
(Ord. No. 7-95, § 2.3, 12-11-95)

Sec. 53.07. Specific pollutant limitations.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits and maximum monthly average limits.

Maximum for Monthly Average	*Maximum for any one day*
.20 mg/l	.60 mg/l cadmium
2.0 mg/l	6.0 mg/l chromium
2.0 mg/l	6.0 mg/l copper
1.0 mg/l	1.0 mg/l cyanide
2.0 mg/l	6.0 mg/l lead
2.0 mg/1	6.0 mg/l nickel
NA mg/l	100 mg/l oil and grease (See subsection (C))
NA mg/l	.009 mg/l PCBs
NA mg/l	2.5 mg/l silver
4.0 mg/l	12 mg/l zinc

(A) Total toxic organics (TTO's) limits for those parameters on the TTO list will be considered on an individual case by case basis, by the director, for those not regulated in the 40 CFR Regulations of the act for categorical and/or noncategorical industries, considering such factors including but not limited to: concentration, flow, lb. loading to the POTW and other considerations necessary to prevent pass through and protect the POTW as set forth by the director.

(B) Any wastewater containing over 250 mg/l of BOD or total suspended solids will be surcharged at the appropriate rate, by the methods listed in section 53.89 or pretreated to levels so as not to cause obstruction to the sanitary sewer system or upsets or overloading at the POTW. The surcharge is not to be used as a substitute for fines issued, for POTW upsets or overloading or sanitary sewer obstruction.

(C) The oil and grease listed in this section is petroleum or mineral oil products. Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his discretion, the director may

impose mass limitations in addition to or in place of the concentration based on limitations above.

(Ord. No. 7-95, § 2.4, 12-11-95)

Sec. 53.08. Sanitary district right of revision.

The Muncie Sanitary District reserves the right to establish, by industrial wastewater discharge permits issued through the bureau of water quality, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this ordinance or the general and specific prohibitions in sections 53.04, 53.05, 53.06 and 53.07 and parameters not listed in section 53.07.

(Ord. No. 7-95, § 2.5, 12-11-95)

Sec. 53.09. Special agreements.

The district reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW through the director of the bureau of water quality. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.

(Ord. No. 7-95, § 2.6, 12-11-95)

Sec. 53.10. Dilution.

No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 7-95, § 2.7, 12-11-95)

Secs. 53.11—53.15. Reserved.

DIVISION 2. PRETREATMENT

Sec. 53.16. Facilities required, when.

Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in section 53.04 within the time limitations specified by the EPA, the state, or the director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the bureau shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the bureau under the provisions of this ordinance. The director shall be notified 48 hours prior to start-up of new or modified wastewater pretreatment facilities. Any subsequent changes in the wastewater pretreatment facilities or method of operation shall be reported to and be acceptable to the director.

(Ord. No. 7-95, § 3.1, 12-11-95)

Sec. 53.17. Accidental discharge/slug control plans.

The director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement

an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

(A) Description of discharge practices, including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 53.04.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant sit run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. No. 7-95, § 3.2, 12-11-95)

Sec. 53.18. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(Ord. No. 7-95, § 3.3, 12-11-95)

Sec. 53.19. Hauled wastewater.

(A) Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the superintendent, provided such wastes do not violate sections 53.04 through 53.10 or any other requirements established or adopted by the Muncie Sanitary District.

(B) The discharge of hauled industrial wastes and/or wastewater as "industrial septage" requires prior approval and a wastewater discharge permit from the bureau. The director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or cause pass through of the POTW or adversely affect the quality of the POTW sludge Waste hauler are subject to all other sections of this ordinance.

(Ord. No. 7-95, § 3.4, 12-11-95)

Sec. 53.20. Underground storage tank wastewater.

Wastewater from contaminated underground storage tank sites within the legal boundaries of the Muncie Sanitary District may be discharged to the POTW only when and if a permit application, as prescribed by the director is applied for and a special "underground storage tank wastewater discharge permit" as prescribed by the director, is issued to the owner and/or tenant of the property at which the contaminated wastewater is generated. All other aspects of this ordinance will be in force for these permits also.

(Ord. No. 7-95, § 3.5, 12-11-95)

Sec. 53.21. Vandalism of equipment, etc.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of bureau property, i.e. (automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in sections 53.61 through 53.74.

(Ord. No. 7-95, § 3.6, 12-11-95)

Secs. 53.22—53.25. Reserved.

DIVISION 3. PERMITS

Sec. 53.26. Wastewater survey.

When requested by the director, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable

grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.
(Ord. No. 7-95, § 4.1, 12-11-95)

Sec. 53.27. Permit required.

(A) It shall be unlawful for any significant industrial user to discharge wastewater into the Muncie Sanitary District's POTW without first obtaining a wastewater discharge permit from the director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subject the wastewater discharge permittee to the sanctions set out in sections 53.61 through 53.74. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

(B) The director may require other industrial users, inducing [including] liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
(Ord. No. 7-95, § 4.2, 12-11-95)

Sec. 53.28. Existing connections.

Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the bureau for a wastewater discharge permit in accordance with section 53.31, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the director, or in the case, a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date.
(Ord. No. 7-95, § 4.3, 12-11-95)

Sec. 53.29. New connections.

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 60 days prior to the date upon which any discharge will begin.
(Ord. No. 7-95, § 4.4, 12-11-95)

Sec. 53.30. Extra jurisdictional users.

(A) Any existing significant industrial user located beyond the Muncie Sanitary District limits and discharging into the Muncie Sanitary Sewer System shall submit a wastewater discharge permit application, in accordance with section 53.31, within 90 days of the effective date of this ordinance, or in the case a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date. New significant industrial users located beyond the Muncie Sanitary District limits shall submit such applications to the director at least 60 days prior to any proposed discharge into the POTW.

(B) Alternately, the director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.
(Ord. No. 7-95, § 4.5, 12-11-95)

Sec. 53.31. Content of application.

In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by section 53.41(B). The director shall approve a form to be used as a permit application. In addition, the following information may be requested:

(A) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(B) Number and type of employees, hours of operation, and proposed or actual hours of operation of the industry.

(C) Each product produced by type, amount, process and processes, and rate of production.

(D) Type and amount of raw materials processed (average and maximum per day).

(E) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(F) Time and duration of the discharge.

(G) The amount, storage of, and disposal of any hazardous waste on site, or generated by the industry.

(H) Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.
(Ord. No. 7-95, § 4.6, 12-11-95)

Sec. 53.32. Application signatories and certification.

All wastewater discharge permit applications and industrial user reports, including the quarterly report to the bureau, must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
(Ord. No. 7-95, § 4.7, 12-11-95)

Sec. 53.33. Permit decisions.

The director will evaluate the date furnished by the industrial user and may require additional information. Within 60 days of receipt of a completed wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit.
(Ord. No. 7-95, § 4.8, 12-11-95)

Sec. 53.34. Permit duration.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
(Ord. No. 7-95, § 5.1, 12-11-95)

Sec. 53.35. Permit contents.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the director to prevent pass through, interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(A) Wastewater discharge permits must contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and record keeping

requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(5) Statement of applicable civil and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(6) A copy of the bureau of water quality's, "Enforcement Response Guide."

(B) Wastewater discharge permits may contain, but need not be limited, to the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans, total toxic organics control plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(Ord. No. 7-95, § 5.2, 12-11-95)

Sec. 53.36. Permit appeals.

Any person, including the industrial user, may petition the director to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(E) Aggrieved parties may seek an appeal under section 53.70(B). Parties dissatisfied with the decision of the board may seek judicial review, which shall be limited as provided in 1.C. 4-21-5-5-14(d)(1)-(5).

(Ord. No. 7-95, § 5.3, 12-11-95)

Sec. 53.37. Permit modification.

The director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

(B) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(D) Information indicating that the permitted discharge poses a threat to the Muncie Sanitary District's POTW, district personnel, or the receiving waters.

(E) Violation of any terms or conditions of the wastewater discharge permit.

(F) Misrepresentations or failure to fully disclose all relevant fact in the wastewater discharge permit application or in any required reporting.

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

(H) To correct typographical or other errors in the wastewater discharge permit.

(I) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(Ord. No. 7-95, § 5.4, 12-11-95)

Sec. 53.38. Transfer of permit.

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days' advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner and/or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(B) Identifies the specific date on which the transfer is to occur.

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

(Ord. No. 7-95, § 5.5, 12-11-95)

Sec. 53.39. Revocation of permit.

Wastewater discharge permits may be revoked for the following reasons:

(A) Failure to notify the bureau of significant changes to the wastewater prior to the changed discharge.

(B) Failure to provide prior notification to the bureau of changed condition pursuant to section 53.45.

(C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

(D) Falsifying self-monitoring reports.

(E) Tampering with bureau of water quality monitoring equipment.

(F) Refusing to allow the bureau timely access to the facility premises and records.

(G) Failure to meet effluent limitations.

(H) Failure to pay fines.

(I) Failure to pay sewer charges.

(J) Failure to meet compliance schedules.

(K) Failure to complete a wastewater survey or the wastewater discharge permit application.

(L) Failure to provide advance notice of the transfer of a permitted facility.

(M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.
(Ord. No. 7-95, § 5.6, 12-11-95)

Sec. 53.40. Permit reissuance.

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with section 53.31 a minimum of 60 days period [prior] to the expiration of the industrial user's existing wastewater discharge permit.
(Ord. No. 7-95, § 5.7, 12-11-95)

DIVISION 4. COMPLIANCE MONITORING AND REPORTING

Sec. 53.41. Baseline monitoring reports.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the bureau a report which contains the information listed in paragraph (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the bureau a report which contains the information listed in paragraph (B) below A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) Identifying information. The name and address of the facility including the name of the operator and owners.

(2) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow measurement. Information showing the measured average, or estimated, if approved by the director, daily and maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the bureau, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass where required)

shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 53.50.

(c) Sampling must be performed in accordance with procedures set out in this section.

(6) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis—and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standard; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 53.42 of this ordinance.

(8) All baseline monitoring reports must be signed and certified in accordance with section 53.32.

(Ord. No. 7-95, § 6.1, 12-11-95)

Sec. 53.42. Compliance schedule progress report.

The following conditions shall apply to the schedule required by section 53.41(B)(7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the director.

(Ord. No. 7-95, § 6.2, 12-11-95)

Sec. 53.43. Compliance with categorical pretreatment standard deadline, report.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, amy industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in section 53.41(B)(4) through (6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 53.32.

(Ord. No. 7-95, § 6.3, 12-11-95)

Sec. 53.44. Periodic compliance reports.

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director but in no case less than four times per year (in April, in July, in October, in January) each covering the previous three-month period, submit a report indicating the nature and concentration of pollutants in the

discharge which are limited by such pretreatment standards and the measured or estimated average and maximum, daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 53.32.

(B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirements in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in section 53.51 and analytical methods prescribed in section 53.50 of this ordinance, the results of this monitoring shall be included in the report.

(D) Periodic compliance reports may be waived by the director if the bureau is at least monitoring the discharge quarterly, and no process wastewater is discharge to the Muncie POTW.
(Ord. No. 7-95, § 6.4, 12-11-95)

Sec. 53.45. Report of changed conditions.

Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(A) The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 53.31.

(B) The director may issue a wastewater discharge permit under section 53.33 or modify an existing wastewater discharge permit under section 53.37.

(C) No industrial user shall implement the planned changed condition(s) until and unless the director has responded to the industrial user's notice.

(D) For purposes of this requirement flow increases of 25 percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.
(Ord. No. 7-95, § 6.5, 12-11-95)

Sec. 53.46. Reports of potential problems.

(A) In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibit discharge standards in section 53.04 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the bureau of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural recourses, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

(C) Failure to notify the bureau of potential problem discharges shall be deemed a separate violation of this ordinance.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all em-

ployees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
(Ord. No. 7-95, § 6.6, 12-11-95)

Sec. 53.47. Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the bureau as the director may require.
(Ord. No. 7-95, § 6.7, 12-11-95)

Sec. 53.48. Notice of violation; repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the report to the director within 30 days after becoming aware of the violation. The industrial user is not required to resample if the bureau performs monitoring at the industrial user at least once a month, or if the bureau performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling, or if the industrial user's regular monitoring activity will result in samples being taken within 30 days of the industry becoming aware of the violation, unless, directed by the director of the bureau of water quality to do so.
(Ord. No. 7-95, § 6.8, 12-11-95)

Sec. 53.49. Notification of hazardous waste discharge.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the bureau, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms (220 lbs.), of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 53.45. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of sections 53.41, 53.43 and 53.44.

(B) Dischargers are exempt from the requirements of paragraph (A) of this section during a calendar month in which they discharge no more than 15 kilograms (33 lbs.) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 26(1)30(d) and 26(1)33(e). A discharge of more than 15 kilograms (33 lbs.) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 26(1)30(d) and 26(1)33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the bureau, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(D) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) All industries permitted by the bureau, shall make a one-time notification to the director on the bureau's "hazardous waste notification form" stating if the company is subject to the reporting conditions in section 53.49(A) and (B).
(Ord. No. 7-95, § 6.9, 12-11-95)

Sec. 53.50. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or reports shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
(Ord. No. 7-95, § 6.10, 12-11-95)

Sec. 53.51. Sample collection.

(A) Except as indicated in subsection (B) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(C) Samples should be taken for federal 40 CFR limits of the act, for categorical industries immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated, this adjusted limit along [with] the supporting data shall be submitted to the bureau.
(Ord. No. 7-95, § 6.11, 12-11-95)

Sec. 53.52. Determination of noncompliance.

The director may use a grab sample(s) to determine noncompliance with pretreatment standards.
(Ord. No. 7-95, § 6.12, 12-11-95)

Sec. 53.53. Timing.

Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, the date of receipt of the report shall govern.
(Ord. No. 7-95, § 6.13, 12-11-95)

Sec. 53.54. Record keeping.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the director.
(Ord. No. 7-95, § 6.14, 12-11-95)

Sec. 53.55. Inspection and sampling.

The director shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the director or his representatives ready access to all

parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the bureau, will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(B) The bureau shall have the right to set up on the industrial user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.

(C) The director may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(E) Unreasonable delays in allowing bureau personnel access to the industrial user's premises shall be a violation of this ordinance.

(Ord. No. 7-95, § 7.1, 12-11-95)

Sec. 53.56. Search warrants.

If the director and/or his representative has been refused access to a building, structure or property or any part thereof, and if the director and/or his representative has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the bureau designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community then upon application by the sanitary district attorney, to the municipal court, superior court or circuit court, the district may seek a search and/or seizure warrant describing therein the specific location subject to the warrant. The request by the district shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(Ord. No. 7-95, § 7.2, 12-11-95)

Sec. 53.57. Confidential information.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from bureau inspection and sampling activities, shall be available to the public without restriction—unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.30-2 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 7-95, § 8, 12-11-95)

Sec. 53.58. Publication of users is significant noncompliance.

The bureau shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the director believes has caused, along or in combination with other discharges, interference or pass through (including endangering the health of bureau personnel or the general public);

(D) Any discharge of pollutants that has caused imminent endangerment to the public or the environment, or has resulted in the bureau's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation(s) which the bureau determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 7-95, § 9, 12-11-95)

Secs. 53.59, 53.60. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 53.61. Enforcement response guide (erg).

The director the bureau of water quality of the Muncie Sanitary District shall prepare, for passage, by the board of sanitary commissioners of the Muncie Sanitary District, an Enforcement Response Guide (ERG) to ensure that the requirements of 40 CFR Part 403 of the Clean Water Act will be met. The ERG shall outline various administrative actions the director may take for various pretreatment violations. The maximum fine shall be $1,000.00 per violation. The director shall review and update, on an annual basis, for the board of sanitary commissioners any changes needed to ensure compliance with the federal, state and local pretreatment regulations as listed in the act and this ordinance.

(Ord. No. 7-95, § 10.1, 12-11-95)

Sec. 53.62. Notification of violation.

Whenever the director finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the director or his agent may serve upon aid user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing

in this section shall limit the authority of the bureau to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. Degrees of violation are listed in the Muncie Sanitary District "Enforcement Response Guide." The bureau notice of violation is in the form of a letter of violation (LOV) as listed in the (ERG).
(Ord. No. 7-95, § 10.2, 12-11-95)

Sec. 53.63. Consent orders.

The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to sections 53.64 and 53.65 and shall be judicially enforceable. The bureau consent orders are in the form of administrative orders as listed in the Muncie Sanitary District Enforcement Response Guide.
(Ord. No. 7-95, § 10.3, 12-11-95)

Sec. 53.64. Show cause hearing.

The director may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.
(Ord. No. 7-95, § 10.4, 12-11-95)

Sec. 53.65. Compliance orders.

When the director finds that a user has violated or continues to violate the ordinance, wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance with a specified time. If the user does not come into compliance within the time stated, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user. The compliance orders are in the form of enforcement compliance schedules, issued by the bureau, through the Muncie Sanitary District Enforcement Response Guide.
(Ord. No. 7-95, § 10.5, 12-11-95)

Sec. 53.66. Cease and desist orders.

When the director finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(A) Immediately comply with all requirements;

(B) Take such appropriate remedial or preventive action as may be needed to properly

address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.
(Ord. No. 7-95, § 10.6, 12-11-95)

Sec. 53.67. Administrative fines.

(A) Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirements may be fined in an amount not to exceed $1,000.00 as set forth in the enforcement response guide. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation.

(B) Assessments may be added to the user's next scheduled sewer service charge and the director shall have such other collection remedies as may be available for other service charges and fees.

(C) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of ten percent of the unpaid balance and interest shall accrue thereafter at a rate of five percent per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

(D) Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with all payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the director shall convene a hearing on the matter within 15 days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The director may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(E) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.
(Ord. No. 7-95, § 10.7, 12-11-95)

Sec. 53.68. Emergency suspensions.

The director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings set forth in section 53.68 are initiated against the user.

(B) A user that is responsible, in whole or in part, of or any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director, prior to the date of any show cause or termination hearing under sections 53.63 and 53.68.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(Ord. No. 7-95, § 10.8, 12-11-95)

Sec. 53.69. Termination of discharge.

In addition to those provisions in section 53.39, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(A) Violation of wastewater discharge permit conditions.

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(E) Violation of the pretreatment standards in section 53.04 through 53.10.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 53.64 why the proposed action should not be taken.
(Ord. No. 7-95, § 10.9, 12-11-95)

Sec. 53.70. Appeals.

(A) Any user affected by any decision, action or determination, including cease and desist orders, made by the director, interrupting or implementing the provisions of this ordinance, may file with the director a written request for reconsideration within ten days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the director is unsatisfactory to the person requesting reconsideration, he may, within ten days after notification of bureau action, file a written appeal to the board of sanitary commissioners. The written appeal shall be heard by the board within 30 days from the date of filing. The board of sanitary commissioners shall make a final ruling on the appeal within 30 days of the close of the meeting. The director's decision, action, or determination shall remain in effect during such period of reconsideration.
(Ord. No. 7-95, § 10.10, 12-11-95)

Sec. 53.71. Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the director may petition the circuit or superior court for Delaware County through the Muncie Sanitary District's Attorney for the issuance of a temporary or permanent injunction as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order, or other requirement imposed by this ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the Muncie Sanitary District. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.
(Ord. No. 7-95, § 11.1, 12-11-95)

Sec. 53.72. Civil penalties.

(A) Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the director for a maximum civil penalty of $2,500.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

(B) The director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Muncie Sanitary District.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.
(Ord. No. 7-95, § 11.2, 12-11-95)

Sec. 53.73. Remedies nonexclusive.

The provision in sections 53.58 through 53.74 are not exclusive remedies. The bureau reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Muncie Sanitary District's Enforcement Response Guide (ERG). However, the bureau reserves the right to take other action against any user when the circumstances warrant. Further, the bureau is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.
(Ord. No. 7-95, § 11.3, 12-11-95)

Sec. 53.74. Liability insurance.

The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assistance sufficient to restore or repair damage to the POTW caused by its discharge.
(Ord. No. 7-95, § 12.1, 12-11-95)

Secs. 53.75—53.80. Reserved.

DIVISION 6. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 53.81. Upset.

(A) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.

(C) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating lots, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(3) The industrial user has submitted the following information to the bureau of water quality and/or POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(i) A description of the indirect discharge and cause of noncompliance.

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
(Ord. No. 7-95, § 13.1, 12-11-95)

Sec. 53.82. General/specific prohibitions.

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 53.04 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would case pass through or interference and that either (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Muncie Sanitary District POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
(Ord. No. 7-95, § 13.2, 12-11-95)

Sec. 53.83. Bypass.

(A) (1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) and (D) of this section.

(C) (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the bureau, at least ten days before the date of the bypass if possible.

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the bureau within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) (1) Bypass is prohibited, and the director may take enforcement action against an industrial user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The industrial user submitted notices as required under paragraph (C) of this section.

(2) The director may approve an anticipated bypass, after considering its adverse ef-

fects, if the director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.
(Ord. No. 7-95, § 13.3, 12-11-95)

Secs. 53.84, 53.85. Reserved.

DIVISION 7. RATES AND CHARGES

Sec. 53.86. Metered water supply.

User charges and fees shall be based upon the total amount of water used from all sources unless, in the opinion of the director, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the director.
(Ord. No. 7-95, § 14.1, 12-11-95)

Sec. 53.87. Metering of volume and diversions.

For users where, in the opinion of the director, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the director and at the user's expense. Such meters may measure either the amount of sewage discharge or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the director.
(Ord. No. 7-95, § 14.2, 12-11-95)

Sec. 53.88. Estimated volume.

(A) Users without source meters. For users where, in the opinion of the director, if it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the director. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharge.

(B) Users with source meters. For users who, in the opinion of the director, divert a significant portion of their flow from a sanitary sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains wastewater discharge authorization and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.
(Ord. No. 7-95, § 14.3, 12-11-95)

Sec. 53.89. Surcharge costs.

(A) Each person discharging wastewater into the sanitary district sewers shall be subject to a surcharge in addition to the regular sewage service charge based on the biochemical oxygen demand (BOD) and the suspended solids (SS) content of the wastes, if the wastes have a concentration higher than 250 mg/l of BOD and/or 250 mg/l of SS.

(1) Biochemical oxygen demand—250 mg/l.

(2) Suspended solids—250 mg/l.

(B) Sampling and testing for surcharges or use charges. The discharged wastewater will be sampled during each sewage billing period for minimum of a one-day period (24 continuous hours) by means of a composite sample. An extended sampling period of up to one week (7 continuous days) or reduction may be requested to enable the gathering of a sample representative of a company's wastewater. The extension or reduction of the sampling period beyond the initial one-day sampling period may be requested by either the sewer user involved or the bureau. If an extended sam-

pling period is requested, the parameter values used to calculate the surcharge will be the arithmetical average of the individual values. In the event a company or industry has multiple discharges of wastewater, each discharge shall be sampled according to quality. The volume of each discharge shall be determined by actual measurement or by means of process usage. If significant process changes are made to affect quality of any discharge, resampling may be requested by either the sewer user involved or the bureau.

(C) The wastewater sample shall be measured for the following parameters: Biochemical oxygen demand (BOD), and suspended matter or solid (SS). These tests shall be made in accordance with the latest edition of Standard Methods for the Examination of Water or by an approved EPA method.

(D) Computation of surcharge. The excess pounds of BOD and of suspended solids will each be computed by multiplying the sewage billing volume, measured in units of 100 cubic feet, for the current sewage billing period by the factor 0.006238, and then multiplying the differences between the concentration measured in milligrams per liter of the BOD and of the suspended solids, respectively, in the customer's wastewater and the allowed concentrations set out above, resulting in the pounds of each constituent. The surcharge of each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge. (Ord. No. 7-95, § 15, 12-11-95)

Sec. 53.90. Damage to facilities.

When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW, the Muncie Sanitary District may assess a charge against the user for the work required to clean and/or repair the sanitary sewer system and/or the POTW, and add such charges and fee. (Ord. No. 7-95, § 16.1, 12-11-95)

CHAPTER 55. CABLE TELEVISION

Sec. 55.01. Definition.
Sec. 55.02. Basic subscriber service rates and other charges.

Sec. 55.01. Definition.

Cable television system. Any facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, except that such definition shall not include (i) a system that serves fewer than 20 subscribers, (ii) a facility that serves only to retransmit the television signals of one or more television broadcast stations, (iii) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way, (iv) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. § 201 et seq. except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers, (v) any facilities of any electric utility used solely for operating its electric systems, or (vi) any portion of a system that serves fewer than 50 subscribers in any county, city or town, where such portion is a part of a larger system franchised in an adjacent jurisdiction.
(Ord. No. 20-94, 4-4-94)

Sec. 55.02. Basic subscriber service rates and other charges.

(A) To the extent permitted by law, the Muncie Cable Television Commission will regulate subscriber rates for basic cable service, as defined in 47 C.F.R. section 76.901(a), and for equipment and other services used by subscribers of cable television systems subject to regulation under 47 U.S.C. section 543(b). Charges for such basic cable service and for such equipment may be approved by the commission after providing for a reasonable opportunity for the consideration of the views of interested parties. In establishing such rates, the commission shall comply with the rate regulatory rules and procedures adopted by the Federal Communications Commission ("FCC") pursuant to 47 U.S.C. section 543(b).

(B) All charges to subscribers shall be consistent with a rate schedule for all services offered by a grantee. Written notice of proposed changes in the basic subscriber service rate schedule shall be submitted to the commission and to each subscriber subject to any increase in rates. Such notices to the commission and to each subscriber subject to such changes shall describe all existing rates, all proposed changes, the reasons therefor, and all terms and conditions related thereto. Proposed changes in the basic subscriber service rate schedule shall not take effect until at least 60 days after (i) issuance of a final written decision of the Commission regarding such proposed changes, and (ii) grantee's notice of such changes to each subscriber subject to such changes, provided, however, that in its reasonable discretion, the commission may order reductions in basic subscriber service rates to be effective earlier. Notwithstanding any provision herein to the contrary, changes in the price to be charged to a subscriber for inflationary and external costs adjustments, as permitted by the regulations, shall be approved by the commission within 30 days of receipt if such proposed adjustment is in strict compliance with the applicable federal regulations.

(C) Any person who requests cable television service or becomes a subscriber after final written decision of the commission, but before the approved change becomes effective, shall be immediately notified in writing by the grantee that rate changes are scheduled. Such written notice of the scheduled increase shall be sent, by the grantee, by first class mail not later than three days, not including Saturdays, Sundays, and legal holidays, after such service is requested.

(D) A grantee may, for promotional purposes, at its own discretion, waive, reduce or suspend connection charges and/or monthly service rates for a period of up to 90 days, except as may be otherwise approved by the commission. Nothing in this subsection shall prohibit a grantee from offering free connections for a 30-day period to any new subscriber in an area where cable service

is being offered for the first time as a result of construction or extension of a cable television system.

(E) A subscriber shall have the right to have its service disconnected without charge at any time. No subscriber shall be charged for cable television service for more than two business days following the date of notice to the grantee of the same. Such disconnection and recovery of the grantee's cable equipment shall be made as soon as practicable and in no case later than ten days following such notice. A refund of unused basic subscriber service charges, plus interest at the rate of at least five percent annual interest, shall be paid to the subscriber within 30 days from the date of disconnection. A grantee shall not require payment of any charge following disconnection of service, except those due for services previously provided, and charges for reconnection and subsequent monthly or periodic charges which shall be no greater than charges for new customers. This section shall not prevent a grantee from refusing service to any person because the grantee's prior accounts with that person shall remain due and owing.
(Ord. No. 20-94, 4-4-94)

Title VII

TRAFFIC CODE

Chapter

70. General Provisions
71. Traffic Rules
72. Drivers
73. Pedestrians
74. Bicycles and Motorcycles
75. Equipment
76. Abandoned Vehicles
77. Parking Regulations
78. Commercial Vehicles
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CHAPTER 70. GENERAL PROVISIONS

Sec. 70.01. Definitions.
Sec. 70.02. Scope of traffic laws.
Sec. 70.03. Failure to obey police orders.
Sec. 70.04. Application to publicly owned vehicles, roadwork equipment, and authorized emergency vehicles.
Sec. 70.05. Application to riding or driving animals.
Sec. 70.06. Application to private property.
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Division 1. Traffic-Control Devices

Sec. 70.15. Obedience to devices required.
Sec. 70.16. Stop or yield signs.
Sec. 70.17. Green, yellow, red traffic signals.
Sec. 70.18. Pedestrian-control signals.
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Sec. 70.23. Traffic signal timing, authority to regulate.
Sec. 70.24. Avoiding traffic signals.
Sec. 70.25. Control of school crossings.
Sec. 70.99. Penalty.

Sec. 70.01. Definitions.

For the purpose of this title the following words and phrases shall have the following meanings ascribed to them respectively.

Alley. Every way or place in public ownership and customarily used for vehicular travel, wide enough for only one lane of vehicles at any one time.
(Code 1968, § 70.02)

Authorized emergency vehicle.

(1) Vehicles of the fire division, police vehicles, and ambulances and other emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-12-21.

(2) Vehicles other than ambulances which are owned by persons, firms, or corporations other than hospitals, and are used in emergency service, may be designated as emergency vehicles if such vehicles are authorized to operate as such by the department of highways as provided in this section. The department is authorized and empowered to designate and authorize the operation of such other emergency vehicles pursuant to such rules as the department may prescribe.

(3) Motor vehicles that are approved by the State Emergency Medical Services Commission that are:

(a) Ambulances which are owned by persons, firms, or corporations other than hospitals; or

(b) Not ambulances and provide emergency medical services including extrication and rescue services (as defined in IC 16-1-39-2).

The commission may not withhold approval of a motor vehicle because the vehicle is not affiliated with a hospital, law enforcement agency, or fire department.

(4) Vehicles of the department of correction that are:

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

(b) Responding to an emergency.

The department of correction shall establish policies and procedures for the designation of departmental vehicles as emergency vehicles.
(Ord. No. 17-87, 8-3-87; Am. Ord. No. 33-89, '89)
State law reference—Similar provisions, IC 9-4-1-2.

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.
State law reference—Similar provisions, IC 9-4-1-2 (f).

Bureau. The Bureau of Motor Vehicles of this state acting directly or through its duly authorized officers and agents.
State law reference—Similar provisions, IC 9-4-1-10 (b).

Bus. Every motor vehicle designed for carrying passengers for hire and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
State law reference—Similar provisions, IC 9-4-1-4 (a).

Business district. The territory contiguous to and including a highway when 50 percent or more

of the frontage thereon for a distance of 500 feet or more is occupied by buildings in use for business.

State law reference—Similar provisions, IC 9-4-1-18 (a).

Commission. The State Highway Commission acting directly or through its duly authorized officers and agents.

State law reference—Similar provisions, IC 9-4-1-10 (c).

Commissioner. The Commissioner of the Bureau of Motor Vehicles of this state.

State law reference—Similar provisions, IC 9-4-1-10 (a).

Crosswalk.

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

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

State law reference—Similar provisions, IC 9-4-1-16.

Curb loading zone. A space set apart adjacent to a curb, reserved for the exclusive use of vehicles during the loading and unloading of materials, and posted as such.
(Code 1968, § 70.02)

Department. The state police department of this state acting directly or through its duly authorized agents.

State law reference—Similar provisions, IC 9-4-1-10 (d).

Director. The Director of Traffic Safety of this state.

State law reference—Similar provisions, IC 9-4-1-10 (e).

Driver. Every person who drives or is in actual physical control of a vehicle.

State law reference—Similar provisions, IC 9-4-1-11 (c).

Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

State law reference—Similar provisions, IC 9-4-1-8 (a).

Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

State law reference—Similar provisions, IC 9-4-1-3 (b).

Flammable liquid. Any liquid which has a flash point of 70 F. or less, as determined by a tagliabue or equivalent closed cup test device.

State law reference—Similar provisions, IC 9-4-1-8 (b).

Freight curb loading zone. A space set apart adjacent to a curb and painted white, reserved for the exclusive use of vehicles during the loading and unloading of freight.
(Code 1968, § 70.02)

Gross weight. The weight of a vehicle without load, plus the weight of any load thereon.

State law reference—Similar provisions, IC 9-4-1-9.

Intersection.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of that highway shall be regarded as a separate intersection.

State law reference—Similar provisions, IC 9-4-1-15.

Laned highway. A highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

State law reference—Similar provisions, IC 9-4-1-14 (e).

Local authorities. Every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

State law reference—Similar provisions, IC 9-4-1-13.

Metal tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

State law reference—Similar provisions, IC 9-4-1-6 (c).

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor or a motorized bicycle.

State law reference—Similar provisions, IC 9-4-1-2 (c).

Motor vehicle. Every vehicle except a motorized bicycle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

State law reference—Similar provisions, IC 9-4-1-2 (b).

Office of traffic safety. The office of traffic safety of this state acting directly or through its duly authorized officers and agents.

State law reference—Similar provisions, IC 9-4-1-10 (f).

Official time standard. Whenever certain hours are named in the traffic code, they shall mean the time as may be in current use in the city.
(Code 1968, § 70.02)

Official traffic-control devices. All signs, signals, markings, and devices, not inconsistent with this title, placed or erected for the purpose of regulating, warning, or guiding traffic by authority of a public body or official having jurisdiction.

State law reference—Similar provisions, IC 9-4-1-19 (a).

Official traffic-control signal. Any device not inconsistent with this title, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

State law reference—Similar provisions, IC 9-4-1-19 (b).

Owner. A person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

State law reference—Similar provisions, IC 9-4-1-11 (d).

Park. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading and unloading.
(Code 1968, § 70.02)

Passenger bus. A motor vehicle designed and used for mass transportation of persons for hire generally on designated routes.
(Code 1968, § 70.02)

Passenger curb loading zone. A space set apart adjacent to a curb, reserved for the exclusive use of vehicles during the loading and unloading of passengers and posted as such.
(Code 1968, § 70.02)

Pedestrian. Any person afoot.

State law reference—Similar provisions, IC 9-4-1-11 (b).

Persons. Every natural person, firm, copartnership, association, or corporation.

State law reference—Similar provisions, IC 9-4-1-11 (a).

Pneumatic tire. Every tire in which compressed air is designed to support the load.

State law reference—Similar provisions, IC 9-4-1-6 (a).

Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle.

Ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members, capable, generally, of sustaining themselves as beams between the supporting connections.

State law reference—Similar provisions, IC 9-4-1-5 (c).

Police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

State law reference—Similar provisions, IC 9-4-1-12.

Private bus. Every motor vehicle, designed and constructed for the accommodation of passengers, and which is used for transportation of passen-

gers by a religious, fraternal, charitable, or benevolent organization, or a youth association, or a public or private institution of higher education. The term "PRIVATE BUS" shall include either the chassis or the body of the vehicle, or shall include both the body and the chassis of any such vehicle. However, any vehicle having the seating capacity of 15 persons or less shall not be deemed to be a private bus, nor shall any school bus or any bus used to carry passengers for hire be considered a private bus.

State law reference—Similar provisions, IC 9-4-1-2 (g).

Private road or *driveway.* Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

State law reference—Similar provisions, IC 9-4-1-14 (b).

Railroad. A carrier of persons or property upon cars other than streetcars operating upon stationary rails.

State law reference—Similar provisions, IC 9-4-1-7 (a).

Railroad sign or *signal.* Any sign, signal, or device, erected by authority of a public body or official or by a railroad, intended to give notice of the presence of railroad tracks or the approach of a railroad train.

State law reference—Similar provisions, IC 9-4-1-19 (c).

Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

State law reference—Similar provisions, IC 9-4-1-7 (b).

Residence district. The territory contiguous to and including a highway not comprising a business district, when the property on that highway for a distance of 500 feet or more is in the main improved with residences and buildings in use for business.

State law reference—Similar provisions, IC 9-4-1-18 (b).

Right-of-way. The privilege of the immediate use of the highway.

State law reference—Similar provisions, IC 9-4-1-21.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not constructed to carry any load independently or any part of the weight of a vehicle or load drawn.

State law reference—Similar provisions, IC 9-4-1-3 (c).

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

State law reference—Similar provisions, IC 9-4-1-14 (c).

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

State law reference—Similar provisions, IC 9-4-1-17.

School bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to and from school.

State law reference—Similar provisions, IC 9-4-1-2 (c).

Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

State law reference—Similar provisions, IC 9-4-1-5 (b).

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

State law reference—Similar provisions, IC 9-4-1-14 (d).

Solid tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

State law reference—Similar provisions, IC 9-4-1-6 (b).

Stop. When required, means cessation of movement.

(Code 1968, § 70.02)

Stopping or *standing.* When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign.

(Code 1968, § 70.02)

Street or *highway.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

State law reference—Similar provisions, IC 9-4-1-14 (a).

Taxicab. A motor vehicle used for transportation for hire on an individual fare basis and not operated on designated routes.
(Code 1968, § 70.02)

Therapeutic bicycle. Any two wheeled, foot-propelled vehicle, with a helper motor rated less than one brake horsepower and designed primarily for therapeutic purposes.

State law reference—Similar provisions, IC 9-4-1-2 (h).

Through highway. Every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to either a stop sign or a yield sign, when the signs are erected as provided in this title.

State law reference—Similar provisions, IC 9-4-1-14 (f).

Traffic. Pedestrians, ridden or herded animals, streetcars, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

State law reference—Similar provisions, IC 9-4-1-20.

Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
(Code 1968, § 70.02)

Trailer. Every vehicle with or without motive power other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

State law reference—Similar provisions, IC 9-4-1-5 (a).

Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

State law reference—Similar provisions, IC 9-4-1-4 (a).

Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

State law reference—Similar provisions, IC 9-4-1-3 (a).

Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 200 feet for a distance of ¼ of a mile or more.

State law reference—Similar provisions, IC 9-4-1-18 (c).

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

State law reference—Similar provisions, IC 9-4-1-2 (a).

Sec. 70.02. Scope of traffic laws.

(A) This title shall be known and cited as and hereinafter referred to as the "Traffic Code of Muncie" or "traffic code."

(B) The provisions of the traffic code are intended to apply to all traffic and to all operators not specifically excepted.

(C) All provisions relative to the operation, parking, or movement of vehicles or animals, and to the movement of pedestrians, apply upon all the public ways of the municipality, except as specifically limited.

(D) The provisions of the traffic code shall in no way limit, alter, or otherwise affect the civil or criminal responsibility of any person under the laws of this state.
(Code 1968, §§ 70.01 and 76.02)

Sec. 70.03. Failure to obey police orders.

No person shall knowingly fail to comply with any lawful order or direction of any law enforcement officer invested by law with authority to direct, control, or regulate traffic.
(Code 1968, § 70.04)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-4-1-24.

Sec. 70.04. Application to publicly owned vehicles, roadwork equipment, and authorized emergency vehicles.

(A) The provisions of this title applicable to the drivers of vehicles on a highway shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town,

district, or any other political subdivision of the state, subject to those specific exceptions as are set forth in this title with reference to authorized emergency vehicles.

(B) Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work on the surface of a highway, but shall apply to those persons and vehicles when traveling to or from work.

(C) The driver of any authorized emergency vehicle when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding, but not upon returning, from a fire alarm, may exercise the privileges set forth in this title but will be subject to the conditions stated herein.

(D) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this title;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property; and

(4) Disregard regulations governing direction of movement or turning in specified directions.

(E) The exemptions herein granted to an authorized emergency vehicle shall apply only when the vehicle is making use of audible and visual signals meeting the requirements of law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(F) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall these provisions protect the driver from the consequences of his reckless disregard for the safety of others.
(Code 1968, §§ 70.05 and 72.24)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-25.

Sec. 70.05. Application to riding or driving animals.

Every person propelling a pushcart or riding an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this title applicable to the driver of a vehicle, except those provisions of this title which by their nature can have no application.
(Code 1968, § 70.06)
State law reference—Similar provisions, IC 9-4-1-26.

Sec. 70.06. Application to private property.

Nothing in this title shall be construed to prevent the owner of real property used by the public for vehicular travel, by permission of the owner and not as a matter of right, from:

(A) Prohibiting the use.

(B) Requiring other or different or additional conditions than those specified in this title.

(C) Otherwise regulating the use as may seem best to the owner.
State law reference—Similar provisions, IC 9-4-1-29.

Secs. 70.07—70.14. Reserved.

DIVISION 1. TRAFFIC-CONTROL DEVICES

Sec. 70.15. Obedience to devices required.

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.
(Code 1968, § 72.36)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-33.

Sec. 70.16. Stop or yield signs.

Whenever traffic at an intersection is controlled by signs, preferential right-of-way may be indicated by stop signs or yield signs as authorized elsewhere in this chapter.
State law reference—Similar provisions, IC 9-4-1-34.

Sec. 70.17. Green, yellow, red traffic signals.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows successively, one at a time or in combination, only the colors green, red, or yellow may be used except for special pedestrian signals under § 70.18, and the lights indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either turn;

(2) Vehicular traffic, including vehicles turning right or left, shall yield right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time such signal is exhibited.

(3) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time;

(4) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(5) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) Steady yellow indication:

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter; and

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian may start to cross the roadway at that time.

(C) Steady red indication:

(1) Vehicular traffic facing a steady circular red signal alone shall stop at clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in division (C) (2);

(2) Except when a sign is in place prohibiting such a turn, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to: make a right turn; or make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic; but such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection; and

(3) Unless otherwise directed by a pedestrian-control signal under § 70.18, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(D) No indication or conflicting indications:

(1) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection; and

(2) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection, or approaching so closely as to constitute an immediate hazard.

(E) Nonintersection installations: the provisions of this section apply to traffic-control signals located at a place other than an intersection except those provisions which by their nature have no application. Any stop required under this clause must be made at the signal except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

(F) The motorman of any street car shall obey traffic-control signals as applicable to vehicles.

(Code 1968, § 72.37)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-35.

Sec. 70.18. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" are in place, these signals shall indicate as follows:

(A) Walk. Pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) Don't walk. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

(Code 1968, § 72.38)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-36.

Sec. 70.19. Flashing traffic signals.

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(A) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the crosswalk on the near side of an intersection or if no line exists, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) Flashing yellow (caution signal). When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(Code 1968, § 72.39)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-37.

Sec. 70.20. Unauthorized signs and signals; obstruction of view.

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising, except for the posting of limited tourist attraction signage under criteria to be jointly established by the department of highways and the department of commerce. No person shall place, maintain, or display any flashing, rotating, or alternating light, beacon, or other lighted device which is visible from any highway and which may be mistaken for or confused with a traffic-control device or an authorized warning device on an emergency vehicle. This shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(B) No person shall place, maintain, or display any advertising sign, signal, or device on or over the roadway of any highway.

(C) No person shall place, maintain, or display any advertising sign, signal, or device on any highway in cities between the curb and sidewalk. In case the curb and the sidewalk join, no person shall place, maintain, or display on the sidewalk any advertising sign, signal, or device closer than ten feet from the curb line, and overhanging signs shall not overhang the curb.

(D) No person shall place, maintain, or display any advertising sign or device of any character within 100 feet of any highway outside the corporate limits of any incorporated city or town if the sign or device obstructs the view of the highway, or of any intersecting highway, street, alley, or private driveway for a person traveling the highway for a distance of 500 feet or less from the sign or device as he approaches the same.

(E) No person shall place, maintain, or display any advertising sign or device of any permanent or semipermanent character on any highway, right-of-way, outside or inside the corporate limits of any incorporated city or town.

(F) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.
(Code 1968, § 72.40)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-38.

Sec. 70.21. Defacement of devices

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.
(Code 1968, § 72.41)
Cross reference—Penalty, see § 70.99.

Sec. 70.22. When traffic-control devices required for enforcement.

No provision of the traffic code or other ordinances for which signs or markings are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, that section shall be effective even though no signs are erected or in place.
Cross reference—Penalty, see § 77.99

Sec. 70.23. Traffic signal timing, authority to regulate.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the districts or at intersections, and shall erect appropriate signs giving notice thereof.
(Code 1968, § 72.04)

Sec. 70.24. Avoiding traffic signals.

No motor vehicle shall be driven over, into, upon, or across any property for the purpose of evading any traffic signal or device.
(Code 1968, § 72.12)
Cross reference—Penalty, see § 70.99.

Sec. 70.25. Control of school crossings.

No pedestrian or driver of any motor vehicle shall disobey the directions of any police officer or adult school crossing guard controlling traffic at school crossings. Drivers of all motor vehicles must stop at any school crossing where any member of a school safety patrol displays a school stop flag for the purpose of controlling children crossing the street.
(Code 1968, § 72.06)

Sec. 70.99. Penalty.

(A) Every person convicted of a punishable violation of any of the provisions of this chapter for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than $100.00; for a second such conviction within one year thereafter, the person shall be punished by a fine of not more than $200.00; upon a third or subsequent conviction within one year after the first conviction, the person shall be punished by a fine of not more than $500.00.

(B) If a person has been found to have committed any traffic offense as defined in IC 9-4-7-2, the court may:

(1) Require the person to attend and satisfactorily complete a driver improvement course which has been approved by the court and the Bureau of Motor Vehicles.

(2) Place the person on probation for up to one year; and

(3) Suspend the person's driver's license for up to 30 days.

(C) A driver improvement course required under division (B) may be financed by assessing a charge which will cover the direct cost of the course, but not to exceed $25.00.

State law reference—Similar provisions, IC 9-4-1-127.1.

CHAPTER 71. TRAFFIC RULES

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DIVISION 1. PASSING GENERALLY

Sec. 71.01. Driving in right-hand lane; exceptions.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(A) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(B) When the right half of a roadway is closed to traffic under construction or repair.

(C) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

(D) Upon a roadway designated and signposted for one-way traffic.

(E) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-63.

Sec. 71.02. Truck lane restrictions; state highways.

(A) As used in this section, the term "truck" shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property. The term "truck" shall include any motor vehicle designed and used primarily for drawing another vehicle and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, and any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(B) The department of highways is authorized and empowered to restrict, by rule or regulation, the operation of any truck to a certain lane of any state maintained highway and to a certain lane or any street of the city which street is a part of the state highway system and is maintained by the state.

(C) In order to implement compliance with any rule or regulation adopted by the department of highways pursuant to the provisions of this chapter, the department is authorized and empowered to post any state highway, or any city street which is a part of the state highway system, with appropriate directional signs and signals.

State law reference—Similar provisions, IC 9-4-1-64.

Sec. 71.03. Approaching vehicles; passing.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-65.

Sec. 71.04. Passing on left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-66.

Sec. 71.05. Passing on right.

(A) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(B) The driver of a vehicle may overtake and, allowing a sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle. The driver of a vehicle may overtake and pass another vehicle on the right only when the movement can be made with safety. No person shall drive off the pavement or upon the shoulders of the roadway in overtaking or passing on the right.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-67.

Sec. 71.06. Due care in passing.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation by any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

State law reference—Similar provisions, IC 9-4-1-68.
Cross reference—Penalty, see § 70.99.

Sec. 71.07. Driving in left-hand lane; prohibitions.

(A) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(B) The foregoing limitations shall not apply upon a one-way roadway.

State law reference—Similar provisions, IC 9-4-1-69.
Cross reference—Penalty, see § 70.99.

Sec. 71.08. Obedience to no passing zones.

(A) The department of highways may determine by an engineering and traffic investigation those portions of any state highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or marks on the roadway, indicate the beginning and end of those zones.

(B) The department may determine that any bridge, culvert, or approach thereto on any state highway does not have sufficient clear roadway width to safely permit the passing of two vehicles. Any such bridge shall be designated a one-lane bridge or narrow bridge.

(C) A local unit that has responsibility for roads and streets may determine by an engineering and traffic investigation those portions of any road or street, including bridges, under its jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous. Upon making that determination, the local unit may, by ordinance, designate no-passing zones by appropriate signs or marks on the roadway.

(D) Every driver of a vehicle must obey the markings or signs posted under this section.

State law reference—Similar provisions, IC 9-4-1-70.
Cross reference—Penalty, see § 70.99.

Sec. 71.09. One-way traffic; passing.

(A) The department of highways may designate any highway or any separate roadway under its jurisdiction for one-way traffic, and shall erect appropriate signs giving notice thereof.

(B) Upon a roadway designated and sign-posted for one-way traffic, a vehicle shall be driven only in the direction designated.

(C) A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

(Code 1968, § 72.14)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-4-1-71.

Sec. 71.10. Land roadways; passing.

Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(A) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

(B) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of the allocation.

(C) Official signs may be erected directing slow-moving traffic to use designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

State law reference—Similar provisions, IC 9-4-1-72.

Cross reference—Penalty, see § 70.99.

Sec. 71.11. Limited access highways, freeways, interstate highways; use restrictions.

(A) Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in the physical barrier or dividing section or space or at a crossover or intersection established by public authority.

(B) Limited access. No person shall drive a vehicle onto or from any limited access roadway except at the entrances and exits as are established by the public authority in control of the roadway.

(C) Freeway or interstate highway system. No person shall drive a vehicle onto or from any freeway or interstate highway system except at those entrances and exits as are established by the public authority in control of the highway. When special crossovers between the main roadways of a freeway or interstate highway system are provided for emergency vehicles or maintenance equipment only, the freeway or interstate highway system shall be posted prohibiting U-turns. It shall be unlawful for the driver of any vehicle, except an emergency vehicle or maintenance equipment, to use the crossovers or make a U-turn anywhere on the freeway or interstate highway system.

(D) Restrictions on use of freeway or interstate highway system. With respect to any freeway or interstate highway system under their respective jurisdictions, the department of highways may by resolution or order entered in its minutes, and local authorities may by ordinance, prohibit the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle. The department or the local authority adopting any such prohibiting regulations shall erect and maintain official signs on the freeway or interstate highway system on which these regulations are applicable, and when so erected no person shall disobey the restrictions stated on the signs.

(Code 1968, § 72.31)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-4-1-74.

Secs. 71.12—71.14. Reserved.

DIVISION 2. TURNS

Sec. 71.15. Turns at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(A) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(B) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(C) Approach for a left turn from a 2-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection. A left turn from a one-way street into a 2-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(D) Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(E) The department of highways and local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by those markers, buttons, or signs.

(Code 1968, § 72.07)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-4-1-75.

Sec. 71.16. U-turns.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 750 feet.

State law reference—Similar provisions, IC 9-4-1-76.

Cross reference—Penalty, see § 70.99.

Sec. 71.17. U-turns on city streets.

The driver of any vehicle shall not turn that vehicle so as to proceed in the opposite direction upon any street in a business district and shall not, upon any other street, so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.

(Code 1968, § 72.11)

Cross reference—Penalty, see § 70.99.

Sec. 71.18. Turning, slowing, stopping; signals required.

(A) No person shall slow down or stop a vehicle, turn a vehicle from a direct course upon a highway, or change from one traffic lane to another unless and until the movement can be made with reasonable safety, and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by the movement, or after giving an appropriate stop or turn signal in the manner hereinafter provided in the event any other vehicle may be affected by the movement.

(B) A signal of intention to turn right or left shall be given continuously during not less than the last 200 feet traveled by the vehicle before turning or changing lanes. Further, any vehicle traveling in a speed zone of 50 or more miles per hour shall give the signal continuously for not less than the last 300 feet traveled by the vehicle before turning or changing lanes.

(C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

State law reference—Similar provisions, IC 9-4-1-78.

Cross reference—Penalty, see § 70.99.

Sec. 71.19. Hand and arm, lamp signals.

(A) Any stop or turn signal when required herein shall be given by means of the hand and arm or by a signal lamp or mechanical signal device, except as otherwise provided in division (B) of this section.

(B) Any motor vehicle in use on a highway, except farm tractors and farm implements, shall be equipped with, and the required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

State law reference—Similar provisions, IC 9-4-1-79.
Cross reference—Penalty, see § 70.99.

Sec. 71.20. Hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and these signals shall indicate as follows:

(A) Left turn: hand and arm extended horizontally.

(B) Right turn: hand and arm extended upward.

(C) Stop or decreased speed: hand and arm extended downward.

State law reference—Similar provisions, IC 9-4-1-80.
Cross reference—Penalty, see § 70.99.

Secs. 71.21—71.24. Reserved.

DIVISION 3. RIGHT-OF-WAY; STOPPING

Sec. 71.25. Entering intersection; right-of-way.

(A) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(B) The foregoing rule is modified at through highways and otherwise as hereinafter stated in this chapter.

State law reference—Similar provisions, IC 9-4-1-81.
Cross reference—Penalty, see § 70.99.

Sec. 71.26. Left turn at intersection; right-of-way.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn. The drivers of all other vehicles approaching the intersection from the opposite direction shall yield right-of-way to the vehicle making the left turn.

State law reference—Similar provisions, IC 9-4-1-82.
Cross reference—Penalty, see § 70.99.

Sec. 71.27. Through highways; right-of-way.

(A) The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(B) The driver of a vehicle shall likewise stop in obedience to a stop sign, as required herein, at an intersection where a stop sign is erected at one or more entrances to, although not a part of, a through highway. The driver shall then proceed cautiously, yielding, if necessary, to vehicles not so obliged to stop at the entrance to a through highway and approaching so closely as to constitute an immediate hazard. The driver may then proceed.

(C) The driver of a vehicle approaching a yield sign shall, in obedience to that sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided elsewhere in this chapter. The driver shall yield the right-of-

way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver, having so yielded, may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. However, if the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State law reference—Similar provisions, IC 9-4-1-83.
Cross reference—Penalty, see § 70.99.

Sec. 71.28. Crossing highway from a private road or drive; right-of-way.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

State law reference—Similar provisions, IC 9-4-1-84.
Cross reference—Penalty, see § 70.99.

Sec. 71.29. Through highways; stopping.

(A) The department of highways, with reference to state highways and highway routes through cities, and local authorities, with reference to other highways under their jurisdiction, may, upon an engineering and traffic investigation, designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to the intersection.

(B) Every stop sign and yield sign shall be manufactured and installed in conformance with the state manual on uniform traffic-control devices for roads and streets as provided under IC 9-4-1-30 and 9-4-2-1.

(C) Every driver of a vehicle shall stop or yield in obedience to any such sign before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

State law reference—Similar provisions, IC 9-4-1-110.
Cross reference—Penalty, see § 70.99.

Sec. 71.30. Through streets; stopping.

When signs are erected giving notice that a street has been designated a through street, drivers of vehicles shall stop at every intersection before entering any of the streets and parts of streets.

(Code 1968, § 72.16)

Cross reference—Penalty, see § 70.99.

Sec. 71.31. Crossing sidewalks; stopping.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

(Code 1968, § 72.17)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-111.

Sec. 71.32. Traffic obstruction; stopping.

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

(Code 1968, § 72.18)

Cross reference—Penalty, see § 70.99.

Secs. 71.33, 71.34. Reserved.

DIVISION 4. STOPPING; STANDING; PARKING

Sec. 71.35. Parking on highway; disabled vehicles.

(A) Upon any highway outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway when it is practicable to stop, park, or so leave the vehicle off that part of the highway. In every event, a sufficient unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles

and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway.

(B) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

State law reference—Similar provisions, IC 9-4-1-112.
Cross reference—Penalty, see § 70.99.

Sec. 71.36. Removal of vehicle.

(A) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, the officer is authorized to require the driver or other person in charge of the vehicle to move the same to a position off the paved or improved or main traveled part of the highway. If any person so directed shall fail or refuse to move the vehicle or if the vehicle is unattended, then the officer is authorized to provide for the removal of the vehicle to the nearest available garage or other place of safety.

(B) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle to the nearest available garage or other place of safety. (Code 1968, § 75.01)

Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-113.

Sec. 71.37. Prohibited areas.

(A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within 15 feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);

(11) Alongside or opposite any street excavation or obstruction when the stopping, standing, or parking would obstruct traffic;

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit stopping.

(B) No person shall move a vehicle not owned by that person into any such prohibited area or away from a curb such distance as is unlawful. (Code 1968, § 75.04)

Cross reference—Penalty, see § 77.99.
State law reference—Similar provisions, IC 9-4-1-114.

Sec. 71.38. Parking restrictions; local; state highway.

(A) Except where angle parking is permitted by local ordinance for streets under local control and by order of the department of highways on streets and highways in the state highway system, including the routes thereof through cities and towns, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall

be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb.

(B) The department of highways with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where, an engineering investigation has revealed the need for the restriction. The signs shall be official signs, and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on those signs.
(Code 1968, § 75.04)
Cross references—Penalty, see § 77.99; Additional parking regulations, see Ch. 77.
State law reference—Similar provisions, IC 9-4-1-115.

Secs. 71.39—71.44. Reserved.

DIVISION 5. EMERGENCY VEHICLES

Sec. 71.45. Right-of-way.

(A) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, or displaying a flashing red light, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Code 1968, § 72.21)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-85.

Sec. 71.46. Following; restrictions.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park that vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
(Code 1968, § 72.22)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-120.

Sec. 71.47. Driving over hoses.

No vehicle shall be driven over any unprotected hose of a fire department, when the hose laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.
(Code 1968, § 72.23)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-121.

Secs. 71.48, 71.49. Reserved.

DIVISION 6. RAILROAD CROSSINGS

Sec. 71.50. Approaching vehicles; signals.

Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of that vehicle shall stop within 50 feet but not less than ten feet from the nearest track of the railroad, and shall not proceed until he can do so safely, when:

(A) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

(B) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

(C) A railroad train, approaching within approximately 1,500 feet of a highway crossing, emits a signal audible for such distance, and when the train, by reason of its speed or nearness to the crossing, is an immediate hazard.

(D) An approaching train is plainly visible and is in hazardous proximity to the crossing.

(Code 1968, § 72.19)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-106.

Sec. 71.51. Stop signs.

The department of highways, with reference to state highways and highway routes through cities, and local authorities, with reference to other highways under their jurisdiction, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When the stop signs are erected, the driver of any vehicle shall stop within 50 feet but not less than ten feet from the nearest track of the grade crossing and shall proceed only upon exercising due care.

State law reference—Similar provisions, IC 9-4-1-107.
Cross reference—Penalty, see § 70.99.

Sec. 71.52. Passenger vehicles; buses; explosives carriers.

(A) The driver of any motor vehicle carrying passengers for hire, or of any school or private bus carrying passengers, as defined in § 70.01, or any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet, but not less than ten feet, from the nearest rail of the railroad. While so stopped, the driver shall listen through an open window or door and shall look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided. The driver shall not proceed until he can do so safely. After stopping as required herein, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the tracks.

(B) No stop need be made at any such crossing where a police officer or traffic-control signal directs traffic to proceed.

(C) This section shall not apply at street railway grade crossings within a business or residence district, and it shall not apply to abandoned or unused tracks.

(D) Any driver convicted of a violation of this section shall, in addition to the fine and costs as may be assessed against him, have his driving privileges suspended for a period of not less than 60 days.

State law reference—Similar provisions, IC 9-4-1-108.
Cross reference—Penalty, see § 70.99.

Sec. 71.53. Slow-moving vehicles; notice.

(A) No person shall operate or move any Caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure weighing in excess of ten tons and having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(B) Notice of any such intended crossing shall be given to a superintendent of the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(C) Before making any such crossing, the person operating or moving the vehicle or equipment shall first stop the same not less than ten feet nor more than 50 feet from the nearest rail of the railway. While so stopped, the driver shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. The driver shall not proceed until the crossing can be made safely.

(D) No such crossing shall be made when warning of the immediate approach of a railroad train or car is given by automatic signal, crossing gates, a flagman, or otherwise.

State law reference—Similar provisions, IC 9-4-1-109.
Cross reference—Penalty, see § 70.99.

Sec. 71.54. Grading at railroad crossings.

Where any railroad track intersects or crosses any street or alley in the city the railroad corporation owning, maintaining, or operating the track shall plank or otherwise surface the same by laying down and fastening securely strong and substantial planks or a substantial surface between the rails of the track and on the outside thereof for that portion of the street or alley that is occupied by the track. The top of the planks or

other surfacing shall be laid and maintained level with the top of the rails and with the grade of the street or alley as established or used. The planking or substantial surface shall extend to the full width of each street crossing, including sidewalks, and each alley crossing. The planking or other surfacing shall be done in a good, workmanlike manner and shall be maintained in good repair at every such crossing or intersection.
(Code 1968, § 77.03)

Sec. 71.55. Posting of emergency numbers on crossing gates.

All railroads maintaining crossing gates across roadways within the City of Muncie, Indiana, shall prominently post a telephone number at each crossing on the gates so that the railroad can be reached in case of emergency.
(Ord. No. 33-92, 8-3-92)

Editor's note—Ord. No. 33-92, § 1, adopted Aug. 3, 1992, enacted Aug. 3, 1992, enacted provisions pertaining to posting emergency telephone numbers on railroad crossing gates. Such provisions did not specify manner of codification; hence, designation as § 71.55 has been at the discretion of the editor.

Secs. 71.56—71.59. Reserved.

DIVISION 7. RAILROADS

Sec. 71.60. Speed limits, trains.

It shall be unlawful for any railroad or railroad company or corporation by its officers or agents to move, run, or propel or cause to be moved, run, or propelled any railroad locomotive cars or train at a greater rate of speed than 40 miles an hour within the corporate limits of the city.
(Code 1968, § 77.02)

Cross reference—Penalty, § 71.99.9.

Sec. 71.61. Trains blocking streets.

The stopping, standing, or moving back and forth of any railroad train, railroad locomotive, or railroad car on or across any street crossing within the corporation limits of the city, so as to obstruct the free use by the public of the street at that crossing for a continuous period of ten minutes or more, is prohibited. However, if it be shown that any such obstruction was due solely to some mechanical defect or failure, then the obstruction shall not constitute a violation of this section.
(Code 1968, § 77.01)

Cross reference—Penalty, see § 70.99.

Sec. 71.62. Sounding whistles.

No person shall sound a locomotive engine whistle within the city, except as a danger signal in extreme emergency.
(Code 1968, § 77.04)

Cross reference—Penalty, § 70.99.

Sec. 71.63. Jumping on or off trains.

No person, except employees of a railroad and railroad passengers, shall jump on and off railroad trains within the city.
(Code 1968, § 77.05)

Cross reference—Penalty, § 70.99.

Sec. 71.64. Congregating at depots.

The congregation of persons not travelers and having no business in and about the passenger houses, offices, and depots of the railroads within the city is prohibited between the hours of 7:00 p.m. and 7:00 a.m.
(Code 1968, § 77.06)

Cross reference—Penalty, § 70.99.

Secs. 71.65—71.69. Reserved.

DIVISION 8. SCHOOL BUSES

Sec. 71.70. Stopping for; sign required.

(A) The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway, shall bring the vehicle to a stop immediately before reaching the school bus when the arm signal device specified in IC 20-9.1-5-14 is in its extended position, and the driver may not proceed until the arm signal device is no longer extended.

(B) This section shall be applicable only in the event the school bus is in compliance with the markings required by the state school bus committee. When a school bus is being operated on a highway for purposes other than the actual transportation of children either to or from school or

other school-related activities, all markings thereon indicating "school bus" shall be covered or concealed.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-123.

Sec. 71.71. Stopping for; operation of buses.

(A) On any highway divided into two or more roadways by leaving an intervening space which is unimproved, and not intended for vehicular travel, or by a physical barrier or by a dividing section constructed to impede vehicular traffic, and if the school bus is on the opposite side of such traffic barrier, the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of such children.

(B) The state school bus committee, as provided for and established under IC 20-9.1-4 shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school corporation or privately owned and operated under contract with any school corporation in this state and such regulations shall by reference be made a part of any such contract with a school corporation. Every school corporation, its officers and employees, and every person employed under contract by a school district shall be subject to these regulations.

(C) Any officer or employee of any school corporation who violates any of these regulations or fails to include an obligation to comply with the regulations in any contract executed by them on behalf of a school corporation shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school corporation who fails to comply with these regulations shall be guilty of breach of contract and the contract may be cancelled after notice and hearing by responsible officers of the school district.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-124.

Secs. 71.72—71.74. Reserved.

DIVISION 9. PROCESSIONS

Sec. 71.75. Right-of-way; headlights; signals.

Funeral processions shall have the right-of-way at intersections when vehicles comprising these processions have their bright headlights lighted, subject to the following conditions and exceptions:

(A) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving audible signal by siren.

(B) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer.

(C) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals, but when the leading vehicle has proceeded across an intersection in accordance with the signal or after stopping as required by the stop sign, if a guard has been posted to halt crossing traffic, all vehicles in the procession may proceed without stopping, regardless of the sign or signal. If no guard is provided, each car in the procession may proceed after exercising due caution with regard to crossing traffic.

(D) Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1968, § 72.26)

Cross reference—Penalty, § 70.99.(B).

State law reference—Similar provisions, IC 9-4-1.5-1.

Sec. 71.76. Driving between procession vehicles.

The operator of a vehicle not in the funeral procession shall not drive his vehicle between the vehicles of the funeral procession, except when authorized to do so by a traffic officer or when the vehicle is an authorized emergency vehicle giving audible signal by siren.

(Code 1968, § 72.25)

Cross reference—Penalty, § 70.99.(B).

State law reference—Similar provisions, IC 9-4-1.5-2.

Sec. 71.77. Unauthorized procession to gain right-of-way.

Operators of vehicles not a part of a funeral procession shall not form a procession and have their headlights lighted for the purpose of securing the right-of-way granted by § 71.75 to a funeral procession.

Cross reference—Penalty, § 71.99.9.
State law reference—Similar provisions, IC 9-4-1.5-3.

Sec. 71.78. Flashing lights; identifying items.

The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when the vehicle is used as a lead vehicle in the procession. Vehicles comprising a funeral procession shall utilize funeral pennants, flags, or windshield stickers to identify the individual vehicles in such a procession.
(Code 1968, § 72.28)

Cross reference—Penalty, § 71.99.9.
State law reference—Similar provisions, IC 9-4-1.5-4.

Sec. 71.79. Passing procession.

The operator of any vehicle may pass a funeral procession on its left side on any multiple lane highway, whenever the passing can be done safely.

Cross reference—Penalty, § 71.99.9.
State law reference—Similar provisions, IC 9-4-1.5-5.

Sec. 71.80. When permits are required for processions.

No procession or parade containing 25 persons or five or more vehicles, excepting the forces of the United States Army or Navy, the military forces of the state and the forces of the police and fire departments shall occupy, march, or proceed along any street, except in accordance with a permit issued by the chief of police and those other regulations as are set forth in this Code which may apply.
(Code 1968, § 72.27)

Cross reference—Penalty, § 70.99.

Secs. 71.81—71.84. Reserved.

DIVISION 10. LOADS

Sec. 71.85. Load restrictions on certain streets.

When any street is posted by the traffic engineer with signs indicating the maximum gross weight permitted thereon, no person shall operate any vehicle upon that street with a gross weight in excess of the amount specified on the signs.

Cross reference—Penalty, § 70.99.

Secs. 71.86—71.89. Reserved.

DIVISION 11. GENERAL

Sec. 71.90. Following too closely.

(A) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles, the time interval between vehicles, and the condition of the highway.

(B) The driver of any motor truck or motor truck drawing another vehicle or tractor-trailer combination, when traveling upon a roadway outside of a business or residence district or upon a roadway which is a part of the interstate highway system, whether within or without a business or residence district, shall not follow within 300 feet of another motor truck, motor truck drawing another vehicle, or a tractor-trailer combination. The provisions of this section shall not be construed to prevent overtaking and passing, nor shall the same apply upon any lane especially designated for use by motor trucks.

(C) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy that space without danger. This provision shall not apply to funeral processions.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-73.

Sec. 71.91. Starting vehicle on highway.

No person shall start a vehicle which is stopped, standing, or parked unless and until the movement can be made with reasonable safety.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-77.

Sec. 71.92. Safety zones.

No vehicle shall at any time be driven through or within a safety zone.
(Code 1968, § 72.32)
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-105.

Sec. 71.93. Driver's view or control; obstruction of.

(A) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-117.

Sec. 71.94. Coasting in neutral gear.

(A) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral.

(B) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-118.

Sec. 71.95. Littering.

(A) No person shall throw or deposit upon any highway any glass bottles, glass, nails, tacks, wire, cans, or any other substances likely to injure any person, animal, or vehicle upon the highway.

(B) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material, shall immediately remove the same or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-122.

Sec. 71.96. Unsafe vehicle.

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, pole trailer, or any combination thereof unless the equipment upon any and every vehicle is in good working order and adjustment as required in this title and the vehicle is in a safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-126.

Sec. 71.97. Quiet zones.

When any sign or placard containing the phrase "zone of quiet" or "quiet zone" is placed under the authority of the traffic engineer, it shall be unlawful to blow a horn or a whistle or to make or cause any outcry or any unavoidable noise or clamor likely to disturb persons within 150 feet of the sign or placard.
Cross reference—Penalty, § 70.99.

Sec. 71.98. Reckless driving.

No person shall drive or operate a vehicle without due regard for the safety and rights of pedestrians, drivers, and occupants of all other vehicles, so as to endanger the life, limb, or property of any person while in the lawful use of any public or private property other than streets or highways.
(Code 1968, § 72.01)
Cross reference—Penalty, § 70.99.

Sec. 71.99. Vehicles not to be driven on sidewalks.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.
(Code 1968, § 72.29)
Cross reference—Penalty, § 70.99.

Sec. 71.100. Limitations on backing.

The driver of a vehicle shall not back the same unless the movement can be made with reasonable safety and without interfering with other traffic.
(Code 1968, § 72.30)
Cross reference—Penalty, § 70.99.

Sec. 71.101. Clinging to moving vehicles.

Any person riding upon any coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.
(Code 1968, § 72.31)
Cross reference—Penalty, § 70.99.

Sec. 71.102. Boarding or alighting from vehicle in motion.

No person shall board or alight from any passenger bus or vehicle while the passenger bus or vehicle is in motion.
(Code 1968, § 72.34)
Cross reference—Penalty, § 70.99.

Sec. 71.103. Riding on portion of vehicle not designed for passengers.

No person shall ride any passenger bus or vehicle upon any portion thereof not designed or intended for the use of passengers, except in authorized parades. This provision shall not apply to an employee engaged in the discharge of a duty or to persons riding within truck bodies in space intended for merchandise.
(Code 1968, § 72.35)
Cross reference—Penalty, § 70.99.

Sec. 71.104. Civil defense emergency or drill.

No person shall, during a civil defense emergency or a duly authorized civil defense test or drill, violate or disobey any duly promulgated regulation or order of the Indiana Department of Civil Defense, or shall, during the emergency or the test or drill, willfully violate or disobey any official order by a duty authorized person concerning the conduct of civilians, the movement and cessation of pedestrian, and vehicular traffic, or the taking of shelter in designated shelter areas.
(Code 1968, § 72.42)
Cross reference—Penalty, § 70.99.

Sec. 71.105. Use of coasters, roller skates, and similar devices restricted.

No person upon roller skates, or riding in or by means of a coaster, toy vehicle, or similar device shall go upon any roadway, except while crossing the street on a crosswalk, and when so crossing, the person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside for a play street as authorized in this traffic code or by other ordinance of the city.
(Code 1968, § 70.07)
Cross reference—Penalty, § 70.99.

Sec. 71.999. Penalty.

Any person who willfully violates any provisions of sections 71.60, or 71.77 through 71.79 shall be guilty of a punishable violation, and, upon conviction, shall be fined in any sum not to exceed $1,000.00.

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DIVISION 1. ACCIDENTS

Sec. 72.01. Duty of driver.

(A) The driver of any vehicle involved in an accident resulting in injury to or death of any person or injury to property shall immediately stop that vehicle at the scene of the accident or as close thereto as possible, and shall then forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of sections 72.03, 72.04, and 72.05. Every such stop shall be made without obstruct-

ing traffic more than is necessary. The term "STOP" shall mean that the driver of the vehicle shall bring the vehicle to a complete halt of its momentum, remove himself from the vehicle, and attempt the performance of the stated requirements. The failure to stop or the failure to perform any one or more of the requirements shall be a separate offense for which there shall be but one punishment as is hereinafter provided.

(B) Any person failing to stop or to comply with the requirements of section 72.03, 72.04, and 72.05 after causing injury to or death of any person under the circumstances shall, upon conviction, be punished by a fine of not more than $5,000.00. Any person failing to stop or to comply with the requirements after causing injury to the property of another shall, upon conviction, be fined in any sum not exceeding $1,000.00.

(C) The police department of the city may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department, and may require witnesses of accidents to render reports to the department.
(Code 1968, § 72.43)
State law reference—Similar provisions, IC 9-4-1-40.

Sec. 72.02. Vehicle damage.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or, as close thereto as possible and shall forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of section 72.03. Every such stop shall be made without obstructing traffic more than is necessary.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-41.

Sec. 72.03. Information; medical care.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving, and shall upon request exhibit his driving license to the person struck or to the driver or occupant of, or person attending, any vehicle with which he has collided. The driver shall determine the need of, and render reasonable assistance to, any person injured in the accident, including the removal or the making of arrangements for the removal of the person to a physician, surgeon, or hospital for medical or surgical treatment.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-42.

Sec. 72.04. Striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.
Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-43.

Sec. 72.05. Fences and fixtures; notification.

(A) The driver of any vehicle that causes damage to real or personal property of another (other than a vehicle) shall:

(1) Take reasonable steps to locate and notify the owner or person in charge of the property of the damage;

(2) Give the person his name, his address, and the registration number of the vehicle;

(3) Upon request exhibit his driving license if he is required to have a driving license in order to operate the vehicle.

(B) If after reasonable inquiry, the owner or person in charge of the property cannot be found, the driver of the motor vehicle shall notify the sheriff of the county in which the damaged property is located or a member of the state police. The

driver shall give the sheriff or member of the state police the same information which he is required herein to give the owner or person in charge of the damaged property.

(C) The driver of any vehicle used to remove a vehicle which caused the damage described in subsection (A), shall give the notification required by subsection (A) of this section before removal of the same if, for any reason, the notification has not been given. This subsection shall not apply to the removal of any vehicle that constitutes a traffic hazard.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-44.

Sec. 72.06. Notice to police; coroner responsibility.

(A) The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately, by the quickest means of communication, give notice of the accident to the local police department if the accident occurs within a municipality; otherwise to the office of the county sheriff or the nearest state police post.

(B) Every coroner, or other official performing like functions, upon learning of the death of a person in his jurisdiction as a result of a traffic accident, shall immediately notify the department.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-45.

Sec. 72.07. Written reports required.

(A) The driver of a vehicle involved in an accident resulting in injury or death of any person or total property damage to an apparent extent of $200.00 or more, shall, within five days after the accident, forward a written report of the accident to the department.

(B) The department may:

(1) Require any driver who is required to file a report under this section to file supplemental reports whenever the original report is insufficient in the opinion of the department; and

(2) Require witnesses of accidents to render reports to the department.

(C) Every law enforcement officer, who, in the regular course of duty, investigates a motor vehicle accident which resulted in the following shall forward a written report of the accident to the department within 24 hours after completing his investigation:

(1) The injury or death of a person; or

(2) Total property damage to an apparent extent of $500.00 or more.

(D) The commissioner shall, after proper notice is given and a hearing held, revoke or suspend the driving license of any person failing to make any reports required by this section.

(E) Reports filed by a law enforcement officer under subsection (C) above are not confidential records and shall be available for inspection and copying under IC 5-14-3.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-46.

Sec. 72.08. Physical incapacity of driver.

Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required in sections 72.06 and 72.07, and there was another occupant in the vehicle at the time of the accident capable of making the report, the occupant shall make or cause to be made the report not made by the driver.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-47.

Sec. 72.09. Required forms.

(A) The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose, with reference to a traffic accident, the causes, locations, conditions then existing, and the persons and vehicles involved.

(B) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-48.

Sec. 72.10. Coroner reports.

Every coroner or other official performing like functions shall, on or before the tenth day of each month, report in writing to the department the death as the result of an accident involving a motor vehicle of any person within his jurisdiction during the preceding calendar month and the circumstances of the accident.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-49.

Sec. 72.11. Confidentiality of reports.

(A) This section does not apply to accident reports filed by a law enforcement officer or filed under section 72.10.

(B) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes; except that the department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident; except that the department shall furnish, upon demand of any person who has or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department, solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-51.

Sec. 72.12. Required city reports.

Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All the reports shall be for the confidential use of the city department and subject to the provisions of this chapter.

State law reference—Similar provisions, IC 9-4-1-53.

Sec. 72.13. Garage report on bullet marks.

The person in charge of any garage or repair shop, to which is brought any motor vehicle which shows evidence of having been struck by any bullet, shall report to the department within 24 hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

Cross reference—Penalty, § 70.99.

State law reference—Similar provisions, IC 9-4-1-50.

Sec. 72.14. Reserved.

DIVISION 2. SPEED

Sec. 72.15. Maximum limits.

(A) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle, or other conveyance on, near, or entering a highway in compliance with legal requirements and with the duty of all persons to use due care.

(B) Except when a special hazard exists that requires lower speed for compliance with subsection (A) of this section, the limits specified in this section or established as authorized by this section shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of the maximum limits:

(1) Thirty miles per hour in any urban district;

(2) Fifty-five miles per hour on the interstate defense network of dual highways and in other locations;

(3) The maximum speed limits set forth in this section may be altered as authorized in sections 72.16 and 72.19.

(C) The driver of every vehicle shall, consistent with the requirements in subsection (A) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(D) In addition to the other limitations in this section, in section 72.16, and in any oversize vehicle permit issued under IC 9-8-1 and IC 9-8-1.6, no vehicle that exceeds the following sizes may be operated at a speed greater than 45 miles per hour:

(1) A width of eight feet, six inches;

(2) A height of 13 feet, six inches; or

(3) A length of 80 feet.

Cross reference—Penalty, § 70.99.
State law reference—Similar provisions, IC 9-4-1-57.

Sec. 72.16. Local adjustment of limits.

(A) Whenever local authorities determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit within urban districts, but not to less than 20 miles per hour;

(2) Increases the limit within an urban district, but not to more than 60 miles per hour during daytime and 50 miles per hour during nighttime; or

(3) Decreases the limit outside an urban district, but not to less than 35 miles per hour.

(B) Local authorities shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district.

(C) Any altered limit established as herein above authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected on the street or highway.

(D) Local authorities shall not have power to alter speed limits on any highway or extension thereof in the state highway system except that incorporated cities may establish speed limits on state highways upon which a school is located. However, the limit shall only be valid if:

(1) The limit is not less than 20 miles per hour;

(2) The limit is imposed only in the immediate vicinity of the school;

(3) Children are present;

(4) If the speed zone is properly signed; and

(5) The department of highways has been notified of the limit imposed, by registered or certified mail.

State law reference—Similar provisions, IC 9-4-1-58.

Sec. 72.17. Minimum limits; lane requirements.

(A) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. Any person, who is driving at such slow speed and under such circumstances that three or more other vehicles are blocked and cannot pass on the left around this vehicle, shall give right-of-way to those vehicles by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass.

(B) Whenever the department of highways or local authorities determine on the basis of an engineering and traffic investigation that slow

speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the respective department or local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. A limit so determined and declared by appropriate resolution, regulation, or ordinance becomes effective when appropriate sign

or signals giving notice of the limit of speed are erected along such part of a highway.

(C) All vehicles that travel at a speed less than the established maximum shall travel in the right lanes to provide for better flow of traffic on interstate defense network of dual highways.

(D) No person shall operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on the interstate defense network of dual highways in any lane except the far right lane. However, these vehicles may use the left lane for the purpose of passing a slower moving vehicle, entering or leaving the highway, or where a special hazard exists that requires, for safety reasons, the use of an alternate lane.

(E) No person shall operate a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer on any interstate highway consisting of three or more lanes in one direction, in any lane other than the two far right lanes. However, these vehicles may use an alternate lane where necessary to enter or leave a highway or where a special hazard exists that requires, for safety reasons, the use of an alternate lane.

(F) For the purpose of enforcing this section, the term "TRAILER" as used in divisions (D) and (E) of this section shall mean the combination of any motor vehicle towing another vehicle or trailer.

State law reference—Similar provisions, IC 9-4-1-59.
Cross reference—Penalty, see § 70.99.

Sec. 72.18. Bridges and elevated highway structures.

(A) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety on the bridge or structure, when the structure is sign posted as provided in this section.

(B) The department of highways may conduct an investigation of any bridge or other elevated structure constituting a part of a highway. If it shall find that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commission shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of 100 feet, or as near thereto as practicable, before each end of the structure.

(C) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the commission and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

State law reference—Similar provisions, IC 9-4-1-60.
Cross reference—Penalty, see § 70.99.

Sec. 72.19. State highways.

Whenever the department of highways shall determine on the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or on any part of the state highway system, the commission may determine and declare a reasonable and safe maximum limit thereon, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated on the signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted on appropriate fixed or variable signs.

State law reference—Similar provisions, IC 9-4-1-61.

Sec. 72.20. Violations; burden of proof.

(A) In every charge of violation of any speed regulation in this chapter, the complaint or affidavit and the summons, warrant, or notice to appear shall specify the speed at which the defendant is alleged to have driven and the prima facie or fixed speed applicable within the district or at the location.

(B) The provisions of this chapter declaring or providing for fixed and prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of the damage alleged.

State law reference—Similar provisions, IC 9-4-1-62.

Sec. 72.21. Speed contests.

(A) "Speed contest." Any unnecessary rapid acceleration by two or more vehicles which creates a hazard to pedestrians, passengers, vehicles, or other property.

(B) It shall be unlawful for any person to engage in any motor vehicle speed contest on any public highway or public street.

(C) It shall be unlawful for any person, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any public highway or upon any public street, to obstruct or place any barricade or obstruction upon any such street or highway or assist or participate in placing any barricade or obstruction upon any such street or highway.

State law reference—Similar provisions, IC 9-4-6-1, IC 9-4-6-2, IC 9-4-6-3.

Cross reference—Penalty, see § 72.99.

Sec. 72.22. School zones.

(A) There is established a school zone for each public and private school in the city, the zone to be three blocks on all sides of the schools and the zones to be posted as school zones.

(B) During the times as flasher signals and other appropriate traffic-control systems are in operation in school zones the speed limit in school zones shall be as provided in § 72.16.

(C) At all other times, the speed limit in school zones shall be as posted or provided by state law.

(D) No motor vehicle shall pass another motor vehicle in a school zone from 7:00 a.m. to sunset. (Code 1968, § 72.05)

Cross reference—Penalty, see § 70.99.

Secs. 72.23, 72.24. Reserved.

DIVISION 3. DRIVING WHILE INTOXICATED

Sec. 72.25. Definitions.

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

Bureau. The Bureau of Motor Vehicles.

State law reference—Similar provisions, IC 9-11-1-2.

Chemical test. An analysis of a person's blood, breath, urine, or other bodily substance for the determination of the presence of alcohol, a controlled substance, or a drug.

State law reference—Similar provisions, IC 9-11-1-3.

Controlled substance. Has the meaning set out in IC 35-48-1.

State law reference—Similar provisions, IC 9-11-1-4.

Intoxicated. Under the influence of alcohol; a controlled substance; any drug other than alcohol or a controlled substance; or any combination of alcohol, controlled substances, or drugs such that there is an impaired condition of thought and action and the loss of normal control of a person's faculties to such an extent as to endanger any person.

State law reference—Similar provisions, IC 9-11-1-5.

Law enforcement officer. Has the meaning set out in IC 35-41-1.

State law reference—Similar provisions, IC 9-11-1-6.

Prima facie evidence of intoxication. Includes evidence that at the time of an alleged violation there was 0.10 percent, or more, by weight of alcohol in the person's blood.

State law reference—Similar provisions, IC 9-11-1-7.

Relevant evidence of intoxication. Includes evidence that at the time of an alleged violation there was at least .05 percent, but less than .10 percent, by weight of alcohol in the person's blood.

State law reference—Similar provisions, IC 9-11-1-7.5.

Serious bodily injury. Has the meaning set out in IC 35-41-1.

State law reference—Similar provisions, IC 9-11-1-8.

Vehicle. A device for transportation by land or air.

State law reference—Similar provisions, IC 9-11-1-9.

Sec. 72.26. Operation of vehicle with 0.10 percent or more of alcohol in blood; operation of vehicle while intoxicated.

(A) Operation of vehicle with 0.10 percent or more alcohol in blood. A person who operates a vehicle with 0.10 percent, or more, by weight of alcohol in his blood commits a class C misdemeanor.

State law reference—Similar provisions, IC -9-11-2-1.

(B) Operation of vehicle while intoxicated. A person who operates a vehicle while intoxicated commits a class A misdemeanor.

State law reference—Similar provisions, IC 9-11-2-2.

(C) Effect of previous convictions. A person who violates divisions (A) or (B) above commits a class D felony punishable under state law if:

(1) He has a previous conviction of operating while intoxicated; and

(2) The previous conviction of operating while intoxicated occurred within the five years immediately preceding the occurrence of the violation of divisions (A) or (B) above.

State law reference—Similar provisions, IC 9-11-2-3.

(D) Violations resulting in serious bodily injury to another person. A person who violates division (A) or (B) above commits a class D felony punishable under state law if the crime results in serious bodily injury to another person.

State law reference—Similar provisions, IC 9-11-2-4.

(E) Violations resulting in death of another person. A person who violates division (A) or (B) above commits a class C felony punishable under state law if the crime results in the death of another person.

State law reference—Similar provisions, IC 9-11-2-5.

(F) Additional penalties.

(1) In addition to any fine imposed for a misdemeanor under divisions (A) through (E) above, the court shall recommend the suspension of the person's driving privileges for a fixed period of not less than 90 days nor more than two years. However, the person is entitled to credit for any days during which the person's driving privileges were suspended under § 72.35(A)(2), but the person may not receive any credit for days during which driving privileges were suspended under § 72.35(A)(1). Any period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under § 72.35(A)(1). However, if the court finds in the sentencing order that it is in the best interest of society, the court may terminate all or any part of the remaining § 72.35(A)(1) suspension.

(2) If the court, after reviewing the person's bureau driving record and any other relevant evidence finds that the person:

(a) Does not have a previous conviction for operating while intoxicated; and

(b) Has not refused to submit to a chemical test; the court may suspend execution of that part of the sentence concerning the suspension of the person's driving privileges and grant the person probationary driving privileges for 180 days. The person has the burden of proving eligibility for probationary driving privileges.

(3) If a person is granted probationary driving privileges under this division the order must include:

(a) A provision that the person not violate any traffic law;

(b) Any reasonable terms of probation;

(c) A restriction of the person's driving privileges in accordance with division (G) below; and

(d) A statement by the court that the court has reviewed the person's driv-

ing record and any other relevant evidence and found that the person:

1. Does not have a previous conviction for operating while intoxicated; and
2. Did not refuse to submit to a chemical test.

(4) If the court finds that the person has violated any of the terms of the order granting him probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.

State law reference—Similar provisions, IC 9-11-3-1.

(G) Probationary driving privileges; restrictions.

(1) If a court grants a person probationary driving privileges under division (F) above, the person may operate a vehicle only:

(a) To and from his place of employment;

(b) For specific purposes in exceptional circumstances; and

(c) To and from a court-ordered treatment program.

(2) Whenever the court grants the person probationary driving privileges, that part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least 30 days under § 72.39.

(3) The court shall notify a person who is granted probationary driving privileges that:

(a) The probationary driving period commences when the Bureau of Motor Vehicles issues the probationary license; and

(b) The Bureau may not issue a probationary license until it receives a reinstatement fee from the probationary driver and the probationary driver otherwise qualifies for a license.

State law reference—Similar provisions, IC 9-11-3-2.

(H) Violation of terms of probationary license.

(1) A person who operates a vehicle in violation of any term of a probationary license issued under this subchapter commits a class C infraction.

(2) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges for a period of not more than one year.

(3) The Bureau of Motor Vehicles shall send notice of a judgment entered under this section to the court that granted the defendant probationary driving privileges.

State law reference—Similar provisions, IC 9-11-2-6.

State law references—Imprisonment for driving while intoxicated; community service, see IC 9-11-3-4; notice to injured persons of trial, see IC 9-11-4-17; suspension of driving privileges for felonies, see IC 9-11-3-3.

Sec. 72.27. Implied consent to chemical test.

A person who operates a vehicle impliedly consents to submit to the chemical test provisions of this chapter as a condition of operating a vehicle in this state.

State law reference—Similar provisions, IC 9-11-4-1.

Sec. 72.28. Opportunity to submit to chemical test; time limitation.

A law enforcement officer who has probable cause to believe that a person has committed an offense under this subchapter shall offer the person the opportunity to submit to a chemical test. It is not necessary for the law enforcement officer to offer a chemical test to an unconscious person. A law enforcement officer may offer a person more than one chemical test under this subchapter. However, all tests must be administered within three hours after the officer had probable cause to believe the person committed an offense under § 72.26. A person must submit to each chemical test offered by a law enforcement officer in order to comply with the implied consent provisions of this subchapter.

State law reference—Similar provisions, IC 9-11-4-2.

Sec. 72.29. Test results; effect of refusal to submit to test.

(A) If a law enforcement officer has probable cause to believe that a person committed an offense under § 72.26, the person may be arrested.

However, if the chemical test results in prima facie evidence that the person is intoxicated, he shall be arrested for an offense under this subchapter.

(B) At any proceeding under this subchapter, a person's refusal to submit to a chemical test is admissible into evidence.

State law reference—Similar provisions, IC 9-11-4-3.

Sec. 72.30. Procedure.

The Commissioner of the Bureau of Motor Vehicles shall adopt, under IC 4-22-2, rules necessary to carry out the provisions of this subchapter.

State law reference—Similar provisions, IC 9-11-4-4.

Sec. 72.31. Certification of test operators, equipment, and techniques.

(A) The director of the department of toxicology of the Indiana University school of medicine shall adopt rules, under IC 4-22-2, concerning:

(1) Standards and regulations for the selection, training, and certification of breath test operators;

(2) Standards and regulations for the selection, and certification of breath test equipment and chemicals; and

(3) The certification of the proper technique for administering a breath test.

(B) Certificates issued in accordance with rules adopted under division (A) above shall be sent to the Clerk of the Circuit Court in each county that the breath test operator, equipment, or chemicals are used to administer breath tests. However, failure to file a certificate does not invalidate any test.

(C) Certified copies of certificates issued under division (A) above:

(1) Are admissible in a proceeding under this subchapter,

(2) Constitute prima facie evidence that the equipment or chemical:

(a) Was inspected and approved by the department of toxicology on the date specified on the certificate copy; and

(b) Was in proper working condition on the date the breath test was administered, so long as the date of approval is within 180 days before the date of the breath test;

(3) Constitute prima facie evidence of the approved technique for administering a breath test; and

(4) Constitute prima facie evidence that the breath test operator was certified by the department of toxicology on the date specified on the certificate.

(D) Results of chemical tests that involve an analysis of a person's breath are not admissible in a proceeding under this subchapter if the test operator, the test equipment, the chemicals used in the test, if any, or the techniques used in the test have not been approved in accordance with the rules adopted under division (A) above.

State law reference—Similar provisions, IC 9-11-4-5.

Sec. 72.32. Tests performed by physicians.

(A) A physician, or a person under the direction of a physician, who obtains a blood, urine, or other bodily substance sample from a person at the request of a law enforcement officer; or performs a chemical test on blood, urine, or other bodily substance obtained from a person; shall deliver the sample to a law enforcement officer who requests it, or disclose the results of the test to any law enforcement officer when a prosecuting attorney or his deputy requests the results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(B) A physician, a hospital, or an agent of either is not civilly liable for:

(1) Disclosing test results in accordance with this section;

(2) Delivering a blood, urine, or other bodily substance sample in accordance with this section;

(3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section;

(4) Disclosing to the prosecuting attorney or the deputy for use at or testifying at the criminal trial of the person as to facts observed or opinions formed; or

(5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer, if the person declines treatment.

(C) For the purposes of this subchapter, the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section, and these samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(D) The exceptions to the patient-physician relationship specified in division (C) above do not affect those relationships in any proceedings not covered by this subchapter.

(E) The test results and samples obtained by a law enforcement officer under division (A) above may be disclosed only to a prosecuting attorney or his deputy for use as evidence in a criminal proceeding or proceedings under this subchapter.

(F) Nothing in this section requires a person to perform a chemical test.

State law reference—Similar provisions, IC 9-11-4-6.

Sec. 72.33. Refusal to submit to test; duties of arresting officer.

(A) If a person refuses to submit to a chemical test, the arresting officer shall inform the person that his refusal will result in the suspension of his driving privileges.

(B) If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of his driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall forthwith:

(1) Obtain the person's driving license or permit if the person is in possession of the document and issue a receipt valid until the person's driving privileges are suspended by the Bureau; and

(2) Submit a probable cause affidavit to the prosecuting attorney of the county in which the alleged offense occurred.

State law reference—Similar provisions, IC 9-11-4-7.

Sec. 72.34. Probable cause; contents of affidavit.

(A) When a judicial officer has determined that there was probable cause to believe that a person has violated § 72.26 the clerk of the court shall forthwith forward: a copy of the affidavit; and a Bureau certificate as described in IC 9-11-4-16 to the Bureau.

(B) The probable cause affidavit required under § 72.31(B)(2) must:

(1) Set forth the grounds for the officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of § 72.26;

(2) State that the person was arrested for a violation of § 72.26;

(3) State whether the person:

(a) Refused to submit to a chemical test when offered; or

(b) Submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the officer.

State law reference—Similar provisions, IC 9-11-4-8.

Sec. 72.35. Suspension of driving privileges by bureau; review; reinstatement.

(A) Suspension of driving privileges by Bureau.

(1) If the affidavit under § 72.32(B) states that a person refused to submit to a chemical test, the Bureau of Motor Vehicles shall suspend the driving privileges of the person for one year, or until the suspension is ordered terminated under § 72.26(F) or IC 9-11-3-3.

(2) If the affidavit under § 72.32(B) states that a chemical test resulted in prima facie evidence that a person was intoxicated, the Bureau shall suspend the driving privileges of the person for 180 days,

or until the Bureau is notified by a court that the charges have been disposed of, whichever occurs first.

(3) Whenever the Bureau is required to suspend a person's driving privileges under this section, the Bureau shall immediately:

(a) Mail a notice to the person's last known address stating that the person's driving privileges will be suspended for a specified period commencing five days after the date of the notice; and

(b) Notify the person that he has the right to a judicial review under division (B) below.

(4) Notwithstanding IC 4-22-1-3 and IC 4-22-1-30, an action that the Bureau is required to take under IC 9-11-4 is not subject to any administrative adjudication under IC 4-22-1.

Editor's note—Effective 7-1-87, IC 4-22-1 shall be repealed and replaced by IC 4-21.5-1-1 et seq.

(5) If a person is granted probationary driving privileges under § 72.26(F) and the Bureau has not received the probable cause affidavit described in § 72.34 then the Bureau shall suspend the person's driving privileges for a period of 30 days. After the 30-day period has elapsed, the Bureau shall, upon receiving a reinstatement fee from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise qualifies for a license.

(6) If the Bureau receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the Bureau shall issue that person a probationary license, but shall notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license, and the Bureau shall send a certified copy of the person's driving record to the prosecuting attorney. The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct its order. If the Bureau does not receive a corrected order within 60 days, the Bureau shall notify the Attorney General, who shall, in accordance with IC 35-38-1-15, petition the court to correct its order.

State law reference—Similar provisions, IC 9-11-4-9.

(B) Judicial hearing petition for review.

(1) A person whose driving privileges have been suspended under division (A) above is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing:

(a) In the court where the charges with respect to his operation of a vehicle are pending; or

(b) If charges with respect to his operation of a vehicle have not been filed, in any court of the county where the alleged offense or refusal occurred that has jurisdiction over crimes committed in violation of § 72.26.

(2) The petition for review must:

(a) Be in writing;

(b) Be verified by the person seeking review; and

(c) Allege specific facts that contradict the facts alleged in the probable cause affidavit.

(3) The hearing under this division shall be limited to the following issues:

(a) Whether the arresting law enforcement officer had probable cause to believe that the person was operating a vehicle in violation of § 72.26.

(b) Whether the person refused to submit to a chemical test offered by a law enforcement officer.

(4) If the court finds that there was no probable cause; or that the person's driving privileges were suspended under division (A)(1) and that the person did not refuse to submit to a chemical test, the court shall order the Bureau to reinstate the person's driving privileges.

(5) The Prosecuting Attorney of the county in which a petition has been filed under this subchapter shall represent the state on relation of the commissioner with respect to the petition.

(6) The petitioner has the burden of proof by a preponderance of the evidence.

(7) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on relation of the commissioner with respect to the appeal.

(C) Reinstatement of driving privileges. Notwithstanding any other provision of this subchapter, the court shall order the Bureau to reinstate the driving privileges of a person if all of the charges under section 72.26 have been dismissed and the prosecuting attorney states on the record that no charges will be refiled against the person.

State law reference—Similar provisions, IC 9-11-4-10, 11.

Sec. 72.36. Suspension of driving privileges by court; reinstatement procedures.

(A) Whenever a court recommends suspension of the driving privileges under this subchapter:

(1) The bureau of motor vehicles shall comply with the recommendation of suspension, and the driving privileges of the person shall remain suspended for the period set by the court; and

(2) The person shall surrender to the court all licenses or permits of the person, and the court shall immediately forward them to the bureau with the abstract of conviction or judgment.

(B) During the three years following the termination of the suspension, the commissioner of the bureau may not issue a license to the person unless that person provides and maintains proof of financial responsibility in force under IC 9-2-1.

(C) Whenever a court orders the bureau to reinstate a person's driving privileges under this subchapter, the bureau shall:

(1) Comply with the order;

(2) Remove any record of the suspension from the bureau's recordkeeping system; and

(3) Reinstate the privileges without cost to the person.

State law reference—Similar provisions, IC 9-11-4-12, 13.

Sec. 72.37. Effect of previous conviction of driving while intoxicated.

(A) For purposes of this subchapter, a person has a previous conviction of operating while intoxicated if he has been convicted under:

(1) An alcohol-related or drug-related offense under Acts 1939, chapter 48, section 52, as amended, or IC 9-4-1-54 (repealed); or

(2) Any subsection of section 72.26.

(B) In a proceeding under this subchapter a certified copy of a person's driving record obtained from the Bureau of Motor Vehicles; or a certified copy of a court record concerning a previous conviction constitutes prima facie evidence that the person has a previous conviction or judgment of operating while intoxicated.

State law reference—Similar provisions, IC 9-11-4-14.

Sec. 72.38. Admissibility of test results.

At any proceeding concerning an offense under section 72.26, evidence of the amount by weight of alcohol that was in the blood of the person charged with the offense at the time of the alleged violation, as shown by an analysis of his breath, blood, urine, or other bodily substance, is admissible.

State law reference—Similar provisions, 9-11-4-15.

Secs. 72.39—72.44. Reserved.

DIVISION 4. DRIVING WHILE LICENSE IMPOUNDED OR SUSPENDED

Sec. 72.45. Misdemeanor; penalty; supplement to driver improvement act.

(A) A person shall not operate a motor vehicle upon the public highways while his driving privilege, license, or permit is suspended or revoked. A person who violates this division commits a class A misdemeanor.

(B) Notwithstanding subsection (A) above, the person commits a class A misdemeanor if:

(1) A person operates a motor vehicle upon the public highways while his driving privilege, license, or permit is suspended or revoked; and

(2) The person's suspension or revocation was a result of his conviction under section 72.26 or failure to comply with section 72.36.

(C) However, notwithstanding IC 35-50-3-2, a person who violates subsection (B) above shall be imprisoned under state law for a fixed term of not less than 60 days and not more than one year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence, except that part of the sentence exceeding 60 days.

(D) The department upon receiving a record of conviction of any person upon a charge of driving a vehicle while the driving privilege, permit, or license of the person was suspended shall extend the period of the suspension for an additional like period. If the conviction was upon a charge of driving while the driving privilege, permit, or license was revoked, the department shall not issue a new license for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license.

State law reference—Similar provisions, IC 9-1-4-52.

Secs. 72.46—72.49. Reserved.

DIVISION 5. PROHIBITION OF CONSUMPTION OF ALCOHOLIC BEVERAGES WHILE DRIVING

Sec. 72.50. Definitions.

(a) *Alcoholic beverage* shall have the meaning set forth in Indiana Code section 7.1-1-3-5.

(b) *Container* shall have the meaning set forth in Indiana Code section 7.1-1-3-13.

(c) *Motor vehicle* shall have the meaning set forth in Indiana Code section 9-1-1-2, except that "motor vehicle," as used in this article, shall not include recreational vehicles, as defined in Indiana Code section 9-1-1-1(t) designed to transport more than ten passengers including the operator, or any chartered passenger vehicle licensed to operate within the State of Indiana.
(Ord. No. 14-92, § 1, 7-6-92)

Sec. 72.51. Consumption by operator prohibited.

It is unlawful for the operator of a motor vehicle to consume an alcoholic beverage, at any time that the motor vehicle is being operated upon a public highway, street or alley within the City of Muncie.
(Ord. No. 14-92, § 1, 7-6-92)

Sec. 72.52. Citations and penalties.

An officer of the Muncie police department may issue a city ordinance violation citation to a person who violates this article. The first such citation issued to an individual shall impose a fine of $50.00. Each subsequent citation issued to an individual shall impose a penalty not more than $500.00.
(Ord. No. 14-92, § 1, 7-6-92)

Sec. 72.53. Container recycling defense.

It is a defense to any violation of this article that the container is in the motor vehicle for the purpose of recycling and not for consumption while in the vehicle. The person charged with violating this article shall bear the burden of establishing the fact that the open container was in the vehicle for the purpose of recycling.
(Ord. No. 14-92, § 1, 7-6-92)

Secs. 72.54—72.58. Reserved.

Sec. 72.59. Penalty.

Any person who violates any provision of section 72.21 shall, upon conviction, be punished by a fine of not to exceed $250.00.

Editor's note—Formerly numbered as § 72.99.

State law reference—Similar provisions, IC 9-4-6-4.

Sec. 72.60. Reserved.

DIVISION 6. PASSENGER RESTRAINT SYSTEMS*

Sec. 72.61. Applicability of subchapter.

This subchapter [§§ 72.61—72.69] does not apply to a front seat occupant who meets any of the following conditions:

(1) For medical reasons should not wear safety belts.

(2) Is a child required to be restrained by a child passenger restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for purpose of pickup or deliver of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural post route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under 9-24-10.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.62. Use of front seat safety belt required.

Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard number 208 (49 CFR 571.208) shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.62.5. Safety belts for children 4—12.

A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 28 (49 CFR 571.208) in which there is a child commits a Class D infraction if:

(1) The child is at least four years of age but less than 12 years of age; and

(2) The child is not properly fastened and restrained by:

(a) A child passenger restraint system; or

(b) A safety belt.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.63. Stopping, inspecting, detaining to determine compliance.

A vehicle may be stopped to determine compliance with this subchapter. However, a vehicle, the contents of the vehicle, the driver of a vehicle, or passenger in the vehicle may not be inspected, searched, or detained solely because of a violation of this subchapter.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.64. Educational programs.

The City of Muncie, in cooperation with the Indiana Department of Transportation, division of traffic safety, may develop and administer educational programs for the purpose of informing the general public of the benefits that will inure to passengers using safety belts.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.65. Retail sales, leases, trades and transfers.

A person may not buy, sell, lease, trade, or transfer from or to Indiana residents at retail an automobile that is manufactured or assembled, commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the front seat.

(Ord. No. 4-02, § 1, 3-4-02)

*__Cross reference—__Safety belts required, § 75.13

Sec. 72.66. Belt and installation specifications.

A safety belt must be of a type and must be installed in a manner approved by the Indiana Bureau of Motor Vehicles, pursuant to I.C. 9-19-10-6.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.67. Failure to comply; fault; liability of insurer; mitigation of damages.

(A). Failure to comply with section 72.61, 72.62, 72.62.5, 72.63, or 72.64 of this subchapter does not constitute fault under IC 34-4-33 and does not limit the liability of an insurer.

(B) Evidence of the failure to comply with section 72.61, 72.62, 72.62.5, 72.63, or 72.64 of this subchapter may not be admitted in a civil action to mitigate damages.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.68. Penalty for violation of § 72.62.

(A) A person who:

(1) Is at least 16 years of age; and

(2) Violates section 72.62 of this subchapter commits a Class D Infraction.

(B) The Indiana Bureau of Motor vehicles may not assess points under the point system for Class D Infraction under this section pursuant to I.C. 9-19-10-8(b).
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.69. Penalty for violation of 72.65 and 72.66.

A person who violates section 72.65 or 72.66 of this subchapter commits a Class C Infraction.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.70. Reserved.

DIVISION 7. PASSENGER RESTRAINT SYSTEMS FOR CHILDREN*

Sec. 72.71. Applicability of subchapter.

This chapter does not apply to a person who operates any of the following vehicles:

(1) A school bus;

(2) A taxicab;

(3) A rental vehicle leased for not more than 30 days;

(4) An ambulance;

(5) A vehicle registered in a jurisdiction other than Indiana unless the vehicle is operated in Indiana for more than 60 days in any calendar year;

(6) A public passenger bus;

(7) A motor vehicle having a seating capacity greater than nine individuals that is owned or leased and operated by a religious or not-for-profit youth organization;

(8) An antique motor vehicle;

(9) A motor vehicle [sic];

(10) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties;

(11) A motor vehicle that is being used in an emergency.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.72. Penalty for nonrestraint of child less than 4.

A person who operates a motor vehicle in which there is a child less than four years of age who is not properly fastened and restrained by a child passenger restraint system commits a Class D

*__Editor's note—__The provisions of this subchapter were numbered as sections 73.61—73.67 by Ord. No. 4-02, § 1, adopted March 4, 2002. In order to maintain the numbering system used in this Code, the editor has renumbered the provisions of this subchapter as herein set out.

infraction unless it is reasonably determined that the child will not fit in a child passenger restraint system.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.73. Penalty for nonrestraint of child less than 4.

A person who operates a motor vehicle in which there is a child commits a Class D Infraction if:

(1) The child is less than four years of age and it is reasonably determined that the child will not fit in a restraint system; and

(2) The child is not properly fastened and restrained by a safety belt.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.74. Violation not within authority of violations clerk.

Notwithstanding IC 34-28-5-9(1), a court may not designate violations of this subchapter as being within the authority of the violations clerk.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.75. Liability for costs or judgment.

If at a proceeding to enforce section 2 (73.62) the court finds that the person:

(1) Has violated this chapter; and

(2) Possess or has acquired a child passenger restraint system; the court shall enter judgment against the person. However, notwithstanding IC 34-28-5-4, the person is not liable for any costs or monetary judgment if the person has no previous judgments of violation of this chapter against the person.

(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.76. Proof of restraint system.

(A) If at a proceeding to enforce section 2 of this chapter (73.62) the court finds that the person:

(1) Has violated this chapter; and

(2) Does not possess or has acquired a child passenger restraint system; the court shall enter judgment against the person and shall order the person to provide proof of possession or acquisition within 30 days.

(B) Notwithstanding IC 35-28-5-4, if the person:

(1) Complies with a court order under this section; and

(2) Has no previous judgments of violation of this chapter against the person;

the person is not liable for any costs or a monetary judgment.
(Ord. No. 4-02, § 1, 3-4-02)

Sec. 72.77. Abstract of judgment forwarded to bmv.

A court shall forward to the Indiana Bureau of Motor Vehicles in a certified abstract of the record of judgment of any person in the court for a violation of this chapter in the manner provided by IC 9-25-6.
(Ord. No. 4-02, § 1, 3-4-02)

CHAPTER 73. PEDESTRIANS

Sec. 73.01. Obedience to traffic signs and signals.
Sec. 73.02. Right-of-way; crosswalks.
Sec. 73.03. Jaywalking; pedestrian tunnel or overhead tunnel.
Sec. 73.04. Duty of motorist.
Sec. 73.05. Sidewalks; walking along highway.
Sec. 73.06. Soliciting a ride.
Sec. 73.07. Soliciting business.
Sec. 73.08. Crossing at right angles.
Sec. 73.09. Right-of-way for blind persons.
Sec. 73.99. Penalty.

Sec. 73.01. Obedience to traffic signs and signals.

(A) Pedestrians shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(B) Local authorities may, by ordinance, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk, which may be established by ordinance, and shall mark the crosswalks in a manner conforming to the uniform system of traffic-control devices created under IC 9-4-1-30.

(C) Pedestrians are subject to traffic and pedestrian-control signals as provided under IC 9-4-1-35 and 9-4-1-36.

(D) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.
(Code 1968, § 73.01)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-86.

Sec. 73.02. Right-of-way; crosswalks.

(A) When traffic-control signals are not in place or not in operation, the driver of vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. However, no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. This provision shall not apply under the conditions stated in § 73.03 (B) of this chapter.

(B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
(Code 1968, § 73.02)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-87.

Sec. 73.03. Jaywalking; pedestrian tunnel or overhead tunnel.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
(Code 1968, §§ 73.05 and 73.06)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-88.

Sec. 73.04. Duty of motorist.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give warning by sounding an audible signal when necessary, and shall exercise proper precaution upon observing any child or any confused, intoxicated, or incapacitated person.
(Code 1968, § 73.08)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-89.

Sec. 73.05. Sidewalks; walking along highway.

(A) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(B) Where sidewalks are provided and their use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(C) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
(Code 1968, §§ 73.04 and 73.07)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-90.

Sec. 73.06. Soliciting a ride.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle unless the person is faced with an emergency on the roadway, in which case the person may secure a ride in order to obtain assistance.
(Code 1968, § 73.07)
Cross reference—Penalty, see § 70.99.)
State law reference—Similar provisions, IC 9-4-1-91(a).

Sec. 73.07. Soliciting business.

(A) No person shall stand on a street or highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(B) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
State law reference—Similar provisions, IC 9-4-1-91(b), (c).
Cross reference—Penalty, see § 70.99.

(C) It shall be unlawful for any person to approach a motor vehicle on public right of way for the purpose of soliciting funds without the prior approval of the city board of public works and safety. Permits should be limited in time of collection to no greater than five hours and no more than two consecutive days. The board of works may request the applicant to provide proof of liability coverage.
(Ord. No. 6-91, 5-13-91)

Sec. 73.08. Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.
(Code 1968, § 73.03)
Cross reference—Penalty, see § 70.99.

Sec. 73.09. Right-of-way for blind persons.

Blind pedestrians, by holding out horizontally a white cane in the direction they desire to travel over crosswalks, highways, streets, avenues, alleys, or other public highways in the city, or using seeing eye dogs shall be given the right-of-way over all pedestrians and vehicles, except police patrol, fire division, fire patrol, and emergency ambulances. It shall be unlawful to misuse protection herein afforded to the blind.
(Code 1968, § 73.09)
Cross reference—Penalty, see § 70.99.

Sec. 73.99. Penalty.

Any person who intentionally or negligently violates any provisions of § 73.07(C) or authorizes the violation of any provision of § 73.07(C) shall be punished by a fine not to exceed $1,000.00 per each violation upon conviction. Every day such violation shall continue shall constitute a separate offense.
(Ord. No. 6-91, 5-13-91)

CHAPTER 74. BICYCLES AND MOTORCYCLES

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DIVISION 1. BICYCLES

Sec. 74.01. Children and wards.

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

(B) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
(Code 1968, § 76.03)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-93.

Sec. 74.02. Riding on roadways.

Every person riding a bicycle upon a roadway shall have all of the rights and all of the duties under the provisions of this title applicable to the driver of a vehicle, except as to special regulations of §§ 74.01 through 74.09, and except as to those provisions of this title which by their nature can have no application.
(Code 1968, § 76.03)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-94.

Sec. 74.03. Seat; passengers.

(A) A person propelling a bicycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon the bicycle otherwise than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle otherwise than as above stated.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(Code 1968, §§ 76.04 and 76.05)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-95.

Sec. 74.04. Hitching rides on motor vehicles.

Any person upon any bicycle, coaster, roller skates, or toy vehicle shall not attach the same or himself to any vehicle upon a roadway.
(Code 1968, § 76.05)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-96.

Sec. 74.05. Riding two abreast.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
(Code 1968, § 76.05)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-97.

Sec. 74.06. Carrying packages.

(A) No person riding a bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars; nor shall any person place upon a bicycle any package, bundle, or article in a manner as to obstruct the vision of the person.

(B) Infant carriers bolted to the frame of the bicycle and mounted on the rear of the bicycle shall be permitted.

(C) Carts especially manufactured to be towed by bicycles are also permitted.
(Code 1968, § 76.04)
Cross reference—Penalty, see § 74.99. (B)
State law reference—Similar provisions, IC 9-4-1-98.

Sec. 74.07. Audible signals.

No person shall ride a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that no bicycle shall be equipped with, nor shall any person use upon a bicycle any siren or whistle.
(Code 1968, § 76.06)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-4-1-99.

Sec. 74.08. Lights, reflectors, brake.

(A) Every bicycle operated on a public highway from ½ hour after sunset until ½ hour before sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear; except that a red reflector meeting the requirements of this title may be used in lieu of a rear light.

(B) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
(Code 1968, § 76.06)
Cross reference—Penalty, see § 74.99. (B)
State law reference—Similar provisions, IC 9-4-1-100.

Sec. 74.09. Traffic rules.

The operator of any bicycle upon any public highway shall observe each and all of the regulations and requirements of this title as these apply to the usage of the right lane of the highway in travel, the stoppage and proceeding in accord with traffic signals, and the utilization of prescribed manual signs for the guidance of other traffic.
State law reference—Similar provisions, IC 9-4-1-101.
Cross reference—Penalty, see § 70.99.

Sec. 74.10. Safety practices and equipment.

(A) A person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as reasonable and prudent.

(B) No person operating a bicycle shall remove both hands from the handlebars, or feet from the pedals, while the vehicle is in motion, or practice any acrobatic or fancy riding on any street; nor shall any person operating a bicycle upon a roadway participate in any race of speed or endurance in a contest with another bicycle or vehicle.

(C) Wherever a bicycle path has been provided adjacent to a roadway and in reasonable condition, bicycle riders shall use these paths instead of the roadway.

(D) No person shall operate a bicycle on a roadway when the bicycle is equipped with handlebars so raised that the operator's hands, when upon the handlebars, will be elevated above shoulder level.

(E) No person shall operate a bicycle at a speed greater than the maximum speed provided for vehicles at the particular location or at a speed greater than is reasonable and prudent under existing conditions.

(F) When emerging from an alley, driveway, or building the operator of a bicycle shall, upon approaching a sidewalk or sidewalk area extending across the alleyway, driveway, or building, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway, shall yield the right-of-way to all approaching vehicles.

(G) No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building or at the curb in a manner as to hinder or obstruct pedestrian traffic.

(H) Bicycle racks may be installed in the public rights-of-way only upon application for a no-charge permit from the office of the city engineer and approval of the board of public works and safety. All bicycle racks constructed pursuant to this section shall be located, constructed, and maintained in accordance with the specifications

of the city engineer who shall be responsible for keeping sufficient records of the permits and specifications.

(I) No bicycle shall be operated upon any sidewalk in the city unless otherwise designated, except those operated by persons 12 years of age or less. These persons, however, shall yield the right-of-way to any and all pedestrians.
(Code 1968, §§ 76.05 through 76.07)
Cross reference—Penalty, see § 74.99. (A)

Sec. 74.11. Registration and licensing.

(A) No resident of the city shall ride or operate a bicycle upon a highway or public way or upon a public path set aside for the exclusive use of bicycles within the corporate limits of the city, unless the bicycle has been properly registered and licensed.

(B) Every owner of a bicycle within the city shall file with the police director a complete description of the bicycle and shall show evidence of ownership. Subsequently, any resident who acquires ownership of a bicycle shall file for registration within a period of five days from the day of acquisition of the bicycle.

(C) The police director shall have authority to issue bicycle licenses at the time of registration, which shall be effective until there is a change of ownership. This officer shall keep a record of all licenses issued, to whom issued, the number thereof, and the number of the bicycle frame, and shall keep a record of all fees collected for the issuance of the licenses. The above mentioned license when issued, shall entitle the licensee to operate the bicycle for which the license shall have been issued upon all highways or public ways or upon all public paths set aside for the exclusive use of bicycles within the city.

(D) Upon the registration of a bicycle the police director shall issue the license sticker following payment of $1.00 fee. The fee shall become the property of the city at the time of issuance of the license sticker. The police director shall also supply the owner at the time of registration with a registration card showing the registration number and a printed sheet or booklet containing the laws and ordinances applicable to the operation of a bicycle within the city together with whatever information may, in the judgment of the chief of police, assist the operator in the safe operation of a bicycle.

(E) Upon the issuance of a license sticker, the chief of police shall have affixed to the bicycle the license sticker, designating compliance and causing the name of owner and serial number of the bicycle to be recorded in the computer. The chief of police shall cause the sticker to be properly attached to the upper portion of the seat tube in such a position as to be plainly visible.

(F) All bicycles must be properly registered and shall display the issued license sticker. With transfer of ownership of a bicycle the transfer of registration to the new owner must be completed within five days from the date of transfer.

(G) Upon the loss or destruction of any license required by this section and upon the payment of a fee of $0.75 a new license shall be issued in the same manner as upon an original application.

(H) Upon the sale or transfer of a licensed bicycle, the licensee thereof shall destroy the license sticker and surrender registration card to the chief of police, and may have the chief of police assign a new license sticker to another bicycle owned or operated by the licensee upon the payment of a fee of $0.75.
(Code 1968, § 76.08)
Cross reference—Penalty, see § 74.99. (A)

Sec. 74.12. Rental agencies, dealers.

(A) A rental agency shall not offer any bicycle for rent unless a license sticker therefor has been obtained and attached thereto as required in this chapter.

(B) Bicycles offered for rent by rental agency shall be equipped by the agency with all the safety equipment required in this chapter and shall be kept in good and safe working order.

(C) Persons engaged in the business of buying or selling new or used bicycles are required to make a monthly report to the chief of police giving the name and address of the person from or to whom the bicycle is sold or purchased, the descrip-

tion thereof, the frame number thereof, and the number of the license sticker, if any, found thereon.
(Code 1968, § 76.09)

Cross reference—Penalty, see § 70.99.

Sec. 74.13. Inspection.

A bicycle shall be presented for inspection at the time of registration. The chief of police shall have the authority to refuse to issue a license sticker for the bicycle if the same is found to be unsafe for operation.
(Code 1968, § 76.10)

Cross reference—Penalty, see § 74.99. (A)

Sec. 74.14. Nonreverting fund.

All moneys obtained from the bicycle registration and licensing fees, excluding the following administrative costs: registration forms, license stickers, public information, safety pamphlets, computer services, and one administrative employee to carry out the first year of the program, shall be placed in the general fund by the city controller.
(Code 1968, § 76.11)

Sec. 74.15. Traffic engineer to designate bicycle paths.

The traffic engineer is authorized and required to designate bicycle paths on those public streets and in those places as the common council shall determine by ordinance to be of the greatest benefit, safety, and convenience to the motoring and bicycling public, and every such bicycle path shall be designated by yellow lines and symbols painted on the streets in those areas deemed appropriate by the traffic engineer and the traffic engineer shall also erect appropriate metal signs designating the bicycle paths.
(Code 1968, § 76.14)

Sec. 74.16. Restricted use of bicycle paths.

(A) No persons shall drive a motor vehicle within or on a bicycle path designated in accordance with § 74.15 of this chapter.

(B) Bicycle paths shall be used exclusively by riders of bicycles who must obey and observe all laws and rules of the road within the bicycle paths in addition to all other traffic-control devices.
(Code 1968, § 76.15)

Cross reference—Penalty, see § 70.99.

Sec. 74.17. Purpose; application.

(A) This chapter responds to the increasing intensity of bicycle movement throughout the city for purposes of recreation, business, school attendance, and the achievement of better health created by a substantial number of citizens of all ages. This chapter is intended to promote safety of all persons operating bicycles upon the streets of the city; to achieve greater harmony between motor and bicycle traffic moving upon the streets; and to aid in permitting a more orderly flow of bicycle traffic upon the streets in full accord with a prescribed set of standards designed to maintain such order.

(B) The provisions of this chapter shall be applicable to any and all persons residing permanently or temporarily within the corporate lines of the city except that the registration of a bicycle owned and operated by a person not residing permanently or temporarily within the corporate limits of the city shall not be required.
(Code 1968, §§ 76.01 and 76.99)

Secs. 74.18—74.24. Reserved.

DIVISION 2. MOTORCYCLES

Sec. 74.25. Operator's license.

No resident person shall drive or operate a motorcycle on the public streets or highways of this state until the driver or operator shall have secured a regular operator's license from the bureau of motor vehicles of this state.

State law reference—Similar provisions, IC 9-8-9-1.

Cross reference—Penalty, see § 70.99.

Sec. 74.26. Passengers; packages; traffic regulations.

In addition to all other laws and regulations applicable to the driving and operation of motorcycles on the public streets and highways, the following shall also apply:

(A) Not more than one passenger in addition to the operator shall be carried by a motorcycle having only two wheels in contact with the ground or pavement, and no passengers shall be carried in addition to the driver or operator except upon a firmly attached and regular seat designed for passenger use.

(B) No passenger shall be carried on a motorcycle in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(C) No person operating a motorcycle shall carry any packages, bundles, or other articles which prevent the operator from keeping both hands on the handlebars.

(D) No person shall drive, operate, or ride as a passenger on any motorcycle having only two wheels in contact with the ground or pavement in any position other than astride the seat or saddle provided.

(E) Head lamps shall be illuminated at all times when a motorcycle is in operation.

(F) All motor vehicles, including motorcycles, are entitled to the full use of a traffic lane and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane provided that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(G) All other traffic regulations adopted before or after the effective date of this traffic code and all rights and duties inured therefrom which apply to motor vehicle drivers or operators generally, shall apply to the drivers and operators of motorcycles, except those which expressly do not apply or which by their nature can have no application.

(H) A motorcycle with a design speed of not more than 30 miles per hour and having a seat, but not a saddle, may not be operated on the interstate defense network of highways or on any public highway outside the limits of a city or town, as defined in IC 36-1-2.

(Code 1968, § 72.53)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-8-9-2.

Sec. 74.27. Brakes; equipment.

No motorcycle shall be operated on the public streets or highways by a resident of this state which is:

(A) Equipped with handlebars that rise more than 15 inches above the level of the driver's seat or saddle, when occupied.

(B) Not equipped with brakes in good working order on both front and rear wheels.

(C) Not equipped with footrests or pegs for both operator and passengers.

(D) Not equipped with lamps and reflectors meeting the standards of the United States Department of Commerce, as amended.

State law reference—Similar provisions, IC 9-8-9-4.

Cross reference—Penalty, see § 70.99.

Sec. 74.28. License required.

No person shall rent, lease, or furnish a motorcycle to any person for use on the public streets and highways who is not regularly licensed to operate a motor vehicle, by the state, if a resident, and by the state of which he is a resident, if a nonresident.

(A) It shall be unlawful for a person to whom a motorcycle is rented, leased, or furnished to rent, sublease, or otherwise authorize the use of the motorcycle on the streets and highways to any person who is not licensed to operate a vehicle in this state.

(B) It shall be unlawful to rent, lease, or furnish any motorcycle that is not in safe operating condition.

State law reference—Similar provisions, IC 9-8-9-5.

Cross reference—Penalty, see § 70.99.

Sec. 74.99. Penalty.

(A) Whoever violates any of the provisions of §§ 74.10, 74.11, or 74.13 shall be punished by a fine of not more than $5.00, or by the removal and the detention of the license plate of the offender's bicycle for a period not to exceed ten days, or by the impounding of the offender's bicycle for a period not to exceed ten days, or by any combination of these penalties.

(B) Whoever violates any of the provisions of §§ 74.06 or 74.08 shall be punished by a fine of not more than $25.00 or by the impounding of the offender's bicycle for a period not to exceed 30 days, or both.

CHAPTER 75. EQUIPMENT

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DIVISION 1. GENERAL

Sec. 75.01. Operating vehicle in unsafe condition.

(A) It is a class C infraction for any person to operate or move, or for the owner to knowingly permit to be operated or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person; or which does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter; or which is equipped in any manner in violation of this chapter; or for any person to do any act forbidden or fail to perform any act required under this chapter. However, an owner or operator of any vehicle or any combination of vehicles which at all times contains those parts and accessories and is equipped as is required by the United States Department of Transportation as set out in the most current regulation or standard of that authority, or by any successor agency having the duty and responsibility as a federal agency of prescribing the required equipment, parts, and accessories for vehicles or combination of vehicles is not in violation of this chapter.

(B) The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(C) A farm type dry or liquid fertilizer tank trailer or spreader when drawn or towed on a public highway by a farm tractor, or when drawn or towed on a public highway by any motor vehicle at a speed of 30 miles per hour or less, shall, with respect to equipment requirements, be considered as an implement of husbandry. All the requirements of this chapter, regarding lamps on combinations including farm tractors shall apply to such vehicle, but when drawn or towed on a public highway by any motor vehicle other than a farm tractor, at a speed greater than 30 miles per hour, the vehicle shall, for equipment requirement purposes, be considered as a trailer, and all equipment requirements concerning trailers shall apply.

State law reference—Similar provisions, IC 9-8-6-2.
Cross reference—Penalty, see § 70.99.

Sec. 75.02. Brakes required.

(A) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(B) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(C) Every trailer or semitrailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab. The brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(D) Every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, and except that any semitrailer of less than 1,500 pounds gross weight, need not be equipped with brakes. Provided that trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when the vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, the trucks and truck-tractors must be capable of complying with the performance requirements of section 33, chapter 170, Acts of 1955.

(E) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands. This brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

(F) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

State law reference—Similar provisions, IC 9-8-6-32.
Cross reference—Penalty, see § 70.99.

Sec. 75.03. Stopping distances.

(A) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, shall, upon application of the service (foot) brake, be capable of decelerating and developing a braking force equivalent to the deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein.

	Stopping distance in feet	*Deceleration in feet per second*	*Equivalent braking force in percentage of vehicle or combination weight*
Passenger vehicles, not including buses	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds	30	14	43.5%

	Stopping distance in feet	*Deceleration in feet per second*	*Equivalent braking force in percentage of vehicle or combination weight*
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	50	14	43.5%

(B) Compliance with standards set forth herein shall be determined either:

(1) By actual road tests conducted on a substantially level (not to exceed a plus or minus one percent grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distance measured from the actual instant braking controls are moved and from an initial speed of 20 miles per hour; or

(2) By suitable mechanical tests in testing lane which re-creates the same conditions; or

(3) A combination of both methods.

State law reference—Similar provisions, IC 9-8-6-33.
Cross reference—Penalty, see § 70.99.

Sec. 75.04. Maintenance and adjustment of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable as with respect to the wheels on opposite sides of the vehicle.

State law reference—Similar provisions, IC 9-8-6-34.
Cross reference—Penalty, see § 70.99.

Sec. 75.05. Audible warning signals.

(A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway.

(B) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(C) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(D) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department. The siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violation of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

State law reference—Similar provisions, IC 9-8-6-35.
Cross reference—Penalty, see § 70.99.

Sec. 75.06. Mufflers.

(A) This section applies to every motor vehicle except an antique motor vehicle registered under IC 9-7-6-2.

(B) Every motor vehicle shall be equipped with a muffler free from visually discernible exhaust gas leaks; visually discernible alteration of muffler elements; or visually discernible deterioration of muffler elements.

(C) Every motor vehicle shall be equipped with a muffler or other noise dissipative device that is in good working order and is in constant operation to prevent excessive noise.

(D) Motor vehicles may not be equipped with a muffler cutout, a bypass, or any similar device.

(E) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.
(Code 1968, § 72.51)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-8-6-36.6.

Sec. 75.07. (Reserved).

Sec. 75.08. Bumpers; height restrictions.

(A) When operated upon a highway, every motor vehicle registered as a passenger car that was originally equipped with bumpers as standard equipment shall be so equipped. The bumper height may not vary more than three inches from the original manufactured bumper height for that vehicle.

(B) When operated upon a highway, every motor vehicle registered as a truck, the declared gross weight of which does not exceed 11,000 pounds, shall be equipped with bumpers of substantial construction on the extreme front and the extreme rear of that vehicle. The height of the front and rear bumpers may not exceed 30 inches when measured from level pavement to the bottom of the bumper.
(Code 1968, § 72.52)
Cross reference—Penalty, see § 70.99.
State law reference—Similar provisions, IC 9-8-6-37.5.

Sec. 75.09. Rearview mirrors.

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.
State law reference—Similar provisions, IC 9-8-6-37.
Cross reference—Penalty, see § 70.99.

Sec. 75.10. Windshield; windows; wipers.

(A) Every motor vehicle, except motorcycles and motor-driven cycles, required to be registered with the Bureau of Motor Vehicles shall be equipped with a front windshield.

(B) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or any intersecting highway, except that signs, posters, or other nontransparent material not larger than four inches square may be placed upon the front windshield, side wings, or side or rear windows in the lower corner farthest removed from the driver's position.

(C) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(D) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(E) No person shall drive any motor vehicle which has a windshield, side wing, or side window which is part of a front door, which is tinted to the extent, or manufactured in such a way, that the occupants of the vehicle cannot be easily identified or recognized through that window from outside the vehicle.

(F) Division (E) above does not apply to the driver of any vehicle that is owned by a person required for medical reasons to be shielded from the direct rays of the sun or in which a person required for medical reasons to be shielded from the direct rays of the sun is a habitual passenger. The medical reasons must be attested to by a physician licensed to practice in this state, and the physician's certification of that condition must be carried in the vehicle.

(G) The physician's certificate in division (F) above must be renewed annually.

State law reference—Similar provisions, IC 9-8-6-38.
Cross reference—Penalty, see § 70.99.

Sec. 75.11. Safety glazing required.

(A) On and after January 1, 1956, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter, unless the vehicle is equipped with safety glazing material of a type approved by the director of traffic safety wherever glazing material is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger motor vehicles, including passenger buses and school buses. In respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the driver's compartments of the vehicles.

(B) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

State law reference—Similar provisions, IC 9-8-6-40.
Cross reference—Penalty, see § 70.99.

Sec. 75.12. Tire restrictions.

(A) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(B) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(C) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid;

(3) Tires in which have been inserted ice grips or tire studs of wear-resisting material between October 1 and May 1 if the ice grips or studs are installed in such manner as to provide resiliency upon contact with the road, with projections not to exceed 3/32 inch beyond the tread of the traction surface of the tire and constructed to prevent any appreciable damage to the road surface.

(D) The department of highways and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

State law reference—Similar provisions, IC 9-8-6-39.
Cross reference—Penalty, see § 70.99.

Sec. 75.13. Safety belts required; specifications.

(A) Required equipment. It is unlawful for any person to buy, sell, lease, trade, or transfer from or to state residents at retail an automobile, which is manufactured or assembled commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the front seat thereof.

(B) Specifications. All such safety belts shall be of a type and shall be installed in a manner approved by the commissioner of the bureau of motor vehicles. The commissioner shall establish specifications and requirements for approved types of safety belts and attachments thereto. The com-

missioner shall accept, as approved, all seat belt installations and the belt and anchor meeting the society of automotive engineers' specifications.

State law reference—Similar provisions, IC 9-8-7-1, IC 9-8-7-2.

Cross reference—Penalty, see § 75.99. (A)

Sec. 75.14. Transporting explosives.

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. The exception to this section is any vehicle transporting an interstate shipment which is otherwise in compliance with the rules and regulations of the Interstate Commerce Commission or other federal agency governing the transportation of explosives and other dangerous articles including requirements for placarding.

(A) The vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than 24 inches square marked with the word "danger" in white letters six inches high.

(B) Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

State law reference—Similar provisions, IC 9-8-6-43.

Cross reference—Penalty, see § 70.99.

Sec. 75.15. Air conditioning restrictions.

(A) The term "air conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(B) The equipment shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public, and shall not contain any refrigerant which is toxic to persons or which is flammable.

(C) No person shall have for sale, offer for sale, sell, or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(D) No person shall operate on any highway any motor vehicle equipped with any air conditioning equipment unless the equipment complies with the requirements of this section.

State law reference—Similar provisions, IC 9-8-6-44.

Cross reference—Penalty, see § 70.99.

Sec. 75.16. Television set restrictions.

It is a class C infraction for any person, firm, partnership, or corporation to own or operate, upon the highways, any motor vehicle in which there is installed a television set, the screen of which can be seen by any person sitting in the seat from which the motor vehicle is operated.

State law reference—Similar provisions, IC 9-8-8-1.

Cross reference—Penalty, see § 75.99. (B)

Secs. 75.17—75.19. Reserved.

DIVISION 2. LIGHTS AND REFLECTORS

Sec. 75.20. Time requirement for display of lights.

Every vehicle upon a highway between the time from sunset to sunrise, and at any other time when due to insufficient light or unfavorable atmospheric conditions persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead, shall display lighted head lamps and those other illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(Code 1968, § 72.50)

Cross reference—Penalty, see § 70.99.

State law reference—Similar provisions, IC 9-8-6-3.

Sec. 75.21. Visibility distance and height requirements of lights.

(A) Whenever requirements are hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions shall apply during the times stated in

§ 75.20 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(B) Whenever requirement is hereinafter declared as to the mounted heights of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

State law reference—Similar provisions, IC 9-8-6-4.
Cross reference—Penalty, see § 70.99.

Sec. 75.22. Head lamp requirements.

(A) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(B) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(C) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches to be measured as set forth in § 75.21 (B).

State law reference—Similar provisions, IC 9-8-6-5.
Cross reference—Penalty, see § 70.99.

Sec. 75.23. Tail lamp requirements; license plate light.

(A) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear. Provided that, in the case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. Further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1956, shall be equipped with at least two tail lamps mounted on the rear which, when lighted as herein required, shall comply with the provisions of this section.

(B) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(C) Either a tail lamp or a separate lamp shall be so placed and constructed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

State law reference—Similar provisions, IC 9-8-6-6.
Cross reference—Penalty, see § 70.99.

Sec. 75.24. Reflectors.

(A) Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors; except that every motorcycle and every motor-driven cycle shall carry at least one reflector meeting the requirements of this section, and except that vehicles of the type mentioned in § 75.27 shall be equipped with reflectors as required in those sections applicable thereto.

(B) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in § 75.21 (B), and shall be of the size and characteristics and so mounted as to be visible at night from all distances within 350 feet to 100 feet from the vehicle when directly in front of lawful upper beams of head lamps; except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

State law reference—Similar provisions, IC 9-8-6-7.
Cross reference—Penalty, see § 70.99.

Sec. 75.25. Sale of vehicles without stop lamps or mechanical turn signals.

(A) It shall be unlawful for any person to sell any motor vehicle, including any motorcycle or motor-driven cycle, in this state or for any person

to drive any vehicle on the highways unless it is equipped with at least one stop lamp meeting the requirements of § 75.38.

(B) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1956, unless it is equipped with mechanical or electrical turn signals meeting the requirements of § 75.38. This division shall not apply to any motorcycle or motor-driven cycle.

State law reference—Similar provisions, IC 9-8-6-8.
Cross reference—Penalty, see § 70.99.

Sec. 75.26. Lamps, reflectors, stoplights required.

Sections 75.21 through 75.31, relating to clearance and marker lamps, reflectors, and stoplights, shall apply to the following type vehicles when the vehicles are operated upon any highway: passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers. The vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in § 75.20, except that clearance and side marker lamps need not be lighted on any such vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

State law reference—Similar provisions, IC 9-8-6-9.
Cross reference—Penalty, see § 70.99.

Sec. 75.27. Lamp requirements.

In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in § 75.26:

(A) On every bus or truck, whatever its size, there shall be the following: on the rear two reflectors, one at each side, and one stoplight.

(B) On every bus or truck 80 inches or more in over-all width, in addition to the requirements in division (A) of this section:

(1) On the front, two clearance lamps, one at each side;

(2) On the rear, two clearance lamps, one at each side;

(3) On each side, two side marker lamps, one at or near the front end and one at or near the rear;

(4) On each side, two reflectors, one at or near the front and one at or near the rear.

(C) On every truck tractor:

(1) On the front, two clearance lamps, one at each side;

(2) On the rear, one stoplight.

(D) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:

(1) On the front, two clearance lamps, one at each side;

(2) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(3) On each side, two reflectors, one at or near the front and one at or near the rear;

(4) On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stoplight.

(E) On every pole trailer in excess of 3,000 pounds gross weight:

(1) On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear;

(2) On the rear of the pole trailer or load, two reflectors, one at each side.

(F) On every trailer, semitrailer, or pole trailer weighing 3,000 pounds gross or less: on the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of the dimensions as to obscure the stoplight on the towing vehicle, then the vehicle shall also be equipped with one stoplight.

State law reference—Similar provisions, IC 9-8-6-10.
Cross reference—Penalty, see § 70.99.

Sec. 75.28. Lamp and reflector required colors.

(A) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(B) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(C) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stoplight or other signal device which may be red, amber, or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

State law reference—Similar provisions, IC 9-8-6-11.
Cross reference—Penalty, see § 70.99.

Sec. 75.29. Lamp and reflector height.

(A) Reflectors when required by § 75.27 shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(B) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(C) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this chapter.

(D) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

State law reference—Similar provisions, IC 9-8-6-12.
Cross reference—Penalty, see § 70.99.

Sec. 75.30. Lamp and reflector size, visibility.

(A) Every reflector upon any vehicle referred to in § 75.27 shall be of a size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(B) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(C) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at a distance of 500 feet from the side of the vehicle on which mounted.

State law reference—Similar provisions, IC 9-8-6-13.
Cross reference—Penalty, see § 70.99.

Sec. 75.31. Obscured lights; combinations of vehicles.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination. However, this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor the requirement that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

State law reference—Similar provisions, IC 9-8-6-14.
Cross reference—Penalty, see § 70.99.

Sec. 75.32. Light or flag required for projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme rear end of the load, at the time specified

in § 75.20, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

State law reference—Similar provisions, IC 9-8-6-15.
Cross reference—Penalty, see § 70.99.

Sec. 75.33. Parked or standing vehicles.

(A) Whenever a vehicle is lawfully parked upon a street or highway during the hours between ½ hour after sunset and ½ hour before sunrise, and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon the street or highway, no lights need be displayed upon the parked vehicle.

(B) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between ½ hour after sunset and ½ hour before sunrise, and there is not sufficient light to reveal any person or object within a distance of 500 feet upon the highway, the vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements, which provisions shall not apply to a motor-driven cycle:

(1) At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle;

(2) The same lamp or at least one lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle;

(3) The location of the lamp shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable on the side of the vehicle which is closest to passing traffic.

(C) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

State law reference—Similar provisions, IC 9-8-6-16.
Cross reference—Penalty, see § 70.99.

Sec. 75.34. Agricultural machinery and equipment.

(A) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in § 75.20 be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of the vehicle. The vehicle shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of the vehicle and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps. The lights required herein shall be positioned so that one lamp showing to the front and one lamp or reflector showing to the rear will indicate the farthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(B) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 75.20, be equipped with two red reflectors visible from a distance of 100 feet to 600 feet to the rear thereof when illuminated by the upper beams of head lamps, which reflectors shall be mounted in a manner as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(C) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in § 75.20, be equipped with two single-beam or multiple-beam head lamps meeting the requirements of §§ 75.40 or 75.42 or, as an alternative, § 75.43. The vehicle shall also be equipped with two red lamps visible from a distance of not less than 500 feet to the rear, or, in the alternative, one red lamp visible from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. The red lamps or reflectors shall be mounted in the rear of the farm tractor or self-propelled implement of husbandry

so as to indicate as nearly as practicable the extreme left and right projections of the vehicle on the highways.

(D) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in § 75.20 be equipped with the following lamps:

(1) The farm tractor element of every such combination shall be equipped with two single-beam or multiple-beam head lamps meeting the requirements of §§ 75.40, 75.41, or 75.43; and

(2) The towed unit of farm equipment or implement of husbandry element of the combination shall be equipped with two red lamps visible from a distance of not less than 500 feet to the rear, or as an alternative, one red lamp visible from a distance of not less than 500 feet to the rear, and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps. The red lamps or reflectors shall be located so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on this highway; and

(3) The combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp displaying a red light visible from a distance of not less than 500 feet to the rear, which lamp shall be installed or capable of being positioned so as to indicate to the front and rear the farthest projection of the combination on the side of the road used by other vehicles in passing the combination.

State law reference—Similar provisions, IC 9-8-6-17.
Cross reference—Penalty, see § 70.99.

Sec. 75.35. Reflector requirement.

Every vehicle, including animal-drawn vehicles and vehicles not specifically required to be equipped with lamps or other lighting devices, shall at all times specified in § 75.20 be equipped with at least two red reflectors visible from distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps.

State law reference—Similar provisions, IC 9-8-6-18.
Cross reference—Penalty, see § 70.99.

Sec. 75.36. Optional lights.

(A) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(B) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in § 75.40 (B).

(C) Auxiliary passing lamp. Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of § 75.40 shall apply to any combination of head lamps and auxiliary passing lamp.

(D) Auxiliary driving lamp. Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of § 75.40 shall apply to any combination of head lamps and auxiliary driving lamp.

State law reference—Similar provisions, IC 9-8-6-19.
Cross reference—Penalty, see § 70.99.

Sec. 75.37. Emergency vehicle audible signals and lamps.

(A) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

(B) Every bus used for the transportation of school children and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying the front two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(C) A police vehicle when used as an authorized emergency vehicle may be equipped, but need not be equipped, with alternately flashing red lights specified herein.

(D) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed, by the laws of this state.

State law reference—Similar provisions, IC 9-8-6-20.
Cross reference—Penalty, see § 70.99.

Sec. 75.38. Stop lamps; mechanical turn signals.

(A) Any motor vehicle may be equipped, and when required under this chapter shall be equipped, with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

(B) Any motor vehicle may be equipped, and when required under this chapter shall be equipped, with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for this purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 100 feet to the front in normal sunlight. The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight. When actuated these lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for this purpose, the devices shall be self-illuminated when in use at the times mentioned in § 75.20.

(C) No stop lamp or signal lamp or device shall project a glaring light.

State law reference—Similar provisions, IC 9-8-6-21.
Cross reference—Penalty, see § 70.99.

Sec. 75.39. Side cowl, fender, running board courtesy, warning lamps.

(A) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(B) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(C) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(D) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display the warning in addition to any other warning signals required by this chapter. The lamps used to display the warning to the front shall be mounted

at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display the warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between red and amber. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

State law reference—Similar provisions, IC 9-8-6-22.
Cross reference—Penalty, see § 70.99.

Sec. 75.40. Multiple-beam lighting.

Except as hereinafter provided, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp, or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations. These lamps may, in addition, be so arranged that the selection can be made automatically, subject to the following limitations:

(A) There shall be an uppermost distribution of light, or composite beam, so aimed and of an intensity to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(B) There shall be a lowermost distribution of light, or composite beam, so aimed and of an intensity to reveal persons and vehicles at a distance of at least 100 feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(C) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

State law reference—Similar provisions, IC 9-8-6-23.
Cross reference—Penalty, see § 70.99.

Sec. 75.41. Dimming lights.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 75.20, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(A) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in § 75.40 (B) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(B) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in § 75.40 (A).

State law reference—Similar provisions, IC 9-8-6-24.
Cross reference—Penalty, see § 70.99.

Sec. 75.42. Single-beam head lamps.

Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this chapter in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(A) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of light shall at a

distance of 25 feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(B) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

State law reference—Similar provisions, IC 9-8-6-25.
Cross reference—Penalty, see § 70.99.

Sec. 75.43. Motor-driven cycle head lamps.

The head lamp upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(A) Every head lamp on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.

(B) In the event the motor-driven cycle is equipped with a multiple-beam head lamp the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in § 75.40 (A) and the lowermost distribution of light as set forth in § 75.40 (B).

(C) In the event the motor-driven cycle is equipped with a single-beam lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

State law reference—Similar provisions, IC 9-8-6-26.
Cross reference—Penalty, see § 70.99.

Sec. 75.44. Short-projecting headlights; speed.

Any motor vehicle may be operated under the conditions specified in § 75.20 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in § 75.40 or § 75.42. However, at no time shall it be operated at a speed in excess of 20 miles per hour.

State law reference—Similar provisions, IC 9-8-6-27.
Cross reference—Penalty, see § 70.99.

Sec. 75.45. Auxiliary front lamps.

(A) At all times specified in § 75.20 at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

State law reference—Similar provisions, IC 9-8-6-28.
Cross reference—Penalty, see § 70.99.

Sec. 75.46. Intensity of lamps; flashing lights.

(A) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of an intensity greater than 300 candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(B) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

(C) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment, or on any vehicle as a means of indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

State law reference—Similar provisions, IC 9-8-6-29.
Cross reference—Penalty, see § 70.99.

Sec. 75.47. Snow removal equipment.

(A) The department of highways shall adopt standards and specifications applicable to head lamps, clearance lamps, identification lamps, and other lamps on snow removal equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. These standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(B) It shall be unlawful to operate any snow removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

State law reference—Similar provisions, IC 9-8-6-31.
Cross reference—Penalty, see § 70.99.

Sec. 75.48. Emergency warning devices.

(A) No person shall operate any motor truck, passenger bus, or truck tractor upon any highway at any time from ½ hour after sunset to ½ hour before sunrise unless there shall be carried in the vehicle the following equipment except as provided in division (B) of this section:

(1) At least three flares (liquid-burning pot torches) or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime. No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless the equipment is of a type which has been submitted to the director of traffic safety and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the director of traffic safety and approved by him.

(2) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(3) At least two red-cloth flags, not less than 12 inches square, with standards to support the flags.

(B) No person shall operate at the time and under conditions stated in division (A) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of division (A) of this section, and there shall not be carried in any such vehicle any flares, fusees, or signals produced by flame.

State law reference—Similar provisions, IC 9-8-6-41.
Cross reference—Penalty, see § 70.99.

Sec. 75.49. Placement of emergency warning devices.

(A) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning

devices upon the highway during the time the vehicle is so disabled on the highway except as provided in division (B) of this section:

(1) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(2) As soon thereafter as possible, but in any event within the burning period of fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(a) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(b) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle;

(c) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with division (A) (1) of this section, it may be used for this purpose.

(B) Whenever any vehicle referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the disabled vehicle.

(C) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in divisions (A) and (E) of this section shall be placed as follows:

(1) One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(2) One at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching that lane;

(3) One at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(D) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of the highway or the shoulder thereof at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle; one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.

(E) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in division (A) of this section, the driver of the vehicle shall immediately display the following warning devices: one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of this disabled vehicle in the center of the traffic lane occupied by the vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this division.

(F) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of this title applicable thereto.

State law reference—Similar provisions, IC 9-8-6-42.

Cross reference—Penalty, see § 70.99.

Sec. 75.99. Penalty.

(A) Any person who violates any of the provisions of § 75.13 shall, upon conviction, be fined in any sum not to exceed $500.00.

State law reference—Similar provisions, IC 9-8-7-3.

(B) Any person, firm, partnership, or corporation violating any provision of § 75.16 shall be fined not more than $500.00.

State law reference—Similar provisions, IC 9-8-8-2.

CHAPTER 76. ABANDONED VEHICLES*

Sec. 76.01. Purpose.
Sec. 76.02. Officer designated.
Sec. 76.03. Public nuisance.
Sec. 76.04. Procedures.

Sec. 76.01. Purpose.

It is the purpose of this ordinance to provide mechanism for enforcement of the laws of the State of Indiana for regulation and disposal of abandoned or junk vehicles.
(Ord. No. 16-97, § 1, 7-7-97)

Sec. 76.02. Officer designated.

That the regular members of the Muncie police department, the building commissioner of the city of Muncie and city code enforcement officers, pursuant to Ind. Code 9-22-1-2 shall hereby be designated as officers for purposes of enforcement of the provisions of the law governing Abandoned Motor Vehicles, Ind. Code 9-22-1-1 et seq., as defined under Ind. Code 9-13-2-1.
(Ord. No. 16-97, § 2, 7-7-97)

Sec. 76.03. Public nuisance.

Because of the danger to the health, safety, morals and welfare of the general public caused by the abandoned vehicles as defined under Ind. Code 9-13-2-1 they are declared to be public nuisances except as provided in Ind. Code 9-22-1-1.
(Ord. No. 16-97, § 3, 7-7-97)

Sec. 76.04. Procedures.

(A) Charges allowed for towing of abandoned vehicles may not exceed $35.00. Charges allowed for storage of any abandoned vehicle may not exceed $4.26 per day, as provided in Ind. Administrative Code 140 IAC 5-1-2(b) and (c).

(B) Disposition of such abandoned vehicles shall be by notice and public sale by the Indiana Bureau of Motor Vehicles as provided under Ind. Code 9-22-1-20, 9-22-1-21 and 9-22-1-22.

(C) The storage lot to which the vehicle is towed shall prepare and forward to the Bureau of Motor Vehicles an abandoned vehicle report as required by Ind. Code 9-22-1-19.

(D) Proceeds of sale of an abandoned vehicle or parts shall be credited against the costs of the removal, storage and disposal of the vehicle and shall be deposited in the Bureau of Motor Vehicle's fund after allocation of towing and storage charges pursuant to Ind. Code 9-22-1-26 and 9-22-1-28.
(Ord. No. 16-97, § 4, 7-7-97)

***Editor's note—**Ord. No. 16-97, §§ 1—5, adopted July 7, 1997, has been treated by the editor as superseding the provisions of former Chapter 76. Former Chapter 76 pertained to similar subject matter and derived from Ord. No. 771-81, Jan. 4, 1982, and Ord. No. 34-90, Sept. 10, 1990.

CHAPTER 77. PARKING REGULATIONS

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Sec. 77.01. Payment of moving and storage charges prerequisite to release of illegally parked car.
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DIVISION 1. GENERAL

Sec. 77.01. Payment of moving and storage charges prerequisite to release of illegally parked car.

The owner of any motor vehicle so removed because of illegal parking shall be required to first pay all moving and storage charges before the motor vehicle is released to the owner.
(Code 1968, § 75.02)

Cross reference—Removal of vehicle, § 71.36.

Sec. 77.02. Impounding provisions in addition to penalties.

The provisions of §§ 71.36 and 77.01 of this title are in addition to, and in no way restricted or limited by, penalties provided in other provisions of this Code or city ordinances for violation of parking regulations and restrictions.
(Code 1968, § 75.03)

Sec. 77.03. Signs or markings indicating angle parking.

(A) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign that street, but the angle parking shall not be indicated upon any federal aid highway within the city, unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.
(Code 1968, § 75.05)

Sec. 77.04. Obedience to angle parking signs or markings.

Upon those streets that have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway indicated by the signs or markings.
(Code 1968, § 75.06)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.05. Permit for loading or unloading at an angle to the curb.

The city traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading and unloading merchandise or materials subject to the terms and conditions of the permit. The permits may be issued to the owner or the lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.
(Code 1968, § 75.07)

Sec. 77.06. Lights on parked vehicles.

Any lighted head lamp shall be dimmed or depressed on any parked vehicle.
(Code 1968, § 75.08)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.07. Parking not to obstruct traffic.

No person shall park any vehicle upon the street or in an alley in such a manner or under such conditions as would leave available less than ten feet of the width of the roadway for the free movement of traffic.
(Code 1968, § 75.10)
Cross reference—Penalty, § 70.99., 77.99(A).

Sec. 77.08. Blocking driveways.

Any parking which shall block private roads or driveways or every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner is prohibited, except by the owner or such other person.
(Code 1968, § 75.11)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.09. All-night parking prohibited.

No person shall park a vehicle on any street in the central business district for a period of time longer than 30 minutes between the hours of 2:30 a.m. and 5:00 a.m. of any day, except physicians on emergency calls, and the city traffic engineer is authorized to erect signs indicating no parking on either side of any street in the city between certain specific hours, in accordance with ordinances adopted, from time to time, by the common council.
(Code 1968, § 75.12)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.10. Parking for certain purposes prohibited.

No person shall park a vehicle upon the streets or roadway for the purpose of:

(A) Displaying the vehicle for sale.

(B) Washing, greasing, or repairing the vehicle, except repairs necessitated by an emergency.

(Code 1968, § 75.13)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.11. Reserved.

Editor's note—Ord. No. 13-02, adopted May 13, 2002, repealed former section 77.11 in its entirety which pertained to parking inoperable vehicles on streets for more than five days.

Sec. 77.12. Parking prohibited on narrow streets.

When official signs prohibiting parking are erected upon a narrow street as authorized by

ordinances adopted by the common council, no person shall park a vehicle in violation of any such sign.
(Code 1968, § 75.15)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.13. Standing or parking in violation of signs.

The city traffic engineer is authorized to erect signs, when directed by an ordinance of the city, to prohibit the standing or parking of vehicles, and when the signs are in place, no person shall stand or park a vehicle in violation of any such sign.
(Code 1968, § 75.15)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.14. Stopping, standing, or parking near hazardous places prohibited.

(A) The city traffic engineer is authorized to designate by proper signs, when directed by an ordinance of the city, places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.

(B) When official signs are erected at hazardous places, as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.
(Code 1968, § 75.17)
Cross reference—Penalty, 70.99., 77.99(A).

Sec. 77.15. Parking adjacent to schools.

(A) The city traffic engineer is authorized to erect signs, when directed by an ordinance of the city, indicating parking upon the side of a street adjacent to any school property when the parking would, in his opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated places.
(Code 1968, § 75.18)
Cross reference—Penalty §§ 70.99, 77.99(A).

Sec. 77.16. City traffic engineer to designate curb loading zones.

The city traffic engineer is authorized to designate the location of freight loading zones so listed in Chapter 80, Schedule VII, passenger loading zones so listed in Chapter 80, Schedule VIII, and parcel pickup zones so listed in Chapter 80, Schedule XXI, and shall place and maintain signs indicating the same and stating the hours during which the provisions of this section are applicable.
(Ord. No. 403-78, 9-11-78)

Sec. 77.17. Permits for freight curb loading zones.

(A) The city traffic engineer shall not hereafter designate or assign any freight curb loading zone upon special request of any person, unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone. The city traffic engineer, upon granting a permit and issuing the signs, shall collect from the applicant and deposit in the city treasury a service fee equal in amount to the cost of the signs and the installation thereof used to indicate the zone. The city traffic engineer may by general regulations impose conditions upon the use of signs and for reimbursement of the city for the value thereof in the event of their loss or damage and for their return in the event of misuse or upon expiration or revocation of the permit.

(B) Every permit issued hereunder may be revoked by the city at any time and for any cause or reason.
(Code 1968, § 75.20)

Sec. 77.18. Standing in passenger curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to the curb loading zone are effective and then only for a period not to exceed three minutes.
(Code 1968, § 75.21)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.19. Standing in freight curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during the hours when provisions applicable to the zones are in effect. In no case shall the stop for loading and unloading materials exceed 30 minutes.
(Code 1968, § 75.22)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.20. City traffic engineer to designate public carrier stands.

The city traffic engineer is authorized and required to designate bus stops, taxicab stands, and stands for other passenger common carrier motor vehicles on those public streets in those places and in such number as the common council shall determine by ordinance to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand, or other stand shall be designated by appropriate signs.
(Code 1968, § 75.23)

Sec. 77.21. Parking of buses and taxicabs regulated.

The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop or a taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
(Code 1968, § 75.24)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.22. Restricted use of bus stops and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading and unloading passengers when the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.
(Code 1968, § 75.25)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.23. Regulations governing certain streets.

The provisions of §§ 77.23 through 77.26 of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
(Code 1968, § 75.26)

Sec. 77.24. Regulations not exclusive.

The provisions of §§ 77.23 through 77.26 of this chapter imposing a time limit on parking shall not relieve any person from the duty of observing other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.
(Code 1968, § 75.27)

Sec. 77.25. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the streets, or parts of streets.
(Code 1968, § 75.28)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.26. Parking time limited.

When signs are erected giving notice thereof, no person shall at any time park a vehicle for a longer period of time than or during the hours so designated.
(Code 1968, § 75.29)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.27. Parking signs required.

Whenever by this chapter or any other ordinance of the city any parking time limit is imposed or parking is prohibited on designated

areas or streets, it shall be the duty of the city traffic engineer to erect appropriate signs or paint the curb lines with yellow traffic paint, giving notice thereof, and no such regulation shall be effective unless the notice is given.
(Code 1968, § 75.30)

Sec. 77.28. Stopping, standing, or parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle on any street between the hours so specified.
(Code 1968, § 75.31)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.29. Standing in parcel pickup.

No person shall stop, stand, or park a vehicle for any purpose other than for the expeditious unloading and delivery or pickup and loading of materials or for any length of time other than that specified in any place marked as a parcel pickup zone during the hours when provisions applicable to such zones are in effect.
(Ord. No. 403-78, 9-11-78)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.30. Parking for handicapped.

(A) "Physically handicapped persons" shall mean any person certified by a qualified physician to be disabled in a manner rendering it impossible or difficult or burdensome for him or her to walk more than two city blocks.

(B) The board of public works and safety shall keep an accurate and current list of spaces reserved for special parking privileges describing the location. This list shall have the full impact of law as if fully set forth herein. Parking of a vehicle by any person in a space reserved on the list and marked with signs as provided herein without a visible permit showing such parking to be authorized shall be unlawful and shall subject the owner and driver of the vehicle so parked to the penalties provided by this Code.

(C) It is unlawful for any person to park a motor vehicle which does not have a placard or plate, as defined in IC 5-16-9 or this section, in a parking space reserved for a handicapped person's vehicle, on public or private property.

(D) Any vehicle parked in a parking space reserved for a handicapped person's vehicle in violation of this section or IC 3-16-9, may be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle is found.

(E) The board of public works may enter into a written agreement with private property owners, to permit the removal of any such improperly parked vehicles by the city, upon the request of the owner, person in possession, or authorized agent of the real estate where the vehicle is found. However, any such written agreement shall include the following:

(1) The owner of the property agrees to provide labor and materials to clearly mark, sign, and maintain such parking places as instructed by the hoard of public works, and pay for all costs thereof.

(2) The private property owner agrees to indemnify and hold harmless the city from any liability arising out of or connected with the establishment or existence of such parking spaces or removal of vehicles there from.

(3) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner, for purposes of establishing and inspection of such spaces and enforcing this section.

(4) The property owner shall, prior to the establishment of such parking spaces, obtain and pay for a policy of liability insurance satisfactory to the city, insuring the city against any liability arising out of or connected with the establishment or existence of such parking spaces end the removal of vehicles therefrom, and provide a certificate of insurance to the city.

(5) Any such space from which a vehicle may be removed shall be clearly marked by a sign stating that any vehicle parked unlawfully therein is subject to removal.

(Ord. No. 476-79, 12-3-79; Ord. No. 592-80, 5-12-80; Ord. No. 17-87, 8-3-87)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.31. Parking in fire lanes.

(A) "Fire lane" shall mean any area of public or private property designated by the fire chief as an area needed for free access to structures for fire extinguishment activities.

(B) It is unlawful for any person to obstruct a fire lane on public or private property by parking, stopping, or allowing any motor vehicle to stand therein, or by placing any other personal property of any kind therein.

(C) Any vehicle or other personal property found blocking a fire lane shall be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle or personal property is found. On the request of the owner, person in possession, or authorized agent of the owner of the real estate where the vehicle or personal property is found, the property may be removed by the city. All towing, storage, and other charges resulting therefrom shall be paid by the owner of the personal property, and shall constitute a lien thereon.

(D) The fire chief shall supervise and direct the establishment of fire lanes as follows.

(1) On public property, as approved by the board of public works and safety.

(2) On private property, on the written request of the property owner, however, such request shall include the following.

(a) An agreement to provide labor and materials to clearly mark, sign, and maintain such fire lanes as instructed by the fire chief, and pay for all costs thereof.

(b) An agreement to indemnify and hold harmless the city for any liability arising out of or connected with the establishment or existence of such lanes and removal of property therefrom.

(c) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner for purposes of establishing and inspection of such fire lanes and enforcing this section.

(d) The property owner shall, prior to the establishment of such fire lane, obtain and pay for a policy of liability insurance satisfactory to the city insuring the city against any liability arising out of or connected with the establishment or existence of such lanes and the removal of property therefrom, and provide a certificate of insurance to the city.

(Ord. No. 632-80, 11-10-80)

Cross reference—Penalty § 77.99 (C) and (D).

Sec. 77.32. Residential neighborhood permit parking.

77.32.010 Definitions.

For the purpose of this section, the following definitions shall apply.

Household dwelling any building designed for occupancy on one lot as defined by the City of Muncie Comprehensive Zoning Ordinance.

Residential neighborhood permit parking zone is a list of streets designated in this chapter for the exemption of present parking codes.

77.32.020 Applicability.

The following zones are designated as residential neighborhood permit parking zones:

Riverside Normal City Residential Neighborhood Permit Parking Zone shall apply to the following streets:

Street	*From*	*To*	*Side of Street*
Cardinal Street	Dead End	New York	North/South
Abbott Street	Dead End	Linden	North/South
Rex Street	Dead End	Wheeling	North/South

Street	*From*	*To*	*Side of Street*
Marsh Street	Dead End	Wheeling	North/South
Neely Avenue	New York	Wheeling	North/South
Virginia Avenue	Bethel	Neely	East/West
Locust Street	Bethel	Neely	East/West
Linden Street	Bethel	Neely	East/West
Pauline Avenue	Marsh	Neely	East/West

Cross reference—Exemption from two and three hour parking restrictions, Ch. 80, Sched. XXII.

77.32.030 Eligibility.

Each single lot owner is entitled to obtain one bumper permit per lot.

77.32.040 Expiration of permits.

Permits shall expire on July 1st of each year. The date of expiration will be clearly marked on all permits.

77.32.050 Information Required on Application.

Permits will be issued only to owners of an address within the neighborhood permit parking zone. Proof of ownership must be submitted upon making application for parking permit. Each application for parking permit shall also contain the following information: Address or lot number.

77.32.060 Display of permit required.

Permits shall be visibly displayed on the left rear bumper (driver's side). Permits are valid only for the address on the application.

77.32.070 Parking space not guaranteed.

A residential neighborhood parking bumper permit shall not guarantee or reserve the holder an on-street parking space.

77.32.080 Change of residency.

If residents of a property change during the year, the new resident may complete a change of residency form and request application for permit.

77.32.085 Lost permits.

Lost permits will be replaced for a $20.00 fee.

77.32.086 Transfer of ownership of permitted vehicle.

Upon presentation of a previously issued permit and proof of transfer of ownership of the vehicle for which the permit was issued, a lot is entitled to a new permit at no charge.

77.32.090 Precedence of abandoned vehicle regulations.

No part of this chapter shall be interpreted to conflict with existing regulations of abandoned vehicles, as specified in Section 76.02 and Chapter 76 of the City of Muncie Municipal Code.

77.32.100 Precedence of no parking zones.

The residential neighborhood permit parking zones do not take precedence over temporary or permanent no parking zones posted by the street department, engineering department, or police department for tree removal, snow removal, street sweeping or other actions deemed necessary by the city.
(Ord. No. 9-95, § 1, 4-3-95; Ord. No. 14-98, 5-11-98)

Sec. 77.33. Restricted parking in the areas of Munsyana homes and Parkview Apartments.

77.33.010 Definitions. For the purpose of this section, the following definitions shall apply:

"Residential permit" is a permit issued to a duly qualified resident of Munsyana Homes or Parkview Apartments by the housing authority of the City of Muncie, Indiana.

"Guest permit" is a guest permit issued to a duly qualified resident of Munsyana Homes or Parkview Apartments by the housing authority at the City of Muncie, Indiana.

"Restricted permit parking zone" is a list of streets or portions thereof, designated in this chapter for restricted permit parking.

77.33.020 Applicability. The following zones are designated as restricted permit parking zones.

Street	*From*	*To*	*Side of Street*
East First Street	Jefferson	Elm	South
East First Street	Madison	Vine	South
East Second Street	Jefferson	Vine	North/ South
East Third Street	Jefferson	Madison	North
East Third Street	Monroe	Vine	North
South Vine Street	First	Third	West
South Monroe Street	First	Third	East/West
South Madison Street	First	Third	East/West
South Center Street	First	Third	East/West
South Elm Street	First	Third	East/West
South Jefferson Street	First	Third	East
Streets—ParkView Apartments			
North Brady Street	Centen-nial	Macedonia	East/West
Macedonia Avenue	Centen-nial	Brady	West

The restricted permit parking zones shall contain any and all parking lots within Munsyana Homes and Parkview Apartments accessed from the aforementioned streets and avenue.

77.33.030 Eligibility.

Each authorized resident of Munsyana Homes and Parkview Apartments shall be entitled to a residential permit from the housing authority of the City of Muncie for a vehicle duly licensed and registered in the State of Indiana in the name of such resident. Each authorized resident shall further be entitled to a guest permit upon application and at the discretion of an authorized agent of the housing authority of the city.

77.33.040 Expiration of permits.

Each permit shall expire on June 1st of each year. The date of expiration shall be clearly marked on all permits.

77.33.050 Application for residential permits.

Permits will be issued only to authorized residents of Munsyana Homes and Parkview Apartments. Proof of ownership, license and registration must be submitted upon application for a residential permit.

77.33.060 Guest permits.

Guest permits will be issued only to authorized residents of Munsyana Homes and Parkview Apartments. Guest permits will be issued in such numbers and for such time periods as determined at the discretion of the housing authority of the city.

77.33.070 Permit required.

It shall be unlawful for any vehicle to park in a restricted permit parking zone without displaying a residential or guest permit in the front window of the vehicle.

77.33.080 Notice—Posting of signs.

The city and/or the housing authority shall post signs along each area designated as a restricted permit parking zone substantially stating that such area is a restricted residential parking area and that such area is a tow zone.

77.33.090 Violation—Towing of vehicle.

Any unauthorized vehicle parked, unattended in any restricted permit parking zone which does not display a residential or guest permit may be removed by the city. All towing, storage, and other charges resulting therefrom shall be paid by the owner of the personal property, and shall constitute a lien thereon.

77.33.100 Parking space not guaranteed.

A residential permit of guest permit shall not guarantee or reserve the holder an on-street parking space.

77.33.110 Change of residency.

If residents of a property change during the year, the new resident may complete a change of residency form and request application for permit.

77.33.120 Precedence of no parking zones.

The residential neighborhood permit parking zones do not take precedence over temporary or permanent no parking zones posted by the street department, engineering department, or police department for tree removal, snow removal, street sweeping, or other actions deemed necessary by the city.
(Ord. No. 25-97, § I, 8-4-97)

Secs. 77.34—77.39. Reserved.

DIVISION 2. SNOW EMERGENCY

Sec. 77.40. Snow emergency regulations.

Sections 77.40 through 77.48 shall hereafter be referred to as "snow control route ordinance."
(Code 1968, § 75.40)

Sec. 77.41. Public policy declared.

It is declared to be in the best interest of the public policy and the public safety of the city to regulate and restrict the parking of vehicles on public streets during snow emergencies.
(Code 1968, § 75.41)

Sec. 77.42. Snow emergency defined; amendments.

(A) A snow emergency is declared to be a period of time after a forecast by the United States Weather Bureau during and after a snowfall during which vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of the vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing, and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow-control routes and are as follows:

Adams Street from Madison Street to State Road 23.

Batavia from 12th Street to Nichols Street.

Bellaire Avenue from McGalliard Road to Purdue Avenue.

Bennett Street from Jackson Street to Centennial Avenue.

Bethel Avenue from Chadam Lane to Wheeling Avenue.

Bethel Pike from Chadam Lane to city limits.

Broadway Avenue from Hackley Street to Riggin Road.

Bunch Boulevard from Broadway Avenue to Jackson Street.

Burlington Drive from Ohio Avenue to city limits.

Centennial Avenue from Bethel Avenue to Muncie By-Pass.

Chadam Lane from Bethel Avenue to Bethel Pike.

Charles Street from Liberty Street to Madison Street.

Elgin Street from Centennial Avenue to McGalliard Road.

Elliott Street from Willard Street to 8th Street.

Elm Street from Adams Street to Jackson Street.

Everett Road from Tillotson Extension to Riggin Road.

Franklin Street from Seymour Street to High Street Bridge.

Gavin Street from Bunch Boulevard to Centennial Avenue.

Gilbert Street from Mulberry Street to High Street.

Gilbert Street from Tillotson Avenue to White River Boulevard.

Godman Avenue from Nichols to Stradling Road.

Granville Avenue from Walnut Street Bridge to McGalliard Road.

High Street from Seymour Street to High Street Bridge.

Highland Avenue from Broadway Avenue to Hodson Avenue.

Howard Street from Liberty Street to Elm Street.

Hoyt Avenue from Liberty Street to city limits.

Hackley Street from Jackson Street to 26th Street.

Jackson Street from Kilgore Avenue to city limits.

Jackson Street from Kilgore Avenue to Morrison Road.

Jefferson Street from Seymour Street to Wysor Street.

Kirby Street from Elm Street to Macedonia Avenue.

Liberty Street from Gilbert Street to 12th Street.

Linden Avenue from Bethel to Riverside Avenue.

Macedonia Avenue from Bunch Boulevard to Centennial Avenue.

Macedonia Avenue from Ohio Avenue to city limits.

McGalliard Road from Tillotson Avenue to Muncie By-Pass.

Madison Street from Wysor Street to city limits.

Martin Luther King Jr. Boulevard from Memorial Drive to Tillotson Avenue.

Martin Street from Riverside to River Boulevard.

Meeker Avenue from Memorial Drive to 29th Street.

Meeks Avenue from Washington Street Bridge to North Street.

Reserve from North to Riverside.

Mock Avenue from 12th Street to 26th Street.

Mulberry Street from 2nd Street to Wysor Street.

New York Avenue from Bethel to Riverside Avenue.

Nichols to hospital.

Oakwood Avenue from Bethel Avenue to Wheeling Avenue.

Ohio Avenue from Main Street to Burlington Drive.

Petty Road from McKinley to Tillotson Avenue.

Petty Road from Tillotson Avenue to Robinwood Drive North.

Port Avenue from 8th Street to 23rd Street.

Riggin Road from Everett Road to St. Rd. 67 North (south side only).

River Road from Tillotson Avenue to Morrison Road.

Riverside Avenue from Wheeling Avenue to Jackson Street.

State Road 3 North from Depauw Avenue to Riggin Road.

Seymour Street from Liberty Street to Mulberry Street.

Stradling Road from Godman Avenue to Jackson Street.

Tillotson Avenue from Kilgore Avenue to Tillotson Extension.

Tillotson Extension from Memorial Drive to city limits.

University Avenue from Wheeling Avenue to Tillotson Avenue.

Walnut Street from Rigin Road to Fuson Road.

Washington Street from Liberty Street to Madison Street.

Westview Boulevard from Jackson Street to Jackson Street.

White River Boulevard from High Street Bridge to Tillotson Avenue.

Willard Street from Elliott Street to Burlington Drive.

Wysor Street from High Street Bridge to Hackley Street.

8th Street from Clark Street to May Avenue.

12th Street from Martin Luther King Jr. Boulevard to Burlington Drive.

16th Street from Mock Avenue to Burlington Drive.

18th Street from Mock Avenue to Walnut Street.

26th Street from Walnut Street to Mock Avenue.

29th Street from Madison Street to Muncie By-Pass.

Any street adjacent to any public school.

(B) The common council may make amendments hereto as to emergency streets following the recommendation of the same by the engineer of the city.
(Code 1968, §§ 75.42, 75.48; Ord. No. 60-96, § 1, 1-6-97)

Sec. 77.43. Mayor to declare snow emergency.

A snow emergency shall commence by executive order, determination, and proclamation by the mayor issued to local radio, TV, and news services either before, during, or after a snowfall when in his sound judgment and discretion the circumstances warrant the determination of such an emergency for the public safety of the city. The snow emergency shall continue in effect until the mayor determines that an emergency no longer exists and accordingly terminates the emergency using the same media as before.
(Code 1968, § 75.43)

Sec. 77.44. Parking restricted during snow emergency.

During any snow emergency parking shall be restricted on all streets not specifically designated in ordinances as follows: when emergency is declared on even-numbered dates of the month, parking shall be restricted on the even-numbered side of the streets, and when the emergency is declared on odd-numbered dates of the month, parking shall be restricted on the odd-numbered side of the streets, except in areas in which there are mailboxes located on one side of the public street, the side upon which the mailboxes are located shall be the side upon which parking is prohibited as provided herein regardless of whether it be an odd or even side of the street and the date of the month of declaration of the emergency.
(1968 Code, § 75.44)

Sec. 77.45. Unlawful to park contrary to regulations.

No owner, driver, or operator of any vehicle shall park or stop the same, permit the same to be parked, or to stand at any time during the period of any snow emergency on any of the routes or streets listed in § 77.42 hereof on the side of the street as determined in § 77.44.
(1968 Code, § 75.45)
Cross reference—Penalty, § 77.99.(B).

Sec. 77.46. Permitting snow to pile.

It shall be unlawful for the owner of any property or for any person to allow or to cause snow to be pushed, piled, or collected into piles whereby the same shall obstruct the view of persons using the public streets and areas upon which the public is allowed to park when the obstruction of view creates a hazardous and dangerous condition to public safety.
(1968 Code, § 75.46)
Cross reference—Penalty, § 77.99.(B).

Sec. 77.47. Removal of violator's vehicle.

In addition to any penalties, any police officer upon discovering any such vehicle so parked or stopped in violation of §§ 77.40 through 77.48 may remove the vehicle or cause the same to be removed to any city owned property or to a private garage or place where so authorized pursuant to contract where the vehicle shall be impounded and retained and shall be released only as provided in §§ 71.36, 77.01, and 77.02 of this title.
(1968 Code, § 75.47)

Sec. 77.48. Parking adjacent to schools.

The provisions of § 77.44 hereof as to even- and odd-numbered streets shall not apply to parking

adjacent to any public school building, and parking adjacent thereto shall be prohibited at all times during a snow emergency.
(1968 Code, § 75.49)
Cross reference—Penalty, see § 77.99.(B).

Sec. 77.49. Reserved.

DIVISION 3. BUSINESS DISTRICT (LOOP)

Sec. 77.50. Parking in business district zone; defined.

(A) In order to effect the purposes of §§ 77.50 through 77.57, the area hereinafter described is designated as the business district zone. The business district zone shall be the following streets, to wit:

High Street from Wysor Street to Victor Street.

Walnut Street from Wysor Street to the railroad.

Mulberry Street from Washington Street to the railroad.

Jefferson Street from Washington Street to Charles Street.

Elm Street from Washington Street to Adams Street.

Washington Street from Liberty Street to Madison Street.

Gilbert Street from High Street to Mulberry Street.

Main Street from Liberty Street to Madison Street.

Adams Street from Liberty Street to Madison Street.

Charles Street from Liberty Street to Madison Street.

Howard Street from Liberty Street to Jefferson Street.

Seymour Street from Liberty Street to Walnut Street.

(B) This business district zone described in division (A) of this section shall be known as "The Loop."
(1968 Code, § 75.50)

Sec. 77.51. Time limit.

When signs are erected giving notice thereof, except as hereinafter provided, no persons shall at any time park a vehicle within the loop for a longer period of time than two hours.
(Code 1968, § 75.51)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.52. Loading zones.

The board of public works and safety may cause loading zones, zones of less than two-hour limit, and zones for governmental use only to be designated and posted describing the restriction, and when the same is so posted no person shall fail to obey the terms of the posting.
(1968 Code, § 75.52)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.53. Owner presumed liable.

No person shall cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established or any parking zone as described in §§ 77.50 through 77.57.
(1968 Code, § 75.53)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.54. Transfer of vehicles to different space.

No person shall move his vehicle from one parking space to another within the loop area for the purpose of avoiding the parking limitations as set out herein.
(1968 Code, § 75.54)
Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.55. Painting of lines and markings.

The board of public works and safety shall have lines or markings painted or placed upon the curb or upon the street adjacent to the parking spaces for the purpose of designating the parking spaces, and each vehicle shall park within the lines or

markings so established. It shall be unlawful to park any vehicle in such position that the same shall not be entirely within the area so designated by the line or markings.
(1968 Code, § 75.55)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.56. Restricted hours.

It shall not be unlawful to park any vehicle or permit any vehicle to remain parked in any loop zone for a longer period than designated on Sunday and holidays. The term "holiday" shall include the following days only: January 1, May 31, July 4, the first Monday in September, December 25 (Christmas) and the day designated and set aside by the President of the United States as the day of Thanksgiving, and between the hours of 5:00 p.m. and 2:00 a.m. and again between the hours of 6:00 a.m. and 9:00 a.m.
(1968 Code, § 75.56)

Sec. 77.57. Notice of violation.

It shall be the duty of the police officers of the city to attach to a vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of the parking ordinances of the city and instructing the owner or operator to report at the office of the police department of the city in regard to the violation.
(1968 Code, § 75.99)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.98. Prepayment of fines.

For provisions concerning the prepayment of certain parking fines, see Chapter 36.

Sec. 77.99. Penalty.

(A) Each such owner or operator in violation except as noted below may within 72 hours of the time when such notice was attached to such vehicle, pay to the police department as a penalty for and in full satisfaction of such violation, the sum of $15.00. The failure of such operator to make such payment within 72 hours of such notice shall render such owner or operator subject to the penalties provided in section 70.99. Any such owner or operator who shall have a second violation of the parking ordinances of the city shall, within 72 hours of the time when such notice was attached to such vehicle, pay to the police department as a penalty for and in full satisfaction of such violation, the sum of $15.00. Each such owner or operator who shall have received three or more violations shall be cited into court and fined all as provided in section 70.99. Each owner or operator in violation of the parking ordinance and posting provisions of the city in restricted zones shall be subject to the above provisions except that for the first offense, the fine shall be the sum of $20.00, for the second offense the sum of $25.00, as provided above.

(B) Whoever violates any provisions of §§ 77.45, 77.46, or 77.48 shall be fined not less than $1.00 nor more than $100.00 for each offense.

(C) Any person, firm, or corporation who, being the owner or occupant of private property upon which has been established a fire lane in conformity with § 77.31(D)(2), violates that section by placing personal property in such fire lane shall be fined in an amount not to exceed $1,000.00.

(D) Whoever violates any provision of § 77.26 shall be fined the sum of $15.00 for each offense.

(E) Whoever violates any provision of §§ 71.37(1), 71.38(A), 77.07, 77.08, 77.11, 77.18, 77.19, or 77.25 shall be fined the sum of $20.00 for each offense.

(F) Whoever violates any provision of §§ 77.30 and 77.31, above, shall be fined the sum of $50.00 for each offense.
(1968 Code, § 75.47; Ord. No. 632-80, 11-10-80; Ord. No. 33-86, 7-7-86; Ord. No. 17-87, 8-3-87; Ord. No. 51-01, §§ 1, 2, 12-3-01)

CHAPTER 78. COMMERCIAL VEHICLES

Sec. 78.01. Manner of loading and unloading buses.
Sec. 78.02. Manner of loading and unloading freight.
Sec. 78.03. Weight limits on certain streets.
Sec. 78.04. Load restrictions upon vehicles using certain streets.
Sec. 78.05. Injury to streets generally.
Sec. 78.06. Vehicles having flanged or cleated wheels, permit required.
Sec. 78.07. Application for permit.
Sec. 78.08. Bond.
Sec. 78.09. Issuance of permit.
Sec. 78.10. Truck traffic.

Sec. 78.01. Manner of loading and unloading buses.

No bus shall load or unload passengers until the bus is parallel to the curb and not more than one foot distant therefrom. If there is no curb at all, then all loading and unloading shall be done in such a manner as to not cause an obstruction to the regular flow of traffic.
(Code 1968, § 74.01)
Cross reference—Penalty, see § 70.99.

Sec. 78.02. Manner of loading and unloading freight.

(A) Freight-carrying vehicles of 26 feet in length or less may, while actually loading between the hours of 8:00 p.m. and 10:00 a.m., stop or stand in the traveled portion of the roadway, if necessary, and may during those times park parallel to the curb at any place for the purpose of unloading, providing the operation does not impede the free flow of traffic. At all other times the vehicles must be parked at the curb.

(B) The vehicles may load or unload at any marked loading zone or in any alley at any time, but shall not remain more than 30 minutes at any one time or place for the loading or unloading.

(C) Freight-carrying vehicles of more than 26 feet in length may load or unload on the streets of any business district between the hours of 12:01 a.m. and 7:00 a.m., and the freight-carrying vehicles of 26 feet or more in length may load or unload in any alley or parallel to and at the curb in any business district between the hours of 12:01 a.m. and 11:59 a.m., but shall not remain more than one hour at any one time or place for the loading or unloading.

(D) In the event that a special loading or unloading problem arises, requiring a variation from the regulations herein described, the police department shall grant a special permission for the solution of the problem.
(Code 1968, § 74.02)
Cross reference—Penalty, see § 70.99.

Sec. 78.03. Weight limits on certain streets.

(A) No person shall operate any vehicle having a gross weight which exceeds that specified in city ordinances, on any of the streets so listed.

(B) When the limitations are posted, except for the purpose of making delivery or picking up a load, in the immediate vicinity, the vehicle may be driven on the streets for not more than the minimum distance necessary for the purpose.
(Code 1968, § 74.03)
Cross reference—Penalty, see § 70.99.

Sec. 78.04. Load restrictions upon vehicles using certain streets.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified in city ordinances at any time upon any of the streets or parts of streets so listed.
(Code 1968, § 74.04)
Cross reference—Penalty, see § 70.99.

Sec. 78.05. Injury to streets generally.

(A) No person shall drive, use, or operate any vehicle upon any paved or hard-surfaced street over, upon, or across curbs and gutters in the city in such a manner as to cut, break, or injure the surface of the street.

(B) For the purpose of this section, the term "vehicle" shall be construed to mean and include automobiles, wagons, carts, trucks, tractors, trailers, machines, engines, and all conveyances on wheels in or on which a person or thing is carried.
(Code 1968, § 74.05)
Cross reference—Penalty, see § 70.99.

Sec. 78.06. Vehicles having flanged or cleated wheels, permit required.

No person shall drive, use, or operate any vehicle having flanged, cleated, or other rough-

surface wheels upon any paved or hard-surfaced streets in the city without first obtaining a permit to do so from the city clerk. However, no permit shall be necessary for the use of chains on pneumatic or hard-rubber tires.
(Code 1968, § 74.06)

Cross reference—Penalty, see § 70.99.

Sec. 78.07. Application for permit.

A written application for a permit to operate a vehicle having flanged, cleated, or other rough-surface wheels upon a paved or hard-surfaced street shall be filed with the city clerk, which application shall state the name and residence of the applicant, the kind of vehicle to be used, and the streets over which it is desired to operate the vehicle. The application, when presented for filing, shall bear a written approval of the street routing by the city traffic engineer.
(Code 1968, § 74.07)

Sec. 78.08. Bond.

The application provided for in the preceding section shall be accompanied by a bond, payable to the city, in the penal sum as set from time to time by legislative authority, executed by the applicant as principal and by a surety company or by two freeholders, resident in the city, as sureties, to the approval of the city clerk. The condition of the bond shall be that if the applicant shall leave the streets over which the vehicle is operated in as good order and condition as they were before the operation, and shall pay to the city all damages to any streets, sidewalks, or other properties injured by the applicant, his employees or agents, and save the city harmless on account thereof, then the bond shall be void; otherwise, it shall remain in full force. A separate bond may be executed with each application or one bond may be executed to continue in force for not longer than the period of one year.
(Code 1968, § 74.08)

Sec. 78.09. Issuance of permit.

Upon the filing and approval of the application and bond as provided in §§ 78.07 and 78.08 of this chapter, a permit shall be issued to the applicant by the city clerk for the operation of the vehicle named over the streets described in the application.
(Code 1968, § 74.09)

Sec. 78.10. Truck traffic.

(A) For purposes of this section the following words and phrases shall have the following meanings ascribed to them respectively.

City. The City of Muncie, Indiana.

Deviating truck. A truck which leaves and departs from a truck route while traveling inside the city.

Truck. Any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body weight exceeds three tons.

Truck route. A way over certain streets, as designated herein, over and along which trucks coming into and going out of the city must operate.

Right lane. Right lane of traffic is lane furthest to the right upon a street containing two or more lanes in the same direction.

(B) Application of regulation: All trucks within the city shall be operated only over and along the truck routes herein established and on the other designated streets over which truck travel is permitted.

(1) Exceptions. This section shall not prohibit:

(a) Operation on street destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which this traffic is permitted are used until reaching the intersection nearest the destination point.

(b) Emergency vehicles. The operation of emergency vehicles upon any street in the city.

(c) Public utilities. The operation of trucks owned or operated by the city, city sanitary district, public utilities,

any contractor or material man, while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.

(d) Trucks making left turns. Trucks in preparing to and in making left turns may use a lane of traffic other than the right lane.

(e) Detoured trucks. The operation of trucks upon any officially established detour in any case where the truck could lawfully be operated upon the street for which the detour is established.

(f) Public carriers. The operation of buses upon any street in the city.

(C) Truck routes established. There is established within the city the following truck routes: the right lane of all designated state and federal highways.

(D) Designated streets for truck use. In addition to those streets in the city constituting a part of a truck route as established herein, the following streets and no others shall be used for truck traffic. (Example: reserved for future legislation).

Street	*From*	*To*
18th St.	Macedonia Avenue	Walnut Street
29th Street	City Limit	Madison Street
Bethel Avenue	Wheeling Avenue	Tillotson Street
Right-hand lane, Broadway	Wysor Street	City limit
Burlington Drive	Memorial Drive	Ohio Avenue
Centennial Avenue	City Limit	Wheeling Avenue
Centennial Avenue	Wheeling Avenue	Bethel Avenue
Cornbread Road	City Limit	Port Avenue
Gilbert Street	Mulberry Street	Walnut Street
High Street	Gilbert Street	Seymour Street
Hoyt Avenue	City Limit	Liberty Street
Jackson Street (State Road 32)	City Limit	Tillotson Avenue
Kilgore Avenue	City Limit	Main Street
Liberty Street	Hoyt Avenue	Jackson Street
Macedonia Avenue	29th Street	Burlington Drive
Right-hand lane, Madison Street	Wysor Street	City limit
Main Street	Intersection of Jackson	Kilgore Avenue
Martin Luther King Jr. Boulevard	Memorial Drive	Tillotson Avenue
McGalliard Road	City Limit	City Limit
Meeker Avenue	29th Street	Memorial Drive
Memorial Drive	City Limit	Tillotson Avenue
Mulberry Street	Seymour Street	Gilbert Street
Ohio Avenue	Burlington Drive	Main Street
Port Avenue	23rd Street	Memorial Drive
Seymour Street	High Street	Walnut Street
Seymour Street	Walnut Street	Mulberry Street
Tillotson Avenue	Cornbread Road	Memorial Drive
Tillotson Avenue	Kilgore Road	McGalliard Road
Walnut Street	City Limit	Gilbert Street
Walnut Street	City Limit	Seymour Street
Walnut Street	Gilbert Street	City Limit
Walnut Street	Gilbert Street	High Street
Wheeling Avenue	Gilbert Street	City Limit
White River Boulevard	City Limit	Wheeling Avenue
Willard Street	Macedonia Avenue	Hoyt Avenue
Wysor Street	Broadway Avenue	City Limit
Right-hand lane, Wysor Street	Madison Street	Broadway

(E) Truck traffic in the city:

(1) Outside origin:

(a) One inside destination point. All trucks entering the city for a destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection

with the street which offers the shortest, most direct route to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest, most direct route.

(b) Multiple inside destination points. All trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street which offers the most direct route to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest route, utilizing the truck route whenever possible. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest, most direct route.

(2) Inside origin:

(a) Outside destination point. All trucks, on a trip originating in the city, and traveling in the city to a destination point outside the city shall proceed by the shortest, most direct route to a truck route as herein established.

(b) Inside destination points. All trucks, on a trip originating in the city, and traveling in the city for destination points in the city shall proceed by the shortest, most direct route offered to a truck route, and shall deviate only at the intersection with the street that affords the shortest, most direct route to the destination point.

(F) Enforcement:

(1) Clerk maintains maps. The city clerk shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city clerk and shall be available to the public.

(2) Traffic engineer maintains signs.

(a) The traffic engineer of the city shall cause to be posted at the city limits at all major entrances to the city and at strategic points throughout the city, signs, reasonably calculated to give notice of this section.

(b) Failure to post. No person shall be charged with violating the provisions of this section by reasons of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted.

(3) Weigh-in. The police director or any police officer shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this section has been complied with.

(Code 1968, § 74.10; amend. Ord. No. 39-90, 10-1-90)

CHAPTER 79. TRAFFIC ADMINISTRATION; ENFORCEMENT

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Sec. 79.26. Authority to impound vehicles; notice of impoundment.
Sec. 79.27. Inspection fee.

DIVISION 1. TRAFFIC ADMINISTRATION

Sec. 79.01. Duties of police department generally.

It shall be the duty of the police department to enforce the street traffic regulations of the city and all the state vehicle laws applicable to street traffic in the city; to make all arrests for traffic violations; to investigate traffic accidents on public streets and property and all traffic accidents where a personal injury or fatality is involved; to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions; and, to carry out those duties specially imposed upon the department by this chapter and other traffic ordinances of the city.
(Code 1968, § 71.01)

Sec. 79.02. Records of traffic violations.

(A) The police department shall keep a record of all violations of this traffic code and other traffic ordinances of the city, and of the state vehicle laws of which any person has been charged, together with the final disposition of all these alleged offenses. The record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a 5-year period, and from that time on shall be maintained complete for at least the most recent five years.

(B) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all the forms.

(C) All the records and reports shall be public records.
(Code 1968, § 71.02)

Sec. 79.03. Police department to investigate accidents.

It shall be the duty of the police department and every police officer of the department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of the law causing or contributing to the accidents.
(Code 1968, § 71.03)

Sec. 79.04. Traffic accident reports.

(A) The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. These reports shall be available for the use and information of the city traffic engineer.

(B) The police department shall receive and properly file all accident reports made to it under the state laws or under this chapter, or other ordinances of the city, but all accident reports

made by drivers shall be for the confidential use of the police department and the city traffic engineer, and no such reports shall be admissible in any civil or criminal proceeding other than upon the request of the person making the report, or upon the request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.
(Code 1968, § 71.04)

Sec. 79.05. Driver's file to be maintained.

(A) The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(B) The department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatsoever steps are lawful and reasonable to prevent the same or to have the license of these persons suspended or revoked.
(Code 1968, § 71.05)

Sec. 79.06. Police department to submit annual traffic-safety report.

The police department shall annually prepare a traffic report which shall be filed with the mayor. This report shall contain information on traffic matters in the city as follows:

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

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

(C) The plans and recommendations of the department for future traffic safety activities.

(Code 1968, § 71.06)

Sec. 79.07. City traffic engineer.

(A) The office of the city traffic engineer is established. The city traffic engineer shall be appointed by the mayor and shall exercise the powers and duties with respect to traffic as provided in this traffic code.

(B) The city traffic engineer shall determine the installation, proper timing, and maintenance of traffic-control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigations of traffic conditions, cooperate with other city officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by this traffic code and other ordinances of the city.
(Code 1968, § 71.07)

Sec. 79.08. Traffic engineer to designate crosswalks, safety zones, traffic lanes.

The city traffic engineer when directed by the council, shall:

(A) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is a particular danger to pedestrians crossing the roadway and at those other places as the council may deem necessary.

(B) Establish safety zones of the kind and character and at those places as the council may deem necessary for the protection of the pedestrians.

(C) Mark lanes for traffic on street pavements at those places as the council may deem advisable, consistent with this chapter and other traffic ordinances of the city.

(D) For the purpose of promoting the safe use of the streets of the city, stop signs or automatic traffic signals shall be erected at 4-way and 5-way (or 3-way when one-way streets are involved) intersections, and every operator of a vehicle or other conveyance shall bring his vehicle or other conveyance to a stop at this sign or signal or at a clearly marked stop line before

entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

(Code 1968, §§ 71.08 and 72.20)

Cross reference—Penalty, see § 70.99.

Sec. 79.09. Authority to erect stop signs.

Whenever this traffic code or any ordinance of the city designates and describes a through street, the city traffic engineer shall place and maintain a stop sign on each and every street intersecting the through street, or intersecting that portion thereof described and designated as such by this traffic code or any such ordinance of the city.

(Code 1968, § 71.09)

Sec. 79.10. Intersections where stop required.

The city traffic engineer, whenever the council shall determine and designate intersections where particular hazards exist upon other than through streets, and determines whether vehicles shall stop at one or more entrances to any such stop intersection, shall erect a stop sign at every such place where a stop is required.

(Code 1968, § 71.10)

Sec. 79.11. Signs to bear the word "stop".

Every stop sign erected pursuant to this division shall bear the word "stop" in letters not less than six inches in height and the sign at nighttime shall be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign or by efficient reflection elements on the face of the sign.

(Code 1968, § 71.11)

Sec. 79.12. Authority to install traffic-control devices.

The city traffic engineer shall place and maintain traffic control signs, signals, and devices when and as required under this traffic code and other traffic ordinances of the city to make effective the provisions of this traffic code and other ordinances.

(Code 1968, § 71.12)

Sec. 79.13. Manual and specifications for traffic-control devices.

All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the state highway commission. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this traffic code shall be official traffic-control devices.

(Code 1968, § 71.13)

Sec. 79.14. Authority of board of public works and safety to make regulations.

The board of public works and safety is empowered to make regulations necessary to make effective the provisions of this traffic code and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than 60 days.

(Code 1968, § 71.14)

Sec. 79.15. Authority of police and fire officials.

(A) It shall be the duty of the officers of the police department or those officers as are assigned by the chief of police to enforce all street traffic laws of the city and all state vehicle laws applicable to street traffic in the city.

(B) Officers of the police department or those officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with the traffic laws. However, in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(C) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1968, § 71.15)

Sec. 79.16. Traffic administration; code enforcement.

The city shall be authorized to employ civilian personnel to enforce the provisions of:

(A) Chapter 76, Abandoned Vehicles;

(B) Chapter 77, Parking Regulations;

(C) Chapter 130, sections 130.01 through 130.21 inclusive.

(Ord. No. 34-93, 7-12-93)

Secs. 79.17—79.19. Reserved.

DIVISION 2. ENFORCEMENT

Sec. 79.20. Failure to obey notice of summons.

Any person who violates his written promise to appear, given to an officer upon arrest for any traffic violation, is guilty of a misdemeanor regardless of the disposition of the charge of which he was originally arrested.

(Code 1968, § 71.50)

Cross reference—Penalty, § 70.99.

Sec. 79.21. Notice on illegally parked vehicle.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this traffic code or other ordinance of the city or by state law, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle that may identify its user, and shall conspicuously affix to the vehicle a notice in writing on a form provided by the city for the driver to answer to the charge against him within five days, during the hours and at a place specified in the notice. The officer shall send one copy of the notice to the traffic division.

(Code 1968, § 71.51)

Sec. 79.22. Failure to comply with notice attached to parked vehicles.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws, this traffic code, or other ordinances does not appear in response to a notice affixed to the motor vehicle within a period of five days, the traffic division shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days a complaint will be filed and a warrant of arrest issued.

(Code 1968, § 71.52)

Sec. 79.23. Presumption in reference to illegal parking.

(A) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of the parking, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person that parked or placed the vehicle at the point where, and for the time during which, the violation occurred. The presumption may be rebutted by any proper admissible evidence of probative effect.

(B) The foregoing stated presumption shall apply only when the procedure as prescribed in section 79.21 and 79.22 of this chapter has been followed.

(Code 1968, § 71.53)

Sec. 79.24. When complaint to be issued.

In the event any person fails to comply with a notice given to the person attached to a vehicle, or fails to make appearance pursuant to a summons directing an appearance in the traffic division, the traffic division shall forthwith have a complaint entered against the person and secure a warrant for his arrest.

(Code 1968, § 71.54)

Sec. 79.25. Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of

this traffic code shall be paid into the office of the city controller and disposed of according to law as in all other city court collections.
(Code 1968, § 71.55)

Sec. 79.26. Authority to impound vehicles; notice of impoundment.

(A) Members of the police department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated and maintained by the police department, or otherwise maintained by the city, under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is left unattended upon a street, and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(B) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal and the reason therefor and of the place to which the vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of the notice shall be given the proprietor of the garage.

(C) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reasons is unable to give notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then, and in that event, the officer shall immediately send or cause to be sent a written report of the removal by mail to the state department whose duty it is to register motor vehicles and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reason for the removal, and the name of the garage where the vehicle is stored.
(Code 1968, § 71.56)

Sec. 79.27. Inspection fee.

(A) The city police department shall henceforth charge a fee for the performance of inspections under IC 9-1-2-1(h).

(B) Said fee shall be in the amount of $5.00.

(C) The revenue from the inspection fee shall be deposited in a special vehicle inspection fund.

(D) The common council may appropriate the money collected from the inspections only for law enforcement purposes.
(Ord. No. 36-88, 8-1-88)

CHAPTER 80. TRAFFIC SCHEDULES

Key to Traffic Schedules

I. One-way streets and alleys
II. Stop intersections
III. All-way stop intersections
IV. No parking zones
V. Parking time limited on certain streets
VI. Parking restricted during certain hours
VII. Freight loading zones
VIII. Passenger loading zones
IX. Yield streets
X. No turn on red
XI. Restricted turns

Key to Traffic Schedules

XII. Public carrier stands
XIII. Weight limits on certain streets
XIV. Bus zones
XV. Taxicab zones
XVI. Automatic traffic signals
XVII. Speed limit zones
XVIII. Load restrictions upon vehicles using certain streets
XIX. Designated bicycle paths
XX. No stopping, standing, or parking
XXI. Parcel pickup zones

SCHEDULE I: ONE-WAY STREETS AND ALLEYS

(A) The following streets and alleys, or parts thereof, are designated as one way in the direction indicated:

Street	*Between*	*Direction*	*Ord. No.*
Adams St.	Hackley St. and Kilgore Ave.	West	
Brady St.	Centennial Ave. and Harkin St.	North	286-77
Elm St.	Adams St. and Wysor St.	North	
Elm St.	Kirby Ave. and Willard St.	North	73-93
Euclid St.	Riley Rd. and Storor Jr. High	East	
Franklin St.	Seymour St. and Wysor St.	North	
Franklin St.	Wysor St. and Seymour St.	South	
Gilbert St.	Calvert and Martin	West	102-83
Gilbert St.	Madison St. and High St.	West	
Gilbert St.	Madison St. and Walnut St.	West	
Gilbert St.	McKinley and Calvert	East	102-83
High St.	Gilbert St. and Seymour St.	South	
High St.	Seymour St. and Wysor St.	North	
Harkin St.	Brady St. and Macedonia Ave.	East	
Howard St.	Madison St. and Walnut St.	West	
Jackson St.	Kilgore Ave. and Main St.	East	
Jefferson St.	Wysor St. and Charles St.	South	297-82
Jefferson St.	Seymour St. and Willard St.	South	73-93

Street	*Between*	*Direction*	*Ord. No.*
Jefferson St.	Seymour and the Norfolk and Southern Railroad Crossing	South	54-94
Kilgore Ave.	Main St. and Jackson St. one-way	Southwest	
Liberty St.	Memorial Dr. and 13th St.	South	
Main St.	Jackson St. and Kilgore Ave.	West	
Minnetrista Blvd.	Wheeling Ave. and Minnetrista Parkway	Southwest	27-95
Monroe St.	Kirby Ave. and Willard St.	North	73-93
Mulberry St.	Willard St. and Wysor St.	North	
North St.	Walnut St. and Madison St.	East	
North St.	Wheeling Ave. and Alameda Ave.	West	
Seymour St.	High St. and Elm St.	East	
Vine St.	Kirby Ave. and Willard St.	South	73-93
Walnut St.	Main St. and Seymour St.	South	
Walnut St.	Wysor St. and Second St.	South	
Washington St.	High St. and Ohio Ave.	East	
Washington St.	Liberty St. and Madison St.	East	
1st St.	Elm St. and Jefferson St.	East	73-93
2nd St.	Vine St. and Walnut St.	East	73-93
3rd St.	Jefferson St. and Vine St.	East	73-93
9th St.	Madison St. and Hackley St.	East	403-78
13th St.	Liberty St. and Franklin St.	East	
14th St.	High St. and Walnut St.	West	596-80
15th St.	High St. and Walnut St.	East	596-80
Wilson Ave.	Elliot St. and Powers St.	Southwest	103-78

(B) One-way alleys.

All alleys within the following boundaries, to be known as the "Loop," are to be one way northbound and westbound. The loop will be bounded on the north by Wysor Street, on the south by Willard Street, on the east by Madison Street, and on the west by Liberty Street. This district will be known as the business district.

Alley	*Extent*	*Direction*	*Ord. No.*
East/west alley between Godman and Ethel	From Tillotson to Manning	Eastbound	54-94

Alley	*Extent*	*Direction*	*Ord. No.*
East/west alley between Jackson and Main	From Cole to Manning	Westbound	103-83
North/south alley between Washington and Main	From Council to Cherry	Southbound	54-94

(Ord. No. 1628, 5-11-64; Ord. No. 34-95, § 1, 8-7-95)

SCHEDULE II: STOP INTERSECTIONS*

PART I

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Abbott St.	Linden St.	B	1	
Abbott St.	New York Ave.	B	2	
Adams St.	Calvert Ave.	B	2	
Adams St.	Celia Ave.	B	2	
Adams St.	Franklin St.	B	2	automatic
Adams St.	Hackley St.	B	2	
Adams St.	Kilgore Ave.	B	1	
Adams St.	Manning Ave.	B	2	
Adams St.	Nichols Ave.	B	2	
Adams St.	Tillotson Ave.	B	1	
Alameda Ave.	Ashland Ave.	B	1	
Alameda Ave.	Riverside Ave.	B	1	
Alameda Ave.	University Ave.	B	2	
Anthony St.	Ball Ave.	B	2	
Anthony St.	Glenwood Ave.	B	2	
Anthony St.	Hollywood Ave.	B	2	
Anthony St.	Janney Ave.	B	2	
Anthony St.	Maplewood Ave.	B	2	
Anthony St.	New York Ave.	B	2	
Anthony St.	Oakwood Ave.	B	1	
Anthony St.	Rosewood Ave.	B	2	
Ash St.	12th St.	B	1	
Ashland Ave.	Linden St.	B	2	
Ashland Ave.	Wheeling Ave.	B	1	
Ball Ave.	Bethel Ave.	B	1	
Batavia Ave.	Kilgore Ave.	B	2	automatic
Batavia Ave.	8th St.	B	2	automatic
Batavia Ave.	12th St.	B	1	
Beacon St.	Adams St.	B	2	
Beacon St.	Charles St.	B	1	
Beacon St.	Jackson St.	B	2	
Beacon St.	Kirby Ave.	B	2	
Beacon St.	Main St.	B	2	
Beacon St.	Seymour St.	B	1	
Beacon St.	Willard St.	B	2	
Beacon St.	8th St.	B	2	
Beacon St.	12th St.	B	1	
Beacon St.	18th St.	B	1	
Beechwood Ave.	Dill St.	B	2	
Beechwood Ave.	Light St.	B	2	

*__Editor's note—__This schedule consists of Part I which contains those stop intersections set forth in 1958 Code, § 17-59, and Part II which contains those stop intersections set forth in Ord. 1676, March 26, 1965, and other ordinances passed subsequent to the 1958 Code.)

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Beechwood Ave.	Linden St.	B	2	
Bell St.	Walnut St.	B	1	
Bellaire Ave.	Jackson St.	B	1	
Berkley Ave.	Walnut St.	B	2	
Biltmore Ave.	16th St.	B	1	
Birch St.	1st St.	B	2	
Birch St.	8th St.	B	1	
Birch St.	9th St.	B	2	
Birch St.	10th St.	B	2	
Birch St.	11th St.	B	2	
Birch St.	12th St.	B	1	
Birch St.	13th St.	B	2	
Birch St.	14th St.	B	2	
Birch St.	17th St.	B	2	
Blaine St.	Kirby Ave.	B	2	automatic
Blaine St.	Willard St.	B	2	
Blaine St.	8th St.	B	2	automatic
Blaine St.	9th St.	B	2	flasher
Bowman St.	Janney Ave.	B	2	
Brady St.	Kirby Ave.	B	2	
Brady St.	Main St.	B	1	
Brady St.	Washington St.	B	1	
Brady St.	Willard St.	B	2	
Brady St.	1st St.	B	2	
Brady St.	7th St.	B	2	
Briar Rd.	Riverside Ave.	B	1	
Brittain St.	Adams St.	B	2	
Brittain St.	Godman Ave.	B	1	
Brittain St.	Jackson St.	B	1	
Brotherton St.	Second St.	B		
Brotherton St.	8th St.	B	1	
Brotherton St.	25th St.	B	2	
Buckles St.	Centennial Ave.	B	1	
Buckles St.	Cromer Ave.	B	2	
Calvert Ave.	Godman Ave.	B	1	
Calvert Ave.	Jackson St.	B	2	
Calvert Ave.	North St.	B	2	
Calvert Ave.	Riverside Ave.	B	1	
Calvert Ave.	University Ave.	B	2	
Carson St.	Linden St.	B	2	
Celia Ave.	Godman Ave.	B	2	
Celia Ave.	Jackson St.	B	2	automatic
Centennial Ave.	Granville Ave.	B	2	
Centennial Ave.	Walnut St.	B	2	
Centennial Ave.	Wheeling Ave.	B	1	
Charles St.	Hackley St.	B	2	automatic

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Charles St.	Hutchinson Ave.	B	2	
Charles St.	Jefferson St.	B	none	automatic
Charles St.	Kilgore Ave.	B	1	
Charles St.	Mulberry St.	B	none	automatic
Charles St.	Tillotson Ave.	B	1	
Charles St.	Walnut St.	B	none	automatic
Cherry St.	Adams St.	B	2	
Cherry St.	Charles St.	B	1	
Cherry St.	Jackson St.	B	2	
Cherry St.	Main St.	B	2	
Cherry St.	Washington St.	B	1	
Clark St.	9th St.	B	1	
Clark St.	10th St.	B	1	
Clark St.	11th St.	B	1	
Clark St.	12th St.	B	1	
Claypool Rd.	Jackson St.	B	1	
Cole Ave.	Jackson St.	B	2	
College Ave.	Godman Ave.	B	1	
College Ave.	Jackson St.	B	2	
Columbus Ave.	Jefferson St.	B	2	
Columbus Ave.	Mulberry St.	B	2	
Council St.	Jackson St.	B	2	
Council St.	Willard St.	B	2	
Cowing St.	Wheeling Ave.	B	1	
Cromer Ave.	Milton St.	B	2	
Cromer Ave.	Reserve St.	B	2	
Cromer Ave.	Walnut St.	B	1	
Daly Ave.	8th St.	B	2	
Daly Ave.	12th St.	B	1	
Dayton Ave.	U.S. Highway #35	B	1	
Delawanda Ave.	16th St.	B	1	
Dicks St.	Jackson St.	B	1	
Dicks St.	Riverside Ave.	B	1	
Dicks St.	University Ave.	B	2	
Dill St.	Jackson St.	B	2	
Dill St.	North St.	B	2	
Dill St.	Riverside Ave.	B	1	
Dill St.	University Ave.	B	2	
Eaton Ave.	16th St.	B	2	
Ebright St.	Adams St.	B	1	
Ebright St.	Jackson St.	B	1	
Ebright St.	Kirby Ave.	B	2	
Ebright St.	Main St.	B	1	
Ebright St.	Willard St.	B	2	
Ebright St.	1st St.	B	2	
Ebright St.	2nd St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Ebright St.	5th St.	B	2	
Ebright St.	8th St.	B	2	
Ebright St.	9th St.	B	1	
Ebright St.	12th St.	B	1	
Ebright St.	16th St.	B	2	
Ebright St.	18th St.	B	1	
Edgewood Dr.	Jackson St.	B	1	
Elliot St.	Charles St.	B	1	
Elliot St.	Hoyt Ave.	B	1	
Elliot St.	Powers St.	B	2	automatic
Elliot St.	Willard St.	B	1	automatic
Elliot St.	8th St.	B	2	
Elliot St.	9th St.	B	2	
Elliot St.	12th St.	B	2	
Elm St.	Granville Ave.	B	1	
Elm St.	Washington St.	B	1	
Elm St.	8th St.	B	2	
Elm St.	12th St.	B	2	
Elm St.	18th St.	B	2	
Elm St.	21st St.	B	2	
Elm St.	22nd St.	B	2	
Elm St.	23rd St.	B	2	
Elm St.	24th St.	B	2	
Elm St.	26th St.	B	1	
Ethel Ave.	Celia Ave.	B	2	
Ethel Ave.	Tillotson Ave.	B	2	
Euclid Ave.	Tillotson Ave.	B	2	automatic
Franklin Ave.	Charles St.	B	2	automatic
Franklin St.	Jackson St.	B	1	automatic
Franklin St.	McGalliard Rd.	B	1	
Franklin St.	Main St.	B		automatic
Franklin St.	Seymour St.	B	1	
Franklin St.	Washington St.	B	1	automatic
Franklin St.	Williard St.	B	1	
Franklin St.	8th St.	B	2	
Franklin St.	12th St.	B	2	
Franklin St.	23rd St.	B	1	
Gharkey St.	Adams St.	B	2	
Gharkey St.	Charles St.	B	2	
Gharkey St.	Jackson St.	B	2	
Gharkey St.	Powers St.	B	1	
Gharkey St.	8th St.	B	1	
Gharkey St.	12th St.	B	2	automatic
Gilbert St.	Brady St.	B	2	
Gilbert St.	Calvert Ave.	B	2	
Gilbert St.	Dicks St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Gilbert St.	Dill St.	B	2	
Gilbert St.	Elm St.	B	1	
Gilbert St.	Jefferson St.	B	1	
Gilbert St.	McKinley Ave.	B	2	
Gilbert St.	Madison St.	B	2	
Gilbert St.	Martin Ave.	B	2	
Gilbert St.	Mulberry St.	B	2	
Gilbert St.	Pershing Dr.	B	2	
Gilbert St.	Vine St.	B	2	
Gilbert St.	Walnut St.	B	1	
Gilman Ave.	8th St.	B	2	
Gilman Ave.	10th St.	B	2	
Gilman Ave.	11th St.	B	2	
Gilman Ave.	12th St.	B	1	
Glenn Ellyn	Rosewood Ave.	B	1	
Glenwood Ave.	Purdue Rd.	B	2	
Glenwood Ave.	Yale Ave.	B	2	
Godman Ave.	Nichols Ave.	B	2	
Graceland St.	Jackson St.	B	1	
Grafton Ave.	Jackson St.	B	1	
Grafton Ave.	Leach St.	B	2	
Grant St.	Adams St.	B	2	
Grant St.	Jackson St.	B	2	
Grant St.	Kirby Ave.	B	2	
Grant St.	Main St.	B	1	
Grant St.	Willard St.	B	2	
Grant St.	8th St.	B	2	
Grant St.	9th St.	B	2	
Grant St.	12th St.	B	2	
Grant St.	16th St.	B	2	
Grant St.	18th St.	B	1	
Grant St.	26th St.	B	1	
Granville Ave.	McCullough Blvd.	B	4	automatic
Greenwood Ave.	Jackson St.	B	1	
Greenwood Ave.	North St.	B	2	
Greenwood Ave.	University Ave.	B	1	
Hackley St.	Jackson St.	B	2	
Hackley St.	Washington St.	B	2	automatic
Hackley St.	Wysor St.	B	1	
Hackley St.	12th St.	B	2	automatic
Hackley St.	18th St.	B	2	automatic
Hackley St.	26th St.	B	1	
Haines Ave.	Wheeling Ave.	B	1	
Harley Rd.	Godman Ave.	B	2	
Harley Rd.	Peach Tree Ln.	B	1	
Harvard Ave.	Walnut St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Harvard Ave.	Wheeling Ave.	B	1	
Hazel St.	Broadway	B	1	
Hazel St.	Penn St.	B	1	
Hickory Ln.	Streeter Ave.	B	2	
High St.	Charles St.	B		automatic
High St.	Willard St.	B	2	
High St.	8th St.	B	2	
High St.	12th St.	B	2	
High St.	13th St.	B	2	
High St.	22nd St.	B	2	
High St.	23rd St.	B	1	
Highland Ave.	Broadway	B	2	automatic
Highland Ave.	Elm St.	B	2	
Highland Ave.	Granville Ave.	B	2	
Highland Ave.	Walnut St.	B	2	
Holland St.	Jackson St.	B	1	
Hollywood Ave.	Bethel Ave.	B	1	
Howard St.	Council St.	B	2	
Howard St.	Gharkey St.	B	2	
Howard St.	High St.	B		automatic
Howard St.	Jefferson St.	B	1	
Howard St.	Mound St.	B	2	
Howard St.	Mulberry St.	B		automatic
Howard St.	Proud St.	B	2	
Howard St.	Walnut St.	B		automatic
Hoyt Ave.	8th St.	B	2	automatic
Hoyt Ave.	15th St.	B	2	automatic
Hutchinson Ave.	Jackson St.	B	1	
Jackson Blvd.	Jackson St.	B	2	automatic
Jackson St.	Madison St.	B		automatic
Jackson St.	Tillotson Ave.	B		automatic
Janney Ave.	Bethel Ave.	B	1	
Janney Ave.	Yale Ave.	B	2	
Jefferson St.	Highland Ave.	B	2	
Jefferson St.	Washington St.	B	1	automatic
Jefferson St.	Willard St.	B	2	
Jefferson St.	Wysor St.	B	1	
Jefferson St.	8th St.	B	2	
Jefferson St.	12th St.	B	2	
Jefferson St.	21st St.	B	2	
Jefferson St.	26th St.	B	2	
Kilgore Ave.	Jackson St.	B		automatic
Kinney St.	8th St.	B	1	
Kirby Ave.	Hackley St.	B	2	automatic
Kirby Ave.	Macedonia Ave.	B		automatic
Lanewood Rd.	Yale Ave.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Leland Ave.	Jackson St.	B	1	
Liberty St.	Adams St.	B	2	automatic
Liberty St.	Charles St.	B	2	automatic
Liberty St.	Howard St.	B	2	automatic
Liberty St.	Jackson St.	B	2	automatic
Liberty St.	Main St.	B	2	automatic
Liberty St.	Washington St.	B	2	automatic
Liberty St.	Willard St.	B	2	automatic
Liberty St.	8th St.	B	2	automatic
Liberty St.	12th St.	B	2	automatic
Liberty St.	23rd St.	B	1	
Light St.	Gilbert St.	B	1	
Light St.	North St.	B	2	
Light St.	Riverside Ave.	B	1	
Light St.	University Ave.	B	2	
Lincoln St.	Jackson St.	B	2	
Lincoln St.	Main St.	B	2	
Lincoln St.	Washington St.	B	1	
Linden St.	Bethel Ave.	B	1	
Linden St.	Riverside Ave.	B	2	automatic
Linden St.	University Ave.	B	2	
Linden St.	White River Blvd.	B	1	
Locust St.	Abbott St.	B	2	
Locust St.	Ashland Ave.	B	2	
Locust St.	Beechwood Ave.	B	2	
Locust St.	Bethel Ave.	B	1	
Locust St.	Carson St.	B	2	
Locust St.	Marsh St.	B	2	
Locust St.	Neely Ave.	B	2	
Locust St.	North St.	B	2	
Locust St.	Rex St.	B	2	
Locust St.	Riverside Ave.	B	1	
Locust St.	University Ave.	B	2	
Locust St.	Yale Ave.	B	2	
Lowell St.	Broadway	B	1	
Lowell St.	Gavin St.	B	1	
Lowell St.	Macedonia Ave.	B	2	
Lowell St.	Turner St.	B	1	
Macedonia Ave.	Jackson St.	B	2	
Macedonia Ave.	Main St.	B	2	
Macedonia Ave.	Willard St.	B	none	automatic
Macedonia Ave.	12th St.	B	2	automatic
Macedonia Ave.	26th St.	B	1	
McGalliard Rd.	Wheeling Ave.	B	none	automatic
McKinley Ave.	Godman Ave.	B	1	
McKinley Ave.	Jackson St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
McKinley Ave.	Riverside Ave.	B	1	automatic
McKinley Ave.	North	B		
McKinley Ave.	University Ave.	B	none	automatic
Main St.	Calvert Ave.	B	2	
Main St.	Dill St.	B	2	
Main St.	McKinley Ave.	B	2	
Main St.	Madison St.	B	none	automatic
Main St.	Tillotson Ave.	B	2	
Manhattan Ave.	16th St.	B	2	
Manning Ave.	Jackson St.	B	1	
Manor St.	Broadway	B	1	
Maple Ave.	Jefferson St.	B	1	
Maple Ave.	Mulberry St.	B	2	
Maple Ave.	Walnut St.	B	1	
Maple Ln.	U.S. Highway #35	B	1	
Maplewood Ave.	Bethel Ave.	B	1	
Maplewood Ave.	Cowing St.	B	2	
Market St.	Centennial Ave.	B	1	
Marsh St.	Linden St.	B	2	
Marsh St.	New York Ave.	B	4	
Marsh St.	Wheeling Ave.	B	1	
Martin Ave.	Riverside Ave.	B	1	
Martin Ave.	University Ave.	B	none	automatic
Mathews Ave.	Yale Ave.	B	1	
May Ave.	16th St.	B	1	
Meadow Ln.	Riverside Ave.	B	1	
Merrywood Ln.	Peach Tree Ln.	B	2	
Merrywood Ln.	Silver Ln.	B	1	
Merrywood Ln.	Woodway Dr.	B	1	
Milton St.	Centennial Ave.	B	1	
Mock Ave.	26th St.	B	1	
Monroe St.	Adams St.	B	2	
Monroe St.	Charles St.	B	2	
Monroe St.	Jackson St.	B	2	
Monroe St.	Kirby Ave.	B	2	
Monroe St.	Main St.	B	2	
Monroe St.	Washington St.	B	2	
Monroe St.	Willard St.	B	1	
Monroe St.	Wysor St.	B	1	
Monroe St.	2nd St.	B	2	
Monroe St.	5th St.	B	2	
Monroe St.	6th St.	B	2	
Monroe St.	7th St.	B	2	
Monroe St.	8th St.	B	2	
Monroe St.	12th St.	B	1	
Monroe St.	13th St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Monroe St.	15th St.	B	2	
Monroe St.	21st St.	B	2	
Monroe St.	23rd St.	B	2	
Monroe St.	26th St.	B	1	
Mound St.	Adams St.	B	2	
Mound St.	Charles St.	B	2	
Mound St.	Jackson St.	B	1	
Mound St.	Powers St.	B	2	
Mound St.	Willard St.	B	2	automatic
Mulberry St.	Washington St.	B	1	automatic
Mulberry St.	Willard St.	B	2	
Mulberry St.	Wysor St.	B	2	automatic
Mulberry St.	6th St.	B	2	
Mulberry St.	8th St.	B	2	
Mulberry St.	9th St.	B	2	
Mulberry St.	12th St.	B	2	
Mulberry St.	16th St.	B	2	
Mulberry St.	17th St.	B	2	
Mulberry St.	18th St.	B	2	
Mulberry St.	21st St.	B	2	
Myrtle Ave.	Elm St.	B	2	
Myrtle Ave.	Jefferson St.	B	2	
Myrtle Ave.	Mulberry St.	B	2	
Myrtle Ave.	Walnut St.	B	1	
Neely Ave.	New York Ave.	B	2	
New York Ave.	Cowing St.	B	1	
Nichols Ave.	Jackson St.	B	2	automatic
North St.	Elm St.	B	2	
North St.	Jefferson St.	B	2	
North St.	Linden St.	B	2	
North St.	Mulberry St.	B	2	
North St.	Reserve St.	B	2	
North St.	Tillotson Ave.	B	2	
North St.	Walnut St.	B	1	
North St.	Wheeling Ave.	B	1	
Northwood Ln.	Streeter Ave.	B	1	
Oak St.	12th St.	B	1	
Oakwood Ave.	Bethel Ave.	B	1	
Oakwood Ave.	McGalliard Rd.	B	2	
Ohio Ave.	Jackson St.	B	2	automatic
Ohio Ave.	Main St.	B	2	automatic
Ohio Ave.	Washington St.	B	1	
Park Ave.	Broadway	B	1	
Park Ave.	Gavin St.	B	2	
Parkway Dr. (north)	Riverside Ave.	B	1	
Pauline Ave.	Ashland Ave.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Pauline Ave.	Beechwood Ave.	B	2	
Pauline Ave.	North St.	B	2	
Pauline Ave.	Riverside Ave.	B	1	
Pauline Ave.	University Ave.	B	2	
Pauline Ave.	White River Blvd.	B	1	
Peach Tree Ln.	Stradling Rd.	B	1	
Penn St.	Kirby Ave.	B	2	
Penn St.	Seymour St.	B	1	
Penn St.	Willard St.	B	2	
Penn St.	8th St.	B	2	
Penn St.	9th St.	B	2	
Penn St.	12th St.	B	2	
Penn St.	29th St.	B	1	
Perkins Ave.	8th St.	B	2	automatic
Perkins Ave.	11th St.	B	2	
Perkins Ave.	12th St.	B	2	
Perkins Ave.	14th St.	B	2	
Perkins Ave.	15th St.	B	2	
Pershing Dr.	Adams St.	B	2	
Pershing Dr.	Charles St.	B	2	
Pershing Dr.	Jackson St.	B	2	
Pershing Dr.	Kirby Ave.	B	2	
Pershing Dr.	Main St.	B	2	
Pershing Dr.	Washington St.	B	2	
Pershing Dr.	Wysor St.	B	1	
Pershing Dr.	8th St.	B	1	
Pershing Dr.	12th St.	B	1	
Pershing Dr.	13th St.	B	2	
Pershing Dr.	15th St.	B	2	
Pershing Dr.	18th St.	B	1	
Pierce St.	1st St.	B	2	
Pierce St.	8th St.	B	1	
Pierce St.	10th St.	B	2	
Pierce St.	14th St.	B	2	
Pierce St.	15th St.	B	2	
Pierce St.	17th St.	B	2	
Port Ave.	12th St.	B	2	automatic
Powers St.	Council St.	B	2	
Powers St.	Kilgore Ave.	B	1	
Proud St.	Adams St.	B	1	
Proud St.	Charles St.	B	2	
Proud St.	Main St.	B	1	
Proud St.	Powers St.	B	2	
Proud St.	1st St.	B	2	
Race St.	Jefferson St.	B	1	
Race St.	Madison St.	B	1	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Reserve St.	Centennial Ave.	B	1	
Rex St.	Linden St.	B	2	
Rex St.	New York Ave.	B	2	
Rex St.	Wheeling Ave.	B	1	
Riley Ave.	Milton St.	B	2	
Riley Ave.	Walnut St.	B	1	
River Bend	Rambler Rd.	B	2	
Riverside Ave.	Wheeling Ave.	B	1	automatic
Rochester Ave.	8th St.	B	2	
Rochester Ave.	9th St.	B	2	
Rochester Ave.	12th St.	B	2	
Roosevelt St.	Buckles St.	B	2	
Roosevelt St.	Walnut St.	B	1	
Rose St.	1st St.	B	2	
Rosewood Ave.	Bethel Ave.	B	1	
Rosewood Ave.	Cowing Ave.	B	2	
Rosewood Ave.	No. W. Plaza	B	1	
Royale Dr.	Wheeling Ave.	B	1	
Russey St.	Broadway	B	1	
Sampson Ave.	8th St.	B	2	
Sampson Ave.	12th St.	B	1	
Seymour St.	Blaine St.	B	2	
Seymour St.	Brady St.	B	1	
Seymour St.	Gharkey St.	B	2	
Seymour St.	Hackley St.	B	2	
Seymour St.	Jefferson St.	B	1	
Seymour St.	Liberty St.	B	2	
Seymour St.	Mound St.	B	1	
Seymour St.	Mulberry St.	B		automatic
Seymour St.	Walnut St.	B		automatic
Shipley St.	8th St.	B	1	
Shipley St.	12th St.	B	1	
Stradling Rd.	Jackson St.	B	1	
Stirling Dr.	Rosewood Ave.	B	1	
Streeter Ave.	Granville Ave.	B	1	
Streeter Ave.	Walnut St.	B	1	
Streeter Ave.	Wheeling Ave.	B	1	
Sutton St.	Calvert Ave.	B	2	
Sutton St.	McKinley Ave.	B	1	
Sutton St.	Martin Ave.	B	2	
Talley Ave.	Godman Ave.	B	1	
Talley Ave.	Jackson St.	B	2	
Talley Ave.	Main St.			
U.S. Highway #35	Madison St.	B		automatic
University Ave.	Reserve St.	B	2	automatic
University Ave.	Tillotson Ave.	B	1	automatic

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
University Ave.	Wheeling Ave.	B	1	automatic
Utica Ave.	8th St.	B	1	
Utica Ave.	10th St.	B	2	
Utica Ave.	12th St.	B	1	
Vine St.	Adams St.	B	2	
Vine St.	Charles St.	B	2	
Vine St.	Jackson St.	B	2	
Vine St.	Kirby St.	B	1	
Vine St.	Main St.	B	2	
Vine St.	Washington St.	B	2	
Vine St.	Wysor St.	B	1	
Vine St.	1st St.	B	2	
Vine St.	5th St.	B	2	
Vine St.	6th St.	B	2	
Vine St.	7th St.	B	2	
Vine St.	8th St.	B	1	
Vine St.	12th St.	B	1	
Vine St.	15th St.	B	2	
Vine St.	18th St.	B	1	
Vine St.	21st St.	B	2	
Vine St.	26th St.	B	1	
Vine St.	Willard St.	B	1	
Virginia Ave.	Bethel Ave.	B	1	
Virginia Ave.	Marsh St.	B	2	
Virginia Ave.	Rex St.	B	2	
Waid Ave.	Wheeling Ave.	B	2	
Waldemere Ave.	16th St.	B	1	
Washington St.	High St.	B	2	automatic
Washington St.	McKinley Ave.	B	2	
Washington St.	Madison St.	B	none	automatic
Washington St.	Martin St.	B	2	
Washington St.	Walnut St.	B	1	automatic
Wayne St.	Linden St.	B	2	
Weber Dr.	Wheeling Ave.	B	1	
Wheeling Ave.	Bethel Ave.	B	none	automatic
White River Blvd.	Wheeling Ave.	B	1	
Willard St.	Hackley St.	B	2	automatic
Willard St.	Hoyt Ave.	B	2	automatic
Wilson Ave.	Powers St.	B	1	
Wolf St.	Kirby Ave.	B	2	
Wolf St.	Main St.	B	2	
Wolf St.	Seymour St.	B	2	
Wolf St.	Willard St.	B	1	
Wolf St.	2nd St.	B	2	
Woodway Dr.	Stradling Rd.	B	1	
Wysor St.	Madison St.	B	2	automatic

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Wysor St.	Walnut St.	B	2	automatic
Yale Ave.	Janney Ave.	B	2	
Yale Ave.	Wheeling Ave.	B	1	
1st St.	Beacon St.	B	2	
1st St.	Blaine St.	B	2	
1st St.	Elliott St.	B	2	
1st St.	Grant St.	B	2	
1st St.	Hackley St.	B	2	
1st St.	Jefferson St.	B	2	
1st St.	Kilgore Ave.	B	1	
1st St.	Macedonia Ave.	B	1	
1st St.	Mulberry St.	B	2	
1st St.	Penn St.	B	2	
1st St.	Pershing Dr.	B	2	
1st St.	Wolf St.	B	2	
2nd St.	Jefferson St.	B	2	
2nd St.	Kilgore Ave.	B	1	
2nd St.	Macedonia Ave.	B	1	
2nd St.	Beacon St.	B	2	
2nd St.	Blaine St.	B	2	
2nd St.	Grant St.	B	2	
2nd St.	Hackley St.	B	2	
2nd St.	Liberty St.	B	1	
2nd St.	Mulberry St.	B	2	
2nd St.	Penn St.	B	2	
2nd St.	Pershing Dr.	B	2	
2nd St.	Vine St.	B	2	
4th St.	Pershing Dr.	B	2	
5th St.	Beacon St.	B	2	
5th St.	Blaine St.	B	2	
5th St.	Brady St.	B	1	
5th St.	Franklin St.	B	2	
5th St.	Grant St.	B	2	
5th St.	Hackley St.	B	2	
5th St.	High St.	B	2	
5th St.	Jefferson St.	B	2	
5th St.	Liberty St.	B	1	
5th St.	Macedonia Ave.	B	2	
5th St.	Mulberry St.	B	1	
5th St.	Penn St.	B	2	
5th St.	Perkins Ave.	B	2	
5th St.	Pershing Dr.	B	2	
6th St.	Blaine St.	B	2	
6th St.	Elm St.	B	2	
6th St.	Franklin St.	B	2	
6th St.	Grant St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
6th St.	High St.	B	2	
6th St.	Jefferson St.	B	2	
6th St.	Liberty St.	B	2	
6th St.	Madison St.	B	2	
6th St.	Penn St.	B	2	
6th St.	Perkins Ave.	B	2	
6th St.	Port Ave.	B	2	
6th St.	Walnut St.	B	2	
7th St.	Batavia Ave.	B	1	
7th St.	Beacon St.	B	2	
7th St.	Blaine St.	B	2	
7th St.	Ebright St.	B	2	
7th St.	Elm St.	B	2	
7th St.	Franklin St.	B	2	
7th St.	Grant St.	B	2	
7th St.	Hackley St.	B	2	
7th St.	High St.	B	2	
7th St.	Hoyt Ave.	B	2	
7th St.	Jefferson St.	B	2	
7th St.	Liberty St.	B	2	
7th St.	Macedonia Ave.	B	1	
7th St.	Madison St.	B	2	
7th St.	Mulberry St.	B	2	
7th St.	Penn St.	B	2	
7th St.	Perkins Ave.	B	2	
7th St.	Pershing Dr.	B	2	
7th St.	Port Ave.	B	2	
7th St.	Rochester Ave.	B	1	
7th St.	Walnut St.	B	2	
8th St.	Hackley St.	B	none	automatic
8th St.	Hackley St.	B	2	automatic
8th St.	Macedonia Ave.	B	1	
8th St.	Madison St.	B	2	
8th St.	Walnut St.	B	2	automatic
9th St.	Batavia Ave.	B	2	
9th St.	Daly Ave.	B	2	
9th St.	Elm St.	B	2	
9th St.	Franklin St.	B	2	
9th St.	Gilman Ave.	B	2	
9th St.	Hackley St.	B	2	
9th St.	High St.	B	2	
9th St.	Hoyt Ave.	B	2	
9th St.	Jefferson St.	B	2	
9th St.	Liberty St.	B	2	
9th St.	Madison St.	B	2	automatic
9th St.	Perkins Ave.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
9th St.	Port Ave.	B	2	
9th St.	Sampson Ave.	B	2	
9th St.	Utica Ave.	B	2	
9th St.	Walnut St.	B	2	
10th St.	Batavia Ave.	B	2	
10th St.	Daly Ave.	B	2	
10th St.	Franklin St.	B	2	
10th St.	Gharkey St.	B	2	
10th St.	High St.	B	2	
10th St.	Hoyt Ave.	B	2	
10th St.	Liberty St.	B	2	
10th St.	Perkins Ave.	B	2	
10th St.	Port Ave.	B	2	
10th St.	Rochester Ave.	B	2	
10th St.	Walnut St.	B	1	
11th St.	Batavia Ave.	B	2	
11th St.	Daly Ave.	B	2	
11th St.	Elliott St.	B	2	
11th St.	Franklin St.	B	2	
11th St.	Gharkey St.	B	1	
11th St.	High St.	B	2	
11th St.	Hoyt Ave.	B	2	
11th St.	Liberty St.	B	1	
11th St.	Pierce St.	B	2	
11th St.	Port Ave.	B	2	
11th St.	Rochester Ave.	B	2	
11th St.	Sampson Ave.	B	2	
11th St.	Utica Ave.	B	2	
11th St.	Walnut St.	B	1	
12th St.	Madison St.	B	2	automatic
12th St.	Hoyt Ave.	B	2	automatic
12th St.	Walnut St.	B	2	automatic
13th St.	Beacon St.	B	2	
13th St.	Ebright St.	B	2	
13th St.	Elliott St.	B	2	
13th St.	Elm St.	B	2	
13th St.	Gharkey St.	B	1	
13th St.	Grant St.	B	2	
13th St.	Hackley St.	B	2	
13th St.	Hoyt Ave.	B	2	
13th St.	Jefferson St.	B	2	
13th St.	Madison St.	B	2	
13th St.	Mock St.	B	1	
13th St.	Mulberry St.	B	2	
13th St.	Port Ave.	B	2	
13th St.	Rochester Ave.	B	1	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
13th St.	Vine St.	B	2	
13th St.	Walnut St.	B	2	
14th St.	Elm St.	B	2	
14th St.	Gharkey St.	B	1	
14th St.	Grant St.	B	1	
14th St.	Hoyt Ave.	B	2	
14th St.	Madison St.	B	2	
14th St.	Mock Ave.	B	1	
14th St.	Mulberry St.	B	2	
14th St.	Rochester Ave.	B	1	
14th St.	Walnut St.	B	2	
15th St.	Birch St.	B	2	
15th St.	Elliott St.	B	2	
15th St.	Elm St.	B	2	
15th St.	Grant St.	B	1	
15th St.	Hackley St.	B	1	
15th St.	Jefferson St.	B	2	
15th St.	Macedonia Ave.	B	1	
15th St.	Madison St.	B	2	
15th St.	Mulberry St.	B	2	
15th St.	Rochester Ave.	B	3	
15th St.	Walnut St.	B	2	
16th St.	Birch St.	B	2	
16th St.	Burlington Dr.	B	1	
16th St.	Elm St.	B	2	
16th St.	Hackley St.	B	1	
16th St.	Hoyt Ave.	B	2	
16th St.	Jefferson St.	B	2	
16th St.	Madison St.	B	1	
16th St.	Mock Ave.	B	2	
16th St.	Pierce St.	B	2	
16th St.	Port Ave.	B	2	
16th St.	Walnut St.	B	1	
17th St.	Elm St.	B	2	
17th St.	Gharkey St.	B	1	
17th St.	Jefferson St.	B	2	
17th St.	Madison St.	B	2	
17th St.	Monroe St.	B	2	
17th St.	Port Ave.	B	1	
17th St.	Walnut St.	B	1	
18th St.	Hackley St.	B	2	automatic
18th St.	Macedonia Ave.	B	2	automatic
18th St.	Madison St.	B	2	
18th St.	Mock Ave.	B	2	
18th St.	Pierce St.	B	2	
18th St.	Walnut St.	B	1	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
19th St.	Macedonia Ave.	B	1	
20th St.	Elm St.	B	1	
20th St.	Jefferson St.	B	1	
20th St.	Madison St.	B	2	
20th St.	Mulberry St.	B	2	
20th St.	Walnut St.	B	2	
21st St.	Franklin St.	B	2	
21st St.	Hackley St.	B	2	
21st St.	Madison St.	B	2	automatic
21st St.	Mock Ave.	B	2	
21st St.	Walnut St.	B	2	
22nd St.	Franklin St.	B	2	
22nd St.	Grant St.	B	2	
22nd St.	Jefferson St.	B	2	
22nd St.	Madison St.	B	2	
22nd St.	Mock Ave.	B	1	
22nd St.	Mulberry St.	B	2	
22nd St.	Vine St.	B	2	
22nd St.	Walnut St.	B	2	
23rd St.	Jefferson St.	B	2	
23rd St.	Hackley St.	B	2	
23rd St.	Madison St.	B	2	automatic
23rd St.	Vine St.	B	2	
23rd St.	Walnut St.	B	2	
24th St.	Brotherton St.	B	2	
24th St.	Hackley St.	B	2	
24th St.	Madison St.	B	2	
24th St.	Vine St.	B	2	
24th St.	Walnut St.	B	1	
25th St.	Hackley St.	B	2	
25th St.	Madison St.	B	2	
25th St.	Monroe St.	B	2	
25th St.	Vine St.	B	2	
26th St.	Macedonia Ave.	B	2	automatic
26th St.	Madison St.	B	2	automatic
26th St.	Madison St.	B	2	
26th St.	Meeker Ave.	B	1	
26th St.	Walnut St.	B	1	
27th St.	Madison St.	B	1	
27th St.	Madison St.	B	1	
27th St.	Madison St.	B	1	

PART II

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
Abbott St.	Linden St.	B	1	
Abbott St.	Locust St.	A	2	
Abbott St.	New York Ave.	B	2	
Abbott St.	Virginia Ave.	A	2	
Acorn St.	Memorial Dr.	B	1	
Adams St.	Brittain Ave.	A	2	
Adams St.	Calvert St.	B	2	
Adams St.	Celia Ave.	B	2	
Adams St.	Cole Ave.	A	1	
Adams St.	Dill St.	B	1	
Adams St.	Ebright St.	A	1	
Adams St.	Franklin St.	A	1	
Adams St.	Gharkey St.	A	2	
Adams St.	Grant St.	A	2	
Adams St.	Kilgore St.	B	1	
Adams St.	Lincoln St.	B	1	
Adams St.	McKinley Ave.	B	1	
Adams St.	Manning Ave.	B	2	
Adams St.	Martin St.	B	2	
Adams St.	Monroe St.	A	2	
Adams St.	Mound St.	A	2	
Adams St.	Nichols Ave.	B	2	
Adams St.	Ohio Ave.	B	2	
Adams St.	Pershing St.	A	2	
Adams St.	Proud St.	A	1	
Adams St.	Talley Ave.	B	2	
Adams St.	Tillotson Ave.	B	1	
Adams St.	Vine St.	A	2	
Alameda Ave.	Ashland Ave.	B	2	
Alameda Ave.	Beechwood Ave.	A	1	
Alameda Ave.	North St.	B	1	
Alameda Ave.	Queen St.	B	1	
Alameda Ave.	Riverside Ave.	B	1	
Alameda Ave.	University Ave.	B	2	
Alden Rd.	Amherst Rd.	A	1	
Alden Rd.	Ashland Ave.	A	1	
Alden Rd.	Beechwood Ave.	A	1	
Alden Rd.	Bowman Ave.	B	2	
Alden Rd.	Brook Dr.	B	1	
Alden Rd.	Devon Rd.	B	1	
Alden Rd.	Euclid Ave.	B	1	
Alden Rd.	Gilbert St.	B	2	
Alden Rd.	Main St.	B	1	
Alden Rd.	North St.	A	1	
Alden Rd.	Petty Rd.	B	1	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Alden Rd.	Riverside Ave.	B	1		
Alden Rd.	Torquay Rd.	B	1		
Alden Rd.	University Ave.	B	2		
Amherst Rd.	Brentwood Ln.	B	1		
Andover Ave.	Jefferson St.	B	2		
Andover Ave.	Walnut St.	B	1		
Ash Ave.	Memorial Dr.	B	1		
Ashland Ave.	Calvert Ave.	B	2		
Ashland Ave.	Dicks St.	B	2		
Ashland Ave.	Dill St.	B	2		
Ashland Ave.	Forrest Ave.	B	1		
Ashland Ave.	Light St.	B	2		
Ashland Ave.	Linden St.	B	2		
Ashland Ave.	Locust St.	B	2		
Ashland Ave.	McKinley Ave.	B	1		
Ashland Ave.	Martin St.	B	2		
Ashland Ave.	Reserve St.	B	2		
Ashland Ave.	Wheeling Ave.	B	1		
Ault	Centennial	B	1		403-78
Ault	Waid	B	2		403-78
Ball Ave.	Bethel Ave.	B	1		
Ball Ave.	Bowman Ave.	A	2		
Ball Ave. & McCullough Blvd.	Broadway	B	2		
Ball Rd.	Carver Dr.	A	1		
Ball Rd.	Cowing Dr.	B	1		
Ball Rd.	Gavin St.	A	1		
Ball Rd.	Jackson St.	B	1		
Ball Rd.	Macedonia Ave.	A	1		
Ball Rd.	Purdue Rd.	B	2		
Ball Rd.	Waid Ave.	A	2		
Ball Rd.	Wolf St.	A	1		
Ball Rd.	Yale Ave.	B	1		
Barr St.	Colbert Ave.	B	1		
Bauer	Wysor	B	1		403-78
Beacon St.	Adams St.	B	2		
Beacon St.	Charles St.	A	2		
Beacon St.	Jackson St.	B	2		
Beacon St.	Kirby Ave.	B	2		
Beacon St.	Main St.	B	2		
Beacon St.	Memorial Dr.	B	1		
Beacon St.	Seymour St.	A	2		
Beacon St.	Washington St.	B	1		
Beacon St.	Willard St.	B	2		
Beckett Dr.	Maddox Dr.	A	1		
Beckett Dr.	Tillotson Ave.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Beechwood Ave.	Dill St.	B	2		
Beechwood Ave.	Forrest Ave.	B	1		
Beechwood Ave.	Jackson St.	B	1		
Beechwood Ave.	Light St.	B	2		
Beechwood Ave.	Locust St.	A	2		
Beechwood Ave.	Martin St.	B	1		
Beechwood Ave.	Reserve St.	B	2		
Beechwood Ave.	Riley Rd.	B	2		
Bellaire Ave.	Cornell	A	2		403-78
Bellaire Ave.	Dartmouth	A	2		403-78
Bellaire Ave.	Highland Ave.	B	2		
Bellaire Ave.	Jackson St.	B	1		
Bellaire Ave.	Main St.	A	1		
Bellaire Ave.	Manor St.	B	1		
Bellaire Ave.	McGalliard	B	1		403-78
Bellaire Ave.	Purdue Rd.	B	1		403-78
Bellaire Ave.	Depauw	A	2		403-78
Bellaire Ave.	Yale	B	2		403-78
Bellaire Ave.	Park Ave.	B	2		
Belmont Dr.	Sherman Dr.	B	1		
Bennett Dr.	Centennial	B	1		403-78
Bennett Dr.	Gilbert	A	2		403-78
Bennett Dr.	Hazel	A	1		403-78
Bennett Dr.	Jackson	B	1		403-78
Bennett Dr.	Race	A	2		403-78
Bennett Dr.	Wilson	A	2		403-78
Berkley & Glenwood	Janney	B	1		403-78
Berkley Ave.	Cowing Park Ln.	B	2		58-88
Berkley Ave.	Janney Ave.	B	1		
Berkley Ave.	Lanewood Ave.	B	2		
Berkley Ave.	Locust St.	B	2		
Berkley Ave.	Milton St.	B	1		
Berkley Ave.	New York Ave.	B	2		
Berkley Ave.	Pauline	B	2		58-88
Berkley Ave.	Virginia Ave.	B	2		
Berkley Ave.	Walnut St.	B	2		
Berkley St.	Jefferson St.	A	2		56-97
Berkley St.	Madison St.	B	1		56-97
Berwyn Rd.	Briar Rd.	B	1		
Berwyn Rd.	McKinley Ave.	B	1		
Berwyn Ave. E.	Meadow Ln.	B	1		
Berwyn Ave. W.	Oakden Ave.	A	2		
Berwyn Ave.	Warwick Rd.	B	2		
Bethel Ave.	Burnell Dr.	A	1		
Bethel Ave.	Centennial Ave.	B	1		
Bethel Ave.	Chadam	A	1		26-91

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Bethel Ave.	Glenwood Ave.	A	1		
Bethel Ave.	Hollywood Ave.	A	1		
Bethel Ave.	Janney Ave.	A	1		
Bethel Ave.	Linden St.	A	1		
Bethel Ave.	Locust St.	A	1		
Bethel Ave.	Maplewood Ave.	A	1		
Bethel Ave.	Oakwood Ave.	A	1		
Bethel Ave.	Rosewood Ave.	A	1		
Bethel Ave.	Timber Ln.	A	1		
Bethel Ave.	Virginia Ave.	A	1		
Bethel Ave.	Wheeling Ave.	B	1		
Bidwell St.	Elm St.	B	1		
Bidwell St.	Granville Ave.	B	1		
Bidwell St.	Jefferson St.	B	1		
Bidwell St.	Madison St.	B	1		
Biltmore Ave.	Burlington Dr.	B	1		
Biltmore Ave.	Jackson	B	1		403-78
Biltmore Ave.	Manor	B	1		403-78
Biltmore Ave.	Wysor	B	2		403-78
Birch St.	Memorial Dr.	B	1		
Birch St.	Powers St.	B	1		
Bittersweet Ln.	Brook Dr.	B	1		
Bittersweet Ln.	Devon Rd.	A	1		
Bittersweet Ln.	Gatewood Ln.	A	1		
Bittersweet Ln.	Jackson Blvd.	B	1		
Bittersweet Ln.	Peachtree Ln.	B	1		
Bittersweet Ln.	Riverside Ave.	B	2		
Bittersweet Ln.	Torquay Rd.	A	1		
Blaine St.	Butler St.	A	2		
Blaine St.	Centennial Ave.	B	1		
Blaine St.	Highland Ave.	B	2		
Blaine St.	Hines St.	A	2		
Blaine St.	Kirk St.	A	2		
Blaine St.	Lowell St.	B	2		
Blaine St.	Manor St.	B	1		
Blaine St.	Ohio Ave.	B	1		
Blaine St.	Park Ave.	A	2		
Blaine St.	Russey St.	A	2		
Blaine St.	Seymour St.	A	2		
Blaine St.	Waid Ave.	B	1		
Blaine St.	Willard St.	B	2		
Bowman Ave.	Colson Dr.	B	1		
Bowman Ave.	Glenwood Ave.	B	2		
Bowman Ave.	Janney Ave.	B	2		
Bowman Ave.	McKinley Ave.	B	1		
Bowman Ave.	New York Ave.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Bowman Ave.	Riley Rd.	B	2		
Bowman Ave.	Rosewood Ave.	B	1		
Bowman Ave.	Tillotson Ave.	B	1		
Brady St.	Butler St.	A	2		
Brady St.	Centennial Ave.	B	1		
Brady St.	Cromer Ave.	B	1		
Brady St.	Gilbert St.	A	2		
Brady St.	Highland Ave.	B	2		
Brady St.	Hines St.	A	2		
Brady St.	Kirby Ave.	B	2		
Brady St.	Kirk St.	A	2		
Brady St.	Lowell St.	B	2		
Brady St.	Main St.	B	1		
Brady St.	Park Ave.	A	2		
Brady St.	Russey St.	B	2		
Brady St.	Seymour St.	A	1		
Brady St.	Waid Ave.	B	2		
Brady St.	Washington St.	B	2		
Brady St.	Willard St.	B	2		
Brentwood Ln.	Brooks Dr.	B	1		
Brentwood Ln.	Devon Rd.	A	2		
Brentwood Ln.	Gilbert St.	B	1		
Brentwood Ln.	Mansfield Dr.	B	1		
Brentwood Ln.	Robinwood S.	A	1		223-76
Brentwood Ln.	Torquay Rd.	A	2		
Briar Rd.	Brooks Dr.	A	1		
Briar Rd.	Hampshire Rd.	A	1		
Briar Rd.	Johnson Rd.	A	1		
Briar Rd.	Petty Rd.	A	1		23-93
Briar Rd.	Riverside Ave.	B	1		
Briar Rd.	Warwick Rd. and Briar Rd. N.	B	1		
Briarwood	Fox Ridge	B	1		8-88
Briarwood	Purdue	B	1		8-88
Brittain Ave.	Charles St.	B	1		
Brittain Ave.	Ethel Ave.	A	1		
Brittain Ave.	Godman Ave.	B	1		
Brittain Ave.	Jackson St.	B	1		
Brittain Ave.	White River Blvd.	B	1		
Broadway	Dartmouth	A	2		403-78
Broadway	Indiana	A	1		403-78
Broadway	Harvard	A	1		403-78
Broadway	Carnell	A	2		403-78
Broadway (Northbound)	Hazel	B	1		403-78
Broadway	Princeton	A	1		403-78

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Broadway	Siretta	A	1		403-78
Broadway	Riggin	A	2		403-78
Broadway	Wabash	A	1		403-78
Broadway	Yale	A	2		403-78
Broadway	Butler St.	A	1		
Broadway	Cromer Ave.	A	1		
Broadway	Hines St.	A	1		
Broadway	Kirk St.	A	1		
Broadway	Kohlmetz	A	1		
Broadway	Lowell St.	A	1		
Broadway	Manor St.	A	1		
Broadway	Park St.	A	1		
Broadway	Russey Ave.	A	1		
Broadway	Streeter Ave.	A	1		
Broadway	Waid Ave.	A	2		
Brook Dr.	Duane Rd.	B	1		
Brook Dr.	Forrest Ave.	A	1		
Brook Dr.	Greenbriar	A	1		
Brook Dr.	Maddox Dr.	A	1		
Brook Dr.	Ridge Rd.	A	1		
Brook Dr.	Riley Rd.	A	1		
Brook Dr.	Tillotson Ave.	B	1		
Brook Dr.	Wildwood Ln.	A	1		
Brookfield Dr.	Phillip Dr.	B	1		
Brookfield Dr.	Victoria Dr.	A	1		
Brotherton St.	Burlington Dr.	B	2		
Brotherton St.	Cedar St.	A	2		
Brotherton St.	Wagner Dr.	A	2		
Brotherton St.	Willard St.	B	1		
Bryden Rd.	Oakwood Ave.	B	1		
Buckles St.	Centennial Ave.	B	1		
Buckles St.	Dunn Ave.	A	1		
Buckles St.	Haines Ave.	A	1		
Buckles St.	McGalliard Rd.	B	1		
Buckles St.	Roosevelt	B	2		223-76
Buckles St.	Streeter Ave.	A	1		
Buckles St.	Waid Ave.	A	1		
Buckles St.	Weber Dr.	A	2		
Burgewood Dr. (East)	Burnell Dr.	B	1		19-86
Burdgewood Dr. (West)	Burnell Dr.	B	1		19-86
Burlington Dr.	Azalea Ln.	A	1		
Burlington Dr.	Fullhart Dr.	A	1		
Burlington Dr.	Luick Ave.	A	2		
Burlington Dr.	Jersey Ave.	A	2		
Burlington Dr.	Koontz St.	A	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Burlington Dr.	Lincoln St.	A	1		
Burlington Dr.	May Ave.	A	2		
Burlington Dr.	Meeker Ave.	A	1		
Burlington Dr.	Mock Ave.	A	1		
Burlington Dr.	Oakland Ave.	A	1		
Burlington Dr.	Shipley St.	A	2		
Burlington Dr.	Ribble Ave.	A	1		
Burlington Dr.	Rowan St.	A	1		
Burlington Dr.	Tennessee Ave.	A	2		
Burlington Dr.	Tulip Ln.	A	1		
Burlington Dr.	Wall Ave.	A	2		
Burlington Dr.	Windsor St.	A	1		
Burnell Dr.	Tillotson Ave.	B	1		
Burns St.	Butler St.	B	2		
Burns St.	Centennial Ave.	B	1		
Burns St.	Highland Ave.	B	2		
Burns St.	Butler St.	B	2		
Burns St.	Centennial Ave.	B	1		
Burns St.	Highland Ave.	B	2		
Burns St.	Hines St.	A	2		
Burns St.	Kirk St.	A	2		
Burns St.	Lowell St.	B	2		
Burns St.	Manor St.	B	1		
Burns St.	Park St.	A	2		
Burns St.	Russey St.	A	2		
Burr Oak Dr.	Morrison Rd.	B	1		
Burton Dr.	Jackson St.	B	1		
Burton Dr.	Morrison Rd.	B	1		
Butler St.	Elgin St.	B	2		
Butler St.	Gavin St.	B	1		
Butler St.	Macedonia Ave.	B	2		
Butler St.	Penn St.	A	2		
Butler St.	Turner St.	B	2		
Butler St.	Wolf St.	B	2		
Butterfield Rd. & Edgewood	Jackson	B	2		403-78
Cadet Ave.	Chater Dr.	B	1	26-95	
Cadet Ave.	Horizon Dr.	A	1	26-95	
Cadet Ave.	Skyway Dr.	B	1	26-95	
Calvert Ave.	Charles St.	A	1		
Calvert Ave.	Gilbert St.	A	2		
Calvert Ave.	Jackson St.	B	2		
Calvert Ave.	Main St.	A	2		
Calvert Ave.	North St.	A	2		
Calvert Ave.	Riverside Ave.	B	1		
Calvert Ave.	University Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Calvert Ave.	Washington St.	A	2		
Calvert Ave.	White River Blvd.	B	1		
Cardinal Dr.	Morrison Rd.	B	1		
Carson St.	Linden St.	B	2		
Carson St.	Locust St.	A	2		
Carson St.	Pauline Ave.	A	1		
Carson St.	Reserve St.	B	1		
Carson St.	Virginia Ave.	A	1		
Carver Dr.	Gavin St.	B	1		
Catalpa Dr.	Ethel Ave.	B	1		
Catalpa Dr.	Godman Ave.	B	1		
Celia Ave.	Charles St.	A	1		
Celia Ave.	Ethel Ave.	B	2		
Celia Ave.	Main St.	A	1		
Celia Ave.	Washington St.	A	1		
Celia Ave.	White River Blvd.	B	1		
Centennial Ave.	Gavin St.	B	1		
Centennial Ave.	Elm	A	2		403-78
Centennial Ave.	Manring	A	1		403-78
Centennial Ave.	Shirley	A	2		403-78
Centennial Ave.	Highland Ave.	A	1		
Centennial Ave.	Jefferson St.	A	1		
Centennial Ave.	Laurel St.	A	1		
Centennial Ave.	Macedonia Ave.	A	2		
Centennial Ave.	Madison St.	A	1		
Centennial Ave.	Market St.	A	1		
Centennial Ave.	Milton St.	A	1		
Centennial Ave.	Minnetrista Pkwy.	A	1		6-88
Centennial Ave.	Penn St.	A	1		
Centennial Ave.	Reserve St.	A	1		
Centennial Ave.	Turner St.	A	2		
Centennial Ave.	Wolf St.	A	2		
Center St.	Willard St.	B	1		
Central Ave.	Highland Ave.	B	2		
Central Ave.	Manor St.	B	1		
Central Ave.	Park St.	B	2		
Chadam	Fox Ridge	A	1		8-88
Charles St.	College Ave.	B	2		
Charles St.	Elm St.	A	1		
Charles St.	Elliott St.	A	1		
Charles St.	Gharkey St.	A	2		
Charles St.	Grant	B	2		223-76
Charles St.	Hutchinson Ave.	B	2		
Charles St.	Jefferson St.	A	2		14-89
Charles St.	McKinley St.	B	2		
Charles St.	Manning Ave.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Charles St.	Monroe St.	A	2		
Charles St.	Mound St.	A	2		
Charles St.	Nichols St.	B	2		
Charles St.	Pershing Dr.	A	2		
Charles St.	Proud St.	A	2		
Charles St.	Talley Ave.	B	2		
Charles St.	Tillotson Ave.	B	2		
Charles St.	Vine St.	A	2		
Charter Dr.	Franklin St.	A	1		26-95
Charter	Walnut	B	1		403-78
Cherokee Rd.	Maumee Ave.	A	1		
Cherry St.	Adams St.	B	2		
Cherry St.	Charles St.	B	1		
Cherry St.	Jackson St.	B	2		
Cherry St.	Main St.	B	2		
Cherry St.	Memorial	B	1		
Cherry St.	Washington St.	B	1		
Chinquapin Way	Jackson Blvd.	B	1		
Chinquapin Way	Laurel Oak Lane	A	1		20-97
Chinquapin Way	Riverside Ave.	B	1		
Chippewa Ln.	Opechee Dr.	A	1		
Clara Ln.	Williamsburg Blvd.	A	1		5-92
Clark St.	Memorial Dr.	B	1		
Clark St.	Oliver Dr.	B	1		
Clarksdale Dr.	Riverside Ave.	B	1		
Clover Ln.	Willow Rd. (Southbound)	A	1		223-76
Clover Ln., Willow Rd., Peachtree (Eastbound)	Peachtree (Westbound)	B	4		201-76
Clover Ln. (Eastbound), Willow Rd., Peachtree	Peachtree (Westbound)	B	4		223-76
Clover Ln.	Harvey Rd.	B	1		
Claypool	Jackson	B	1		403-78
Claypool	Manor	A	2		403-78
Claypool	Race	A	1		403-78
Claypool (E. Approach)	Wilson (W. Approach)	A	1		403-78
Colbert Ave.	Dunn St.	B	1		
Colbert Ave.	Westwood Dr.	A	1		
Cole Ave.	Ethel Ave.	B	2		
Cole Ave.	Gilbert St.	B	2		
Cole Ave.	Godman Ave.	B	1		
Cole Ave.	Jackson St.	B	2		
Cole Ave.	Main St.	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Cole Ave.	University Ave.	B	1		
Cole Ave.	Washington St.	A	1		
College Ave.	Jackson St.	B	2		
College Ave.	Main St.	A	2		
College Ave.	North St.	B	1		
College Ave.	Washington St.	A	2		
Colson Dr. and Paligraf Dr.	Lomax Ave.	A	1		
Colson Dr.	Maddox Dr.	A	2		
Columbus Ave.	Jefferson St.	B	2		
Columbus Ave.	Madison St.	B	1		
Columbus Ave.	Mulberry St.	B	2		
Cornwall Ave.	Riggin Rd.	B	1		
Cornell	Hartford	A	2		403-78
Cornell	Leland	B	1		403-78
Cornell	Miami	A	2		403-78
Council St.	Hoyt Ave.	B	1		
Council St.	Jackson St.	B	2		
Council St.	Main St.	B	2		
Council St.	Powers St.	A	2		
Council St.	Willard St.	B	2		
County 100 E.	Robin	A	1		403-78
County 100 E.	Riggin	A	2		403-78
Cowing Dr.	Glenwood Ave.	A	1		
Cowing Dr.	Hollywood Ave.	A	2		
Cowing Dr.	Janney Ave.	A	2		
Cowing Dr.	Jefferson St.	A	1		
Cowing Dr.	Maplewood Ave.	A	2		
Cowing Dr.	New York Ave.	A	2		
Cowing Dr.	Northwood Ln.	A	1		
Cowing Dr.	Oakwood Ave.	B	1		
Cowing Dr.	Streeter Ave.	B	1		
Cowing Dr.	Tilmor Dr.	A	1		
Cowing Dr.	Wheeling Ave.	B	2		
Cowing Park Ln.	Haines Ave.	A	2		
Cowing Park Ln.	Harvard Ave.	A	1		
Cowing Park Ln.	McGalliard Rd.	B	1		
Cromer Ave.	Ault	A	2		693-81
Cromer Ave.	High St.	A	1		
Cromer Ave.	Macedonia Ave.	B	1		
Cromer Ave.	Garnett	B	2		403-78
Cromer Ave.	Milton	A	2		223-76
Cromer Ave.	Rector	A	2		403-78
Cromer Ave.	Shirey	B	1		403-78
Cromer Ave.	Watt	A	2		403-78
Cromer Ave.	Walnut St.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Cromer Ave.	Wheeling Ave.	B	1		
Dalinda Rd.	McGalliard Rd.	B	1		5-93
Daly St. W	Memorial Dr.	B	1		
Daly St.	Oliver Dr.	B	1		
Dartmouth Ave.	Jefferson St.	B	2		
Dartmouth Ave.	Madison St.	B	1		
Dartmouth Ave.	Walnut St.	B	1		
Dartmouth Ave.	Granville	A	2		403-78
Dartmouth Ave.	Miami	A	1		403-78
Davis	North	B	2		403-78
Davidson St.	Walnut St.	B	1		
Dayton Ave.	U.S. 35 Rd.	B	1		
Delawanda	Jackson	B	1		403-78
Depauw	Hartford	A	1		403-78
Depauw	Leland	A	1		403-78
Devon Rd.	Greenbriar Rd.	B	2		
Devon Rd.	Riley Rd.	A	2		
Devon Rd.	Tillotson Ave.	B	1		
Dicks St.	Gilbert St.	A	2		
Dicks St.	Jackson St.	B	1		
Dicks St.	Main St.	A	2		
Dicks St.	Riverside Ave.	B	1		
Dicks St.	University Ave.	B	2		
Dicks St.	Washington St.	A	2		
Dill St.	Gilbert St.	A	2		
Dill St.	Jackson St.	B	2		
Dill St.	Main St.	A	2		
Dill St.	North	A	2		
Dill St.	North St.	B	2		
Dill St.	Riverside Ave.	B	1		
Dill St.	University Ave.	B	2		
Dill St.	Washington St.	A	2		
Dill St.	White River Blvd.	B	1		
Duane Rd.	Maddox Dr.	B	1		
Duane Rd.	Paligraf Rd.	B	1		
Duane Rd.	Petty Rd.	B	1		
Dudley Ave.	Windsor St.	B	1		
Dudley Ave.	Shipley St.	A	1		
Dunn Ave.	Granville Ave.	B	1		
Dunn Ave.	Linda Ln.	B	1		
Dunn Ave.	Linden St.	B	2		
Dunn Ave.	Milton St.	B	2		
Dunn Ave.	Pauline Ave.	B	2		
Dunn Ave.	Reserve St.	B	2		
Dunn Ave.	Westwood Dr.	A	1		
Dunn Ave.	Virginia Ave.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
East Lawn Ct.	Sycamore Ave.	B	1		
Eastwood	Wysor	A	1		403-78
Eaton Ave.	Imperial Ln.	A	1		
Eaton Ave.	Memorial Dr.	B	1		
Eaton Ave.	Middle Town Gardens N.	A	1		
Eaton Ave.	Middle Town Gardens S.	A	1		
Ebright St.	Jackson St.	B	1		
Ebright St.	Kirby Ave.	B	2		
Ebright St.	Main St.	B	1		
Ebright St.	Memorial Dr.	B	1		
Ebright St.	Seymour St.	B	1		
Ebright St.	Washington St.	B	1		
Ebright St.	Willard St.	B	2		
Edgewood	Jackson	B	2		403-78
Edgewood	Hazel	A	1		403-78
Edgewood	Wysor	B	2		403-78
Edgewood and Butterfield	Jackson	B	2		403-78
Elgin St.	Indiana	B	2		403-78
Elgin St.	Manor	B	1		403-78
Elgin St.	Purdue Dr.	B	1		403-78
Elgin St.	Wabash	B	1		403-78
Elgin St.	Hines St.	A	2		
Elgin St.	Highland Ave.	B	2		
Elgin St.	Kirk St.	A	2		
Elgin St.	Kohlmetz St.	A	1		
Elgin St.	Lowell St.	B	2		
Elgin St.	McGalliard Rd.	B	1		
Elgin St.	Park St.	A	2		
Elgin St.	Russey St.	A	2		
Elgin St.	Streeter Ave.	A	1		
Elgin St.	Waid Ave.	A	1		
Elizabeth Ave.	Euclid Ave.	A	2		
Elizabeth Ave.	Johnson Rd.	A	1		
Elizabeth Ave.	Mann Ave.	B	1		
Elliott St.	Howard St.	A	1		
Elliott St.	Hoyt Ave.	B	2		
Elliott St.	Memorial Dr.	B	2		
Elliott St.	Wilson Rd.	A	1		
Elm St.	Gilbert St.	A	1		
Elm St.	Granville Ave.	B	1		
Elm St.	Highland Ave.	A	2		
Elm St.	Howard St.	A	1		
Elm St.	Jackson St.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Elm St.	Kirby Ave.	A	1		
Elm St.	Kohlmetz St.	A	2		
Elm St.	Main St.	B	2		
Elm St.	McCullough Blvd.	A	2		
Elm St.	Memorial Dr.	B	1		
Elm St.	McGalliard Rd.	B	1		
Elm St.	Myrtle St.	A	2		
Elm St.	North St.	A	2		
Elm St.	Race St.	A	2		
Elm St.	Seymour St.	A	1		
Elm St.	Washington St.	B	1		
Elm St.	Willard St.	B	2		
Elsie Ave.	Virginia Ave.	B	1		
Ethel Ave.	Hagadorn Dr.	A	2		
Ethel Ave.	Manning Ave.	A	1		
Ethel Ave.	Normandy Dr.	A	2		
Ethel Ave.	Tillotson Ave.	B	2		
Ethel Ave.	Willow Rd.	B	1		
Erving	Perdieu	B	1		403-78
Erving	Spruce	A	1		403-78
Euclid Ave.	Kimberly Ln.	A	1		
Euclid Ave.	Lorraine Ave.	A	1		
Euclid Ave.	Mann Ave.	A	1		
Euclid Ave.	Riley Rd.	A	1		
Euclid Ave.	Woodridge Dr.	A	1		
Everbrook	Purdue	B	1		8-88
Everett Rd.	Fox Ridge	A	1		8-88
Everett Rd.	McGalliard Rd.	B	1		
Everett Rd.	Purdue	B	2		18-91
Fern St.	Normandy Dr.	B	1		
Fern St.	Unbarger Rd.	B	1		
Forest Ave.	Gilbert St.	B	2		
Forrest Ave.	Main St.	A	1		
Forrest Ave.	Mansfield Dr.	B	1		
Forrest Ave.	Petty Rd.	B	1		
Forrest Ave.	Riverside Ave.	B	1		
Forrest Ave.	University Ave.	A	2		
Franklin St.	Gilbert St.	A	2		
Franklin St.	Harvard	B	2		126-75
Franklin St.	Howard St.	A	1		28-96
Franklin St.	McGalliard Rd.	B	1		
Franklin St.	Memorial Dr.	B	2		
Franklin St.	Roosevelt St.	B	1		
Franklin St.	Seymour St.	B	1		
Franklin St.	Waid Ave.	B	1		
Franklin St.	Willard St.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Fullhart St. & Helen Dr.	Willard St.	B	1		
Garnet	Cromer	B	2		403-78
Garver Dr.	Hawthorne Dr.	A	1		
Garver Dr.	Morrison Rd.	B	1		
Garver Dr.	Stradling Rd.	B	1		
Gavin St.	Indiana	B	2		403-78
Gavin St.	Purdue Dr.	B	1		403-78
Gavin St.	Wabash	B	1		403-78
Gavin St.	Hines St.	A	1		
Gavin St.	Kirk St.	A	1		
Gavin St.	Lowell St.	A	1		
Gavin St.	Manor St.	A	2		
Gavin St.	Park St.	A	2		
Gavin St.	Russey St.	A	1		
Gharkey St.	Howard	B	2		126-75
Gharkey St.	Jackson St.	B	2		
Gharkey St.	Powers St.	B	2		
Gharkey St.	Main St.	B	1		
Gilbert St.	Greenbriar Rd.	A	2		
Gilbert St.	Hackley St.	B	2		
Gilbert St.	High St.	B	2		
Gilbert St.	Hackley St.	B	1		
Gilbert St.	Jefferson St.	B	1		
Gilbert St.	Light St.	A	1		
Gilbert St.	Lincoln St.	B	1		
Gilbert St.	Linden St.	B	1		
Gilbert St.	Locust St.	A	2		
W. Approach & Locust St.	N. Approach, Gilbert St.		2		
S. Approach	E. Approach				
Gilbert St.	McKinley St.	B	2		
Gilbert St.	Madison St.	B	2		
Gilbert St.	Manhattan	B	1		403-78
Gilbert St.	Manning Ave.	A	2		
Gilbert St.	Martin St.	B	2		
Gilbert St.	Monroe St.	B	2		
Gilbert St.	Mulberry St.	B	2		
Gilbert St.	Pershing Dr.	B	2		
Gilbert St.	Talley Ave.	B	2		
Gilbert St.	Taft Dr.	A	2		
Gilbert St.	Vine St.	B	2		
Gilbert St.	Walnut St.	B	2		
Gilbert St.	Wildwood Ave.	A	1		
Gilbert St.	Winthrop Rd.	A	2		
Gilbert St.	Wolf St.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Gilman Ave.	Memorial Dr.	B	2		
Glen Ellyn Dr. & Sherman Dr.	Oakwood Ave.	B	2		
Glen Ellyn Dr.	Rosewood Ave.	B	2		
Glenwood Ave.	Yale	B	2		223-76
Glenwood Ave. & Berkley	Janney	B	2		223-76
Glenwood Ave.	Purdue Rd.	B	2		
Glenwood Ave.	Sheffield Dr.	B	2		
Glenwood Ave.	Waid Ave.	A	2		
Godfrey Ave.	Rosewood Ave.	B	1		
Godman Ave.	Hagadorn Dr.	A	1		
Godman Ave.	Harley Rd.	A	2		
Godman Ave.	Hutchinson Ave.	A	2		
Godman Ave.	Keesling Ave.	A	1		
Godman Ave.	Lombard Dr.	A	1		
Godman Ave.	Manning Ave.	A	2		
Godman Ave.	Normandy Dr.	A	2		
Godman Ave.	Talley Ave.	A	1		
Godman Ave.	Tara Ln.	A	1		
Godman Ave.	Umbarger Rd.	A	2		
Godman Ave.	Varisty Dr.	A	1		
Godman Ave.	White River Blvd.	B	1		
Godman Ave.	Willow Rd.	A	1		
Graceland St.	Jackson St.	B	1		
Graceland St.	Main St.	B	1		
Grafton Ave.	Jackson St.	B	1		
Grafton Ave.	North	B	2		403-78
Grafton Ave.	Jackson	B	1		403-78
Grant St.	Jackson St.	B	2		
Grant St.	Kirby Ave.	B	2		
Grant St.	Main St.	B	1		
Grant St.	Memorial Dr.	B	2		
Grant St.	Seymour St.	B	1		
Grant St.	Willard St.	B	2		
Granville Ave.	Highland Ave.	A	2		
Granville Ave.	Kohlmetz St.	A	1		
Granville Ave.	Linda Ln.	A	1		
Granville Ave.	Short St.	A	1		
Granville Ave.	Waid Ave.	A	1		
Greenbriar Rd.	Gilbert St.	B	2		
Greenbriar Rd.	Jackson Blvd.	B	1		
Greenbriar Rd.	Petty Rd.	B	2		
Greenbriar Rd.	Riverside Ave.	B	2		
Greenbriar Rd.	Torquay Rd.	B	2		
Greentree Dr.	Meadow Ct.	A	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Greentree Dr.	Peachtree Ln.	B	1		
Greentree Dr.	Woodway Dr.	A	1		
Greenwood Ave.	Jackson St.	B	1		
Greenwood Ave.	Main St.	A	1		
Greenwood Ave.	University Ave.	B	1		
Greenwood Ave.	Washington St.	A	1		
Hackley St.	Jackson St.	B	2		
Hackley St.	Main St.	B	2		
Hackley St.	Jackson St.	B	1		
Hackley St.	Main St.	B	1		
Hackley St.	Seymour St.	A	2		
Hackley St.	Washington St.	A	1		
Hackley St.	Wysor St.	B	1		
Haines Dr.	Pauline Ave.	A	2		
Haines Dr.	Virginia Ave.	A	1		
Haines Dr.	Wheeling Ave.	B	1		
Hartford	Yale	B	2		403-78
Hampshire Rd.	Oakden Rd.	B	1		
Harvard Rd.	Janney Ave.	A	2		
Harvard Ave.	Leland	B	1		403-78
Harvard Rd.	Miami	A	2		
Harvard Ave.	Jefferson St.	A	1		
Harvard Ave.	Lanewood Ave.	B	1		
Harvard Ave.	New York Ave.	B	2		
Harvard Ave.	Oakwood Ave.	B	1		
Harvard Ave.	Reserve St.	A	1		
Harvard Ave.	Rosewood Ave.	A	1		
Harvard Ave.	Walnut St.	B	2		
Harvard Ave.	Vernon Dr.	A	1		
Harvard Ave.	Wheeling Ave.	B	2		
Harvey Ave.	Peachtree Ln.	B	1		
Hawthorne Dr.	Jackson St.	B	1		
Hawthorne Dr.	Peachtree Ln.	B	2		
Hawthorne Dr.	River Bend Rd.	A	1		
Hazel St.	Wysor St.	B	1		403-78
Hazel St.	Bauer St.	B	1		403-78
Hazel St.	Edgewood	B	1		403-78
Hazel St.	Penn St.	B	1		
Hickory Ln.	Streeter Ave.	B	2		
High St.	Memorial Dr.	B	2		
High St.	Roosevelt St.	B	1		
High St.	Seymour St.	A	2		
High St.	Victor St.	A	1		
High St.	Waid Ave.	B	2		
High St.	Willard St.	B	2		
Highland Ave.	Granville Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Highland Ave.	Hodson Ave.	A	2		
Highland Ave.	Leland Ave.	A	2		
Highland Ave.	Madison St.	A	1		
Highland Ave.	Penn St.	A	2		
Highland Ave.	Turner St.	A	2		
Highland Ave.	Walnut St.	B	2		
Hines St.	Macedonia Ave.	B	2		
Hines St.	Penn St.	A	2		
Hines St.	Turner St.	A	2		
Hines St.	Wolf St.	B	2		
Hodson Ave.	Jackson St.	B	1		
Hodson Ave.	Park Ave.	A	2		
Holland	Jackson	B	1		403-78
Holland	Wysor	B	1		403-78
Hollywood Ave.	N. Just-a-Mere	B	1		223-76
Hollywood Ave.	S. Just-a-Mere	B	1		223-76
Hollywood Ave.	Riggin Rd.	B	1		
Hollywood Ave.	Waid Ave.	A	2		
Horizon Dr.	Piper Ave.	B	1		26-95
Horkin St.	Macedonia Ave.	B	1		
Howard St.	Liberty St.	B	2		43-98
Howard St.	Jefferson St.	B	1		
Howard St.	Madison St.	B	1		
Howard St.	Monroe St.	B	2		
Howard St.	Mound St.	B	2		
Howard St.	Proud St.	B	2		
Howard St.	Vine St.	B	2		
Howard St.	Walnut St.	B	2		
Hoyt Ave.	Liberty St.	B	1		
Hoyt Ave.	Pierce St.	A	1		
Hutchinson Ave.	Jackson St.	B	1		
Hutchinson Ave.	White River Blvd.	B	1		
Indiana	Leland	B	1		403-78
Ivy St.	Normany Dr.	B	1		
Ivy St.	Umbarger Rd.	B	1		
Jackson Blvd.	Jackson St. W.	B	1		
Jackson Blvd.	Jackson St. E.	B	1		
Jackson Blvd.	McKenzie St.	A	1		
Jackson Blvd.	Ridge Rd.	A	1		
Jackson Blvd.	Shellbark Dr.	A	1		
Jackson Blvd.	Taft Dr.	A	1		
Jackson Blvd.	Tyrone Dr.	A	1		
Jackson St.	Kylewood Ave.	A	1		
Jackson St.	Lincoln St.	A	2		
Jackson St.	Manhattan	A	1		403-78
Jackson St.	Waldemere	A	1		403-78

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Jackson St.	Manning Ave.	A	2		
Jackson St.	Monroe St.	A	2		
Jackson St.	Morrison Rd.	A	2		
Jackson St.	Mound St.	A	1		
Jackson St.	Normandy Dr.	A	1		
Jackson St.	Pershing Dr.	A	2		
Jackson St.	Proud St.	A	1		
Jackson St.	Riley Rd.	A	1		
Jackson St.	Riverside Ave.	A	1		
Jackson St.	Talley Ave.	A	2		
Jackson St.	University Ave.	A	1		
Jackson St.	Vine St.	A	2		
Jackson St.	Wolf St.	A	2		
Janney Ave.	Purdue Ave.	B	2		
Janney Ave.	Waid Ave.	A	2		
Janney Ave.	Wheeling Ave.	B	1		
Janney Ave.	Yale Ave.	B	2		
Jefferson St.	Highland Ave.	B	2		
Jefferson St.	Maple St.	A	1		
Jefferson St.	McCullough Blvd.	B	1		
Jefferson St.	McGalliard Rd.	B	1		
Jefferson St.	Memorial Dr.	B	2		
Jefferson St.	Myrtle St.	B	2		
Jefferson St.	North St.	A	2		
Jefferson St.	Race St.	A	1		
Jefferson St.	Seymour St.	A	1		
Jefferson St.	Short St.	A	1		
Jefferson St.	Streeter Ave.	B	1		
Jefferson St.	Washington St.	B	1		
Jefferson St.	Myrtle St.	B	2		
Jefferson St.	Wysor St.	B	1		
Jefferson St.	Willard St.	B	1		
Just-a-Mere Dr.	Maplewood Ave.	A	1		
Just-a-Mere Dr.	Rosewood Ave.	B	1		
Just-a-Mere Dr.	Wheeling Ave.	B	1		
Kilgore Ave.	Main St.	A	1		
Kilgore Ave.	Perkins Ave.	A	1		
Kilgore Ave.	Powers St.	A	1		
Kimberly Ln.	Parkway Dr.	A	1		
Kimberly Ln.	Petty Rd.	B	1		
King St.	Queen St.	A	2		
King St.	Riverside Ave.	B	1		
Kingswood Court	River Rd.	B	1		6-89
Kirby Ave.	Monroe St.	A	2		
Kirby Ave.	Penn St.	A	2		
Kirby Ave.	Pershing Dr.	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Kirby Ave.	Vine St.	A	2		
Kirby Ave.	Wolf St.	A	2		
Kirk St.	Macedonia Ave.	B	2		
Kirk St.	Penn St.	A	2		
Kirk Ave.	Turner St.	B	2		
Kirk Ave.	Wolf St.	B	2		
Kohlmetz St.	Macedonia Ave.	B	1		
Kohlmetz St.	Market St.	B	1		
Kohlmetz St.	Turner St.	B	2		
Koontz Ave.	Wagner Dr.	A	1		
Lancaster Dr.	Purdue Rd.	A	2		
Lanewood Rd.	McGalliard Rd.	B	1		
Lanewood Rd.	Yale Ave.	B	2		
Laura St.	Ward Ave.	B	1		
Lazy Creek Dr.	Oliver Dr.	B	1		
Leland Ave.	Jackson St.	B	1		
Leland Ave.	Highland Ave.	B	2		
Leland Ave.	Main St.	A	1		
Leland Ave.	Manor St.	B	1		
Leland Ave.	North St.	B	2		
Leland Ave.	Park St.	A	2		
Leland Ave.	Purdue Dr.	A	1		403-78
Leland Ave.	Yale	A	1		403-78
Liberty St.	Powers St.	A	1		
Liberty St.	Orchard Pl. & Seymour St.	A	1		
Liberty St.	Roosevelt St.	A	2		
Liberty St.	Seymour St. & Orchard Pl.	A	2		
Liberty St.	Washington St.	B	2		
Liberty St.	Willard	None	4		19-90
Light St.	North St.	B	2		
Light St.	Riverside Ave.	B	1		
Light St.	University Ave.	B	2		
Lincoln St.	Main St.	B	2		
Lincoln St.	Ohio Ave.	B	1		
Lincoln St.	Rowan St.	A	2		
Lincoln St.	Washington St.	B	2		
Linda Ln.	McGalliard Rd.	B	1		
Linda Ln.	Pine St.	A	1		
Linden St.	Marsh St.	A	2		
Linden St.	McGalliard Rd.	B	2		
Linden St.	North St.	A	2		
Linden St.	Rex St.	A	2		
Linden St.	Riverside	B	2		
Linden St.	University Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Linden St.	Wayne St.	A	2		
Linden St. & Locust St.	White River Blvd.	B	2		
Lindweth Pl.	Wheeling Ave.	B	1		
Locust St.	McGalliard Rd.	B	2		
Locust St.	Marsh St.	B	2		
Locust St.	Neely Ave.	B	2		
Locust St.	North St.	B	2		
Locust St.	Rex St.	B	2		
Locust St.	Riverside Ave.	B	1		
Locust St.	University Ave.	B	2		
Locust St.	Wayne St.	B	1		
Locust St. & Linden St.	White River Blvd.	B	2		
Locust St.	Yale Ave.	B	2		
Lorraine Ave.	Parkway Dr.	B	1		
Lowell St.	Macedonia Ave.	B	2		
Lowell St.	Penn St.	A	2		
Lowell St.	Turner St.	A	2		
Lowell St.	Wolf St.	A	2		
Luick Ave.	Memorial Dr.	B	1		
Luick Ave. & Willard St.	Burlington Dr.	B	3		
Macedonia Ave.	Manor St.	A	1		126-75
Madison St.	North St.	A	1		126-75
Manhattan	Ract St.	A	1		403-78
Manhattan	Wysor St.	A	1		403-78
Manor St.	Manhattan	B	1		403-78
Manor St.	Turner St.	A	1		126-75
Manring St.	Ward St.	B	2		403-78
McGalliard Rd.	Muncie Creek	A	1		403-78
McGalliard Rd.	Milton St.	A	2		
McGalliard Rd.	New York Ave.	A	1		
McGalliard Rd.	Pauline Ave.	A	2		
McGalliard Rd.	Reserve St.	A	2		
McGalliard Rd.	Shrine Dr.	A	1		5-93
McGalliard Rd.	Tillotson Ave.	B	1		
McGalliard Rd.	Virginia Ave.	A	2		
McGalliard Rd.	Winston Dr.	A	1		
McKinley Ave.	Main St.	A	2		
McKinley Ave.	North St.	A	2		
McKinley Ave.	Washington St.	A	2		
McKinley Ave.	White River Blvd.	B	1		
McKenzie St.	Riverside Ave.	B	1		
McKenzie St.	University Ave.	A	1		
Macedonia Ave.	Main St.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Macedonia Ave.	Manor St.	A	1		
Madison St.	North St.	A	1		
Main St.	Monroe St.	A	2		
Martin St.	North St.	A	2		
Maunee Ave.	Opechee Dr.	A	1		5-93
Memorial Dr.	Mock Ave.	A	1		18-89
Miami St.	Princeton	A	1		403-78
Miami St.	Yale	B	2		403-78
Minnetrista Blvd.	Minnetrista Pkwy.	B	1		6-88
Minnetrista Pkwy.	St. Joseph St.	A	1		6-88
Minnetrista Pkwy.	Wheeling Ave.	B	1		6-88
Morrison Rd.	Williamsburg Blvd.	A	1		5-92
Mulberry St.	Myrtle St.	B	2		
Mulberry St.	Wysor	B	2		902-82
Muncie Creek Blvd.	Yale	B	2		403-78
New York Ave.	Wayne St.	A	1		
New York Ave.	Weber Dr.	A	1		
Nichols Ave.	Washington St.	A	1		
Noel Dr.	Shady Ln.	A	1		
Noel Dr.	Umbarger Rd.	A	1		
Normandy Dr.	Oaklyn Ave.	A	2		
North St.	Edgewood	B	1		403-78
North St.	Pauline Ave.	B	2		
North St.	Riley Rd.	B	2		
North St.	Talley Ave.	B	1		
North St.	Tillotson Ave.	B	1		
North St.	Walnut St.	B	1		
North St.	Wheeling Ave.	B	1		
North St.	Winthrop Rd.	B	1		
Northwood Ln.	Streeter Ave.	B	1		
Norwood Dr.	Oakwood Dr.	B	2		
Oakden Rd.	Wiltshire Rd.	B	1		
Oakland Ave.	Willard St.	B	1		
Oaklyn Ave.	Shady Ln.	A	1		
Oaklyn Ave.	Umbarger	B	2		
Oaklyn Ave.	Varsity Dr.	A	1		
Oakwood Ave.	Royal Dr.	A	1		
Oakwood Ave.	Sherman Dr. & Glenellyn Dr.	A	2		
Oakwood Ave.	Waid Ave.	A	1		
Oakwood Ave.	Wheeling Ave.	B	1		
Oakwood Ave.	Woodmont Dr.	A	1		
Oakwood Ave.	Vernon Dr.	A	1		
Ohio Ave.	Rowan St.	A	1		
Ohio Ave.	Seymour St.	A	1		
Ohio Ave.	Wolf St.	A	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Ohio Ave.	Washington Ave.	B	1		18-89
Oliver Dr.	Phillip Dr.	A	1		
Oliver Dr.	Victoria Dr.	A	1		
Ontario	Superior	B	1		403-78
Paligraf Rd.	Tillotson Ave.	B	1		
Park Ave.	Penn St.	B	2		
Park Ave.	Turner St.	B	2		
Park Ave.	Wolf St.	B	2		
Parkway Dr. E	Riverside Ave.	B	1		
Parkway Dr. W	Tillotson Ave.	B	1		
Pasture Ln.	Peachtree Ln.	B	1		
Pauline Ave.	Riverside Ave.	B	1		
Pauline Ave.	University Ave.	B	2		
Pauline Ave.	Waid Ave.	B	1		
Pauline Ave.	White River Blvd.	B	1		
Peachtree Eastbound, Clover Ln., Willow Rd.	Peachtree Westbound	B	4		
Peachtree Willowbound	Willow Rd. Clover Ln., & Peachtree Eastbound	A	3		223-76
Peachtree Ln.	Stradling Rd.	B	2		
Peachtree Ln.	Willow Rd.	A	2		
Penn St.	Russey St.	A	2		
Penn St.	Seymour St.	B	1		
Penn St.	Willard St.	B	2		
Pershing Dr.	Seymour St.	A	2		
Pershing Dr.	Washington St.	B	2		
Pershing Dr.	Willard St.	B	2		
Pershing Dr.	Wysor St.	B	1		
Petty Rd.	Brentwood Ln.	A	1		596-80
Petty Rd.	Ridge Rd.	A	1		
Petty Rd.	Riley Rd.	A	1		
Petty Rd.	Shellbark Rd.	A	1		
Petty Rd.	Tillotson Ave.	B	2		
Petty Rd.	Wildwood Ln.	A	1		
Petty Rd.	Winthrop Rd.	A	1		
Pierce St. & Wilson Ave.	Powers St.	B	2		
Pine St.	Westwood Dr.	B	1		
Powers St.	Proud St.	A	2		
Powers St.	Wilson Ave. & Pierce St.	A	2		
Purdue Rd.	Redding	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Purdue Rd.	Tillotson Ave.	A	1		
Purdue Rd.	Tillotson Ext.	B	1		8-88
Purdue Rd.	Rosewood Ave.	B	1		
Purdue Rd.	Wheeling Ave.	B	1		
Queen St.	Wheeling Ave.	B	1		
Quilling Dr.	Rosewood Ave.	B	1		
Quilling Dr.	Wheeling Ave.	B	1		
Race St.	State	B	1		403-78
Rector	Cromer	B	2		542-79
Rector	Waid	B	2		542-79
Redding	Wellington	B	1		
Renee	Sarona	B	1		542-79
Renee	Sheila	A	1		542-79
Renee	Siretta	A	2		542-79
Race St.	Bauer	B	2		542-79
Race St.	Edgewood	B	2		542-79
Rambler Rd.	River Rd.	B	1		
Rambler Rd.	River Bend Rd.	A	2		
Reserve St.	Riverside Ave.	B	1		
Reserve St.	Roosevelt St.	A	1		
Reserve St.	Waid Ave.	A	1		
Reserve St.	Wayne St.	A	1		
Reserve St.	White River Blvd.	B	1		
Rex St.	Virginia Ave.	A	2		
Rex St.	Wheeling Ave.	B	1		
Ribble Ave.	Willard St.	B	1		
Riggen Rd.	Vicki	A	1		403-78
Riggen Rd.	Sarona	A	1		403-78
Riggin Rd.	Somerset	A	1		
Riggin Rd.	Sussex Rd.	A	1		
Riley Rd.	Torquay Rd.	B	1		
Riley Rd.	University Ave.	A	4		126-75
Riverside Ave.	Shellback Rd.	A	1		
Riverside Ave.	Tyrone Dr.	A	2		
Riverside Ave.	Warwick Rd.	A	1		
Roosevelt St.	Walnut St.	B	1		
Rosewood Ave.	Stirling Dr.	A	1		
Rosewood Ave.	Waid Ave.	A	2		
Rosewood Ave.	Wheeling Ave.	B	1		
Rosewood Ave.	Woodmont Dr.	A	1		
Royale Dr.	Wheeling Ave.	B	1		
Russey St.	Turner St.	B	2		
Russey St.	Wolf St.	B	2		
Sarona	Siretta	B	1		403-78
Seymour St.	Vine St.	B	1		
Seymour St.	Walnut St.	B	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
Seymour St.	Wolf St.	A	2		
Sharon Dr.	Sycamore Ave.	A	2		
Sheffield	Wellington	A	1		
Shellbark Rd.	University Ave.	A	2		
Sherman Dr.	Winston Dr.	A	1		
Shipley St.	Willard St.	B	2		
Shirey	Ward Ave.	A	1		403-78
Skyway	Walnut	B	1		403-78
State	Wysor	B	2		403-78
St. Joseph St.	Walnut St.	B	1		
Stradling Rd.	Woodway Dr.	A	1		
Streeter Ave.	Walnut St.	B	1		
Sycamore Ave.	N. Tacoma Ave.	A	1		
Talley Ave.	University Ave.	B	1		
Talley Ave.	Washington St.	A	2		
Tennessee Ave.	Willard St.	B	1		
Tillotson Ave.	Torquay Rd.	A	1		
Tillotson Ave.	Twickingham Dr.	A	2		
Tillotson Ave.	Woodridge Ave.	A	2		
Turner St.	Waid Ave.	B	2		
Tyrone Dr.	University Ave.	A	2		
University Ave.	Wheeling Ave.	B	1		
University Ave.	Winthrop Rd.	A	1		
Virginia Ave.	Yale Ave.	B	2		
Vine St.	Washington St.	B	2		
Vine St.	Willard St.	B	1		
Vine St.	Wysor St.	B	1		
Waid Ave.	Garnet	B	2		542-79
Waid Ave.	Walnut St.	B	1		
Waid Ave.	Wolf St.	A	2		
Waid Ave.	Wheeling Ave.	B	2		
Waldemere	Wysor	B	2		403-78
Watt	Waid Ave.	B	2		542-79
Watt	Cromer	B	2		542-79
Walling Ave.	Willard St.	B	1		
Walnut St.	Victor St.	A	1		
Walnut St.	Weber Dr.	A	1		
1st St.	Ross St.	A	2		
1st St.	Sampson St.	A	1		
1st St.	Vine St.	A	2		
1st St.	Walnut St.	B	1		
1st St.	Wolf St.	B	2		
2nd St.	Beacon St.	B	2		
2nd St.	Birch St.	A	1		
2nd St.	Blaine St.	B	2		
2nd St.	Brady St.	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
2nd St.	Brotherton St.	B	1	
2nd St.	Center St.	A	1	
2nd St.	Elliott St.	B	1	
2nd St.	Ebright St.	A	2	
2nd St.	Elm St.	B	2	
2nd St.	Grant St.	B	2	
2nd St.	Hackley St.	B	2	
2nd St.	High St.	A	1	
2nd St.	Jefferson St.	B	2	
2nd St.	Kilgore St.	B	1	
2nd St.	Liberty St.	B	1	
2nd St.	Macedonia Ave.	B	1	
2nd St.	Madison St.	B	2	
2nd St.	Monroe St.	A	2	
2nd St.	Penn St.	B	2	
2nd St.	Pierce St.	A	1	
2nd St.	Ross St.	A	1	
2nd St.	Sampson Ave.	A	1	
2nd St.	Shipley St.	B	2	
2nd St.	Vine St.	B	2	
2nd St.	Walnut St.	B	2	
2nd St.	Wolf St.	A	2	
3rd St.	Center St.	B	2	
3rd St.	Elm St.	B	2	
3rd St.	Jefferson St.	B	1	
3rd St.	Madison St.	B	2	
3rd St.	Monroe St.	B	2	
3rd St.	Vine St.	B	1	
5th St.	Beacon St.	B	2	
5th St.	Blaine St.	B	2	
5th St.	Brady St.	A	1	
5th St.	Brotherton St.	B	2	
5th St.	Ebright St.	A	2	
5th St.	Elliott St.	B	2	15-89
5th St.	Elm St.	B	2	
5th St.	Franklin St.	B	2	
5th St.	Grant St.	B	2	
5th St.	Hackley St.	B	2	
5th St.	High St.	B	2	
5th & 6th St.	Hoyt Ave.	B	2	
5th St.	Jefferson St.	B	1	
5th St.	Liberty St.	B	1	
5th St.	Macedonia Ave.	B	2	
5th St.	Madison St.	B	2	
5th St.	Monroe St.	A	2	
5th St.	Mound St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
5th St.	Mulberry St.	B	1	
5th St.	Penn St.	B	2	
5th St.	Pershing St.	B	2	
5th St.	Sampson Ave.	B	1	
5th St.	Shipley St.	B	2	
5th St.	Vine St.	A	2	
5th St.	Walling St.	A	1	
5th St.	Walnut St.	B	2	
5th St.	Wolf St.	B	2	
6th St.	Beacon St.	B	1	
6th St.	Blaine St.	B	2	
6th St.	Brotherton St.	B	1	
6th St.	Elm St.	B	2	
6th St.	Franklin St.	B	2	
6th St.	Grant St.	B	2	
6th St.	High St.	B	2	
6th & 5th St.	Hoyt Ave.	B	2	
6th St.	Jefferson St.	B	2	
6th St.	Kinney St.	A	1	
6th St.	Liberty St.	B	2	
6th St.	Macedonia Ave.	B	1	
6th St.	Madison St.	B	2	
6th St.	Monroe St.	A	2	
6th St.	Mound St.	B	1	
6th St.	Mulberry St.	A	2	
6th St.	Penn St.	B	2	
6th St.	Perkins Ave.	B	2	
6th St.	Pershing St.	B	1	
6th St.	Port Ave.	B	2	
6th St.	Rochester Ave.	B	1	
6th St.	Shipley St.	B	1	
6th St.	Small Dr.	A	1	
6th St.	Vine St.	A	2	
6th St.	Walnut St.	B	2	
6th St.	Wolf St.	B	2	
7th St.	Batavia Ave.	B	1	
7th St.	Beacon St.	B	2	
7th St.	Blaine St.	B	2	
7th St.	Brady St.	A	1	
7th St.	Brotherton St.	B	2	
7th St.	Clark St.	B	1	
7th St.	Council St.	A	1	
7th St.	Daly St.	A	1	
7th St.	Ebright St.	B	2	
7th St.	Elm St.	B	2	
7th St.	Franklin St.	B	2	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
7th St.	Gilman St.	A	2		
7th St.	Grant St.	B	2		
7th St.	Hackley St.	B	2		
7th St.	High St.	B	2		
7th St.	Hoyt Ave.	B	2		
7th St.	Jefferson St.	B	2		
7th St.	Kinney St.	B	2		
7th St.	Liberty St.	B	2		
7th St.	Macedonia Ave.	B	2		
7th St.	Madison St.	B	2		
7th St.	Monroe St.	A	2		
7th St.	Mound St.	A	1		
7th St.	Mulberry St.	B	2		
7th St.	Penn St.	B	2		
7th St.	Perkins Ave.	B	2		
7th St.	Pershing St.	B	2		
7th St.	Port Ave.	B	2		
7th St.	Rochester Ave.	B	1		
7th St.	Shipley St.	A	2		
7th St.	Small Dr.	B	1		
7th St.	Vine St.	A	2		
7th St.	Walnut St.	B	2		
7th St.	Wolf St.	A	2		
8th St.	Beacon St.	B	2		
8th St.	Birch St.	A	1		
8th St.	Blaine St.	A	2		
8th St.	Brady St.	A	1		
8th St.	Brotherton St.	A	1		
8th St.	Cherry St.	A	1		
8th St.	Council St.	A	1		
8th St.	Daly St.	A	2		
8th St.	Ebright St.	A	2		
8th St.	Elliott St.	A	2		
8th St.	Elm St.	A	2		
8th St.	Franklin St.	A	2		
8th St.	Gharkey St.	A	1		
8th St.	Gilman St.	A	2		
8th St.	Grant St.	A	2		
8th St.	Hackley St.	B	2		
8th St.	High St.	A	2		
8th St.	Jefferson St.	A	2		
8th St.	Kinney St.	A	1		
8th St.	Luick Ave.	A	2		
8th St.	Macedonia Ave.	B	2		
8th St.	Madison St.	B	2		
8th St.	Hemlock	A	1		403-78

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
8th St.	Howell	A	1		403-78
8th St.	Meeker Ave.	A	2		
8th St.	Monroe St.	A	2		
8th St.	Mulberry St.	A	2		
8th St.	Penn St.	A	2		
8th St.	Pershing St.	A	2		
8th St.	Perdieu	B	1		403-78
8th St.	Pierce St.	A	1		
8th St.	Ribble Ave.	A	2		
8th St.	Rochester St.	A	2		
8th St.	Sampson St.	A	1		
8th St.	Shipley St.	A	1		
8th St.	Small Dr.	A	1		
8th St.	Spruce	A	1		403-78
8th St.	Utica St.	A	1		
8th St.	Vine St.	A	2		
8th St.	Wall Ave.	A	2		
8th St.	Wolf St.	A	1		
9th St.	Batavia Ave.	B	2		
9th St.	Beacon St.	A	1		
9th St.	Biltmore St.	A	2		
9th St.	Birch St.	A	2		
9th St.	Blaine St.	B	2		
9th St.	Cherry St.	A	2		
9th St.	Clark St.	B	2		
9th St.	Daly St.	B	2		
9th St.	Ebright St.	A	1		
9th St.	Elliott St.	A	2		
9th St.	Elm St.	B	2		
9th St.	Franklin St.	B	2		
9th St.	Gilman St.	B	2		
9th St.	Gharkey St.	B	2		
9th St.	Grant St.	A	2		
9th St.	Hackley St.	B	2		
9th St.	High St.	B	2		
9th St.	Hoyt St.	B	2		
9th St.	Jefferson St.	B	2		
9th St.	Liberty St.	B	2		
9th St.	Luick Ave.	B	2		
9th St.	Meeker Ave.	B	1		
9th St.	Monroe St.	A	1		
9th St.	Mulberry St.	A	2		
9th St.	Penn St.	A	2		
9th St.	Perkins Ave.	B	2		
9th St.	Pershing St.	A	1		
9th St.	Pierce St.	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
9th St.	Port Ave.	B	2		
9th St.	Ribble Ave.	B	2		
9th St.	Rochester Ave.	A	2		
9th St.	Sampson St.	B	2		
9th St.	Utica Ave.	B	2		
9th St.	Vine St.	A	1		
9th St.	Walnut St.	B	2		
10th St.	Batavia Ave.	B	2		
10th St.	Birch St.	A	2		
10th St.	Blaine St.	B	1		
10th St.	Cherry St.	A	2		
10th St.	Clark St.	B	1		
10th St.	Daly St.	B	2		
10th St.	Franklin St.	B	2		
10th St.	Gharkey St.	B	2		
10th St.	Gilman St.	A	2		
10th St.	High St.	B	2		
10th St. & Elliott St.	Hoyt Ave.	B	4		
10th St.	Jersey St.	B	1		
10th St.	Liberty St.	B	2		
10th St.	Penn St.	B	1		
10th St.	Perkins Ave.	B	2		
10th St.	Pierce St.	A	2		
10th St.	Port Ave.	B	2		
10th St.	Rochester St.	B	2		
10th St.	Sampson St.	B	2		
10th St.	Wall Ave.	B	1		
10th St.	Walnut St.	B	1		
11th St.	Batavia Ave.	B	2		
11th St.	Birch Ave.	A	1		
11th St.	Cherry St.	B	1		
11th St.	Clark St.	B	1		
11th St.	Daly St.	B	2		
11th St.	Franklin St.	B	2		
11th St.	Gharkey St.	B	2		
11th St.	Gilman St.	A	2		
11th St.	Hemlock	A	1		430-78
11th St.	High St.	B	2		
11th St.	Hoyt Ave.	B	2		
11th St.	Liberty St.	B	1		
11th St.	Mound St.	A	1		
11th St.	Penn St.	B	1		
11th St.	Perkins St.	A	2		
11th St.	Pierce St.	A	2		
11th St.	Port Ave.	B	2		
11th St.	Rochester Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
11th St.	Sampson St.	B	2		
11th St.	Spruce	A	1		430-78
11th St.	Utica Ave.	B	2		
11th St.	Walnut St.	B	1		
13th St.	Acorn St.	A	2		
13th St.	Ash St.	B	2		
13th St.	Beacon St.	B	2		
13th St.	Birch St.	A	2		
13th St.	Brotherton St.	A	1		
13th St.	Burlington Dr.	A	1		
13th St.	Eaton Ave.	B	2		
13th St.	Ebright St.	B	2		
13th St.	Elm St.	B	2		
13th St.	Franklin St.	A	1		
13th St.	Gharkey St.	B	2		
13th St.	Grant St.	B	2		
13th St.	Hackley St.	B	2		
13th St.	High St.	A	2		
13th St.	Hoyt Ave.	B	2		
13th St.	Jefferson St.	B	2		
13th St.	Macedonia Ave.	B	1		
13th St.	Madison St.	B	2		
13th St.	Meeker St.	B	1		
13th St.	Mock Ave.	B	1		
13th St.	Monroe Ave.	A	2		
13th St.	Mulberry St.	B	2		
13th St.	Penn St.	B	1		
13th St.	Perkins Ave.	A	2		
13th St.	Pershing St.	A	2		
13th St.	Port Ave.	B	2		
13th St.	Rochester Ave.	B	1		
13th St.	Shipley St.	A	2		
13th St.	Vine St.	B	2		
13th St.	Walling Ave.	A	1		
13th St.	Walnut St.	B	2		
14th St.	Acorn St.	A	2		
14th St.	Arlington Rd.	A	2		
14th St.	Ash St.	B	2		
14th St.	Birch St.	A	2		
14th St.	Burlington Dr.	B	2		
14th St.	Elliott St.	B	2		
14th St.	Elm St.	B	2		
14th St.	Gharkey St.	B	2		
14th St.	Grant St.	B	1		
14th St.	High St.	A	2		596-80
14th St.	Hoyt Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
14th St.	Macedonia Ave.	B	1		
14th St.	Manville Rd.	B	2		
14th St.	Meeker Ave.	B	1		
14th St.	Mock Ave.	B	1		
14th St.	Mulberry St.	B	2		
14th St.	Penn St.	B	1		
14th St.	Pierce St.	A	2		
14th St.	Port Ave.	B	2		20-89
14th St.	Rochester Ave.	B	1		
14th St.	Sampson St.	A	1		
14th St.	Shipley St.	A	1		
15th St.	Acorn St.	A	2		
15th St.	Arlington Rd.	A	1		
15th St.	Ash St.	A	2		
15th St.	Birch St.	B	2		
15th St.	Burlington Dr.	B	2		
15th St.	Eaton Ave.	B	2		
15th St.	Elm St.	B	2		
15th St.	Gharkey St.	B	1		
15th St.	Grant St.	B	1		
15th St.	Hackley St.	B	1		
15th St.	Hoyt Ave.	B	2		775-81
15th St.	Jefferson St.	B	2		
15th St.	Macedonia Ave.	B	1		
15th St.	Mock Ave.	B	2		
15th St.	Monroe St.	A	2		
15th St.	Mulberry St.	B	2		
15th St.	Penn St.	B	1		
15th St.	Pierce St.	A	2		
16th St.	Acorn St.	A	2		
16th St.	Ash St.	A	1		
16th St.	Birch St.	B	2		
16th St.	Biltmore St.	B	1		
16th St.	Burlington Dr.	B	1		
16th St.	Delawanda Ave.	A	1		
16th St.	Eaton Ave.	A	2		
16th St.	Ebright St.	A	2		
16th St.	Elliott St.	B	2		
16th St.	Elm St.	B	2		
16th St.	Hackley St.	B	1		
16th St.	Hoyt Ave.	B	2		
16th St.	Jefferson St.	B	2		
16th St.	Macedonia Ave.	B	1		
16th St.	Madison St.	B	1		
16th St.	Manhattan Ave.	A	2		
16th St.	May Ave.	A	1		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
16th St.	Middletown E. Gardens	A	1		
16th St.	Middletown W. Gardens	A	1		
16th St.	Mock Ave.	B	2		
16th St.	Mulberry St.	A	2		
16th St.	Penn St.	B	2		
16th St.	Perkins Ave.	A	1		
16th St.	Port Ave.	B	2		
16th St.	Rochester Ave.	B	2		
16th St.	Rosemont Ave.	A	1		
16th St.	Waldemere Ave.	A	1		
16th St.	Walnut St.	B	1		
17th St.	Elliott St.	B	2		
17th St.	Elm St.	B	2		
17th St.	Gharkey St.	B	1		
17th St.	Hoyt Ave.	B	1		
17th St.	Jefferson St.	B	2		
17th St.	Macedonia Ave.	B	1		
17th St.	Madison St.	B	2		
17th St.	Mock Ave.	B	1		
17th St.	Monroe St.	B	2		
17th St.	Mulberry St.	A	2		
17th St.	Pierce St.	B	2		601-80
17th St.	Port Ave.	B	1		
17th St.	Vine St.	B	1		
17th St.	Walnut St.	B	1		
18th St.	Beacon St.	B	1		
18th St.	Birch St.	A	1		
18th St.	Brady St.	A	1		
18th St.	Ebright St.	A	1		
18th St.	Blaine St.	A	1		
18th St.	Elliott St.	A	1		
18th St.	Elm St.	A	1		
18th St.	Grant St.	A	1		
18th St.	Hoyt Ave.	A	2		
18th St.	Jefferson St.	A	2		901-82
18th St.	Meeker Ave.	B	1		
18th St.	Mock Ave.	B	2		
18th St.	Monroe St.	A	1		
18th St.	Mulberry St.	A	2		
18th St.	Penn St.	A	1		
18th St.	Pershing St.	A	1		
18th St.	Pierce St.	B	2		
18th St.	Port Ave.	B	1		
18th St.	Rochester Ave.	B	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*	
18th St.	Sampson St.	A	1		
18th St.	Vine St.	A	1		
18th St.	Walnut St.	B	1		
19th St.	Hoyt Ave.	B	1		
19th St.	Macedonia Ave.	B	1		
19th St.	Mock Ave.	B	1		
19th St.	Rochester Ave.	A	1		
19th St.	Tacoma Ave.	A	1		
20th St.	Blaine St.	B	1		
20th St.	Brotherton St.	A	1		
20th St.	Elm St.	B	1		
20th St.	Franklin St.	A	1		
20th St.	Hackley St.	B	1		
20th St.	High St.	A	1		
20th St.	Jefferson St.	B	1		
20th St.	Macedonia Ave.	B	2		
20th St.	Madison St.	B	2		
20th St.	Mock Ave.	B	1		
20th St.	Monroe St.	B	1		
20th St.	Mulberry St.	B	2		
20th St.	Walnut St.	B	2		
21st St.	Brotherton St.	A	2		
21st St.	Blaine St.	B	1		
21st St.	Elm St.	A	2		
21st St.	Franklin St.	B	2		
21st St.	Hackley St.	B	2		
21st St.	High St.	A	2		
21st St.	Liberty St.	B	1		
21st St.	Macedonia Ave.	B	2		
21st St.	Monroe St.	A	2		
21st St.	Mulberry St.	A	2		
21st St.	Pershing St.	A	1		
21st St.	Vine St.	A	2		
21st St.	Walnut	B	2		904-82; 28-88
22nd St.	Blaine St.	A	1		
22nd St.	Brotherton St.	A	2		
22nd St.	Elm St.	A	2		
22nd St.	Franklin St.	B	2		
22nd St.	High St.	A	2		
22nd St.	Liberty St.	B	1		
22nd St.	Macedonia Ave.	B	2		
22nd St.	Madison St.	B	2		
22nd St.	Meeker Ave.	B	1		
22nd St.	Mock Ave.	B	1		
22nd St.	Monroe St.	A	2		

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
22nd St.	Mulberry St.	B	2	
22nd St.	Pershing St.	A	2	
22nd St. & Tacoma Ave.	Sycamore Ave.	B	2	
22nd St.	Vine St.	B	2	
22nd St.	Walnut St.	B	2	
23rd St.	Cowan Rd.	B	1	
23rd St.	Elm St.	A	2	
23rd St.	Franklin St.	A	1	
23rd St.	Grant St.	B	1	
23rd St.	Hackley St.	B	2	
23rd St.	High St.	A	1	
23rd St.	Jefferson St.	B	2	
23rd St.	Liberty St.	A	1	
23rd St.	Macedonia Ave.	B	2	
23rd St.	Madison St.	B	2	
23rd St.	Monroe St.	A	2	
23rd St.	Mulberry St.	A	2	
23rd St.	Pershing St.	B	2	
23rd St.	Sycamore Ave.	A	2	
23rd St.	Vine St.	B	2	
23rd St.	Walnut St.	B	2	
24th St.	Brotherton St.	B	2	
24th St.	Elm St.	A	2	
24th St.	Hackley St.	B	2	
24th St.	Jefferson St.	A	2	
24th St.	Macedonia Ave.	B	2	
24th St.	Madison Ave.	B	2	
24th St.	Mock Ave.	B	1	
24th St.	Monroe St.	B	2	
24th St.	Mulberry St.	A	1	
24th St.	Vine St.	B	2	
24th St.	Walnut St.	B	1	
25th St.	Brotherton St.	A	2	
25th St.	Grant St.	A	1	
25th St.	Hackley St.	B	2	
25th St.	Macedonia Ave.	B	1	
25th St.	Madison St.	B	1	
25th St.	Mock Ave.	B	1	
25th St.	Monroe St.	B	2	
25th St.	Pershing St.	B	2	
25th St.	Vine St.	B	2	
26th St.	Beacon St.	A	1	
26th St.	Brotherton St.	A	1	
26th St.	Cherokee Rd.	A	1	5-93
26th St.	Ebright St.	A	1	

Street A	*Street B*	*Preferential Street*	*Number of Signs*	*Signals*
26th St.	Elm St.	A	1	
26th St.	Grant St.	A	1	
26th St.	Hackley St.	A	1	
26th St.	Jefferson St.	A	2	
26th St.	Meeker Ave.	B	2	
26th St.	Mock Ave.	A	1	
26th St.	Monroe St.	A	1	
26th St.	Penn St.	A	1	
26th St.	Pershing St.	A	1	
26th St.	Southwest Dr.	A	1	
26th St.	Vine St.	A	1	
26th St.	Walnut St.	B	1	
27th St.	Jefferson St.	A	2	
27th St.	Madison St.	B	1	
27th St.	Meeker Ave.	B	1	
27th St.	Penn St.	B	1	
27th St.	Walnut St.	B	1	
28th St.	Beacon St.	B	1	
28th St.	Grant St.	A	1	
28th St.	Jefferson St.	A	1	
28th St.	Penn St.	B	2	
28th St.	Walnut St.	B	1	
29th St.	Dayton Rd.	A	1	
29th St.	Lilac St.	A	1	
29th St.	Maple Ln.	A	1	
29th St.	Meeker Ave.	A	2	
29th St.	Peen St.	A	1	
29th St.	Walnut St.	B	1	
32nd St.	Beacon St.	B	2	

(Ord. No. 31-91, § 1, 11-11-91; Ord. No. 2-93, § 1, 3-1-93; Ord. No. 24-93, § 1, 7-12-93; Ord. No. 25-93, § 1, 7-12-93; Ord. No. 29-93, § 1, 7-12-93; Ord. No. 52-94, § 1, 10-3-94; Ord. No. 55-94, § 1, 10-3-94; Ord. No. 23-95, § 1, 7-10-95; Ord. No. 56-95, § 1, 9-11-95; Ord. No. 71-95, § 1, 12-11-95; Ord. No. 72-95, § 1, 12-11-95; Ord. No. 73-95, § 1, 12-11-95; Ord. No. 74-95, § 1, 12-11-95; Ord. No. 76-95, § 1, 12-11-95; Ord. No. 8-96, § 1, 4-1-96; Ord. No. 26-96, § 1, 7-8-96; Ord. No. 28-96, §§ 1, 2, 7-8-96; Ord. No. 29-96, § 1, 7-8-96; Ord. No. 39-96, §§ 1, 2, 8-5-96; Ord. No. 11-98, §§ 1, 2, 5-11-98; Ord. No. 43-98, §§ 1, 2, 9-14-98; Ord. No. 60-99, § 1, 1-10-00; Ord. No. 61-99, § 1, 1-10-00; Ord. No. 56-02, § 1, 12-2-02)

SCHEDULE III: ALL-WAY STOP INTERSECTIONS (§ 79.08)

The following intersections are designated as all-way stop intersections with automatic signals as indicated:

Intersection	*4-Way*	*5-Way*	*Flasher*	*Ord. No.*
Adams St. and Council St.	X		X	12-89
Adams and Franklin	(2-way)			26-87
Adams and Jefferson	(2-way)			734-81
Amherst and Riley	X			
Ashland and Linden	X			
Ashland and Pauline	X			
Ashland and Riley	X			76-95
Beacon and Seymour	(3-way)			
Beckett/Colson and Maddox	X			565-80
Beechwood and Linden	X			
Beechwood and Pauline	X			
Bellaire and Harvard	X			18-90
Bennett and Manor	X			403-78
Bennett and Wysor	X			403-78
Berkley and Franklin	X			2-93
Berkley and Linden	X			56-95
Berkley Ave. and Reserve	X			24-93
Bethel/Chadam/Timber Ln. and Clara Ln.	X			6-92
Bittersweet and Gilbert	X			
Bittersweet and Jackson	X			55-86
Blaine and Kirby	X	(2)	automatic	
Bowman and Colson	(3-way)			565-80
Brentwood and Petty	(3-way)			596-80
Brentwood Ln. and Petty Rd.	(3-way)			29-93
Brook and Winthrop	(3-way)			
Buckles and Cromer	X			
Burlington Dr. & Macedonia Ave.	X			61-97
Celia Ave. and Gilbert St.	X			12-89
Celia and Godman	X			
Centennial and Elgin	X			56-95
Centennial Ave. and Elm St.	X			12-89
Chadham Ln. and Purdue Ave.	(3-way)			8-96
Charles St. and Council St.	(3-way)			39-96
Charles and Franklin	X			16-89
Charles St. and Vine St.	X			33-95
Charter and Piper	X			25-95
Clark and 8th	X			
Claypool and Gilbert	X			24-95
Claypool and Wysor	X			403-78
College Ave. and Gilbert St.	X			79-89

Intersection	*4-Way*	*5-Way*	*Flasher*	*Ord. No.*
Columbus and Elm	X			
Cornbread & Hoyt	X		X	51-96
Council and Howard	X			
Cowing and Rosewood	X			
Cromer and Reserve	X			223-76
Delawanda and Wysor	X			31-91
Depauw and Purdue	X			55-94
Dicks and North	X			330-77
Dunn and Barr	X			
Elliott and Powers	X			905-82
Elliott and 13th St.	X			61-99
Ethel and Umbarger	X			24-95
Everbrook and Fox Ridge	X			26-87
Forest and Gilbert	X			
Franklin and Charles	X			18-84
Gavin and Highland	X			
Gilbert and Greenwood	X			
Gilbert and McKenzie	X			
Gilbert and Rily	X			
Gilbert and Shellbark	X			
Gilbert and Talley	X			52-85
Gilbert and Tyrone	X			
Godman and Nichols	X			
Grande and Wysor	X			403-78
Granville Ave. and Streeter Ave.	X		X	56-02
Greenwood and North	X			31-91
Hackley St. and Washington St.	(3-way)			12-89
Haines and Milton	X			2-93
Haines and Reserve	X			55-94
Harvard and Hartford	X			644-80
Harvard and Miami	X			542-79
Hawthorne and River Rd.	(3-way)		automatic	
Highland and Macedonia	X		automatic	
Hodson and North	X			52-94
Howard St. and Walnut St.	(3-way)			12-89
Howell and Memorial	(3-way)			62-89
Hoyt and Cornbread	X		X	45-02
Hutchinson and Adams	X			
Keesling and Elgin	X			56-95
Leland Ave. and Princeton Ave.	(3-way)			71-95
Linden and Yale	X			
Lomax and Colson	(3-way)			565-80
Macedonia and Willard	X			937-82
Manhattan and North	(3-Way)			56-95

Intersection	*4-Way*	*5-Way*	*Flasher*	*Ord. No.*
Manning and North	X			
Manor and Penn	X			
Martin Luther King Jr. Blvd. and Memorial Drive	X			77-89
McGilliard and Wheeling	X			
Meadow Lane and Petty	X			
Meadow Lark and North Robin	(3-way)			223-76
Meadow Lark and South Robin	(3-way)			223-76
Milton and Reserve	X			223-76
Milton and Roosevelt	X			2-93
Neely and New York	X			
Neely and Linden	X			
New York and Bethel	X			
New York and Yale	X			
Norwood and Oakwood	X			
Oaklyn and Umbarger	X			201-76
Ohio Ave. and Kirby Ave.	X			61-97
Peachtree Land and Rambler Road	X			26-96
Peachtree and Stradling	X			26-87
Penn and 16th	X			31-91
Perkins Ave. and 16th	(3-way)			33-95
Petty Rd. and Robinwood Dr.	(3-way)			55-94
Piper and Skyway	(2-way)			25-95
Reserve and Roosevelt	X			223-76
Riggin and Rosewood	X			
Riggin and St. Rd. 3	X			60-88
Riggin and Walnut	X			403-78
Riley and Riverside	X			
Riley Rd. and Torquay Rd.	(3-way)			33-95
Riverside	X			
Rosewood Ave. and Royale Dr.	X			74-95
Rosewood and Sheffield	(3-way)			25-93
Royale and Rosewood	X			
Royale and Sterling	X			
Sharon Dr. and Tacoma Dr.	X			60-99
Talley and Main	X			
Tillotson Ave.	X			
Tillotson and Cornbread	X			542-79
Tillotson and Riggen	X			
Tillotson and Wellington	X			201-76
Wolf and Cromer	X			
2nd and Mulberry	X		automatic	
2nd and Pershing	X			
6th and Jefferson	X			542-79

Intersection	*4-Way*	*5-Way*	*Flasher*	*Ord. No.*
8th and Howell	(3-way)			26-87
8th and Liberty St.	X			11-89
8th and Luick	X			
8th and May	(3-way)			201-76
8th and Port	X			
9th and Blaine	X			
10th and Utica	X			
11th and Elliot	X			
13th and Perkins	X			68-88
13th and Sampson	X			52-94
14th and Biltmore	X			223-76
14th and Brotherton	(3-way)			201-76
14th and Delawanda	X			
14th and Eaton	X			223-76
14th St. and Jefferson Ave.	X			73-95
14th and Manhattan	X			223-76
14th and Perkins	X			
14th and Waldemere	X			223-76
15th and Elliot	X			55-86
15th and Hoyt	X			07-85
15th and Perkins	X			52-94
15th and Pershing	X			
15th and Port	X			12-89
15th and Rochester	X			
15th and Vine	X			55-94
16th and Beacon	X			
16th and Grant	X			
16th and Meeker	X			
16th and Pierce	X			55-86
17th St. and Birch St.	X			29-96
17th St. and Rochester Ave.	X			72-95
18th and Hackley	X			
21st and Jefferson	X			
21st and Mock	X			
22nd and Grant	X			403-78
22nd and Hackley	X			
22nd and Jefferson	X			
23rd and Brotherton	X			
23rd and Gharkey	(3-way)			542-79
23rd and Meeker	X			
23rd and Mock	X			201-76
23rd and Vine	X			542-79
24th and Pershing	X			

(Code 1968, § 17-67; Ord. No. 1676, 1729, 1685, 380-B, 393-B, 408-B, 442-B, 19-89, 24-88, 20-89, 23-89; 18-90; Ord. No. 6-92, § 1, 4-6-92; Ord. No. 2-93, § 2, 3-1-93; Ord. No. 61-97, § 2, 1-5-98)

SCHEDULE IV: NO PARKING ZONES (§ 77.25)

The following street, or parts of streets, are designated as no parking zones:

Street	*Between*	*Side*	*Ord. No.*
Abbott	New York west to dead end	Both	40-91
Adams	Madison and Elm	South	774-81
Adams	Kilgore and Madison	North	
Adams	Kilgore and Mulberry	South	1678
Adams	Madison and Monroe	North	
Adams	McKinley and Calvert	South	644-80
Adams	Martin and Dill	South	29-95
Adams	Ohio and Linkon	South	
Adams	High and Kilgore	Both	
Adams	Ohio and Dudley	South	
Alameda	Riverside and Queen	West	
Ashland	Martin and east to alley	South	7-66
Ashland	West curb line of Dicks west and east curb line of McKinley	Both	
Ball	Jackson and R.R. (Bridge)	West	542-79
Beacon	Seymour and Willard	West	
Beechwood	Light St. and Martin St.	Both	62-97
Berkley	Jefferson and Madison	South	
Bethel	West curb line of New York west and the corporate limits	Both	
Bethel	West curb line of Centennial Ave. and east curb line of New York	Both	
Birch	Memorial and 150 ft. south	East	
Birch	8th and 9th	West	
Blaine	Kirby and 1st	East	
Blaine	Ohio and Seymour	Both	
Blaine	8th and Memorial		
Brady	Centennial and Harkin	West	
Briar	Riverside and Wiltshire	East	
Briar	Riverside, North To dead end	Both	8-02
Brook	Duane, and East To Dead End	Both	11-02

Street	*Between*	*Side*	*Ord. No.*
Bryden	Christy Lane and Oakwood Ave.	Both	27-88
Buckles	Dunn and McGilliard	East	
Burgewood	Burnelle West and Burnelle East	Both	75-93
Calvert	Jackson and White River	Both	635-80
Calvert	Riverside and University	West	596-80
Calvert	Jackson and White River Blvd.	East	665-80
Cardinal	New York and west to dead end	Both	39-91
Celia	Jackson and Adams	West	906-82
Celia	Jackson and alley north of Jackson	West	
Celia	First alley south of Jackson and Adams	East	906-82
Centennial	Walnut and Gavin	Both	
Centennial	Wheeling and Walnut	South	
Centennial	Wheeling and west end of fairground fence	South	
Centennial	West curb line of Wheeling Avenue west and east curb line of Bethel	Both	
Central	Manor and Highland	Me-dian	
Charles	Elm and Monroe	North	
Charles	Hackleyn and Grant	North	
Charles	Hutchinson and Brittain	South	105-83
Charles	Kilgore and Mulberry	North	
Charles	Vine and Pershing	North	
Cherry	Charles and Washington	West	
Cherry	Main and Jackson	West	10-83
Cherry	Main and Washington	East	22-95
Cole	Gilbert and Main	Both	48-83
Cole	Gilbert and University	West	
College	Jackson and White River	East	900-82
Columbus	Walnut Street east to First Alley	South	38-91
Council	Hoyt and Willard	East	
Council	Main and Willard	Both	
Council	Penn Central R.R. and Hoyt first	East	

Street	*Between*	*Side*	*Ord. No.*
Cowing	Oakwood and Wheeling	Both	1730
Culvert	Riverside and White River	East	
Dicks	Jackson and Riverside	East	
Dill	Riverside and Jackson	West	
Dill	University and Jackson	West	1730
Elizabeth	Euclid and Petty	Both	44-01
Elliot	Nickel Plate R.R. and 8th	West	
Elliot	Penn Central R.R. and 9th	West	
Elliot	7th and 8th	East	201-76
Elliot	10th and South to 12th	West	1502
Elm	Adams and point 300 ft. north of Race	West	
Elm	Adams and Wysor	West	9-66
Elm	Alley at midblock and Washington	East	7-66
Elm	Alley between Washington and Main and Washington	East	
Elm	Jackson and Wysor	West	
Elm	Kohlmetz and Granville	East	
Elm	McColloch and Centennial	West	
Elm	Nickel Plate R.R. and Charles	West	
Elm	Willard and alley south of Willard	East	
Elm	Wysor and point 200 ft. north of Race	East	
Elm	17th and 18th	East	
Elm	24th and 26th	West	74-93
Emerson Court	8th and the dead end	West	101-83
Ethel	Tillotson and Manning	North	53-85
Euclid	West curb line of Woodridge and ditch	Both	
Everbrook Ln.	McGalliard Rd. (S.R. #332) and Fox Ridge	Both	7-88
Evermore Dr.	Everett Rd. and Marleon Dr.	Both	54-02
Franklin	Berkley and McGalliard	Both	26-93
Franklin	Gilbert and south to Seymour	Both	

Street	*Between*	*Side*	*Ord. No.*
Gharkey	Alley north of 13th and 13th	East	
Gharkey	Main and south to Powers	West	1513
Gharkey	Jackson and point 50 ft. South	East	9-66
Gharkey	11th and Memorial	West	
Gilbert	College and alley west of College	South	
Gilbert St.	College Ave. and McKinley Ave.	South	69-96
Gilbert	East curb line of McKinley east and west curb line of Dicks	North	
Gilbert	High and alley west of High	South	
Gilbert	High and west to Liberty	North	1499
Gilbert	Liberty and Hackley	South	
Gilbert	Liberty and High	South	
Gilbert	Liberty and Mulberry	Both	
Gilbert	Liberty and Walnut	North	
Gilbert	McKinley and Talley	North	201-76
Gilbert	Monroe and Hackley	Both	7-66
Gilbert	Monroe and Jefferson	South	
Gilbert	Monroe and alley east of Hackley	Both	
Gilbert	Mulberry and Jefferson	North	
Gilbert	Walnut and alley east of Hackley	South	
Greenwood	Washington and Jackson	West	
Hackley	Charles and alley between Charles and Adams	West	9-66
Hackley	Charles and alley at midblock	West	
Hackley	Main and Washington	West	
Hackley	Willard and Broadway	East	
Hackley	Willard and 26th	East	
Hackley	18th and point 125 ft. north of 18th	Both	201-76
Harkin	Brady and Macedonia	North	
High	Gilbert and Franklin	West	
High	Washington and Wysor	East	
High	11th and Willard	East	17-91
High	21st and point 155 ft. south	East	9-66

Street	*Between*	*Side*	*Ord. No.*
High	21st and 22nd	East	
Highland	Broadway and Penn	South	
Howard	Alley east of Jefferson and Mulberry	South	
Howard	Franklin and 131 west of Franklin	North	
Howard	Mulberry and point 125 ft. east thereof	South	201-76
Hoyt	Cornbread and 18th	East	
Hoyt	Liberty and Cornbread	West	
Hoyt	Willard and Liberty	East	
Hoyt	6th and 7th	East	
Jackson	Kilgore and city limits east	North	
Jackson	Morrison and Manhattan	Both	
Jackson	Manning and Riley	Both	12-66
Jackson	Tillotson and east to Manning	South	1486
Jackson	White River and west to Tillotson	Both	1730
Janney Ave.	Wheeling Ave. to Berkely St.	Both	12-98
Jefferson	Jackson and Willard	West	
Jefferson	Main and Jackson	East	
Jefferson	Washington and Adams	East	
Jefferson	Washington and block north	West	542-79
Jefferson	Willard and north to Wysor	West	
Jefferson	Wysor and alley south of Washington	West	
Jefferson	24th and 26th	West	
Jefferson	Alley north of Charles and Penn Central R.R.	East	
Jefferson	Point 70 ft. south of Jackson and Adams	East	
Jefferson	Point 124 ft. north of the northwest curb line of 6th St. and a point 40 ft. north thereof	West	601-80
Jefferson	Point 120 ft. north of northeast curb line of 6th St. and a point 44 ft. north thereof	East	601-80
Johnson	Briar and Elizabeth	Both	10-2

Street	*Between*	*Side*	*Ord. No.*
Kilgore	Point 490 ft. from north curb line of Powers and southeast curb of Charles	East	596-80
Kilgore	Tillotson and westerly city limits	Both	
Kimberly	North curb line of Parkway and south curb line of Euclid	Both	
King	Riverside and Ace	Both	693-81
Liberty	Gilbert and Penn Central R.R.	East	
Liberty	Gilbert and south to Nickel Plate R.R.	West	
Liberty	Memorial and point 75 ft. north	West	
Liberty	N.Y. Central R.R. and 12th	West	1730
Liberty	Penn Central R.R. and Memorial	East	201-76
Liberty	Penn Central R.R. and 6th	West	201-76
Liberty	Washington and south to Norfolk and Western R.R.	East	1678
Liberty	Willard and 8th	East	
Liberty	7th and 8th	West	201-76
Liberty	8th and Memorial	West	
Liberty	8th and point 125 ft. south	West	201-76
Lincoln	South curb line of Washington and north curb line of Ohio	Both	
Linden	Bethel and Wayne	East	60-89
Linden	Riverside and point 150 ft. south thereof	East	12-66
Linden	Riverside and University	East	60-89
Linden	Riverside and Wayne	Both	60-89
Locust	Riverside and south to Beechwood	East	1479
Locust	North curb line of Wayne north and south curb line of Bethel	West	
Lorraine	North curb line of Parkway and south curb line of Euclid	Both	
Macedonia	8th and Memorial	West	
Macedonia	8th and Memorial (12th)	East	
Macedonia	13th and 14th	East	
Macedonia	Willard and 5th	West	12-66

Street	*Between*	*Side*	*Ord. No.*
Macedonia	South curb line of Memorial south and north curb line of State Road No. 35	Both	
Mack	Memorial and south to city limits	West	1460
Main	Alley east of Mulberry and point 125 ft. east of Jefferson	South	
Main	Franklin and Cherry	South	
Main (SR 32)	East curb line of Hackley Street to a point 167 ft. east of such curb line	North	56-93
Main	High Street to first alley west	North	30-91
Main	High and Walnut St.	South	63-89
Main	Liberty and point 100 ft. east of Liberty	Both	
Main	Macedonia and Madison	South	
Main	Manning and point 125 ft. west of Manning	South	
Main	Monroe and Madison	North	
Main (SR32)	Mulberry, east curb line, to a point 186 ft. east of such curb line	North	3093-045 (IDOT)
Main	Walnut and alley east of Walnut	South	
Main	Walnut and High	North	
Main	A point 136' east of the east curb line of Cherry St. to the west curb line of Kilgore Ave. A distance of approx. 1085 feet.	North	78-89
Main	A point 60 feet east of the east curb line of Kilgore Ave. to the east curb line of Kilgore Ave. A distance of approx. 60 feet.	South	78-89
Manning	Main and first alley south of Main	West	
Manning	Gilbert and University	Both	25-96
Mansfield	Riley and Brentwood	North	
Marleon Dr.	Bethel Ave. and Evermore Dr.	Both	54-02
Marsh	New York west to dead end	Both	41-91
Martin	Riverside and Jackson	East	
Martin	Riverside and North	West	57-86

Street	*Between*	*Side*	*Ord. No.*
McCulloch Blvd.	Elm St. and the Norfolk and Southern Railroad Underpass	Both	53-94
McColloch	Walnut and Elm	South	165-76
McColloch	Walnut and point 150 ft. east of Walnut	South	
McGalliard	Tillotson and Broadway	Both	
McGalliard	Wheeling and Tillotson	Both	
McKinley	Jackson and alley north of Jackson	East	
McKinley	Jackson and White River	East	
McKinley	Neely and point 275 ft. north of north curb line of Neely	East	
McKinley	North curb line of Neely and south curb line of Bowman	West	
McKinley	South curb line of Tafollette and south curb line of Betheel	East	
McKinley	University and Jackson	West	
McKinley	University and Neely	Both	
Meadow	Riverside and Parkway	Both	
Meeks	White River and Reserve	East	1513
Memorial (12th)	Batavia and Burlington	Both	
Memorial (12th)	Batavia and Union	South	
Memorial	Blaine and Macedonia	Both	
Memorial (12th)	High and Burlington	South	
Memorial (12th)	Sampson and Birch	South	
Memorial	West curb line of Batavia and West curb line of High	East	
Memorial (12th)	150 ft. west of Liberty and 150 ft. east of Liberty	South	
Minnetrista Blvd.	Wheeling Ave. to Minnetrista Pkwy.	Both	4-88
Monroe	Jackson and Main	East	1730
Monroe	Penn Central R.R. and Kirby	Both	
Monroe	Washington alley between Washington and Main	West	
Monroe	Wysor and Main	East	
Mound	Adams and Jackson	East	

Street	*Between*	*Side*	*Ord. No.*
Mound	Jackson and Charles	West	
Mound	Jackson to Adams	West	50-85
Mulberry	South curb line Victor north and south curb line of Wysor	East	
Mulberry	Willard and Gilbert	West	
Mulberry	Willard and south to 6th	East	1502
Neely	East curb of McKinley and point 250 ft. east	South	
Neely	East curb line of McKinley Ave. and point 735 ft. west of west curb line of New York Ave.	South	596-80
Neely	Wheeling and Reserve	Both	69-88
New York	Neely and Bethel	Both	
New York	Riverside and Carson	West	
New York	Riverside and Neely	East	
New York	Riverside and two block north	East	1730
Nichols	Jackson and first alley north of Jackson	East	
Nichols	Jackson and first alley south of Jackson	Both	
Nichols	Jackson and Main	West	
North	Elm and Madison	South	7-66
North	Elm and point 30 ft. east thereof	North	7-66
North(west)	Dicks and Martin	Both	
North	Madison and point 30 ft. west thereof	North	7-66
North	Walnut and Madison	North	
North St.	Talley Ave. and McKinley Ave.	Both	55-02
Oakwood	McGalliard and Bethel	Both	
Ohio	Washington and Penn Central R.R.	Both	
Ohio	Blaine and Wolf	Both	776-81
Parkway	Petty and Petty	Both	
Pauline	Marsh and Carson	Both	
Pauline	Beechwood and Riverside	West	734-81

Street	*Between*	*Side*	*Ord. No.*
Pauline	Beechwood and a point 150 feet thereof	East	734-81
Penn	Memorial and 14th	East	
Penn	6th and first alley north of 6th	East	
Pershing	Jackson and 50 ft. south of Jackson	East	
Pershing Dr.	Wysor and Charles	West	
Petty	Briar and McKinley	Both	644-80
Port	5th and 6th	West	
Powers	Council and Liberty	South	7-66
Powers	East curb line of Kilgore and west curb line of Liberty	North	
Proctor (Co. Rd. 300 W.)	St. Rd. 32 and Conrail Railroad	West	24-87
Proud		West	
Purdue	Tillotson and Manchester	North	165-76
Queen	Alameda and Wheeling	North	165-76
Race	Jefferson and Madison	South	45-01
Reserve	Centennial and Cromer	Both	542-79
Reserve	North and Riverside	East	
Reserve	Riverside and alley south of Riverside first	West	
Reserve	Riverside and University	Both	
Reserve	Riverside and 6th ft. south of Riverside	West	
Reserve	University and alley north of University	West	
Rex	New York West to dead end	Both	27-91
Rex	Wheeling and point 20 ft. west of first alley west of Wheeling	South	1730
Riverside	McKinley and west to Tillotson	North	9-66
Riverside	Point 250 ft. east of Tillotson and Tillotson (west leg)	South	
Riverside	Wheeling and point 100 ft. east of Warwick	South	
Riverside	Wheeling and Tillotson	North	

Street	*Between*	*Side*	*Ord. No.*
Riverside	Wheeling and west to Light	South	1537
Riverside	470 ft. west of the west curb line of Meadow and McKinley	South	596-80
Royale	Oakwood and Rosewood	Both	08-85
Royale	To a point 80 feet west of the West Curb Line of Wheeling Ave.	South	65-89
Sampson	North curb line of 5th south and south curb line of 6th	East	
Sampson	8th and 9th	East	
Seymour	Blaine and Hackley	North	
Seymour	Hackley and Vine	North	
Seymour	High and Mulberry	Both	
Seymour	Jefferson and east curb and point 150 ft. east thereof	South	223-76
Seymour	Mulberry and Elm	North	
Shipley	Burlington and Dudley	East	665-80
Talley Ave.	University Ave. to Jackson St.	West	68-96
Talley Ave.	University Ave. to North St.	East	
Tillotson	Bethel and McGalliard	Both	
Tillotson	Ethel and Bethel	Both	
Tillotson	North curb line of Kilgore and south curb line of McGalliard	Both	
University	Alley west of Wheeling and Wheeling	South	12-66
University	McKinley and Dicks	Both	
University	McKinley and east to alley	South	9-66
University	Reserve and Whelling	North	
University	Tillotson and Manning	Both	
University	Wheeling and Reserve	North	
University	West curb line of McKinley and 75 ft. west of student center entrance a distance approximately 300 ft.	North	
Vine	Wysor and Charles	East	
Virginia	North curb line of Carson and south curb line of Bethel	West	
Virginia	Carson and Bethel	Both	734-81

Street	*Between*	*Side*	*Ord. No.*
Wagner	Brotherton and Koonty	North	35-95
Wall	Memorial and 8th	East	609-80
Wall	125 feet South of Burlington and 8th	East	16-91
Walnut	Bridge over White River and Wysor	West	
Walnut	Gilbert and Washington	West	
Walnut	Howard and Memorial	East	
Walnut	Howard and New York R.R.	West	
Walnut	Howard and Seymour	West	
Walnut	Main and Howard	Both	
Walnut	Maple and bridge over White River	East	12-66
Walnut	Maple and city limits north	Both	12-83
Walnut	Memorial and 23rd	West	
Walnut	Point 30 ft. south of Jackson and point 50 ft. south of Jackson (loading zone)	West	12-66
Walnut	Point 116 ft. south of Willard and point 139 ft. south of Willard (loading zone 30 minutes)	East	
Walnut	Victor and Memorial (12th)	East	
Walnut	Washington and Main	West	
Walnut	Willard and 140 ft. south of Willard	East	
Walnut	Willard and 140 ft. south of Willard	West	
Walnut	Wysor and Gilbert	Both	
Walnut	7th and 9th	West	
Walnut	8th and 140 ft. south of Willard	East	
Walnut	8th and 140 ft. south of 8th	West	
Walnut	8th and 160 ft. north of 8th	West	
Walnut	12th and 160 ft. north of 12th	West	
Walnut	23rd and Buck Creek (city limits)	Both	
Walnut	160 ft. north of Willard and 160 ft. south of Willard	West	
Walnut	150 ft. north of 8th and 150 ft. south of 8th	West	

Street	*Between*	*Side*	*Ord. No.*
Walnut	180 ft. north of Memorial (12th) and Memorial (12th)	West	
Warrick	Riverside and Briar	Both	861-82
Washington	High and Liberty	Both	
Washington	High and Walnut	Both	49-85
Washington	Liberty and West Bridge	North	1492
Washington	Mulberry and Wolf	North	19-97
Washington	Talley and alley between Talley and College	North	
Washington	Walnut and Mulberry	South	201-76
Washington	White River and Cherry	North	
Washington	White River and High	North	
Wayne	Linden and New York	Both	8-92
Wayne	Linden and Reserve	North	8-92
West 8th	East curbline of Sampson and a point 437 feet east of the east curb line of Sampson	South	05-85
West 8th St.	Sampson Ave. and Hoyt Ave.	South	58-02
Wheeling	University and south to north	West	1487
Willard	Elm and east to Madison	South	1511
Willard	Walnut and west to Elliot	North	
Willow Road	Ethel Avenue and Godman Avenue	Both	4-93
White River	Wheeling and Nichols	Both	7-66
White River	Nichols and Tillotson	South	7-66
Woodridge	North curb line of Parkway and south curb line of Euclid	Both	
Wysor	Wheeling and Broadway	Both	
1st	Walnut and Jefferson	North	
1st	Walnut and Mulberry	South	
2nd	Walnut and Franklin	South	1628
3rd	Center and east to Madison	South	1464
3rd	Center and Madison	North	74-93
5th	Elliot and point 155 ft. east thereof	South	9-66
5th	Hoyt and Elliot	North	

Street	*Between*	*Side*	*Ord. No.*
5th	Sampson and Port	North	
6th	Liberty and Hoyt	North	
6th	Point 102 ft. west of High and point 128 ft. west of High (loading zone-10 minutes)	North	
6th	Small and Sampson	Both	
6th	West curb line of Madison and east curb line of Elm	South	
6th	Walnut and Liberty	South	
7th	Elliot and 723 West 7th	Both	
7th	Hoyt and first alley east of Hoyt	North	
7th	Walnut and High	North	
8th	Alley east of Walnut and alley west of Walnut	South	
8th	Elliot and Sampson	North	
8th	First alley east of Brotherton and Oakland	North	
8th	Hoyt and Elliot	Both	165-76
9th	Madison and beginning of bus zone	South	12-66
9th	Madison and Grant	South	58-97
9th	Madison east curb line and point 70 ft. east of Madison east curb line	South	
9th	Pierce and Elliot	South	
9th	Pierce (south leg) and Pierce (north leg) a distance of 175 ft.	Both	9-66
9th	Pierce (north leg) and Birch a distance of 254 ft.	South	9-66
9th	Point opposite alley between Madison and Monroe and point 40 ft. east thereof (bus zone)	South	12-66
9th	Between point 300 ft. east of Madison east r/w line and point 375 ft. east of Madison east r/w line	South	
9th	Between Sampson and south leg of Pierce a distance of 404 ft.	North	9-66
9th	Walnut and High	North	

Street	*Between*	*Side*	*Ord. No.*
10th	Walnut and High	North	201-76
11th	Walnut and High	North	201-76
12th	May and east to Burlington	North	1502
16th	Walnut to first alley east	South	28-91
18th	Macedonia Ave. and Mock Ave.	North	28-93
18th	900 ft. from west curbline of Mock Ave.	South	28-93
21st	Walnut and alley east of Madison	North	223-76
21st	Walnut and east to Hackley	North	1479
24th	Monroe and east to alley between Monroe and Madison	North	1266
26th	Mock and Meeker	North	
26th	Walnut and Macedonia	Both	

(Ord. No. 8-92, § 1, 4-6-92; Ord. No. 27-93, § 1, 7-12-93; Ord. No. 22-95, § 1, 7-10-95; Ord. No. 36-95, § 1, 8-7-95; Ord. No. 54-95, § 1, 9-11-95; Ord. No. 58-97, § 1, 12-1-97; Ord. No. 62-97, § 1, 1-5-98)

SCHEDULE V: PARKING TIME LIMITED ON CERTAIN STREETS (§ 77.26)

When signs are erected giving notice thereof, no person shall at any time park a vehicle on any of the following streets, or parts of streets, in the city for a longer period of time than indicated.

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Adams	College to Martin	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Adams	Martin to Dill	North	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	28-95
Adams	Talley to Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Ball	North curb line of Bethel north to termination of the rear of the Northwest Plaza Shopping Center	Both	3 hr. from 8:00 a.m. to 4:00 p.m. except Saturday, Sunday, and holidays	
Beacon	Seymour to Kirby	East	3 hr.	
Brittain	Jackson to White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Carson	Linden and Reserve	Both	3 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	7-92
Celia	Gilbert St. to White River	East	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	9-98
Celia	Jackson St. to White River	West	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	9-98
Charles	Calvert to Celia	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Charles	Jefferson to point 75 ft. east	North	15 min. 8:00 a.m. to 6:00 p.m. except Sundays and holidays	
Charles	Manning to Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Charles	Point 50 ft. east of east curb line of Jefferson to point 70 ft. east of east curb line of Jefferson	North	10 min.	
Charles	Walnut to Mulberry	South	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	27-96
Charles	Liberty St. to Walnut St.	South	2 hr. parking Mon. thru Fri. 8:00 a.m. to 6:00 p.m. Monday through Saturday (except Sunday)	50-96
Cole	University to Ethel	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
College	North curb of Gilbert to point 100 ft. north thereof	West	20 min.	
College	North to Jackson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	900-82
Council	Howard to alley between Howard and Charles	East	1 hr.	
Council	Willard to Hoyt	West	2 hr.	
Ebright	First alley north of Willard to first alley south of Willard	West	30 min.	
Elliott	8th to 7th	East	3 hr.	
Elm	North to Wysor	East	1 hr.	
Elm	Willard to 6th	East	3 hr. 8:00 a.m. to 6:00 p.m.	
Ethel	Brittain to Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Franklin St.	Seymour St. to Charles St.	East	2 hr. parking Mon. thru Fri. 8:00 a.m. to 6:00 p.m. Monday through Saturday (except Sunday)	50-96
Gilbert	College to first alley east of College	North	20 min.	403-78

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Gilbert	East curb line of Celia to a point 130 ft. east of Celia	South	10 min.	
Gilbert	West curb line of Nichols west to 40 ft. east of east curb line of the entrance of Ball Memorial Hospital emergency entrance	North	10 min.	
Glenwood	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center		3 hr. from 8:00 a.m. to 4:00 p.m. except Saturday, Sunday, and holidays	
Godman	White River to Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Grant	Seymour to Kirby	Both	3 hr.	
High	Jackson St. to Hotel Roberts	East	2 hr. parking Mon. thru Fri. 8:00 a.m. to 6:00 p.m. Monday through Saturday (except Sunday)	50-96
High	Main to Washington	East	1 hr.	
High	Seymour to alley between Howard and Charles	East	15 min. 8:00 a.m. to 6:00 p.m. except Sundays and holidays	
Hollywood	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center		3 hr. from 8:00 a.m. to 4:00 p.m. except Saturday, Sunday, and holidays	
Howard	High to alley between High and Walnut	North	15 min. 8:00 a.m. to 6:00 p.m. except Sundays and holidays	
Howard	Mulberry to Jefferson	South	2 hr. 8:00 a.m. to 4:00 p.m. except Sundays and holidays	165-77
Howard	Walnut to beginning of freight loading zone	North	15 min. 8:00 a.m. to 6:00 p.m. except Sundays and holidays	
Hutchinson	Jackson to White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Janney	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center		3 hr. from 8:00 a.m. to 4:00 p.m. except Saturdays, Sundays, and holidays	
Jefferson	Adams and Charles	East	2 hr. from 6:00 a.m. to 6:00 p.m. Monday through Friday	66-88
Jefferson	Main line of N&WRR of 80 ft. north of main line of N&WRR	East	15 min.	
Kirby	Hackley to Penn	South	3 hr.	
Locust	North curb line of Wayne north to South curb line of Bethel	South	3 hr. from 8:00 a.m. to 4:00 p.m. except Saturdays, Sundays, and holidays	
Main	A point 120 ft. east of Jefferson to a point 71 ft. west of Madison	South	15 min. 8:00 a.m. to 6:00 p.m. except Sundays and holidays	99-83
Maplewood	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center		3 hr. from 8:00 a.m. to 4:00 p.m. except Saturdays, Sundays, and holidays	
Manning	University to Ethel	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Martin	Jackson to alley south of Jackson a distance of 113 ft.	West	1 hr.	
Martin	Riverside to White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
McKinley	University to White River		2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Mound	Willard to 7th	Both	3 hr.	
Neely	Reserve to New York	Both	2 hr. from 6:00 a.m. to 6:00 p.m. Monday through Friday	70-88

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
New York	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center	Both	3 hr. from 8:00 a.m. to 4:00 p.m. except Saturdays, Sundays, and holidays	
Nichols	Gilbert to White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
North	Dicks Street to a point 200 feet east thereof	Both	3 hr. parking from 6:00 a.m. to 6:00 p.m. Monday through Friday	1-93
Ohio	Blaine to alley south thereof	Both	3 hr.	
Ohio	Wolf to east of alley	Both	3 hr.	
Penn	Kirby to Seymour	Both	3 hr.	
Port	Perkins to south to alley	Both	3 hr.	
Port	9th to alley between 9th and 10th	West	30 min.	
Powers	Council to Gharkey	Both	3 hr.	
Rex	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center		3 hr. except Saturday, Sundays, and holidays	
Rex	Wheeling to New York	Both	2 hr. from 6:00 a.m. to 6:00 p.m. Monday through Friday	
Riverside	Wheeling to McKinley	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Rosewood	North curb line of Bethel north to termination at the rear of Northwest Plaza Shopping Center	Both	3 hr. from 8:00 a.m. to 4:00 p.m. except Saturdays, Sundays, and holidays	
Sampson	Memorial to alley north thereof	West	30 min.	201-76
Seymour	Ebright to Beacon	South	10 min.	
Seymour	High St. to Liberty St.	North	2 hr. parking Mon. thur Fri. 8:00 a.m. to 6:00 p.m. Monday through Saturday (except Sunday)	50-96

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Talley	University to Godman	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Talley Ave.	North St. to Jackson Ave.	East	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	67-96
University	Wheeling to McKinley	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
University	Reserve to Dicks	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	55-97
Walnut	N&WRR to 2nd	West	2 hrs. 8:00 a.m. to 6:00 p.m.	
Walnut	Point nine ft. from north curb line of east leg of Howard to point 54 ft. north thereof	West	10 min.	
Walnut	Willard to 9th	Both	2 hr.	
Walnut	Wysor to first alley south of Gilbert	East	2 hr.	
Walnut	9th to Willard	East	2 hrs. 8:00 a.m. to 3:00 p.m.	
Walnut	10th to Willard	West	2 hrs. 8:00 a.m. to 3:00 p.m.	
Walnut Street Plaza	Main and Howard	Both	30 min. or 1 hr.	25-87
Washington	Point 83 ft. from Mulberry to point 122 ft. from Mulberry a distance of 40 ft.	South	10 min.	
Washington	Mulberry east thereof to point 125 ft.	South	10 min. 8:30 a.m. to 4:00 p.m.	
Washington	Mulberry and Walnut	North	1 hr.	29-91
Washington	High to Walnut	South	1 hr.	15-91
Washington	Walnut to Mulberry	North	1 hr.	15-91
Willard	Council to Elliott	South	3 hr.	
Willard	Ebright to point 55 ft. west of Ebright	South	30 min.	

Street	*Restricted Zone*	*Side*	*Time Limit*	*Ord. No.*
Willard	Ebright to point 100 ft. west of Ebright	North	30 min.	
Willard	30 ft. west of Mulberry to 70 ft. west of Mulberry	South	15 min. 6:00 a.m. to 10:00 p.m.	
Windsor	Dudley to Rowan	East	15 min.	
5th	Hoyt to Elliott	South	3 hr.	
5th	Perkins to Fort	West	3 hr.	
6th	Perkins to Chevrolet Plant	Both	3 hr.	
6th	Chevrolet Plant to Perkins	Both	2 hr. 7:00 a.m. to 4:00 p.m.	
6th	Walnut to alley west of Walnut	North	15 min.	403-78
7th	Perkins to Chevrolet Plant	Both	3 hr.	
8th	Hoyt to Elliott	South	2 hr.	
8th	Penn to Macedonia	Both	3 hr.	
8th	Sampson to Perkins	South	2 hr.	
9th	Penn to Blaine	Both	3 hr.	
9th	Perkins to Pierce	Both	3 hr.	
9th	Pierce to Hoyt	North	3 hr.	
12th	Macedonia to Mock	Both	3 hr.	

(Ord. No. 27-93, § 2, 7-12-93; Ord. No. 50-96, § 1, 12-9-96; Ord. No. 67-96, § 1, 2-3-97; Ord. No. 55-97, § 1, 12-1-97; Ord. No. 9-98, 5-11-98)

SCHEDULE VI: PARKING RESTRICTED DURING CERTAIN HOURS (§ 77.26).

When signs are erected giving notice thereof, no person shall park a vehicle on any of the following streets, or parts of streets, in the city between the hours indicated:

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Adams	Madison and Franklin	Both	2:30 a.m. to 5:00 a.m.	
Abbott	Linden to New York	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	40-91
Ace	Reserve and King	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Alameda	Riverside and North	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Ashland	Wheeling and west to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Beechwood	Alameda to Linden	North	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	62-97
Beechwood	Light to Locust	North	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	62-97
Beechwood	Alameda to Light	South	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	62-97
Beck	Maddox and west to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Beckett	Tillotson and Colson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Berwyn	Briar and Meadow	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Berwyn	McKinley and Warrick	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Cade	Beckett and northeast to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Carson	Linden and New York	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	33-91
Charles	Jefferson and Franklin	Both	2:30 a.m. to 5:00 a.m.	
Coleson	Paligraf and Beckett	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Core area of central business district:				
Bounded by: Liberty Gilbert Jefferson Howard			8:00 a.m. to 6:00 p.m. (1 hr. limit, except Sunday and holidays, as posted.)	
Dicks	Riverside and West Jackson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Dill	Riverside and West Jackson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Duane	Paligraf and Maddox	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Duane	Petty and north to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Euclid	Tillotson and Maddox	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Euclid	125 ft. east of east curb line of Mann and west to dead end across Elizabeth	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Franklin	Washington and south to Seymour	Both	2:30 a.m. to 5:00 a.m.	
Franklin	Willard and Memorial	East	8:00 a.m. to 6:00 p.m. Monday, Wednesday, and Friday	
Franklin	Willard and Memorial	West	8:00 a.m. to 6:00 p.m. Tuesday and Thursday	
Gilbert St.	Linden St. and Celia	North	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	8-98

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Gilbert St.	Linden St. and Nichols Ave.	South	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Gilbert St.	Nichols Ave. and Celia Ave.	South	2 hr. parking 6:00 a.m. to 4:00 p.m. Monday through Friday	75-95
Glen	Paligraf and Lomax	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Glenellyn	Rosewood and Oakwood	North	8:00 a.m. to 4:00 p.m.	
Graceland	Main and West Jackson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Greenwood	University and West Jackson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Hempshire	Briar and Oakden	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
High	Wysor and south to Seymour	Both	2:30 a.m. to 5:00 a.m.	
Highland Ave.*	Turner St. and Brady St.	Both	10:00 p.m. to 6:00 pm	42-98
Hollywood	North curb line of Bethel north and south curb line of Cowing	Both	3 hr. parking except Sundays and holidays from 8:00 a.m. to 4:00 p.m.	
Howard	Jefferson and Franklin	Both	2:30 a.m. to 5:00 a.m.	
Howard	Walnut and first alley east of Walnut	Both	8:00 a.m. to 6:00 p.m. (One hour limit)	
Jackson	Madison and Liberty	Both	2:30 a.m. to 5:00 a.m.	
Adjacent to Jefferson Mock School		North	8:00 a.m. to 6:00 p.m.	
Jefferson	Washington and south to Seymour	Both	2:30 a.m. to 5:00 a.m.	
Jefferson	20th and 21st	East	8:00 a.m. to 4:00 p.m. Monday through Friday	201-76

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Locust	Riverside and Gilbert	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Locust	Wayne and Bethel	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Light	Riverside and Gilbert	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Lomax	Maddox and Colson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Macedonia*	Russey St. and Butler St.	Both	10:00 p.m. and 6:00 a.m.	42-98

*Note—Each resident that lives in this restricted area may receive one parking permit and one visitor's permit from the mayor's office.

Maddox	Euclid and north to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Main	Celia and Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Main	College and McKinley	Both	2:30 a.m. to 5:30 a.m.	23-87
Main	College and Nichols	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	23-87
Main	Calvert and Greenwood	South	2 hr. parking 6:00 a.m. to 6:00 p.m. Mon. through Fr.	31-95
Main	Greenwood and McKinley	North	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	31-95
Main	Madison and Liberty	Both	2:30 a.m. to 5:00 a.m.	
Mann	Euclid and Elizabeth	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Maplewood	North curb line of Bethel north and south curb line of Cowing	Both	3 hr. parking except Sundays and holidays from 8:00 a.m. to 4:00 p.m.	

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Marsh	Wheeling to New York	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	41-91
McKinley	University and Bethel	Both	2:30 a.m. to 5:00 a.m.	
Meadow	Riverside and Petty	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Meeks	North and White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Monroe	Main and Charles	West	8:00 a.m. to 6:00 p.m.	
Monroe	Washington and Charles	West	8:00 a.m. to 6:00 p.m.	
Mulberry	Gilbert and Wysor	West	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	831-82
Neely	West curb line of Linden west and east curb line of New York	Both	3 hr. parking except Sundays and holidays from 8:00 a.m. to 4:00 p.m.	
New York Ave.	Neely Ave. south 350 ft.	West	2:30 a.m. to 5:00 a.m.	40-98
New York	Riverside and Bethel	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
North	Cole and Tillotson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
North	McKinley Ave. to Dicks St.	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	55-02
North	200 feet east of Dicks to Wheeling	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	1-93
Paligraf	Tillotson and Colson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Pauline	Marsh and Carson	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Pauline	Riverside and White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Petty	Tillotson and McKinley	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Queen	Wheeling and west to dead end	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Reserve	Neely and Ace	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Reserve	Riverside and White River	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Riverside	Tillotson and McKinley	Both	2:30 a.m. to 5:00 a.m.	
Seymour	Jefferson and Franklin	Both	2:30 a.m. to 5:00 a.m.	
University	Tillotson and McKinley	Both	2:30 a.m. to 5:00 a.m.	
Walnut	Wysor and Railroad	Both	2:30 a.m. to 5:00 a.m.	
Walnut	NYCRR and Memorial	West	6:00 a.m. to 6:00 p.m.	
Walnut	12th and Willard	Both	3:00 p.m. to 6:00 p.m.	
Washington		South	8:30 a.m. to 3:30 p.m.	
Washington	Franklin and Jefferson	Both	2:30 a.m. to 5:00 a.m.	
Washington	Nichols and Calvert	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	59-97
Washington	Starting from the north/south alley west of Martin to Dicks	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	59-97
Washington	Point 3 ft. from east curb line of Mulberry and point 123 ft. from east curb line of Mulberry	South	8:30 a.m. to 4:00 p.m. (10 min. limit)	
Wayne St.	Linden and Reserve	South	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	8-92
Westwood	Briar and McKinley Addition	Both	8:00 a.m. to 6:00 p.m.	

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Westwood	Riverside and Petty Addition	Both	8:00 a.m. to 6:00 p.m.	
Willard	30 ft. west of Mulberry and 70 ft. west of Mulberry	South	10:00 a.m. to 6:00 p.m.	
Wiltshire	Briar and Meadow	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
Worth	Queen and Riverside	Both	2 hr. parking 6:00 a.m. to 6:00 p.m. Monday through Friday	
6th	Chevrolet Plant and Perkins	Both	7:00 a.m. to 4:00 p.m. (2 hr. limit)	
9th	Alley between Madison and Monroe to Monroe	Both	7:00 a.m. to 6:00 p.m.	

(Ord. No. 32-91, § 1, 11-11-91; Ord. No. 39-91, § 1, 12-2-91; Ord. No. 1-93, § 1, 3-1-93; Ord. No. 75-93, § 1, 1-3-94; Ord. No. 31-95, § 1, 7-10-95; Ord. No. 75-95, § 1, 12-11-95; Ord. No. 59-97, § 1, 12-1-97; Ord. No. 62-97, § 2, 1-5-98; Ord. No. 7-98, § 1, 5-11-98; Ord. No. 8-98, § 1, 5-11-98; Ord. No. 40-98, § 1, 9-14-98; Ord. No. 42-98, § 1, 9-14-98; Ord. No. 62-99, § 1, 1-10-99; Ord. No. 44-01, § 1, 10-1-01; Ord. No. 8-02, § 1, 4-1-02; Ord. No. 10-02, § 1, 4-1-02; Ord. No. 11-02, § 1, 4-1-02; Ord. No. 55-02, § 1, 12-2-02; Ord. No. 55-02, § 1, 12-2-02)

SCHEDULE VII: FREIGHT LOADING ZONES (§ 78.02).

The following are designed as freight loading zones:

Street	*Between*	*Side*	*Ord. No.*
Adams	YMCA driveway west of Jefferson and a point 25 ft. west thereof	South	
Calvert	Alley north of Adams St. and a point 40 ft. north thereof	West	
Dill	A point 37 feet from the north curbline of University Ave. and a point 40 feet north thereof	West	693-81
Gilbert	High and Walnut	South	76-93
High	Seymour and a point 150 ft. south of Seymour	West	
High	Victor and a point 86 ft. south of Seymour	East	
High	Point 30 ft. north of curb of Main and a point 55 ft. north curb of Main	West	
Howard	Alley between High & Walnut and a point 30 ft. east of alley between High & Walnut	North	
Jefferson	Point 20 ft. south of Jackson St. and a point 55 ft. south of Jackson St.	West	126-75
Madison	Alley north of Wysor St. and a point 62 ft. north thereof	West	
Main	Jefferson St. and a point 55 ft. west of Jefferson St.	North	
Main	Point 30 ft. east of Jefferson St. and a point 90 ft. east of Jefferson	North	403-78
Martin	University Ave. and a point 1000 ft. north thereof	West	201-76
Monroe	Alley between Washington St. & Main St. and Main St.	West	
Nichols	Charles St. and Godman Ave.	East	149-76
Sampson	Alley north of 9th St. and a point 30 ft. north thereof	West	
Walnut	Alley north of Washington St. and a point 25 ft. north thereof	East	
Walnut	30 ft. south of Jackson St. and a point 50 ft. south of Jackson St.	West	

Street	*Between*	*Side*	*Ord. No.*
Walnut	70 ft. south of Charles St. and a point 120 ft. south of Charles St.	West	
Walnut	Point 30 ft. south of Adams St. and a point 55 ft. south of Adams St.	West	
Walnut	Jackson St. and an alley south of Jackson St.	West (10 min. parcel pickup zone)	
Washington	Mulberry St. and a point 55 ft. west thereof	North	223-76
Washington	Walnut St. and a point 55 ft. thereof	North	223-76
Willard	Alley east of Mulberry and a point 31 ft. west thereof	North	100-83
W. 8th	East right-of-way curbline of Council and a point 50 feet east therefrom.	North	777-81
6th	102 ft. west of High St. and a point 128 ft. west of High St.	North	
9th	Walnut St. and the first alley east of Walnut	South	

SCHEDULE VIII: FREIGHT LOADING ZONES (§ 77.18)

The following are designed as freight loading zones:

Street	*Between*	*Side*	*Ord. No.*
Franklin	Point 60 ft. south of 5th St. and a point 90 ft. south of 5th St.	East	403-78
Gilbert	Point 30 ft. west of Brentwood Ave. and a point 125 ft. west of Brentwood Ave.		126-75
Gilbert	From west curb line of Nichols west 40 feet	North	27-87
Howard	From High Street to Alley East	North	67-88
Main	McKinley Ave. and a point 100 ft. west thereof	North (Mon. through Fri. 8:00 a.m. to 4:00 p.m.)	
Main	A point 130 ft. west of McKinley Ave. and a point 90 ft. east of College Ave.	North (Mon. through Fri. 7:30 a.m. to 5:30 p.m.	32-95
Pauline	White River Blvd. and a point 75 ft. north thereof	East	201-76
Purdue	Point 100 ft. west of Tillotson Ave. and a point 125 ft. east of Manchester Rd.	South	126-75
Sampson	11th St. and Memorial Dr. Point	East	
Vine	A point 90 ft. north of Charles St. and a point 90 ft. south of Adams St.	East	37-95
Willard	55 ft. west of Ebright St. and a point 90 ft. west of Ebright St.	South	

SCHEDULE IX: YIELD STREETS

All traffic on the preferential streets shall have the right-of-way over the traffic on the yield streets.

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Apache Pass	Chippewa Ln.	B	A	1	126-75
Audubon	Park Ln.	A	B	1	
Audubon	Royal Oak	B	A	1	
Audubon	Woodmont	B	A	1	
Azalea Ln.	Primrose Ln.	A	B	1	
Ball Rd.	Broadway	A	B	1	
Ball Ave.	Sheffield Dr.	B	A	2	
Barcelona Dr.	Essex Rd.	A	B	1	
Barcelona Dr.	Lancaster Dr.	B	A	1	
Barcelona Dr.	Oakwood Ave.	B	A	1	
Bauer St.	Manor St.	B	A	1	403-78
Bauer St.	Race St.	A	B	2	403-78
Beechwood Ave.	Chinquapin Way	B	A	1	
Beechwood Ave.	Chinquapin Way	B	A	1	
Bellaire Ave.	Princeton Ave.	A	B	2	403-78
Belmont Dr.	Concord Rd.	A	B	1	
Belmont Dr.	Revere Dr.	A	B	1	
Belmont Dr.	Salem Dr.	A	B	1	
Belmont Dr.	Winston Dr.	B	A	1	
Berkley St.	Madison St.	B	A	1	56-97
Berkshire Dr.	Hereford Dr.	B	A	1	
Berwyn Rd.	West Parkway	B	A	1	
Berwyn (west)	Meadow Ln.	B	A	1	609-80
Bethel Ave.	Centennial Ave.	B	right turning traffic from Bethel Ave.	1	
Bethel	Chadam	A	B	1	26-91

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Bethel Ave.	Tillotson Ave.	A	right turning traffic from Tillotson Ave.	2	
Biltmore Ave.	Gilbert St.	B	A	2	403-78
Biltmore Ave.	Race St.	A	B	2	403-78
Birchwood Dr.	Burr Oak Dr.	A	B	1	
Birchwood Dr.	Burton Dr.	B	A	1	
Birchwood Dr.	Garver Dr.	B	A	1	
Bittersweet Dr.	Brook Dr.	B	A	1	126-75
Bittersweet Ln.	Petty Rd.	B	A	2	
Bittersweet Ln.	Silver Ln.	B	A	1	
Bittersweet Ln.	University Ave.	B	A	2	
Bowman Ave.	Riley Rd.	B	A	1	126-75
Brentwood Ave.	University Ave.	B	A	2	
Briar Rd.	Wiltshire	A	B	2	609-80
Broadway Southbound Co. Rd.	100 E right turn onto Co. Rd. 100 E	A	B	1	403-78
Bryden Rd.	Christy Ln.	A	B	1	126-75
Bryden Rd.	Lancaster Dr.	B	A	2	126-75
Cambridge Dr.	Lancaster Dr.	B	A	1	
Cardinal Ave.	Hawthorne Dr.	B	A	1	
Cardinal Ave.	Bierwood Way	A	B	1	
Carver Dr.	Faulkner Ct.	A	B	1	
Carver Dr.	Marion Ct.	A	B	1	
Chelsey Dr.	Hereford Dr.	B	A	1	
Chelsey Dr.	Redding Rd.	B	A	1	
Chinquapin Way	Gilbert St.	A	B	2	

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Chinquapin Way	Laurel Oak	A	B	1	609-80
Chinquapin Way	University Ave.	A	B	2	
Christy Ln.	Lancaster Dr.	A	B	1	126-75
Christy Ln.	Timber Ln.	B	A	1	126-75
Christy Ln.	Village Dr.	A	B	1	126-75
Christy Ln.	Vienna Woods Dr.	B	A	1	223-76
Colbert Dr.	Linda Ln.	B	A	1	223-76
Cole Ave.	North St.	A	B	1	
Colson Dr.	Paligraf Dr.	A	B	1	
Concord Rd.	Winston Dr.	B	A	1	
Court St.	Dunn Ave.	B	A	1	
Delawanda Ave.	Gilbert St.	B	A	2	403-78
Delawanda Ave.	Manor St.	B	A	1	403-78
Delawanda Ave.	Race St.	A	B	2	403-78
Dunn Ave.	Locust St.	A	B	1	
Earl St.	Hollywood Ave.	B	A	1	
Earl St.	Just-a-Mere Dr.	B	A	1	
East Parkway	South Park-way	A	B	1	
Edgewood Rd.	Gilbert St.	B	A	2	403-78
Edgewood Rd.	Manor St.	B	A	1	403-78
Edgewood Rd.	Race St.	A	B	2	403-78
Elsie St.	Linden St.	A	B	1	
Essex Rd.	Sheffield Dr.	B	A	1	
Ewing St.	Hemlock St.	A	B	1	403-78
Ewing St.	Marigold St.		A	1	403-78

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Franklin St.	High St.	A	left turning traffic from High St.	1	
Garnet Ave.	Waid St.	A	B	1	403-78
Garver Dr.	Redwood Dr.	A	B	2	
Gatewood Ln.	Greenbriar Rd.	A	B	1	
Gatewood Ln.	University Ave.	B	A	1	
Gibson Ct.	Tacoma Ave.	B	A	1	
Gilbert St.	Holland St.	A	B	2	403-78
Gilbert St.	Waldemere Ave.	A	B	2	403-78
Gilbert St. westbound	Mulberry St. loop	B	A	1	403-78
Gilbert St.	Ridge Rd.	A	B	1	
Gishler Rd.	Queensbury Rd.	B	A	1	
Gishler Rd.	Twickingham Dr.	B	A	1	
Grace Ct.	Tacoma Ave.	B	A	1	
Greenbriar Rd.	University Ave.	B	A	1	
Godfrey Ave.	Quilling Dr.	B	A	1	
Haines Dr.	Linda Ln.	B	A	1	
Hartford Ave.	Howard Ave.	B	A	2	403-78
Hartford Ave.	Princeton Ave.	B	A	2	403-78
Hartford Ave.	Pauline Ave.	A	B	2	
Hawthorne Dr.	Woodway Dr.	A	B	2	
Hereford Dr.	Twickingham Dr.	B	A	1	
High	Gilbert	A	B	1	644-80
High	Seymour	A	B	1	609-80
Hollywood Ave.	Quilling Dr.	B	A	1	

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Imperial Ln.	Mitchell Ct.	A	B	1	
Imperial Ln.	Waldemere	A	B	1	
Jackson St.	Jackson St. extended (near Wolf St.)	A	B	1	126-75
Janney Ave.	Sheffield Dr.	B	A	2	
Johnson Cir.	Mansfield St.	A	B	1	
Lancaster Dr.	Manchester Rd.	B	A	1	
Lancaster Dr.	Redding Rd.	A	B	1	
Lancaster Dr.	Sheffield Dr.	A	B	1	
Lancaster Dr.	Surrey Dr.	A	B	1	
Lancaster Dr.	Village Dr.	A	B	1	126-75
Liberty St.	Waid Ave.	B	A	1	
Liberty St.	Streeter Ave.	B	A	1	
Lincolnshire Dr.	Redding Rd.	B	A	1	
Lomax Ave.	Maddox Dr. & Glen Terrace	B	A	1	149-76
Louis Ct.	Vernon Dr.	B	A	1	223-76
Macedonia Ave.	Manor St.	A	B	1	
MacKenzie Ave.	Taft Rd.	A	B	1	201-76
Manchester Rd.	Purdue Rd.	B	A	1	
Manchester Rd.	Wellington Dr.	B	A	1	
Manngrove Ln.	Wysor St.	B	A	1	596-80
Manning	Cromer	A	B	2	693-81
Manor St.	Waldemere Ave.	A	B	1	403-78
Meadow Ln.	Oakden	A	B	1	609-80
Meadow Ln.	Wiltshire	A	B	1	609-80

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Mulberry St.	Victor St.	B	A	1	
New York Ave.	Sheffield Dr.	A	B	2	
Nichols north-bound right onto White River Blvd.	White River Blvd.	A	B	1	403-78
Noel Dr.	Normandy Dr.	B	A	1	
Northfield Dr.	Rosewood	B	A	1	
Northfield Dr.	Woodmont	B	A	1	
Norwood Dr.	Royal Oak	A	B	1	
Norwood Dr.	Timberland Dr.	B	A	2	126-75
Norwood Dr.	Vernon Dr.	B	A	1	223-76
Norwood Dr.	Vienna Woods Dr.	B	A	2	223-76
Oakwood Ave.	Purdue Rd. south	A	B	1	
Oakwood Ave.	Purdue Rd. north	A	B	1	
Oakwood Ave.	Sheffield Dr.	Oakwood so. approach B	Oakwood no. approach A		
Park Ln.	Royal Oak	B	A	1	
Parkway left turn onto Woodbridge Ave.	Woodbridge Ave.	B	A	1	
Parkway Dr.	Woodbridge Ave. right turn onto Parkway Dr.	A	B	1	
Purdue Rd.	Sheridan Dr.	A	B	1	
Purdue Rd.	Tillotson Ave.	A	B	1	
Queensbury Rd.	Redding Rd.	A	B	2	
Queensbury Rd.	Tillotson Ave.	B	A	1	
Rambler Rd.	Woodway Dr.	A	B	1	

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
Rector Ave.	Waid Ave.	B	A	2	
Redding Rd.	Woodward Dr.	A	B	1	
Richmond Dr.	Winston Dr.	B	A	1	
Riley Rd. northbound turn onto University Ave.	University Ave.	B	A	1	223-76
Riley Rd. southbound right turn onto University Ave.	University Ave.	B	A	1	223-76
Royal Oak Dr.	Woodmont Dr.	B	A	1	223-76
Silver Ln.	Willow Rd.	A	B	1	
Sheridan Dr.	Woodward Dr.	A	B	1	
South Parkway	West Parkway	B	A	1	
University Ave.	Vierwood Way	A	B	1	
University Ave.	Wildwood Ln.	A	B	1	
Vienna Woods Dr.	Woodmont Dr.	A	B	1	223-76
Waid Ave.	Princeton Ave.	A	B	2	403-78
Wiltshire (No.)	Wiltshire (So.)	B	A	1	609-80
8th St.	Mills St.	A	B	1	
11th St.	Blaine St.	B	A	1	
14th St.	13th St., 14th eastbound	A	B	1	201-76
15th St.	High St.	A	B	1	609-80
17th St.	Sampson Ave.	A	B	1	
20th St.	Grant St.	A	B	2	
21st St.	Grant St.	B	A	1	
24th St.	Grant St.	B	A	1	
26th St.	Opechee Dr.	A	B	1	

Street A	*Street B*	*Preferential Street*	*Yield Street*	*Number of Signs*	*Ord. No.*
27th St.	Opechee Dr.	A	B	1	
27th St.	Penn St.	B	A	2	
32nd St.	Elright St.	B	A	1	
32nd St.	Larry Ln.	A	B	1	

(Ord. No. 5-93, § 1, 3-1-93; Ord. No. 23-93, § 1, 7-12-93; Ord. No. 26-95, § 1, 7-10-95; Ord. No. 56-97, § 1, 12-1-97)

SCHEDULE X: NO TURN ON RED (§ 70.17).

When signs are erected giving notice thereof, no person facing a steady red signal indication shall make a turn at the following intersections as indicated:

Approach Street	*Approach Intersecting Street*	*Direction of Flow*	*Direction of Turn*	*Ord. No.*
Adams St.	Mulberry St.	Westbound	Right	
Adams St.	Walnut St.	Westbound	Left	
Batavia Ave.	8th St.	Northbound	Right	
Broadway	McGalliard Rd.	Northbound	Right	
Broadway	McGalliard Rd.	Northbound	Right	
Broadway	McGalliard Rd.	Southbound	Right	126-75
Burlington Dr.	Macedonia-Ohio Ave.	Northwest bound	Right	
Centennial Ave.	Wheeling Ave.	Eastbound	Right	
Centennial Ave.	Wheeling Ave.	Westbound	Right	
Charles St.	Walnut St.	Eastbound	Right	
Franklin St.	High St. bound	Northeast	Right	126-75
Franklin St.	Main St.	Northbound	Left	149-76
Granville Ave.	Walnut St.	Southwest bound	Right	
High St.	Jackson St.	Southbound	Left	149-76
Jackson St.	High St.	Eastbound	Right	149-76
Jackson St.	Jefferson St.	Eastbound	Right	
Jackson St.	Kilgore Ave.	Eastbound	Right	
Jackson St.	Walnut St.	Eastbound	Right	
Jackson St.	White River Blvd.	Eastbound	Right	
Jefferson St.	Charles St.	Southbound	Left	
Jefferson St.	Jackson St.	Southbound	Left	
Jefferson St.	Main St.	Southbound	Right	
Kilgore Ave.	Jackson St.	Northeast bound	Right	
Kilgore Ave.	Jackson St.	Southwest bound	Right	

Approach Street	*Approach Intersecting Street*	*Direction of Flow*	*Direction of Turn*	*Ord. No.*
Kilgore Ave.	Jackson St.	Southwest bound	Left	
Kilgore Ave.	Tillotson Ave.	Westbound	Right	
Kirby Ave.	Macedonia-Ohio	Eastbound	Right	
Liberty St.	Charles St.	Northbound	Right	
McCulloch Blvd.	Walnut St.	Westbound	Right	
McGalliard Rd.	Granville Ave.	Eastbound	Right	
McGalliard Rd.	Granville Ave.	Westbound	Right	
McGalliard Rd.	Tillotson Ave.	Eastbound	Right	403-78
McGalliard Rd.	Wheeling Ave.	Eastbound	Right	126-75
McGalliard Rd.	Wheeling Ave.	Westbound	Right	
McKinley Ave.	Neely Ave.	Northbound	Right	
McKinley Ave.	Petty Rd.	Southbound	Right	
McKinley Ave.	Riverside Ave.	Northbound	Right	
McKinley Ave.	Riverside Ave.	Southbound	Right	
McKinley Ave.	University Ave.	Northbound	Right	
McKinley Ave.	University Ave.	Southbound	Right	
Madison St.	Adams St.	Southbound	Right	
Madison St.	Charles St.	Northbound	Right	
Madison St.	Jackson St.	Northbound	Right	
Madison St.	Main St.	Southbound	Right	
Madison St.	29th St.	Northbound	Right	
Main St.	Franklin St.	Westbound	Right	149-76
Main St.	Jefferson St.	Westbound	Left	
Main St.	Madison St.	Westbound	Right	
Martin St.	University Ave.	Northbound	Right	
Martin St.	University Ave.	Southbound	Right	
Minnetrista Blvd.	Walnut St.	Eastbound	Right	
Mulberry St.	Washington St.	Northbound	Right	
Neely Ave.	McKinley Ave.	Westbound	Right	

Approach Street	*Approach Intersecting Street*	*Direction of Flow*	*Direction of Turn*	*Ord. No.*
Nichols Ave.	Kilgore Ave.	Southbound	Right	
Ohio Ave.	Jackson St.	Northbound	Right	
Ohio Ave.	Burlington-Kirby	Southeast bound	Right	
Ohio Ave.	Main St.	Southbound	Right	
Petty Rd.	McKinley Ave.	Eastbound	Right	
Riverside Ave.	McKinley Ave.	Eastbound	Right	
Riverside Ave.	McKinley Ave.	Westbound	Right	
Tillotson Ave.	Jackson St.	Northbound	Right	403-78
Tillotson Ave.	Jackson St.	Southbound	Right	
University Ave.	Martin St.	Eastbound	Right	
University Ave.	Martin St.	Westbound	Right	
University Ave.	McKinley Ave.	Eastbound	Right	
University Ave.	McKinley Ave.	Westbound	Right	
Walnut St.	Adams St.	Southbound	Right	
Walnut St.	Charles St.	Southbound	Left	
Walnut St.	Granville-McCulloch-Minnetrista	Northbound	Right	
Walnut St.	Granville-McCulloch-Minnetrista	Southbound	Right	
Walnut St.	Jackson St.	Southbound	Left	
Walnut	23rd	Eastbound	Right	80-89
Wheeling Ave.	McGalliard Rd.	Northbound	Right	403-78
Wheeling Ave.	McGalliard Rd.	Southbound	Right	403-78
Wheeling Ave.	North St. & White River Blvd.	Southeast bound	Right	
Willard St.	Walnut St.	Eastbound	Right	
Willard St.	Walnut St.	Westbound	Right	
Wysor St.	High St.	Southwest bound	Right	126-75
Wysor St.	Madison St.	Eastbound	Right	
Wysor St.	Walnut St.	Eastbound	Right	

Approach Street	*Approach Intersecting Street*	*Direction of Flow*	*Direction of Turn*	*Ord. No.*
Wysor St.	Walnut St.	Westbound	Right	

SCHEDULE XI: RESTRICTED TURNS

Intersection	*Restricted* Turn	Movement	Time	*Ord.* No.
Bethel Ave. and Wheeling Ave.	Left	Eastbound		
Granville Ave. and McGalliard Rd.	Left	Southbound	All times	
Macedonia Ave. and 24th St.	Left	Northbound	Mon. thru Fri. 2:30 p.m. to 3:00 p.m.	403-78
Yale Ave., Rosebud Ave. and Wheeling (Ord. No. 10-98, § 1, 5-11-98)	Left	Westbound	All times	

SCHEDULE XII: PUBLIC CARRIER STANDS (§ 77.20).

The following are designated as public carrier stands:

Street	*Between*	*Side*	*Public Carrier*
9th	Point 155 ft. east of Madison St. east r/w line and a point 300 ft. east of Madison St. east r/w line.	South	Bus

SCHEDULE XIII: WEIGHT LIMITS ON CERTAIN STREETS (§ 78.03)

When signs are erected giving notice thereof, no person shall operte any vehicle having a gross weight which exceeds that specified on any of the following streets:

Street	*Between*	*Weight Limit*	*Ord. No.*
Adams St.	Kilgore Ave. and Liberty St.	3 tons	
Ault Ave.	Centennial and Waid St.	3 tons	542-79
Ball Ave.	Bethel Ave. and dead end north of Cowing Ave	3 tons	403-78
Ball Rd.	Broadway and Walnut St.	3 tons	
Beacon St.	Memorial Dr. and 29th St.	3 tons	
Beckett	Tillotson and Colson	3 tons	609-80
Bennett St.	Centennial Ave. to Jackson St. (St. Rd. 32 East)	3 tons	57-97
Berkley	Reserve and Milton	3 tons	104-83
Burlington Dr.	Memorial Dr. and Macedonia Ave.	3 tons	223-76
Clark St.	Memorial Dr. and 7th St.	3 tons	
Charles St.	Kilgore Ave. and Liberty St.	3 tons	
Cherokee Rd.	26th St. and Chippewa Ln.	3 tons	
Chippewa Ln.	Meeker Ave. and Maumee Ave.	3 tons	
Colson	Beckett and Paligraf	3 tons	609-80
Cowing Dr.	Wheeling Ave. and Rosewood Ave.	3 tons	
Daly St.	Memorial Dr. and 8th St.	3 tons	
Dudley Ave.	Koontz Ave. and Windsor St.	3 tons	223-76
Ebright St.	Memorial Dr. and 29th St.	3 tons	
Elm St.	Wysor St. and Highland Ave.	3 tons	
Gilman St.	Memorial Dr. and 26th St.	3 tons	
Glenwood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Grant Ave.	Memorial Dr. and 26th St.	3 tons	
Hackley St.	Washington St. Kenmore Add. Layne Crest Add., and Wysor St.	3 tons	
Highland Ave.	Elm St. and Walnut St.	3 tons	403-78
Highland Ave.	Broadway and Gavin St.	3 tons	149-76
Hollywood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Janney Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Jefferson	20th and 23rd	3 tons	665-80

Street	*Between*	*Weight Limit*	*Ord. No.*
Liberty	Roosevelt and dead end of Streeter Ave.	3 tons	601-80
Manhatten Ave.	Memorial and 16th St.	3 tons	10-89
Maplewood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Maumee Ave.	Cherokee Rd. and Chippewa Ln.	3 tons	
May Ave.	Burlington Dr. and Memorial Dr.	3 tons	
McCullough Blvd.	Walnut St. and Broadway	3 tons	
Meeker Ave.	Memorial Dr. and 23rd St.	3 tons	
Meeker Ave.	8th and Burlington	3 tons	25-89
Memorial Dr.	Batavia Ave. and Clark St.	3 tons	
Milton	McGalliard and Berkley	3 tons	104-83
Minnetrista Blvd.	Wheeling Ave. and Walnut St.	3 tons	
Mock Ave.	Memorial Dr. and 26th St.	3 tons	
Mulberry	20th and 23rd	3 tons	665-80
New York Ave.	Bethel Ave. and dead end of New York Ave. North of Cowing Dr.	3 tons	
Oakwood	McGalliard and Purdue	3 tons	104-83
Oakwood	Purdue and Wheeling	3 tons	104-83
Opechee Dr.	Maumee Ave. and Chippewa Ln.	3 tons	
Paligraf	Tillotson and Colson	3 tons	609-80
Pauline Ave.	McGalliard Rd. to Waid Ave.	3 tons	41-98
Penn St.	26th St. and 29th St.	3 tons	
Princeton	Broadway and dead end	3 tons	665-80
Reserve	McGalliard and Berkley	3 tons	104-83
Ribble Ave.	Willard St. and Memorial Dr.	3 tons	403-78
Riverside Ave.	Wheeling Ave. and Jackson St.	3 tons	
Rochester St.	Memorial Dr. and 19th St.	3 tons	
Rosewood Ave.	Bethel Ave. and south line of Northwest shopping center	3 tons	
Streeter Ave.	Buckles St. and dead end of Liberty St.	3 tons	601-80
Streeter Ave.	Granville Ave. and Walnut Street	3 tons	41-01
Tillotson Ave.	Kilgore Ave. and Bethel Ave.	3 tons	

Street	*Between*	*Weight Limit*	*Ord. No.*
Vine	Memorial and 18th	3 tons	644-80
Weber Dr.	Wheeling Ave. and New York Ave.	3 tons	
Wheeling Ave.	Wysor St. and McGalliard Rd.	3 tons	
White River Blvd.	Tillotson Ave. and Wheeling Ave.	3 tons	
Windsor St.	Dudley Ave. and Burlington Dr.	3 tons	223-76
6th St.	Rochester St. and Perkins St.	3 tons	601-80
7th St.	Clark St. and Batavia Ave.	3 tons	
8th St.	Madison St. and Macedonia Ave.	3 tons	223-76
8th St.	Ribble Ave. and May Ave.	3 tons	
9th St.	Madison St. and Hackley St.	3 tons	403-78
9th St.	Port Ave. and Batavia Ave.	3 tons	223-78
13th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
14th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
16th St.	Macedonia Ave. and Mock Ave.	3 tons	
17th St.	Gharkey and Hoyt	3 tons	601-80
18th St.	Mock Ave. and Macedonia Ave.	3 tons	
21st St.	Macedonia Ave. and Blaine St.	3 tons	
25th St.	Macedonia Ave. and Mock Ave.	3 tons	
26th St.	Mock Ave. and Hackley St.	3 tons	
26th St.	Meeker Ave. and Chippewa Ln.	3 tons	
27th St.	Meeker Ave. and Chippewa Ln.	3 tons	

SCHEDULE XIV: BUS ZONES (§§ 77.21, 77.22).

The following are designated as bus zones:

Street	*Between*	*Side*	*Type*	*Ord. No.*
Adams St.	Mulberry St. and High St.	North	City bus	
Bethel Ave.	1040 ft. west of the west curb line of McKinley Ave. and a point 40 ft. west thereof	North		149-76
Columbus Ave.	Jefferson St. and alley east of Jefferson St.	South	Church bus	126-75
Daly St.	8th St. and 9th St.	West	School bus	
McKinley Ave.	20 ft. north of north curb line of Ashland Ave. and a point 40 ft. north thereof	West		149-76
McKinley Ave.	280 ft. north of north curb line of Riverside Ave. and a point 40 ft. north thereof	West		149-76
McKinley Ave.	400 ft. north of north curb line of Riverside Ave. and a point 40 ft. north thereof	East		149-76
McKinley Ave.	250 ft. south of south curb line of Neeley Ave. and a point 40 ft. south thereof	East		149-76
McKinley Ave.	380 ft. north of north curb line of Neeley Ave. and a point 120 ft. north thereof	East		149-76
McKinley Ave.	435 ft. north of north curb line of Neeley Ave. and a point 120 ft. north thereof	West		149-76
McKinley Ave.	1830 ft. northwest of north curb line of Neeley Ave. and a point 40 ft. northwest thereof	Southwest		149-76
McKinley Ave.	1830 ft. north of north curb line of Neeley Ave. and a point 40 ft. northwest thereof	Northeast		149-76
McKinley Ave.	220 ft. south of south curb line of Bethel Ave. and a point 40 ft. south thereof	Both		149-76
Reserve St.	90 ft. north of north curb line of University Ave. and a point 40 ft. north thereof	East	149-76	

Street	*Between*	*Side*	*Type*	*Ord. No.*
Reserve St.	20 ft. south of south curb line of Riverside Ave. and a point 40 ft. south thereof	East		149-76
Riverside Ave.	110 ft. east of east curb line of Meadow Dr. and a point 40 ft. east thereof	North		149-76
Riverside Ave.	30 ft. west of west curb line of Calvert St. and a point 40 ft. east thereof	North		149-76
Riverside Ave.	40 ft. west of west curb line of Locust St. and a point 40 ft. west thereof	North		149-76
Riverside Ave.	20 ft. east of east curb line of Linden St. and a point 40 ft. east thereof	North		149-76
Riverside Ave.	20 ft. east of east curb line of Pauline Ave. and a point 40 ft. east thereof	North		149-76
Tillotson Ave.	760 ft. north of north curb line of Bethel Ave. and a point 40 ft. north thereof	East		149-76
University Ave.	50 ft. west of west curb line of Calvert St. and a point 40 ft. west thereof	South		149-76
University Ave.	705 ft. east of east curb line of Cole St. and a point 80 ft. east thereof	South	City bus	
University Ave.	260 ft. east of east curb line of Talley Ave. and a point 85 ft. east thereof	South	City bus	

SCHEDULE XV: TAXICAB ZONES (§§ 77.21, 77.22).

The following are designated as taxicab zones:

Street	*Between*	*Side*	*Ord. No.*
Charles St.	Point 30 ft. west of Walnut St. and a point 75 ft. west of Walnut St.	South	

SCHEDULE XVI: AUTOMATIC TRAFFIC SIGNALS (§§ 70.17, 70.18, 70.19)

The following intersections are controlled by automatic traffic signals:

Street A	*Street B*	*Major Street*	*Number of Signs*	*Ord. No.*
5th St.	Perkins	B	0	734-81
7th St.	Elliott St.	B	0	665-80
8th St.	Batavia Ave.	B	2	
8th St.	Hoyt Ave.	B	1	
8th St.	Perkins Ave.	B	1	
8th St.	Walnut St.	B	2	
8th St. at	Chevrolet Plant	A	1	
9th St.	Madison St.	B	2	
15th St.	Madison St.	B	2	
15th St.	Walnut St.	B	2	9-89
18th St.	Macedonia Ave.	B	2	
18th St.	Madison St.	B	2	
21st St.	Madison St.	B	2	
23rd St.	Walnut	B		25-88
26th St.	Macedonia Ave.	B	2	
26th St.	Madison St.	B	2	
28th St./ 29th St.	Madison St.	B	2	8-89
29th St.	Macedonia	A	2	22-89
Adams St.	Hackley St.	B	2	19-89
Adams St.	High St.	B	2	
Adams St.	Liberty St.	A	2	
Adams St.	Madison St.	B	3	
Adams St.	Mulberry St.	B	2	
Adams St.	Walnut St.	B	2	
Barr St.	McGalliard Rd.	B	2	11-98
Batavia Ave. (SR #32)	Kilgore Ave.	B	2	
Batavia Ave.	Memorial Dr.	B	2	
Bethel Ave.	McGalliard Rd.	B	2	24-89
Bethel Ave.	McKinkley	A	0	734-81

Street A	*Street B*	*Major Street*	*Number of Signs*	*Ord. No.*
Bethel Ave.	Tillotson Ave.	B	2	
Bethel Ave.	North Side Middle School	A	2	9-02
Brady St.	Centennial Ave.	B	2	403-78
Broadway (SR #3 SR 67)	Centennial Ave.	A	2	
Broadway (SR #3 SR 67)	Depauw Co. Rd	A	2	403-78
Broadway (SR #3 SR 67)	Highland Ave.	A	2	
Broadway (SR #3 SR 67)	McGalliard Rd.	A	2	
Burlington Dr.	Memorial Dr.	B	2	
Celia Ave.	Jackson St.	B	1	
Centennial Ave.	Wheeling Ave.	B	2	
Centennial Ave.	Walnut St.	B	2	
Charles St.	Hackley St.	A	1	
Charles St.	High St.	B	2	
Charles St.	Liberty St.	A	2	
Charles St.	Madison St.	B	2	
Charles St.	Mulberry St.	A	2	
Charles St.	Walnut St.	B	2	
Cowan Rd. & Port	Hoyt Ave.	A	1	
Elm St.	Wysor St.	B	2	
Euclid Ave.	Tillotson Ave.	B	2	
Franklin St.	Jackson St.	B	2	
Franklin St.	High St. & Wysor St.	B	2	
Franklin St.	Main St.	B	2	
Franklin St.	Washington St.	B	2	
Gharkey St.	Memorial Dr.	B	2	
Gilbert St.	Tillotson Ave.	B	2	7-89
Gilbert St.	Walnut St.	A	2	
Godman Ave,	Tillotson Ave.	B	1	

Street A	*Street B*	*Major Street*	*Number of Signs*	*Ord. No.*
Granville Ave., Minnestrista Blvd.	Walnut St.	B	2	
Granville Ave.	McGalliard Rd.	B	2	
Granville Ave.	Centennial	A	2	779-81
Hackley St. & Kirby Ave.	Kirby Ave.	B	2	
Hackley St.	Memorial Dr.	B	2	
Hackley St.	Willard St.	B	1	
High St.	Howard St.	A	2	
High St.	Jackson St.	B	2	
High St.	Main St.	B	2	
High St.	Washington St.	A	2	
Howard St.	Mulberry St.	B	2	
Hoyt Ave.	Memorial Dr.	B	2	
Hoyt Ave.	Willard St.	B	1	
Jackson St.	Jefferson St.	A	2	
Jackson St.	Kilgore Ave.	B	2	
Jackson St.	Liberty St.	A	2	
Jackson St.	Madison St.	A	3	
Jackson St.	Meadows Dr.	A	2	223-76
Jackson St.	Mulberry St.	A	2	
Jackson St.	McKinley Ave.	A	2	
Jackson St.	Nichols Ave.	A	1	
Jackson St.	Ohio Ave.	A	2	
Jackson St.	Tillotson Ave.	B	2	
Jackson St.	Walnut St.	A	2	
Jackson St.	White River Blvd.	A	2	
Jefferson St.	Main St.	B	2	
Kilgore Ave.	Perdieu Rd.	A	2	403-7
Kilgore Ave.	Tillotson Ave.	A	2	
Kilgore Ave. at	Main Gate, Warner Gear Plant No. 3	A	2	

Street A	*Street B*	*Major Street*	*Number of Signs*	*Ord. No.*
Kilgore Ave. at	West Gate, Warner Gear Plant No. 3	A	2	
Kirby Ave.	Madison St.	B	2	
Liberty St.	Main St.	B	2	
Liberty St.	Memorial Dr.	B	2	
Macedonia Ave.	Memorial Dr.	B	2	
Macedonia Ave. at	Grissom School	A	2	
Madison St.	55 ft. north of 2nd St.	A	2	149-76
Madison St.	Main St.	B	3	
Madison St.	Memorial Dr.	A	2	
Madison St.	Washington St.	A	3	
Madison St.	Willard St.	A	2	
Madison St.	Wysor St.	A	2	
Main St.	Mulberry St.	A	2	
Main St.	Ohio Ave.	A	2	
Main St.	Walnut St.	A	2	
Martin Ave.	University Ave.	B	1	
Martin Luther King Jr. Blvd	Tillotson	B	1	22-89
McGalliard Rd.	At Muncie Mall South Entrance	A	2	22-89
McGalliard Rd.	Oakwood Ave.	A	2	
McGalliard Rd.	Rosewood Ave.	A	1	23-95
McGalliard Rd.	Tillotson Ave.	A	2	126-75
McGalliard Rd.	Wheeling Ave.	A	2	
McGalliard Rd.	Walnut St.	A	2	
McKinley Ave.	Neely Ave. & Petty Rd.	A	2	
McKinley Ave.	Riverside Ave.	B	1	
McKinley Ave.	University Ave.	B	1	
Meeks Ave. & Washington	White River Blvd.	B	1	
Memorial Dr.	Port Ave.	A	2	

Street A	*Street B*	*Major Street*	*Number of Signs*	*Ord. No.*
Memorial Dr. at	Sutton School	A	2	
Memorial Dr.	Walnut St.	A	2	
Minnestrista/ Parkway	Wheeling	B		26-88
Mulberry St.	Washington St.	B	2	
New York	Riverside	B		936-82
Nichols Ave.	White River Blvd.	A	2	201-76
North St. & White River Blvd.	Wheeling Ave. & High St.	B	2	
Reserve St.	University Ave.	B	1	
Riggin Rd.	Wheeling Ave.	B	2	
Riverside Ave.	Tillotson Ave.	B	2	
Riverside Ave.	Wheeling Ave.	B	1	
Tillotson	Gilbert	A		49-83
Tillotson Ave.	University Ave.	A	2	
Tillotson Ave.	White River Blvd.	A	2	
University Ave. at	Ball State			
	University	A	2	
	Student Center			
University Ave. at	Burris School	A	2	
Walnut St.	Columbus St.	A	1	903-82
Walnut St.	Washington St.	A	2	
Walnut St.	Willard St.	A	2	
Walnut St.	Wysor St.	A	2	

(Ord. No. 30-95, § 1, 7-10-95; Ord. No. 61-97, § 1, 12-1-97; Ord. No. 43-98, § 1, 9-14-98)

SCHEDULE XVII: SPEED LIMIT ZONES (§ 72.16).

The following are designated as speed limit zones:

Street A	*Between*	*Speed Limit*	*Times*	*Ord. No.*
Bethel Ave.	McGalliard Rd. and Everett Rd.	40		
Broadway	Wysor St. and Dartmouth Ave.	40	All	126-75
Clarksdale	Riverside to dead end	15	When children present	635-80
McGalliard Rd.	Tillotson Ave. and Granville Ave.	40		
McGalliard Rd.	Tillotson Ave. and a point 1,000 ft. east thereof	20		
Madison St.	Walnut St. and 28th St.	45	All	126-75
Martin Luther King, Jr. Blvd.	Tillotson Ave. and Cornbread Rd.	40	All	18-86
River Rd.	Tillotson Ave. and Hawthorne Dr.	40	All	51-94
Rochester Ave.	Memorial Dr. and 15th St.	20	All	233-76
Varsity Avenue	Godman and Oaklyn	20	All	11-03
Wheeling	McGalliard and Riggin	40	All	58-86
15th St.	Rochester Ave. west to dead end	20	All	223-76
17th St.	Hoyt and Gharkey	20	All	644-80
SR 32	1,000 feet east of the centerline of County Club Rd. to a point 200 feet east of the centerline of Grande Ave. (appx. 3919 feet)	50	All	DOT #3094084
	200 feet east of the centerline of Grande Ave. to a point 50 feet west of Manhattan Ave. (appx. 3816 feet)	45	All	DOT #3094084

(Ord. No. 51-94, § 1, 10-3-94)

SCHEDULE XVIII: LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS (§ 78.04).

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified herein at any time on any of the following streets or parts of streets:

Street	*Between*	*Load Restrictions*	*Ord. No.*
Jefferson St.	Wysor St. and the dead end north of Myrtle Ave.	3 tons	
Manville Rd.	Memorial Dr. and 15th St.	3 tons	
Manning Ave.	Ethel Ave. and Jackson St.	3 tons	
9th St.	High St. and Liberty St.	3 tons	403-78

SCHEDULE XIX: DESIGNATED BICYCLE PATHS (§ 74.15).

The following streets are designated as having bicycle paths:

Street	*Between*	*Location*	*Side*	*Ord. No.*
Alameda Ave.	North St. and Riverside Ave.	On street	Both	403-78
Ball Rd.	Broadway and a point 1300 ft. east	On street	South	165-76
McCulloch Blvd.	Elm St. and Broadway	On street	South	165-78
McCulloch Blvd.	Walnut St. and Elm St.	On shoulder	South	165-76
McKinley Ave.	University Ave. and Petty Rd.	On street	Both	165-76
McKinley Ave.	University Ave. and LaFollette Dr.			
Minnetrista Blvd.	Wheeling Ave. and Walnut St.	On street	South	165-76
River Rd.	Hawthorne Dr. and Tillotson Ave.	On shoulder	South	165-76
Riverside Ave.	Alameda Ave. and Wheeling Ave.	On street	Both	403-78
Wheeling Ave.	Riverside Ave. and Minnetrista Blvd.	on street	Both	403-78
White River Blvd.	Tillotson Ave. and High St.	On shoulder	South	165-78

SCHEDULE XX: NO STOPPING, STANDING OR PARKING (§ 77.28)

The following streets, or parts of streets, are hereby designated as no stopping, standing, or parking zones.

Street	*Between*	*Side*	*Times*	*Ord. No.*
Center St.	Second St. and Third St.	West	All	53-02
Elm St.	First St. and Third St.	East	All	53-02
Gilbert St.	Mulberry St. and High St.	Both	All	
High St.	Wysor and Jackson	Both		55-95
High St.	Jackson and Seymour	West		55-95
High St.	Howard and Seymour	East		55-95
Jefferson St.	First St. and Third St.	West	All	53-02
Mulberry St.	Seymour St. and Gilbert St.	Both	All	
Seymour St.	High St. and Mulberry St.	Both	All	

(Ord. No. 55-95, § 1, 9-11-95)

SCHEDULE XXI: PARCEL PICKUP ZONES (§ 77.29).

The following are designated as parcel pickup zones:

Street	*Between*	*Side*	*Time Limit*	*Ord. No.*
Willard St.	Point 20 ft. east of Center St. and a point 55 ft. east of Center St.	North	10 min.	403-78

SCHEDULE XXII: RESIDENTS EXEMPT FROM TWO-AND THREE-HOUR PARKING RESTRICTIONS (§ 77.32)

Riverside Normal City Residential Neighborhood. Riverside Normal City Residential Neighborhood permit parking zone shall apply to the following streets:

Street	*From*	*To*	*Side*	*Ord. No.*
Abbott St.	New York Ave.	Wheeling Ave.	North/South	9-95
Rex St.	New York Ave.	Wheeling Ave.	North/South	9-95
Marsh St.	New York Ave.	Wheeling Ave.	North/South	9-95
Neely Ave.	New York Ave.	Wheeling Ave.	North/South	9-95
Locust Ave.	Neely Ave.	Bethel Ave.	East	9-95
Linden St.	Neely Ave.	Bethel Ave.	West	9-95
Carson St.	New York Ave.	Reserve St.	East/West	
Wayne St.	Linden St.	Reserve St.	East/West	
Locust St.	Wayne St.	Neely Ave.	East	
Linden St.	Wayne St.	Neely Ave.	West	
Reserve St.	Ace St.	Neely Ave.	East/West	
Ace. St.	Reserve St.	King St.	North/South	
Queen St.	Dead End	Wheeling	North/South	
Alameda Ave.	Riverside Ave.	Queen St.	East	
Beechwood Ave.	Light St.	Alameda Ave.	North/South	
Ashland Ave.	Dead End	Wheeling Ave.	North/South	
University Ave.	Dicks St.	Reserve St.	North/South	
University Ave.	Reserve St.	North St.	South	
North St.	McKinley Ave.	Martin St.	North/South	
North St.	Dicks St.	Wheeling Ave.	North/South	
Gilbert St.	McKinley Ave.	Dicks St.	South	
Gilbert St.	Dicks St.	Linden St.	North/South	
Washington St.	McKinley Ave.	Greenwood Ave.	North/South	
Main St.	Mckinley Ave.	Greenwood Ave.	North/South	
Adams St.	McKinley Ave.	Dicks St.	South	
Adams St.	Calvert Ave.	Dill St.	North	
Charles St.	McKinley Ave.	Calvert St.	North	
Calvert Ave.	Jackson St.	North St.	East/West	
Calvert Ave.	North St.	Riverside	East	

Street	*From*	*To*	*Side*	*Ord. No.*
Martin Ave.	White River Blvd	Jackson St.	East/West	
Dill St.	Jackson St.	Riverside Ave.	East	
Dill St.	White River Blvd	Jackson	West	
Dicks St.	Jackson St.	Riverside Ave.	West	
Graceland Ave.	Jackson St.	Main St.	East/West	
Greenwood Ave.	Gilbert St.	University	East/West	
Light St.	Gilbert St.	Riverside Ave.	East/West	
Locust St.	Gilbert St.	Beechwood Ave.	East/West	
Locust St.	Beechwood Ave.	Riverside	West	
Linden St.	White River Blvd	University	East/West	
Linden St.	University Ave.	Riverside Ave.	West	
Pauline Ave.	White River Blvd	Beechwood Ave.	East/West	
Meeks Ave.	Reserve St.	White River Blvd	North/South	
Alameda Ave.	North St.	Riverside Ave.	East/West	

Anthony Northside Residential Neighborhood. Anthony Northside Residential Neighborhood permit parking zone shall apply to the following streets:

Street	*From*	*To*	*Side*	*Ord. No.*
Waid Ave.	Oakwood Ave.	Wheeling Ave.	North/South	
Weber Dr.	New York Ave.	Wheeling Ave.	North/South	
Hollywood Ave.	Bethel Ave.	Dead End	East/West	
Maplewood Ave.	Bethel Ave.	Dead End	East/West	
Rosewood Ave.	Bethel Ave.	2500 Blk of Rosewood	East/West	
Glenwood Ave.	Bethel Ave.	Dead End	East/West	
Ball Ave.	Bethel Ave.	Dead End	East/West	
Janney Ave.	Bethel Ave.	Dead End	East/West	
New York Ave.	Bethel Ave.	Dead End	East/West	

(Ord. No. 77-95, § 1, 12-11-95)

Title IX

GENERAL REGULATIONS

Chapter

90. Animals
91. Fire Prevention
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CHAPTER 90. ANIMALS*

Sec. 90.01. Definitions.
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Sec. 90.03. Administration of the Muncie animal shelter.
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Sec. 90.21. Fowl running at large.
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Sec. 90.23. Kennels.
Sec. 90.24. Striking animal with motor vehicle.
Sec. 90.25. Violations.
Sec. 90.26. Prior laws repealed
Sec. 90.27. Cruelty to animals.

Sec. 90.01. Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) *At large.* Off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain, or under reasonable control of some competent person.

(B) *Cruelty.* The intentional and malicious infliction of physical suffering upon an animal.

(C) *Dog.* Members of the canine species, both male and female.

(D) *Harboring.* Any person who shall suffer or permit any dog or other animal to frequent or remain on or within his house, building, premises, or enclosure shall be deemed to be harboring such dog or other animal, within the meaning of this chapter.

(E) *Kennel* The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals; or the keeping of four or more dogs over four months old, or the keeping of six or more cats over four months old, or the keeping of more than five dogs and cats.

(F) *Neglect.* The failure to provide an animal proper medical care, the failure to provide proper housing, or the failure to provide food and water.

(G) *Non-immunized dog or cat.* Any dog or cat over three months of age which has not been vaccinated or immunized against rabies, or if a booster shot has not been administered for a period of 12 months from the date of the last vaccination.

(H) *Owner.* Any person keeping or harboring a dog or other animal.

(I) *Rabies vaccination.* The injection by a licensed veterinarian of a dog or cat with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.

(J) *Severe injury.* Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(K) *Undomesticated animals.* Animals that usually live in the wild, such as, but not limited to bears, lions, snakes, cougars, or coyotes.

(L) *Vicious dog.* A vicious, fierce, or dangerous dog means any dog which has:

(1) Attacked a person without having been provoked by that person;

*__Editor's note—__Ord. No. 16-03, §§ 1—27, adopted Aug. 4, 2003, repealed and replaced the former animal regulations of the city in their entirety and enacted new provisions as herein set out. Former Ch. 90, §§ 90.01—90.24, pertained to animals and derived from Ord. No. 7-99, § I, 4-5-99; Ord. No. 18-01, §§ 1—19, adopted 4—5-99.

(2) Attacked, at some place other than its owner's property, another animal; or

(3) Chased or approached a person at some place other than its owner's property, in a menacing fashion or with an apparent attitude of attack.

(Ord. No. 16-03, § 1, 8-4-03)

Sec. 90.02. Establishment of the muncie animal shelter.

There is hereby established The Muncie Animal Shelter which shall be responsible for the impounding of dogs, cats or other animals found to be running at large and impounding fierce and dangerous dogs in the City of Muncie. The Muncie Animal Shelter shall encourage an adoption program for stray dogs and cats and a spay or neuter program aimed at reducing the stray dog and cat population of the City.

(Ord. No. 16-03, § 2, 8-4-03)

Sec. 90.03. Administration of the Muncie animal shelter.

The mayor of the City of Muncie shall appoint a director of the Muncie animal shelter who shall be responsible for the day to day conduct of the business of the Muncie animal shelter. The director shall serve at the pleasure of the mayor of the city.

(Ord. No. 16-03, § 3, 8-4-03)

Sec. 90.04. Control licensing and registration of dogs.

(A) *License and registration required; exceptions.* All dogs kept, harbored or maintained by their owners in the city shall be licensed according to the laws of the State of Indiana.

(1) *Nonresidents.* The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily, within the city for a period of ten days or less, to dogs brought into the city for the purpose of participating in any dog show, nor to dogs properly trained to assist persons, when such dogs are actually used by those persons for the purpose of aiding them in their daily living.

(B) *Tag and collar; exhibition; removal unlawful.* Every person who owns, keeps, harbors or maintains a dog shall provide each such animal with a collar to which the township [city] licensing tag and the rabies vaccination tag shall be affixed and is responsible to see that the collar and tags are constantly worn. Dog tags are not transferable from one dog to another.

(1) No person shall remove either the collar or the tag from any dog or any similar animal except on consent or order of the owner or person to whom the license has been issued. No person shall refuse upon request to exhibit his license to any officer of the police department of the city, director of the animal shelter, employee of the animal shelter, or to any other person having legal authority to inquire into the matter.

(Ord. No. 16-03, § 4, 8-4-03)

Sec. 90.05. Poisoning dogs or cats.

It shall be unlawful for any person with the intent to destroy or kill any dog or cat to feed the animal any poisoned food or to place poisoned food where it may be found and eaten or consumed by a dog or cat.

(Ord. No. 16-03, § 5, 8-4-03)

Sec. 90.06. Running at large.

No person owning or having charge, care, custody, or control of any dog or cat shall cause, permit, or allow the dog or cat to run at large upon any street, alley, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of the dog or cat, within the city.

(A) *Impoundment of dogs or cats running at large.* Dogs and cats found to be running at large and not under restraint, as provided herein, shall be taken by an agent of the animal shelter, impounded at the animal shelter, and confined there in a humane manner for a period of not less than five working days, unless sooner claimed by the owner, and may, in the event such

animal is not claimed, thereafter be sold, adopted, or disposed of in a humane manner.

(1) The person in charge of the animal shelter shall, upon receiving any dog or cat, make a complete registry entering the breed, color, and sex of such dog or cat, and whether the dog is licensed. If the dog is licensed, the name and address of the owner and the number of the license tag shall be entered in the registry.

(2) Any animal so impounded under the provisions of this chapter and not reclaimed by the owner or agent thereof within such five day period may be placed in the custody of some suitable person who will pay the adoption fee and who will agree to comply with the provisions of this chapter and provide a good home for the animal. If no such suitable person is found for the animal, the animal may be humanely destroyed and disposed of.

(3) When, in the judgment of the director of the animal shelter, it is deemed that an animal should be destroyed for humane, health, or safety reasons, it shall be his duty to see that the animal is destroyed, and not permitted to be redeemed by any person. An appeal from the judgment of the director of the animal shelter may be taken to the board of public works and safety within five days, during which time the animal shall not be destroyed. It shall be the duty of the board to affirm or disaffirm the decision of the director of the animal shelter as to whether or not the dog shall be destroyed.

(4) Immediately upon the impounding of a dog or other animal, the agent of the animal shelter shall make every effort possible to notify the owner of such dog or other animal of the impoundment and of the conditions under which he may regain custody of his animal.

(5) The owner of any animal impounded under the provisions of this chapter shall be entitled to resume possession of such animal upon the payment of the impounding fee and any extraordinary expenses incurred by the animal shelter in providing proper care for such animal. In the event a dispute arises concerning an additional fee charged by the director for unusual expenses, the owner may appeal to the board of public works and safety.

(6) *Fees.* Any animal impounded under the terms of this chapter shall be reclaimed as herein provided upon the payment, by the owner or person reclaiming such animal, to the director of the animal shelter, of the sum of $15.00 for each animal so impounded. An additional sum of $7.50 may be added for each day or part thereof that such animal is impounded. The owner of any animal impounded for a second time shall pay to the director of the animal shelter the sum of $25.00 and an additional $10.00 for every other time that it is necessary to impound the animal. The animal shelter shall not be used as a place for the care and custody of dogs not falling within the provisions of this chapter. All fees collected shall be deposited by the director of the animal shelter weekly with the head of the department of finance, and the sum shall revert to the general fund. The director of the animal shelter shall keep an accurate and itemized verified account of his receipts and shall make quarterly reports to the common council on the first day of January, April, July, and October of each year. Such reports shall include all receipts and records of impounding and disposi-

tions, either by sale, adoption, or otherwise, of all animals coming into his custody.

(Ord. No. 16-03, § 6, 8-4-03)

Sec. 90.07. Neglected or abandoned animals.

When, in the judgement of the director of the Muncie animal shelter, or his designee, an animal has been neglected or abandoned the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie. Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

(A) The neglect or abandonment of an animal is a criminal misdemeanor and a violation of this chapter.

(Ord. No. 16-03, § 7, 8-4-03)

Sec. 90.08. Fierce, dangerous, or vicious dogs; female dogs in heat.

No diseased dog, and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of a person other than the owner. Any such dog found running at large in violation of this provision shall be taken up and impounded and shall not be released except upon approval of the director of the animal shelter, after payment of the fees provided in subsection (D) of this paragraph.

(A) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to cause, suffer, or allow it to go unconfined and unrestrained on his or her premises, or to run at large.

(1) The premises where such a dog is kept shall be adequately posted with warning signs such as "Beware of the Dog" or "Dangerous Dog". The sign shall be visible and capable of being read from the public street, highway, or thoroughfare. In addition, the sign shall be conspicuously displayed with a symbol warning children of the presence of a dangerous dog.

(2) If the owner of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with all of the requirements of this paragraph.

(B) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to walk any such dog or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or any municipally owned or public land or building, or private property without permission of that owner.

(C) It shall be the duty of any person having authority to impound a dog forthwith to impound any such dog found unconfined or running at large in violation of this section.

(D) Any person who violates this paragraph shall be punishable by a fine of not more than $500.00, and if the violation results in the dog causing bodily injury to any person, the court shall, upon request, order the animal forfeited and/or destroyed.

(E) However, if any dangerous, fierce, or vicious dog found at large cannot be safely taken up and impounded, such dog may be slain by any policeman, the director of The Muncie animal shelter or any employee thereof.

(Ord. No. 16-03, § 8, 8-4-03)

Sec. 90.09. Adoption, spaying or neutering of cats and dogs.

It is the announced policy of the common council to encourage the adoption of dogs and cats and in conjunction therewith spaying or neutering these animals.

(A) *List of participating veterinarians.* The director of the Muncie animal shelter shall maintain a list of all veterinarians who are willing to participate in the spay or neuter program as herein set out. The director shall update the list of participating veterinarians in January of each year hereafter.

(B) *Adoption and early age spaying/neutering of puppies and kittens.*

(1) The director of the Muncie animal shelter in conjunction with the participating veterinarians shall establish guidelines for the early spaying or neutering of puppies and kittens.

(2) The Muncie animal shelter shall pay for spay/neuter surgeries of puppies and kittens according to the following schedule:

Female puppies.....	$45.00
Male puppies	30.00
Female kittens.....	45.00
Male kittens:	30.00

All claims must be made to the office of the controller and include a recommendation for payment signed by the director of the Muncie animal shelter.

(3) The mayor and the city controller shall, as may be necessary, establish a schedule of fees for all services provided by the Muncie animal shelter. The schedule shall be conveyed to the director of the animal shelter where he shall post the schedule and charge such fees as are set out therein.

(4) Upon payment of the full adoption fee the director of the Muncie animal shelter shall deliver a coupon for adopted females and males which have not been spayed/neutered which must be applied toward the cost of spaying/neutering the adopted animal. The coupon so issued must be used within 30 days from the date of issuance. A person adopting under this paragraph must have the animal spay/neutered within the 30 day period of time. The failure to comply with the terms of this paragraph is a violation of this chapter.

(E) *Adoption paperwork.* The director of the Muncie animal shelter shall deliver all papers as shall be necessary and recommended by the veterinarian participating in the program, to the individuals adopting animals from the shelter.

(F) *Goal and annual reporting.* It is the goal of this program to spay/neuter all animals adopted from the Muncie animal shelter. The director shall report, in writing, to the common council in January of each year concerning this program. The report shall show all income from adoptions, all direct expenses from spaying/neutering, all coupons issued, all coupons redeemed, the director's recommendation concerning whether the program should continue and such other information as may be pertinent.

(Ord. No. 16-03, § 9, 8-4-03)

Sec. 90.10. Resistance or obstruction unlawful.

No person shall resist or obstruct the director or any employee of the animal shelter in the exercise of his duties.

(Ord. No. 16-03, § 10, 8-4-03)

Sec. 90.11. Capturing dogs.

No person shall invade the private premises of another to capture, entice, or take any licensed dog out the enclosure of the person harboring the same; molest or seize any such dog while the same is accompanied by its owner, keeper, or custodian; or bring within the city any dog for the purpose of impounding the same collecting any reward for the return thereof, except provided in this chapter.

(Ord. No. 16-03, § 11, 8-4-03)

Sec. 90.12. Purchasing or possessing an animal for fighting contests.

No person shall knowingly own, harbor, or possess a dog primarily or in part for the purposes of dog fighting or which, or any dog trained for dog fighting, or any dog which displays signs, such as wounds, cuts or scratches, of have been involved in dog fighting.

(A) The violation of this paragraph is a criminal misdemeanor and subject to a fine of not more than $500.00.

(Ord. No. 16-03, § 12, 8-4-03)

Sec. 90.13. Animal fighting contests.

No person shall knowingly or intentionally promote or stage an animal fighting contest.
(Ord. No. 16-03, § 13, 8-4-03)

Sec. 90.14. Barking, howling, and yelping dogs.

No person shall harbor or keep any dog which, by loud and frequent or habitual barking, howling, yelping, shall cause serious annoyance or disturbance to the neighborhood.
(Ord. No. 16-03, § 14, 8-4-03)

Sec. 90.15. Rabies; method of handling suspected dogs.

(A) It shall be the responsibility of every dog or cat owner to have all dogs and cats over three months of age owned by him or her continually protected against contracting rabies. The failure to have an animal protected against contracting rabies is a violation of this chapter, a misdemeanor and the violation hereof may up to $200.00 for each violation.

(B) If a dog is believed to have rabies or has been bitten by an animal 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 two weeks. The owner shall notify the director of the animal shelter of the fact that his dog has been exposed to rabies, and at his discretion the director of the animal shelter 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.

(C) No person knowing or suspecting a dog of having rabies shall allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the director of the animal shelter. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the director of the animal shelter or a policeman, who shall either remove the dog to the animal shelter or summarily destroy it.

(D) In the event that the director of the animal shelter should learn that there is a rabid animal or there is a reasonable expectation that there is a rabid animal in the city he shall take control of the animal and hold it in quarantine not less than ten days. In the event that the director of the animal shelter shall learn that a dog has bitten a human being about the head he shall make an investigation, and if he determines there is a reasonable expectation that the animal is rabid he shall immediately deliver the animal to the Delaware County health department for diagnosis.
(Ord. No. 16-03, § 15, 8-4-03)

Sec. 90.16. Cats.

Cats shall not be subject to the license provisions of this chapter as provided for dogs, but shall be subject to all of the remaining sections of this chapter, including impounding and disposal provisions.
(Ord. No. 16-03, § 16, 8-4-03)

Sec. 90.17. Selling baby chicks, rabbits.

No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age, as pets, toys, premiums, or novelties. Nor shall any person color, dye, stain, or otherwise change the natural color of baby chickens, ducklings, other fowl, or rabbits, or bring or transport the same into the city. However, this section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.
(Ord. No. 16-03, § 17, 8-4-03)

Sec. 90.18. Running at large generally.

No person shall permit his horse, mare, colt, mule, jackass, jenny, bull, ox, cow, calf, goat, sheep, or swine to run at large within the city.
(Ord. No. 16-03, § 18, 8-4-03)

Sec. 90.19. Keeping or harboring of livestock prohibited in certain residential areas.

No person occupying property within the city of Muncie, which is zoned under Title XV, section

150, of the zoning code, as R-1, R-2, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor any livestock or poultry on such property.

(A) For the purposes of this section 90.19 livestock shall mean:

(1) All cattle, or animals of the bovine species;

(2) All horses, mules, burros, and asses or animals of the equine species;

(3) All swine or animals of the porcine species;

(4) All goats or animal of the caprine species;

(5) All poultry.

(Ord. No. 16-03, § 19, 8-4-03)

Sec. 90.20. Keeping or harboring undomesticated animals in residential areas.

No person occupying property within the city of Muncie, which is zoned under title XV, Section 150, of the zoning code, as R-1, R-2, R-3, R-4, R-5 or R-6 residence zones shall keep or harbor undomesticated animals on such property.
(Ord. No. 16-03, § 20, 8-4-03)

Sec. 90.21. Fowl running at large.

The running at large within the city of chickens and other fowl is unlawful and is prohibited. It shall be the duty of each and every owner or custodian of any chicken or other fowl within the city to confine the same upon his premises.
(Ord. No. 16-03, § 21, 8-4-03)

Sec. 90.22. Impounding of animals and fowl; sale of same.

The director of the Muncie animal shelter upon finding any of the animals or fowl specified in sections 90.16, 90-17, 90.18, 90.19. 90.20, or 90.21 running at large within the city, shall take up and impound the same in the animal shelter and give immediate notice in writing of such impounding by posting one notice in a public place in each of the wards of the city, describing in the notice the animal or fowl taken up and impounded. If the owner thereof does not appear within 72 hours from the posting of such notice and pay to the caretaker of the animal shelter all expenses incurred by the city in taking up, impounding, keeping and feeding the animal or fowl, and his fees therefor, the director of the Muncie animal shelter shall sell the animal or fowl to defray the expenses of the impounding, taking up, keeping, and feeding, and pay the proceeds of the sale into the general fund of the city. The common council shall order the surplus to be paid to the owner of the animal or fowl so sold, if the owner is known. The sale shall be at a public auction within the city, and the time and place of the sale shall be stated in the notice. A copy of the notice shall be served on the owner of the animal or fowl by leaving a copy thereof at his last and usual place of residence, if the owner is known and lives in the city.
(Ord. No. 16-03, § 22, 8-4-03)

Sec. 90.23. Kennels.

A person or entity keeping and maintaining a kennel shall not be required to purchase a dog tag for each animal under the control of the owner. But the owner of a kennel is required to obtain an annual kennel license for a fee of $10.00 per year which must be and paid for, in the office of the city controller, on or before the 30th day of January of each year hereafter. The license shall be approved each year by the director of the animal shelter and by City of Muncie building commissioner. It is required that a kennel must comply with the provisions of the city zoning ordinances. Provided, that the terms of this section do not apply to a not-for-profit animal rescue entity holding a section 501(c) exemption under the Internal Revenue Code of the United States.

(A) The owner of a kennel shall keep it in a clean and sanitary condition at all times, and dogs and cats shall be reasonable restrained from annoying the neighborhood or the general public by loud, frequent or habitual barking, yelping or howling.

(Ord. No. 16-03, § 23, 8-4-03)

Sec. 90.24. Striking animal with motor vehicle.

(A) Any person driving a motor vehicle in the city whose vehicle strikes a domestic animal shall report to the animal shelter or to the police division:

(1) The description of the animal struck;

(2) The location of the striking; and

(3) An opinion of the condition of the animal struck.

(B) This person shall not be required to identify himself.
(Ord. No. 16-03, § 24, 8-4-03)

Sec. 90.25. Violations.

The violation of any paragraph or provision of this chapter is a misdemeanor. A person found guilty of the violation of any paragraph or provision of this ordinance is subject to a fine not to exceed $500.00 for each violation.
(Ord. No. 16-03, § 25, 8-4-03)

Sec. 90.26. Prior laws repealed

All laws dealing with animals of any kind or character that are now existing are hereby repealed.
(Ord. No. 16-03, § 26, 8-4-03)

Sec. 90.27. Cruelty to animals.

When, in the judgement of director of the Muncie animal shelter, or his designee, an animal has been treated in a cruel manner the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie. Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

(A) Cruelty towards an animal is a criminal misdemeanor and a violation of this chapter.
(Ord. No. 16-03, § 27, 8-4-03)

CHAPTER 91. FIRE PREVENTION

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DIVISION 1. FIRE PREVENTION CODE

Sec. 91.01. Definition.

As used in this chapter the following definition shall apply.

"CORPORATION COUNSEL." The attorney for the City of Muncie, Indiana.
(Code 1968, § 91.04)

State law reference—Power of city to establish, maintain, and operate a fire prevention system, IC 18-1-1.5-15

Sec. 91.02. Adoption of fire prevention code.

There is adopted by the common council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code, 1965 edition, recommended by the American Insurance Association, except such portions as are hereinafter deleted, modified, or amended. Two copies are filed in the office of the clerk of the city, for public inspection.
(Code 1968, § 91.01)

Cross reference—Penalty, see § 10.99.

Sec. 91.03. Bureau of fire prevention established.

A bureau of fire prevention in the fire department is established, which shall operate under the supervision of the chief of the fire department.
(Code 1968, § 91.02)

Cross reference—Fire department, § 35.30

Sec. 91.04. Duties of bureau of fire prevention.

(A) The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the city.

(B) The chief in charge of the bureau of fire prevention shall be appointed by the merit commission on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public trial.

(C) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the merit commission the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-

members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(D) A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality. The report shall contain all proceedings under this fire prevention code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable.
(Code 1968, § 91.03)

Sec. 91.05. Establishment of districts in which storage of flammable liquids in outside aboveground tanks is prohibited.

(A) The limits referred to in § 16.22a of the fire prevention code in which storage of flammabl liquids in outside aboveground tanks is prohibited, are established as follows: The number 1 fire zone, beginning at the center line of Franklin Street and the south bank of White River; thence east along the bank of White River to the east side of High Street; thence northeast along the bank of White River for a distance of 4,000 feet; thence directly east to the center line of Walnut Street; thence south to North Street; thence east to Mulberry Street; thence south on Mulberry Street to Gilbert Street; thence east on Gilbert Street to the alley; thence south in the alley to Washington Street; thence east on Washington Street to Madison Street; thence south on Madison Street to Adams Street; thence west on Adams Street to the alley nearest Elm Street; thence south in the alley to Charles Street; thence west on Charles Street to Elm Street; thence south on Elm Street to the C.C.C. & ST. L. Railroad; thence west on the Big Four Railroad tracks to a point 130 feet east of the east line of Walnut Street; thence south parallel with and 130 feet from the east line of Walnut Street to Ninth Street; thence west on Ninth Street to a point 130 feet west of the west line of Walnut Street; thence north parallel with and 130 feet distant from the west line of Walnut Street to the Big Four Railroad tracks to Franklin Street; thence north on Franklin Street to Howard Street; thence east on Howard Street to Franklin Street; thence north to Jackson Street; thence west on Jackson Street to Franklin Street; thence north on Franklin Street to the place of beginning.

(B) The limits referred to in § 16.51 of the fire prevention code, in which new bulk plants for flammable liquids are prohibited, are established as follows: The number 1 fire zone, as listed in § 91.05 (A).
(Code 1968, § 91.05)

Sec. 91.06. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.

The limits referred to in § 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: The number 1 fire zone, as listed in § 91.05 (A).
(Code 1968, § 91.06)

Sec. 91.07. Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.

The limits referred to in § 12.6b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are established as follows: The corporate limits of the city.
(Code 1968, § 91.07)

Cross reference—Storage of extra hazardous explosives, § 91.28

Sec. 91.08. Modifications.

The chief of the bureau of fire prevention shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
(Code 1968, § 91.08)

Sec. 91.09. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of public works and safety within 30 days from the date of the decision appealed.
(Code 1968, § 91.09)

Sec. 91.10. New materials, processes, or occupancies which may require permits.

The mayor of the city, the chief of the fire department, and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits in addition to those enumerated in the code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies to interested persons.
(Code 1968, § 91.10)

Secs. 91.11—91.19. Reserved.

DIVISION 2. MISCELLANEOUS FIRE REGULATIONS

Sec. 91.20. Fire exits.

(A) No person shall, at any time, place an obstruction of any kind whatsoever before or upon any fire escape, balcony, or ladder intended as a means of escape from fire. It shall be the duty of every member of the police or fire department who shall discover any fire escapes obstructed in any manner to forthwith report it to the bureau of fire prevention. The bureau shall immediately notify the occupant to remove the obstruction.

(B) No person shall place, store, or keep, or permit to be placed, stored, or kept under or at the bottom of any inside or outside stairway, elevator, or other shaft in any building, any combustible or flammable materials, fluids, or compounds; nor shall any such combustible or flammable materials be placed, stored, or kept in any place where ignition or burning would obstruct or render hazardous egress from a building.

(C) No obstruction shall be permitted in hallways of boardinghouses, tenement houses, or apartment houses.

(D) All doors, aisles, and passageways within and leading into or out of places of assembly shall be kept free from easels, signs, standards, chairs, and any other article that might obstruct or delay the exit of the audience or assemblage.

(E) No aisle, passageway, or stairway in any store shall be obstructed with tables, showcases, or other obstructions during the hours such store is open to the public. It shall be the duty of the police department to render assistance to the bureau of fire prevention in the enforcement of these provisions.

(F) All required exit doorways, other than those normally used for entrance, shall be plainly marked by sufficiently illuminated, readily seen, approved exit signs when the floor area is occupied.

(G) Directional signs shall be placed on walls where necessary, or otherwise displayed in conspicuous locations to direct occupants to exits.
(Code 1968, § 91.20)

Cross reference—Penalty, see § 91.99.

Sec. 91.21. Bonfires.

(A) No person shall kindle any bonfire outside the number 1 zone of the street cleaning department, except within a wire, metal, concrete, or similar nonflammable container or enclosure with a wire or metal cover. The bonfire, in every case, must be at least ten feet from any building or combustible materials and must be burned between sunrise and sunset.

(B) The provisions of this section shall not be applicable in the event a person is in the constant attendance of the burning of any bonfire.

(C) No person shall kindle any bonfire at any time in the area between the alleys of Franklin and High Streets to the west, Madison and Elm Streets to the east, North and Gilbert Streets to

the north, and the Nickle Plate Railroad to the south, or within the number 1 zone of the street cleaning department.
(Code 1968, § 91.21)
Cross reference—Penalty, see § 91.99.

Sec. 91.22. Accumulations of comdustibles.

No person shall permit to remain in any building or upon any roof, or in any court, yard, vacant lot, or open space, any accumulation of wastepaper, hay, or grass, straw, wood, litter, or combustible or flammable waste or rubbish of any kind. All weeds, grass, vines, or other growth, when the same endanger property or are liable to be fired, shall be cut down and removed by the owner or occupant of the property.
(Code 1968, § 91.22)
Cross reference—Penalty, see § 91.99.

Sec. 91.23. Baling shavings, excelsior.

No person making, using, storing, or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible trash, waste, or fragments shall fail, neglect, or refuse at the close of each day to cause all such matter which is not compactly baled to be removed from the building or stored in suitable vaults or in metal-lined covered receptacles or bins. The chief of the bureau of fire prevention shall require suitable baling presses or other designated containers to be provided in stores, apartment buildings, factories, and similar places where accumulations of paper and waste materials are not removed at least every second day.
(Code 1968, § 91.23)
Cross reference—Penalty, see § 91.99.

Sec. 91.24. Combustible lightbulb decorations.

Electric light bulbs in stores or public halls shall not be decorated with paper or other combustible materials, unless such materials shall first have been rendered flameproof.
(Code 1968, § 91.24)
Cross reference—Penalty, see § 91.99.

Sec. 91.25. Fire drills in educational institutions.

The chief of the fire department shall require teachers of public, private, and parochial schools to have one fire drill each month and to keep all doors and exits unlocked during school hours.
(Code 1968, § 91.25)

Sec. 91.26. Smoking in certain places.

(A) The chief of the fire department or the chief of the bureau of fire prevention is empowered and authorized to inspect all warehouses, stores, industrial establishments, and any building, structure, or open space in which combustible materials are handled, stored, manufactured, or sold. Where conditions found justify the prohibition of smoking, he shall order the owner or occupant, in writing, to post suitable signs or placards in each room, building, structure, or place in which the prohibition of smoking shall be enforced.

(B) The term "smoking" shall include the carrying of a lighted pipe, cigar, cigarette, or tobacco in any form.

(C) All such signs or installation shall read: "By Order of the Chief of the Fire Department. City Ordinance No. _____".

(D) It shall be unlawful for any unauthorized person to remove any such placard. It shall be unlawful for any person to smoke in any properly placarded place.

(E) Smoking is prohibited at all times in all freight and passenger elevators.
(Code 1968, § 91.26)
Cross reference—Penalty, see § 91.99.

Sec. 91.27. False alarms.

No person shall give or cause to be given any false alarm of fire, by means of a telegraph box, telephone box, or any electrical device connected with the fire alarm system of the city, or shout a false call of fire.
(Code 1968, § 91.27)
Cross reference—Penalty, see § 91.99.

Sec. 91.28. Storage of extra hazardous explosives.

No person, without permission of the board of public works and safety, shall keep, store, or transport within the corporate limits of the city any dynamite, nitroglycerine, or other extra hazardous explosives.
(Code 1968, § 91.28)

Cross reference—Penalty, see § 91.99. (See also §§ 91.07 and 93.05)

Cross reference—Establishment of limits of districts in which storage of explosives and blasting agents is prohibited, § 91.07

Sec. 91.29. Containers for inflammables.

All kerosene, fuel oil, or similar liquids shall be filled only in metal cans colored solid blue.
(Code 1968, § 91.29)

Cross reference—Penalty, see § 91.99.

Secs. 91.30—91.39. Reserved.

DIVISION 3. SMOKE DETECTORS

Sec. 91.40. Definitions.

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

Agent. Any person, partnership, or corporation that rents, leases, subleases, lets, or otherwise grants for a consideration the right to occupy a dwelling that is not owned by the occupant.

Authority having jurisdiction. The city fire department.

Family group.

(1) One or more persons related by blood, marriage, or adoption, living as a single dwelling unit.

(2) Two persons not related by blood, marriage, or adoption, living as a single dwelling unit.

(3) One or more persons related by blood, marriage, or adoption living as a single dwelling unit, except that two of the aforesaid persons may be unrelated by blood, marriage, or adoption.

Labeled. Devices, equipment, or material which have the identifying mark or label of a testing organization acceptable to the authority having jurisdiction.

Listed. Devices, equipment, or material included in a list of products which a testing organization, acceptable to the authority having jurisdiction, has tested and found to be suitable for use in a specified manner.

Single- and multiple-family dwelling units. Any structure that contains living quarters, whether privately owned, rented, or leased for occupancy; and shall include, but not be limited to, hotels, motels, boarding houses, sleeping room houses, buildings of mixed occupancy having any dwelling units, mobile homes, licensed half-way houses, lodging houses, dormitories, fraternity or sorority houses, or residence halls.

Sleeping area. The area of a unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms which are separated by another use area, such as a kitchen or living room, are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke detector. A device which produces an alarm signal when it detects particles or products of combustion other than heat; is approved for its intended use by Underwriters Laboratories, Factory Mutual, or other nationally recognized testing organization acceptable to the authority having jurisdiction, such acceptability being in accordance with National Fire Protection Association Standard 74, 1984, "Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment." Detectors shall be powered by either a battery of minimum nine volts with low battery power indicator, or by 110 volt alternating current (A.C.).
(Ord. No. 18-88, 5-9-88; Ord. No. 41-88, 8-2-88)

Sec. 91.41. Required.

(A) All single-family dwelling units, multifamily dwelling units, and mobile home units shall have smoke detectors installed and maintained in operating order.

(B) All structures with sleeping rooms for three or more occupants who are not members of a family group shall have a smoke detector in each individual sleeping room.

(C) All structures occupied solely by members of a family group shall have a smoke detector in the hallway, corridor, or other area giving access to the sleeping rooms.

(D) In all structures occupied solely by members of a family group, the occupants shall have the option to install additional smoke detectors in the individual sleeping rooms if desired.
(Ord. No. 18-88, 5-9-88; Ord. No. 41-88, 8-2-88)
Cross reference—Penalty, § 91.99.

Sec. 91.42. Location.

(A) Smoke detectors shall be mounted on the ceiling or wall.

(1) Mounted on the ceiling, they shall be not less than four inches from any wall.

(2) Mounted on the wall, they shall be not less than four nor more than 12 inches down from the ceiling.

(B) Smoke detectors mounted in a hallway or corridor shall be within 15 feet of the sleeping rooms protected.

(C) No smoke detector shall be recessed into a wall or ceiling.
(Ord. No. 18-88, 5-9-88; Ord. No. 12-92, §§ 1, 2, 4-6-92)
Cross reference—Penalty, § 91.99.

Sec. 91.43. Installation.

Smoke detectors that are a. C. powered shall be directly connected to a junction box that is not controlled by any switch other than a switch or circuit breaker at the main power supply panel or box. The installation of A. C. powered smoke detectors shall conform to all electrical codes adopted by the city, and shall also comply with all manufacturer's directions and specifications. If there is any conflict with any existing code or standard, then the more stringent specification shall apply.
(Ord. No. 18-88, 5-9-88)
Cross reference—Penalty, § 91.99.

Sec. 91.44. Maintenance.

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

(B) At every change of ownership or tenancy in any single-family, multifamily, or mobile home dwelling unit, smoke detectors shall be in place and in operable condition.
(Ord. No. 18-88, 5-9-88)
Cross reference—Penalty, § 91.99.

Sec. 91.45. Responsibility.

Every owner of, or agent for, any single-family, multifamily, or mobile home dwelling unit shall be responsible for the installation of all required smoke detectors. It shall be the responsibility of the tenant to maintain in good working order all such smoke detectors provided by the owner or agent until the tenant vacates the premises unless the smoke detector requires A. C. power supply; then the responsibility for maintaining the smoke detector shall be upon the owner of, or agent for, the property.
(Ord. No. 18-88, 5-9-88)
Cross reference—Penalty, § 91.99.

Sec. 91.46. Determination of compliance.

Inspection for compliance in a related family group-occupied single-family, multifamily, or mobile home dwelling unit, shall only be made in the instance of fire department personnel or other personnel, authorized by city regulations, being already on or in the property as a result of fire or other emergency, or by invitation or complaint by any occupant, whether he be owner, renter, or lessee.
(Ord. No. 18-88, 5-9-88)

Sec. 91.47. Required installation date.

All smoke detectors required by this section shall be in place and in full operation no later than 180 days after the adoption of this section.
(Ord. No. 18-88, 5-9-88)
Cross reference—Penalty, § 91.99.

Sec. 91.48. Liability.

Failure to comply with this subchapter does not constitute fault and does not limit the liability of an insurer. Evidence of the failure to comply with this subchapter may not be admitted in any civil action to mitigate damages.
(Ord. No. 18-88, 5-9-88)

Sec. 91.98. Liability for damages.

This chapter shall not be construed to hold the city, or any officer or employee, responsible for any damage to persons or property by reason of inspection or reinspection or lack of inspection authorized herein, or by reason of approval or disapproval of any equipment, material, or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.
(Ord. No. 18-88, 5-9-88)

Sec. 91.99. Penalty.

(A) Any person who shall violate any of the provisions of the fire prevention code adopted or other provisions of this chapter for which no other penalty is provided; or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken; or who shall fail to comply with an order as affirmed or modified by the bureau of fire prevention or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every such violation and noncompliance respectively, be guilty of a punishable violation, punishable by a fine of not less than $10.00 nor more than $1,000.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the penalty in subsection (A) above shall not be held to prevent the enforced removal of prohibited conditions.

(C) Any person who shall violate any of the provisions of sections 91.40 through 91.48, governing smoke detectors; or who shall violate or fail to comply with any order pertaining thereto as issued, affirmed, or modified by the fire department or a court of competent jurisdiction, within the time fixed in such order; shall, severally and for each and every such violation and noncompliance respectively, be guilty of a punishable violation, punishable by a fine of not more than $1,000.00. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
(Ord. No. 18-88, 5-9-88)

CHAPTER 92. MINORS

Sec. 92.01. Interpretation of regulations.
Sec. 92.02. Liability of parents.
Sec. 92.03. Curfew violations.
Sec. 92.04. Loitering by minors fourteen to eighteen years of age.
Sec. 92.05. Loitering by minors in places of amusement.
Sec. 92.06. Authority of police.
Sec. 92.07. Playing pinball machines.
Sec. 92.08. Carrying knives or blank guns.
Sec. 92.09. Using skateboards prohibited.

Sec. 92.01. Interpretation of regulations.

This chapter shall not be construed as permitting the presence at any time of any person under the age of 18 years in any place where his presence is prohibited by this Code or any ordinance of the city.
(Code 1968, § 92.01)

Sec. 92.02. Liability of parents.

No parent, guardian, or custodian of any person under the age of 18 years shall knowingly or initially encourage, aid, induce or cause said minor to violate the provisions of this chapter.
(Ord. No. 13-95, § 2, 5-8-95)

Editor's note—Ord. No. 13-95, § 1, adopted May 8, 1995, repealed § 92.02, curfew for minors and § 92.04, liability of parents. Sec. 2 of such ordinance enacted provisions pertaining to similar subject matter but did not specify manner of codification; hence, for purposes of classification, former § 92.03 was redesignated by the editor as § 92.04, and provisions of Ord. No. 13-95 pertaining to parental liability and curfew violations were designated as §§ 92.02 and 92.03. Prior to repeal, former §§ 92.02 and 92.04 derived from the 1968 Code, §§ 92.02 and 92.04.

Sec. 92.03. Curfew violations.

(a) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

(1) Between 12:00 a.m. [midnight] on Friday and 5:00 a.m. on Saturday;

(2) Between 12:00 a.m. [midnight] on Saturday and 5:00 a.m. on Sunday;

(3) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday; or

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

(b) It is a curfew violation for a child under 15 years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

(c) This section does not apply to a child who is:

(1) Accompanied by his parent, guardian, or custodian;

(2) Accompanied by an adult specified by his parent, guardian, or custodian; or

(3) Participating in, going to, or returning from:

a. Lawful employment;

b. A school sanctioned activity; or

c. A religious event.

(Ord. No. 13-95, § 2, 5-8-95)

Note—See the editor's note following § 92.02.

Sec. 92.04. Loitering by minors fourteen to eighteen years of age.

No person under the age of 18 years and over the age of 14 years shall loiter, loaf, or idle on or about any public street, avenue, alley, park, or other public place in the city between the hours of 9:30 p.m. and 5:00 a.m. of the following day.
(Code 1968, § 92.03)

Note—See the editor's note following § 92.02.

Sec. 92.05. Loitering by minors in places of amusement.

(A) No person operating or in charge of any place of amusement, entertainment, refreshment, or other place of business shall permit any minor under the age of 18 years to loiter, loaf, or idle in such place during the hours prohibited by § 92.04.

(B) Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 18 years loitering, loafing, or idling in such place of business, he shall immediately order such person to leave. If such person refuses to leave the place of business, the operator shall immediately notify the police department and inform them of the presence of such person.
(Code 1968, § 92.05)

Cross reference—Penalty, § 10.99.

Sec. 92.06. Authority of police.

Any member of the police force is authorized to arrest, with or without warrant, any person violating the provisions of §§ 92.02 through 92.05, and any child unaccompanied by parent, guardian, or other adult person having the lawful care and custody of such minor child.
(Code 1968, § 92.06)

Sec. 92.07. Playing pinball machines.

(A) No person shall permit any minor boy or girl under the age of 16 years to play or operate any kind of pinball machines for which a fee is charged for playing within the corporate limits of the city.

(B) Any person having possession of a pinball machine shall have the burden of proof of ascertaining the age of any minor boy or girl playing such pinball machine.
(Code 1968, § 92.07)
Cross reference—Penalty, § 10.99.

Sec. 92.08. Carrying knives or blank guns.

No person under the age of 18 years shall carry upon or about his person any blank gun or any knife of any kind or description with a blade longer than five inches.
(Code 1968, § 92.08)
Cross reference—Penalty, § 10.99.

Sec. 92.09. Using skateboards prohibited.

No person shall use the wheeled device commonly known as a skateboard on any public property within the city.
(Code 1968, § 92.09)
Cross reference—Penalty, § 10.99.

CHAPTER 93. BEECH GROVE CEMETERY

Division 1. Regulations

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Sec. 93.02. Possession of alcoholic beverages in cemetery.
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Sec. 93.35. Superintendent duties generally; tenure.
Sec. 93.36. Records.
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Sec. 93.38. Interference with performance of duties; closing cemetery.

DIVISION 1. REGULATIONS

Sec. 93.01. Dogs prohibited.

No person shall allow any dog to enter the grounds of the Beech Grove Cemetery.
(Code 1968, § 53.01)

Cross reference—Penalty, see § 10.99.

Sec. 93.02. Possession of alcoholic beverages in cemetery.

No person shall be in possession of any spirituous, vinous, malt, or other intoxicating liquors within the grounds of Beech Grove Cemetery.
(Code 1968, § 53.02)

Cross reference—Penalty, see § 10.99.

Sec. 93.03. Drinking alcoholic beverages in cemetery.

No person shall drink, or cause to be drunk, any spirituous, vinous, malt, or other intoxicating liquors within the grounds of Beech Grove Cemetery.
(Code 1968, § 53.03)

Cross reference—Penalty, see § 10.99.

Sec. 93.04. Speed limit.

No person shall drive, or cause to be driven, any bicycle, automobile, or other vehicle faster than 20 miles per hour within the grounds of Beech Grove Cemetery.
(Code 1968, § 53.04)

Cross reference—Penalty, see § 10.99.

Sec. 93.05. Entrance at place other than gates.

No person shall enter Beech Grove Cemetery at any place other than the gates provided for admission thereto.
(Code 1968, § 53.05)

Cross reference—Penalty, see § 10.99.

Sec. 93.06. Burial other than in cemetery prohibited.

No interments of dead bodies shall be made within the city, except in the burying ground already established or hereafter to be established for such purpose by the common council.
(Code 1968, § 53.06)

Cross reference—Penalty, see § 10.99.

State law reference—Regulation of interment of bodies, IC 18-1-1.5-7(h).

Sec. 93.07. Injury to monuments, shrubs.

No person shall wantonly or maliciously alter, deface, break down, write upon, discolor, or destroy any monument, tombstone, or vault erected

on lots of any deceased persons in any public or private burying ground in the city; or, in like manner, remove or injure any ornamental flower, plant, shrub, or tree standing in such burying ground.
(Code 1968, § 53.07)
Cross reference—Penalty, see § 10.99.

Sec. 93.08. Discharging firearms.

All persons are forbidden to discharge any firearms within the cemetery, except at military funerals or on Memorial Day.
(Code 1968, § 53.08)
Cross reference—Penalty, see § 10.99.

Sec. 93.09. Molesting animals and fowl.

All persons are forbidden to molest the fish, squirrels, birds, or other animals in the cemetery.
(Code 1968, § 53.09)
Cross reference—Penalty, see § 10.99.

Sec. 93.10. Sitting or walking upon private lots.

All persons except relatives of the deceased person buried therein are forbidden to sit or walk upon or otherwise occupy any private lot within the cemetery.
(Code 1968, § 53.10)
Cross reference—Penalty, see § 10.99.

Sec. 93.11. Hunting or carrying firearms.

All persons, except an on-duty law officer, are forbidden to hunt or carry firearms, unless participating in a military funeral service.
(Code 1968, § 53.11)
Cross reference—Penalty, see § 10.99.

Sec. 93.12. Reservation of graves for which no charge shall be made.

In the part of the cemetery known as public ground there shall be no charge made for graves.
(Code 1968, § 53.12)

Secs. 93.13—93.19. Reserved.

DIVISION 2. BOARD OF TRUSTEES

Sec. 93.20. Board of trustees created; purposes generally.

There is created a board of trustees, which shall have exclusive control and management of Beech Grove Cemetery.
(Code 1968, § 53.20)

Sec. 93.21. Composition; terms of office.

The board of trustees created by § 93.20 shall consist of five members. The term of office of each trustee shall be five years, except that any trustee chosen to fill a vacancy occurring during the term of any such trustee shall hold such office only during the unexpired term of his predecessor. Each person chosen to the board shall serve for the term for which he was chosen, and also until his successor shall have been chosen and qualified.
(Code 1968, § 53.21)

Sec. 93.22. Appointment; filling vacancies.

(A) All of the trustees to be chosen under this chapter shall be chosen by a majority vote of the common council of the city, by ballot, and all vacancies in the board of trustees shall be filled in like manner as soon as practicable after the occurrence of such vacancy.

(B) The common council of the city, at its last regular meeting prior to April 1 in each year, shall choose a member of the board of trustees for the term commencing on the next succeeding April 1.
(Code 1968, § 53.22)

Sec. 93.23. Organization; selection of superintendent.

The board of trustees, annually, as soon as practicable after April 1, shall organize by choosing a president, a vice-president, a secretary and treasurer of the board, and a superintendent of the cemetery. All of the officers, except the superintendent of the cemetery, shall be members of the board, and shall hold their respective offices for the term of one year, and until their respective successors shall have been chosen and qualified.
(Code 1968, § 53.23)

Sec. 93.24. Bond of officers and employees.

(A) Each officer and each employee who may be charged with the duty of handling any funds in carrying out the provisions of this chapter shall execute an official bond for the term of his office or employment before entering upon the duties of his office or employment, or, if the tenure is indeterminate, then the bond shall be for a term of one year and thereafter so long as the employment continues.

(B) All bonds required shall be individual surety company public official bonds conditioned on faithful performance of duties. The penal amounts of the bonds shall be fixed by the common council and shall be approved by the mayor. All such bonds shall be filed and recorded in the office of the county recorder.
(Code 1968, § 53.24; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.25. Powers and duties of the board.

(A) The board of trustees may make all necessary rules and regulations for the government and management of the cemetery, sell lots or parts of lots at such prices as the board deems reasonable, and require payment therefor in cash, or partly in cash and the balance in deferred payments spread over such period of time as the board deems reasonable. In the case of cash sales, a deed to the property sold shall be executed by the board on behalf of the city to the purchaser, and, in the case of sales made upon the deferred payment basis, the transaction shall be evidenced by a written contract of sale, executed by and between the board and the purchaser, title being reserved in the city until the purchase price is paid in full by the purchaser. In the event of the death of the purchaser before payment in full, but after not less than 50 percent of the purchase price has been paid, the balance of the purchase price remaining unpaid shall be canceled and a deed for the property shall be executed by the board on behalf of the city to the heirs of the purchaser.

(B) The board of trustees may employ agents for the sale of cemetery lots or portions of lots, and pay them such compensation for services as the board deems reasonable. The board may also employ superintendents, attorneys, engineers, and other necessary employees, and discharge them at its pleasure. The board may also collect and receive all moneys due or owing for lots, care of lots, care of graves, digging graves, and all other services rendered, and may use and disburse the moneys so received for the preservation, care, and improvement of the cemetery.
(Code 1968, § 53.25; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.26. Acquisition of property by the board.

Whenever deemed necessary, the board may, subject to the approval of the mayor and common council of the city, or the board of trustees, purchase on behalf of the city any other property for cemetery purposes located within five miles of the corporate limits or boundaries of the city; or it may purchase property adjoining, adjacent to, or conveniently near the cemetery, for additions thereto, to be used, held, and managed in the same manner as the existing cemetery.
(Code 1968, § 53.26; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.27. Annual financial report and annual budget.

(A) During the month of January of each year, the board shall make a report to the common council of its financial condition, and of the business conducted during the previous year, including a statement showing receipts and expenditures for the year.

(B) The board shall annually prepare a budget for the cemetery under its control in the same manner as other offices and departments of the city, and no funds shall be expended by the board without prior appropriation thereof by the common council of the city. If the revenues of the board are not sufficient to meet current operating expenses and amounts to be paid for the purchase of cemetery lands or other property, the deficiency in the revenues may be appropriated from the general fund of the city. The budget shall be subject to review under the general budget laws applicable to municipalities.
(Code 1968, § 53.27; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.28. Awarding of contracts.

The board shall award contracts in accordance with the Public Works Law
(Code 1968, § 53.28; amend. Ord. No. 174-76, 4-5-76)

State law references—Similar provisions, IC 5-16-1) and the Public Purchase Law; similar provisions, IC 5-17-1).

Sec. 93.29. Eminent domain.

The board may exercise the power of eminent domain within the boundaries and limits of the city for the purpose of acquiring additional cemetery lands, and also outside the city within a distance of five miles from the corporate limits, and pay damages to landowners for the lands and property so taken or injuriously affected. For that purpose the board may proceed in accordance with the provisions of either of the general laws available to municipalities when exercising the power of eminent domain.
(Code 1968, § 53.29; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.30. Disposition of moneys received by the board.

All moneys, funds, and revenues received by the board shall be paid and delivered by the board daily to the city controller of the city, who shall give the board a receipt. All such moneys, funds, or revenues so received by the city shall be credited to the account of the board and deposited in accordance with the provisions of law governing the deposit of public funds. All expenses incurred by the board shall be paid by claims allowed and signed by a majority of the board. The claims shall be delivered to the city controller of the city, and warrants in payment thereof shall be drawn on the city treasury.
(Code 1968, § 53.30; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.31. Gifts; investment of trusts; city bonds; application for federal aid.

(A) (1) Real and personal property may be accepted and received by the board by way of gift, legacy, or bequest, and upon such terms, conditions, or trusts as the donor or testator shall designate, for any lawful use and purpose in any way related to the operation, maintenance, care, or preservation of cemeteries or any portion thereof. The property so received shall be exempt from all taxation. Any moneys or funds received by the board, and not required to be used currently for the purpose of carrying out the purpose or trusts upon which the moneys and funds were received, shall be invested by the board by purchasing such bonds or obligations of the United States of America or of any municipality of the state as the board deems best, preference being given to the purchase of bonds or securities issued and negotiated by the city. Any income from the securities so purchased shall be used by the board for the purpose of carrying out the trusts upon which the gift was made.

(2) For the purpose of safekeeping any bonds or other securities held by the board, the board shall place the same in a safety deposit box in the vault of a reliable banking institution located in the city. One key for the safety deposit box shall be retained by such member of the board as it shall designate, one key by the city controller of the city, and one key by the banking institution.

(B) (1) If the improvement and development of the cemetery will provide relief for the unemployed, be a stimulus to the industry of the city, and be a suitable project and eligible for financing as a self-liquidating project by any agency of the federal government or by any person, firm, or corporation, and if the city will, under no circumstances, be obligated to pay for or be taxed for the construction of the improvements or developments, the board may, with approval of the common council, adopt a resolution in which the board shall express its determination to proceed with the improvement and development, and may do any and all things which may be necessary and required to secure the

advancement of the funds which may be necessary to make the improvements and to provide for the developments.

(2) The board shall pay any and all preliminary expenses which may be incurred in preparing and presenting its application for financial assistance to any federal or other agency having authority to grant aid to self-liquidating projects, out of any funds which the board may have at its disposal. Upon the adoption of its resolution of determination, the board shall proceed in all respects as is provided by law for the establishment of sewage disposal plant by the city, and shall have all of the powers in the improvement and development of the cemetery as the board of public works of a city or the committee or body authorized to perform the duties of a board, create the necessary sinking fund, pledge its receipts, fix its rates and charges sufficient to pay its obligations, and mortgage or otherwise obligate the property under its control to secure the payment of any such obligations as they mature, and the interest thereon as it accrues.

(Code 1968, § 53.31; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.32. Additional powers of the board.

(A) The board shall have the exclusive government, management, and control of any cemetery or cemeteries transferred to or acquired by the board, and all of the property, whether real, personal, or mixed, acquired by the board for cemetery purposes. The board shall have the control, maintenance, and direction of public use of that portion of any public road, avenue, or boulevard which may pass through the cemetery.

(B) The board may:

(1) Make all reasonable rules and regulations not in conflict with the laws of Indiana, for the management, control, direction, care, and maintenance of the property under its control, and for that purpose the board may request from the police authority of the city such detail of police as may be necessary to carry out and enforce its rules and regulations. The request shall be complied with by the police authority of the city to the extent that it may be able to comply with the same at the time the request is made, considering all other obligations and duties of the police authority. In case of any disagreement between such board and the police authority respecting such matters, the controversy shall be settled by such order as the mayor of the city or president of the board of trustees shall make.

(2) Make and enforce reasonable regulations respecting the placing and erecting of markers, monuments, tombstones, and mausoleums.

(3) Seize and impound animals running at large in the cemetery, establish a suitable place for impounding the same, and assess the reasonable costs thereof to the owner.

(4) Vacate streets, alleys, roads, or highways, or portions thereof, lying within lands under the control of the board, by the same form and procedures as are prescribed under the powers of street improvement authority of the city.

(5) Provide proper facilities for furnishing electric lighting, water, and sewer facilities in the cemetery, and, for that purpose, order and require any public utility to construct and install equipment as may be necessary for the furnishing of light, water, and sewer facilities.

(Code 1968, § 53.32; amend. Ord. No. 174-76, 4-5-76)

Sec. 93.33. Eligibility for appointment to board.

The board shall be appointed from the lot owners of Beech Grove Cemetery who are residents of Delaware County, Indiana.

(Ord. No. 174-76, 4-5-76)

Sec. 93.34. Reserved.

DIVISION 3. SUPERINTENDENT

Sec. 93.35. Superintendent duties generally; tenure.

The superintendent of the cemetery shall perform all duties which the board of trustees shall prescribe, and shall hold office at the pleasure of the board.
(Code 1968, § 53.35)

Sec. 93.36. Records.

(A) The superintendent of Beech Grove Cemetery shall keep a record showing the name, age, sex, and color, and, in case of infants under ten years, the names of one or both parents, of every person interred in the cemetery.

(B) In case of reinterment, the record shall show the name, age, date of death, color, and sex of every person so reinterred, the location from which the person was moved, and the number of the lot where interred.

(C) It shall be the duty of the superintendent to keep the record provided for by this section in good condition so as to facilitate use by interested parties.
(Code 1968, § 53.36)

Sec. 93.37. Permission to inter body.

No person shall enter the cemetery or burial place and inter therein any dead body, except with the authority or under the direction of the superintendent.
(Code 1968, § 53.37)
Cross reference—Penalty, see § 10.99.

Sec. 93.38. Interference with performance of duties; closing cemetery.

No person shall interfere with the superintendent of the cemetery in the discharge of his official duties, or remain in the cemetery with any vehicle, except in cases of burial, after the time for closing the gates, unless admitted by the superintendent; in which case such person shall immediately unload the same and withdraw in a reasonable time.
(Code 1968, § 53.38)
Cross reference—Penalty, see § 10.99.

CHAPTER 94. POLLUTION OF AIR; SMOKE*

Sec. 94.01. Smoke declared a nuisance.
Sec. 94.02. Smoke preventatives for furnaces.
Sec. 94.03. Injunction.

Sec. 94.01. Smoke declared a nuisance.

(A) The emission of dense black or gray smoke, ash, soot, noxious doors, or poisonous chemicals from any smokestack, chimney, or container used in connection with any stationary steam boiler, locomotive greater than 5-horsepower, or furnace of any description, within the corporate limits of the city in any apartment house with more than four apartments or in any building used as an apartment house, office building, hotel, theater, place of amusement, school building, manufacturing plant, locomotive or any other structure except a private residence, shall be declared and is declared to be a public nuisance.

(B) The owner, agent, lessee, or occupant of any building or structure of any description, and the general manager or superintendent having charge of any other boiler or locomotive, from the smokestack or chimney of which building there shall issue dense black or gray smoke, ash, soot, noxious odors, or poisonous chemicals within the corporate limits of the city shall be deemed and held to be guilty of creating a public nuisance and of violation of the provisions of this chapter.
(Code 1968, § 94.01)

Cross reference—Penalty, see § 10.99.

Sec. 94.02. Smoke preventatives for furnaces.

(A) Every boiler, furnace, stove, range, or tar kettle, except in a private residence, used within the corporate limits of the city, and in which bituminous coal is burned as fuel, shall be so constructed or altered or have attached thereto efficient preventatives which shall prevent the production and emission of dense black or gray smoke, ash, soot, noxious odors, or poisonous chemicals.

(B) No person who is the owner or lessee or has control of any boiler, furnace, stove, range, or tar kettle shall use or allow the use of any boiler, furnace, stove, range, or tar kettle which shall not be so constructed, or if already constructed, which shall not be so altered, or shall not have attached thereto efficient smoke preventatives in good and efficient order and operation.

(C) Any person who is the owner or lessee or has control of any such boiler, furnace, stove, range, or tar kettle within the corporate limits of the city, who continues to use bituminous coal after dense black or gray smoke, ash, soot, noxious odors, or poisonous chemicals shall have been emitted therefrom, and who does not substitute for bituminous fuel other non-bituminous fuel such as gas, coke, or anthracite coal, shall be deemed guilty of maintaining a nuisance.
(Code 1968, § 94.02)

Cross reference—Penalty, see § 10.99.

Sec. 94.03. Injunction.

Any person who shall operate any furnace of any description within the city in violation of the provisions of any separate section or all of the sections of this chapter, shall be deemed guilty of maintaining a nuisance and, upon conviction thereof, shall be fined as provided in § 10.99. In addition thereto, the court shall issue an injunction against any person in violation of this chapter.
(Code 1968, § 94.03)

Cross reference—Penalty, see § 10.99.

***State law reference—**Power of city to regulate introduction of substances into the air which endangers public health, IC-18-1-1.5-12.

CHAPTER 95. PARKS AND RECREATION*

Sec. 95.01. Hours parks are open.
Sec. 95.02. Defacing buildings, trees, statues.
Sec. 95.03. Vegetation.
Sec. 95.04. Possession and use of firearms.
Sec. 95.05. Conduct.
Sec. 95.06. Bicycles and automobiles.
Sec. 95.07. Picnics.
Sec. 95.08. Sleeping on benches; gambling.
Sec. 95.09. Intoxicating beverages.
Sec. 95.10. Parades, drills; public meetings and discussions.
Sec. 95.11. Signs, notices.
Sec. 95.12. Areas set aside for games; playing baseball.
Sec. 95.13. Swings on trees.
Sec. 95.14. Intoxicated persons.
Sec. 95.15. Ladies' rest rooms.
Sec. 95.16. Powers of officers and employees.
Sec. 95.17. Superintendent of parks.
Sec. 95.18. Prairie Creek reservoir.
Sec. 95.19. Driving on park property.

Sec. 95.01. Hours parks are open.

The parks of the city shall be open to the public from 5:00 a.m. until 11:00 p.m. each day. No person other than employees shall be permitted to remain therein except when open as herein specified, and no person at any time shall enter or leave any park in any vehicle except by the established entrances or drives.
(Code 1968, § 95.01)
Cross reference—Penalty, § 10.99.

Sec. 95.02. Defacing buildings, trees, statues.

No person shall write on, cut, mutilate, or deface in any manner any building, fence, bench, masonry, statue, ornament, or tree in any public park.
(Code 1968, § 95.02)
Cross references—Penalty, § 10.99.; injuring trees on public property, § 97.01.

Sec. 95.03. Vegetation.

(A) No person shall pull, pluck, break, or touch any flowers or fruit; cut down, girdle, or break down any sapling, tree, shrub, or plant; handle or injure any trees, flowers, shrubs, or plants whatsoever, or limbs, twigs, or leaves thereof; or climb any tree in any public park.

(B) No person other than an employee shall bring into any park any tree, shrub, or plant, or any newly-plucked branch or portion of a tree, shrub, or plant.

(C) No person shall go upon the grass, lawn, or turf of any park where signs inscribed "keep off the grass" have been posted by the superintendent.
(Code 1968, § 95.03)
Cross reference—Penalty, § 10.99.

Sec. 95.04. Possession and use of firearms.

No person shall discharge any firearm or have possession of any firearm within the limits of any public park.
(Code 1968, § 95.04)
Cross reference—Penalty, § 10.99.

Sec. 95.05. Conduct.

No person shall use profane, obscene, threatening, or abusive language, fight, throw any stone or missile, behave in any disorderly or improper manner, or commit any offense against decency or good morals in any public park.
(Code 1968, § 95.05)
Cross reference—Penalty, § 10.99.

Sec. 95.06. Bicycles and automobiles.

(A) Bicycles shall be strictly confined to the roadways of the public parks, shall be controlled by the same rules which govern automobiles, and shall keep and pass to the right when meeting the same. Passing from the rear to the front shall be done on the left side. Bicycles shall not travel more than two abreast, nor without displaying a light in front, if it is hour after sunset. When automobiles or bicycles meet, they shall keep to the right.

(B) No person shall ride or drive upon the grass, footways, or any place other than on the roads.
(Code 1968, § 95.06)
Cross reference—Penalty, § 10.99.

*__State law reference—__Power of city to establish and maintain parks, IC 18-1-1.5-14.

Sec. 95.07. Picnics.

No public picnic shall be held in any park without a written permit of the superintendent, in which shall be designated the place where the picnic is to be held. Picnics permitted for Sunday and secular schools must always be attended by teachers and masters of the schools, who will be held personally responsible for all infringements of the rules set out in this chapter by the participants. No person shall intrude upon a picnic without the consent of those in charge of it, nor disturb any picnic within a park. Parties holding picnics in parks must clean up the ground that has been occupied by them and remove all paper and litter.
(Code 1968, § 95.07)
Cross reference—Penalty, § 10.99.

Sec. 95.08. Sleeping on benches; gambling.

No person shall be allowed to sleep on the benches of any park, or to beg, tell fortunes, or play at any game of chance or with any instrument of gaming in the park. Gambling and playing cards in any form are prohibited in any park.
(Code, § 95.08)
Cross reference—Penalty, § 10.99.

Sec. 95.09. Intoxicating beverages.

No person shall introduce any intoxicating beverages into any public park, either for his own use or for sale, or use, sell, or give away the same.
(Code 1968, § 95.09)
Cross reference—Penalty, § 10.99.

Sec. 95.10. Parades, drills; public meetings and discussions.

No military, civic, or other company shall be permitted to parade, drill, or perform within any park any military evolutions or movements without the consent of the superintendent of parks. No public meetings or public discussions of any subject, religious, social, political, or other, shall be held within the limits of any public park without the consent of the superintendent of parks.
(Code 1968, § 95.10)
Cross reference—Penalty, § 10.99.

Sec. 95.11. Signs, notices.

No person shall paint, post, or otherwise affix any bill, notice, sign, or other paper upon any structure or thing within the parks, or upon any of the gates or any part of the gates enclosing the park, except that signs may be placed or posted on the outfield fences of ball parks with written permission of the park board, and subject to rules and regulations established by the board.
(Code 1968, § 95.11; Ord. No. 57-93, 10-4-93)
Cross reference—Penalty, § 10.99.

Sec. 95.12. Areas set aside for games; playing baseball.

Portions of the park known as McCulloch Park shall be set apart by the superintendent for ball, croquet, or other games and, where no such portion of any park is set apart for games as aforesaid, no game of baseball shall be played without the written consent of the superintendent and no person shall practice ball or intrude himself upon the players while a game is in progress.
(Code 1968, § 95.12)
Cross reference—Penalty, § 10.99.

Sec. 95.13. Swings on trees.

No person shall attach a swing to any tree within any park without the consent of the superintendent
(Code 1968, § 95.13)
Cross reference—Penalty, § 10.99.

Sec. 95.14. Intoxicated persons.

No intoxicated person shall be permitted within any public park.
(Code 1968, § 95.14)
Cross reference—Penalty, § 10.99.

Sec. 95.15. Ladies' rest rooms.

No male person shall enter any toilet or restroom set apart for female persons within any park.
(Code 1968, § 95.15)
Cross reference—Penalty, § 10.99.

Sec. 95.16. Powers of officers and employees.

Officers and employees of any park within the city are invested with police powers. It is made

the duty of such officers and employees to enforce these rules, and to that end they are empowered to make arrests.
(Code 1968, § 95.16)

Sec. 95.17. Superintendent of parks.

The mayor shall appoint a suitable person as superintendent of the public parks of the city to serve for the term of one year until his successor is selected and qualified. The superintendent may be removed at any time.
(Code 1968, § 95.17)

Sec. 95.18. Prairie Creek reservoir.

(A) All of the state boating laws enacted by the Indiana General Assembly are in full force and effect as to all activities on the Prairie Creek Reservoir.

(B) No person shall place, deposit, or permit to be deposited in any unsanitary manner upon public or private property below the high water line of the Prairie Creek Reservoir any sewage, garbage, waste materials, or waste paper. The operation of any boat or craft on the waters of the reservoir shall be done in a manner so as not to create any unsanitary condition in or about the waters. The operators of the craft shall not pollute the waters by discharging any material amount of oil or polluting liquid or solid tending to make the water unwholesome or unfit for water supply purposes or injurious to the aquatic life therein.

(C) No person shall enter upon the reservoir property leased to the city without the permission and consent of the city, as determined by the board of park commissioners. Any entry upon such land without such permission and consent shall constitute a trespass.

(D) The board of park commissioners of the city shall have the authority to adopt rules and regulations concerning the use and activities on the Prairie Creek Reservoir. Upon adoption of the rules and regulations, the same shall be published in a newspaper of general circulation in the city, as well as posted on and about the Prairie Creek Reservoir premises. The violation of any of the rules and regulations shall constitute a violation of this section.
(Code 1968, § 95.18)

Cross reference—Penalty, § 10.99.

Sec. 95.19. Driving on park property.

No person shall drive or park any type of motorized vehicle upon the grass, pedestrianways, paths, or elsewhere than on the roads, drives, and designated parking areas in all public parks and city-owned land contiguous to the White River, unless authorized to do so by the superintendent of parks.

However, a handicapped person as defined in section 77.30 of the Muncie City Code, having first obtained a permit from the board of public works, may drive a motorized vehicle onto city-owned land along White River between Washington Street and West Side Park for recreational purposes only, but shall enter onto such land only at the graveled path at West Side Park, and shall drive and park upon the pathway and grassy areas along White River, only if the person can do so without damaging the pathway or grassy areas.
(Ord. No. 604-80, 6-24-80; Ord. No. 10-96, § 1, 4-1-96)

Cross reference—Penalty, § 10.99.

CHAPTER 96. STREETS AND SIDEWALKS*

Division 1. In General

Sec. 96.01. Playing ball in streets prohibited.
Sec. 96.02. Transportation of certain loose materials in vehicles.
Sec. 96.03. Unauthorized removal of barricades, signal lights, or lanterns from streets.
Sec. 96.031. Parking vehicles on sidewalks.
Sec. 96.04. Removal of earth, gravel, or pavement from streets prohibited.
Sec. 96.05. Cleanliness of public ways and places.
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Sec. 96.10. Hanging advertising across street.
Sec. 96.11. Posting handbills; defacing posts.
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Sec. 96.13. Signs and merchandise obstructing intersections or sidewalks.
Sec. 96.14. Obstruction of street lights.
Sec. 96.15. Shade trees obstructing intersections.
Sec. 96.16. Trees extending over streets and sidewalks.
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Division 3. Benches at Bus Stops

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Sec. 96.51. Purpose.
Sec. 96.52. Intent.
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Sec. 96.60. Application; permit required.
Sec. 96.61. Application fees.
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Sec. 96.80. Public transportation shelters.
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Sec. 96.86. Repeal of prior provisions.
Sec. 96.99. Penalty.

***State law references—**Streets, alleys, and public improvements, IC-19-8-16-1 et seq.; exclusive power of city over streets, IC-18-5-10-4.

DIVISION 1. IN GENERAL

Sec. 96.01. Playing ball in streets prohibited.

No person shall play baseball or any game of ball in any of the streets or alleys of the city.
(1968 Code, § 96.01)

Sec. 96.02. Transportation of certain loose materials in vehicles.

Whoever shall transport on any public way, crushed stone, sand, gravel, sawdust, ashes, cinders, lime, tanbark, shavings, trash, wastepaper, ice, fuel, leaves, trimmings from growths, mortar, earth, rubbish, refuse, or any other loose materials or articles likely to sift, fall, spill, or be thrown upon the public way, shall not overload the vehicle used to transport the substance and shall cover or secure such contents and convey the same in tight wagon boxes, or in containers. If such contents are blown or spilled, or become scattered on any public way, the person transporting such substances shall remove all of the debris from the street.
(1968 Code, § 96.02)

Sec. 96.03. Unauthorized removal of barricades, signal lights, or lanterns from streets.

No unauthorized person shall remove any barricade, signal light, or lantern from any street under construction or repair.
(1968 Code, § 96.03)

Sec. 96.031. Parking vehicles on sidewalks.

No unauthorized person shall be allowed to operate or park any motor vehicle on or pass over the curb, sidewalk, or median between curb and sidewalk of any street, thoroughfare, or other public way of the city.
(Ord. No. 688-81, 6-1-81)

Sec. 96.04. Removal of earth, gravel, or pavement from streets prohibited.

No person shall take or cause to be taken any earth, gravel, or pavement from any street or alley in the city without a permit from the board of public works and safety.
(1968 Code, § 96.04)

Sec. 96.05. Cleanliness of public ways and places.

The streets, alleys, public ways, and public places shall at all times be kept neat, clean, and reasonably free from dirt, litter, and rank growth, so that the city may at all times present an orderly and attractive appearance.
(1968 Code, § 96.05)
Cross reference—Waste and litter, Ch. 52.

Sec. 96.06. Goodwill Industries receptacles.

When signs are promptly posted giving notice thereof, it shall be unlawful for any person to place, abandon, deposit, or leave any article, package, or bundle at or near any Goodwill Industries or similar charitable organization collection boxes in the city without placing the article, package, or bundle inside the collection box.
(Ord. No. 456-B, 11-6-73)

Secs. 96.07—96.09. Reserved.

DIVISION 2. OBSTRUCTIONS

Sec. 96.10. Hanging advertising across street.

No person shall hang or suspend any banner, sign, emblem, or advertising medium from one building to another over any street or alley within the city without first obtaining the permission of the building director.
(1968 Code, § 96.10)

Sec. 96.11. Posting handbills; defacing posts.

No person shall post, in any manner, any handbills, advertisements, or pictures upon telegraph, telephone, electric light, or other public utility poles, or on highway posts or trees, or on

any public way or place, or appurtenances thereon, or mar, deface, or damage the same by cutting or whittling.
(1968 Code, § 96.11)

Sec. 96.12. Signposts in front of buildings.

No person shall build or erect any signpost upon the sidewalk or street in front of any business or dwelling house within the city.
(1968 Code, § 96.12)

Sec. 96.13. Signs and merchandise obstructing intersections or sidewalks.

(A) Signs and merchandise may not be placed at or on street corners in such a way as to obstruct the vision of a motorist legally entering an intersection.

(B) Merchandise may be piled no closer than four feet from the curb or right-of-way.

(C) No more than one signpost of no greater than one foot in diameter may be closer than four feet to the curb or right-of-way at an intersection. The sign supported by such signpost must be higher than eight feet from the ground.

(D) No sign lower than eight feet from the ground may be placed closer than four feet from the curb or right-of-way.

(E) However, nothing herein shall be construed as prohibiting the placement of facilities for the seating of pedestrians or the display of merchandise in observance of "sidewalk days."
(1968 Code, § 96.13)

Sec. 96.14. Obstruction of street lights.

No person shall erect or maintain any sign, post, awning, or shade tree, which shall obstruct street lights.
(1968 Code, § 96.14)

Sec. 96.15. Shade trees obstructing intersections.

Shade trees shall not be planted nearer than ten feet to street crossings or alley openings, nor shall such trees be encased with any fence or guard bars so as to interfere with street lights or the convenient maintenance of street lights.
(Code 1968, § 96.15)
Cross reference—Penalty, § 96.99.

Sec. 96.16. Trees extending over streets and sidewalks.

The owner of shade trees which obstruct passage or light from street lights shall keep such trees trimmed so that the limbs or branches which extend over, along, or across sidewalks shall not be less than ten feet above the sidewalk, and the limbs and branches which extend over, along, and across the adjacent street shall be of sufficient height above the grade of the street to admit the passage of ordinary buses, trucks, and other vehicles.
(Code 1968, § 96.16)
Cross reference—Penalty, § 96.99.

Sec. 96.17. Shrubs obstructing intersections; removal.

(A) No person shall plant or grow any shrubs or other plants in a way which interferes with adequate visibility at street intersections. All plants and shrubs adjacent to intersections shall not be allowed to grow higher than 40 inches and shall be planted at least four feet from the street right-of-way at all points.

(B) All trees growing or planted within four feet of the street right-of-way must have foliage trimmed by the owner in a manner which does not interfere with adequate vision by drivers and pedestrians.

(C) Upon request of the police department, the owner of any plants, shrubs, or trees growing in violation of section 96.17(A) and (B) shall be granted 30 days to trim or otherwise eliminate the violating growth. In the event corrective action is not taken within 30 days, the city shall make the necessary corrections and the cost shall be charged to the owner, and shall be a lien upon the lot, tract, or parcel of land, the same as taxes are a lien. The amount shall be due and payable on or before the first Monday of the following November. In the event it is not paid, a penalty of ten percent shall be added and the real estate sold

at the same time and in the same manner as real estate is sold for delinquent taxes. The laws governing the sale of real estate, time of redemption, penalties, interest, deeds, and all other laws concerning the sale of real estate for delinquent taxes shall apply and govern these sales.

(D) The description of the real estate and the name of the owner or owners which appear on the transfer records in the office of the county auditor shall be a sufficient description of the real estate and its owner or owners.
(Code 1968, § 96.17)
Cross reference—Penalty, § 10.99.

Sec. 96.18. Parking and assembly on walkways, driveways, and parking areas.

(A) It shall be unlawful to intentionally block entrances or exits to any parking area adjacent to any business building in any manner unless by direction of the owner or manager of the public building or business, whereby doing so causes any difficulty in entering or exiting the premises or adjacent drive or parking area, except for the purpose of repairs by municipal authorities or private contractors engaged by owners.

(B) It shall be unlawful for any person to drive a motor vehicle through any parking area or driveway of any public or business building without attempting to park the vehicle.

(C) It shall be unlawful for any person to leave an unoccupied motor vehicle upon a walkway, driveway, or parking area of a public building or business building and leave such premises to go elsewhere, without the knowledge and consent of the owner, manager, or person in charge of such premises, if the premises are so posted by the owner or manager.

(D) To come under the provisions of this section, the owner or manager of public business premises shall be required to post notices in a conspicuous location, by one or more signs displaying the fact that the premises are protected by the terms of this section.

(E) It shall be the duty of the owner or manager of public and business premises to sign an agreement with the city board of public works that the owner or manager shall post notices as described in this section and that the owner or manager shall cooperate to prosecute any person charged with violation of this section.

(F) After the above agreement is filed, the city shall design and furnish, for a fee determined by the board of public works, a notice to the owner or owners to be posted.

(G) The above agreement must be signed and filed in the office of the city clerk, and notice must have been posted in a conspicuous place on the property intended to be covered by this section.
(Ord. No. 39-87, 11-9-87)
Cross reference—Penalty, § 96.99.

Sec. 96.19. Reserved.

DIVISION 3. BENCHES AT BUS STOPS*

Sec. 96.20. Purpose of regulations.

The purpose of sections 96.20 through 96.27 is to assist the public in the use of the streets by providing, subject to the regulation of the common council and approval of the board of public works, benches for the use of the public. Nothing herein contained shall be construed as permitting the placing of advertising matter upon any device in the public streets other than as permitted by these sections.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)

Sec. 96.21. Installation; placing of advertising.

Benches may be installed and maintained on public property for the accommodation of persons awaiting public bus transportation, and at other places throughout the city, as determined by the board of works. No more than one bench may be placed at a given intersection, and no bench may be located closer than 250 feet to any other bench,

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***Editor's note—**Ord. No. 53-97, §§ 1, 2, adopted December 1, 1997, amended §§ 96.20—96.27 in their entirety to read as herein set out. Former §§ 96.20—96.27 pertained to similar subject matter and derived from the Code of 1968; Ord. No. 129-B, 10-7-69; Ord. No. 20-95, 7-10-95. Section 7 of Ord. No. 28-03, adopted Oct. 6, 2003, provided for the repeal of this subchapter, §§ 96.20—96.27, to be effective on July 1, 2004. See section 96.80 et seq. for superseding provisions.

except at certain designated intersections a 250-foot requirement could be waived. Advertising matter and signs may be placed on these benches, subject to the provisions of this chapter. The board of works shall make reasonable regulations for the carrying out of the provisions of this chapter, including issuance of all permits.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)
Cross reference—Penalty, § 10.99.

Sec. 96.22. Permit required.

No person shall install or maintain a bench upon public property without having first obtained a permit, as provided in this chapter. No more than one permittee shall be authorized to install and maintain benches in the city, in order that all responsibility and liability imposed under this chapter shall be clearly fixed in the permittee, for the benefit of the public and the city.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)
Cross reference—Penalty, § 10.99.

Sec. 96.23. Awarding of permit.

The city shall select the permittee in the following manner:

(A) The board of works shall advertise for bids for the awarding of a permit for the placement of benches. At a date established by the board of works, bids shall be received and opened. Bidding shall be generally conducted in accordance with state law pertaining to the purchase of supplies, insofar as possible.

(B) The board of works shall guarantee all bidders that the permit to be awarded will allow the installation of at least 50 benches throughout the city. Bids shall state the price to be paid to the city, per bench. The board of works shall accept the best bid and shall then award to the best bidder a permit allowing the bidder to place benches upon public property for a period of three years.

(C) The permit awarded to the winning bidder shall permit that bidder to place advertising on the benches in accordance with this chapter. Company guarantees to install a minimum of 50 benches throughout the city within six months of awarded contract.

(D) The board of works shall have the right to reject all bids if no suitable bid is offered.

(E) The permit awarded by the city shall not be transferrable. By accepting the permit, the permittee shall agree that the city shall not be held liable under any cause of action at law or equity, of whatever nature, that may arise as the result of the installation, maintenance, or use of such benches. The permittee shall indemnify the city for any damages or other loss of any kind that the city, its officers, agents or employees may incur as the result of the permittee's placement of benches on public property.

(Ord. No. 53-97, §§ 1, 2, 12-1-97)

Sec. 96.24. Removal of benches.

The city may order the permittee to remove a bench under any of the following circumstances:

(A) If the board of public works determines that the maintenance of a bench at a particular location tends to obstruct passage of pedestrians or automobiles along a public way or on public property or creates a hazard to persons traveling thereon.

(B) If the board of public works determines that the maintenance of a bench at a particular location does not promote the convenience of the traveling public or does not allow free and customary use of any street, alley, sidewalk, or other public way or property.

(C) If the board of public works determines that advertising material upon the bench is forbidden under section 96.26(B).

The board of works may order the permittee to remove any bench that violates any of the foregoing requirements. If the permittee fails to remove the bench within 30 days after ordered to do so by the board of works, the board of works may cause the bench to be removed and may recover the cost of removal from the permittee in a civil action, or

may revoke the permit of the permittee and readvertise for the awarding of a new permit, or both.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)

Sec. 96.25. Inspection and maintenance.

The permittee, by acceptance of a permit, agrees to be bound by all the provisions of this chapter, to inspect each bench periodically, and to maintain all benches in a safe, clean, and sightly condition.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)

Sec. 96.26. Specifications.

All benches installed by permission shall conform to the following specifications:

(A) No bench shall be more than seven feet in length, or more than 25 inches in depth, or more than 42 inches in height, or more than six inches thick. Benches shall be of uniform painting and construction, except for the advertising thereon, the ends and legs made of concrete, and the seats and backs made of hardwood or plywood. The benches shall constructed in a workmanlike manner.

(B) No advertising shall be placed on any bench that contains words that might tend to cause traffic confusion, such as "stop," "damage," "drive in," or other similar words, nor shall such it advertise a business directly competitive with a business located on property adjacent to the bench, nor shall it be of a political nature, nor shall it advertise alcoholic beverages, nor shall it contain any indecent or pornographic matter.

(Ord. No. 53-97, §§ 1, 2, 12-1-97)

Sec. 96.27. Insurance required.

Before installing any bench, the permittee shall file with the city controller, and during the lifetime of the permit shall maintain in effect, a policy of insurance with a company satisfactory to the city controller, naming the permittee and the city or its agents or employees as insureds. The policy shall be in such form and with such conditions as shall protect the city, its agents and employees against all claims for death, injury, damage to property or reputation, or other claims for damages of any kind, resulting from the installation or maintenance of the benches, and shall indemnify the city, its employees and agents, for all damages and costs which the city, its agents and employees may incur as a result of any such suit thereon. The policy shall be conditioned to pay all costs of defense, and to pay all damages and costs incurred by the city in an amount not less $1,000,000.00.
(Ord. No. 53-97, §§ 1, 2, 12-1-97)
Cross reference—Penalty, § 10.99.

Secs. 96.28, 96.29. Reserved.

DIVISION 4. SIDEWALKS

Sec. 96.30. Driving vehicles or animals on sidewalks.

No person shall ride, drive, or propel any motor bicycle, cart, wagon, or other vehicle on or across any sidewalk in the city, or ride, drive, or lead any horse, mule, ox, cow, sheep, or hog on any sidewalk in the city. If there is no alley adjacent to a lot and no convenient access other than crossing over a sidewalk, it shall be lawful for the owner or occupant of the lot or any person in his employ to drive across the sidewalk for the purpose of unloading, discharging, or delivering any bulky article, if the place at which the sidewalk is crossed has been well-planked so that driving or crossing does not injure the sidewalk or interfere with the free use and passage of foot passengers. The planks shall be removed from the sidewalk when not in use.
(Code 1968, § 96.30)
Cross reference—Penalty, § 10.99.

Sec. 96.31. Dirt and rubbish on sidewalks.

No person shall obstruct any sidewalk in the city with dirt or rubbish and it shall be unlawful to permit dirt and rubbish to accumulate and remain on the sidewalk. If the nuisance has not been abated within five days or immediately after notice of the nuisance has been given to the owner by the chief of police, the city may maintain an action against the owner.
(Code 1968, § 96.31)
Cross reference—Penalty, § 10.99.

Sec. 96.32. Removal of ice and snow from sidewalks; obstructions, encumbrances.

During the winter, the owner or occupant of any building; the owner, proprietor, lessee, or person entitled to possession of a vacant lot; and anyone having charge of a church, public hall, or other building in the city shall, by 10:00 a.m. each morning, clean the sidewalk in front of each house, building, or lot, and keep it free from snow and ice during the day. Such persons shall also keep the sidewalks clean and free of all dirt and filth or other obstructions, encumbrances, or merchandise for display or sale. Merchandise may be unloaded or loaded from the sidewalk but must be removed within one hour.
(Code 1968, § 96.32)
Cross reference—Penalty, § 10.99.

Sec. 96.33. Width of sidewalks.

The width of all city sidewalks shall be determined by the board of public works and safety.
(Code 1968, § 96.33)

Sec. 96.34. Cellarways under sidewalks; opening cellar doors.

(A) No person shall occupy space for cellarways more than three and one-half feet of the width of any sidewalk on any street or such portion of the width of any alley as will interfere with the free and safe passage of vehicles through the alley. Such cellarways shall be measured streetwards from the line of the bordering lots. The doors or coverings of such cellarways shall be constructed of iron bars or heavy sheets of boiler iron, made and roughened so as to render the passage of pedestrians over the same free of accident from tripping, slipping, or falling. The cellar doors, including the frame, hinges, and other fixtures, shall not project above the established grade of the sidewalk or alley in which they are located.

(B) When the cellar door is opened, the owner or occupant of the premises shall guard the opening in a manner which will prevent injury to pedestrians.
(Code 1968, § 96.34)
Cross reference—Penalty, § 10.99.

Sec. 96.35. Awnings and sheds over sidewalks prohibited; exception.

No person shall build or erect any wooden or metallic shed or awning over or across any sidewalk, except as provided in § 96.36.
(Code 1968, § 96.35)
Cross reference—Penalty, § 10.99.

Sec. 96.36. Awning regulations.

No person shall erect or maintain any awning or shed over or across any improved sidewalk in the city, unless the awning or shed is securely attached to the adjacent building, and the framework supports, except stationary iron framework supports and the covering, shall be made movable and adjustable in such manner that when not in use for shade or shelter it may be raised, folded, or thrown back against the building. All framework of any awning or shed so erected or maintained shall be not less than seven feet six inches in height above the sidewalk and have curtains or fringe not to exceed six inches in width; provided, that in all cases where a roll curtain or covering is used on such framework, the framework shall be not less than eight feet above the sidewalk.
(Code 1968, § 96.36)
Cross reference—Penalty, § 10.99.

Secs. 96.37—96.39. Reserved.

DIVISION 5. REGULATION OF ACTIVITIES WITHIN PUBLIC RIGHTS-OF-WAY*

Sec. 96.40. Title.

Sections 96.40—96.49 shall be known as the "right-of-way use Permit Ordinance."
(Ord. No. 3-01, § I, 5-7-01)

Sec. 96.41. Definitions.

The following terms shall be defined as follows for the purposes of sections 96-40—96.49.

***Editor's note—**Ord. No. 3-01, §§ I—XI, repealed former sections 96.40—96-45 in their entirety and enacted new provisions as herein set out. Former sections 96.40—96.45 pertained to excavations and repairs in streets and derived from the Code of 1968 and Ord. No. 21-74, 7-1-74; Ord. No. 63-94, 12-5-94.

Board. The board of public works and safety.

Bond. The posting of required surety to guarantee prompt and satisfactory replacement and repair of facilities damaged or disrupted by the permitted operations.

City engineer. The city engineer and/or any of his/her duly appointed representatives.

Department. The department of engineering of the City of Muncie, Indiana.

Inspector. The authorized representative of the city engineer assigned to make detailed inspections of permitted performance.

Permit. A form of written authorization to permit action to be done within the right-of-way as per outlined specifications.

Person. The term person shall include any natural person and any entity recognized by the law.

Right-of-way. The boundaries established by a recorded plat, a duly adopted thoroughfare plan, or usage, for the purpose of providing public transportation or utility services.

Utility facilities Includes, without limitation, telephone, electronic, electric, cable, fiber optic, gas, water, sewer, heating, and cooling facilities.
(Ord. No. 3-01, § II, 5-7-01)

Sec. 96.42. Activities requiring a right-of-way use permit.

Except as provided in subsection (4) hereof, no person shall undertake any of the following activities within a public right-of-way without first acquiring a right-of-way use permit to do so from the office of the city engineer:

(1) Installation or repair of public utility facilities, private connections to public utility facilities, Ball State University utility facilities, or facilities of any other entity having the right to use public right-of-way.

(2) Creation or alteration of egress or ingress ways to private property bordering a right-of-way.

(3) Temporary closure of traffic or parking lanes or pedestrian ways for any surface use which would encroach upon and share right-of-way space with the public needs, examples being parades, street fairs, sidewalk tables, and dumpsters;

(4) Exceptions:

(a) A permit is not necessary to maintain grass, drives, or sidewalks within the right-of-way.

(b) A subdivision under construction whose streets, sidewalks or other public facilities have not yet been accepted are required to meet the subdivision regulations, but are not required to apply for a right-of-way use permit.

(c) Right-of-way or public grounds dedicated to public agencies other than the City of Muncie, e.g. State Highway right-of-way.

(Ord. No. 3-01, § III, 5-7-01)

Sec. 96.43. Unlawful activities within the right-of-way.

(A) It shall be unlawful for a person to drive a vehicle over or park a vehicle upon any curb or sidewalk.

(B) Unless a special permit to encroach is issued by the board, it shall be unlawful for any person to:

(1) Store construction material or merchandise within the right-of-way.

(2) Plant a tree or shrub within a right-of-way.

(3) Construct a fence within a right-of-way.
(Ord. No. 3-01, § IV, 5-7-01)

Sec. 96.44. Permit application.

A person desiring to undertake any of the activities set out in section 96.42 shall sign and file an application with the city engineer's office, and secure a right-of-way use permit before starting any work or activity inside the right-of-way,

all as set out in the following subsections. The city engineer is the permit issuing authority with respect to the activities set forth in

subsections 96.42(1) and (2). With respect to the activities set forth in subsection 96.42(3), the city engineer shall forward the permit application to the board, which is the permit issuing authority for such activities. The board shall exercise its discretion in the

issuance or denial of a permit and may impose such reasonable conditions as it sees fit prior to the issuance of a permit. No work shall be done or activity taken prior to the issuance of the permit, except in the event of an emergency requiring immediate remedial action for utility facilities, in which case the utility shall comply with section 96-47 hereof.

The permit for activities set forth in subsections 96.42(2) shall be issued pursuant to the provisions of sections 96.60 through 96.70, inclusive, of the Code of Ordinances concerning access permits. The permit for activities set forth in subsections 96.42(1) and 96.42(3) shall be issued as provided in this right-of-way use permit ordinance.

(1) *Contents of permit application.* The application for a right-of-way use permit shall be submitted to the city engineer and shall at a minimum, include the following information and documents:

(a) The name address and phone number of the person or entity for whom the work is to be done or the activity is to be conducted, and the name, title and phone number of the person responsible for the work or activity;

(b) The name and address of the contractor responsible for work;

(c) The nature of and the reason for the work or activity to be performed;

(d) The precise location of the work or activity site and the dimensions of any excavation;

(e) The anticipated beginning and ending dates of the project;

(f) The method of traffic control to be used by the applicant at the site;

(g) Any other pertinent information requested by the city engineer;

(h) Written approval from the appropriate department if the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way.

(2) *Insurance requirements.* There shall be furnished to the city at the time of making application written proof that the applicant or the contractor for the applicant is covered by public liability insurance in an amount not less than $300,000.00 for property damage and $300,000.00 for injury to any one person, and $1,000,000.00 for any one occurrence.

(3) *Bond requirements.* The applicant or the contractor for the applicant, shall file a bond in the penal sum of not less than $5,000.00 or as determined by the city engineer, conditioned on the performance of the work and the maintenance of said work for a period of two years from the completion of such work, all in accordance with the terms of this ordinance. Exception: The applicant for a surface use under subsection 96.42(3) is not required to file a bond.

(4) *Indemnity agreement.* The applicant shall furnish a written agreement to indemnify, defend, exculpate and hold harmless the City of Muncie, Indiana, its officials, agents and employees from any liability due to loss, damage, injuries or other casualties of whatsoever kind, or by whomsoever caused, to the person or property of anyone on or off the right-of-way arising out of, or resulting from the issuance of the permit or the work or activity connected therewith, or from the installation, existence, use, maintenance, conditions, repairs, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions of (1) the city, its officials, agents, or employees, or (2) the applicant, his agents,

contractors or employees, or other persons engaged in the performance of the work or activity, or (3) the joint negligence of any of them, including any claims arising out of the workman's compensation act or any other law, ordinance, order, or decree, for a period of the applicable statute of limitations. The indemnity shall also provide that the applicant shall pay all reasonable expenses and attorney fees incurred by or imposed on the city in connection herewith in the event that the applicant shall default under the provisions of the indemnity agreement.

(5) The applicant shall be responsible for the design of the facility to be installed within the right-of-way. The city will be responsible only for the review and approval of the proposal with respect to the locations of the facilities to be installed and the manner of installation as related to the City Standards and Specifications. Approval of the permit does not relieve the applicant of responsibility for the design. The city does not alter current regulations or authority for installing utility facilities nor for determining financial responsibility for replacing or adjusting utility facilities. The city limits itself to matters which preserve the safe operation, maintenance and integrity of the city right-of-way.

(Ord. No. 3-01, § V, 5-7-01; Ord. No. 14-02, 5-13-02)

Sec. 96.45. Permit fees.

A permit fee shall be paid at the time of filing the application as set out below:

(1) An applicant for surface use under subsection 96-42(3) shall at the time of filing pay a permit fee of $20.00 for each day of intended use.

(2) With respect to all other applications, a permit fee shall be paid at the time of filing and shall include $40.00 for plan review where applicable and $20.00 per working day for the number of days estimated to complete the permitted activity.

(3) The plan review and permit fees are to reimburse the city for its cost of plan review, daily inspections and record keeping. If the permitted activity cannot be completed within the estimated time, additional daily permits must be purchased prior to the time needed. Unused daily permit fees will be refunded or credited to the applicant.

(4) Any violation of the terms of sections 96.40—96.49 or the specifications and instructions adopted by the board pursuant to these sections shall be assumed to require additional inspection and one additional daily permit fee will be assessed for each such infraction.

(5) The requirement for daily permit fees shall end on the day a final inspection by the engineer verifies that all requirements of sections 96.40—96.49 have been met.

(Ord. No. 3-01, § VI, 5-7-01)

Sec. 96.46. Board to establish rules and regulations.

The board is hereby authorized to establish such and specifications and procedural instructions for work and activity within the right-of-way as may be necessary to accomplish the purposes of sections 96.40—96.49. The specifications and procedural instructions shall be kept on file in the office of the city engineer and may be amended from time to time by the board.

(Ord. No. 3-01, § VII, 5-7-01)

Sec. 96.47. Emergencies.

(A) In the event of an emergency, a utility or a government operated utility may commence work within the public right-of-way, without submitting an application for a right-of-way use permit. In such event the utility or government operated utility shall:

(1) Submit an application, bond and indemnity agreement for a right-of-way use permit within 24 hours of starting its work or the next working day for the city engineer's office, whichever is sooner.

(2) Attach to the application a full and complete written explanation concerning the emergency and its cause.

(B) In the event that the city engineer shall determine that in his judgment an emergency did not exist he shall forward a copy of the application and all attachments to the city attorney as a violation of this ordinance.
(Ord. No. 3-01, § VIII, 5-7-01)

Sec. 96.48. Penalties.

A person or entity who is guilty of a violation of any provision of this ordinance shall be punished by a fine not to exceed $1,000.00 nor less than $250.00. Each day any portion of sections 96.40—96.49 is violated shall constitute a separate offense.
(Ord. No. 3-01, § IX, 5-7-01)

Sec. 96.49. Notifications.

All notifications required under sections 96-40—96.49 shall be in writing or deemed not to have occurred.
(Ord. No. 3-01, § X, 5-7-01)

DIVISION 6. OFFICIAL THOROUGHFARE PLAN

Sec. 96.50. Definitions.

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

Collector. A highway moving neighborhood traffic to and from the arterial street system, providing access to adjacent property and designed for lower speeds.

Developer. Any person, firm, or corporation legally constituted in the State of Indiana or its designate, engaged in the subdivision of land, or any person, firm, or corporation legally constituted in the State of Indiana or its designate engaged in the construction of buildings or structures.

Expressway. A highway used by inter-regional through traffic with full or partial access control by grade separated crossroads.

Fully controlled access highway. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points of intersection and via other public highways, streets, or roadways and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Local street. A highway providing access to adjacent property primarily, and moving land use generated traffic to the collector and arterial street system.

Partially controlled access highway. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority over the highway, street, or roadway.

Primary arterial. A highway used primarily by intra-regional through traffic, having limited access and offering higher speeds.

Secondary arterial. A highway primarily or through traffic having limited access and offering lower operating speeds.
(Ord. No. 532-79, 12-3-79)

Sec. 96.51. Purpose.

(A) The official thoroughfare plan for the city shall be a map of the city showing the manner in which streets and highways have been functionally classified, showing their ultimate width, projections or extensions, relocations, location of interchanges, and other similar information, together with supplemental maps describing in greater detail alignment of proposed streets and the policies established for obtaining rights-of-way.

(B) The official thoroughfare plan was designed to provide a well-balanced system of streets and highways in accordance with present and anticipated traffic volumes and conditions; to stimulate orderly community growth; to increase safe and convenient traffic circulation; to promote better and more accessible sites for agriculture,

business and industry; and to protect residential neighborhoods from unnecessary and dangerous through traffic.
(Ord. No. 532-79, 12-3-79)

Sec. 96.52. Intent.

(A) The provisions of the official thoroughfare plan are intended to be supplemental to existing zoning and subdivision rules dealing with setbacks along major roads and highways. Zoning and subdivision rules already take notice of ultimate road widths.

(B) The official thoroughfare plan is intended to establish requirements for developers of land to reserve or dedicate, as may be the case, rights-of-way and to set forth certain standards for the construction of streets and highways.
(Ord. No. 532-79, 12-3-79)

Sec. 96.53. Classifications.

Under the official thoroughfare plan certain streets and highways in the city are classified according to

their function as expressways, primary arterials, secondary arterials, or collectors. Each category has an ultimate width as shown on the map.
(Ord. No. 532-79, 12-3-79)

Sec. 96.54. Road dedications.

(A) (1) A developer shall dedicate all rights-of-way as shown on the official thoroughfare plan map in the case of a proposed collector highway or local street. He shall also construct the roadway to a width of 27 feet, back to back of curbs.

(2) In the case of a proposed secondary arterial, primary arterial, or expressway, the developer shall dedicate a 50-foot right-of-way. The additional right-of-way as required in the official thoroughfare plan map shall be reserved by the developer for future purchasing by the proper governmental authority. The developer shall construct a 27-foot roadway, back to back of curbs.

(B) The inability of the city to prepare an accurate location map for a proposed highway location as shown on the official thoroughfare plan map within 90 days of the filing of an application for a construction permit, use permit, or zoning permit with the proper authorities, shall not be sufficient cause for denying or delaying the issuance of a permit. The same rule shall apply to any and all applications for preliminary subdivision review.
(Ord. No. 532-79, 12-3-79)

Sec. 96.55. Interchanges.

(A) (1) The delaware-muncie metropolitan plan commission shall, in close cooperation with the mayor and the city engineer, prepare accurate location maps and plans for all interchanges as shown on the official thoroughfare plan map. In the event a project is proposed in an area which may appear in the official thoroughfare plan to be occupied by a proposed interchange, the commission shall give immediate priority to the preparation of maps and plans for the location of the interchange.

(2) A developer shall reserve all rights-of-way for an interchange or grade separation as shown on the plans prepared by the city engineer.

(B) For the purpose of this section 96.50 through 96.55 a grade separation shall mean certain points as shown in the official thoroughfare plan, where elevated or depressed structures are proposed to be constructed at intersections of major arteries with another street or highway to permit safe and uninterrupted flow of traffic, eliminate cross traffic at grade, and increase traffic capacity. An interchange shall be grade separation structures proposed to be constructed at junctions of two major highways as shown on the official thoroughfare plan, offering grade separation between the highways, permitting turning movements without conflict, and providing easy routes for vehicles transferring from one through facility to another.

(C) Before the accurate location map of the interchange shall be considered in effect, the map and policy report shall be adopted under the same

procedure as established for the approval and certification of the official thoroughfare plan of the city.

(D) The inability of the city to prepare an accurate location map for the proposed interchange location within 90 days of the filing of an application for consideration of a project which may affect the interchange, shall not be sufficient cause for denying or delaying the consideration of the report.
(Ord. No. 532-79, 12-3-79)

Secs. 96.56—96.59. Reserved.

DIVISION 7. ACCESS CONTROL

Sec. 96.60. Application; permit required.

An access permit shall be required to construct any entrance, driveway, or approach connecting with any city street, or to cut any curb along the street or to construct a crossover on the street. Application to the office of the city engineer for permits to construct any entrance, driveway, or approach connecting with any city street, or to cut any curb along the street or to construct a crossover on the street shall be made on the form as prescribed by the board of public works and safety.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.61. Application fees.

(A) There shall be an application fee submitted with each application in the following amounts.

(1)	Residential (class I, II, or V access)	$25.00
(2)	Commercial (class III, IV, or V access without taper or passing lanes)	75.00
(3)	Commercial (class III, IV, or V access with taper or passing lanes)	75.00

(B) These application fees represent a processing charge and are nonrefundable.
(Ord. No. 475-79, 9-13-82; Ord. No. 13-98, § 1, 5-11-98)

Sec. 96.62. Design standards.

All applications shall be filed in accordance with the "Driveway Access Standards Manual Requirements" as adopted by the board of public works and safety and as may be amended. The permittee agrees to make the improvements in accordance with such standards, specifications, and design requirements of the city.
(Ord. No. 475-79, 9-13-82)

Sec. 96.63. Bond and liability insurance required.

The city shall require a permit bond and liability insurance to be filed along with each application to do any type of construction work within the right-of-way.

(A) Contractors:

(1) Permit bond, minimum $5,000.00

(2) Liability insurance, minimum $50,000.00

(B) Private property owners:

(1) Permit bond, minimum $1,000.00

(2) Liability insurance, minimum, a rider to the home owner's policy naming the city as additional insured.

(Ord. No. 475-79, 9-13-82)

Sec. 96.64. Display of permit required.

The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be shown if requested.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.65. Time limit; cancellation.

All improvements authorized by a permit shall be completed within one year after the permit is issued; otherwise, the permit shall be cancelled unless an extension is requested, in writing, by the applicant, and such request is approved by the board of public works and safety. However, all construction authorized by the permit on the

right-of-way shall be completed within 30 days after starting the construction, unless otherwise expressly approved as a special condition.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.66. Existing access; changes.

Any person who by law has an existing legal right of access to a city street shall, if he desires to improve, relocate, alter, or remodel such street, or if he has applied for and been issued final approval of a permit under the subchapter and if he desires to make any change in the character of the use of such rights of access then existing or granted thereafter with respect to such real estate, he shall be subject to these rules as such rules may from time to time be amended by the board of public works and safety.
(Ord. No. 475-79, 9-13-82)

Sec. 96.67. Permittee; authorization to begin work.

Upon receipt of the permit, the permittee shall be authorized to proceed with the work covered by it, subject to the conditions imposed by the board of public works and safety and these rules. If the application is approved with conditions, or special provisions, all of the signatories to the original application shall indicate their consent to the conditions, or special provisions in writing.
(Ord. No. 475-79, 9-13-82)

Sec. 96.68. Notice of beginning work required.

Before beginning work under any permit to construct, the permittee shall notify the city engineer's office a minimum of 24 hours prior to start of work, and again two hours prior to pouring concrete.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.69. Liability during construction.

The permittee shall assume all responsibility (during the time from the beginning of the work covered by any permit until final approval of the work), and shall furthermore be obligated to save harmless the city for any and all injury, loss, or damage occasioned to or by persons or property resulting directly or indirectly from such work. The board of public works and safety shall require the permittee to provide liability and indemnity insurance as described by section 13-2 of the Access Control Manual.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.70. Construction not to interfere with existing structures.

The construction of all improvements authorized by the permit shall not interfere with any existing structure on any city right-of-way without specific permission in writing from the board of public works and safety or other owner thereof. Any structure or traffic-control device affected by the proposed construction shall be relocated at the applicant's expense as directed by the city engineer.
(Ord. No. 475-79, 9-13-82)
Cross reference—Penalty, § 96.99.

Sec. 96.71. Adoption of access control manual.

The Access Control Manual is hereby adopted by reference and made a part of this subchapter as if fully set forth herein.
Cross reference—Penalty, § 96.99.

Secs. 96.72—96.79. Reserved.

DIVISION 8. BUS SHELTERS

Sec. 96.80. Public transportation shelters.

Public transportation shelters with or without advertising (hereinafter referred to as bus shelters or shelters) may be installed and maintained on public and private property in accordance with the provisions of this subchapter. All shelters shall be located along bus routes at locations appropriate for loading and unloading passengers. This subchapter shall permit the placement on or within the shelter of public transportation logos, information identifying the shelters as a part of the public transportation system or advertising regarding transit routes or schedule information. Nonpublic service advertising on bus shel-

ters shall be exempt from the provisions of sections 150:212 of the Code of Ordinances of the City of Muncie, Indiana limiting outdoor advertising, but shall be limited as provided herein.
(Ord. No. 28-03, § 1, 10-6-03)

Sec. 96.81. Authorization of inter-local cooperative agreement.

The board of public works and safety (the "board") is authorized to negotiate and enter into an inter-local cooperative agreement with the Muncie Public Transportation Corporation ("MITS") authorizing MITS to solicit bids for a contract providing for the construction, maintenance, relocation and removal of shelters with advertising along MITS bus routes. The inter-local cooperative agreement, in addition to such other terms as the parties deem relevant, shall provide for and include the following:

(A) The board shall have final authority regarding all bid specifications and contract terms.

(B) MITS shall be the exclusive party authorized to establish specifications and solicit bids for a contract for the construction and installation of shelters.

(C) The contract for shelters with advertising shall be for a total of 65 shelters including shelters with advertising previously provided or erected by or on behalf of MITS and new shelters to be erected by the successful bidder.

(D) Shelters shall not be greater than ten feet in length, six feet in width and nine feet in height.

(E) MITS shall have primary responsibility for supervising the construction, maintenance and removal of the shelters.

(F) MITS may, with the approval of the board, carry-out the terms of any existing contract it has for shelters that conforms to the provisions of this subchapter and the interlocal cooperative agreement.

(G) The term of any contract with the successful bidder (the "permittee") shall not exceed 15 years.

(H) All rents payable from the successful bidder for advertising space on the shelters shall be paid to the city.

(I) MITS shall determine where shelters are needed, subject to the board's approval.

(Ord. No. 28-03, § 2, 10-6-03)

Sec. 96.82. Permitting procedure.

(A) The Muncie Public Transportation Corporation (MITS) may from time to time designate to the board of public works and safety the bus stop sites it deems most desirable for establishment of shelters in the public right-of-way and on private property.

(B) The board shall refer such sites to the city engineer for review to determine that such purposed location does not obstruct the sight line of vehicular traffic traveling on the right-of-way, does not pose a hazard to the public's use of the right-of-way or unreasonably block the view of a commercial or professional structure or its lawful advertising structures.

(C) Upon receipt of approval from the city engineer the board may approve the site and authorize the building commissioner to issue the appropriate building permit.
(Ord. No. 28-03, § 3, 10-6-03)

Sec. 96.83. Advertising limitations.

No advertising shall be placed or allowed to remain on a shelter that:

(A) Contains words that might tend to cause confusion to vehicular traffic, such as "stop," "damage," "drive-in," or words of similar import;

(B) Advertises a business or service directly in competition with a business or service located on property adjacent to the shelter;

(C) Is political in nature;

(D) Advertises tobacco products, alcoholic beverages, or very personal hygiene products;

(E) Advertises indecent or pornographic material;

(F) Advertises "issue oriented" or socially controversial messages (e.g., anti-nuclear, abortions, pro life, NAFTA, anti-world trade, etc.);

(G) Advertises directly or overtly anti-public transportation messages; or

(H) Is in violation of local, state or federal law.
(Ord. No. 28-03, § 4, 10-6-03)

Sec. 96.84. Removal of shelters or advertising.

The board may order the permittee to remove a shelter and revoke the permit for that location under any of the following circumstances:

(A) If the board determines that the maintenance of a shelter at a particular location tends to obstruct passage of pedestrians or automobiles along a public way or on public property, creates a hazard to persons traveling thereon, or unreasonably blocks the view of a commercial or professional structure or its lawful advertising structures.

(B) If the board determines that the maintenance of a shelter at a particular location does not promote the convenience of the traveling public or does not allow free and customary use of any street, alley, sidewalk, or other public way or property.

(C) If the board determines that the shelter is no longer located at designated bus stop site.

If the permittee fails to remove the shelter within 90 days after being ordered to do so, the board may cause the shelter to be removed and may recover the cost of removal from the permittee.

The board may order the permittee to remove from a shelter advertising material forbidden herein, and such advertising material shall be removed within 72 hours after receipt of the order to remove. If the permittee fails to remove the advertising material within the time prescribed, the board may cause the same to be removed and may recover the cost thereof from the permittee.
(Ord. No. 28-03, § 5, 10-6-03)

Sec. 96.85. Liability insurance.

Before any shelter is constructed and during the term of any shelter contract, the permittee shall have on file with the city controller, a paid up liability insurance policy, with a company satisfactory to the city controller, naming the permittee, the city of Muncie, and MITS, their agents and employees as additional parties insured. Such policy shall protect the city and MITS against all claims for death, injury, damage to property or reputation, or claims for damages of any other kind, resulting from the installation, maintenance and use of shelters and the advertising thereon on the public right-of-way, and shall indemnify the City, MITTS their agents and employees against all damages and costs arising from any such claim or suit. Such policy shall be in the face amount of not less than $1,000,000.00 and shall also include all costs of defense.
(Ord. No. 28-03, § 6, 10-6-03)

Sec. 96.86. Repeal of prior provisions.

Sections 96.20 through 96.27 of the Muncie Code of Ordinances pertaining to bus benches are hereby repealed effective July 1, 2004, at the expiration of the current contract therefor.
(Ord. No. 28-03, § 7, 10-6-03)

Sec. 96.99. Penalty.

(A) Whoever violates any provision of this chapter for which a specific penalty is not provided shall be subject to the penalty in § 10.99.

(B) Violation of any provision of section 96.60 through 96.71 or the Access Control Manual, shall result in a fine not to exceed $500.00 per day that the violation is allowed to continue. Failure to follow proper application procedures as outlined herein shall result in the withholding of the building permit or the necessary permits until such procedures are corrected.

(C) Any person who shall violate any provision of section 96.18 shall be fined not less than $5.00 nor more than $50.00.
(Ord. No. 475-79, 9-13-82; Ord. No. 39-87, 11-9-87)

CHAPTER 97. TREE ORDINANCE*

Sec. 97.01.	Definitions.
Sec. 97.02.	Official status of the muncie urban forestry committee.
Sec. 97.03.	Duties and responsibilities of the muncie urban forestry committee.
Sec. 97.04.	Permissible and unauthorized trees.
Sec. 97.05.	Planting placement and spacing.
Sec. 97.06.	Distance from curbs or sidewalks.
Sec. 97.07.	Distance from street corners or fireplugs.
Sec. 97.08.	Utilities.
Sec. 97.09.	Tree care.
Sec. 97.10.	Tree cutting.
Sec. 97.11.	Pruning and corner clearance.
Sec. 97.12.	Dead or diseased trees on private property.
Sec. 97.13.	Stump removal.
Sec. 97.14.	Interference with muncie urban forestry committee or urban forester.
Sec. 97.15.	Bond requirement.
Sec. 97.16.	Damage to public trees.
Sec. 97.17.	Enforcement and penalties.
Sec. 97.18.	Tree inventory.

Sec. 97.01. Definitions.

Muncie urban forestry committee means that 11-member committee with four members appointed by the environment enhancement committee of the Community Foundation of Muncie and Delaware County, Inc.; two members appointed by Muncie Clean and Beautiful, Inc.; one member appointed by the mayor of Muncie from at large; one member appointed by the mayor of Muncie to represent the community development department; one member to be appointed by the Muncie park board to represent the park department; one member appointed by the mayor of Muncie to represent the street department; and one member appointed by the mayor of Muncie to represent the city engineer's office. Each member will serve for a three-year term or until such member no longer represents the entity from which he was appointed or until the appointing official or group elects to replace such person, and no more than four members' terms will normally expire at the end of any one calendar year. On December 31, 1996, the normal terms of two appointees by the environment enhancement committee expire, as well as the street department appointee and the community development department appointee. On December 31, 1997, the normal terms of one appointee by the environment enhancement committee expires, as well as one Muncie Clean and Beautiful, Inc. appointee, the park department appointee, and the city engineer's office appointee. On December 31, 1998, the normal terms of one appointee by the environment enhancement committee expires, as well as one Muncie Clean and Beautiful, Inc. appointee, and the at-large appointee by the mayor. New members will be selected for three-year terms or until they are replaced and their successors are appointed and accepted. Members may serve successive terms, and will receive no compensation for their service on such committee.

Urban forester is a person trained, educated or skilled in forestry, horticulture, arboriculture or landscape architecture, who will be employed by the mayor of the city and the Muncie urban forestry committee, and who will report directly to such committee.

Public way means all property owned by and located within the city where the public has free access.

Public tree means a tree in public parks and all other areas owned by the city where the public has free access.

Street tree means a tree or other woody vegetation on any land lying between property lines on either side of a street or right-of-way within the city.

Shade tree means a deciduous woody plant generally more than 30 feet in height when it reaches full growth, and which has a single trunk rooted in the ground which supports all branches, rather than several stems supporting the main leafy growth.

Ornamental tree means a deciduous woody plant between 15 and 20 feet in height when it reaches full growth, and which has a single trunk rooted in the ground which supports all branches, rather than several stems supporting the main leafy growth.

***Editor's note—**Ord. No. 23-96, §§ 1—19, adopted June 10, 1996, amended the Code by repealing Ch. 97, §§ 97.01—97.10, in its entirety, and adding a new Ch. 97, §§ 97.01—97.18. Former Ch. 97 pertained to trees and shrubs, and derived from the Code of 1968, §§ 97.01—97.10.

Shrub means a woody plant which is generally less than 20 feet in height and is multi-stemmed to support its main leafy growth.
(Ord. No. 23-96, § 1, 6-10-96; Ord. No. 5-03, 3-3-03; Ord. No. 5-03, 3-3-03)

Sec. 97.02. Official status of the muncie urban forestry committee.

The Muncie urban forestry committee is herewith designated as an official part of city government of the city and will work harmoniously with Muncie city government, assuming primary responsibility for the urban forester of the city. Such committee will also oversee educational and public awareness programs concerning urban forestry in the city.
(Ord. No. 23-96, § 2, 6-10-96)

Sec. 97.03. Duties and responsibilities of the muncie urban forestry committee.

Such committee will, primarily through its urban forester, maintain a current plan for the care, preservation, pruning, planting, removal or disposition of trees and shrubs in public ways.

It will also maintain a five-year plan for a Muncie urban forestry program, will assume responsibility for the employment and oversight of a Muncie urban forester, will cooperate and assist city departments in connection with urban forestry programs, will develop an educational program concerning proper tree care, maintenance and benefits, and will serve other functions beneficial to tree appreciation in the city.
(Ord. No. 23-96, § 3, 6-10-96)

Sec. 97.04. Permissible and unauthorized trees.

Certain trees are permissible in the city on its public ways in accordance with standards developed and maintained by the urban forester, which list of trees will be readily accessible and open to inspection in the office of the urban forester.

The following trees are not authorized for planting in or on common property of the city, to-wit: Poplar, cottonwood, box elder, silver maple, willow, catalpa, Siberian elm, and tree of heaven. Low-hanging, low-branching or bush type trees which impair vision, or any tree that will grow within a required clear zone near utility lines and signs, are also prohibited.

No person may plant or remove any tree on any public property without first obtaining permission and a written permit from the urban forester. Shrubs which exceed three feet in height are not permitted in a public right-of-way.

Any tree, shrub or other vegetation planted or maintained in violation of this chapter are declared to be a public nuisance and subject to abatement as allowed by law.
(Ord. No. 23-96, § 4, 6-10-96)

Sec. 97.05. Planting placement and spacing.

The orderly planting of trees along public ways in the city is encouraged. The urban forester may provide trees for planting in cooperation with adjoining property owners along public ways in the city. Such tree plantings will conform to all pertinent ordinances, rules, laws and regulations. Such trees and other plantings will be maintained in such a way as to avoid interference with utility lines or signs.

Trees must have spacing which will allow them to fully develop and grow. Small trees must be at least 30 feet apart, medium size trees must be at least 40 feet apart, and large trees must be at least 50 feet apart. Exceptions may only be made with the approval of the urban forester.
(Ord. No. 23-96, § 5, 6-10-96)

Sec. 97.06. Distance from curbs or sidewalks.

A tree may be planted no closer than the following distance to either a curb or to a sidewalk: Small trees, two feet; medium trees, three feet; large trees, four feet. Exceptions may only be made with the approval of the urban forester.
(Ord. No. 23-96, § 6, 6-10-96)

Sec. 97.07. Distance from street corners or fireplugs.

No street tree may be planted closer than 50 feet to any street corner, measured from the point of the nearest intersecting curbs or curb lines. No

street tree may be planted closer than 15 feet to any fireplug. Exceptions may only be made with the approval of the urban forester.
(Ord. No. 23-96, § 7, 6-10-96)

Sec. 97.08. Utilities.

Street trees are not to be planted nearer than ten lateral feet from any overhead utility wire or within five lateral feet of any underground utility line. Exceptions may only be made with the approval of the urban forester.
(Ord. No. 23-96, § 8, 6-10-96)

Sec. 97.09. Tree care.

Mature trees and shrubs in, along, or bordering any street or alley, or at or about a sidewalk in the city, may not have limbs or branches closer than ten feet above the surface in a residential area and closer than 13 feet in a commercial area.

No tree or shrub may be located in, along, or bordering any street, alley or sidewalk which has public lighting with a limb or branch less than 15 feet above the surface if such limb or branch interferes with the diffusion of light from such lighting.

The urban forester may allow exceptions for trees not yet mature that have not grown large enough to allow for pruning without doing harm to such tree. No person may remove, destroy or top any shade tree located on a public way without prior approval from the urban forester. This section shall not prevent an owner of private property from doing necessary trimming of a shade tree along a public way. No one may place or maintain on the ground in any public way any stone, cement or other impervious material or substance so as to obstruct the free access of air and water to the roots of any tree, plant or shrub on any public property unless approved by the urban forester. At initial planting, there must be an area about the base of the trunk of each tree in a public way at least 12 square feet of ground for every three inches of diameter of such tree, and for every additional one inch of trunk diameter, there must be an increase of at least four square feet of ground.

No person may fasten or attach any wire, rope, sign, handbill or other thing to any tree, bush, shrub or plant growing on any public property, except such necessary wires to stabilize trees upon approval of the Muncie Urban Forester. No person or organization maintaining any utility in the City shall maintain same so as to injure any tree, bush, shrub or plant in the public way, except with approval of the urban forester.

Any owner or occupant of property located near public property on which trees are planted are to be jointly and severally responsible for maintenance of same so as to present a healthy, neat and orderly appearance. Such area shall be mowed and kept free from refuse, weeds and debris. The urban forester may provide advice on maintenance and coordinate such maintenance efforts.

The city may plant, prune, maintain and remove trees, plants and shrubs within and on all public property as may be necessary to insure public safety and to preserve and enhance the attractiveness of such public ways.

The urban forestry committee, through its urban forester, may remove or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its condition is injurious to property, person or safety.
(Ord. No. 23-96, § 9, 6-10-96)

Sec. 97.10. Tree cutting.

No person may cut or top any street tree, park tree, shade tree or other tree on public property without the consent of the urban forester. Topping of trees may only be done in accordance with standards maintained in the office of the urban forester, which standards are available for public view at all reasonable times and which are in accordance with the National Arborist Association.
(Ord. No. 23-96, § 10, 6-10-96)

Sec. 97.11. Pruning and corner clearance.

The owner of any tree or other growing vegetation which overhangs a street or public way within the city must prune the branches so that they will not obstruct the light from any streetlight or obstruct the view of any street intersection and

so that there will be a clear space of eight feet above the surface of the street or sidewalk. Such owner must remove all dead, diseased and dangerous trees and vegetation or broken or decayed limbs which constitute a safety hazard. The city may prune any such tree or shrub or other vegetation on private property when it interferes with the lighting or safety of the citizens of Muncie.

The owner of any real estate bordering any public way shall, within five days after receiving written notice from the urban forester, trim any tree or other vegetation deemed a safety or other hazard. Should any such property owner fail to comply with such notice, then the Muncie urban forester shall cause such tree, shrub or other vegetation to be trimmed and maintained so as to eliminate a safety or other hazard. The expense of such work shall be a lien against the property of the owner and shall be collected in the same manner as real property taxes.
(Ord. No. 23-96, § 11, 6-10-96)

Sec. 97.12. Dead or diseased trees on private property.

Any tree or other vegetation which harbors insects or disease or which is a hazard to life or property or which constitutes a threat to other trees or vegetation within the city may be removed, even if located on private property. The urban forester will notify the owner in writing of such condition and give such owner 30 days' advance notice to remove or correct such condition. Should the owner refuse to do so at the owner's expense, then the city may take such action and charge the cost thereof, which cost shall become a lien and be collected in the same manner as real property taxes. Such action may be appealed through the environmental division of the city court.

No owner of private property within the city may maintain or allow to stand any tree, limb or other vegetation that is dead, and shall cause same to be cut and removed. Should such owner fail to remove such dead tree or other vegetation, the urban forester may give written notice thereof to the owner, after which the owner must make such removal within 30 days. Such notice may be left at the last place of residence of the owner or at the property. Should the owner refuse to remove such tree or other vegetation within such 30-day period, then the urban forester may remove such dead or diseased tree or vegetation, and charge the cost thereof as a lien to be collected in the same manner as real property taxes.
(Ord. No. 23-96, § 12, 6-10-96)

Sec. 97.13. Stump removal.

All tree stumps on public property will be removed below ground surface level to a depth of at least six inches.
(Ord. No. 23-96, § 13, 6-10-96)

Sec. 97.14. Interference with muncie urban forestry committee or urban forester.

It shall be unlawful for any person to prevent, delay or interfere with the urban forestry committee or the urban forester carrying out any of those responsibilities and duties described in this chapter.
(Ord. No. 23-96, § 14, 6-10-96)

Sec. 97.15. Bond requirement.

Each person engaging in the business of pruning, treating or removing trees or other vegetation within the city may be required to post a bond satisfactory to the urban forester assuring proper performance, and provide the urban forester with evidence of adequate liability insurance coverage.
(Ord. No. 23-96, § 15, 6-10-96)

Sec. 97.16. Damage to public trees.

Any person who mutilates, disfigures, damages or destroys a tree on public property in the city will be fully prosecuted according to law, and shall compensate the city for such act.
(Ord. No. 23-96, § 16, 6-10-96)

Sec. 97.17. Enforcement and penalties.

Any person violating any provision of this chapter will be subject to sanctions, upon conviction or a guilty plea, as administered by the environmental division of the city court. Violation of any provision of this chapter for which no

penalty is otherwise provided shall be fined not more than $1,000.00. A separate offense will be deemed committed for each day that the violation continues.

The city building commissioner, upon recommendation of the urban forester and the urban forestry committee, may deny issuance of an occupancy permit to the owner of a property in the city until such time as the owner has fully complied with this chapter.
(Ord. No. 23-96, § 17, 6-10-96)

Sec. 97.18. Tree inventory.

The urban forester shall keep and maintain open to public inspection a tree inventory of trees located on the public property of the city.
(Ord. No. 23-96, § 18, 6-10-96)

CHAPTER 98. NUISANCES

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DIVISION 1. WEEDS AND RANK VEGETATION*

Secs. 98.01—98.04. Reserved.

Sec. 98.05. Definitions.

For purposes of this ordinance, the following definitions shall apply:

(A) *Weeds* and/or *rank vegetation* are defined to be any vegetable matter which exceeds the height of 12 inches; provided however that such definition does not include:

(1) Trees, bushes or shrubs which have been planted or cultivated by the landowner and which do not block sidewalks, streets, and alleys;

(2) Agricultural crops, such as hay and pasture; or

(3) Vegetable matter cultivated in plant beds.

(Ord. No. 12-01, § 1, 5-7-01)

Sec. 98.06. Duty of property owners.

It shall be the duty of all owners of real property located within the corporate limits of the City of Muncie to cut and/or remove weeds and other rank vegetation growing on the property that they own.
(Ord. No. 12-01, § 2, 5-7-01)

Sec. 98.07. Inspections.

It shall be the duty of the building commissioner or his designated agent to make a careful inspection of any lots, grounds and tracts of land

*__Editor's note—__Ord. No. 12-01, §§ 1—11, adopted May 7, 2001, repealed former sections 98.10—98.14 in their entirety and enacted new provisions as herein set out. Former sections 98.10—98.14 pertained to similar subject matter and derived from the Code of 1968 and the following: Ord. No. 105-B, 7-7-69; Ord. No. 204-76, 7-12-76; Ord. No. 69-85, 1-6-86.

situated within the corporate limits of the city for the purpose of determining whether there is a violation of sections 98.05—98.14.
(Ord. No. 12-01, § 3, 5-7-01)

Sec. 98.08. Violations.

Upon determination by the building commissioner or his designated agent that weeds and/or rank vegetation, as defined in this ordinance, exist on any lots, grounds, or tracts of land situated within the corporate limits of the city, he shall issue a written violation notice to the property owner that the weeds and/or rank vegetation must be removed within five business days. In the event that the building commissioner or his designated agent shall determine that a written violation notice is to be issued more than one time for the same property in any given year, the property owner shall be assessed an administrative fee of $25.00 for a second notice, and an administrative fee of $50.00 for each and every subsequent violation notice issued in the same calendar year. The assessment of such fees may be appealed as provided in section 98.10 and, provided a property owner does not prevail on appeal, may be enforced as provided.
(Ord. No. 12-01, § 4, 5-7-01)

Sec. 98.09. Violation notices.

The notice required by section 98.08 shall be served by the office of the city engineer upon the property owner by posting such notice in a conspicuous place on the subject premises and by mailing a copy by first class mail to the last known address of the property owner of record. Notice shall be deemed to have been given on the date the notice is deposited into the U.S. Mail.
(Ord. No. 12-01, § 5, 5-7-01)

Sec. 98.10. Appeals of violation notices.

Any violation notice issued under sections 98.05—98.14 may be appealed by the property owner to the board of public works. The property owner will be sent an appeal/hearing date with the property owner's violation notice. If the property owner wishes to appeal, the owner or the owner's designee will be required to appear before the board of public works on the date assigned. The board of public works will conduct an informal hearing and after considering the information provided by the street commissioner's designated agent and by the property owner, the board of public works will render a decision. If the property owner's appeal is denied by a majority vote of those present and voting at a duly constituted meeting of the board of public works, the property owner shall be required to cut and/or remove the weeds and rank vegetation by the date specified by the board of public works.
(Ord. No. 12-01, § 6, 5-7-01)

Sec. 98.11. Failure of property owner to remedy violations.

If the property owner fails to cut and/or remove the weeds and rank vegetation or appeal the violation notice received from the office of the building commissioner within the time limits prescribed in sections 98.05—98.14, the property owner shall be deemed to have granted permission to the street commissioner's designated agent to enter the premises for the purpose of cutting and/or removing such weeds and rank vegetation. The office of the building commissioner shall inform the street commissioner or the street commissioner's designated agent to cut and/or remove such weeds and rank vegetation from the subject property.
(Ord. No. 12-01, § 7, 5-7-01)

Sec. 98.12. Cost of removal by city.

If the city by or through the street commissioner's designated agent removes weeds and rank vegetation to abate the violation of sections 98.05—98.14, the street commissioner shall prepare and deliver to the office of the building commissioner a statement of costs listing the actual costs of removing the weeds and rank vegetation, plus the administrative expenses incurred by the city as a result of the enforcement of sections 98.05—98.14. The office of the building commissioner shall issue to the property owner a citation for appearance in the city court of Muncie for the purpose of establishing the amount of money due the city for the violation of sections

98.05—98.14. The statement of costs and the citation shall be served on the property owner by certified mail, return receipt requested.
(Ord. No. 12-01, § 8, 5-7-01)

Sec. 98.13. Hearing in the city court of muncie.

The judge of the city court shall hear the matter and shall determine the amount, if any, is due the city and shall enter judgment as is appropriate and in accordance with the evidence. The clerk of the city shall record a transcript of the judgment with the clerk of the circuit court of Delaware County not less than 30 days nor more than 40 days after entry of the judgment pursuant to the terms of Indiana Code 33-10.1-5-8.
(Ord. No. 12-01, § 9, 5-7-01)

Sec. 98.14. Appeals deadlines.

Any appeal of a violation notice must be presented on the date of the board of public works meeting assigned to the property owner by the building commissioner or his designated agent. A property owner's failure to appear at such meeting will be deemed to be a waiver of the property owner's right to appeal.
(Ord. No. 12-01, § 10, 5-7-01)

Secs. 98.15—98.19. Reserved.

DIVISION 2. DWELLINGS, STRUCTURES, EXCAVATIONS

Sec. 98.20. Declared a public nuisance.

The city board of health may declare a public nuisance and order to be removed, abated, suspended, altered, improved, or purified any dwelling, structure, excavation, business, pursuit, or thing in or about a dwelling or its lot, or the plumbing, sewage, drainage, light, or ventilation of the dwelling unfit for human habitation.
(Ord. No. 180-B, 4-5-70)

Sec. 98.21. Board of health may order structure to be repaired, cleaned.

The city board of health may order any dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling or its lot to be purified, cleansed, disinfected, renewed, altered, repaired, or improved.
(Ord. No. 180-B, 4-5-70)

Sec. 98.22. Notice to be issued upon failure to meet requirements.

Whenever the city board of health or the health officer determines that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these fails to meet the requirements set forth in §§ 98.20 through 98.49, or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures and advising the owner, occupant, or other person in charge that such failures must be corrected. This notice shall:

(A) Be in writing.

(B) Set forth the alleged violations of §§ 98.20 through 98.49 or of applicable rules and regulations issued pursuant thereto.

(C) Describe the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist or to have been committed.

(D) Provide a reasonable time, not to exceed 60 days, for the correction of any violation alleged.

(E) Be served upon the owner, occupant, or other person in charge of the dwelling, dwelling unit, or rooming unit personally or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit, or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation for a period of two consecutive days.

(Ord. No. 180-B, 4-5-70)

Sec. 98.23. Reinspection after the end of allotted time.

At the end of the time allowed for the correction of any violation alleged, the local health officer shall reinspect the dwelling, dwelling unit, or rooming unit described in the notice.
(Ord. No. 180-B, 4-5-70)

Sec. 98.24. Second notice to be issued for continued violation.

If upon reinspection the violations alleged are determined by the local health officer not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the failure to meet the requirements of §§ 98.20 through 98.49, or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within five days after the date of such reinspection, if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.
(Ord. No. 180-B, 4-5-70)

Sec. 98.25. Second notice to be posted.

The city board of health shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist, and shall serve it in the manner provided hereafter.
(Ord. No. 180-B, 4-5-70)

Sec. 98.26. Second notice to be recorded in county recorder's office.

The city board of health, after the expiration of time granted the person served with such a notice to seek reconsideration or a hearing in the manner hereinafter provided by §§ 98.20 through 98.49, or after a final decision adverse to such person served has been rendered by the city board of health or by circuit or superior court to which an appeal has been taken, shall immediately cause the second notice to be recorded in the county recorder's office.
(Ord. No. 180-B, 4-5-70)

Sec. 98.27. Liable to penalties after second notice.

All subsequent transferees of the dwelling, dwelling unit, or rooming unit in connection with which a second notice has been recorded shall be deemed to have notice of the continuing existence of the violations alleged. The transferees shall be liable to all penalties and procedures provided by §§ 98.20 through 98.49, and by applicable rules and regulations issued pursuant thereto, to the same degree as was their transferor.
(Ord. No. 180-B, 4-5-70)

Sec. 98.28. Authority to issue notice to vacate premises.

Whenever it is determined by the city board of health that a dwelling is unfit for human habitation, the city board of health may issue an order or notice requiring all persons living in the dwelling to vacate it within 15 days. The notice shall serve it in the manner provided in § 98.22.
(Ord. No. 180-B, 4-5-70)

Sec. 98.29. Extending and revoking vacating order.

The city board of health making such order shall, for a good reason, extend the time within which to comply with the vacating order. When the board is satisfied that the danger from the dwelling has ceased to exist and that it is fit for habitation, it may revoke the order.
(Ord. No. 180-B, 4-5-70)

Sec. 98.30. Owner liable for costs incurred by city.

Any owner, occupant, or other person in charge of a dwelling, dwelling unit, or rooming unit who has received the order or notice to vacate such dwelling, dwelling unit, or rooming unit violating any provision of §§ 98.20 through 98.49, or failing to comply with any order of the city board of health, shall be liable for all costs and expenses paid or incurred by the board of health, its duly authorized agents, or the local health officer, in executing the order. This may be recovered in a

civil action brought by the board or its duly authorized agents, who shall also recover attorney's fees reasonable in the action.
(Ord. No. 180-B, 4-5-70)

Sec. 98.31. Board of health may make repairs.

Whenever an owner or other person in charge of a dwelling, dwelling unit, or rooming unit fails, neglects, or refuses to make repairs called for by a second order or notice of violation, the city board of health may undertake such repairs when, in its judgment, a failure to make them will endanger the public health, safety, or welfare. The cost of such repairs will not exceed 50 percent of the fair market value of the structure to be repaired.
(Ord. No. 180-B, 4-5-70)

Sec. 98.32. Notice of such repairs to be served.

Notice of the intention to make such repairs shall be served upon the owner or other person in charge as hereinbefore provided.
(Ord. No. 180-B, 4-5-70)

Sec. 98.33. Owner to allow such repairs to take place.

Every owner or other person in charge of a dwelling, dwelling unit, or rooming unit who has received notice of the intention of the city board of health to make repairs shall give entry and free access to the agent of the city board of health for the purpose of making such repairs. Any owner or other person in charge of a dwelling, dwelling unit, or rooming unit who refuses, impedes, interferes with, hinders, or obstructs entry by such agent, pursuant to a notice of intention to make repairs, shall be subject to a civil penalty of $25.00 for each day of such failure to comply with this section. Each day thereafter shall constitute a separate offense.
(Ord. No. 180-B, 4-5-70)

Sec. 98.34. Repairs to constitute a debt in favor of city.

When repairs are made at the direction of the city board of health, the cost of such repairs shall constitute a debt in favor of the city against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay the city the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the city board of health, or its duly authorized agents, which shall possess all rights of a private creditor.
(Ord. No. 180-B, 4-5-70)

Sec. 98.35. When dwelling declared unfit for habitation.

Any dwelling, dwelling unit, or rooming unit shall be declared unfit for human habitation when, in the judgment of the city board of health, it is so dangerous or detrimental to life or health because of the state of repair; defects in the drainage, plumbing, lighting, ventilation, or their construction; infection with contagious disease; or the existence on the premises of an unsanitary condition, as to create a hazard to the health, safety, and welfare of the occupants or of the public, and where the structure is determined by the city board of health not to warrant repair.
(Ord. No. 180-B, 4-5-70)

Sec. 98.36. When a vacant building shall be declared unfit.

Any vacant building shall be declared unfit for human habitation when its existence, in the judgment of the city board of health, is detrimental to the public health, safety, and welfare.
(Ord. No. 180-B, 4-5-70)

Sec. 98.37. Notice to owner to remove unfit structure.

The owner of any structure which has been determined unfit for human habitation, whether such structure is occupied or vacant, shall be given notice of this determination in the manner provided for service of notice and shall be given a reasonable time, not to exceed ten days, to remove such structure.
(Ord. No. 180-B, 4-5-70)

Sec. 98.38. Reoccupying dwelling pending removal prohibited.

The owner of any dwelling, dwelling unit, or rooming unit contained in any structure which

has been determined unfit for human habitation and which has been vacated, shall not cause or permit such vacated dwelling, dwelling unit, or rooming unit to be reoccupied pending removal of structure.
(Ord. No. 180-B, 4-5-70)

Sec. 98.39. Owner may seek hearing on decision.

Any owner aggrieved by the notice to demolish may within ten days after the making of the order seek a reconsideration of the matter in the manner hereinafter provided, and may seek a formal hearing in the manner hereinafter provided.
(Ord. No. 180-B, 4-5-70)

Sec. 98.40. Application for demolition order if owner fails to comply.

When the owner fails, neglects, or refuses to remove the unfit structure within the required time, the city board of health may apply to a court of competent jurisdiction for a demolition order. The court may grant such order when no reconsideration or hearing on the matter is pending. The cost of the demolition shall create a debt in favor of the city against the owner, and shall be recoverable in a civil action brought by the city board of health, which shall possess all the rights of a private creditor.
(Ord. No. 180-B, 4-5-70)

Sec. 98.41. Demolition to include filling in excavation.

All demolition, whether carried out by the owner or by the city board of health, shall include the filling in of the excavation remaining on the property on which the demolished structure was located, in such manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.
(Ord. No. 180-B, 4-5-70)

Sec. 98.42. Revolving fund created.

There is created a revolving fund for the purpose of supporting the cost of repairs or demolition made by the city board of health pursuant to §§ 98.31 through 98.41. Into this fund shall be paid:

(A) All civil penalties collected for violations of §§ 98.20 through 98.49 pursuant to § 98.30.

(B) All judgments collected in actions to recover the costs of repair and demolition.

(C) Such other revenues as the city may from time to time authorize to be paid into this fund.

(D) All donations and grants designed to promote the purposes of §§ 98.20 through 98.49, from public or private sources. The city board of health is declared to be the authorized agency of the city to apply for and receive all grants, loans, and gifts of funds to promote the purpose of §§ 98.20 through 98.49.

(Ord. No. 180-B, 4-5-70)

Sec. 98.43. Board to have information on maintenance of housing.

The city board of health is authorized to collect and disseminate information concerning techniques of maintenance, repairs, and sanitation in housing, and concerning the requirements of §§ 98.20 through 98.49 and applicable rules and regulations issued pursuant thereto.
(Ord. No. 180-B, 4-5-70)

Sec. 98.44. Applying for reconsideration of notice of alleged violation.

Any person apprised by a notice of the city board of health issued in connection with any alleged violation of §§ 98.20 through 98.49, of applicable rules and regulations issued pursuant thereto, or by any order requiring repair of demolition, may apply to the city board of health for a reconsideration of such notice or order within five days after it has been issued.
(Ord. No. 180-B, 4-5-70)

Sec. 98.45. Board to set date for informal conference.

The city board of health shall set a time and place for an informal conference on the matter

within five days of the receipt of such application, and shall advise the applicant of such time and place in writing.
(Ord. No. 180-B, 4-5-70)

Sec. 98.46. Applicant permitted to present his grounds at conference.

At the informal conference, the applicant shall be permitted to present to one or more representatives of the city board of health his grounds for believing that the order should be revoked or modified.
(Ord. No. 180-B, 4-5-70)

Sec. 98.47. Decision of the conference.

Within five days following the close of the informal conference the city board of health shall advise the applicant whether or not it will modify or set aside the notice or order issued by the board or the health officer.
(Ord. No. 180-B, 4-5-70)

Sec. 98.48. Person may obtain judicial review on final decision.

Any person aggrieved by the final decision of the board of health may obtain judicial review by filing with the circuit or superior court within five days of the announcement of such decision, that the decision be set aside in whole or in a part. A copy of each petition so filed shall be forthwith transmitted to the board of health, which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify, or vacate the decision complained of in whole or in part. The findings of the board of health with respect to questions of fact shall be substantial evidence on the record considered as a whole.
(Ord. No. 180-B, 4-5-70)

Sec. 98.49. Person appealing must file bond.

The person appealing to the circuit or superior court shall file with the court a bond in an amount to be fixed by the court with sureties to be approved by the judge and conditioned to pay all the costs on the appeal in case the person fails to sustain his appeal or in the case the appeal is dismissed.
(Ord. No. 180-B, 4-5-70)

Sec. 98.99. Penalty.

Whoever violates any of the provisions of §§ 98.10 through 98.14, or whoever interferes in any way whatsoever with the due process of enforcement of any of the provisions of §§ 98.10 through 98.14, may be fined not in excess of $1,000.00. Each day the nuisance is permitted to exist after due notice may be deemed a separate offense.

CHAPTER 99. SALE OF CITY-OWNED PROPERTY

Division 1. Personal Property

Sec. 99.01. Items to be sold at auction.
Sec. 99.02. Notice of auction.
Sec. 99.03. Proceeds.
Sec. 99.04. Reserved.

Division 2. Real Property

Sec. 99.05. Authorization.
Sec. 99.06. Appraisers appointed.
Sec. 99.07. Advertisement of sale; bids.

DIVISION 1. PERSONAL PROPERTY

Sec. 99.01. Items to be sold at auction.

Items of personal property owned by the city, but no longer of any use, may be sold at public auction.
(Code 1968, § 99.01)

Sec. 99.02. Notice of auction.

Notice of the public auction, describing the items to be sold, shall be published once in the Muncie Star and once in the Muncie Press, at least seven calendar days prior to the auction.
(Code 1968, § 99.02)

Sec. 99.03. Proceeds.

Proceeds from the auction shall be returned to the individual departments which provided the items.
(Code 1968, § 99.03)

Sec. 99.04. Reserved.

DIVISION 2. REAL PROPERTY

Sec. 99.05. Authorization.

A resolution authorizing sale of real property shall be passed by the common council.
(Code 1968, § 99.05)

Sec. 99.06. Appraisers appointed.

The purchasing agent of the city shall authorize appointment of two disinterested appraisers to appraise such property.
(Code 1968, § 99.06)

Sec. 99.07. Advertisement of sale; bids.

(A) Sale of the property shall be advertised by two insertions, one week apart, in both the Muncie Star and Muncie Press, setting forth the legal description and common address, if any, of the property, and a description of the improvements thereon, if any.

(B) Such advertisements shall provide that sealed bids be filed with the purchasing agent, accompanied by a bid bond of $100.00 to insure good faith performance.

(C) Such advertisement shall provide that the bids shall be opened at least one week after the date of the last advertisement at the board of public works and safety's regular meeting, giving the date of such meeting.

(D) Such advertisement shall provide that such property be sold for cash to the highest bidder, with ten percent to be paid at the time of the awarding of the bid, and the balance within 30 days.

(E) Such advertisement shall provide that in no event shall the property be sold for less than two-thirds of the appraised value.
(Code 1968, § 99.07)

CHAPTER 100. NOISE*

Sec. 100.01. Conduct prohibited; examples.
Sec. 100.02. Procedure of proper city authority.
Sec. 100.03. Failure to obey citation.
Sec. 100.04. When warrant to be issued.
Sec. 100.05. Disposition of fines.
Sec. 100.06. Exemptions.
Sec. 100.99. Penalty.
Sec. 100.100. Regulations governing the generation of sound.

Sec. 100.01. Conduct prohibited; examples.

(A) *Conduct prohibited.* It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive, or unusual noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the city, and continues to do so after being asked to stop by a law enforcement officer of the city.

(B) *Examples.* The following acts, among others are declared to be loud, raucous or disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

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

(2) Using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(3) Yelling, shouting, hooting, whistling, or singing on the public streets or other public right-of-way at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any person in the vicinity.

(4) Using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound through external speakers on any public transportation vehicle.

(5) The creation of any loud and raucous noise on any street adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which unduly disturbs the patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(6) The creation or emission from any person, or from any other noise source, any noise which annoys or disturbs the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any person in the vicinity.

(7) The participation in, or permitting of, any parties or gatherings which create loud or raucous noise.

(Ord. No. 85-88, 1-2-89)

Sec. 100.02. Procedure of proper city authority.

Except when authorized or directed under state law to immediately take a person before a city judge for a nuisance violation, the proper city authority who halts a person for such violations other than for the purpose of giving him a warn-

*Cross reference—Barking, howling, and yelping dogs, see § 90.12

ing or warning notice and does not take such person into custody, shall take the name, address and social security number of such person and such other pertinent information as may be necessary, and shall issue to him, in writing on a form provided by the city, a citation containing a notice to answer to the charge against him in the city court. The proper city authority, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.
(Ord. No. 85-88, 1-2-89)

Sec. 100.03. Failure to obey citation.

It shall be unlawful for any person to violate his written promise to appear that has been given to the proper city authority upon the issuance of a citation regarding an alleged nuisance violation, regardless of the disposition of the charge for which such citation originally issued.
(Ord. No. 85-88, 1-2-89)

Sec. 100.04. When warrant to be issued.

In the event any person fails to comply with a citation or fails to make an appearance pursuant to a notice directing any appearance in the city court, or if any person fails or refuses to deposit the amount of the fine as required and within the time permitted by this section, the city court clerk shall secure and issue a warrant for his arrest.
(Ord. No. 85-88, 1-2-89)

Sec. 100.05. Disposition of fines.

All fines collected upon conviction of any person charged with a violation of any of the provisions of this chapter shall be paid into the city treasury, as required by law.
(Ord. No. 85-88, 1-2-89)

Sec. 100.06. Exemptions.

Any event licensed, permitted, or sponsored by the city shall be exempt from the terms of this chapter.
(Ord. No. 85-88, 1-2-89)

Sec. 100.99. Penalty.

Anyone violating this chapter may be given a warning for each violation. The minimum fine for any violation shall be $53.00. The maximum fine for any violation shall be $300.00. Any person charged with such nuisance violation shall be cited to appear in the city court.
(Ord. No. 85-88, 1-2-89)

Editor's note—The penalty provisions of section 100.99 refers to sections 100.01 through 100.06

Sec. 100.100. Regulations governing the generation of sound.

(A) No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players or any other machine designed or intended to produce or reproduce sound, if such machine, device or vehicle is located in or on any of the following:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare and the sound generated therefrom is (i) clearly audible 40 feet or more from its source, or (ii) is at a level of 90 decibels (90 dB) or more when measured from a distance of not less than six feet from it's source; or

(2) Any private property and the sound generated therefrom is (i) clearly audible 40 feet or more outside of said private property line, or (ii) is at a level of 90 decibels (90 dB) or more when measured from a distance of not less than six feet from said private property line.

(B) The following are exempted from the provisions of this Ordinance:

(1) Sounds emitted from authorized emergency vehicles.

(2) Lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 a.m. and 10:00 p.m. only.

(3) Burglar alarms and other warning devices when properly installed, providing

the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(4) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or other events authorized by the board of public works and safety or another appropriate governmental entity.

(5) Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto.

(6) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

(7) Sounds associated with the use of legal fireworks.

(8) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary, incidental and within the normal range appropriate for such use.

(C) Any person who violates the provisions of this section shall be guilty of an infraction, punishable by a fine of not more than:

First offense.....	Up to $250.00
Second offense within two years	Up to $500.00
Third offense within two years	Up to $1,000.00
Fourth and subsequent offenses within two years	Up to $2,500.00

(D) The Muncie city court shall be the court of proper venue and jurisdiction for the enforcement of this section.

(E) Citations for violations of this section may be issued by any sworn police officer, constable or sheriff of the State of Indiana upon property operated by the Muncie schools by a sworn special police officers appointed under Indiana Code Section 36-8-3-7 to serve the Muncie schools.

(F) Nothing in this section shall be construed to limit any other rights or actions that may exist in law or in equity.

(Ord. No. 27-00, §§ 1—6, 8-7-00; Ord. No. 56-00, §§ 1, 2, 11-13-00)

Title XI

BUSINESS REGULATIONS

Chapter

110. Amusements
111. Budget Service Companies
112. Dance Halls
113. Food-Service Establishments
114. Food Markets
115. Pawnbrokers, Junk and Secondhand Dealers
116. Solicitors and Transient Merchants
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CHAPTER 110. AMUSEMENTS*

Sec. 110.01. License required for street parades, carnivals.
Sec. 110.02. License fee for circus or menagerie.
Sec. 110.03. License fee for carnivals; "home talent" exhibitions excepted.
Sec. 110.04. License fee for tent shows.

Sec. 110.01. License required for street parades, carnivals.

No person shall exhibit by street parade or any other manner any outdoor show, circus, carnival, or menagerie within the city without a license as required by this chapter. The license shall be issued by the city controller.
(Code 1968, § 110.01)

Cross reference—Penalty, see § 10.99.

Sec. 110.02. License fee for circus or menagerie.

The fee for the license required by § 110.01 for any circus or menagerie shall be $25.00 per day.
(Code 1968, § 110.02; amend. Ord. No. 192-76, 6-7-76)

Sec. 110.03. License fee for carnivals; "home talent" exhibitions excepted.

The fee for the license required by § 110.01 for carnivals shall be $750.00 per week. This license requirement shall not apply to "home talent" exhibitions of any kind.
(Code 1968, § 110.03)

Sec. 110.04. License fee for tent shows.

The fee for the license required by § 110.01 for tented repertoire shows shall be $25.00 per day.
(Code 1968, § 110.04)

***State law reference—**State law, IC 22-14-3 and 22-15-7.

CHAPTER 111. BUDGET SERVICE COMPANIES

Sec. 111.01. Definitions.
Sec. 111.02. License required.
Sec. 111.03. Application for license
Sec. 111.04. Bond required.
Sec. 111.05. Appeal for refusal to issue license.
Sec. 111.06. Issuance of license.
Sec. 111.07. Conduct of licensee.
Sec. 111.08. Examination of records.
Sec. 111.09. Revocation of license.
Sec. 111.10. Exceptions.
Sec. 111.99. Penalty.

Sec. 111.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Budget service company. Any person, firm, or corporation doing business as a budget counseling, credit counseling, debt management, or debt pooling service, or holding himself out in any way as providing services to any debtor in the management of his debts, and contracting with debtor to receive from the debtor and disburse to his creditors any money or anything of value for a fee no greater than that provided herein.

License. A license issued under the provisions of this code.

Licensee. Any person to whom a license has been issued pursuant to the provisions of this chapter.

Contract debtor. A debtor who has entered into a contract with a licensee.
(Code 1968, § 111.01)

Sec. 111.02. License required.

No person shall operate a budget service company in the city without first having obtained a license. Each office of each company shall require a separate license. The fee for such license shall be $50.00 upon application, and $15.00 annual fee thereafter providing the renewals are consecutive. A licensee failing to renew annually shall be required to pay $50.00.
(Code 1968, § 111.02)

Cross reference—Penalty, see § 111.99.

Sec. 111.03. Application for license

Every person doing business as a budget service company shall make application to the city controller for a license to engage in such business. Such application shall be in the form prescribed by the city controller and shall contain the following information.

(A) The name under which the business is to be conducted.

(B) The name and address of each owner, partner, or associate, or in the case of a corporation, the names and addresses of all officers, directors, and controlling stockholders of the company.

(C) The address of each office of the business.

(D) A sworn financial statement of the company.

(E) A statement that the applicant has not been convicted of any felony.
(Code 1968, § 111.03)

Sec. 111.04. Bond required.

(A) Each application for a license shall be accompanied by a corporate surety bond in the sum of $2,000.00 for each office the applicant operates in the city. All bonds shall run to the city, and shall be furnished by a surety company authorized to do business in the state.

(B) All bonds shall be conditioned upon the faithful accounting of all moneys collected and disbursed by applicant and shall be continuous in form and shall remain in full force and effect and run continuously with the license period and any renewal. All bonds shall be further conditioned upon the provision that at regular intervals of six months, the applicant shall render an accounting to the contract debtor of the moneys collected and disbursed by the applicant less any fee charged by him. All bonds shall be filed in the office of the city controlled and shall be approved by the city controller before being filed. All bonds shall be for the use and benefit of all persons damaged by the wrongful conversion of any moneys by that person, and any person so aggrieved may bring an action upon the bond. The surety company may notify the city controller and the principal of its

desire to terminate its liability under any bond furnished. Within 30 days after receipt of notice by the city controller, the city controller shall require the principal to file a new bond within 30 days. If a new bond is filed all liability under any previous bond shall terminate. If a new bond is not filed within the 30 days specified above, the controller shall after expiration of this period, revoke the principal's license.
(Code 1968, § 111.04)

Sec. 111.05. Appeal for refusal to issue license.

(A) Every application for a license shall be approved or disapproved within 60 days after filing. If an application is rejected, the applicant shall be notified in writing of the reason for the rejection and shall have the right to appeal to the board of public works and safety, which after full hearing shall have authority to affirm the rejection or to order the license issued.

(B) Notice or intention to appeal shall be filed at the office of the city controller within ten days after receipt of the notice of rejection. The date of hearing and appeal shall be set within 30 days from the date on which notice of intention to appeal is filed. Persons who are not residents of Delaware County when making application for a license shall deposit a sum of $200.00 with the city controller in addition to the license fee. This sum shall be used to pay for investigation costs and the balance shall be returned to such applicant six months after he shall have become a resident of Delaware County.
(Code 1968, § 111.05)

Sec. 111.06. Issuance of license.

When a license has been issued, such license shall be prominently displayed by the licensee in his place of business.
(Code 1968, § 111.06)

Sec. 111.07. Conduct of licensee.

Every licensee shall:

(A) Deliver to every contract debtor, at the time the contract is made, a copy of the contract, showing the date executed and the rate of charge.

(B) Notify every creditor listed by the contract debtor that he is performing the budget service for the contract debtor within 15 days of the date of the contract.

(C) Give to the contract debtor a dated receipt for each deposit at the time of the deposit unless deposit is made by check or money order.

(D) Upon cancellation by contract debtor of the contract or upon cancellation by licensee of the contract, notify in writing all the creditors within five days of the cancellation by depositing notice in the regular mail.

(E) Not charge in excess of $15.00 for investigation fee in addition to the fees hereinafter provided.

(F) Not receive a fee for his services in excess of ten percent of the total amount of the contract debtor's debts listed by the contract debtor with the licensee. Provided that in computing the amount of the fee as provided by this section, real estate mortgages and/or rent shall be included only in the amount that shall be due and payable over the term of the contract.

(G) Not withhold for his own benefit, out of any payment while the contract is in full force and effect, more than ten percent of the moneys received by licensee, with the exception of the amount withheld in § 111.07 (E) except in the event of cancellation or completion of the contract, in which event licensee shall be entitled to the fee as provided for in § 111.07 (F). All other moneys shall be distributed to the creditors of the contract debtor in accordance with the terms of the debt program and in accordance with the licensee's arrangements with the creditors, but in any event, within 45 days after the payment of the money of the contract debtor to the licensee.

(H) Not make, or cause to be made, any false, misleading, or deceptive statements, or

representations with regard to the licensee's fee or the nature of the service to be provided.

(Code 1968, § 111.07)

Cross reference—Penalty, see § 111.99.

Sec. 111.08. Examination of records.

Upon affidavit of any contract debtor charging that the licensee has failed to comply with the provisions of this chapter, the city controller shall have authority to examine such books, records, and accounts as pertain to the contract debtor.

(Code 1968, § 111.08)

Sec. 111.09. Revocation of license.

If the city controller finds that a licensee is operating in violation of any of the sections of this chapter, or that a licensee has made any false material statement in any application for a license, he may, upon ten days' written notice to the licensee, revoke the license of such licensee. Notice of revocation or suspension, with the reasons therefor, shall be given in writing to the licensee as in the case of the rejection of an original application, as provided in § 111.05. The licensee shall have the right to appeal as provided in such cases by that section. When an appeal is taken, the board of public works and safety shall have the power, after a full hearing, to affirm, modify, or set aside the order of the city controller, and the decision of said board shall be final.

(Code 1968, § 111.09)

Sec. 111.10. Exceptions.

This chapter shall not apply to any attorney-at-law authorized to practice in this state, or to any individual, partnership, association, or corporation doing business or operating in this state as a charitable institution or as a bank, trust company, or building and loan association.

(Code 1968, § 111.10)

Sec. 111.99. Penalty.

Whoever violates any provision of this chapter shall be fined not less than $100.00 nor more than $1,000.00 for a first offense; and for any subsequent offense shall be fined not less than $100.00 nor more than $1,000.00 and the license of the licensee shall automatically be revoked on the date of the conviction of any second offense.

(Code 1968, § 111.99)

CHAPTER 112. DANCE HALLS

Sec. 112.01. Definitions.
Sec. 112.02. Application of chapter.
Sec. 112.03. License application; fee.
Sec. 112.04. Inspection of premises; issuance.
Sec. 112.05. Grounds for refusal; revocation.
Sec. 112.06. Toilet facilities and drinking fountains.
Sec. 112.07. Attendance of persons under the age of eighteen.
Sec. 112.08. Hours of closing.
Sec. 112.09. Discrimination between sexes as to admission fee.
Sec. 112.10. Right of entry of police officers.

Sec. 112.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Public dance hall, or *public dance.* Any room, place, or space in which public dances or public balls are held and an admission charged.
(Code 1968, § 112.01)

Sec. 112.02. Application of chapter.

(A) This chapter, except § 112.10, shall not apply to any person holding dancing classes or to any hall in which classes are held for instructions in dancing; provided that no admission fee is charged.

(B) This chapter, except § 112.10, shall not apply to dances held by fraternal organizations for the members, families, and friends of such organization; provided that such dance is held in the hall where such fraternal organizations hold their regular meetings and is not open to the general public.

(C) The provisions of this chapter shall apply to all public dance halls and to all public dances within the city.
(Code 1968, § 112.02)

Sec. 112.03. License application; fee.

No person shall use, lease, or sublet any room or space for a public dance hall without filing with the city controller an application for a license setting forth a description of the premises leased, the name and address of the lessee, and the term for which the same is leased. A fee of $5.00 per year or fraction thereof, covering the period for which the premises are leased, shall be paid to the city controller.
(Code 1968, § 112.03)

Cross reference—Penalty, see § 10.99.

Sec. 112.04. Inspection of premises; issuance.

Upon the filing of the application and the payment of the fee pursuant to § 112.03, the city controller shall direct the city board of health to inspect the premises, and the board of health shall certify whether or not the premises comply with § 112.06, and if the same do so comply, the mayor of the city shall issue a license to such person to use, lease, or sublet the premises as a public dance hall.
(Code 1968, § 112.04)

Sec. 112.05. Grounds for refusal; revocation.

The mayor shall refuse to issue any license unless this chapter is fully complied with, and the mayor shall have the right to revoke the license of any public dance hall or public dance for violation of any of the provisions of this chapter. No subsequent license shall be issued for a period of one year to any person whose license has been revoked pursuant to this section.
(Code 1968, § 112.05)

Sec. 112.06. Toilet facilities and drinking fountains.

Every public dance hall and every hall, room, or space, except private residences, in which a dance is held shall have proper ventilation, separate and sufficient toilets in good sanitary condition, and sanitary drinking fountains, all to be approved by the board of public health.
(Code 1968, § 112.06)

Cross reference—Penalty, see § 10.99.

Sec. 112.07. Attendance of persons under the age of eighteen.

(A) No person shall admit any person under the full age of 18 years to attend or remain at any public dance after the hour of 12 midnight unless such person is accompanied by parent or legal guardian.

(B) No person who is under the full age of 18 years shall represent that he or she is 18 years of age or over, and no person who is not the parent or legal guardian of a person under the full age of 18 years shall represent that he is the parent or legal guardian of such person.
(Code 1968, § 112.07)
Cross reference—Penalty, see § 10.99.

Sec. 112.08. Hours of closing.

All public dances shall be discontinued and all public dance halls shall be closed and all rooms, places, or spaces where public dances are held shall be closed on or before the hour of 2:00 a.m. unless special leave is obtained from the chief of police who may permit such dance to continue to 3:00 a.m.
(Code 1968, § 112.08)
Cross reference—Penalty, see § 10.99.

Sec. 112.09. Discrimination between sexes as to admission fee.

No licensee conducting a public dance shall discriminate between the sexes as to the amount of admission fee.
(Code 1968, § 112.09)
Cross reference—Penalty, see § 10.99.

Sec. 112.10. Right of entry of police officers.

The members of the police force of the city shall have the right to enter any place at any time where a dance is being held, whether public, private, or a school for dancing.
(Code 1968, § 112.10)

CHAPTER 113. FOOD-SERVICE ESTABLISHMENTS

Sec. 113.01. Definitions.
Sec. 113.02. Permits.
Sec. 113.03. License and license fee.
Sec. 113.04. Minimum requirements for food-service establishments.
Sec. 113.05. Sale, examination, and condemnation of unwholesome, adulterated, or misbranded food.
Sec. 113.06. Inspection of food-service establishments.
Sec. 113.07. Revocation and suspension of permit.
Sec. 113.08. Inspection of temporary food-service establishments.
Sec. 113.09. Approval of plans.
Sec. 113.99. Penalty.

Sec. 113.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Adulterated and *misbranded.* The meanings provided in IC 16-1-28-1, known as the Indiana Food, Drug and Cosmetic Act.

Closed. Fitted together snugly leaving no openings large enough to permit the entrance of vermin.

Corrosion-resistant material. A material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.

Easily cleanable. Readily accessible, and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

Employee. Any person working in a food-service establishment who transports food or food containers, engages in food preparation or service, or comes in contact with any food, food utensils, or equipment.

Equipment. All stoves, ranges, hoods, tables, counters, food or utensil carts, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils used in the operation of a food-service establishment.

Food. Any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food-contact surfaces. Those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back into food or onto surfaces normally in contact with food.

Food-processing establishment. A commercial establishment in which food is processed or otherwise prepared, packaged, or manufactured for human consumption.

Food-service establishment. Any restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; industrial feeding establishment; private, public, or nonprofit organization or institution; a catering kitchen; a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charge. The term "food-service establishment," however, shall not include a food establishment licensed by the state board of health or one that is known as a food market or vending machine.

Health officer. The health authority having jurisdiction in the City of Muncie, Indiana or his authorized representative.

Kitchenware. All multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

Mobile food-service establishment. Any food-service establishment capable of being readily moved from location to location.

Perishable food. Any food of such type or in such condition as may spoil.

Potentially hazardous food. Any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting growth of infectious or toxigenic microorganisms.

Safe temperatures. As applied to potentially hazardous food, food temperatures of 45° F. or below, and 140° F. or above.

Sanitize. Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health officer as being effective in destroying microorganisms, including pathogens.

Sealed. Free of cracks or other openings which permit the entry or passage of moisture.

Single-service articles. Cups, containers, lids, or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Tableware. All multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

Temporary food-service establishment. Any food-service establishment which operates for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

Utensils. Any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

Wholesome. In sound condition, clean, free from adulteration, and otherwise suitable for use as human food.
(Code 1968, § 113.01)

Sec. 113.02. Permits.

(A) No person shall operate a food-service establishment, mobile food-service establishment, or temporary food-service establishment in the city who does not possess a valid permit from the health officer. Such permit shall be posted in a conspicuous place in the food-service establishment, mobile food-service establishment, or temporary food-service establishment. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain a permit. The permit for a food-service establishment and a mobile food-service establishment shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The permit for a temporary food-service establishment shall be for the term of one continuous operation. Any permit issued by the health officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the health officer.

(B) A separate permit shall be required for each food-service establishment, mobile food-service establishment, or temporary food-service establishment operated or to be operated by any person. A permit issued under this chapter is not transferable.

(C) A permit shall be issued to any person on application after inspection and approval by the health officer. However, the food-service establishment, mobile food-service establishment, or temporary food-service establishment must comply with all the applicable provisions of this chapter.

(D) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.
(Code 1968, § 113.02)
Cross reference—Penalty, see § 113.99.

Sec. 113.03. License and license fee.

(A) No person shall operate a food-service establishment or mobile food-service establishment in the city, who does not possess a valid license for the operation of such establishment. The license shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

(B) Such license shall be provided by the city, if there is presented at his office a valid permit from the health officer together with $16.00 or $8.00 if the application for license is made on or after June 1.

(C) Any person who desires to operate a temporary food-service establishment in the city shall, after securing a permit from the health officer, obtain from the city a license for a temporary food-service establishment. Such license shall be provided by the city controller if there is presented at his office a valid permit from the health officer, together with $5.00, for each day of operation, not to exceed $16.00, for any one continuous operation.

(D) A separate license shall be required for each food-service establishment, mobile food-service establishment, or temporary food-service establishment operated or to be operated by any person. A license issued under this chapter is not transferable.

(E) No license shall be required and no license fee shall be paid for food-service establishments, mobile food-service establishments, or temporary food-service establishments operated by religious, educational, or charitable organizations. Such establishments shall comply with the other provisions of § 113.02 of this chapter.
(Code 1968, § 113.03)
Cross reference—Penalty, see § 113.99.

Sec. 113.04. Minimum requirements for food-service establishments.

All food-service establishments, mobile food-service establishments, and temporary food-service establishments shall comply with the minimum requirements specified by the Indiana State board of health as now provided in its Regulation HFD 17 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments are by reference incorporated and made part thereof, two copies of which are on file in the office of the city clerk for public inspection.
(Code 1968, § 113.04)
Cross reference—Penalty, see § 113.99.

Sec. 113.05. Sale, examination, and condemnation of unwholesome, adulterated, or misbranded food.

(A) No person shall sell through a food-service establishment, mobile food-service establishment, or temporary food-service establishment any food which is unwholesome, adulterated, or misbranded.

(B) Samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The health officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which in his opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.
(Code 1968, § 113.05)
Cross reference—Penalty, see § 113.99.

Sec. 113.06. Inspection of food-service establishments.

(A) Frequency of inspection. At least four times a year the health officer shall inspect each food-service establishment and mobile food-service establishment for which a permit is required under the provisions of this chapter.

(B) Procedure when violations noted. If during the inspection of any food-service establishment or mobile food-service establishment the health officer discovers the violation of any of the requirements of § 113.04 of this chapter, he shall issue a written order to the proprietor, or, in his absence, to the person in charge, listing the violations and fixing a time within which the proprietor of the food-service establishment or mobile food-service establishment shall abate and remedy the violations. A copy of the written order shall be filed with the health department.

(C) Authority to inspect and to copy records. The person operating the food-service establishment or mobile food-service establishment shall, upon the request of the health officer, permit the health officer or his authorized representative

access to all parts of the food-service establishment or mobile food-service establishment, and shall permit the health officer or his authorized representative to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(D) Final inspection; prosecution or hearing for violators. If upon a second and final inspection the health officer finds that such food-service establishment or mobile food-service establishment, person, or employee is still in violation of the same provisions as during the previous inspection, and concerning which a written order was issued, the health officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs, and he shall prosecute all persons violating said provisions of this chapter; or the health officer may promptly issue a written order to the permittee of the food-service establishment to appear at a certain time, no later than ten days from the date of final inspection, and at a place in said county fixed in said order to show cause why the permit issued under the provisions of § 113.02 should not be revoked.
(Code 1968, § 113.06)

Cross reference—Penalty, see § 113.99.

Sec. 113.07. Revocation and suspension of permit.

(A) If the permittee should fail to show cause, the health officer shall revoke said permit and promptly give written notice of this action to the permittee. The health officer shall maintain a permanent record of his proceedings filed in the office of the health department.

(B) Any permit issued under this chapter may be temporarily suspended by the health officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(1) Insanitary or other conditions which in the health officer's opinion endanger public health;

(2) Interference with the health officer or any of his authorized representatives in the performance of their duties; provided, that upon written application from the permittee, served upon the health officer within 15 days after the suspension, the health officer shall conduct a hearing upon the matter after giving at least five days' written notice of the time, place, and purpose thereof to the suspended permittee; provided, further, that any such suspension shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of registered or certified mail to such address.

(C) Any person whose permit has been suspended may at any time make application to the health officer for reinstatement of his permit.
(Code 1968, § 113.07)

Sec. 113.08. Inspection of temporary food-service establishments.

(A) Frequency of inspection. At least once in each 24-hour period the health officer shall inspect each temporary food-service establishment for which a permit is required under the provisions of this chapter.

(B) Procedure to follow when any violation noted. If during the inspection of any temporary food-service establishment the health officer discovers the violation of any of the requirements of § 113.04, he shall order the immediate correction of the violation.

(C) Authority to inspect and to copy records. The person operating the temporary food-service establishment shall, upon the request of the health officer, permit such health officer or his authorized representative access to all parts of the temporary food-service establishment and shall permit collecting evidence and/or exhibits and copying any or all records relative to be enforcement of this chapter.

(D) Revocation of permit and penalties for continued operation. Upon failure of any person maintaining or operating a temporary food-service establishment to comply with any order of the health officer, it shall be the duty of the health officer summarily to revoke the permit of such person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in such temporary

food-service establishment after the permit has been revoked shall be subject to the penalties provided in § 113.99.
(Code 1968, § 113.08)

Sec. 113.09. Approval of plans.

All food-service establishments and mobile food-service establishments which are hereafter constructed or altered shall conform with the applicable requirements of § 113.04. Properly prepared plans and specifications shall be submitted to and approved by the health officer as may be required before starting any construction work.
(Code 1968, § 113.09)

Sec. 113.99. Penalty.

Any person who violates any of the provisions of this chapter shall on conviction, be punished for the first offense by a fine of not more than $1,000.00, and for the second and each subsequent offense by a fine of not more than $1,000.00. Each day of operation of a food-service establishment, mobile food-service establishment, or temporary food-service establishment in violation of §§ 113.02 or 113.03 of this chapter or after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the health officer shall constitute a distinct and separate offense.
(Code 1968, § 113.99)

CHAPTER 114. FOOD MARKETS*

Sec. 114.01. Definitions.
Sec. 114.02. Permits and licenses.
Sec. 114.03. Minimum sanitation requirements for food markets.
Sec. 114.04. Sale, examination, and condemnation of unwholesome food.
Sec. 114.05. Disease control.
Sec. 114.06. Inspection of food markets.
Sec. 114.07. Revocation or suspension of permit
Sec. 114.08. Approval of plans.
Sec. 114.99. Penalty.

Sec. 114.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Employee. Any person who comes in contact with any utensil or equipment in which food is prepared or stored, or who is employed in a room or place in which food is prepared, processed, displayed, or sold.

Food. All articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

Food market. Retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other establishment where food intended for human consumption is manufactured, produced, stored, prepared, processed, handled, transported, sold, or offered for sale at retail.

Health officer. Health authority or his authorized representative having jurisdiction in the city.

Utensil. All containers, or any equipment of any kind or nature with which food comes in contact after delivery to a food market, during storage, preparation, processing, display, or sale. (Code 1968, § 115.01)

*__State law reference__—State Board of Health Regulations, see Reg. HFD 19, eff. 5-31-60.

Sec. 114.02. Permits and licenses.

(A) Permits.

(1) No person who does not possess a valid permit from the health officer shall operate a food market in the city. Such permit shall be posted in a conspicuous place in the food market. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such a permit. The permit for a food market shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. Any permit issued by the health officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which it is issued, and such pertinent data as may be required by the health officer.

(2) A separate permit shall be required for each food market operated or to be operated by any person. A permit issued under this chapter is not transferable.

(3) A permit shall be issued to any person on application after inspection and approval by the health officer; provided, that the food market complies with all the applicable provisions of this chapter.

(4) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) License and license fee.

(1) No person who does not possess a valid license shall operate a food market in the city. The license shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

(2) Such license shall be provided by the city on presentation of a valid permit from the health officer, if the application for license is made on or after June 1.

(3) A separate license shall be required for each food market operated or to be operated by any person. A license issued under this chapter is not transferable.

(C) License and license fee exemption. Mobile food markets owned by a person operating a food market which is licensed under the provisions of this chapter, and possessing a valid permit from the health officer to operate such food market, shall be exempt from the provisions of § 114.02 (B).

(Code 1968, § 115.02)

Cross reference—Penalty, see § 114.99.

Sec. 114.03. Minimum sanitation requirements for food markets.

All food markets shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in its Regulation HFD 19 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the city for public inspection.

(Code 1968, § 115.03)

Cross reference—Penalty, see § 114.99.

Sec. 114.04. Sale, examination, and condemnation of unwholesome food.

(A) No person shall sell through a food market any food which is unwholesome, adulterated, or misbranded.

(B) Samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The health officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided, that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which in his opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(Code 1968, § 115.04)

Cross reference—Penalty, see § 114.99.

Sec. 114.05. Disease control.

(A) Disease control. No person who is affected with any disease in a communicable form or is a carrier of such disease, shall work in any food market, and no food market shall employ any such person or any person believed to be affected with any disease in a communicable form or a carrier of such disease. If the food market manager has reason to believe that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health officer immediately.

(B) Procedure when infection indicated. When the health officer has reason to believe there exists possibility of transmission of infection from any food market employee, the health officer is authorized to require any or all of the following measures:

(1) The immediate exclusion of the employee from all food markets;

(2) The immediate closing of the food market concerned until no further danger of disease outbreak exists in the opinion of the health officer;

(3) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated.

(Code 1968, § 115.05)

Cross reference—Penalty, see § 114.99.

Sec. 114.06. Inspection of food markets.

(A) Frequency of inspection. At least four times a year the health officer shall inspect each food market for which a permit is required under the provisions of this chapter.

(B) Procedure when violations noted. If, during the inspection of any food market, the health officer discovers the violation of any of the sanitation requirements in § 114.03, he shall issue a written order listing such violations to the proprietor or, in his absence, to the person in charge and fixing a time within which the proprietor of the food market shall abate and remedy the violations. A copy of the written order shall be filed with the records of the health department.

(C) Authority to inspect and to copy records. The person operating the food market shall, upon the request of the health officer, permit such health officer or his authorized representative access to all parts of the food market and shall permit the health officer or his authorized representative to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(D) Final inspection; prosecution or hearing for violators. If upon a second and final inspection the health officer finds that such food market, person, or employee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the health officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the city in which the violation occurs, and he shall prosecute all persons violating the provisions of this chapter. The health officer may promptly issue a written order to the permittee of such food market to appear at a certain time, no later than ten days from the date of final inspection, and at a place fixed in the order to show cause why the permit issued under the provisions of § 114.02(A) should not be revoked.
(Code 1968, § 115.06)

Cross reference—Penalty, see § 114.99.

Sec. 114.07. Revocation or suspension of permit

(A) Revocation of permit. If the permittee should fail to show cause, the health officer shall revoke the permit and give written notice of this action to the permittee. The health officer shall maintain a permanent record of his proceedings filed in the office of the health department.

(B) Suspension of permit.

(1) Any permit issued under this chapter may be temporarily suspended by the health officer without notice of hearing for a period not to exceed 30 days, for any of the following reasons:

(a) Insanitary or other conditions which in the health officer's opinion endangers the public's health;

(b) Interference with the health officer or any of his authorized representatives in the performances of their duties.

(2) However, upon written application from the permittee served upon the health officer within 15 days after such suspension, the health officer shall conduct a hearing upon the matter after giving at least five days' written notice of the time, place, and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of registered or certified mail to such address.

(C) Reinstatement of permit. Any person whose permit has been suspended may, at any time, make application to the local health officer for the reinstatement of his permit.
(Code 1968, § 115.07)

Sec. 114.08. Approval of plans.

All food markets which are hereafter constructed or altered shall conform with the applicable requirements set forth in § 114.03. Properly prepared plans and specifications shall be submitted to and approved by the health officer as may be required before starting any work.
(Code 1968, § 115.08)

Cross reference—Penalty, see § 114.99.

Sec. 114.99. Penalty.

Any person who violates any of the provisions of this chapter shall, on conviction, be punished for the first offense by a fine of not more than

$1,000.00 and for the second offense and each subsequent offense by a fine of not more than $1,000.00. Each day of operation of a food market in violation of § 114.02 (A), or after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the health officer, shall constitute a distinct and separate offense.

CHAPTER 115. PAWNBROKERS, JUNK AND SECONDHAND DEALERS*

Sec. 115.01. Definitions.
Sec. 115.02. License to operate junkyard required.
Sec. 115.03. Application for license.
Sec. 115.04. Fee.
Sec. 115.05. Junkyards prohibited near schools, churches, or parks.
Sec. 115.06. Fences.
Sec. 115.07. Building permit required for wall or fence around junkyard.
Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.
Sec. 115.09. Records to be kept.
Sec. 115.10. Report to police.
Sec. 115.11. Certain items may be held for identification.
Sec. 115.12. Operating regulations.
Sec. 115.13. Suspension of license.

Sec. 115.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Junkyard. Any lot, parcel of real estate, or building used for storing old automobiles, or used in the wrecking of old automobiles and storing of wrecked parts on the premises, or storing and keeping old wastepaper, rags, rubber, junk, iron or other metal in piles, where old parts of vehicles are bought, sold and offered for sale, or where old iron or other metals, rags, rubber or waste materials are burned on the premises, or where old lumber and other waste materials are stored and offered for sale or where old iron or other metals are cut and broken in parts by use of shears or by use of sledges and such metals are piled or stored preparatory to being shipped; provided, that the term "junkyard", as used in this chapter, shall not be construed to mean or include any lot, part of lot, parcel of real estate, or buildings used by any foundry or manufacturing plant for the storing of scrap, junk, or waste material that has been used or is to be used in conjunction with such manufacturing or foundry business. The term "junkyard" shall apply in general to any business or establishment concerned mainly or primarily with the storage, processing, or salvaging of used or secondhand materials.

Pawnbrokers. Any person who loans money on deposit or pledge of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Secondhand dealer. Any person who loans money on deposit or pledge or who purchases secondhand property of any description.
(Code 1968, § 116.01)

Sec. 115.02. License to operate junkyard required.

No person shall operate, maintain, open, or establish any junkyard in the city without first having obtained a license to do so from the city controller.
(Code 1968, § 116.02)

Cross reference—Penalty, see § 10.99.

Sec. 115.03. Application for license.

The application for a license to operate a junkyard in the city shall be made on a form which shall be prescribed and furnished by the city controller and shall set forth the name of the owner, manager, trustee, lessee, or other person desiring such license, the name of the junkyard, the location, including the street number of the junkyard, and other facts as the city controller may require. Every person applying for a license to operate a junkyard, as defined herein, shall be given a copy of city ordinances and regulations concerning their operation and shall sign a statement, which shall be part of the application, that he has read, understood, and intends to comply with these provisions as a condition of issuance of the license. No license may be issued without the presentation of a certificate of passing from an officer of the city department of health for an inspection made during the preceding month. The time of renewal of licenses already in effect shall be during the first ten days of January of each year.
(Code 1968, § 116.03)

Sec. 115.04. Fee.

Every person opening, establishing, operating, or maintaining a junkyard within the city shall

*State law reference—State law, pawnbrokers, see IC 28-7-5-1.

pay, for the privilege of opening, establishing, operating or maintaining such junkyard, an annual license fee of $10.00.
(Code 1968, § 116.04)

Sec. 115.05. Junkyards prohibited near schools, churches, or parks.

No person shall maintain or operate a junkyard or a building wherein junk is kept or stored, within 300 feet of school grounds, churches, or public parks within the limits of the city. Any junkyard may be located only where current zoning regulations specify.
(Code 1968, § 116.05)

Sec. 115.06. Fences.

Any junkyard which fronts on a public street or other public area or which is adjacent to residential property shall be completely enclosed by a fence sufficient to keep the materials from public view. Where the junkyard is remote from public or residential areas, the fencing requirement may be waived by specific agreement in writing from the city controller. When fencing is required, the area between the fence and the lot line shall be kept free of weeds and debris and a 6-foot distance between the inside of the fence and the materials stored or processed shall be kept clear. All fencing shall be kept free of advertising or posters except for a sign identifying the establishment. All fencing shall be kept in good repair. The fence gate shall be kept locked when the operation is not open for business.
(Code 1968, § 116.06)
Cross reference—Penalty, see § 10.99.

Sec. 115.07. Building permit required for wall or fence around junkyard.

Any person who constructs a brick wall or board fence around his junkyard shall obtain a permit to do so from the proper authorities of the city before construction is begun.
(Code 1968, § 116.07)
Cross reference—Penalty, see § 10.99.

Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.

No person shall conduct, maintain or engage in the business of a pawnbroker or of keeping a secondhand store unless such person shall have first procured a license from the city controller. Every person conducting, maintaining, or engaging in the business of a pawnbroker or of keeping a secondhand store shall pay an annual license fee of $10.00. Such license shall be designated as "Secondhand Store License" or "Pawnbroker License." Such license shall bear the date of January 1 and no reduction shall be made for any part of the time already elapsed at the time of making application for such license.
(Code 1968, § 116.08)
Cross reference—Penalty, see § 10.99.

Sec. 115.09. Records to be kept.

Every person who conducts, maintains, or engages in the business of a pawnbroker or of keeping a secondhand store shall keep a record of each pledge or purchase with an accurate and true description of the goods, articles, and things pledged or purchased and the amount loaned thereon or paid therefor, with the name, age, residence, and a true description of the person from whom such pledge is taken or such purchase is made. No entry made in such record shall be erased or defiled. Such record, as well as the articles and goods pledged or purchased, shall, at all reasonable times, be open to the inspection of the chief of police or any member of the police force.
(Code 1968, § 116.09)
Cross reference—Penalty, see § 10.99.

Sec. 115.10. Report to police.

Every person conducting, maintaining, or engaging in the business of a pawnbroker or of keeping a secondhand store shall make out and deliver to the chief of police each day before noon a legible and accurate report from the record required by the preceding section, showing all the goods, articles, or things pledged or purchased during the preceding day, together with the time of day when the same was received, pledged or purchased, the amount loaned upon or paid therefor, with the name, age, residence, and description of the person from whom such pledge was taken or such purchase was made. In no case shall personal property be disposed of within 24 hours of the time of filing such report with the

chief of police, except upon written permission from the chief. Such report shall be made upon a form to be approved by the chief of police.
(Code 1968, § 116.10)
Cross reference—Penalty, see § 10.99.

Sec. 115.11. Certain items may be held for identification.

The chief of police may in his discretion cause any goods, articles, or things of value, which he shall have reason to believe were not pledged by or purchased from the lawful owner, to be held for the purpose of identification by the lawful owner for such length of time as he shall deem necessary for the identification; provided, that no such goods or articles shall be required to be held more than five days.
(Code 1968, § 116.11)

Sec. 115.12. Operating regulations.

(A) Operators of such establishments shall make sincere and continuing efforts to maintain an orderly, clean, and desirable business atmosphere.

(B) All necessary precautions shall be taken to eliminate rodents, pests, and obnoxious odors from premises at all times.

Immediate compliance shall be made when requests for remedial action are made through the board of works.

(C) Rubbish and trash, both inside the premises and around the outside, shall be regularly collected and disposed of in a manner approved by the city board of works and safety.

(D) Weeds shall be eliminated or controlled as fully as possible.

(E) No scrub growth, vines, or bushes shall be allowed except for landscaping purposes.

(F) No rodents or other animals, domestic or otherwise, shall knowingly be harbored on such premises.

(G) Handling and storage of large quantities (more than one ton) of waste paper, rags, or other combustible materials shall not be in a building of wood frame or ordinary construction unless the building has a sprinkler system or other city-approved fire control system. Vertical openings shall be enclosed in a manner authorized by the fire prevention bureau of the fire department.

(H) Picking or storing rooms shall be separated from storage rooms by construction having a fire-resistance of not less than one hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with an exhaust system of sufficient capacity to adequately remove dust and lint.

(I) The burning of wrecked or discarded auto vehicles or any parts thereof or junk or any waste material shall be done only in designated open spaces or incinerator enclosures approved by the bureau of fire prevention. Authorized burning procedure shall be stipulated in writing by the bureau. Burning operations must be inspected by the bureau of fire prevention at least every three months. The chief of the fire department is hereby authorized to make temporary suspension of burning operations, pending hearing before the board of works and safety, for failure to abide by burning regulations and for failure to give prompt heed to request for correction of problem. All burning operations shall be restricted to no more than one vehicle at a time and confined to times when winds are of moderate velocity.

(J) The chief of the fire prevention bureau may recommend waiving any of the above-mentioned fire prevention regulations for already established operations when in his opinion such waiver will not create a hazard to life or property.

(K) Stacking or storing combustible materials shall be in accordance with specifications of the bureau of fire prevention.

(L) The city health department shall make a sanitary inspection of the premises at least every three months, including a mandatory inspection during December.
(Code 1968, § 116.12)
Cross reference—Penalty, see § 10.99.

Sec. 115.13. Suspension of license.

The city controller may order temporary suspension of a license for violation of regulations set forth in this chapter for a period not to exceed ten days. He must first give 15 days notice in writing

of the intention to suspend and of the specific offense for which suspension is contemplated. Upon public hearing by the board of works and safety, of which the accused violator shall have three days notice in writing, the board shall have the power to revoke the license of any establishment until such time as correction of offending practice shall have been made. No suspension shall be made until the offending establishment has had at least ten days in which to eliminate faulty practices.
(Code 1968, § 116.13)

CHAPTER 116. SOLICITORS AND TRANSIENT MERCHANTS*

Division 1. General Provisions

Sec. 116.01. Definitions.
Sec. 116.02. Exceptions.
Sec. 116.03. Use and disposition of receipts.
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Sec. 116.30. Revocation of license or permit.
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Sec. 116.40. Penalty.

DIVISION 1. GENERAL PROVISIONS

Sec. 116.01. Definitions.

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

Canvasser. One who goes from house-to-house or door-to-door in an effort to take orders for goods; or to conduct surveys or otherwise gather information, opinions, or beliefs; or to disseminate information, opinions, or beliefs whether by speech, writings, or other means.

Fixed, permanent place of business, Any building which a person, firm, company, partnership or corporation has occupied or intends to occupy for the purpose of conducting its business for a period of longer than one calendar year where such occupancy is in full compliance with all state and local laws, ordinances and regulations, including, but not limited to all zoning laws and ordinances.

Solicit To appeal for something; to apply to for obtaining something, to ask for the purpose of receiving; to try to obtain; to entreat, implore, or importune. The act requires no particular degree of importunity, entreaty, imploration, or supplication.

Temporary or transient business Any and all business engaged in, done or transacted in the city other than directly from a fixed, permanent place of business and shall include by way of illustration and not limitation offering for sale or selling goods, wares, merchandise, or services while traveling door to door or street to street, or from a fixed or mobile building, vehicle, or structure which is leased, hired, or occupied for a purpose other than as a fixed, permanent place of business.

Transient merchant All persons, firms, companies partnerships, corporations, or entities, either as principals or agents who engage in, do, or transact any temporary or transient business in the City of Muncie, offering for sale or selling goods, wares, or merchandise, and including those, who, for the purpose of carrying on such business, hire, lease, or occupy any permanent, mobile, or tent like building, structure or real estate for the exhibition of samples, catalogs, photographs and price lists or sale of such goods, wares, or merchandise, but shall not include any person, individual, partnership, corporation, or entity which grows the good, wares, or merchandise which is offered for sale.
(Ord. No. 18-02, 6-3-02)

Sec. 116.02. Exceptions.

(A) Sections 116.21 and 116.22 do not apply to persons who deliver newspapers or other previously ordered goods, merchandise, materials, information, or services; to public or private postal delivery employees; to utility employees; or to employees of city, county, state, or federal government agencies, departments, or organizations.

*__Editor's note__—Ord. No. 18-02, adopted June 3, 2002, amended former Ch. 116 in its entirety which pertained to similar subject matter and derived from the Code of 1968; Ord. No. 17-86, 5-12-86; Ord. No. 46-93, 8-2-93.

This exception is applicable only while such persons are acting within the scope of their aforementioned employment.

(B) Section 116.30 shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business; to the bona fide sale of goods, wares, or merchandise by sample for future delivery; to sheriffs, constables, or other public officers selling goods, wares, or merchandise according to law; or to bona fide assignees or receivers appointed in this state selling goods, wares, and merchandise for the benefit of creditors.

(C) Persons who solicit door-to-door on behalf of organizations exempted from tax by U.S. Code, Section 501 are not required to obtain individual identification permits, but shall be issued an authorized copy of the permit applied for and the name of the particular organization. The name, address, and telephone number of each person so soliciting (and if a minor the name, address, and telephone number of a parent or legal guardian) shall be filed with the organization's application and permit.

(D) This chapter may be waived by the board of works for such events as annual festivals, carnivals, or fairs, provided that such activities are limited to designated areas in the city to be established by the board.

(E) Other exceptions to this subchapter may be recommended by the board of public works and safety upon a showing of good cause. Such exceptions may not be granted without the approval of the common council.

(F) Candidates or representatives of candidates for public office are exempt from obtaining a license.

(G) Organizations recognized by the Internal Revenue Service as not for profit by having received 501(c)(3) status shall be exempt from the provisions of this chapter.
(Ord. No. 18-02, 6-3-02)

Sec. 116.03. Use and disposition of receipts.

All license fees and identification permit fees collected under this chapter by the controller shall be paid into the general fund of the city.
(Ord. No. 18-02, 6-3-02)

Secs. 116.04—116.09. Reserved.

DIVISION 2. CANVASSERS, SOLICITORS OR DISTRIBUTORS

Sec. 116.10. Permit required.

No person shall engage in selling, distributing or circulating any magazine periodical, pamphlet, handbill, book or other form of literary material, or in canvassing or soliciting orders or subscriptions therefor within the city, without first securing a permit as provided in this chapter.
(Ord. No. 18-02, 6-3-02)

Sec. 116.11. Application for permit.

(A) Each person seeking to become a canvasser, solicitor or distributor under the provisions of section 116.10 shall complete and execute an application form at the office of the city controller at least two weeks prior to engaging in such activity. The application form shall require the following information:

(1) Applicant's name, home address, and local address, if any;

(2) A photograph and a physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes, and any other distinguishing features,

(3) The name and address or principal office of the person, firm, organization or corporation, if any, for, through whom or under whose auspices the applicant is authorized to conduct such activity; or, a statement that the applicant is engaged in such activity solely on his own behalf

(4) A brief description of the type of literary material to be sold and a statement as to whether delivery of such literary material is to be immediate or in the future;

(5) A statement as to whether the applicant has been convicted of any crime or misdemeanor involving moral turpitude, and if so, the nature of the offense and punishment assessed therefore; and

(6) Applicant shall appear at the police department prior to commencement of salutation and allow himself to be fingerprinted;

(7) If the applicant canvasses or solicits orders or subscriptions for such literary material, he shall attach to the application a sample copy of the order or receipt form used by him in connection with such activity.

(B) The application provided for in this section shall be deemed a continuing application and if, after the issuance of the permit as provided for in this section, the information set forth in such application shall become inaccurate for any reason and the holder of the registration certificate intends to or does continue his activity thereunder notice of such change and the correct information shall be furnished to the office of the city controller within 24 hours.

(C) At the time of executing the application form, the applicant shall also submit for the inspection of the chief of police written proof of his identify, which may be in the form of a credential containing a physical description of the applicant and a specimen of the applicant's signature.
(Ord. No. 18-02, 6-3-02)

Sec. 116.12. Issuance of permit; fee; grounds for refusal.

Upon compliance with the provisions of section 116.11, the city controller shall issue to the applicant a dated and signed permit, upon the applicant personally appearing at the office of the city controller at least two weeks after such application has been filed; provided, that the city controller shall not be required to issue such a permit to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or to any person whose registration certificate has heretofore been revoked or who has been convicted under the provisions of section 116.06 within one year. The form of such certificate shall be determined by the city controller. Each applicant shall pay to the office of the city controller the sum of $25.00.
(Ord. No. 18-02, 6-3-02)

Sec. 116.13. Duration and expiration of permit.

The permit issued under the preceding section shall be for a period of one month from the date of issuance and shall expire on the date specified in the permit.
(Ord. No. 18-02, 6-3-02)

Sec. 116.14. Conditions of permit.

All permits issued pursuant to section 116.11 shall be nontransferable and shall entitle the holder thereof to sell, distribute or circulate the type of literary material described in the certificate or to canvass or solicit orders or subscriptions therefor within the city, subject, however, to the following conditions:

(1) The holder shall have the permit in his possession at all time and shall exhibit the same at any time upon request by any police officer of the city or by any purchaser or distributee;

(2) The holder shall not enter any house, building or other structure or any land or property, without the prior consent of the owner or occupant;

(3) The holder of a permit shall make no false statement or misrepresentation of fact in the course of carrying on the activity for which the certificate is granted, and shall conduct himself at all times in an orderly and lawful manner;

(4) The holder who takes orders for the future delivery of any type of literary material set forth in section 116.10 shall give a written receipt to the purchaser, which receipt shall be signed by the holder and shall set forth a brief description of the literary material ordered, the total purchase price, and the amount of the payment, if any, received by the holder from the purchaser.

(5) The holder shall not solicit sales from homes between sundown of one day until 10:00 A.M. of the following day.

(Ord. No. 18-02, 6-3-02)

Sec. 116.15. Revocation of permit; notice.

(A) Any permit issued under the provisions of this chapter may be revoked by the city controller, after notice and hearing, for any fraud, misrepresentation, or false statement contained in the application or for failure to correct any statements in such application as required by section 116.14; for failure to observe the conditions of the certificate as set forth in section 116.14; or, upon any subsequent conviction of any crime or misdemeanor involving moral turpitude.

(B) Notice of the hearing for revocation of a permit shall be in writing, setting forth the specific reason for the hearing and the time and reason for the hearing and the time and place thereof. Such notice shall be given to the holder of the certificate at least three days prior to the stated date for the hearing, if by personal service, and at least five days, if by mail, postage prepaid, addressed to the holder's last known local address, or if none, his home address.

(Ord. No. 18-02, 6-3-02)

Sec. 116.16. Identification permit required.

No person shall solicit or canvass for sales from door-to-door in the city for any of the purposes specified in section 116.10 without having first obtained an identification permit under section 116.17.

(Ord. No. 18-02, 6-3-02)

Sec. 116.17. Application for identification permit.

(A) Any person desiring to go from door-to-door in the city for any or the purposes specified in section 116.11 must, in order to obtain the necessary permit, provide the following information and documentation thereof:

(1) Name of applicant, corroborated by three pieces of identification.

(2) Permanent home address and telephone number of applicant.

(3) The name, address, and telephone number of the employer, firm, organization, association, church, cause, corporation, or other group represented by the applicant.

(4) The date on which canvassing, soliciting, and the like is to begin and end.

(5) The nature of the merchandise to be sold or offered for sale; the nature of the services to be offered; the purposes for which funds are to be solicited; the nature of materials to be disseminated or solicited; and the nature of the information to be disseminated or solicited.

(6) The names of other communities in which the applicant has worked as a solicitor, canvasser, or the like in the last two years.

(7) The make, model, description, license number, and ownership of any vehicle to be used in the solicitation, which information is to be verified from the vehicle registration.

(B) This application shall also be accompanied by a letter or other written statement from the individual, firm, corporation, or other group whom the applicant represents, certifying under oath that the applicant's representation is authorized.

(Ord. No. 18-02, 6-3-02)

Sec. 116.18. Identification permit fee; issuance; denial.

(A) Each applicant for an identification permit shall pay to the office of the city controller a fee of $25.00 for each day the permit is granted.

(B) The application shall, if granted, be issued within 48 hours, exclusive of weekends and holidays.

(C) The application may be denied if it is found to contain a misrepresentation, a falsification, or a material misstatement of fact, or if investigation reveals that the applicant has engaged in unscrupulous or otherwise wrongful conduct in connection with prior solicitation. The denial of an application may be appealed by written petition to the board of public works.

(Ord. No. 18-02, 6-3-02)

Sec. 116.19. Presentation of permit.

The identification permit along with corroborating identification shall be presented by the solicitor to the person solicited upon beginning each separate solicitation.
(Ord. No. 18-02, 6-3-02)

DIVISION 3. TRANSIENT MERCHANTS

Sec. 116.20. License required.

It shall be unlawful for any transient merchant to engage in, do, or transact any business in the sale of goods, wares, farm produce, or merchandise of any and every kind, character, or description in the city without having first obtained a license therefor as provided in section 116.21.
(Ord. No. 18-02, 6-3-02)

Sec. 116.21. Application for license; fee.

(A) *Contents of application.* Any transient merchant desiring to transact business in the city shall file an application with the office of the city controller. The application shall be as provided in section 116.11, with the following additional requirements:

(1) If the applicant is a corporation, then there shall be stated on the application form the date of the incorporation, the state of incorporation, and if the applicant is a corporation formed in a state other than Indiana, the date on which the corporation qualified to transact business as a foreign corporation in this state.

(2) A detailed inventory and description of the goods, wares, and merchandise to be offered for sale, or be advertised for sale, and the representations to be made in connection therewith.

(B) *Fee.* The applicant desiring to file an application for a transient merchant's license shall pay to the controller a fee of $50.00 for each day the applicant intends to do business activity in the city. No applicant may conduct business activity in the city for a period longer than 14 days under any application.
(Ord. No. 18-02, 6-3-02)

Sec. 116.22. Bond required.

(A) At the time of filing the application and as part thereof, the transient merchant shall file and deposit with the office of the city controller a bond with surety to be approved by the controller in the minimum penal sum of $1,000.00 or two times the value of the goods, wares, and merchandise to be offered for sale or sold as shown by the inventory filed, whichever sum is greater, running to the city and for the use and benefit of any purchaser of any such goods, wares, or merchandise who might have a cause of action of any nature arising from or out of such sale or sales, or against the applicant. The bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by or due from the applicant to the state or any department thereof of any subdivision of the state, the payment of any fines that may be assessed by any court against the applicant or its agents or employees for violation of the provisions of this subchapter, and the satisfaction of all causes of action commenced within one year from the date that the sale is made; provided, however, that the aggregate liability of the surety for all taxes, fines, and causes of action shall in no event exceed the amount of the bond but there shall be no limitation of liability against the transient merchant or the applicant for the license or other responsible party under the laws of the state.

(B) In the bond, the applicant and surety shall appoint the controller of the city the resident agent of the applicant for the service of process, the agent on whom such service is made shall, within five days after the service, mail by certified mail a true copy of the process served upon him to each party for whom he has been serviced, addressed to the last known address of such party. Failure to mail the copy shall not however, affect the court's jurisdiction as otherwise provided by law.
(Ord. No. 18-02, 6-3-02)

Sec. 116.23. Issuance of license.

Upon the filing of the application and after the applicant has established that he has fully complied with all the provisions of this chapter, the controller shall issue to the applicant a license

authorizing the applicant to transact business as proposed in the application. The license shall not be transferable and shall be valid only in the city. No license shall be good for more than one person, unless such person shall be copartners or employees of the firm or corporation obtaining the license. No license shall be good for more than one location in the city if the transient merchant is transacting business in the building or structure in the city. No license shall be good for a period to exceed 14 days.
(Ord. No. 18-02, 6-3-02)

Sec. 116.24. Record of license; forms.

(A) The controller for the city shall keep a record of such licenses in a book provided for that purpose, which shall at all times be open to public inspection.

(B) No particular form of license shall be required to be issued by the controller. However, any license issued shall state the name of the person, firm, or corporation licensed, the number of days for which the license is issued, and the location from which the applicant is transacting business, if applicable, and shall contain the imprint of the official seal of the city.
(Ord. No. 18-02, 6-3-02)

Secs. 116.25—116.29. Reserved.

Sec. 116.30. Revocation of license or permit.

Any falsification of or material misstatement in an application for a license or permit under this subchapter voids the license or permit. Reinstatement of a voided license or permit may be had by petition to the board of public works and safety.
(Ord. No. 18-02, 6-3-02)

Secs. 116.31—116.39. Reserved.

Sec. 116.40. Penalty.

The violation of sections 116.10, 116.11, 116.12, 116.16, 116.19, 116.20, or 116.21 is hereby declared an infraction and may be punished by a fine not to exceed $2,500.00. Each day such offense shall continue shall constitute a separate offense.
(Ord. No. 18-02, 6-3-02)

CHAPTER 117. TAXICABS AND BUSES*

Division 1. Taxicabs

Sec. 117.01. Taxicab defined.
Sec. 117.02. Compliance with regulations.
Sec. 117.03. License required.
Sec. 117.04. Application for license.
Sec. 117.05. License fee.
Sec. 117.06. Issuance; duration.
Sec. 117.07. Additional vehicles and equipment.
Sec. 117.08. Condition and age of taxicabs; doors.
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Secs. 117.25—117.49. Reserved.

Division 2. Buses

Sec. 117.50. Bus defined.
Sec. 117.51. Franchise required for operation of buses.

DIVISION 1. TAXICABS

Sec. 117.01. Taxicab defined.

For the purposes of this chapter the term "taxicab" shall mean any motor vehicle designed and constructed to accommodate and transport passengers, not more than six in number, not including the driver, and which does not operate over any definite and designated routes within the corporate limits of any city or town, and the suburban territory thereof as the term "suburban territory" is defined in IC 8-2.1-17-15, and the destination of which is designated by the passenger, or passengers, at the time of such transportation.
(1968 Code, § 118.01)

State law reference—Similar provisions, IC 8-2.1-17-16.

Sec. 117.02. Compliance with regulations.

No person shall operate a taxicab on any street or highway in the city, except in accordance with the regulations established by this chapter.
(1968 Code, § 118.02)

Cross reference—Penalty, see § 10.99

Sec. 117.03. License required.

(A) No person shall operate a taxicab without first having secured a license as required by this chapter.

(B) No license shall be issued for the operation of less than five motor vehicles in taxicab service without a sworn statement required by the following section which clearly discloses that the applicant is financially solvent and the sole owner of each motor vehicle to be used in such taxicab service, and that the applicant has a permanent office from which to control and regulate the operation of such taxicabs.
(1968 Code, § 118.03)

Cross reference—Penalty, see § 10.99

Sec. 117.04. Application for license.

Any person desiring to operate taxicabs or a taxicab service on any of the streets or highways of the city shall file with the city clerk a signed application for a license, duly sworn to by the applicant, which shall show the following:

(A) The name of the person desiring the license; if a firm, the full names of each of the partners.

(B) The place of residence and principal place of business of the applicant.

(C) That the applicant is financially able to render taxicab service as applied for and is financially able to give such additional service in the city as shall from time to time be necessary.

(D) That the applicant, if not previously the holder of a license from the city to operate

*State law reference—City's power to regulate, IC 18-1-1. 5-13.

taxicabs, is the owner of not less than five taxicabs, each of which is not older than five years, and intends to and will operate not less than five taxicabs or as many other taxicabs as shall be necessary.

(E) That the applicant, if previously the holder of a license from the city to operate taxicabs, is the owner of not less than five taxicabs, none of which is older than five years, and intends to and will operate not less than five taxicabs or as many other taxicabs as shall be necessary.

(F) The location and address of the garage where such taxicabs shall be kept.

(G) The location and address of the office of the applicant.

(1968 Code, § 118.04)

Cross reference—Penalty, see § 10.99

Sec. 117.05. License fee.

Every applicant for a taxicab license shall, at the time of filing the application, pay to the city controller an annual license fee for the taxicabs as follows:

(1) Five hundred dollars for the first ten vehicles.

(2) Ten dollars for each additional vehicle.

(1968 Code, § 118.05)

Sec. 117.06. Issuance; duration.

Upon the filing of the application and the payment of the proper fee the head of the department of finance shall issue to the applicant a license permitting the operation of the motor vehicles described in the application for one year from the date of such payment, subject to revocation as provided in this chapter. No license shall be issued for a term of less than one year.

(1968 Code, § 118.06)

Sec. 117.07. Additional vehicles and equipment.

No additional vehicle or equipment shall be added to or used by the holder of any taxicab license until he has reported such addition to the city clerk, made application for license, paid to the controller the license fee and received a license for such additional equipment. The application for additional equipment shall be made upon the same forms as required for the original application for license and the fee for each such application for an additional vehicle shall be $10.00 per year.

(1968 Code, § 118.07)

Cross reference—Penalty, see § 10.99

Sec. 117.08. Condition and age of taxicabs; doors.

No motor vehicle having less than four doors or which is older than ten years shall be operated as a taxicab. All taxicabs shall be mechanically sound and safe and shall be kept in good repair and in clean and sanitary condition so as to be capable of safely and comfortably transporting passengers.

(1968 Code, § 118.08; Ord. No. 15-2000, § 1, 5-8-00)

Cross reference—Penalty, see § 10.99

Sec. 117.09. Drinking and intoxication while driving taxicabs prohibited.

No person shall operate a taxicab while intoxicated or while drinking intoxicating beverages.

(1968 Code, § 118.09)

Cross reference—Penalty, see § 10.99

Sec. 117.10. Driver's license required.

No person shall operate a taxicab without having secured a taxicab driver's license.

(1968 Code, § 118.10)

Cross reference—Penalty, see § 10.99

Sec. 117.11. Application for driver's license.

Every person desiring to drive a taxicab in the city shall file an application in writing with the city clerk for a taxicab driver's license. The application shall show the following:

(A) The name and present address of the applicant.

(B) The address of each place of residence of the applicant during six years prior to the date of the application.

(C) The place of employment, the kind of employment and the name of each of the

employers of the applicant for the two years immediately preceding the date of the application.

(D) The age and sex of the applicant.

(E) The applicant's experience in automobile operations.

(F) Whether or not the applicant uses intoxicating liquors.

(G) The applicant's state chauffeur license number.

(H) That the applicant has been examined by a duly licensed and practicing physician and found to be physically able to be a safe driver.

(I) Upon the face of the application, a certificate of the police director that such applicant has been duly examined as to his ability to operate a motor vehicle and as to the traffic laws and ordinances of the city and the traffic law of the state and that, in the opinion of the taxicab driver's qualification committee, the applicant is a fit and proper person to receive a taxicab driver's license.

(1968 Code, § 118.11)

Cross reference—Penalty, see § 10.99

Sec. 117.12. License fee; license to be carried at all times.

Every applicant for a taxicab driver's license shall pay to the head of the department of finance a fee of $1.00 for an annual license. Such license shall be carried by the holder at all times.

(1968 Code, § 118.12)

Sec. 117.13. Revocation of license.

Any taxicab driver's license shall be revoked upon a showing that such license was obtained by a false statement in the application for such license.

(Code 1968, § 118.13)

Sec. 117.14. Taxicab driver's qualification committee.

The mayor shall appoint a committee to be known as the taxicab driver's qualification committee to pass on the qualifications of all applicants for a taxicab driver's license. The committee shall be composed of the chief of police of the city, a representative from each employer of taxicab drivers and a representative of the Teamster's Union.

(Code 1968, § 118.14)

Sec. 117.15. Photograph of driver to be displayed in taxicab.

There shall be displayed in every taxicab a clear photograph of the driver of the cab together with his name in legible print or type. Such picture shall be at least two inches by two inches in size, mounted in a metal container and shall show the head and shoulders of the driver. Such picture shall be clearly visible from the back seat of any taxicab.

(Code 1968, § 118.15)

Cross reference—Penalty, see § 10.99.

Sec. 117.16. Insurance, bond, etc., required.

No license required by this chapter shall be issued and no taxicab shall be operated upon any street, avenue or public highway in the city until there shall have been filed with the city controller a bond, indemnity undertaking, insurance policy or a bond with the good resident freehold security thereon, running for the year of the license to be issued to the applicant, providing for the payment of any final judgment that may be rendered against the insured for damages to property, for bodily injury, or for the death of passengers or other persons resulting from collision or other accident for which the applicant may be liable while operating the taxicab described in the application, in a minimum sum of $100,000.00 for bodily injury or property damage arising from one occurrence.

(Code 1968, § 118.16; amend. Ord. No. 472-79, 5-14-79)

Cross reference—Penalty, see § 10.99.

Sec. 117.17. Meters required; schedule of rates.

(A) Anyone operating a taxicab in accordance with ordinances of the city shall charge a fare utilizing either a fare registering meter or a system of zones.

(B) If a registering meter is utilized, no taxicab with a registering meter shall be operated at any time when the taxicab has passengers without the meter operating.

(C) If a zone system is utilized a copy of the zone map and fares shall be available to the passenger on request in each taxicab, and notice of the availability conspicuously posted in each taxicab at any time when the taxicab has passengers.

(D) The operator of any taxicab shall file with the city clerk a schedule of rates. The schedule shall be available to the public for inspection at all reasonable times.
(Code 1968, § 118.17; Ord. No. 633-80, 9-8-80)
Cross reference—Penalty, see § 10.99.

Sec. 117.18. Articles found in taxicabs.

Every person operating a taxicab shall promptly notify the police department of any and all articles found in any motor vehicle operated by him. Such notification shall include a description of the article and where they are kept.
(Code 1968, § 118.18)
Cross reference—Penalty, see § 10.99.

Sec. 117.19. Driver to give passengers certain information on request.

Every driver of a taxicab, upon being requested to do so by any person who is, has been, or is about to become a passenger in such vehicle, shall give to such person his name, his taxicab driver's license number, his state chauffeur's number, and the license number of the vehicle.
(Code 1968, § 118.19)
Cross reference—Penalty, see § 10.99.

Sec. 117.20. Ordinary light baggage to be carried free with passenger by taxicabs.

Every passenger in a taxicab shall be allowed to have conveyed, without charge, his ordinary light traveling baggage in an amount not to exceed 100 pounds.
(Code 1968, § 118.20)

Sec. 117.21. Passengers required to pay for transportation.

No person who shall employ the use of a taxicab shall refuse to pay for such passage.
(Code 1968, § 118.21)
Cross reference—Penalty, see § 10.99.

Sec. 117.22. Riding on outside of taxicabs prohibited.

No person shall be allowed to ride upon the running board or outside the body of any taxicab. It shall be the duty of the licensee to compel passengers to observe this section.
(Code 1968, § 118.22)
Cross reference—Penalty, see § 10.99. See also, § 72.35

Sec. 117.23. Compliance with traffic laws; railroad crossings; preferential streets.

Every taxicab shall come to a complete stop and the driver shall not proceed until the way is clear and safe before crossing the tracks of any railroad or before entering an intersection marked as being preferential. Every taxicab shall be operated in accordance with all state and federal laws and regulations.
(Code 1968, § 118.23)
Cross reference—Penalty, see § 10.99. See also, § 72.19

Sec. 117.24. Inspection.

The common council of the city reserves the right to inspect any and all equipment used or proposed to be used by the applicant for purpose of operating a taxicab business in the city.
(Code 1968, § 118.24)

Secs. 117.25—117.49. Reserved.

DIVISION 2. BUSES

Sec. 117.50. Bus defined.

As used in this chapter the term "BUS" shall mean, any self-propelled motor vehicle traversing the streets or public highways of the city along a definite route for the purpose of carrying passengers for hire. The term "BUS" shall not include any motor vehicle known as a taxicab, operated

only upon call under special contract for hire, the destination or route of which is under the direction of a passenger transported therein, or any common carrier operating under authority of any state or federal commission or board.
(Code 1968, § 118.50)

Sec. 117.51. Franchise required for operation of buses.

Except as otherwise provided in this chapter, no person shall operate a bus upon any street or highway in the city except pursuant to a franchise contract duly entered into with the board of public works and safety and ratified by the common council.
(Code 1968, § 118.51)

CHAPTER 118. MASSAGE PARLORS

Sec. 118.01. Definitions.
Sec. 118.02. Licenses.
Sec. 118.03. Operating regulations.
Sec. 118.04. Inspections.
Sec. 118.05. Application for operator's license.
Sec. 118.06. Application for massage therapist and/or employee license.
Sec. 118.07. Health certificate.
Sec. 118.08. License fees.
Sec. 118.09. Complaints.
Sec. 118.10. Investigation of applicant; grounds for denial; revocation or suspension of a license.
Sec. 118.11. License location and term.
Sec. 118.99. Penalty.

Sec. 118.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Charitable not-for-profit corporation. Any corporation organized as and registered with the Secretary of State of the State of Indiana as a not-for-profit corporation and qualifying under the Internal Revenue Code as a charitable corporation.

Employee. A person other than a massage therapist who renders any service for the operator and who receives compensation directly or indirectly from the licensee, but has no physical contact with customers or clients.

Massage. Any means of treating the external parts of the body by applying any pressure on, friction against, or stroking, kneading, rubbing, tapping with the hands or instruments.

Massage establishment. Any building, room, place or establishment, other than a regularly licensed hospital or dispensary, where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by any person not a physician, osteopath, chiropractor, or physical therapist duly registered with and licensed by the state.

Massage therapist. A person who practices, administers all or any of the methods of treatment of massage. However, the term "massage therapist" shall not include any person who is a graduate of an American Massage Therapy Association approved school, or who has passed the American Massage Therapy Association Certification Test.

Operator. Any person who owns or operates a massage establishment.
(Ord. No. 235-76, 10-5-76; Am. Ord. No. 27-89, 5-2-89)

Sec. 118.02. Licenses.

(A) No person shall give or administer a massage without first obtaining a license from the city controller as provided in this chapter.

(B) Each person who operates, conducts, owns, or maintains a massage establishment shall obtain an operator's license.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.03. Operating regulations.

(A) No massage establishment shall be located other than within a district that is zoned under the following zoning classifications: CB, BC, BV, MT, IL, II as provided in the City of Muncie Comprehensive Zoning Ordinance.

(B) All licensees under this chapter shall be subject to all provisions of this chapter and any other city ordinances, county ordinances and state statutes of the city, county, and state, the violation of which regulations, ordinances, or statutes shall be grounds for revocation of their licenses.

(C) It shall be unlawful for any person who has not reached the age of 21 to be employed by any operator under this chapter, or to be within view of any of the services rendered by a massage establishment.

(D) No massage establishment holding a license under this chapter shall depict place, publish, distribute, or cause to be depicted, placed, published, distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services permitted by this chapter, and all advertisements shall contain the number of the city license held by the massage establishment.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.04. Inspections.

Every massage establishment shall be open for inspection at all times by police officers and duly authorized representatives of the city controller, including representatives of the city building department and the board of public health, upon the showing of proper credentials by such persons. It shall be unlawful to deny such persons entry to such establishment.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.05. Application for operator's license.

Application for an operator's license shall be made to the city controller on application forms prescribed by him. The application for a license shall contain the following information and shall be individually signed by the applicant:

(A) The name of the applicant;

(B) The residence address and social security number of the applicant.

(C) The business address of the applicant;

(D) The number of massage tables, shower stalls, bath stalls, or other such individual units;

(E) The age and citizenship of the applicant, in case of individuals; and of the manager and officers, in the case of a corporation;

(F) The names, addresses, ages, citizenship and designations of each person connected with the applicant's establishment;

(G) Whether the applicant or the manager or officers have ever been previously engaged in operating a massage establishment;

(H) Whether any applicant, or in the case of a corporation, its manager, officers, directors, or stockholders, has ever been convicted of any act of violence, moral turpitude, sex offense, or prior violation of this ordinance;

(I) An agreement by the operator permitting inspection; and

(J) The type of license being applied for by the applicant.

(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.06. Application for massage therapist and/or employee license.

(A) Along with the application for an operator's license filed pursuant to § 118.05, there shall be filed a verified application for a massage therapist's license by each individual who is to be employed in the establishment. Such application shall contain the following information:

(1) The name of the applicant and social security number of the applicant;

(2) The age of the applicant;

(3) The sex of the applicant;

(4) The address of the applicant;

(5) The citizenship of the applicant;

(6) Whether the applicant has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense or prior violation of this chapter;

(7) The nature of the work performed; and

(8) The name of school or schools wherein the method, profession and work of massage therapist was taught to applicant and a copy of the diploma or certificate received by applicant.

(B) Any applicant for a license to engage in the practice of massage therapy must submit a certificate or affidavit of his respective qualifications of the applicant as to schooling, training and experience, and where and how obtained.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.07. Health certificate.

Along with the application for a license required by this chapter, there shall be submitted a certificate from the city board of health on a form prescribed by the city controller certifying that the applicant is free from communicable diseases

and that an examination has been made within 30 days prior to the application for the license, and on a semiannual basis thereafter.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.08. License fees.

(A) Each person who desires a massage establishment operator's license shall pay a semiannual fee of $500.00.

(B) The applicant for a massage therapist's license shall pay a semiannual fee of $100.00.

(C) The applicant for an employee's license in a massage establishment shall pay a semiannual fee of $50.00.

(D) Exception: Charitable not-for-profit corporations and their employees are exempted from all license fees as provided herein.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.09. Complaints.

All complaints of alleged violations of the provisions of this chapter shall be made in writing to the city controller.
(Ord. No. 235-76, 10-5-76)

Sec. 118.10. Investigation of applicant; grounds for denial; revocation or suspension of a license.

(A) The city controller, before issuing any license pursuant to this chapter, shall investigate the character of the applicant and its officers, directors and manager if it is a corporation. No license shall be issued if the city controller shall find:

(1) That any person named in the application has previously had a license with any massage establishment where the license therefor has been revoked, or where any of the provisions of the law applicable to massage establishments have been violated;

(2) That the premises sought to be licensed failed to comply in any manner with this chapter or with other ordinances and laws applicable thereto;

(3) That any person named in the application has ever been convicted of any act of violence, moral turpitude, sex offense, or prior violation of this chapter;

(4) That any person named in the application cannot provide a certificate from a licensed medical practitioner certifying that the applicant is free from communicable diseases and that an examination has been made within 30 days prior to the date of the application; and

(5) That any person named in the application has made a false statement on the application.

(B) Any license issued for a massage establishment or a massage therapist or employee may be revoked or suspended by the city controller after a hearing for good cause. Cause for revocation or suspension shall include the violation of any of the provisions of this chapter or of any criminal statute of the state by the applicant or by any employee of the operator or by any massage therapist employed by the operator.

(C) After a hearing on a written complaint filed pursuant to this chapter against a licensee, if the city controller determines that the license should be revoked, no refund of the license fee shall be made.
(Ord. No. 235-76, 10-5-76)

Sec. 118.11. License location and term.

(A) All operators or massage therapists licensed under this chapter shall display their licenses in a visible location in their establishments.

(B) Licenses shall be granted for an initial term ending April 30, next following the issuance of the license, unless sooner suspended or revoked. Such license must be renewed annually, and any renewal shall be for a term of one year from May 1 to April 30.
(Ord. No. 235-76, 10-5-76)
Cross reference—Penalty, see § 118.99.

Sec. 118.99. Penalty.

Any person violating any provision of this chapter shall, upon conviction thereof, be fined in the amount not to exceed $1,000.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
(Ord. No. 235-76, 10-5-76)

CHAPTER 119. PRECIOUS METALS

Sec. 119.01. Purpose.
Sec. 119.02. Title.
Sec. 119.03. Definitions.
Sec. 119.04. License required.
Sec. 119.05. Display of license.
Sec. 119.06. Licensed dealer for transaction.
Sec. 119.07. Purchases from minors.
Sec. 119.08. Identification of seller.
Sec. 119.09. Record of purchase.
Sec. 119.10. Signature of seller.
Sec. 119.11. Holding purchases.
Sec. 119.12. Coin shows exempted.
Sec. 119.13. Separability.
Sec. 119.99. Penalty.

Sec. 119.01. Purpose.

The purpose of this chapter is to control the buying and selling of the precious metals of gold and silver and to reduce the theft and prevent the removal of the metals from the city by those other than the true owners of the metals.
(Ord. No. 683-81, 5-4-81)

Sec. 119.02. Title.

This chapter shall be known as the precious metal chapter.
(Ord. No. 683-81, 5-4-81)

Sec. 119.03. Definitions.

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

Precious metal dealer. Any individual, firm, corporation, or partnership engaged in the business of purchasing and reselling precious metal either at a permanently established place of business or in connection with a business of itinerant nature, including traveling shows and exhibitions where purchases or sales of precious metals occur.

Precious metals. Cold or silver regardless of form or metallurgical chemistry.
(Ord. No. 683-81, 5-4-81)

Sec. 119.04. License required.

Beginning June 1, 1981, every precious metal dealer within the city shall obtain, once a year, a license from the city controller on paying a $10.00 license fee and providing the following information:

(A) Name of individual or business obtaining the license.

(B) Regular address of business within the city.

(C) Permanent address of business obtaining the license.

(D) Address where the business is to be conducted in the city.

(E) Any other names used by the business.

(F) Names and addresses of the private homes of all the owners of the business.

(G) Business phone number.

(H) Number of years the business has been in existence.

(I) Consenting to jurisdiction of the courts of Delaware County for enforcement of this chapter.

(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.05. Display of license.

All precious metal dealers shall display their license in a prominent place within their place of business where any customer can readily examine the license without having to ask to see the license.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.06. Licensed dealer for transaction.

All purchases or sales of precious metals, within the city shall have as one of the parties to the transaction a licensed precious metal dealer.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.07. Purchases from minors.

It is illegal for anyone to purchase precious metals from an individual under the age of 18, without personal consent from the parent or legal

guardian of the individual under 18 years of age in writing, and the parent or legal guardian being present at the time and place of purchase.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.08. Identification of seller.

A precious metal dealer shall not purchase precious metal from anyone unless that person has three separate pieces of identification, at least one of which has a picture of the person selling the precious metal to the dealer, and one of which gives the age of the seller.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.09. Record of purchase.

(A) Every precious metal dealer in the city shall enter in triplicate on forms prescribed by the chief of the police department for each purchase of precious metal the following information:

(1) The name and address of the dealer.

(2) The date and place of each purchase.

(3) The name, address, age, driver's license number, or social security number of the person from whom the precious metal was purchased.

(4) Description of other identification used, including numbers contained thereon.

(5) The motor vehicle license number of the vehicle or conveyance on which the precious metal was delivered to the dealer.

(6) The price paid for the metal.

(7) A description of the metal purchased including the weight.

(8) Statement to the effect that the seller is the owner of the property being purchased.

(9) Place for the signature of the seller.

(B) One copy of the completed form shall be kept in a separate book or register by the dealer and shall be retained for a period of two years. Such book or register shall be made available for inspection by any law enforcement official at any time. Within 24 hours from the time of purchase, one copy of the completed form shall be mailed to the city police at city hall, and one copy attached to the item purchased and retained with that item for 15 days from the date of purchase.
(Ord. No. 683-81, 5-4-81; amend. Ord. No. 764-81, 1-4-82)

Sec. 119.10. Signature of seller.

Every person selling precious metal to a precious metal dealer shall sign a statement, on the form provided by the dealer, stating that he is the owner of the item being sold.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.11. Holding purchases.

Each dealer of precious metals shall hold each purchase of precious metal at his regular place of business within the city, as indicated in his application for license as a dealer in precious metals for 15 days in the same form as purchased so that it is readily identifiable from all other purchases. During the 15 days a dealer may not change the form of the precious metal and shall permit any law enforcement officer to make an inspection of the precious metal purchased.
(Ord. No. 683-81, 5-4-81)
Cross reference—Penalty, see § 119.99.

Sec. 119.12. Coin shows exempted.

Notwithstanding the foregoing provisions, this chapter shall not apply to any coin or precious metal show, exhibit, exchange, or sale sponsored or sanctioned by the American Numismatic Association or its state or local affiliates, and lasting for a period of one week or less.
(Ord. No. 28-89, 5-2-89)

Sec. 119.13. Separability.

Each section and each provision or requirement of any section of this chapter shall be considered separable, and the invalidity of any portion shall not affect the validity of any other portion herein.
(Ord. No. 28-89, 5-2-89)

Sec. 119.99. Penalty.

Any violation of this chapter shall be subject to a fine of not less than $1.00 nor more than $1,000.00.
(Ord. No. 683-81, 5-4-81)

CHAPTER 120. MOTOR VEHICLE SALES

Sec. 120.01. Definitions.
Sec. 120.02. Dealer sale of motor vehicles.
Sec. 120.99. Penalty.

Sec. 120.01. Definitions.

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

City. Within the corporate limits of the City of Muncie, Indiana.

Dealer. A person who sells to the general public for delivery in the city, a minimum of 12 vehicles per year.

Established place of business. A permanent enclosed building or structure owned or leased for the purposes of bartering, trading, and selling motor vehicles, which meets the minimum standards prescribed by the Bureau of Motor Vehicles under any rules adopted under IC 4-22-2, and shall not include a residence, tent, temporary stand, or permanent quarters temporarily occupied.

Motor vehicle. Every vehicle, as defined in this section, which is self-propelled, but shall not include farm equipment, including farm tractors, implements of husbandry, and other similar vehicles.

New motor vehicle. Every motor vehicle which has not been previously titled under IC 9-1-2-1 and carries a manufacturer's certificate of origin and has not been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

Person. Every natural person, firm, partnership, association, or corporation.

Temporary sales facilities. Any location which is utilized for the bartering, trading, or selling of motor vehicles which does not qualify as an established place of business.

Used motor vehicle. Any motor vehicle which has been previously titled under IC 9-1-2-1 and has been previously transferred by any manufacturer, distributor, or dealer to an ultimate purchaser, whether such transfer has occurred within the state or outside the state.
(Ord. No. 39-89, 8-7-89)

Sec. 120.02. Dealer sale of motor vehicles.

(A) No dealer shall be involved in the sale of any motor vehicles, in the city, whether they qualify as new motor vehicles or used motor vehicles, unless such dealer has an established place of business within the city.

(B) Any dealer with an established place of business within the city shall be entitled to operate at his established place of business within the city any temporary sales facility. No other temporary sales facilities for the sale of motor vehicles shall be permitted within the city.
(Ord. No. 39-89, 8-7-89)

Sec. 120.99. Penalty.

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation, punishable by a fine of not more than $1,000.00 per day. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to immediately cease and desist the continued operation of the temporary sales facility upon immediate notice from the city or its duly appointed representative for the violation herein. When not otherwise specified, each day that a violation shall occur herein shall constitute a separate offense.
(Ord. No. 39-89, 8-7-89)

CHAPTER 121. ALARM SYSTEMS

Sec. 121.01. Definitions.
Sec. 121.02. Duties of responding police or fire department officer.
Sec. 121.03. False alarms.
Sec. 121.04. Alarm silencer required.
Sec. 121.05. Penalties.
Sec. 121.06. Proceeds of fines.

Sec. 121.01. Definitions.

As used in this chapter the following words shall have the meaning ascribed to them as follows:

Alarm system means any natural person, firm, association, partnership, limited partnership, sole proprietorship, corporation, governmental unit, or school corporation, which is in control of any building, structure or facility wherein an alarm system is installed, operated or maintained.

Alarm user means any natural person, firm, association, partnership, limited partnership, sole proprietorship or corporation, which is in control of any building, structure or facility wherein an alarm system is installed, operated or maintained.

False alarm means the activation of an alarm system eliciting a any response by the police or fire department which is not in response to actual or threatened danger to person or damage to property. "False alarm" also means the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance or negligence of the alarm user or his employees or agents; but it does not include alarm activations caused by violent conditions, of a nature or other extraordinary circumstances not reasonably subject to control by an alarm user or alarm system installer or service.

Local alarm system means a signaling system which when activated causes an audible and/or visible signaling device to be activated only in or on the premise in which the system is installed, operated or maintained. *Notice* means written notice either by certified mail, return receipt requested, or by personal service upon the addressee at his last known address.
(Ord. No. 10-00, § 1, 4-3-00; Ord. No. 4-03, § 1, 2-3-03)

Sec. 121.02. Duties of responding police or fire department officer.

The police or fire department officer in charge at the scene shall be responsible to do the following:

(A) Whenever an alarm system is activated in the City of Muncie which results in an emergency response by the police or fire department, the first officer on the scene of the activated alarm shall inspect the area protected by the system and shall determine whether the emergency response was required or was a false alarm.

(B) If the officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm, notice of which shall be sent to the alarm user at the address of the premise, or at the last known address of the alarm user, if different from the premise address. A copy of the report shall be filed with the chief of the fire and police departments.

(C) The police chief or fire chief, or his designee, shall have the right to inspect the premise to which a response has been made and may cause such inspection to be made at any reasonable time after the occurrence of a false alarm.

(Ord. No. 10-00, § 2, 4-3-00)

Sec. 121.03. False alarms.

Whenever an alarm user issues, causes to be issued or permits the issuance of a false alarm, this section shall apply, provided, however, that this section shall not apply to residential alarm user who is a natural person aged 65 or older.

(A) The police and fire departments or the police department or the fire department responding to the following schedule in any calendar year at the same address and having an alarm system is a violation of this ordinance and a Class C misdemeanor, subject to the penalties set out in section 121.04 below, And a citation shall be issued:

(1) 1—50 alarm devices: Two responses per calendar year.

(2) 51—250 alarm devices: Six responses per calendar year.

(3) More than 251 alarm devices: Nine responses per calendar year.

(Ord. No. 10-00, § 3, 4-3-00; Ord. No. 2-02, § 1, 2-4-02)

Sec. 121.04. Alarm silencer required.

It is a violation of this chapter for any person, company, corporation, or entity to install on any premise in the City of Muncie a local alarm system or alarm system which does not have an operable automatic resetting device to silence the audible sounder within 15 minutes after activation and to prevent the alarm sounding again as a result of the same event that caused the original activation.

(Ord. No. 10-00, § 4, 4-3-00)

Sec. 121.05. Penalties.

A person, company, corporation or entity who violates the provisions of this ordinance are subject to the following fines:

(A) The occupier of premises who permits more than the number of false alarms set out in subsection 121.03(A), above, in any calendar is subject to a fine of not more $150.00 for each false alarm exceeding the schedule in any calendar year. Provided, that the occupier may, within 30 days of the date of a citation pay directly to the office of the city controller the sum of $100.00. If no payment is made by the occupier within the 30-day period the citation shall be filed with the clerk of the city court.

(B) The installer of any alarm system or local alarm system that does not have an operable automatic resetting device in violation of section 121.04 is subject to a fine of not more than $500.00 per installation.

(Ord. No. 10-00, § 5, 4-3-00; Ord. No. 2-02, § 2, 2-4-02)

Sec. 121.06. Proceeds of fines.

The proceeds of all fines levied pursuant to this ordinance shall be paid over as follows: 50 percent to the general fund of the City of Muncie, 25 percent to the Muncie firefighter training fund and 25 percent to the Muncie police department training fund.

(Ord. No. 10-00, § 6, 4-3-00)

Title XIII

GENERAL OFFENSES

Chapter

130. General Offenses

CHAPTER 130. GENERAL OFFENSES

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DIVISION 1. OFFENSES AGAINST PUBLIC SAFETY

Sec. 130.01. Guy wires; protection of.

No person operating and doing business in the city shall guy or support any pole, stack, or other structure within the city with any rope, wire, line, or rod where the same is fastened in the street or ground, unless the guy wire, rope, or rod is provided with a sleeve or jacket of some suitable material not less than two inches in diameter extending to a height of at least six feet from the surface of the street or ground.
(Code 1968, § 93.01)
Cross reference—Penalty, § 10.99.

Sec. 130.02. Throwing missiles prohibited.

No person shall throw or hurl any stick, club, stone, or other missile along, across, or upon any street, sidewalk, lane, alley, or other public place in the city.
(Code 1968, § 93.02)
Cross reference—Penalty, § 10.99.

Sec. 130.03. Air rifles, pellet guns.

(A) No persons shall shoot, fire, or discharge any B.B. gun, air rifle, pellet gun, blank gun, or sling shot within the city, with the exception of blank guns used in officially-sponsored athletic events by officials.

(B) No person shall carry upon or about his person any blank gun or knife of any kind or description with a blade longer than five inches.
(Code 1968, § 93.03)
Cross reference—Penalty, § 10.99.

Sec. 130.04. Firearms discharging.

No person shall fire a gun or pistol in the city. However, this restriction against shooting shall not apply to military companies while performing military duty, the chief of police or any person acting under his authority, while performing any duty in pursuance of this code or any ordinance of the city or in obedience to any law of the state, any person who may fire any gun or pistol in or upon his own premises, except when the shot shall pass beyond the limits of the premises, any person defending his life, liberty, or property or any person attacked by any vicious animal.
(Code 1968, § 93.04)
Cross reference—Penalty, § 10.99.

Sec. 130.05. Explosives, keeping prohibited.

No person shall keep or have stored within the city or within one mile of the city any dynamite,

nitroglycerine, Hercules and Heckla powder, or any other extra hazardous explosives, except as used in normal course of business and with a permit issued by the building commissioner.
(Code 1968, § 93.05)

Cross reference—Penalty, § 10.99.

Sec. 130.06. Motorboats prohibited on White River.

No person shall operate or cause to be operated any motor propelled, jet propelled, or other mechanical or chemically-driven watercraft in or upon the waters of White River within the city.
(Code 1968, § 93.06)

Cross reference—Penalty, § 10.99.

Sec. 130.07. Incendiary missiles.

(A) No person shall make, carry, possess, or use any type of "Molotov cocktail," gasoline or petroleum base fire bomb, or other incendiary missile.

(B) For the purpose of this section "Molotov cocktail" shall mean a gasoline filled bottle or container with a fuse-type wick inserted in the neck; "incendiary missile" shall mean any type of container containing any chemical or flammable substance, which, if thrown or dropped against any flammable building or appurtenance, will tend to ignite the building or appurtenance; incendiary missile shall not be taken to mean a fusee or oil pot or other device commonly recognized as a safety device.
(Code 1968, § 93.07)

Cross reference—Penalty, § 130.99(A).

Sec. 130.08. Possession of deadly weapon within city hall area.

(A) Definitions.

(1) "Deadly weapon" means:

(a) A loaded or unloaded firearm; or

(b) A weapon, device, laster or electronic stun gun, equipment, chemical substance, knife or other material that in the manner it is used, could ordinarily be used or is intended to be used, is readily capable of causing serious bodily injury.

(2) "Firearm" means any weapon which is capable of, designed to or that may readily be converted to expel a projectile by means of an explosion.

(B) Except as provided in subsection (C) following, a person shall not possess in any vehicle or on or about his or her person within the Muncie City Hall and all areas adjacent to it, any deadly weapon. Any person in violation of this section shall be subject to a fine up to $1,000.00 per violation and confiscation of the weapon. The city attorney or city corporate counsel is hereby authorized to enforce this section through the Muncie City Court.

(C) Excepted persons. Subsection (B) above, does not apply to:

(1) Marshals;

(2) Sheriffs or their deputies;

(3) Police officers;

(4) Judges, magistrates and master commissioners;

(5) Bailiffs;

(6) Prosecutors, their deputies, or their investigators;

(7) Active or retired law enforcement officers;

(8) Employees of the United States duly authorized to carry deadly weapons;

(9) Employees of express companies when engaged in company business;

(10) Probation officers.

Editor's note—Ord. No. 45-94, §§ 1—3, adopted Sept. 12, 1994, enacted provisions prohibiting possession of a deadly weapon in city hall and the area thereabout. Such ordinance did not specify manner of codification; hence, designation as § 130.08 has been at the editor's discretion.

Sec. 130.09. Reserved.

DIVISION 2. OFFENSES AGAINST PEACE

Sec. 130.10. Playing of certain musical instruments prohibited at certain hours.

No person owning, managing, operating, or conducting any business to which the general

public is invited, expressly or implied, shall permit patrons or customers to play or operate or shall permit to be played or operated in the place where the business is carried on or in connection therewith, any juke box, player piano, or other musical device or instrument, between the hours of 2:00 a.m. and 6:00 a.m. of any day where noise can be heard outside the premises where the devices are located.
(Code 1968, § 93.20)
Cross reference—Penalty, § 10.99.

Sec. 130.11. Use of outside speakers restricted.

No music shall be transmitted through outside speakers between the hours of midnight and 6:00 a.m.
(Code 1968, § 93.21)
Cross reference—Penalty, § 10.99.

Sec. 130.12. Loitering in certain places prohibited.

No person shall idle or loiter in any public place, park, cemetery, shed, car, carshop, outhouse, street, alley, railroad depot, switchhouse, or where intoxicating beverages are sold.
(Code 1968, § 93.22)
Cross reference—Penalty, § 10.99.

Sec. 130.13. Lying or sleeping in certain places prohibited.

No person shall be found lying or sleeping upon any public street, alley, park, or other public place or in any stable, outhouse, building, warehouse, shed, railroad depot, railroad car, or in or about any yard, mill, or manufactory in the city without having the permission of the owner or occupant thereof to sleep or be in the place.
(Code 1968, § 93.23)
Cross reference—Penalty, § 10.99.

Sec. 130.14. Begging prohibited.

No person shall be found begging in the city.
(Code 1968, § 93.24)
Cross reference—Penalty, § 10.99.

Secs. 130.15—130.19. Reserved.

DIVISION 3. OFFENSES AGAINST HEALTH

Sec. 130.20. Spitting in certain places prohibited.

No person shall expectorate or spit any substance, saliva or mucus, or tobacco juice upon any sidewalk, cross section, or floor of any public conveyance of travel or upon the floor of any public building or place of amusement, entertainment, or institution within the city.
(Code 1968, § 93.40)
Cross reference—Penalty, § 10.99.

Sec. 130.21. House trailers restricted.

No owner of real estate or person having control of the use of real estate shall permit, with or without consideration, the use and occupancy of the real estate by house cars or vehicles, with or without motive power, equipped for and used as living quarters within 300 feet of any house or other building or structure used and occupied by persons as a place of residence within the corporate limits of the city.
(Code 1968, § 93.42)
Cross reference—Penalty, § 10.99.

Secs. 130.22—130.24. Reserved.

DIVISION 4. OFFENSES AGAINST PROPERTY

Sec. 130.25. Protection of school property.

(A) No person shall mark with ink, paint, chalk, or other substance, or post handbills on or in any other manner deface or injure any public school building within the city, or on the fences, trees, lawns, or other fixtures to the buildings; nor shall any person trespass on the lawns belonging to the grounds of any school building by crossing or trampling upon the same.

(B) No person shall willfully or maliciously make or assist in making on any street, or on any public or private grounds adjacent to any building in which a public school shall be in actual session, any noise, disturbance or improper diversion by which the peace, quiet, and good order of the school shall be disturbed.

(C) No person shall engage in or use any profane, indecent, or immoral language, conduct or behavior to any person on any of the lands or premises belonging to the Muncie Community School Corporation located in the city or occupied by the corporation for school purposes.

(D) No person shall, in any schoolroom where any public school is assembled, or in any building in which the school is in session or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school, and any person, not in immediate attendance upon the school, and being in the building or upon the premises belonging thereto while the school is in session, or during the usual intermissions or recesses thereof, who shall conduct or behave himself improperly, and who upon the request of the teacher of the school or the person in charge thereof, to leave the building or premises, shall neglect or refuse to do so shall be punished as provided in this Code.

(E) The board of trustees of Muncie Community School Corporation shall have the authority to adopt rules and regulations concerning the use and activities in each of its buildings and on its land or premises belonging to the corporation. Upon adoption of the rules and regulations, the same shall be posted on or about the buildings and grounds to which the same apply and the violation of any of the rules and regulations shall constitute a violation of this section.
(Code 1968, § 93.60)
Cross reference—Penalty, § 10.99.

Sec. 130.26. False or misleading advertising of real estate.

A person is guilty of false or misleading advertising when being an officer, manager, or other person participating in or responsible for the sale of real estate situated within the city:

(A) He disseminates an advertisement by way of printed materials, or signs, or electronic media containing knowingly false, misleading or deceptive words or figures that would mislead or misinform the general public as to any use to which the real estate could be used, when the use is not in conformity with the zoning classification of the real estate as defined by the 1973 City of Muncie, Indiana, Comprehensive Zoning Ordinance as amended; or

(B) He disseminates any advertising in any printed media, or signs, or electronic media for the sale of single-family residence zoned property which contains the word "zoned" without specifically stating the zoning classification of the 1973 City of Muncie Comprehensive Zoning Ordinance as amended when the intent of the word is knowingly to mislead or deceive the general public into believing that the real estate is zoned for other than single-family residential use.

(Ord. No. 300-77, 7-13-77)
Cross reference—Penalty, § 130.99 (B).

Sec. 130.27. Smoking on public transit vehicles prohibited.

(A) No person shall light or smoke any cigarette, pipe, or cigar nor shall they ignite other material while on any public transit vehicle.

(B) No person shall carry any burning cigarette, pipe, cigar, or other burning material onto a public transit vehicle.
(Ord. No. 715-81, 9-14-81)
Cross reference—Penalty, § 130.99.

Sec. 130.28. Consuming or spilling food and beverages on public transit vehicles prohibited.

(A) No person shall carry any substance usually intended for human consumption onto any public transit vehicle in an open container or without a container therefor.

(B) No person shall, while on any public transit vehicle, open any container of any substance usually intended for human consumption, provided, however, that the use of prescription medication shall not be prohibited hereby.

(C) No person shall, while on any public transit vehicle, consume any substance usually intended for human consumption. However, use of prescription medication shall not be prohibited hereby.

(D) No person, while on any public transit vehicle, shall spill or deposit any substance usually intended for human consumption.
(Ord. No. 715-81, 9-14-81)
Cross reference—Penalty, § 130.99.

Sec. 130.29. Reserved.

DIVISION 5. CIVIL EMERGENCY

Sec. 130.30. Definitions.

For the purpose of sections 130.30 through 130.34 of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:

Civil emergency.

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law.

(2) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the city resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

Curfew. A prohibition against any persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the city, excepting persons officially designated to duty with reference to the civil emergency.
(Code 1968, § 93.65)

Sec. 130.31. Mayor to proclaim civil emergency.

When in the judgment of the mayor a civil emergency as defined herein is deemed to exist he shall forthwith proclaim in writing the existence of same.
(Code 1968, § 93.66)

Sec. 130.32. Curfew during civil emergency may be ordered.

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to the geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during the hours of the day or night as he deems unnecessary in the interest of the public safety and welfare.
(Code 1968, § 93.67)

Sec. 130.33. Emergency orders given by mayor.

After proclamation of a civil emergency, the mayor may also, in the interest of public safety and welfare, make any or all of the following orders, he may order the:

(A) Closing of all retail liquor stores;

(B) Closing of all taverns;

(C) Closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;

(D) Discontinuance of the sale of beer or wine;

(E) Discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(F) Closing of gasoline stations and other establishments, the chief activity of which is the selling, distributing, and dispensing of liquid flammable or combustible products;

(G) Discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever;

(H) Closing of any or all establishments or portions thereof, the chief activity of which is the selling, distributing, dispensing, or giving away of firearms or ammunition; and

(I) Issuance of such other orders as are imminently necessary for the protection of life and property.

(Code 1968, § 93.68)

Sec. 130.34. Violating regulations.

It shall be unlawful for any person to violate any of the provisions of sections 130.30 through 130.34 of this chapter.
(Code 1968, § 93.69)

Cross reference—Penalty, § 130.99 (C).

Sec. 130.99. Penalty.

(A) Whoever violates any provision of section 130.07 shall be fined not more than $1,000.00.

(B) Whoever violates any provision of section 130.26 shall be fined not more than $1,000.00; this punishment is supplemental to the provisions of IC 35-43-5-1 through IC 35-43-5-5. A person shall not be subject to these penalties if he is charged under the state statute for false advertising.

(C) Whoever violates any provisions of section 130.34 shall be fined not more than $100.00.

(D) Whoever violates the provisions of sections 130.27 and 130.28 shall be fined in an amount not to exceed $100.00, to which may be added the cost of repairs to any public transit vehicle caused by such violation.
(Code 1968, § 93.99; Ord. No. 3077, 7-13-77; Ord. No. 715-81, 9-14-81)

Title XV

LAND USAGE

Chapter

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DIVISION 1. GENERAL PROVISIONS

Sec. 150.01. Short title.

This chapter shall be known as the comprehensive zoning code.
(Code 1968, § 130.01)

Sec. 150.02. Purpose.

The purpose of this chapter is to encourage units of government to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their community to that end.
(Code 1968, § 130.02; Ord. No. 934-82, 2-7-83)

Sec. 150.03. Authority.

The authority for the adoption of this chapter rests upon ic 36-7-4, and all amendments thereto.
(Code 1968, § 130.03)

Sec. 150.04. Jurisdiction.

The provisions of this chapter shall apply to all the territory within the corporate limits of the city.
(Code 1968, § 130.04)

Sec. 150.05. Interpretation.

(A) General. The provisions of this chapter shall be minimum requirements. This chapter is not intended to abrogate any law, easement, covenant, or private agreement. Whenever the regulations provided in this chapter impose greater restrictions on the character of the use of buildings or lands than are imposed under any other law of this state, then the regulations established by virtue of this chapter shall prevail only if they assure the promotion of public health, safety, convenience and welfare of the citizens.

(B) Historic buildings and districts. Where preservation of existing conditions or restoration to original conditions consistent with the intent of an historic restoration project would constitute violations of the provisions of this chapter: a building on the National Register of Historic Places, a building within an established Historic District of the city, or other declared landmark of the state shall be exempt from such requirements that conflict with historic accuracy (refer to Article XI, Section 2 [section 150.180 et seq.].
(Code 1968, § 130.05; Ord. No. 934-82, 2-7-83)

Sec. 150.06. Status of previous ordinances.

Any and all ordinances passed by the common council of the city, under the provisions of IC 36-7-4 previous to the enactment of this chapter, are repealed.
(Code 1968, § 130.07)

Sec. 150.07. Status of previous actions.

(A) Building permits. Where a building permit for a building or structure has been issued in accordance with existing laws prior to the enactment of this chapter, the building or structure may be completed according to the approved plans upon which the building permit was issued, provided construction is begun within 90 days after the enactment of this chapter and diligently pursued to completion. The building or structure may, upon completion, be occupied under a certificate of occupancy by the use for which it was originally designated.

(B) Variances, exceptions, special uses. Where the board of zoning appeals has granted a variance, exception, or special use prior to the enactment of this chapter, the permitted variance, exception, or special use shall be implemented within 90 days from the granting thereof and pursued diligently to completion; otherwise, the granting of the variance, exception, or special use is automatically revoked.
(Code 1968, § 130.08)

Secs. 150.08, 150.09. Reserved.

Sec. 150.10. Conformance.

(A) Use. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, expanded or enlarged except in conformity with all the provisions of this chapter and after the necessary permits have been obtained.

(B) Height. No building or structure shall be erected or constructed, nor shall any existing building or structure be reconstructed, moved, expanded, or enlarged so as to exceed the height limitations established in this chapter.

(C) Lot coverage. No building or structure or its accessory uses shall be erected or constructed, nor shall any existing building or structure and its accessory uses be reconstructed, moved, expanded, or enlarged so as to occupy a greater percentage of a lot than the limits established in this chapter.

(D) Open space. No yard or open space or off-street parking or loading space provided about a building or structure for the purpose of complying with the provisions of this chapter shall be considered as providing yard, open space, or off-street parking or loading space for any other building or structure. No yard or lot existing at the time of the enactment of this chapter shall be reduced in dimension or area below the minimum

standards provided in this chapter. Yards or lots created after the enactment of this chapter shall meet all requirements established herein.
(Code 1968, § 130.10; Ord. No. 934-82, 2-7-83)

Sec. 150.11. Unlawful use.

Any building, structure, or use which was not lawful prior to November 5, 1973, and which is still in violation of the provisions of this chapter, shall be considered to be a nonconforming building, structure or use under the terms of this chapter. Any building, structure, or use which became not lawful after November 5, 1973, and which is still in violation of the provisions of this chapter, shall be considered unlawful.
(Code 1968, § 130.11; Ord. No. 934-82, 2-7-83)

Sec. 150.12. Yard: lot coverage.

No single-family, two-family, or multiple-family dwelling, together with accessory buildings or structures, shall occupy more than the following percentages of the total area of the lots, exclusive of rights-of-way:

R-1 and R-2 residence zones—35 percent lot coverage.

R-3 and R-4 residence zones—40 percent lot coverage.

R-5 residence zone—50 percent lot coverage.
(Code 1968, § 130.12; Ord. No. 934-82, 2-7-83)

Sec. 150.13. Right-of-way; measurement of setbacks.

When an official plan for the major and secondary highways in the city shall have been adopted by the common council of the city, then all setbacks for buildings and structures shall be measured from the proposed right-of-way lines as expressed in the plan. For the purpose of this chapter the right-of-way of any street shall be deemed to be 50 feet unless a larger right-of-way is required on the official thoroughfare plan for the city, in which case the larger right-of-way shall control.
(Code 1968, § 130.13; Ord. No. 934-82, 2-7-83)

Sec. 150.14. Manufactured housing.

(A) Permanent placement. The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit, subject to the requirements and limitations applying generally to such residential use in the appropriate zone, and provided such homes shall meet the following requirements and limitations.

(1) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications as required by this chapter.

(2) The home shall meet the minimum square footage requirements for the appropriate zone.

(3) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation specifications.

(4) The terms of this division (A) shall apply to the placement of manufactured housing located outside mobile home parks only.

(5) The exterior siding material on the home shall extend below the top of the foundation by at least one inch.

(6) The home shall have been constructed after January 1, 1981.

(B) Temporary placement.

(1) Permitted placement. The placement of manufactured homes built prior to January 1, 1981, and mobile homes shall be permitted within the corporate limits of the City of Muncie, and outside of mobile home parks, on a temporary basis in the following circumstances:

(a) For use of a manufactured home or mobile home as a caretaker's quarters or a construction office at a job site.

(b) For use of a manufactured home or mobile home as a temporary residence, located on the building lot, during the course of construction of a site-built dwelling and when the board of zoning appeals has approved the temporary placement by granting a variance to the owner or contract buyer who is in the process of constructing said site-built dwelling after obtaining a building permit for same.

(c) For use of a manufactured home or mobile home as a temporary residence, located adjacent to an existing residence, when the board of zoning appeals has approved the temporary placement by granting a variance to the owner or contract buyer whose own health or the health of another necessitates care and where the facts show that an unnecessary hardship would occur if not permitted to locate a temporary residence adjacent to the residence of one who is able to provide such care or is in need of such care.

(2) Provisions regulating permitted placement. A temporary use permit shall be obtained prior to placement of a manufactured home or mobile home for temporary use as herein defined. For use of a manufactured home or a mobile home as a temporary residence, placement shall be additionally subject to:

(a) Applicable health provisions for sanitary facilities;

(b) Providing an adequate ground anchor; and

(c) Setback provisions as stated in the appropriate zone.

(3) Time limitations for temporary placement. A temporary use permit may be issued for a period not to exceed one year. A variance, when granted under the circumstances herein described, shall not exceed one year. A variance may be renewed, at the discretion of the board of zoning appeals, for additional one-year periods by requesting such an extension through the established procedures for filing an appeal except that the normal filing fee shall be waived in cases of medical hardship as herein defined.

(Code 1968, § 130.14; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.15. Public utilities.

The provisions of this chapter shall not be construed to limit or interfere with the construction, installation, and maintenance of public utility transmission facilities.

(Code 1968, § 130.15; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.16. Yards affected by street widening.

Where a building is located on property acquired for public use by condemnation, purchase, or otherwise, that building or structure may be relocated on the same lot or premises although the area provisions of this chapter cannot be reasonably complied with. Furthermore, where a part of that building or structure is acquired for public use, the remainder of that building or structure may be repaired, reconstructed, or remodeled.

(Code 1968, § 130.16; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.17. Churches.

Nothing in this chapter shall be construed to exclude churches from any zone herein established, provided that any church building shall meet the yard, parking, height, and all other requirements contained in this chapter. No church building shall be located closer to an adjacent owner's property line, where said adjacent property is in a residence zone, than the following distances:

R-1 Residence Zone—100 feet.

R-2 Residence Zone—50 feet.

R-3 Residence Zone—25 feet.

R-4 Residence Zone—25 feet.

R-5 Residence Zone-25 feet.
(Code 1968, § 130.17; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.18. Public buildings.

Nothing in this chapter shall be construed to exclude buildings owned, leased, or used by a municipal, county, township, state, or federal government from any zone established in this chapter; however, all the buildings shall meet the yard, parking, and height provisions of this chapter and no building shall be closer to an adjacent owner's property line, where the adjacent property is in a residence zone than the following distances:

R-1 Residence Zone—100 feet.

R-2 Residence Zone—50 feet.

R-3 Residence Zone—25 feet.

R-4 Residence Zone—25 feet.

R-5 Residence Zone—25 feet.
(Code 1968, § 130.18; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.19. Tents.

No tent shall be erected, used, or maintained for living quarters in any zone. For the purpose of this chapter the term "TENT" shall mean a collapsible shelter of canvas or other material stretched and sustained by poles and used for outdoor camping.
(Code 1968, § 130.20; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.20. Visibility at intersections.

On a corner lot in any residential zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of three feet and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such intersecting streets and a line adjoining points along said intersecting right-of-way lines 50 feet from the point of intersection of said right-of-way lines.
(Code 1968, § 130.19; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.21. Fences; walls; hedges.

(A) A fence, screen, or wall not more than eight feet in height, or a hedge of thick growth of shrubs or trees maintained so as not to exceed eight feet in height may be located in any side or rear yard in any zone, provided they shall not extend beyond the front wall of the building or, in the absence of a building, beyond the average setback of the buildings on the adjacent lots.

(B) Fences, screens, walls, shrubs, and trees extending beyond the front wall of the building shall not exceed 42 inches in height and, when located in the year along the street sides of a corner lot, must comply with § 150.20. Trees, shrubs, flowers, and plants are not covered by this provision provided they do not produce a hedge effect.

(C) This provision shall not be interpreted to prohibit the erection of an open mesh type fence enclosing a farm, school, or playground site.

(D) The IL Limited Industrial, II Intense Industrial, and AD Airport Development Zones are exempt from the above provisions in that the above provisions shall not be interpreted to prohibit the erection of a fence, screen, wall, shrub, or trees not to exceed eight feet in height.
(Code 1968, § 130.21; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.22. Division of a lot.

No lot or parcel of land shall be divided into two or more lots or parcels of land unless all lots or parcels of land resulting from the division shall conform with the provisions of this chapter. Any division of a lot or parcel of land which shall result in violation of this section shall make the buildings or structures on the lot or parcel of land unlawful.
(Code 1968, § 130.23; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.23. Accessory uses and structures.

(A) Definition.

(1) General definition. Accessory uses/structures shall be permitted in all zones in accordance with the provisions of this section. Accessory uses/structures:

(a) Shall be incidental and commonly associated with the operation of the principal use of the lot.

(b) Shall be operated and maintained under the same ownership and on the same lot as the principal use.

(c) Shall, in residence zones, be clearly subordinate in height, area, and bulk to the principal use served.

(d) Shall not be located closer to any lot line that the minimum setback line required, unless specified otherwise in this chapter.

(e) Shall not be permitted, in residence zones, prior to the erection and operation of the principal use.

Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths, fences, walls, uncovered patios, outdoor fireplaces, dog houses, tree houses, playground apparatus, waterfalls, or permanent landscaping shall be considered incidental uses/structures and not as accessory uses/structures subject to the provisions herein.

(2) Types of accessory uses/structures.

(a) Such buildings or structures as garages, carports, canopies, portecocheres, bathhouses, cabanas, gazebos, storage buildings, greenhouses, guard houses, video-satellite disks, fallout shelters, and similar accessory buildings or structures.

(b) Signs, as regulated in § 150.27 of this chapter.

(c) Swimming pools in residence zones may be installed only as accessory to a dwelling for the private uses of the owners and occupants of such dwelling and their families and guests, or as accessory to a nursery school or day camp for children, and only on the conditions as follows.

1. Such pool shall be installed in the rear yard of the premises.

2. There shall be erected and maintained at minimum a good quality fence not less than five feet in height enclosing the entire portion of the premises upon which such pool shall be installed and entirely surrounding the area in which such pool is located.

3. Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool.

(d) Amateur radio sending and receiving antennae, provided the height thereof including masts shall not exceed 75 feet measured from the finished lot grade at the base of the tower.

(e) Management office in multi-family dwelling complex and other structures providing services normally associated with tenants' convenience.

(f) Rummage sales as defined in this chapter.

(Ord. No. 40-85, 4-7-86)

(B) Height; setbacks. In any residence zone, an accessory building shall not exceed 17 feet in height and, when located in the rear yard, shall not be closer than three feet to the side and rear lot lines. In non-residence zones, an accessory building shall not exceed the height provisions as established in the appropriate zone and, when located in the rear yard, shall not be closer than three feet to the side and rear lot lines.

(C) On corner lot. Accessory buildings located on the street side of a corner lot shall be setback a minimum the same distance as that required for the main building. If the main building setback is less than the required setback, then the accessory building shall be setback a minimum the average of the main building setback and the setback of the main building on the adjacent property (or the required setback of the adjacent property, whichever is the least).

(D) On side yard. For an interior lot, an attached accessory building, or garage located on the side yard of a dwelling, shall be considered a part of the dwelling and not an accessory building and shall comply with the provisions of this chapter.
(Ord. No. 934-82, 2-7-83)

Sec. 150.24. Nonconforming uses and structures.

(A) General. Within the zones established in this chapter there exist nonconforming uses and structures which may continue in accordance with the following provisions.

(B) Lots. In any zone permitting only single-family dwellings, a single-family dwelling shall be permitted on a lot which does not comply with the width and area requirements of this chapter provided the lot was of record at the time of the enactment of this chapter; and provided further that, adjustments in yards are in accordance with the provisions of this chapter. If two or more lots or parts of lots are in single ownership and enjoy continuous frontage at the time of the enactment of this chapter, and if all or part of the lots do not meet the width and area standards contained in this chapter, the lands involved shall be considered to be an undivided parcel. No portion of the parcel shall be used in a manner which may reduce compliance with the provisions of this chapter.

(C) Uses of land. A nonconforming use of land shall not be enlarged, expanded, nor extended to occupy a larger area of land than was occupied at the time of the enactment of this chapter. A nonconforming use may be extended throughout any part of an existing structure which was arranged for such use prior to the enactment of this chapter. The use shall not be moved in whole or in part to another location on the lot or parcel of land other than that occupied by the use at the time of the enactment of this chapter. If any such use ceases for a period of more than one year, (except when government action or legal proceeding impede access to the premises, as determined by the board of zoning appeals) any subsequent use of the land shall conform with the provisions of this chapter unless 66 percent or more of the surrounding uses of land within a 660-foot radius are also nonconforming uses of the same restriction as the subsequent use, thereupon, the proponent of the subsequent use shall apply for a certificate of nonconformity under the established procedures and additionally provide signed affidavits affirming the existence of surrounding nonconforming uses, as herein defined, of the same restriction.

(D) Structures. A nonconforming structure shall not be moved in whole or in part to another location on the lot or parcel of land unless the relocation would bring the structure into conformance with the provisions of this chapter. If a nonconforming structure is made to conform, any future expansion or enlargement of said structure shall be in conformance with the provisions of this chapter. A nonconforming structure may be expanded or enlarged provided such expansion or enlargement would not further encroach upon the nonconforming characteristic of the structure.

(E) Substitution. A nonconforming use may be changed to another nonconforming use of the same or greater restriction provided the change does not cause further violation of the performance standards of this chapter.
(Code 1968, § 130.26; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.25. Repairs; restoration.

Nothing in this chapter shall prevent the repair of a nonconforming structure. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it may be reconstructed provided it does not further encroach upon the nonconforming characteristics of the structure. Nothing shall prevent the repair of a structure containing a nonconforming use and, where the structure is destroyed by any means, the resumption of said use shall be subject to the provisions of § 150.24(C).
(Code 1968, § 130.27; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.26. Proof of nonconformity.

(A) A certificate of nonconformity shall transfer with ownership of property and shall be considered proof of a legal nonconforming use with

said use being subject to the applicable provisions of § 150.24. Upon written request by the Administrative Zoning Officer or by his own volition, the owner of a property shall present documentary evidence to the Officer that a building or use owned by him qualifies as a legal nonconforming use. Such evidence shall be presented in conjunction with an application for a certificate of nonconformity, if needed. Such evidence shall document the preceding five years from the date of submission for said certificate and may include retail merchant certificates (for commercial and industrial uses), vouchers related to material purchased for construction, written testimony of adjoining property owners (past/present), photographs, photostatic copies of deeds or rulings made on property, rent receipts, and the like.

(B) Upon submission of such evidence, the Administrative Zoning Officer may perform an inspection of the premises on a date and time agreeable to the owner. No inspection shall be attempted unless and until an agreement is reached with the owner. Following such inspection or submission of the application, the Administrative Zoning Officer shall respond within 30 days by issuing a certificate of nonconformity if he finds that the information given is satisfactory and the premises are, in his opinion, a de facto nonconforming use, or by denying a certificate of nonconformity.

(C) Appeals from a decision of the Administrative Zoning Officer shall be filed in accordance with the provisions of this chapter as set forth in § 150.234.
(Ord. No. 934-82, 2-7-83)

Sec. 150.27. Residential facilities for developmentally disabled and mentally ill.

(A) The provisions of this chapter shall not be construed to exclude a residential facility for the developmentally disabled which is duly licensed by the community residential facilities council of the state department of mental health, from a residential area solely because such residential facility is a business or because the persons residing in the residential facility are not related, provided that there is, at minimum, a linear distance of 3,000 feet from one such facility to another such facility as measured from the lot lines of the total properties containing the residential facilities.

(B) The provisions of this section shall not be construed to exclude a residential facility for the mentally ill which is duly licensed by the community residential facilities council of the state department of mental health, from a residential area solely because such residential facility is a business or because the persons residing in the residential facility area are not related, provided that there is, at minimum, a linear distance of 3,000 feet from one such facility to another such facility as measured from the lot lines of the total properties containing the residential facilities.

(C) A residential facility which is not licensed by the community residential facilities council of the state department of mental health as a residential facility for the developmentally disabled or a residential facility for the mentally ill shall be subject to all of the provisions of this chapter.
(Ord. No. 19-87, 8-3-87)

Sec. 150.28. Adult entertainment business.

The establishment of any adult entertainment business shall be prohibited if such business is within 500 feet of two other such businesses or within 500 feet of the property line of any church, school, public building, or public land or the boundary line of any existing residence zone or farming zone. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, public building, public land, residence zone or farming zone shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the adult entertainment business to the nearest property line of any church, school, public building, or public land or the closest boundary line of any residence zone or farming zone. If any adult entertainment business is part of or included within a building or structure containing multiple

commercial uses, only the portion of the building or structure occupied by such adult entertainment business shall be included in determining the closest exterior wall of said establishment. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.
(Ord. No. 40-89, 8-7-89)

Cross reference—Definitions, see § 150.240

Secs. 150.29—150.34. Reserved.

DIVISION 2. GENERAL EXCEPTIONS

Sec. 150.35. Structures other than building.

Towers, chimneys, stacks, spires, penthouses, cupolas, water tanks, silos, windmills, monuments, domes, grain elevators, and other like structures may be built to a greater height than established in this chapter except, in the approach area of any airport, where no structure shall be built which exceeds the maximum height permissible under the rules and regulations of any governmental agency.
(Code 1968, § 130.41; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.36. Projections.

Cornices, eaves, sills, canopies, or similar architectural features, but not including bay windows or vertical projections, may extend or project into a required side yard not more than 18 inches and a maximum of 36 inches into a front or rear yard. Any enclosed porch shall be considered as part of the main building.
(Code 1968, § 130.42; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.37. Setbacks.

Where a new building or an addition to an existing building is proposed on a lot which adjoins two or more lots occupied by buildings, the setbacks for the new building or addition to an existing building shall be the mean setback of the buildings on each side of the new building or addition to an existing building.
(Code 1968, § 130.43; amend. Ord. No. 934-82, 2-7-83)

Sec. 150.38. Residential side yard.

For a lot having a width of not less than 40 feet and not more than 50 feet at the building line at the time of the enactment of this chapter, residence buildings may have a minimum side yard of five feet.
(Ord. No. 934-82, 2-7-83)

Sec. 150.39. Reserved.

DIVISION 3. ZONES

Sec. 150.40. General.

In order to carry out the purposes of this chapter, the territory within the corporate limits of the city is divided into zones or districts, paying reasonable regard to existing conditions, the character of buildings erected in each zone, the most desirable use for which the land in each zone may be adapted, and the conservation of property values throughout the city.
(Code 1968, § 130.50)

Sec. 150.41. Classes of zones.

The territory within the corporate limits of the city is divided into the following zones:

F	Farming Zone.
R-1	Residence Zone.
R-2	Residence Zone.
R-3	Residence Zone.
R-4	Residence Zone.
R-4A	Residence Zone.
R-5	Residence Zone.
R-6	Residence Zone.
BP	Business and Professional Office Zone.

CB	Central Business Zone.
BL	Limited Business Zone.
BC	Community Business Zone.
BV	Variety Business Zone.
MT	Major Trading Zone.
IL	Limited Industrial Zone.
II	Intense Industrial Zone.
IP	Industrial Park Zone.
AD	Airport Development Zone.
SSS	Student Social Service Zone.
MHR	Mobile Home Residence Zone.

(Code 1968, § 130.51; amend. Ord. No. 624-80, 11-10-80; amend. Ord. No. 661-80, 3-2-80; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.42. Zone maps.

(A) General. The zones referred to in § 150.41 and their boundaries are shown upon maps which are made a part of this chapter. These maps are designated as the "Zone Maps for the City." The maps and all notations, references, and other information shown thereon, shall be as much a part of this chapter as if matters set forth in them were all fully described in this chapter.

(B) Identification and recording. All city zone maps shall be identified by the signature of the mayor and the president of the common council of the city. They shall be attested by the city clerk and shall bear the seal of the city. Following the adoption of the city maps by the proper legislative authority, a copy of this chapter, inclusive of zone maps, shall be filed with the city clerk and the county recorder.

(C) Zone boundaries. Where any property is indicated in the zone maps as acreage and is not subdivided into lots, or where a zone boundary line shall be determined by using the scale shown on the map, zone boundaries are intended to follow lot lines, property lines, railroad rights-of-way, city and county limits, shore lines, lines of streams, canals, lakes, or other bodies of water. Where a boundary divides a lot which was in single ownership at the time of the enactment of this chapter, the zone applying to the larger portion of the lot shall be considered as extending to the entire lot. If each portion of the lot is equal in size, then the most restrictive zone shall apply to both portions of the divided lot.

(D) Restoration. In the event any official zone map may become damaged, destroyed, lost, or difficult to interpret due to physical deterioration or the nature and number of changes made, the common council of the city may by ordinance and after public hearing adopt a new official map.

(E) Changes. No changes shall be made in the zone maps of the city, except in full conformity with the procedures set forth in this chapter. Zone maps shall be revised every year in December, and all zone changes officially adopted by the proper governmental body shall be incorporated on the maps. The maps as updated shall be submitted to the plan commission for its consideration. If the commission is satisfied that the changes are correct, it shall forward the maps to the common council of the city, for adoption. Once adopted, a copy of the updated maps shall be filed with the city clerk and the county recorder.

(F) Street vacation. Whenever a street, road, alley, railroad right-of-way, or other public way is officially vacated, the zones on each side of the vacated way shall be extended to the center of the street, road, alley, railroad right-of-way, or public way. This change shall be automatically achieved and shall not require following procedures established in this chapter for proposed zone changes.

(G) Annexation. Any territory officially annexed to the city, shall retain the same zone or zones as it had when the territory was unincorporated.

(H) Similar uses. Similar uses to those permitted in each zone may be allowable. Whether a certain use is similar to a use listed in a specific zone, the similarity shall be determined by the commission under established procedures.

(I) Procedural.

(1) Each proposed zoning change referred to the common council of the city, shall set forth the exact use for which the petitioner is requesting change. If the common council acts favorably on the re-

quested change, the change shall be only for the specific use requested by the petitioner and for no other use. Should the petitioner wish to change the use from the use originally granted but within the same general zone, he shall submit a new petition and follow established procedures as for a new change in zoning.

(2) Should the petitioner to whom a zone change is granted for a specific use fail to begin construction or installation of a use approved by the common council of the city, within one year after the passage of the change of zone, the administrative zoning officer shall so inform the common council which may initiate proceedings to rezone the property subject of the zone change to its original classification.

(3) Within 60 days prior to the expiration of the one year period, the petitioner may present the common council with a bill of particulars setting forth reasons for failure to commence construction or use. The common council may consider the reasons in deciding whether or not to initiate a change in zone as herein provided.

(Code 1968, § 130.52; amend. Ord. No. 67-83, 9-12-83)

Secs. 150.43, 150.44. Reserved.

DIVISION 4. FARMING ZONE

Sec. 150.45. Permitted uses.

No building, structure, or land shall be used or occupied, and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged, except for the following uses:

(A) Single-family dwellings as regulated in §§ 150.47 through 150.53.

(B) Field crops; dairies; tree crops; flower gardening; nurseries; orchards; farms for the hatching, raising, and sale of chickens, hogs, cattle, turkeys, or other poultry; farms for grazing, breeding, raising, and training horses; sheep raising, and fisheries. All livestock buildings or structures placed thereon shall be at least 200 feet from any side and rear property line and shall meet the provisions of §§ 150.48 and 150.52. All other farm buildings or structures shall meet the provisions of §§ 150.47 through 150.53.

(C) Roadside stands, provided they offer for sale only agricultural products and provided no stand shall exceed an area of 200 square feet and no stand shall be located nearer than 20 feet to any existing or proposed right-of-way.

(D) Buildings or structures owned, leased, or used by a municipal, township, county, state or federal government, provided the buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.47 through 150.53.

(E) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.47 through 150.53.

(F) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.47 through 150.53.

(G) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.48 and 150.52.

(H) Temporary recreational activities such as a circus or open athletic competition.

(I) Sawmills, provided all buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.48 and 150.52.

(J) Kennels and veterinary hospitals/clinics. Where all uses are completely enclosed within a building, all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.47 through 150.53. Where there are open runways, pens, or similar open uses, all uses and buildings or structures placed thereon shall be at

least 200 feet from any side and rear property line and shall meet the provisions of sections 150.48 and 150.52. Off-street parking and signage shall be in accordance with section 150.211 and section 150.212(E)(1), respectively.

(K) Fire towers; chimney stacks; spires; penthouses; cupolas; water towers; silos; windmills; monuments; domes; and grain elevators, all as regulated in section 150.35.

(L) Signs and outdoor advertising as regulated in section 150.212.

(M) Accessory uses and structures as regulated in section 150.23.

(N) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(O) Vegetative composting/mulching provided the composting operation is conducted at the person's residence or farm for vegetative matter and other types of organic material that are generated by the person's activities and stored, treated or disposed of at the person's residence or farm.

(Code 1968, § 130.61; Ord. No. 67-83, 9-12-83; Ord. No. 21-93, § 1, 7-12-93)

Sec. 150.46. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in section 150.216 and subject to the provisions herein specified:

(A) Mineral extractions provided they comply with the performance standards set forth in section 150.217.

(B) Salvage yards provided they comply with the performance standards set forth in section 150.218.

(C) Refusal disposal sites provided they comply with the performance standards set forth in section 150.219.

(D) Home occupations provided they comply with the performance standards set forth in section 150.222, and all uses and buildings or structures placed thereon shall meet the provisions of sections 150.47 through 150.53.

(E) Seasonal work camps provided they comply with the performance standards set forth in section 150.223.

(F) Private outdoor camps provided they comply with the performance standards set forth in section 150.224.

(G) Nursery schools and child care centers provided they comply with the performance standards set forth in section 150.226, and all uses and buildings or structures placed thereon shall meet the provisions of sections 150.47 through 150.53.

(H) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and shall uses and buildings or structures placed thereof shall be at least 100 feet from any side and rear property line and shall meet the provisions of sections 150.48 and 150.62.

(I) Vegetative composting/mulching facility other than set forth in section 150.45(O) above when permitted by the board of zoning appeals as a special use under the terms of section 150.228.

(Ord. No. 67-83, 9-12-83; Ord. No. 21-93, § 2, 7-12-93)

Sec. 150.47. Lot width, frontage, and area.

The width and lot frontage shall be a minimum of 150 feet at the building line and shall be a minimum of 30,000 square feet in area, exclusive of rights-of-way.

(Code 1968, § 130.62; Ord. No. 67-83, 9-12-83)

Sec. 150.48. Front yard setback, all lots.

There shall be a front yard setback of a minimum of 50 feet in depth measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.63; Ord. No. 67-83, 9-12-83)

Sec. 150.49. Side yard setback, interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum 15 feet in width measured at right angles to the side property line.
(Code 1968, § 130.64; Ord. No. 67-83, 9-12-83)

Sec. 150.50. Side yard setback, corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 45 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of 15 feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.51. Rear yard setback, all lots.

There shall be a rear yard setback of a minimum 35 feet in depth measured from the rear property line to the rear wall of the building.
(Code 1968, § 130.65; Ord. No. 67-83, 9-12-83)

Sec. 150.52. Height.

No building or structure shall exceed 45 feet in height.
(Code 1968, § 130.66; Ord. No. 67-83, 9-12-83)

Sec. 150.53. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 950 square feet exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Code 1968, § 130.67; Ord. No. 67-83, 9-12-83)

Sec. 150.54. Reserved.

DIVISION 5. R-1 RESIDENCE ZONE

Sec. 150.55. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(A) Single unit dwellings as regulated in sections 150.57 through 150.63.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided the buildings or structures meet the provisions of section 150.18 and the provisions of sections 150.57 through 150.63.

(C) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of section 150.18 and the provisions of section 150.57 through 150.63.

(D) Buildings or structures used for religious assembly subject to the provisions of section 150.17 and the provisions of sections 150.57 through 150.63.

(E) Signs and outdoor advertising as regulated in section 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(G) Accessory uses and structures as regulated in section 150.23.

(Code 1968, § 130.70; Ord. No. 67-83, 9-12-83)

Sec. 150.56. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in section 150.216 and subject to the provisions herein specified:

(A) Charitable institutions provided buildings or structures placed thereon meet the provisions of section 150.17 and the provisions of section 150.57 through 150.63.

(B) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be

at least 100 feet from any side and rear property line and shall meet the provisions of sections 150.58 and 150.62.

(C) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of sections 150.58 and 150.62.

(D) Nursery schools and child care centers subject to the performance standards contained in section 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of sections 150.57 through 150.63.

(E) Home occupations subject to the performance standards contained in section 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of section 150.57 through 150.63.

(F) Nursing homes. All buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of sections 150.58 and 150.62.

(Ord. No. 67-83, 9-12-83)

Sec. 150.57. Lot width, frontage, and area.

The width and street frontage of a lot shall be a minimum of 100 feet at the building line and there shall be a minimum 12,000 square feet in area, exclusive of right-of-way. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall not be less than 12,000 square feet in area, exclusive of right-of-way. The lot area shall be used to determine the amount of lot coverage allowed in accordance with section 150.12.
(Code 1968, § 130.71; Ord. No. 67-83, 9-12-83)

Sec. 150.58. Front yard setback, all lots.

There shall be a front yard setback of a minimum of 30 feet in depth measured from the right-of-way line to the front wall of the building.
(Code 1968, § 130.72; Ord. No. 67-83, 9-12-83)

Sec. 150.59. Side yard setback, interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum ten feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.60. Side yard setback, corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 25 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of ten feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.61. Rear yard setback-all lots.

There shall be a rear yard setback of a minimum 30 feet in depth measured from the rear property line to the rear wall of the building.
(Code 1968, § 130.74; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.62. Height.

No building or structure shall exceed 30 feet in height.
(Code 1968, § 130.75; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.63. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 860 square feet exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Code 1968, § 130.76; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.64. Reserved.

DIVISION 6. R-2 RESIDENCE ZONE

Sec. 150.65. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall here-

after be erected, constructed, reconstructed, moved, expanded or enlarged except for the following uses:

(A) Single unit dwellings as regulated in §§ 150.67 through 150.73.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.67 through 150.73.

(C) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.67 through 150.73.

(D) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.67 through 150.73.

(E) Signs and outdoor advertising as regulated in § 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(G) Accessory uses and structures as regulated in § 150.23.

(Code 1968, § 130.80; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.66. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(A) Charitable institutions provided buildings or structures placed thereon meet the provisions of § 150.17 and the provisions of §§ 150.67 through 150.73.

(B) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.68 and 150.72.

(C) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear properly line and shall meet the provisions of §§ 150.68 and 150.72.

(D) Nursery schools and child care centers subject to the performance standards contained in § 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.67 through 150.73.

(E) Home occupations subject to the performance standards contained in § 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.67 through 150.73.

(F) Planned Unit Development (PUD) subject to the performance standards contained in § 150.220. All uses and buildings or structures placed thereon shall meet the provisions of § 150.68 and 150.72.

(Ord. No. 67-83, 9-12-83)

Sec. 150.67. Lot width, frontage, and area.

The width and street frontage of a lot shall be a minimum of 80 feet at the building line and there shall be a minimum 9,000 square feet in area, exclusive of right-of-ways. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall not be less than 9,000 square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with § 150.12.

(Code 1968, § 130.81; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.68. Front yard setback—All lots.

There shall be a front yard setback of a minimum of 30 feet in depth measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.82; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.69. Side yard setback—Interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum eight feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.70. Side yard setback—Corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 25 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of eight feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.71. Rear yard setback—All lots.

There shall be a rear yard setback of a minimum 25 feet in depth measured from the rear property line to the rear wall of the building.
(Code 1968, § 130.84; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.72. Height.

No building or structure shall exceed 30 feet in height.
(Code 1968, § 130.85; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.73. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 760 square feet, exclusive of garages, carports, open porches, and breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Code 1968, § 130.86; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.74. Reserved.

DIVISION 7. R-3 RESIDENCE ZONE

Sec. 150.75. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(A) Single unit dwellings as regulated in §§ 150.77 through 150.83.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.77 through 150.83.

(C) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.77 through 150.83.

(D) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.77 through 150.83.

(E) Signs and outdoor advertising as regulated in § 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(G) Accessory uses and structures as regulated in § 150.23.

(Code 1968, § 130.90; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.76. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(A) Charitable institutions provided buildings or structures placed thereon meet the provisions of § 150.17 and the provisions of §§ 150.77 through 150.83.

(B) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be

at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.78 and 150.82.

(C) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.78 and 150.82.

(D) Nursery schools and child care centers subject to the performance standards contained in § 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.77 through 150.83.

(E) Home occupations subject to the performance standards contained in § 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.77 through 150.83.

(F) Accessory dwelling provided the floor area of the accessory dwelling be not less than 300 square feet and provided the additional off-street parking requirements are met in accordance with § 150.211.

(G) Planned Unit Development (PUD) subject to the performance standards contained in § 150.220. All uses and buildings or structures placed thereon shall meet the provisions of §§ 150.78 and 150.82.

(Ord. No. 67-83, 9-12-83)

Sec. 150.77. Lot width, frontage, and area.

The width and street frontage of a lot shall be a minimum of 60 feet at the building line and there shall be a minimum 7,500 square feet in area, exclusive of right-of-ways. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall be not less than 7,500 square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with § 150.12.

(Code 1968, § 130.91; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.78. Front yard setback—All lots.

There shall be a front yard setback of a minimum of 25 feet in depth measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.92; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.79. Side yard setback—Interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum six feet in width measured at right angles to the side property line.

(Ord. No. 67-83, 9-12-83)

Sec. 150.80. Side yard setback—Corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 20 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of six feet in width measured at right angles to the side property line.

(Ord. No. 67-83, 9-12-83)

Sec. 150.81. Rear yard setback—All lots.

There shall be a rear yard setback of a minimum 25 feet in depth measured from the rear property line to the rear wall of the building.

(Code 1968, § 130.94; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.82. Height.

No building or structure shall exceed 30 feet in height.

(Code 1968, § 130.95; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.83. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 760 square feet, exclusive of garages, carports, open porches or breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.

(Code 1968, § 130.96; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.84. Reserved.

DIVISION 8. R-4 RESIDENCE ZONE

Sec. 150.85. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(A) Single unit dwellings as regulated in §§ 150.87 through 150.93.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.87 through 150.93.

(C) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.87 through 150.93.

(D) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.87 through 150.93.

(E) Signs and outdoor advertising as regulated in § 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(G) Accessory uses and structures as regulated in § 150.23.

(Code 1968, § 130.100; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.86. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(A) Charitable institutions provided buildings or structures placed thereon meet the provisions of § 150.17 and the provisions of §§ 150.87 through 150.93.

(B) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.88 and 150.92.

(C) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear properly line and shall meet the provisions of §§ 150.88 and 150.92.

(D) Nursery schools and child care centers subject to the performance standards contained in § 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.87 through 150.93.

(E) Home occupations subject to the performance standards contained in § 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.87 through 150.93.

(F) Accessory dwelling provided the floor area of the accessory dwelling be not less than 300 square feet and provided the additional off-street parking requirements are met in accordance with § 150.211.

(G) Planned Unit Development (PUD) subject to the performance standards contained in § 150.220. All uses and buildings or structures placed thereon shall meet the provisions of § 150.88 and 150.92.

(Ord. No. 67-83, 9-12-83)

Sec. 150.87. Lot width, frontage, and area.

The width and street frontage of a lot shall be a minimum of 50 feet at the building line and there shall be a minimum 6,250 square feet in

area, exclusive of right-of-ways. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall be not less than 6,250 square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with § 150.12.
(Code 1968, § 130.101; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.88. Front yard setback—All lots.

There shall be a front yard setback of a minimum of 25 feet in depth measured from the right-of-way line to the front wall of the building.
(Code 1968, § 130.102; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.89. Side yard setback—Interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum five feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.90. Side yard setback—Corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 20 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of five feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.91. Rear yard setback—All lots.

There shall be a rear yard setback of a minimum 25 feet in depth measured from the rear property line to the rear wall of the building.
(Code 1968, § 130.104; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.92. Height.

No building or structure shall exceed 30 feet in height.
(Code 1968, § 130.105; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.93. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 720 square feet, exclusive of garages, carports, open porches or breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Code 1968, § 130.106; amend. Ord. No. 67-83, 9-12-83)

DIVISION 9. R-4A RESIDENCE ZONE

Sec. 150.93.1. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(A) Single unit 2-unit, and 3-unit dwellings as regulated in §§ 150.93.3 through 150.93.9.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.93.3 through 150.93.9.

(C) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.93.3 through 150.93.9.

(D) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.93.3 through 150.93.9.

(E) Signs and outdoor advertising as regulated in § 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(G) Accessory uses and structures as regulated in § 150.23.

(Ord. No. 67-83, 9-12-83)

Sec. 150.93.2. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(A) Charitable institutions provided buildings or structures placed thereon meet the provisions of § 150.17 and the provisions of §§ 150.93.3 through 150.93.9.

(B) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.93.4 through 150.93.8.

(C) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.93.4 through 150.93.8.

(D) Nursery schools and child care centers subject to the performance standards contained in § 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.93.3 through 150.93.9.

(E) Home occupations subject to the performance standards contained in § 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.93.3 through 150.93.9.

(F) Planned Unit Development (PUD) subject to the performance standards contained in § 150.220. All uses and buildings or structures placed thereon shall meet the provisions of §§ 150.93.4 through 150.93.8.

(Ord. No. 67-83, 9-12-83)

Sec. 150.93.3. Lot width, frontage, and area.

The width and street frontage of a lot shall be a minimum of 50 feet at the building line and there shall be a minimum 6,250 square feet in area, exclusive of right-of-ways. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall be not less than 6,250 square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed which shall be the same as for an R-4 Residence Zone in accordance with § 150.12.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.4. Front yard setback—All lots.

There shall be a front yard setback of a minimum of 25 feet in depth measured from the right-of-way line to the front wall of the building.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.5. Side yard setback—Interior lots.

There shall be two side yard setbacks of an interior lot, each being a minimum five feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.6. Side yard setback—Corner lots.

There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 20 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of five feet in width measured at right angles to the side property line.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.7. Rear yard setback—All lots.

There shall be a rear yard setback of a minimum 25 feet in depth measured from the rear property line to the rear wall of the building.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.8. Height.

No building or structure shall exceed 30 feet in height.
(Ord. No. 67-83, 9-12-83)

Sec. 150.93.9. Minimum floor area and building width.

The minimum floor area of any dwelling shall be not less than 720 square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Ord. No. 67-83, 9-12-83)

Sec. 150.94. Reserved.

DIVISION 10. R-5 RESIDENCE ZONE

Sec. 150.95. Permitted uses.

(A) Permitted uses. No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(1) Single unit dwellings as regulated in §§ 150.96 through 150.99.

(2) Two-unit development through, and including, 24-unit development as regulated in §§ 150.96 through 150.99 and, where applicable, subject to the approval of the Administrative Building Council.

(3) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.96 through 150.99.

(4) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.96 through 150.99.

(5) Nursery schools and child care centers subject to the provisions of § 150.226 (C) and provided all buildings or structures placed thereon shall meet the provisions of §§ 150.96 through 150.99.

(6) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.96 through 150.99.

(7) Signs and outdoor advertising as regulated in § 150.212.

(8) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction.

(9) Accessory uses and structures as regulated in § 150.23.

(B) Special uses subject to approval by the board of zoning appeals. The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(1) Multi-unit developments of 25, or more, units subject to the performance standards contained in § 150.227. All uses and buildings or structures placed thereon shall meet the provisions of §§ 150.96 through 150.99.

(2) Group housing subject to the performance standards contained in § 150.225. All uses and buildings or structures placed thereon shall meet the provisions of §§ 150.96 through 150.99.

(3) Charitable institutions provided buildings or structures placed thereon meet the provisions of § 150.17 and the provisions of §§ 150.96 through 150.99.

(4) Hospitals provided that the premises upon which they are built shall be a minimum ten acres in area, and all uses and buildings or structures placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.97(A) and 150.98.

(5) Cemeteries provided the site for a cemetery is a minimum of ten acres in area, and all buildings placed thereon shall be at least 100 feet from any side and rear properly line and shall meet the provisions of §§ 150.97(A) and 150.98.

(6) Home occupations subject to the performance standards contained in § 150.222,

and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.96 through 150.99.

(7) Planned Unit Development (PUD) subject to the performance standards contained in § 150.220. All uses and buildings or structures placed thereon shall meet the provisions of §§ 150.97(A) and 150.98.

(8) Nursing homes. All buildings placed thereon shall be at least 100 feet from any side and rear property line and shall meet the provisions of §§ 150.97(A) and 150.98.

(Code 1968, § 130.110; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.96. Lot width, frontage, and area.

(A) Single and 2-unit residential lots. The width and street frontage of a single and 2-unit residential lots shall be a minimum of 50 feet at the building line and there shall be a minimum 6,500 square feet in area, exclusive of rights-of-way. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall not be less than 6,500 square feet in area, exclusive of right-of-ways. The lot area shall be used to determine the amount of lot coverage allowed in accordance with § 150.12.

(B) Multiple unit, of three or more, residential lots. The width and street frontage of multiple unit residential lots shall be a minimum of 100 feet at the building line and there shall be a minimum of 9,000 square feet in area, exclusive of rights-of-way. Whenever public sewer or water facilities are not available and no unit sanitary sewer is available, the board of health requirements for lot area shall prevail, but shall not be less than 9,000 square feet in area, exclusive of rights-of-way. The lot area shall be used to determine the amount of lot coverage allowed in accordance with § 150.12. Of the open space provided by the lot coverage requirement, 100 square feet per unit shall be set aside for open recreational or landscaped area and not used for off-street parking purposes.

(C) Non-residential lots. Non-residential lots shall meet the provisions of § 150.96(A) herein.

(Code 1968, § 130.111; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.97. Yard requirements.

(A) Front yard setback-all lots. There shall be a front yard setback of a minimum of 20 feet in depth measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.112)

(B) Side yard setback-interior lots.

(1) Single unit residential lots, There shall be two side yard setbacks of an interior lot, each being a minimum five feet in width measured at right angles to the side property line.

(2) Two unit and multiple unit residential lots. For residences of more than one unit, there shall be two side yard setbacks of an interior lot, each being a minimum five feet in depth, plus an additional two feet per side for each unit above one unit up to a maximum of 25 feet per side yard.

(3) Non-residential lots. Non-residential lots shall meet the provisions of § 150.97(B)(1) herein.

(C) Side yard setback-corner lots.

(1) Single unit residential lots. There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 20 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of five feet in width measured at right angles to the side property line.

(2) Two unit and multiple unit residential lots. For residences of more than one unit, there shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 20 feet in depth measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall

be a minimum of five feet, plus an additional two feet for each unit above one unit, up to a maximum of 25 feet.

(3) Non-residential lots. Non-residential lots shall meet the provisions of § 150.97(C)(1) herein.

(D) Rear yard setback-all lots. There shall be a rear yard setback of a minimum 20 feet in depth measured from the rear property line to the rear wall of the building.
(Code 1968, § 130.114)
(Ord. No. 67-83, 9-12-83)

Sec. 150.98. Height.

No single unit residential building or structure shall exceed 30 feet in height. For 2-unit, multiple unit, and nonresidential structures, no building or structure shall exceed 45 feet in height.
(Code 1968, § 130.115; amend. Ord. No. 67-83, 9-12-83)

Sec. 150.99. Minimum floor area and building width.

The minimum floor area of any single unit dwelling shall be not less than 720 square feet exclusive of garages, carports, open porches, or breezeways. The minimum floor area of any 2-unit dwelling shall be not less than 600 square feet per dwelling unit. The minimum floor area of any multiple unit dwelling shall be not less than 400 square feet per dwelling unit. For single unit, 2-unit, and multiple unit dwellings, the dimensions of the dwelling shall be not less than 24 feet in width nor less than 24 feet in depth.
(Code 1968, § 130.116; amend. Ord. No. 67-83, 9-12-83)

DIVISION 11. R-6 RESIDENCE ZONE

Sec. 150.99.1. Definition.

The R-6 Residence Zone shall be known as a mixed land use zone. A mixed land use zone shall mean the development of one-unit, 2-unit, 3-unit and 4-unit structures in combinations of all four types of structures. There shall be allowance for zero lot line development with the 2-unit, 3-unit and 4-unit structures. In-lots shall refer to those contiguous lots upon which a two-unit, 3-unit or 4-unit structure may be constructed. An out-lot shall refer to those lots upon which a one unit structure may be constructed. In no case shall there by more than one unit per in-lot, or out-lot. The development may include townhouses, cluster garden structures, apartments, and condominiums.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.2. Permitted uses.

No building, structure, or land shall be used or occupied and no building or structure shall hereafter be erected, constructed, reconstructed, moved, expanded, or enlarged except for the following uses:

(A) One-unit, 2-unit, 3-unit and 4-unit structures in combinations of all four types of use as regulated in §§ 150.99.4 through 150.99.21.

(B) Buildings or structures owned, leased, or used by a municipal, township, county, state, or federal government, provided said buildings or structures meet the provisions of § 150.18 and the provisions of §§ 150.99.5, 150.99.6, 150.99.7, 150.99.9, and 150.99.13.

(C) Buildings or structures used for religious assembly subject to the provisions of § 150.17 and the provisions of §§ 150.99.5, 150.99.6, 150.99.7, 150.99.9, and 150.99.13.

(D) Public schools, colleges, and universities, and private academic schools, all subject to the provisions of § 150.18 and the provisions of §§ 150.99.5, 150.99.6, 150.99.7, 150.99.9, and 150.99.13.

(E) Signs and outdoor advertising as regulated in § 150.212.

(F) Temporary buildings used during construction, and including storage of building materials and equipment, for a period not to exceed the duration of such construction. No storage shall occur in the open on any lot upon which construction has been completed.

(G) Accessory uses and structures as regulated in § 150.23.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.3. Special uses subject to approval by the board of zoning appeals.

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures in § 150.216 and subject to the provisions herein specified:

(A) Nursery schools and child care centers subject to the performance standards contained in § 150.226, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.99.5, 150.99.6, 150.99.7, 150.99.9 and 150.99.13.

(B) Home occupations subject to the performance standards contained in § 150.222, and provided all uses and buildings or structures placed thereon shall meet the provisions of §§ 150.99.5, 150.99.6, 150.99.7, 150.99.9 and 150.99.13.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.4. Area.

The area of land shall contain not less than 1-½ acres, exclusive of right-of-ways.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.5. Front yard setback-all lots.

There shall be a front yard setback of a minimum of 15 feet in depth measured from the right-of-way line to the front wall of the building.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.6. Side yard setback.

(A) Interior lots. There shall be two side yard setbacks of an interior lot, each being a minimum five feet or ten percent of the width of the lot, whichever is the greater, measured at right angles to the side lot line except where there may be an abutting wall or common wall provided for zero lot line development. When an abutting wall or common wall is provided, no side yard setback shall be required.

(B) Corner lots. There shall be two side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of 25 feet measured from the right-of-way line to the side wall of the building. The side yard adjoining the adjacent property shall be a minimum of five feet or ten percent of the width of the lot, whichever is the greater, measured at right angles to the side property line except where there may be an abutting wall or common wall provided for zero lot line development. When an abutting wall or common wall is provided, no side yard shall be required.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.7. Rear yard setback-all lots.

There shall be a rear yard setback of a minimum 20 feet in depth measured from the rear property line to the rear wall of the building.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.8. Minimum floor area.

The minimum floor area of any dwelling shall be not less than 720 square feet in area, exclusive of garages, carports, open porches, or breezeways.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.9. Height.

No building or structure shall exceed 30 feet in height.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.10. Number of units.

The maximum number of units under the same roof shall not exceed 4.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.11. Lot area and size.

The depth of any lot shall not be less than 85 feet. The width of any lot shall not be less than 40 feet except where an abutting wall or common wall is provided at both side lot lines for a zero lot line development. When an abutting wall or common wall is provided at both side lot lines, the width of the lot may be the width of the dwelling

unit on said lot but shall not be less than 28 feet. Lot width requirements shall denote lot frontage requirements.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.12. Density.

(A) The building density of land coverage consisting of the minimum of 1-½ acres shall be as follows:

Twenty percent one-unit structures

Twenty percent two-unit structures

Thirty percent three-unit structures

Thirty percent four-unit structures

(B) The building density of land coverage consisting of more than six acres shall be a minimum of ten percent with a maximum of 30 percent of all four types of structures.

(C) There shall be, at maximum, not more than two structures of like usage adjacent to one another.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.13. Lot coverage.

The maximum total of building coverage for each lot shall not exceed 50 percent.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.14. Parking.

There shall be provisions for two parking spaces for each dwelling unit to be placed in the rear yard setback area of the dwelling.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.15. On-street parking.

There shall be provisions set out for three inset parking spaces every 150 feet for limited parking facilities to be placed in the street right-of-way requirement. Each inset shall be a minimum width of ten feet and a maximum length of 70 feet.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.16. Garages.

There shall be a maximum size for any garage being constructed in the development of 24 by 24 feet to be placed in the rear yard setback area.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.17. Street width.

The width of any street inside the development shall be a minimum of 22 feet.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.18. Alley ways.

The width of any alley shall be a minimum of ten feet with a six feet easement requirement on each side for the purpose of utilities.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.19. Sanitary facilities.

No mixed land use development shall be allowed to occur where approved sanitary facilities are not available.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.20. Covenants.

There may be covenants, grants, and easements placed on the proposed area involved.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.21. Rights-of-way.

Areas proposed for the street right-of-way dedication must be in accordance to the provisions set out by the official thoroughfare plan for the city.
(Ord. No. 67-83, 9-12-83)

Sec. 150.99.22. Procedure.

When the owner or owners of a tract of land file for rezoning for the purpose of developing a mixed land use with the Delaware-Muncie Metropolitan Plan Commission, said application shall include all of the following items:

(A) Location and size of area involved.

(B) Density of land use.

(C) Location, function, ownership, and manner of maintenance of common open space.

(D) Use, approximate height, bulk, and location of buildings and other structures.

(E) Location of sanitary facilities to the project and method of disposing of storm water.

(F) Relationship of proposed streets to streets in the proximity of the project.

(Ord. No. 67-83, 9-12-83)

DIVISION 12. BP BUSINESS AND PROFESSIONAL OFFICE ZONE

Sec. 150.100. Permitted uses.

No building, structure, or land shall be used and no building, or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for the following uses.

(A) Single-family dwellings, as regulated in the R-4 Residence Zone.

(B) Buildings owned, leased, or used by municipal, township, county, state, or federal governments.

(C) Religious and charitable institutions.

(D) Public schools; colleges and universities; nursery schools and child care centers.

(E) Business and professional offices.

(F) Credit bureaus.

(G) Political offices; union offices; real estate offices; insurance offices.

(Ord. No. 624-80, 11-10-80)

Sec. 150.101. Yard and height requirements.

(A) There shall be a front yard of not less than 25 feet in depth measured from the right-of-way line to the front wall of the building.

(B) There shall be two side yards, each six feet in width and measured at right angles to the side lot line.

(C) There shall be a rear yard 30 feet in depth measured at right angles to the rear lot line.

(D) No building or structure shall exceed 1-½ stories or 30 feet in height.

(Ord. No. 624-80, 11-10-80)

Sec. 150.102. Conditions.

(A) All business and professional offices, credit bureaus and political, union, real estate, and insurance offices shall be service in nature only and generally open to the public only during the day. The sale of goods and merchandise, the preparation and service of food, and the storage and handling of goods, materials, and equipment shall not be permitted. Parking of trucks, other than in the course of delivery of supplies and equipment used in such offices, shall not be permitted. Direct vehicular access to each such office shall be separate and distinct from direct access to any other office, and in no case shall there be access to one such establishment from within another. Only such signs as are permitted in Residence Zones shall be permitted in the BP Business and Professional Office Zone.

(B) Off-street parking shall be three parking spaces for each office suite within any structure or building, plus one parking space for each 300 square feet of gross floor area in excess of 2,000 square feet of gross floor area.

(Ord. No. 624-80, 11-10-80)

Secs. 150.103, 150.104. Reserved.

DIVISION 13. CB CENTRAL BUSINESS ZONE

Sec. 150.105. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Single-family, 2-family, and multiple-family dwellings, as regulated in the R-5 Residence Zone.

(B) Buildings owned, leased, or used by a municipal, township, county, state, or federal government.

(C) Religious and charitable institutions.

(D) Railroad rights-of-way including yards, storage, switching, or shops owned and operated by railroad companies.

(E) Public schools, nurseries, and child care centers.

(F) Business and professional offices.

(G) Liquor stores, bars, taverns, and dance halls.

(H) Food stores, drugstores, clothing stores, and jewelry stores.

(I) Credit bureaus.

(J) Restaurants.

(K) Machine shops.

(L) Retail stores and shops.

(M) Banks, building and loans, and lending institutions.

(N) Barber shops; beauty parlors.

(O) Health centers.

(P) Restaurants, drive-in restaurants, cafes, and lunchrooms.

(Q) Hotels, motels, motor hotels, boarding houses, and rooming houses.

(R) Political offices, union offices, and real estate offices.

(S) Transportation terminals.

(T) Outdoor advertising, as regulated in this chapter.

(U) Communication centers-telephone and telegraph.

(V) Radio and television stations, including towers and other appurtenances.

(W) Parking lots; parking garages.

(X) Fraternal, philanthropic, civic, and service organizations.

(Y) Auto repair, sales, and showrooms.

(Z) Newspapers, publishing establishments, and printing shops.

(AA) Gasoline stations; car washes.

(BB) Department stores, sporting goods, art and music centers and supplies, and art galleries.

(CC) Laundries; dry cleaning establishments.

(DD) Photographic studios and offices.

(EE) Billiard parlors.

(FF) Pawnshops, pet shops, pottery, souvenir, and flower shops.

(GG) Auto equipment stores.

(HH) Electrical contractors; insurance.

(II) Theatres.

(JJ) Business machines, electronic equipment, and typewriter equipment.

(KK) Jewelers; camera shops.

(LL) Bakeries.

(MM) Bardware stores, furniture stores, and paint and glass stores.

(NN) Warehouses.

(OO) Highrise apartment buildings.

(PP) Mortuaries.

(QQ) License bureaus; travel services.

(RR) Fraternities and sororities.

(SS) Adult entertainment business subject to the performance standards of this section and to the provisions of Article IX, Section 19 of the Comprehensive Zoning Ordinance.

(Code 1968, § 130.120; amend. Ord. No. 90-83, 12-6-83; Am. Ord. No. 40-89, 8-7-89)

Sec. 150.106. Front yard.

There shall be no front yard requirements, except that all buildings shall conform to existing building lines. Whenever a new building is proposed or an addition to an existing building is contemplated, the average front yard shall be observed.

(Code 1968, § 130.121)

Sec. 150.107. Side yard.

There shall be no side yard requirements.

(Code 1968, § 130.122)

Sec. 150.108. Rear yard.

There shall be no rear yard requirements.

(Code 1968, § 130.123)

Sec. 150.109. Height.

There shall be no height requirements.
(Code 1968, § 130.124)

Sec. 150.110. Minimum floor area.

There shall be no minimum floor area requirements.
(Code 1968, § 130.125)

Secs. 150.111—150.114. Reserved.

DIVISION 14. BL LIMITED BUSINESS ZONE

Sec. 150.115. Permitted uses.

No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Single-family dwellings as regulated in the R-5 Residence Zone.

(B) Two-family and multiple-family dwellings as regulated in the R-5 Residence Zone.

(C) Buildings owned, leased, or used by municipal, township, county, state, or federal governments.

(D) Professional offices.

(E) Banks, building and loans, and lending institutions.

(F) Retail stores and shops.

(G) Beauty parlors; barber shops.

(H) Automobile parking as required for dwellings and other permitted uses, excluding public and private parking lots or parking structures.

(I) Dry cleaning; self-service laundries.

(J) Schools.

(K) Outdoor advertising, as regulated in this chapter.

(L) Drugstores, stationery stores, and florist shops.

(M) Shoe repair shops.

(N) Camera and photographic supply store.

(O) Grocery stores.
(Code 1968, § 130.130)

Sec. 150.116. Front yard.

There shall be a front yard of not less than 25 feet measured from the right-of-way line to the front wall of the building. Dwellings will comply with the R-5 Residence Zone standards.
(Code 1968, § 130.131)

Sec. 150.117. Side yard.

There shall be a 5-foot side yard. When an abutting wall or a common wall is provided, no side yard shall be required. Dwellings shall comply with the R-5 Residence Zone standards.
(Code 1968, § 130.132)

Sec. 150.118. Rear yard.

There shall be a rear yard of not less than 25 percent of the depth of the lot, but need not exceed 25 feet.
(Code 1968, § 130.133)

Sec. 150.119. Height.

No building shall exceed 2-½ stories or 35 feet in height. Dwellings shall comply with the R-5 Residence Zone standards.
(Code 1968, § 130.134)

Sec. 150.120. Conditions.

All business establishments shall be retail or service in nature dealing directly with the customer. Eating establishments of a drive-in nature directly to customers waiting in parked motor vehicles shall not be permitted. Parking of trucks as an accessory use when used in the conduct of a permitted business shall be limited to vehicles of not over 1-½ ton capacity, when located within 150 feet of a dwelling. Direct vehicular access to each business establishment shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another.
(Code 1968, § 130.135)

Secs. 150.121—150.124. Reserved.

DIVISION 15. BC COMMUNITY BUSINESS ZONE

Sec. 150.125. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Uses permitted in the BL Limited Business Zone.

(B) Health centers.

(C) Restaurants, but not drive-in restaurants, cafes, and lunchrooms.

(D) Business and professional offices, political offices, union offices, and real estate offices.

(E) Outdoor advertising, as regulated in this chapter.

(F) Parking lots, not parking garages.

(G) Fraternal, philanthropic, civic, and service organizations.

(H) Gasoline stations, car washes, subject to performance standards set forth in this chapter.

(I) Photographic studios and offices.

(J) Grocery stores.

(K) Bakeries.

(L) Jewelers; camera shops.

(M) Fraternities; sororities.

(N) Hardware stores, furniture stores, paint and glass stores.

(O) License bureaus; travel services.

(P) Laundries; dry cleaning establishments.

(Q) Department stores, sporting goods, and art and music centers.

(R) Florist shops; candy and ice cream stores.

(Code 1968, § 130.140)

Sec. 150.126. Front yard.

There shall be a front yard of not less than 25 feet in depth measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.141)

Sec. 150.127. Side yard.

There shall not be any minimum side yard requirements except that where a BC Community Business Zone abuts a residence zone no building shall be closer to any existing dwelling than 50 feet.

(Code 1968, § 130.142)

Sec. 150.128. Rear yard.

There shall be a rear yard of not less than 25 percent of the depth of the lot, but need not exceed 25 feet.

(Code 1968, § 130.143)

Sec. 150.129. Height.

No building or structure shall exceed three stories or 45 feet in height.

(Code 1968, § 130.144)

Sec. 150.130. Conditions.

Business establishments shall be of a retail or service nature. Goods shall be sold at retail. Servicing and processing shall be conducted within completely enclosed buildings. Drive-in establishments other than gasoline service stations, offering goods and services directly to customers waiting in parked vehicles shall not be permitted. Whenever a business establishment abuts a residence zone, the area between the business establishment and the residence zone shall be adequately buffered.

(Code 1968, § 130.145)

Secs. 150.131—150.134. Reserved.

DIVISION 16. BV VARIETY BUSINESS ZONE

Sec. 150.135. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Uses permitted in the CB Central Business Zone.

(B) Uses permitted in the BL Limited Business Zone.

(C) Uses permitted in the BC Community Business Zone.

(D) Skating rinks.

(E) Mobile home sales.

(F) Feed and fuel stores.

(G) Amusement enterprises.

(H) Plumbing and sheet metal shops.

(I) Gymnasiums.

(J) Sign painting shops; welding shops.

(K) Exterminating shops.

(L) Taxidermists.

(M) Rentals of garden equipment; garden supplies.

(N) Shooting gallery.

(O) Window blinds-sales and repair.

(P) Storage of building materials.

(Q) Farm implement establishment for display, hire, sales, and repair, including sales lots.

(R) Animal hospitals, veterinary clinics, or kennels, provided any structure shall be not closer than 200 feet to any dwelling.

(S) Commercial baseball fields, swimming pools, and golf driving ranges.

(T) Greenhouses.

(U) Hotels, motels, and motor hotels.

(Code 1968, § 130.150)

Sec. 150.136. Front yard.

There shall be a front yard of not less than 25 feet measured from the right-of-way line to the front wall of the building.

(Code 1968, § 130.151)

Sec. 150.137. Side yard.

There shall not be any minimum side yard requirements except that where a BV Variety Business Zone abuts a residence zone no building shall be closer to any existing dwelling than 50 feet.

(Code 1968, § 130.152)

Sec. 150.138. Rear yard.

There shall be a rear yard of not less than 25 percent of the depth of the lot, but need not exceed 25 feet.

(Code 1968, § 130.153)

Sec. 150.139. Height.

No building or structure shall exceed three stories or 45 feet in height.

(Code 1968, § 130.154)

Sec. 150.140. Floor area.

There shall be no minimum floor area requirements.

(Code 1968, § 130.155)

Secs. 150.141—150.144. Reserved.

DIVISION 17. MT MAJOR TRADING ZONE

Sec. 150.145. General.

The MT Major Trading Zone shall be reserved for shopping centers which, for the purpose of this chapter, shall be defined as a group of stores functioning as a unit, planned and designed on a site not less than ten acres in area. All uses permitted in the BV Variety Business Zone shall be permitted in the MT Major Trading Zone.

(Code 1968, § 130.160; amend. Ord. No. 90-83, 12-6-83)

Sec. 150.146. Approval procedure.

(A) An individual, group of individuals, or corporation wishing to obtain approval for a shopping center shall submit to the commission, together with an application for zone change, copies of the center's design and layout, a market analysis, a financial statement, a construction timetable, and a traffic survey-all prepared by a competent firm.

(B) Upon filing of the application and material, the commission shall proceed with the review and analysis of the proposal, giving special attention to the adequacy of all throughfares to carry additional traffic generated by the shopping center; the size, layout, and capacity of areas proposed for vehicular access, parking, loading, and unloading; the relation of the center to access streets; the location, size, and use of buildings and structures; the landscaping of areas to harmonize with adjoining neighborhoods; the adequacy of storm and sanitary sewers; the unity and organization of buildings and service facilities.

(C) On the basis of the material filed, the commission shall determine whether or not the project shall be approved. If the requested change is approved it shall be subject to the submission and approval of a final development plan to the commission, which plan shall conform with all performance standards set forth in this chapter. The plan shall be submitted within one calendar year from the date of rezoning, otherwise the rezoning shall be considered null and void. No permit shall be issued for the construction of a shopping center until the commission has reviewed and approved the final plan and copy of the same is certified to the developer.
(Code 1968, § 130.161)

Sec. 150.147. Front yard.

There shall be a front yard of not less than 50 feet measured from the right-of-way line to the front wall of the building.
(Code 1968, § 130.162)

Sec. 150.148. Side yard.

There shall be no minimum side yard requirements except that no building shall be closer than 50 feet to any residence zone or existing dwelling.
(Code 1968, § 130.163)

Sec. 150.149. Rear yard.

There shall be no minimum rear yard requirements except that no building shall be closer than 50 feet to any residence zone or existing dwelling.
(Code 1968, § 130.164)

Sec. 150.150. Minimum floor area; height.

There shall be no minimum floor area or height requirements.
(Code 1968, § 130.165)

Secs. 150.151—150.154. Reserved.

DIVISION 18. IL LIMITED INDUSTRIAL ZONE

Sec. 150.155. General.

The IL Limited Industrial Zone is created to include industries whose manufacturing operations are carried on within enclosed buildings.
(Code 1968, § 130.170)

Sec. 150.156. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

(A) (1) Uses permitted on all business zones.

(2) Offices provided for employees or guests, attached or detached, which are incidental to the industrial operation. Service facilities for the office shall be totally within a building and shall not display any exterior advertising.

(B) Farm buildings, structures, and uses.

(C) Public utilities; private utilities.

(D) Communication systems and appurtenances.

(E) Mass transportation terminals, not including truck terminals.

(F) Recreation area established for the convenience and use of employees of a specific industry.

(G) Temporary buildings and structures incidental to the development of land or to the erection of the same, provided the buildings and structures shall be removed at the termination of development or construction.

(H) Radio and television towers, including studios and business offices.

(I) Assembly operation for premanufactured parts.

(J) Manufactured of nonalcoholic beverages or bottling of alcoholic and nonalcoholic beverages.

(K) Office machinery, electrical and mechanical.

(L) Manufacture of portable household appliances; electrical tools; electrical motors; and electric and neon signs.

(M) Cloth products manufactured from finished cloth.

(N) Milk processing, bottling, and manufacturing.

(O) Jewelry manufacturing; engraving.

(P) Food processing and packaging of products previously processed elsewhere.

(Q) Leather products manufactured from finished leather.

(R) Manufacturing of pharmaceuticals, medicines, and cosmetics.

(S) Manufacturing of optical goods; recording instruments.

(T) Warehouse and distribution operation, completely enclosed.

(U) Upholstering shops; manufacturing of mattresses.

(V) Canning, bottling, processing, and packing of food.

(W) Manufacturing of cans and containers, excluding glass containers.

(X) Cabinet manufacturing.

(Y) Manufacture and assembly of communication equipment.

(Z) Electroplating operations.

(AA) Manufacturing of margarine products.

(BB) Manufacturing of office equipment.

(CC) Manufacturing of malt products.

(DD) Machine, welding, tool, and die shops.

(EE) Vegetative composting provided the operation is conducted within enclosed buildings and structures and in compliance with all state and federal requirements.

(Code 1968, § 130.171; Ord. No. 21-93, § 3, 7-12-93)

Sec. 150.157. Front yard.

See performance standards, section 150.162 of this chapter.
(Code 1968, § 130.172)

Sec. 150.158. Side yard.

See performance standards, section 150.162 of this chapter.
(Code 1968, § 130.172)

Sec. 150.159. Rear yard.

There shall be provided a rear yard of not less than 30 feet in depth, unless abutting a railroad right-of-way, in which case the building shall be permitted within five feet of the right-of-way.
(Code 1968, § 130.174)

Sec. 150.160. Residential setbacks.

No building or structure shall be closer to a dwelling than 100 feet.
(Code 1968, § 130.175)

Sec. 150.161. Minimum floor area.

There shall be no minimum floor area requirements.
(Code 1968, § 130.176)

Sec. 150.162. Performance standards.

(A) General. No permit shall be issued for the erection, relocation, or expansion of any industrial use or building unless the same complies with the performance standards set forth herein.

(B) Storage. All materials or products shall be kept within completely enclosed buildings or screened by a solid wall, fence, evergreen hedge, or trees of a minimum height of six feet and a maximum height of eight feet. Storage of material within the enclosure shall not exceed the height of the wall, fence, or vegetative screen. The total area devoted to outside storage shall not exceed 25 percent of the total gross area of enclosed structures.

(C) Setbacks.

(1) No part of any structure (excluding an eave or cornice overhang not to exceed four feet, or a canopy at an entrance) shall be built closer than 120 feet to an interstate highway; 100 feet to a major state or county highway; 80 feet to a secondary highway; and 65 feet to any other street or highway.

(2) Where a front yard is located across a street and opposite to a dwelling or to a residence zone, a front yard of 100 feet shall be provided, Where a side yard abuts a dwelling or business zone a side yard of 50 feet shall be provided.

(D) Screening. Where a front or rear yard abuts a dwelling or business zone, a masonry wall, fence, or compact hedge or row of shrubbery or evergreen trees shall be provided along or within 20 feet of the zone lot line. The screening shall be not less than six feet in height.

(E) Height. Along any front, side, or rear yard adjacent to a residence or business zone, the maximum vertical height shall be 25 feet. For each foot of height in excess of 25 feet one additional foot shall be provided.

(F) Emission. The emission of smoke, particulate matter, and noxious and toxic gases shall be subject to the regulations of the state board of health or any and all air pollution control laws, ordinances, or statutes passed before and after the enactment of this chapter. The storage, utilization, or manufacture of products or materials shall conform with the standards prescribed by the National Fire Protection Association. The storaging, utilizing, or manufacturing shall not produce a hazard or endanger the public health, safety, and welfare of the people of the county.

(G) Discharge. No use shall accumulate or discharge any waste matter, whether liquid or solid, in violation of applicable standards set forth by the state board of health, the state stream pollution control board, or any pertinent local governmental agency. Sewage disposal plans and industrial waste treatment shall be approved by the stream pollution control board.

(H) Sound. No use shall produce sound in such manner as to endanger the public health, safety, and welfare of the people of the county. Sound shall be muffled so as not to become detrimental or a nuisance due to pressure, amount, intermittence, beat, frequency, shrillness, or vibration.

(I) Glare and heat. Any use established after the enactment of this chapter, shall be operated so as to comply with performance standards governing glare and heat, as set forth by the state.

(J) Fire and explosives. Storage, utilization, or manufacture of products and materials shall conform to the standards prescribed by the National Fire Protection Association.

(K) Radiation. Any use shall conform to the Atomic Energy Commission standards for protection against radiation. Also, the electromagnetic standards of the Federal Communications Commission shall be complied with.
(Code 1968, § 130.177)

Secs. 150.163, 150.164. Reserved.

DIVISION 19. II INTENSE INDUSTRIAL ZONE

Sec. 150.165. General.

The Ii intense industrial zone is created to include heavy manufacturing uses.
(Code 1968, § 130.180)

Sec. 150.166. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Uses permitted in the IL limited industrial zone.

(B) Manufacturing of glass containers.

(C) Manufacturing of cement, lime, and gypsum.

(D) Open hearths; blast furnaces.

(E) Coke ovens; creosote manufacturing.

(F) Fat rendering; fertilizer manufacturing.

(G) Slaughtering and food processing.

(H) Manufacturing of explosives, matches, and fireworks.

(I) Storage of petroleum products.

(J) Manufacturing of chemicals, detergents, and soaps.

(K) Foundries.

(L) Manufacturing of railroad equipment; repair and services.

(M) Utility pole yards and pipe yards.

(N) Motor truck terminals subject to the performance standards set forth in this chapter.

(O) Paper box and paper products manufactured from finished paper.

(P) Vegetative composting provided the operation is conducted in compliance with all state and federal requirements.

(Code 1968, § 130.181; Ord. No. 21-93, § 4, 7-12-93)

Sec. 150.167. Performance standards.

The same performance standards set forth in section 150.162(B) through (K) shall apply to the II intense industrial zone.
(Code 1968, § 130.182)

Secs. 150.168, 150.169. Reserved.

DIVISION 20. IP INDUSTRIAL PARK ZONE

Sec. 150.170. General.

The IP Industrial Park Zone is created so as to include in the industrial system such developments as industrial subdivisions not less than 25 acres in area, developed in accordance with a comprehensive plan approved by the commission.
(Code 1968, § 130.183)

Sec. 150.171. The plan.

Any person, organization, or corporation contemplating the development of an industrial park zone or seeking a change in zone for the purpose of the development of the zone, shall file a complete site plan, accurate and to scale, showing how the project is to be carried out. Attractiveness, compatibility, and flexibility of design shall be fundamental areas studied by the commission in making its determination. The plan shall include street design, building arrangement, off-street parking and loading, accessory uses and facilities, and topography and setback requirements. The plan shall contain maximum building coverage of not more than 35 percent of the total area of the lot. The developer of an industrial park shall provide a system of sanitary sewers and a system of municipal or privately owned water supply. Should the proponents of an industrial park be seeking departures from applicable provisions of this chapter they shall submit reasons justifying the departures.
(Code 1968, § 130.184)

Sec. 150.172. Procedure.

The same procedure as for attaining a proposed zone change shall be followed by the commission in making a determination as to whether or not an application for industrial park zoning should be favorably recommended.
(Code 1968, § 130.185)

Secs. 150.173, 150.174. Reserved.

DIVISION 21. FLOOD AREAS

Sec. 150.175. General.

Provisions regarding flood plain management are contained in Chapter 159.

Secs. 150.176—150.179. Reserved.

DIVISION 22. HPD HISTORIC PRESERVATION ZONE

Sec. 150.180. Purpose.

The purpose of HPD Historic Preservation Zone is to protect areas, sites, locations, structures, and buildings which represent historical meaning to the city and are closely related to the city's heritage and cultural tradition.
(Ord. No. 234-76, 12-6-76)

Sec. 150.181. Permitted uses.

No building, structure, or land shall be used and no building shall be hereafter erected, structurally or architecturally altered, enlarged, or maintained, except for the following uses.

(A) Buildings and structures of intrinsic historical significance such as cabins, covered bridges, churches, public buildings, transportation terminals, museums, and similar uses when the same are historically meaningful.

(B) Signs which are in keeping with the nature and character of a historical building or site.

(C) Museums, public or non-profit relating to the history and character of a specific historic building or site, or the city libraries.

(D) Retail stores and service establishments that will attract and service local residents or tourists and will not adversely affect the character of the zone or that of adjoining residence areas.

(E) Conditional uses not listed herein but considered to be germane to the HPD Zone, as determined by the board of zoning appeals.

(F) Public utilities, public parks and recreational facilities.

(G) Single-family or multiple-family dwellings.

(Ord. No. 234-76, 12-6-76)

Sec. 150.182. Permits.

(A) No improvement location permit shall be issued for any permitted use by the administrative zoning officer until and unless a favorable report has been received from the historic preservation and rehabilitation commission established by the common council of the city by ordinance.

(B) In establishing or expanding the HPD Historical Preservation Zone the Delaware-Muncie Metropolitan Plan Commission may be guided by recommendations advanced by the historic preservation and rehabilitation commission. Where change in the exterior appearance of a building or structure is contemplated, no permit shall be issued by the administrative zoning officer until clearance has been obtained from the historic preservation and rehabilitation commission.
(Ord. No. 234-76, 12-6-76)

Secs. 150.183, 150.184. Reserved.

DIVISION 23. AD AIRPORT DEVELOPMENT ZONE

Sec. 150.185. General.

The AD Airport Development Zone is created with the purpose of coordinating the location, size, and configuration of existing airports in the county, with patterns of residential growth and other major land uses as well as with other transportation facilities and services; to make the airport environs compatible with airport operations; to make physical development and land use of airports compatible with existing and proposed patterns of land use; to regulate the height of structures or natural growth erected, altered, allowed to grow, or maintained in any zone established by the Federal Aviation Agency.
(Code 1968, § 130.200)

Sec. 150.186. Zone map.

In addition to the official zone maps for the city, typical airport maps are made a part of this chapter. The maps show the boundaries of the

airports, instrument, noninstrument, VFR transition, horizontal, and conical zones; airport reference points and elevations.
(Code 1968, § 130.201)

Sec. 150.187. Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained except for the following uses:

(A) Landing and takeoff runways.

(B) Landing strips.

(C) Hangars.

(D) Taxi ways and parking ramps.

(E) Airplane repair shops.

(F) Restaurant facilities related to airport operations.

(G) Airplane fuel storage.

(H) Parking as required in this chapter.

(I) Personnel and ticket offices.

(J) Towers for control, landings, and takeoffs.

(K) Sports assembly, not in airport proper.

(L) Community parks, not in airport proper.

(M) Farming.

(N) Entertainment assembly, not in airport proper.

(O) Communication, transportation, and utilities.

(P) Motor vehicle transportation.

(Q) Ambulance and fire protection.

(R) Hotels; overnight accommodations.

(S) Limited industrial operations compatible to the operation of airports when approved by the commission. Application for these uses shall be made according to established procedures and shall be subject to public hearing. Prior to approving any light and limited industrial use, the commission shall conclusively determine that the proposed use shall not constitute a hazard to airport traffic and to surrounding area.

(Code 1968, § 130.202)

Sec. 150.188. Uses totally prohibited.

The following uses shall be prohibited in the AD Airport Development Zone and shall not be permitted under any conditions or circumstances:

(A) No use may be made of land within an instrument, noninstrument, VFR transition, horizontal or conical zone as established by the Federal Aviation Agency for each airport in such manner as to create electrical interference with radio communication between the airports and aircrafts, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft.

(B) No structure or tree shall be erected, altered, allowed to grow, or be maintained in any instrument approach or noninstrument approach, VFR transition approach, horizontal or conical zone as established by the Federal Aviation Agency to a height in excess of 35 feet, or to a height that may be in conflict with the standards of the Federal Aviation Agency. Height limitations shall be governed, whenever necessary, by standards established for the instrument approach zone, the noninstrument approach zone, horizontal zone, conical zone, VFR transition zone as established by the Federal Aviation Agency.

(Code 1968, § 130.203)

Sec. 150.189. Marking and lighting.

The owner of any tree or structure which at the time of the enactment of this chapter may be in conflict with the height provisions, shall be required to permit the installation, operation, and maintenance thereon of the markers and lights as

shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport hazards.
(Code 1968, § 130.204)

Sec. 150.190. Existing uses.

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation than it was on the date of the enactment of this chapter or any amendments thereto.
(Code 1968, § 130.205)

Secs. 150.191—150.194. Reserved.

DIVISION 24. SSS STUDENT SOCIAL SERVICE ZONE

Sec. 150.195. Permitted uses.

(A) The activities of fraternities are often disquieting to family life and may be carried on at hours that damage the peace, quiet, and welfare of residential areas. Therefore, it is appropriate to zone land for such uses and to require that such damaging activities catering to, or originating from, fraternity groups be made illegal in other residential areas.
(Ord. No. 74-88, 12-15-88)

(B) No building, structure, or land shall be used, and no building or land shall hereafter be erected, structurally altered, enlarged, or maintained except for the following uses:

(1) Fraternities; sororities.

(2) Single-family dwellings as permitted and regulated in the R-5 Residence Zone.

(3) Two-family dwellings as permitted and regulated in the R-5 Residence District Zone.

(4) Buildings and structures owned and operated by a college, university, or institution of higher learning.

(Code 1968, § 130.210)

Sec. 150.196. Lot width and area.

The width of a lot shall be not less than 100 feet. The area of the lot shall be not less than one acre.
(Code 1968, § 130.211)

Sec. 150.197. Front yard.

There shall be a front yard of not less than 70 feet.
(Code 1968, § 130.212)

Sec. 150.198. Side yard.

There shall be two side yards, each 25 feet in width; however, no building shall be closer than 50 feet to any dwelling, school, church, or institution for human care. Side yards shall be measured at right angles to the side lot lines.
(Code 1968, § 130.213)

Sec. 150.199. Rear yard.

There shall be a rear yard of not less than 50 feet in depth measured at right angles to the rear lot line.
(Code 1968, § 130.214)

Sec. 150.200. Height.

No building or structure shall exceed three stories.
(Code 1968, § 130.215)

Sec. 150.201. Minimum floor area.

The minimum floor area of a residence shall be as regulated in the R-5 Residence Zone.
(Code 1968, § 150.216)

Secs. 150.202—150.204. Reserved.

DIVISION 25. MHR MOBILE HOME RESIDENCE ZONE

Sec. 150.205. General

(A) Mobile homes are increasingly becoming a part of the urban scene, therefore it has become necessary to establish a zone for them containing basic and uniform regulations and performance

standards in order to protect the safety, health, and welfare of their occupants as well the total community.

(B) A mobile home park must be sufficient to accommodate the desired number of units, parking area for motor vehicles, access roads and walkways, and recreational facilities-all as required in §§ 150.205 through 150.207 of this chapter. Among the features to be considered in the planning of mobile home parks shall be; size, shape, topograpy, land costs, local codes and ordinances; uses of adjoining properties, availability of water supply, drainage, and sewage disposal. Prior to filing an application for a MHR Mobile Home Residence Zone the interested persons shall consult with local and state health authorities to determine the suitability of the site.
(Code 1968, § 130.220)

(C) Permitted uses are as follows.

(1) Mobile Home Parks as defined and regulated in this chapter.

(2) Signs as regulated in this chapter.
(Ord. No. 75-85, 1-6-86)

Sec. 150.206. Standards.

The following standards which shall be over and above those which may be required by other local or state agencies, shall be complied with in any plan, application, or request for a change in zone to permit a mobile home park:

(A) Roads, parking. All streets intended to be dedicated to the public shall be constructed and designed in compliance with the standards set forth in the subdivision regulations. All streets intended to be privately owned and maintained shall be constructed and designed in compliance with the standards specified herein.

(1) All internal streets shall have a minimum width of 24 feet. If parking is prohibited on both sides of an internal street, the width may be reduced to 18 feet. Internal streets shall be 2-way streets if they are 500 feet or less in length or serve less than 25 mobile homes. They shall be one-way streets regardless of length if they provide access to mobile homes on one side of the street only. Dead-end streets shall be provided with a turn-around having at least 60 feet in diameter.

(2) Entrance streets connecting with internal streets shall be not less than 34 feet in width if parking is permitted on both sides. If parking is permitted on one side only, such a street may have a width of 27 feet, provided the entrance street is more than 100 feet in length and does not provide access to abutting mobile home lots within the first 100 feet.

(3) All streets shall intersect at right angles. Street intersections should be at least 150 feet apart and the intersection of more than two streets at one point shall be avoided.

(4) Grades shall be less than eight percent. Short runs up to 12 percent could be used if necessary. All streets shall be provided with a smooth, hard, and dense surface properly drained and according to the most recent city or county specifications.

(5) To reduce traffic hazards, parking or individual parking spaces on each lot shall be provided. They shall be provided a ratio of seven spaces for every four mobile home lots. Every parking space shall be located within 200 feet of the mobile home it is intended to serve.

(B) Walkways. Where traffic is expected to be heavy, such as in the proximity of recreation areas, management, or service areas, 3-½ foot common walks shall be provided on each mobile home lot so as to connect it with the street. The walk shall have a minimum width of two feet.

(C) Lots. Every lot in a mobile home park shall contain 3,500 square feet in area to avoid overcrowding and in order that modern mobile homes and appurtenances can be properly accommodated. There shall be 15-foot clearance between mobile homes,

including mobile homes placed end to end. No mobile home shall be closer to any park property line than 25 feet; 30 feet to any street or right-of-way; 15 feet to any recreational area. In determining clearances and open space, accessory structures having a horizontal area in excess of 25 square feet located within ten feet of a window shall be considered as a part of the mobile home. Lots shall be at least eight feet in width with an extra two feet if they serve as walks. The on-lot parking space served by a driveway shall be nine feet wide and 20 feet long.

(D) Recreation. Every mobile home park shall provide recreation areas in a ratio of at least 100 square feet of space for each mobile home lot. No outdoor recreation area, however, shall be less than 2,500 square feet. Recreation areas shall be located on sites substantially free from traffic interference and hazards. The same shall be properly buffered with trees, evergreens, or other vegetative growth.

(E) Service buildings. There shall be a service building on every mobile home park to accommodate laundry and storage facilities whose construction shall conform to local and state building regulations. The building shall be of permanent construction and shall have a weather-resistant exterior finish of moisture-resistant material. Floors shall be impervious to water and sloped to drains connected to a sewerage system.

(F) Sewerage, water.

(1) No mobile home park shall be permitted unless the same shall be connected to existing sewerage facilities or unless it provides a sewage disposal plant which shall adequately serve the proposed park and any future extensions of it. Any sewage disposal plant shall have the approval of the board of health.

(2) No mobile home park shall be permitted unless the same is connected to a public water supply system or shall provide its own adequate centralized water facility acceptable to the board of health. Written certification from the agency shall be furnished to the commission. The sanitary sewer system and the storm sewer system shall be separate and shall be sized and designed according to standard engineering practice. Storm sewers shall provide a minimum velocity of two and one-half (2.5) per second when flowing full. Written certification from an appropriate body or agency shall be furnished to the Delaware-Muncie Metropolitan Plan Commission that the storm sewers are installed as such or that the drainage system has been approved.

(G) Pest control. Mobile home parks shall establish and operate under the most rigid practices to control mosquitoes, flies, roaches, rats, fleas, ticks, chiggers, and other pests.

(H) Refuse collection. Mobile homes shall each be equipped with a ten-gallon container. The container shall be regularly sprayed with suitable insecticides to reduce odors and to eliminate fly incidence. All refuse containing garbage shall be collected at least once weekly.

(I) Electrical distribution.

(1) Electrical wiring, equipment, and appurtenances shall be installed and maintained in accordance with applicable permits, codes, and regulations. Where the codes do not exist the provisions of the national electrical code shall control.

(2) All streets, walkways, buildings, and other facilities shall be adequately lighted. An average illumination level of at least six-tenths footcandle and a minimum illumination level of one-tenth footcandle shall be maintained on all streets. Potentially hazardous

locations such as intersections, steps or ramps shall be illuminated with a minimum level of footcandle.
(Code 1968, § 130.221; Ord. No. 75-85, 1-6-86)

Sec. 150.207. Permits.

It shall be unlawful for any person to construct, alter, or extend any mobile home park unless he has been issued a zoning permit by the administrative zoning officer. Applications for the permits shall be filed with the officer and shall contain the following information: name and address of the applicant; location and legal description of the property; complete engineering plans and specifications for the proposed park. Engineering plans shall include the area and dimensions of tract; number, location and size of all mobile home lots; location and width of all roadways and walkways; location of service buildings and other proposed buildings; location of water, plans, and specifications for the water supply system, refuse, drainage, and sewage disposal systems; plans and specifications for buildings constructed or to be constructed within the mobile home park; and the location and details of the lighting and electrical systems.

Copies of all information supplied to the administrative zoning officer for obtaining a permit shall also be filed with the Delaware-Muncie Metropolitan Plan Commission. No zoning permit shall be issued by the administrative zoning officer for the installation of a mobile home park until a zone change has been favorably completed and all the requirements of §§ 150.205 through 150.207 of this chapter have been met. Any extension of an existing park which was not a part of the original plan shall meet all the requirements of this chapter and a permit shall be obtained from the officer based on the number of additional lots and the per-lot fee as stated in this code. The zoning permit for the mobile home park shall not be considered as a permit for common buildings constructed in conjunction with the park. All recreation buildings, service buildings, and other buildings housing common facilities shall be considered commercial buildings for the purpose of obtaining all applicable permits.
(Code 1968, § 130.222; Ord. No. 75-85, 1-6-86)

Secs. 150.208, 150.209. Reserved.

DIVISION 26. PERFORMANCE STANDARDS

Sec. 150.210. General.

The following standards shall be minimum requirements for uses permitted in this chapter. Because of the special character of the central business zone, the parking and loading facilitIes shall be developed as a part of a general plan based on location, system of streets and highways, and transit. The facilities may be developed by financial interests which may lease them to parking operators; by the city and operated by it or by private operators; by a group of merchants or investors; or by a single owner or partnership.
(Code 1968, § 130.230)

Sec. 150.211. Parking and loading.

(A) Purpose. In order to reduce congestion in public streets and highways and to provide increased safety for the general public, every use of land shall be suited with on-site parking, loading and unloading facilities as required by this section.

(B) Definition. For the purpose of this chapter, a "parking space for one vehicle" shall consist of not less than 162 square feet of area, exclusive of drives, aisles, and other necessary means of access, with free access from a public way. Each required parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is limited to employees.

(C) Standards. No new building or structure shall be constructed or used in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used unless off-street parking is provided in accordance with the following conditions:

(1) Off-street parking facilities shall be opaquely screened from any residence zone,

or any one-or two-family dwelling, with a suitable buffer or fence not less than four feet in height.

(2) All land used for off-street parking, and all driveways thereto, shall be paved or surfaced, for the duration of its use, in accordance with the most recent specifications of the city or county engineer to avoid nuisances of dust and erosion and shall be drained in a manner which shall meet the minimum required in such specifications.

(3) Any light used to illuminate land used for off-street parking or driveways thereto shall be installed and maintained so as to reflect the light away from any Residence Zone and any one-or two-family dwelling.

(4) Whenever the intensity of use of any building, structure or land shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities as required in the section shall be provided, but only to the extent of such increase.

(5) All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a public street or alley in a manner which will least interfere with traffic movement. No off-street parking space shall be designed to require backing of a vehicle into a public street.

(6) Handicapped spaces shall be provided in accordance with all applicable local, state and federal law.

(7) Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table. The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle.

Minimum Parking Space and Aisle

Dimensions for Parking Areas

Angle of Parking (Degrees)	*Width of Parking Space (Feet)*	*Length of Parking Space (Feet)*	*Width of Maneuvering Aisle 1-Way (Feet)*	*Width of Maneuvering Aisle 2-Way (Feet)*
76 to 90	9	18	22	22
61 to 75	9	18	18	22
46 to 60	9	18	17	22
0 to 45	8	22	12	22

(8) For parking areas containing 20 or more spaces, up to 15 percent of the required parking spaces may be landbanked as green space at the discretion of the owner/developer.

(9) Off-street parking areas may be located in any front, side or rear yard area provided the following green belts are maintained:

Ten feet along any public roadway measured from the property line; and five feet along any side and/or rear property line adjacent to or abutting a residence zone.

No off-street parking area shall extend into any proposed right-of-way as set forth in the official thoroughfare plan. Whenever any green belt and/or landscaped area, provided to meet the requirements of this section, is removed by a public road widening project, the property from which the green belt or landscaped area has been removed shall still be considered in compliance with this section.

(D) Off-street loading and unloading. There shall be provided and maintained space for vehicles standing, loading, and unloading on the same premises with every building, structure, or part thereof hereafter erected, established, or enlarged and occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning, and uses

involving the receipt and distribution by vehicles of material or merchandise, as follows: 12-foot by 35-foot loading space with fourteen-foot height clearance for every 20,000 square feet or fraction thereof of floor area in excess of 6,000 square feet of floor area used for the above mentioned purposes, or for every 20,000 square feet or fraction thereof of land used. This requirement shall be separate and apart from any and all other off-street parking requirements.

(E) Off-street parking. The following off-street parking requirements shall be provided and maintained in conformity with the provisions of this chapter:

(1)	Airport	One parking space for every two employees plus one parking space for every four seats.
(2)	Apparel shop	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(3)	Apartments	Two parking spaces for each dwelling unit
(4)	Apartment hotel	One parking hotel space for each sleeping room
(5)	Auditorium	One parking space for each four seats based on the maximum seating capacity, including fixed and moveable seats
(6)	Auto sales	One parking space for each 1,000 square feet used for retailing
(7)	Auto sales/ repair	One parking space for each 400 square feet of gross floor area (2.5/1000 GFA) plus two and one-half (2.5) spaces for each 1,000 square feet of external display area plus three spaces for each service bay
(8)	Bakery	One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)
(9)	Bank	One parking space for each 400 square feet of floor area
(10)	Barber shop	Two parking spaces for each treatment station, but not less than four spaces for each 1,000 square feet of gross floor area (4/1,000 GFA)
(11)	Beauty parlor	Two parking spaces for each treatment station, but not less than four spaces for each 1,000 square feet of gross floor area (4/1,000 GFA)
(12)	Billiard room	Parking spaces equal in number to 30 percent of the capacity of persons
(13)	Bowling alley	Three parking spaces for each lane, plus one parking space for every six spectator seats.
(14)	Bus station	One parking space for each ten seats in waiting room, plus one parking space for each two employees of connected retail use
(15)	Boarding house	One parking space for each sleeping room
(16)	Cemetery	One parking space for each two employees
(17)	Clinic	One parking space for each two employees plus three parking spaces for each doctor.
(18)	Church	One parking space for each six seats in main auditorium.
(19)	Club house	One parking space for each two sleeping rooms.
(20)	Cold storage	One parking space for each 400 square feet of gross floor area (2.5/1,000 GFA)

(21)	Community center	Parking spaces equal in number to 30 percent of the capacity in persons
(22)	Country club	One parking space for each two employees, plus three parking spaces for each golf hole
(23)	Convalescent or nursing home	One parking space for each eight beds, plus one parking space for each two employees
(24)	Dancing academy	One parking space for each 250 square feet of gross floor area (4/1000 GFA)
(25)	Delicatessen	One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)
(26)	Department store	One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)
(27)	Dormitory	One parking space for each two sleeping rooms.
(28)	Dormitory student	One parking space (student) for each three dormitory residents plus one parking space for the supervisor.
(29)	Dressmaking	One parking space for each 417 square feet of gross floor area (2.4/1000 GFA)
(30)	Dry cleaning	One parking space for each 417 square feet of gross floor area (2.4/1000 GFA)
(31)	Drugstore	One parking space for each 250 square feet of gross floor area (4/1000 GFA)
(32)	Dwelling	Two parking spaces for each dwelling unit
(33)	Two-family dwelling	Two parking spaces for each dwelling unit
(34)	Dwelling with roomers	Two parking spaces for roomers each dwelling unit plus one parking space for each room rented to persons not members of the resident family
(35)	Fire stations	One parking space for each three employees on shift
(36)	Flower shop	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(37)	Fraternity	One parking space for each three active members or dormitory residents, plus one parking space for each two employees other than residents
(38)	Funeral home	One parking space for each 400 square feet of gross floor area
(39)	Furniture store	One parking space for each 1,000 square feet of gross ground floor area plus one parking space for each 1,500 square feet of the gross area floors other than the ground floor used for sales, displays, or show purposes
(40)	Food market	One parking space for each 333 square feet of gross floor area (3/1,000 GFA)
(41)	Food market 3500 square feet of GFA	One parking space for each 250 square feet of gross floor area (4/1,000 GFA)
(42)	Greenhouse	One parking space for each three employees plus one space for each 333 square feet of sales area (3/1,000 square feet of sales area)
(43)	Grain elevator	One parking space for each two employees

(44)	Gymnasiums	Parking spaces equal in number to 30 percent of the capacity of persons
(45)	Hospital	One parking space for each 2.5 employees plus one space for each five average daily outpatient visits plus one space for each four staff members plus one space for each three beds
(46)	Home occupation	One parking space in addition to residence requirements
(47)	Hotel	One parking space for each three employees, plus one parking space for each sleeping room
(48)	Industrial park	One parking space for each two employees on the largest shift
(49)	Industrial uses	One parking space for each two employees
(50)	Junkyard	One parking space for each two employees.
(51)	Kindergarten	One parking space for each two employees plus one parking space for each five children enrolled
(52)	Laboratory	One parking space for each two employees
(53)	Laundry	One parking space for two washer and dryer machines
(54)	Lodge	Parking spaces equal in number to 30 percent of the capacity of persons
(55)	Library	One parking space for each 333 square feet of gross floor area (3/1,000 GFA)
(56)	Mobile home park	One parking space for each two employees plus two parking spaces for each mobile home
(57)	Motel	One parking space for each sleeping room plus one space for each two employees
(58)	Museum	Parking space equal in number to 30 percent of the capacity of persons
(59)	Night club	Parking spaces equal in number to 30 percent of the capacity of persons
(60)	Nursery (day)	One parking space for each two employees, plus one parking space for each five children enrolled.
(61)	Office—Business	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(62)	Office—Professional	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(63)	Outdoor business—Recreation use	One parking space for each three employees plus one space for each 1,000 square feet of use area
(64)	Penal institution	One parking space for each three employees plus one parking space for each ten inmates.
(65)	Photo studio	One parking space for each 417 square feet of floor area (2.4/1,000 GFA)
(66)	Physician's office	One parking space for each employee and ten additional spaces per physician.
(67)	Police station	One parking space for each three employees on shift

(68)	Public utility	One parking space for each two employees, plus spaces adequate in number (as determined by the Delaware-Muncie Metropolitan Plan Commission), to serve the visiting public
(69)	Radio station	One parking space for each employee in the largest shift
(70)	Railway station	One parking space for ten seats in waiting room, plus one parking space for each two employees of connected retail use.
(71)	Recreational club	One parking space for each three rooming units, plus parking spaces equal in number to 30, of the capacity of persons of the club
(72)	Restaurant	One parking space for each 100 square feet of gross floor area (10/1,000 GFA)
(73)	Riding stable	One parking-space for each 5,000 square feet of lot area
(74)	School	One parking space for each member of the staff, plus one parking space for each six auditorium seats
(75)	School, nursery	One parking space for each two nursery employees
(76)	School, high	One parking space for each two faculty members and other full time employees, plus one parking space for each ten students based on the maximum number of students attending classes on the premises at any one time during any 24-hour period
(77)	Shoe repair	One parking space for each 417 square feet of gross floor area (2.4/1,000 GFA)
(78)	Shopping center	One parking space for each 200 square feet of gross floor area (5/1,000 GFA)
(79)	Slaughterhouse	One parking space for each two employees
(80)	Sorority	One parking space for each three active members or dormitory residents, plus one parking space for manager, plus one parking space for each two full-time employees other than students
(81)	Sanitarium	One parking space for each six patient beds, plus one parking space for each staff or visiting doctor, plus one parking space for each four employees, including nurses
(82)	Tavern	Parking spaces equal in number to 30 percent of the capacity of persons
(83)	Theatre	One parking space for each six seats up to 400 seats, plus one parking space for each four seats above 400.
(84)	Theatre, outdoor	One parking space for each two employees, plus one parking space for manager
(85)	Tourist home	One parking space for each two employees, plus one parking space for each sleeping accommodation.
(86)	Truck terminal	One parking space for each two employees, plus four parking spaces for customers.

(87) Veterinarian	Two parking spaces for each three animal cages or pens.
(88) Video store	One parking space for each 250 square feet of gross floor area (4/1,000 GFA)
(89) Warehouse	One parking space for each two employees

For uses not listed, the most similar category shall be used as determined by the Administrative Zoning Officer. The following standards and categories shall be used for retail:

General retail 3.3 spaces per 1,000 GFA

Convenience retail 4 spaces per 1,000 GFA

Service retail 2.4 spaces per 1,000 GFA

Temporary retail 3.3 spaces per 1,000 GFA

(F) Special conditions. A church may, by agreement approved by the administrative zoning officer and filed with the plan commission office, use adjoining parking facilities when the same are not in use, instead of providing its own. A group of business or industrial uses may provide a joint parking area if the number of spaces in the area equals or exceeds the aggregate of the spaces required for the several uses. Where there may be more than one use in the same building or structure, the total off-street parking requirement shall be the sum of the requirements specified herein for each of the various uses.
(Code 1968, § 130.231; Ord. No. 12-95, §§ 1—3, 5-8-95)

Sec. 150.212. Signs and outdoor advertising.

(A) Purpose.

(1) The purpose of this section is to promote and protect the public health, welfare, and safety of the community and its people by regulating existing and proposed outdoor advertising and outdoor signs of all types.

(2) This section is also intended to protect property values; create a more attractive and economically vital business climate; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty; and to provide more enjoyable and pleasant living conditions. The intent of this section is also to reduce the incidence of signs or advertising distractions which may contribute to traffic accidents by their placement.

(B) General provisions.

(1) General definition of sign. Hereafter a general definition of a "sign" shall mean an identification, description, illustration, or device which is affixed to or erected upon a property or tract of land, a building or a structure, and which directs attention to a product, place, activity, service, institution, or business. All supports, poles, wires, and other sign apparatus shall be defined as part of a sign, and shall be referred to as sign apparatus.

(2) Existing signs—Conforming.

(a) Definition. A "conforming sign" is a sign which meets the provisions established in the Code.

(b) Provisions. The lawful location and maintenance of conforming signs existing at the time of the enactment of this Code and any amendments thereof may be continued provided that the following conditions are met: That the existing sign is not expanded or reduced in size, or relocated in such a manner that would make the existing sign unlawful; that no additional signs are placed on the same sign apparatus, upon which the existing sign is located, in such a manner that would make the existing sign or sign apparatus unlawful; that an approved sign permit was obtained for the existing sign. When changes to an existing conforming sign are necessary, no such existing sign shall be expanded or reduced in size, or relocated without first obtaining an approved sign permit from the administrative zoning officer.

(3) Existing signs—Nonconforming.

(a) Definition. A "nonconforming sign" is a sign which does not meet the provisions established in the Code.

(b) Provisions. The lawful use of a nonconforming sign, existing at the time of the enactment of this Code and any amendments thereof, may be continued provided that the following conditions are met: That the existing sign is not expanded in size, or relocated, unless the expansion or relocation brings the sign into conformity with the Code; that no additional signs are placed on the same sign apparatus upon which the existing sign is located; and that the existing sign is not located within the proposed or existing rights-of-way as designated by the Official Thoroughfare Plan-City of Muncie (1979). When changes to an existing nonconforming sign are necessary to bring the sign into conformity, no such existing sign shall be expanded in size, or relocated, without first obtaining an approved sign permit from the administrative zoning officer.

Whenever any existing nonconforming sign shall become damaged, by any means, so as to cause a need to replace more than 50 percent of the sign and sign apparatus, said sign shall be repaired or reinstalled in compliance with the provisions of this section, thereby creating a conforming sign.

Except for ordinary maintenance, poster panel replacement, copy changes or lettering or repair not involving structural material or electrical changes, no nonconforming outdoor advertising signs or part thereof shall be erected, altered, constructed, changed, converted, re-erected, additionally illuminated, reduced in size, enlarged or moved unless the entire nonconforming outdoor advertising sign and structure is brought into conformance with the provisions of this section.

(4) Existing signs—Deteriorated or inactive.

(a) Definitions.

1. "Deteriorated." A sign that is in a poor or dangerous condition, such as, but not limited to, broken or leaning sign apparatus, portions of the sign missing, or chipping of paint.

2. "Inactive." A sign which no longer directs attention to a business, activity, service, or product sold or provided on the premises.

(b) Provisions. When a sign has been deteriorated or inactive for a period of 30 days, the owner of the sign or the owner of the property upon which the sign is located, shall, upon written notice from the administrative zoning officer, remove the sign. The sign shall be removed within 30 days from the date of the notice sent to remove the sign. Failure to comply with the order shall authorize the officer to initiate action for the removal of the deteriorated or inactive sign.

(5) Liability insurance. Any sign installing company which applies for a sign permit must have on file with the building commissioner's office, a current certificate of liability insurance, covering bodily injuries, including death, with limits of not less than $100,000.00 for each person and $300,000.00 for each accident and $25,000.00 in property damage. The liability policy shall carry an endorsement saving the city from any claims, demands, or causes of action resulting from, in any manner, the erection or installation of the sign by the sign installation company.

(6) Multiple frontages. Each side of a building or structure is to be considered separately for purposes of determining compliance with the provisions of this Code.

(7) Multiple uses of a sign apparatus. When more than one sign is to be located, added to, or placed on the same sign apparatus as previously erected signs exist, all signs, existing and proposed, must meet the provisions of this Code, prior to the issuance of any additional sign permits.

(8) Overall height. Notwithstanding the provisions of this Code, no sign shall at any point be over 45 feet in height above grade level unless the sign is located on a building which has a maximum permitted building height greater than 45 feet.

(9) Rights-of-way. Notwithstanding the provisions of this Code, no sign shall be located or maintained within the proposed or existing right-of-way of any street or highway, as designated by the Official Thoroughfare Plan of the City of Muncie (1979). An exception to this requirement shall include a projecting sign, which may be located over public property, but shall not extend nearer to the curb line than five feet.

(10) Setback from residence in a residential zone. Notwithstanding the provisions of this section, no sign shall be located closer than 50 feet to a residence in a residential zone, a school, or a church.

Notwithstanding the provisions of this section, any outdoor advertising sign shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the national electrical safety code, provided that in no case shall an outdoor advertising sign be erected closer than ten feet horizontally or vertically from any conductor or public utility guide wire.

(11) Total number of on-premise signs per property. The total number of on-premise signs for a property having a commercial or industrial use located thereon shall be based on the following formula: Two on-premise signs per street frontage. However, where there are multiple uses on a single property, each occupant thereon is permitted a maximum of two on-premise signs.

(12) Repair and maintenance. In the event any sign becomes damaged so as to create a potential hazard to the public health, safety and welfare and is in need of emergency repair and/or maintenance, all signs shall have the name of a contact person and a telephone number posted on the sign and/or sign apparatus, visible at all times. Such information shall also be provided as a part of the application record when obtaining any sign permit.

(C) Permitted signs not requiring a sign permit. The following signs shall be allowable in all zoning districts: Directional or warning sign; political sign; public service sign; real estate sign; real estate development sign.

(1) Directional or warning sign.

(a) Definition. Signs solely identifying situations of a directional, cautionary, or dangerous nature when public signs are not functional, such as, but not limited to, an entrance or exit sign.

(b) Provisions. If illuminated, the light source shall not be directed towards any street or any adjoining property in a residence zone. Signs identifying ingress and egress points of a property shall be placed in such a manner as not to interfere with the visibility of motorists or pedestrians.

(2) Political sign.

(a) Definition. A sign relating to the election of a person to public office, to a political party or group, or to a matter to be voted upon at an election called by a public body.

(b) Provisions. A political sign shall be removed within ten days following the election. A winning candidate in a primary election may maintain his sign until ten days following the general election. The person responsible for the removal of a political sign is the owner of the property upon which said political sign is located. If such signs are not removed within the specified time period, the administrative zoning officer may initiate action for removal of the sign.

(3) Public service sign.

(a) Definition. A sign required or specifically authorized for a public purpose.

(b) Provisions. A public service sign can be any especially licensed sign, permitted by a legislative body, by franchise or by special license such as a sign on a bus, bench, or trash receptacle. A public service sign may be a sign established by a public service agency as an aid to safety or service. A public service sign can also be a governmental or traffic sign.

(4) Real estate sign.

(a) Definition. A clearly temporary sign, pertaining only to the sale, lease, or rental of the premises upon which it is displayed.

(b) Provisions. A real estate sign shall not be illuminated and it shall be removed within ten days after the sale, lease, or rental of the property or premises.

(5) Real estate development sign.

(a) Definition. A business sign placed on the premises of a subdivision or other real estate development.

(b) Provisions. In the case of a real estate development sign, no sign shall be closer to an existing building than 100 feet. In a development of less than one acre, or having a frontage under 400 feet on the street on which the sign is to be placed, the minimum distance to a residence in a residential zoning district, which is not part of the development shall be at least 50 feet. The maximum time for an individual sign to remain on the premises shall be 12 successive months. Signs shall be removed when the development is completed or if the same would cease.

(D) ermitted signs requiring a sign permit. Allowable in all zoning districts.

(1) Home occupation sign.

(a) Definition: A sign stating solely the name of a person and the name of the permitted home occupation.

(b) Provisions: A home occupation sign shall be permitted only when the property has obtained a special use home occupation approval from the metropolitan board of zoning appeals. The maximum size shall be one square foot and it shall be placed flat against the residential structure. A home occupation sign shall not be illuminated in any manner. A sign permit shall be obtained prior to placement of a home occupation sign.

(2) Identification sign:

(a) Definition. An identification sign shall mean a ground or wall sign stating the name of a person, firm or description of a permitted use.

(b) Provisions. Signs may be used by professional, semi-professional, public, semi-public and religious institutions. One sign shall be permitted for each building entrance. If illuminated, the light source shall not be directly visible from any street or adjoining property in a residence zone. A sign permit shall be obtained prior to placement of an identification sign.

(E) Permitted signs requiring a sign permit. The following signs are allowable in nonresidential zoning districts: ground sign; off-premise sign; pole sign; projecting sign; roof sign; temporary sign; wall sign.

(1) Ground sign.

(a) Definition. A low profile, on-premise sign completely or principally self-supported by posts or other sign apparatus independent of any building or other structure.

(b) Provisions. A ground sign shall not at any point be over three feet in height above grade level when such sign is located within five feet of the right-of-way line. When located five or more feet from the right-of-way line, no ground sign shall at any point be over eight feet in height above ground level. A ground sign shall not be closer than three feet to any building, or ten feet to any other sign. Lighting reflectors shall not be more than six feet away from the ground sign which they are designed to illuminate. A sign permit shall be obtained prior to the placement of a ground sign.

(2) Off-premise sign.

(a) Definition. A sign which directs attention to a use, business, product, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

(b) General provisions. Off-premise signs shall have six-foot clearance beneath the sign board including cut-outs. Extensions allowed shall not exceed 200 square feet in area. Maximum extension of cut-outs shall be: Above the sign board-six feet, below the sign board—one foot, and any sides of the sign board—three feet. An off-premise sign shall be permitted within existing building lines. A sign permit shall be obtained prior to the placement of an off-premise sign.

(c) Special provisions.

1. Farming (F) Zoning District exclusive. A minimum distance to another legally established off-premise sign shall be 750 feet between signs on the same side of any street or highway. An off-premise sign shall not be placed closer than 100 feet to the cross section of any intersection, railroad on-grade crossing, or ingress-egress drive or entrance. An off-premise sign shall have a minimum side yard setback of three feet from the side property line and a minimum ten foot setback from the right-of-way line of any street or highway. There shall not be more than two off-premise signs per mile on the same side of any street or highway. There shall be a minimum distance of not less than 200 feet to any existing residence, church, school, or other facility of common human use.

2. Non-farm, non-residential zones. Off-premise signs shall be prohibited in the following zones: R-1 Residence, R-2 Residence, R-3 Residence, R-4. Residence, R-4A Residence, R-5 Residence, R-6 Residence, BP Business and Professional Office, SSS Student Social Service, and MHR Mobile Home Residence.

Off-premise signs may be permitted in the following zones provided the provisions of this Code are met as well as all applicable building codes and permit regulations: F Farming, BL Limited Business, BC Community Business, CB Central Business, BV Variety Business, MT Major Trading, IL Limited Industrial, II Intense Industrial, IP Industrial Park and AD Airport Development.

The number of off-premise signs shall be limited to not more than one such sign per 1,000 feet, linear measure, on and along both sides of any street or highway. A minimum distance from one off-premise sign to another legally established off-premise sign shall be 1,000 feet, linear measure, taken on and along the right-of-way lines on both sides of a street or highway.

The maximum area of display surface per off-premise sign shall not exceed 300 square feet. Only single-faced back-to-back sign boards shall be permitted.

An off-premise sign shall not be placed closer than ten feet to any right-of-way line of any street or highway carrying two lane traffic, excluding turn lanes, acceleration/ deceleration lanes and passing blisters. An off-premise sign shall not be placed closer than 25 feet to any right-of-way line of any street or highway carrying four lane traffic, excluding turn lanes, acceleration/deceleration lanes and passing blisters.

There shall be a minimum distance of not less than 60 feet from an off-premise sign to any residence or to any residence zone. There shall be a minimum distance of not less than 200 feet from an off-premise sign to any school, church or institution for human care.

The City of Muncie administrative zoning officer shall prepare and maintain a map indicating the location of all off-premise sign sites within the corporate limits of the city and the number of off-premise signs on each site. An off-premise sign site shall be that area described by legal description on the deed to the property as recorded in the office of the Delaware County recorder at the time of enactment of this amendment.

Based on the number of off-premise sign sites existing at the time of enactment of this amendment, the number of sites may be increased by one percent per year. The beginning one-year period shall start from the date of passage of this amendment to December 31, 1985, with each successive one-year period running from January I to December 31 thereafter.

For off-premise sign sites in existence prior to this amendment, an off-premise sign permit may be issued provided that there shall be not more than one off-premise sign per site, that the site is vacated by the discontinuance and removal from the site of all off-premise signs and that the off-premise sign and its location shall be in conformance with all applicable provisions of this section. Off-premise sign permits may be issued under this provision at any time as regulated.

For off-premise sign sites created by the one-percent growth rate, an off-premise sign permit may be issued provided that there shall be not more than one off-premise sign per site, that the off-premise sign and its location shall be in conformance with all applicable provisions of this section, and that there shall be not more than one permit issued within any ten-day period to an owner of an off-premise sign. When the number of permits issued equal the number of newly created sites, no new permits shall be issued under this provision until the next one-year period begins.

(3) Pole sign.

(a) Definition. A high-profile, on-premise sign completely or principally self-supported by posts or other sign apparatus independent of any building or other structure.

(b) Provisions. A pole sign shall have a minimum clearance of ten feet between the bottom of the face of the sign and grade or sidewalk level. If the pole sign is supported by more than one pole, the space between the poles shall not be enclosed in a manner which would impair general public visibility. The maximum width of pole covers shall be the sum total of 18 inches in a horizontal direction, plus the width of the pole covered.

No pole sign shall be erected in excess of 60 feet in vertical height or 300 square feet in area per side. All bolted installation to concrete bases must have ground rods. Once a pole sign becomes inactive, as defined in this code, the pole or sign apparatus must be removed along with the sign itself. A sign permit shall be obtained prior to the placement of a pole sign.

(4) Projecting sign.

(a) Definition. An on-premise sign attached to a building or structure and extending wholly or partly beyond the surface of the portion of the building or structure to which it is attached; or extending beyond the building line; or over public property.

(b) Provisions. A projecting sign shall be placed at a distance not greater than two feet from the face of the wall to which it is attached, measured from the part of the sign nearest thereto. No projecting sign or part thereof shall extend nearer to the curb line than five feet, nor be placed lower than ten feet above grade or sidewalk level. No projecting sign shall be erected to a height greater than 60 feet above grade or higher than the cornice of any building which is three stories or more in height, unless the same be entirely of steel skeleton construction and shall present only 40 percent of the solid surface area to be affected by wind pressure. No projecting sign shall be erected when the area of one face of the sign shall exceed 240 square feet in area. Any movable part of the sign shall have an area not to exceed 100 square feet for a vertical sign, or 50 square feet for a horizontal sign. No projecting sign shall be secured with wood, nails, or wire, unless with seven strand guy wire; nor shall any projecting sign be hung or secured to any other sign. Turnbuckles shall be placed in all chains and guy wires supporting a projecting sign weighing 200 pounds or more. A projecting sign exceeding ten square feet in area or 50 pounds in weight shall not be attached to nor supported by frame buildings, nor wooden framework of a building. Other projecting signs shall be attached to masonry or like walls, with galvanized expansion bolts at least three-eighths inch in diameter or shall be fixed in the wall by means of bolts extending through the wall. Projecting signs shall have no reflectors of the goose-neck type. No glass faces can be used in projecting signs, any other glass used shall be safety or plate glass at least one-fourth inch in thickness. A sign permit shall be obtained prior to the placement of a projecting sign.

(5) Roof sign.

(a) Definition. An on-premise sign erected, constructed, or maintained upon the roof of any building or structure.

(b) Provisions. No roof sign shall project beyond the outer edge the walls of the building in any direction. No roof sign having a tight, closed, or solid surface shall at any point be over 25 feet above the roof level. No roof sign with a tight, closed, or solid surface shall be erected on any building four stories or over in height, but roof sign structures not having a tight, closed, or solid surface may be erected on fire-resistive buildings to a height not exceeding 40 feet above the roof level, and upon non-fire-resistive buildings to a height not exceeding 30 feet above the roof level. The solid portions of the structures shall not exceed 40 percent of the superficial area thereof. All signs which are erected on the roof of a fire-resistive building shall be thoroughly secured to the building upon which they are

installed, erected, or constructed, by iron or metal anchors, bolts, supports, seven strand guy cable, steel rods or braces. All roof signs erected on non-fire-resistive buildings shall be so erected that the live and dead-load stresses shall not in any manner adversely affect the building. Wind pressures of not less than 30 pounds to the square foot of the area of the sign must be withstood by said sign. All roof signs shall be composed entirely of noncombustible material, including sign apparatus and supports, except the ornamental moulding and battens behind the steel facings. A sign permit shall be obtained prior to the placement of a roof sign.

(6) Temporary sign.

(a) Definition. A temporary sign shall mean any sign, sign board, banner, or lightweight advertising display of more than two feet in height, maintained for the purpose of displaying outdoor advertising by means of a reader board, permanently supported, anchored or attached to the ground or a building.

(b) Provisions. No temporary sign shall be maintained, displayed, or placed on a property for a period longer than 30 days after the issuance of the permit and 90 days must expire before the permittee can reapply for a new permit for said sign on the property. A new permit is to be obtained for each 30-day period. No temporary sign shall at any point be over eight feet in height above grade level, except a banner, in which case, it must have at least a ten-foot clearance above grade. No temporary sign shall be placed within the city rights-of-way, proposed or existing. Any temporary sign unlawfully maintained in a public right-of-way, may be declared a public nuisance and a traffic hazard per State of Indiana Motor Vehicle Laws, Article III, and if necessary, the Administrative Zoning Officer shall remove the sign. Spot lights or flashing illumination not over forty-watt bulbs shall be used under any circumstances with temporary signs. Any temporary sign not complying with the provisions of this code shall, upon notice, be removed by the Administrative Zoning Officer. A sign permit shall be obtained prior to the placement of a temporary sign.

(7) Wall sign.

(a) Definition. An on-premise sign attached to, or erected flatly against a wall of a building or structure.

(b) Provisions. No wall sign shall project away from the wall more than 18 inches. When a wall sign is located over a sidewalk and projects more than six inches over the pedestrian area, the minimum distance from the sidewalk grade and the base of the sign shall be eight feet. A wall sign placed on a building of one story shall not project more than ten feet above the top of the wall or two feet beyond the ends of the wall to which it is attached. A wall sign placed on a building of two or more stories shall not project more than two feet above the top of the wall or beyond the ends of the wall to which it is attached. If the wall sign is an illuminated one, overhead lighting reflectors may project six feet beyond the building line, but in no case shall the lighting reflectors be more than six feet from the face of the wall sign. All reflectors extending over the sidewalk shall be secured and safely anchored. No wall sign shall be so erected as to prevent free ingress to or egress from the building, or any fire escape. A sign permit shall be obtained prior to the placement of a wall sign.

(8) Clustered use sign.

(a) Definition. A sign which identifies by name two or more uses located in a single integrated commercial or industrial development or subdivision. Such signs are designed for identification and locational purposes rather than advertising purposes.

(b) Provisions. Clustered use sings shall have a minimum clearance of ten feet between the bottom of the face of the sign and grade or sidewalk level. If the clustered use sign is supported by more than one pole, the space between the poles shall not be enclosed in a manner which would impair general public visibility. No clustered use sign shall be erected in excess of 45 feet in height; and a clustered use sign shall not exceed 300 square feet in signboard area per side, excluding supports and the identification name for the development. All bolted installation to concrete bases must have ground rods. Signboards must be constructed of permanent, all-weather materials and supported internally by metal poles or supports. Signs shall be representative of the integrated area the sign is intended to serve and a design plan shall be submitted with the permit application. A landscaped area of at least 100 square feet shall be provided at the base of the sign and this area shall be maintained in a healthy, neat and clean condition. To minimize glare and the general overwash of light to public right-of-way and residential uses, signs shall be illuminated only with steady, stationary, shielded and/or contained light sources directed solely onto or within the sign. A sign permit shall be obtained prior to the placement of a clustered use sign. After the initial installation, a sign permit shall be obtained prior to the installation of any additional or replacement signs for individual uses.

(c) Locations. One clustered sign use sign may be erected at each major public right-of-way or private driveway entrance leading into an integrated commercial or industrial development or subdivision. The sign may be placed either on or off the property where the uses are located, but shall not be placed throughout the subdivision or development itself. No clustered use sign shall be erected within 50 feet of another clustered use sign or a pole sign. No clustered use sign shall be placed in the actual or proposed public right-of-way.

(F) Prohibited signs.

(1) Definition. A sign not permitted under any circumstances.

(2) Provisions. The following signs shall be prohibited in all locations unless otherwise specified in this code. Any types of signs:

(a) Bearing statements, words, or pictures of an obscene and indecent character, such as would be offensive to the general public;

(b) Where, because of size, location, coloring, content, or illumination, a sign may bear close resemblance to or being an imitation of highway or traffic sign or signals, and incorporates in any manner flashing or moving apparatus that may create a traffic hazard, (State of Indiana Motor Vehicle Laws, Article III);

(c) Which interfere with the view of any signal, traffic sign, or street sign (State of Indiana Motor Vehicle Laws, Article III);

(d) Inactive signs or sign apparatus as defined in this code;

(e) Deteriorated, leaning, derelict, or structurally unsafe signs which constitute hazards by reason of inadequate maintenance, age, or abandonment, as defined in this code;

(f) On trees, telephone or light poles, fences, and on city streets or rights-of-way, alleys or sidewalks;

(g) Obstructing ingress and egress from a door, window, fire escape, or exit, and;

(h) Unlawfully installed, erected, or maintained.

(G) Technical provisions.

(1) City electric code.

(a) The light source shall not be exposed in a manner as to create hazards to pedestrians and motorists. The light source shall be shaded, hooded, or adequately screened to prevent the obstruction of pedestrian or motorist visibility.

(b) All electrically illuminated signs with exposed terminals shall be erected or maintained in such a manner that the exposed tubing or terminals will be at least ten feet above the established grade, except where exposed tubing or terminals are properly protected as required by section 153.21. All wiring must be in metal raceway. Underwriters Laboratory, or Electrical Testing Laboratories Certification, or equivalent, must be included in the permit application when signs are electrically illuminated.

(2) Fire access. No sign or advertising display of any nature shall be installed, erected, maintained, or constructed in such a manner as to obstruct any fire escape or exit, or the ingress or egress from any window or door opening thereof, or be at any time attached in any manner to any fire escape.

(3) Glass in signs, where permitted.

(a) Ornamental or plain flat glass shall not be permitted to be hung from any location which extends over a public right-of-way, (only permitted type of sign—projecting sign) unless the glass is supported at all times around the entire edge by a substantial metal supporting rib approved by the building commissioner and the glass is limited to 100 square inches in area within any one set of metal supporting ribs.

(b) Exposed glass in any advertising display shall be permitted only when the area within any one set of metal ribs is not greater than 100 square inches for each and every piece of exposed glass. The building commissioner may approve larger areas of exposed glass, plastic, or composition material, when properly enclosed and protected.

(c) All metal supporting ribs in any advertising display shall extend over and cover at least 14 inches of the portion of the surface of the glass that is to be exposed.

(d) In case a picture for fancy display is to be used in an exposed area of any advertising display, not more than two open spaces not exceeding 150 square inches each may be permitted in one advertising display.

(4) Sound devices. Public address systems, loud speakers, or sound amplifying systems shall not be used in conjunction with any outdoor advertising sign or structures. In all businesses, including shopping centers, all sound devices shall be used for communication within the building or buildings. The use of sound devices for advertising, communication, or the production of music outside the buildings, is prohibited.

(5) Supports.

(a) The dead load of projecting signs may be supported with chains or guy wires, and the working stress of the chains or guy wires shall not exceed one-fifth () of the ultimate strength of the chains or guy wires shall not be less than one-quarter () inch in diameter. Chains or guy wires supporting the dead load of any such projecting sign shall be erected or

maintained at an angle of not less than 30 degrees with the horizontal. Supporting chains or cables may be used for the resistance of wind pressure, and the working stress of the supporting chains or cables shall be so designed that it will not exceed one-quarter of the ultimate breaking strength of the chains or cables. The least cross-sectional diameter of the chains or cables resisting wind pressure shall be erected or maintained at an angle of 45 degrees or more with the face of the sign that the chains or cables are supporting.

(b) In no case shall there be less than two chains or cables designed to resist the dead load and two chains or cables on each side to resist the live load of any projecting sign having 20 square feet in facial area. Chains or cables resisting a wind pressure on any side of a projecting sign shall be not more than eight feet apart.

(c) All supporting chains or guy wires, where used either for the resistance of a live or dead load, shall be secured to a bolt or expansion screw that will develop the strength of the supporting chain, or cable, with a minimum one-half() inch bolt or lag screw secured by an expansion shield or other method approved by the building commissioner.

(d) Chains or guy wires used to support the live or dead load of projecting signs, erected or maintained at an angle of more than 45 degrees may be fastened to masonry walls with expansion bolts or by machine screw in iron supports. Where supporting chains or cable must be fastened to walls made of wood, the supporting or anchor bolts must go through the wood and be fastened securely on the other side.

(e) No staples or nails shall be used to secure any projecting sign or display to any building or structure, unless the sign or display weighs less than one pound.

(f) Stiff arms, compression members, or members in flexure may be used to support either the live load or the dead load of a projecting sign, but the effective or unsupporting length of the main compression members of any sign or stiff arm shall not exceed 120 times the least radius of gyration, and for the secondary member, 200 times the least radius of gyration.

(g) In any projecting sign or advertising display, the extreme fiber stress of the steel to be used shall not exceed 20,000 pounds per square inch, and for wood, 1,200 pounds per square inch for any grade of lumber.

(h) In no case shall any advertising display support be attached to a parapet wall.

(H) Authority.

(1) No sign as defined herein shall hereafter be erected, maintained, or constructed by any person except as provided in this section, or until after a permit to erect, construct, or maintain the same has been obtained from the administrative zoning officer. No such permit shall be issued until the prescribed fee is paid as set forth in this Code.

(2) In case any sign or advertising display shall be installed, erected, maintained, or constructed in violation of any of the provisions of this section, the administrative zoning officer shall notify, in writing, the owner or lessee thereof either to alter the sign so as to comply with this code and to secure the necessary permit thereof, or forthwith to remove the sign. If the order is not complied with within ten days after mailing the notice, the administrative zoning officer may remove the sign at the expense of the sign owner, lessee thereof, or the property owner.

(3) The administrative zoning officer has the authority to appoint officers to enforce the provisions of this Code. These officers have the authority to issue necessary citations, to issue tickets and to remove unlawful signs.

(4) The administrative zoning officer may adopt and prescribe suitable rules and regulations, consistent with the provisions of this Code, concerning the form and contents of all applications for the various kinds of permits herein required, and covering any other requirements for the applicant to protect the public safety and welfare.

(I) Sign permit procedures.

(1) Procedures. No sign shall be installed, erected, maintained, or relocated without obtaining a sign permit issued by the administrative, zoning officer in accordance with established procedures and inspections. The application shall include information, site plans, and specifications as may be required by said officer. Office records shall contain an accurate description of the sign for which a permit is issued, its location, photograph, and the date of completion of installation.

(2) Provisions. A sign permit shall expire if work is not started within 60 days of the date of the permit approval, or completed within 120 days of said date. A sign permit is not completely approved until after the actual sign permit is obtained from the administrative zoning officer and the permit fee is paid. If a sign permit, which has been approved by said officer, is not obtained from the office by the applicant within 60 days of the date of permit approval, the permit is null and void. Once a sign permit is approved, the installation or erection of any sign is subject to the provisions governing compliance set forth in this section. Extensions on any time limitation stated herein may be granted by the administrative zoning officer where the sign permittee presents evidence to show cause why such extension is necessary.

(J) Fees. Permit fees for sign shall be based on-site inspection costs.

Type of Sign	*Fee*
Ground	$25.00
Home occupation	15.00
Off-premises	25.00
Plus for each additional face on the same sign apparatus	20.00
Pole	25.00
Projecting	25.00
Roof	15.00
Temporary per 30-day period	10.00
Wall	15.00
Clustered Use Initial installation	30.00
Post-installation additions and/or replacements	20.00

(K) Penalties.

(1) Penalty fee. Any person who shall erect, install, or alter a sign, as defined herein, prior to obtaining a sign permit, shall pay twice the amount of the permit fee set forth herein.

(2) General penalty. Whoever violates any provision of this section shall be fined not more than $1,000.00 for each offense.

(3) Penalty provisions. The penalty fee assigned in subsection (1) above does not supersede the general penalty, and is to be considered a separate penalty. The general penalty assigned in division (2) above does not supercede the penalty fee, and is to be considered a separate penalty. However, in no event, shall the combined assessment of a penalty fee and a general penalty exceed $1,000.00 for each offense. Each day's violation shall constitute a separate offense.

(L) Injunctive relief against violation; recovery of costs. Any violations of this section may be restrained, enjoined, mandated, or abated by injunctive relief. Legal suit may be instituted either in the name of the administrative zoning officer or in the name of the city. The administrative zoning officer or the city, if successful, shall be entitled to recover all costs, expenses, and attorney's fees incurred in connection with the prosecution of the suit.
(Code 1968, § 130.232; Ord. No. 849-82, 7-12-82; Ord. No. 4-97, §§ 1, 2, 4-8-97)

Sec. 150.213. Gasoline service stations.

(A) Definition. For the purpose of this chapter a "gasoline service station" shall be a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as: the dispensing of gasoline and motor oil; the sale and servicing of tires, batteries, and other car accessories; and the washing and lubricating of motor vehicles. This shall not include: the sale of automobiles; the keeping of wrecked or disabled cars; the performing of body and fender work; or the painting or the performing of major motor repairs.

(B) Standards. No gasoline service station shall be permitted unless it shall meet the following minimum requirements:

(1) The owner, lessor, or lessee shall, upon making application for the gasoline station, submit a drawing describing the manner in which buildings will be located on the premises, the manner in which the site will be conditioned and beautified, the location of all permanent or floating signs, and any other similar requirement which may be required by the administrative zoning officer. The owner, lessee, or lessor will be held jointly responsible for conforming with all the details of the plan as submitted. Any violation of a part of the plan shall be held to be reason for the nullification of a permit or refusal to issue one.

(2) There shall be a maximum width of driveways at the sidewalk of 30 feet.

(3) There shall be a minimum setback of 40 feet from any and all streets.

(4) There shall be a minimum frontage of 120 feet at the building line and a minimum of 12,000 square feet of lot area exclusive of rights-of-way.

(5) The minimum distance from any driveway to any exterior property line shall be 20 feet.

(6) The minimum angle of intersection of driveways with the street pavement shall be 60 degrees.

(7) The minimum distance between curb cuts shall be 30 feet.

(8) No service station shall be erected, operated, or maintained where an entrance or exit for motor cars is located on the same side of the street within 100 feet of a pedestrian entrance or exit from a public or private school, park, parkway, playground, library, church, hospital, home for children or senior citizens, or other public or semipublic institution.

(9) No gasoline pump shall be located closer than 15 feet to the nearest lot line or line of established street or highway. On a corner lot, when a gasoline pump or a series of pumps are placed in a pump island parallel to lot line or at an angle to the lot line, the end pump nearest to the street shall be located not closer than 20 feet to the street line, measured along the axis of the pump island or islands.

(10) The minimum distance from any driveway to any interior lot line shall be ten feet.

(11) A raised curb, six inches high and two feet wide, shall be placed within the street right-of-way.

(12) All hydraulic hoists and pits, lubricating, greasing, auto washing, and repairing equipment shall be entirely enclosed within a building.

(13) Every lot used as a gasoline service station shall be paved with asphaltic or concrete surfacing and shall be adequately drained.

(14) The minimum site of 12,000 square feet shall be limited to two service bays and two pump islands. Two pump islands and one bay may be added for each additional 2,000 square feet of extra site area.

(15) A five-foot decorative fence shall be erected along all property lines separating the site from any dwelling and any residence zone.

(16) Eight onsite parking spaces shall be provided at a gasoline service station with two or more service bays. In all other instances, two spaces shall be provided.

(17) Exterior lighting shall be installed and maintained so as to cast no glare upon adjacent property or public right-of-way.

(18) The parking of junk vehicles and rental vehicles shall not be permitted.

(C) Signs. Gasoline service stations shall comply with the following sign standards in addition to those already specified in the outdoor advertising provisions as contained in this chapter.

(1) One two-pole sign shall be permitted for each gasoline service station, which pole sign shall be limited to advertising the trade name. The maximum permitted sign surface area shall be 320 square feet on each side of a double-faced sign.

(2) No more than two ground signs for each street frontage shall be permitted within the property lines, each of which shall not exceed 25 square feet on each side of a double-faced sign. The sign shall be used to indicate services, prices, products, and the announcement of incentives. The signs shall be installed as stationary, fixed structures, not subject to being dislodged by high winds and shall not be portable or temporary structures.

(3) Wall signs shall be permitted on the principal service station buildings.

(4) Signs shall be permitted on the pump island but shall not exceed 20 square feet on each side of a double-faced sign.

(5) Window signs shall be permitted but shall not exceed six square feet in area.

(6) Display signs shall be permitted but shall not exceed six square feet in area.

(7) No sign shall be attached to a decorative fence installed with the purpose of screening the gasoline service station from a dwelling or residence zone.

(8) Incidental signs, one sign for each subject, shall be permitted as follows:

(a) Station for sale, rent, or lease.

(b) Identification of the operator (one foot vertical and six feet horizontal).

(c) Directional signs (one square foot maximum).

(9) No signs shall be placed on curbs or outside the property lines.

(10) No signs shall be placed or installed on the site of a gasoline service station which will interfere with the vision of the motorist and will constitute a traffic hazard.

(Code 1968, § 130.233)

Sec. 150.214. Swimming pools.

Swimming pools in residence districts may be installed only as accessory to a dwelling for the private use of the owners and occupants of the dwelling and their families and guests, or as accessory to a nursery school or day camp for children, and only on the conditions as follows:

(A) The pool shall be installed in the rear yard of the premises.

(B) There shall be erected and maintained at minimum a good quality fence not less than five feet in height, with posts imbedded in concrete, enclosing the entire portion of the premises on which the pool shall be installed and entirely surrounding the area in which the pool is located.

(C) Every gate or other opening in the fence enclosing the pool, except an opening through the dwelling or other main build-

ing of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at the pool.

(D) The pool shall not be erected closer than four feet from the rear and side property lines of the premises, or, in the case of a corner lot, closer than ten feet from the required setback.

(E) The pool shall not occupy more than 40 percent of the area of the rear yard excluding all garages or other accessory structures located in the area.

(F) If the water for the pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

(G) If the water for the pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool.

(H) The pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the Indiana State Sanitary Code relating to public swimming pools.

(I) No public address system device which can be heard beyond the property lines of the premises on which any swimming pool has been installed may be operated in connection with the pool, nor may any lighting be installed in connection therewith which shall create glare beyond the property lines.

(Ord. No. 474-79, 6-4-79)

Sec. 150.214.5. Development standards.

(A) Intent and purpose. These provisions are for the purpose of promoting the public health, safety, comfort, morals, convenience and general welfare; of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; and of lessening or avoiding congestion in public ways. The intent of these provisions is to improve compatibility and provide transition between different uses and zones; to minimize the harmful effects of and reduce dust, debris, automobile headlight glare and other objectionable activities or views on adjoining or nearby residential uses; to protect property values and preserve the character of an area; to provide for landscaping to minimize the adverse effects of wind, heat, noise and glare, preserve the hydrology of a development site, assist in reducing the level of carbon dioxide in the atmosphere, prevent soil erosion, provide shade, and lessen the visual impact of development on the environment; and to preserve and improve the health, safety and general welfare of the public by promoting the environmental and public benefits of landscaped screening and buffer areas.

(B) Development standards.

(1) Applicability: The development standards contained in this section shall apply to all development other than one- and two-family residential. No new building or structure shall be constructed or used in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged reconstructed or used, and no land shall be used unless the requirements of this section are met subject to the following conditions:

(a) Enlargements or alterations which result in a greater than ten percent increase in the ground coverage or a greater than 25 percent increase of the floor area require compliance with this section.

(b) Changes in the use of existing buildings, structures or land shall require compliance with this section.

(c) Restoration of an existing building or structure that has been damaged or destroyed by any means shall be permitted without conforming to the requirements of this section provided the restoration does not increase the ground coverage that was occupied by the structure being replaced by more than ten percent and/or the restoration does not increase the floor area by more than 25 percent.

(2) General objectives: Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood or other causes. Vegetative screening shall separate commercial and industrial uses from residential properties. Site development should accomplish the following objectives:

(a) Adequate and safe vehicular and pedestrian circulation between the site and the public street network.

(b) Safe and adequate interior site vehicular and pedestrian circulation, parking and loading facilities.

(c) Year-round accessibility.

(d) Environmentally sensitive areas shall be protected and left undisturbed.

(e) Adequate drainage facilities.

(f) Mitigation of the adverse effects of spillover light, smoke, noise, glare, vibration, odors, or noxious and offensive uses.

(3) Standards. Developments shall comply with the following standards and the provisions of this chapter. Where standards may conflict, the following standards shall prevail.

(a) Green belt:

1. As a minimum, that portion of any lot which is within ten feet of, and immediately adjacent to, the existing or proposed right-of-way of any public roadway shall be reserved as a green belt. Green belt areas shall be composed of grass and/or softscape treatment only, except that it may include pedestrian walkways provided the walkway does not occupy more than 25 percent of the green belt area and green space is maintained on both sides of the walkway. Access roads and driveways may cut through a green belt area perpendicular to the public roadway or parallel to a lot line without replacement requirements. If access roads and driveways are located within a green belt area in any other manner, the green belt area shall be increased by at least an equal amount of area.

(b) Access:

1. Access roads. An access road shall mean a private roadway, providing ingress/egress for vehicles to enter and/or leave a lot from a public roadway, which provides access to more than one building, lot or use.

2. Driveway. A driveway shall mean a private entrance, providing ingress/egress for vehicles to enter and/or leave a lot from a public or private access road, which provides access to one building, lot or use.

3. Pedestrian facilities. Pedestrian facilities shall mean walkways providing access from building entrance to building entrance, parking area to building entrance, and/or parking area to parking area.

4. Construction and maintenance. All facilities (access, drive, pedestrian) shall be constructed and maintained so as to provide year round access and so that it will be maintained free of dust and debris.

5. Design. Points of access shall be combined wherever possible to minimize the number of access points onto public roadways. There shall be a maximum of two points of access per street frontage. The minimum maintained width of an access road shall be 18 feet for two-way traffic and ten feet for one-

way traffic. Where a proposed access road lies within 30 feet of an existing three-way public or private road intersection, the centerline of the access road shall be in line with the centerline of such intersecting road. Wherever possible, access roads and driveways shall be designed so as to avoid funneling traffic into single family residential areas. Except for industrial uses, access roads and/or driveways shall be designed to allow for interconnection among and between contiguous lots in order to minimize turning movements onto and from public roadways. Except for industrial uses, pedestrian facilities shall be designed to allow for interconnection among and between developments and within a development to minimize conflicts with vehicular traffic and to promote safe and efficient access from entrance to entrance to parking areas. All facilities (access, drive, pedestrian) shall be constructed under design standards approved by the city engineering department.

(c) Lighting:

1. Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following:

   All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties. All lights shall be of a "cut-off" type with the lighting element completely shielded on all sides and top.

   The maximum height of free standing lights shall not exceed 20 feet.

(d) Trash collection areas:

1. Trash collection areas shall be effectively screened from public roadway view and view from adjacent noncommercial, nonindustrial properties.

2. Trash collection areas shall be located where their use will not interfere with traffic circulation of a public roadway or an access roadway.

(e) Outside storage:

1. Permanent outside storage of supplies and materials shall be screened from public roadway view and from the view from adjacent noncommercial, nonindustrial properties and uses. This provision shall not apply to the outside display of merchandise nor to temporary outside storage of supplies and materials used during on-site construction activities.

2. Outside display of merchandise shall not be closer than ten feet to any public roadway right-of-way line, existing or proposed. Outside display of merchandise shall be reasonably screened from the view of adjacent noncommercial, nonindustrial properties and uses.

3. No outside storage of supplies and materials or outside display of merchandise, and accompanying screening, shall be placed in a manner which would impede visibility at points of ingress/egress.

(f) Landscaping screening, planting and preservation. All portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with planting of trees (shade or ornamental), shrubbery, ground cover, grasses, mulches, etc. Landscaping shall min-

imize erosion and stormwater runoff, provide necessary buffering and generally serve to blend the proposed use with the character of the surrounding natural area. The following landscaping standards shall be met.

1. Landscaping materials selected shall be appropriate to local growing and climatic conditions. Native species of plants shall be included in the plan whenever possible. Whenever possible, natural vegetation shall be maintained by appropriate construction practices and site layout. To provide for easier and more cost efficient maintenance, the following trees, which are prone to disease, excessive breakage, and other problems, shall not be used and/or planted as a part of any required landscape plan: acer negundo, box elder, acer saccharinum, silver maple; ailathus altissima, tree-of-heaven; morus species mulberry; populus deltoides, cottonwood; and ulmus pumila, siberian elm. To protect the landscaping investment, care should be given to appropriate placement of trees to allow for growth of the root system without adversely affecting other improvements and adequate area for capturing rainfall.

2. Whenever appropriate, existing trees should be conserved and integrated into the plan. Healthy trees with diameters of 12 inches or greater, measured at four feet above grade, shall be marked on the plan and preserved to the extent possible. Where it is necessary to remove such mature trees, replacement trees shall be planted throughout the site at a ratio of two new trees for each one removed. These replacement trees may count toward meeting the tree planting requirements set forth for the green belt and for parking spaces. Replacement trees shall have a minimum trunk diameter of two (2.0) inches upon planting, measured at six inches above grade, for shade and evergreens, or one and one-half (1.5) to two (2.0) inches upon planting, measured at six inches above grade, for ornamental trees.

3. Landscape treatments shall be required based on the following:

   Green belts, as defined herein, where landscaping shall include either shade and evergreen trees and/or ornamental trees as follows: One shade/evergreen tree for each 50 feet of frontage with a minimum diameter of two inches measured at six inches above grade; or one ornamental tree for each 35 feet of frontage with a minimum diameter of one and one-half to two inches measured at six inches above grade. The location of such trees is at the discretion of the developer/owner provided the required ratio is met and the trees are located in the green belt area.

   Foundations, where foundation planting shall be equal to a minimum of five feet of landscaped area and three feet of sidewalk area for a minimum total of eight feet in depth along the front wall of the building and, for a corner lot, along the side street wall of the building, excluding entryways and loading areas.

Parking spaces, where the total number of trees planted on-site shall, at a minimum, equal one tree for each ten parking spaces. The location of such trees, which may include replacement trees, buffering trees and green belt trees, is at the discretion of the owner/developer provided the required ratio is met.

Peripheral areas, where there shall be a peripheral vegetated buffer strip a minimum of ten feet in depth, excluding areas subject to the green belt requirement, along any lot line abutting a noncommercial, nonindustrial property.

4. Planting and/or other landscape treatments (walls, fences, berms) shall be required, and permanent maintained, when abutting one- and two-family usage to accomplish an immediate buffer at least five feet in height. When abutting an undeveloped residence zone permitting one- and two-family dwellings, plantings and/or other landscape treatment shall be required to accomplish a buffer at least five feet in height within three growing seasons.

5. Landscape requirements refer to either softscape treatment such as greenery, plants, grass, and trees or to landscape such as decorative stone, brick, and masonry walls, except in the green belt area where softscape treatment is required. Generally, plants shall be spaced apart at distances no greater than two times the width of the plant at maturity.

6. All required landscaping shall be installed prior to the issuance of a certificate of occupancy. If it is not possible to install the required landscaping due to weather conditions or other circumstances, all landscaping shall be installed within eight months of the first occupancy of the buildings on the site. Surety may be required to ensure installation, such as, but not limited to, bonds, letters of credit, or personal guaranties.

7. It shall be the responsibility of owners and their agencies to ensure proper maintenance of the landscaping. This is to include replacing plantings, with identical varieties or a suitable substitute, which die during the first growing season following their installation.

(g) Visibility at intersections:

1. Regardless of any provision of this section, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three feet and ten feet above the centerline grades of intersecting public roadways in an area bounded by the right-of-way lines of such intersecting streets and a line adjoining points along said intersecting right-of-way lines 30 feet from the point of intersection of said right-of-way lines.

(C) Appeals.

(1) Appeals. An owner may appeal any decision rendered in connection with this section to the board of zoning appeals or request a variance from a development standard under established schedules and procedures set forth in section 150.230 et seq. Whenever an owner has filed an appeal from standards contained elsewhere in this chapter with the intent to comply, in whole or in part, with the standards contained in this section, such

intention to comply with the standards contained in this section shall be deemed a reason in support of such appeal.

(Ord. No. 11-95, § 1, 5-8-95)

DIVISION 27. SPECIAL USES

Sec. 150.215. General.

The purpose of §§ 150.215 through 150.224 of this chapter is to enable the establishment of certain uses enumerated in §§ 150.215 through 150.224 of this chapter, not otherwise permitted in this chapter, under reasonable and uniform limitations, safeguards, and controls deemed to be in the public interest.

(Code 1968, § 130.240)

Sec. 150.216. Procedure.

(A) An application requesting authority to establish a special use in certain districts as herein permitted shall be filed with the board in the same manner as for an appeal, in forms prepared for the purpose and under established rules and schedules. Upon receipt of the application, a copy shall be forwarded to the commission. The commission shall make a thorough study and evaluation of the case and shall submit its recommendations to the board in writing. After having received the report of the commission, the board shall set a date for a public hearing and shall give notice of the hearing to all interested parties. At the hearing, the report of the commission shall be read in toto and shall be made a part of the board's record.

(B) The board shall not be bound by §§ 150.215 through 150.224 of this chapter to permit special uses per se, but shall carefully consider the report of the commission, the prayer of persons aggrieved, the existing conditions on the premises, and its surroundings. The board may compel the submission of any data deemed essential in determining whether or not the proposed special use is compatible with surrounding areas.

(Code 1968, § 130.241)

Sec. 150.217. Mineral extraction.

(A) General. Except as herein provided, nothing in this chapter shall prevent (outside of urban areas) the complete use and alienation of any mineral resources or forests by the owner or alienee thereof. For the purpose of this section, urban areas shall include all lands or lots within the limits of incorporated cities and towns, and any other lands or lots used for residential purposes where there are eight or more residences within any one-quarter () mile square area, and such other lands and lots as have been, or are, planned for residential areas contiguous to incorporated cities or towns. For the purpose of preserving mineral resources and using them in the development and growth of the community, the encroachment of other uses upon land where the resources may be obtained should be avoided.

(B) Zones in which permitted. The mining of minerals shall be considered a special use and may be permitted in the F Farming Zone, the IL Limited Industrial Zone, and the II Intense Industrial Zone subject to the determination of the board.

(C) Quality standards.

(1) In determining whether or not the working of an area for the extraction of minerals is feasible and whether or not the operation should be permitted, the commission and the board may consider the following factors:

(a) The depth of overburden.

(b) The quality of deposits at various depths.

(c) The engineering problems concerning size and area.

(d) Existing and future land use.

(e) Ingress and egress and similar traffic problems.

(f) Proximity of existing residential development.

(2) In determining the feasibility of a project, the commission and the board may avail themselves of technical aid from state and federal agencies with expertise on the question of mineral resources.

(D) Standards of operation. The following standards shall be complied with:

(1) No excavation below adjoining property elevation closer than 1-½ feet horizontal to one foot vertical from the boundary of adjoining property measured at top excavation shall be permitted.

(2) All equipment used for the production of rock and gravel shall be operated and maintained in such a manner as to comply with applicable state and federal regulations.

(3) Noise level shall not exceed the decibel limits set forth by the state and federal governments.

(4) All access roads from the operation of mining grounds to a public road or to adjoining lands shall be treated in such a manner as to render them dust-free for at least 200 feet of any road or zone.

(5) All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to their entrance into a public highway.

(6) All lights on site shall be installed in compliance with current and acceptable industrial standards.

(7) Buildings on the premises shall not become unsightly. Weeds and other such obnoxious vegetation shall be cut, trimmed, or sprayed periodically to preserve the character of the property and to prevent harmful effects upon surrounding areas.

(8) The site may be used for allied or accessory uses, except for the disposal of refuse and similar uses.

(9) No production shall be permitted which creates a slope steeper than one foot horizontal to one foot vertical, with the exception of rock quarrying, in which case a vertical face will be accepted.

(10) Property used or to be used for production shall be enclosed along the exterior perimeter bordering on a highway, street, or thoroughfare, by an acceptable barrier.

(11) Every point along the property lines within 300 feet of a dwelling, school, playground, hospital, or institution for human care, shall be treated in the following manner:

(a) Where accumulation of water reaches one foot or more in depth and occupies an area of 100 feet or more, all access to the accumulation shall be barred by a wire mesh fence at least four feet in height, or an equally effective barrier.

(b) Where slopes steeper than one foot vertical to two feet horizontal, or more than eight feet in height exist, access to the slopes shall be barred by a wire mesh fence at least four feet in height, or an equally effective barrier.

(12) Whenever production shall have been completed, all plants and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits, within a reasonable time after the completion.

(13) Digging shall not be permitted to depths in excess of those permitted by the state.

(14) Every operator shall be insured before commencing the operation of rock and gravel removal. Any producer who may establish a rock and gravel operation after the adoption of this chapter shall post a bond with the city to assure total compliance. This bond shall run for three years and shall be in the amount of not less than 100,000.

(15) Not more than one year prior to the termination of operations, persons or corporations engaged in rock and gravel mining shall prepare and make available to the commission and the board plans for the restoration of affected lands. These plans may include slope modification, planting, reforestation, the elimination of hazards, and similar measures.

(E) Report. All persons or corporations engaged in rock and gravel mining shall prepare and make available to the commission informa-

tion concerning the progress achieved in the mining of minerals. These reports shall include an aerial photograph delineating the boundaries of the operation as of the time of the report. These reports shall be filed with the commission at 5-year intervals.

(F) Continuation of use. The continuation of the extraction of mineral resources may extend beyond the portion of the property being worked to the exterior boundaries of the property, provided the operation shall comply with the standards prescribed in this section.

(G) Permits. No mineral resources shall be removed or processing plant be erected until and unless an improvement location permit has been obtained from the administrative zoning officer. No permit shall be issued for any new excavation or mining operation unless the necessary authorization has been received by the officer from the board.

(H) Application. Application for the extraction of minerals shall be made in writing and shall contain the following data:

(1) Name and business address of the applicant;

(2) Zoning classification of the property;

(3) An accurate map showing exact dimensions of the property to be mined; and

(4) Consent of the title owner of the premises involved by a notarized instrument.

(Code 1968, § 130.242)

Sec. 150.218. Salvage yard.

(A) Definition. A salvage yard shall be an area where waste paper, rags, and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled. A salvage yard shall include auto wrecking yards, dismantling of machinery, house wrecking yards, used lumberyards, and yards for the storage of salvaged house wrecking and structural steel materials and equipment. A salvage yard shall constitute only that portion of a lot where waste materials, papers, rags, discarded or salvaged materials, automobiles not in running condition, house wrecking materials, dismantled machinery and equipment are concentrated. The presence of the materials on a part of a lot shall not preclude the use of the remaining unused area of the lot for salvage yard purposes.

(B) Zones in which permitted. A salvage yard may be permitted in the F Farming Zone, the IL Limited Industrial Zone, and the II Intense Industrial Zone subject to the determination of the board.

(C) Conditions. A salvage yard may be permitted under the following conditions:

(1) No salvage yard shall be closer than 350 feet to any highway, road, or street, and not less than 500 feet from any dwelling, school, church, or institution for human care.

(2) A salvage yard shall be provided with an adequate road, passable under any weather conditions.

(3) A salvage yard shall be enclosed along all the exterior boundaries by an approved fence of a type prescribed by the commission, and the same shall have only one entrance or exit.

(Code 1968, § 130.243)

Sec. 150.219. Refuse disposal sites.

(A) Definitions. A "refuse disposal site" shall mean an area privately or publicly owned, operated for the purpose of dumping, sanitary covering of solid wastes. The term "solid waste" shall mean any thing discarded such as garbage, rubbish, trash, litter, junk, and refuse, except solids and dissolved materials in domestic sewage and other significant pollutants in water sources, such as silt and dissolved or suspended solids in industrial waste water.

(B) Zones in which permitted. Refuse disposal sites may be permitted in the F Farming Zone, the IL Limited Industrial Zone, and the II Intense Industrial Zone subject to the determination of the board.

(C) Procedure.

(1) Individual, group of individuals, or corporation wishing to establish a refuse disposal site or sites shall:

(a) Submit a request for the site in forms provided by the board;

(b) Submit a map to scale showing the proposed site including adjacent area, and a complete plan on how the site is to be developed;

(c) Submit data relating to existing soils, including seasonal high water table, type and source of cover material; and

(d) Show proof that they own or can rent the necessary machinery to operate efficiently.

(2) Upon receiving all the aforementioned data, the board shall transmit a copy of the same to the commission. The commission shall study the case, availing itself of all necessary expertise, and shall make recommendations to the board as to whether or not the proposed refuse disposal sites fit into present and future land use patterns and further, as to whether or not the site is adequate and pollution-free. The determination of the commission shall be made at a regular meeting and forwarded to the board in writing.

(3) Upon receiving the recommendations of the commission, the board shall then make proper advertisement for a public hearing, notify all parties involved of the date and time of the hearing, and generally proceed in the same manner as for a variance, special exception, or similar appeal. At the public hearing the recommendations of the commission shall be read and made a part of the board's record. The recommendations may be to approve, approve with conditions, or disapprove. A decision of the board which may be contrary to the commission's recommendations shall require five affirmative votes, otherwise the commission's recommendations will hold.

(D) Conditions under which a refuse disposal site shall not be permitted:

(1) Within 1,000 feet of an interstate or primary highway.

(2) Within the floodway of any stream or body of water, unless proper clearances are obtained in writing and filed with the board and the commission prior to consideration of a proposed site. The clearance shall come from the United States Corps of Engineers and the Indiana department of natural resources, and shall be certified by the executive officer of each agency or his duly authorized representative.

(3) Within an area from which leaching could drain into surface water.

(4) Within sand and gravel pits, quarries, and ravines, unless it can be ascertained that drainage can be effectively controlled.

(5) Within running water, spring sites, and standing water.

(6) Within 1,000 feet of a dwelling, school, church, or institution for human care.

(7) Within 300 feet of any industrial or commercial building.

(Code 1968, § 130.244)

Sec. 150.220. Planned unit development.

(A) Definition. A "Planned multiple-family development unit" shall mean a single-family, two-family, multiple-family development, or combination of all three uses developed as a single unit. The development may include group housing, townhouses, cluster garden structures, apartments, and condominiums.

(B) Zones in which permitted. Planned multiple-family development units may be

permitted in all residence zones (except R-1 Residence Zone) subject to the provisions of §§ 150.218 through 150.224 of this chapter.

(C) Purpose. The purpose of the planned multiple-family development unit is to provide a more desirable living environment than would be possible through strict application of the provisions of this chapter; to encourage a more desirable use of open areas; to induce innovation in residential development so that the growing demands for housing may be met by greater variety in type, design, and layout of dwellings, and by the conservation of land; to stimulate a more efficient use of public and private services; to provide means by which the type, design, and layout of residential development can be related to sites and demands for housing consistent with the preservation of property values; and to add flexibility to zoning standards as shall encourage the disposition of proposals for the multiple-family development units without delay.

(D) Procedure. The owner of any tract of land ten acres or more in area may file an application, for tentative approval, with the commission. The application shall include all of the following items:

(1) Location and size of area involved;

(2) Density of land use;

(3) Location, function, ownership, and manner of maintenance of common open space;

(4) Use, approximate height, bulk, and location of buildings and other structures;

(5) Feasibility of proposals for the disposition of sanitary and storm water;

(6) Covenants, grants, and easements to be placed on the use of the land and buildings;

(7) Provisions for parking of vehicles, and the location and width of proposed streets;

(8) Relationship of proposed streets to streets in the proximity of the project; and

(9) Schedule of construction and a written statement of how the project would be consistent with residential growth.

(E) Principles and standards. In considering the planned multiple-family development units, the commission and the board shall adhere to the following principles and standards:

(1) The population density and building coverage of the site for the project shall conform to the overall density and building coverage of the zone in which it is located. However, lot dimensions, setbacks, and area do not have to meet specific requirements of the chapter, provided a more logical and desirable use of the property is proposed;

(2) A variety of dwelling and building types shall be encouraged;

(3) Where townhouses are suggested, there shall be no more than five townhouse units in any contiguous group. An average rear yard of 25 feet would be desirable where a lot does not abut a park or open-space easement. A minimum side yard on the two end units of contiguous townhouse groups, shall be seven feet, plus three feet for each additional story over one story;

(4) Planting and utility strips may be eliminated and an equal amount of land area placed into an acceptable public park;

(5) Areas proposed for dedication must be acceptable in size, shape, and location. Rights-of-way for riding, hiking, and other types of trails and scenic ways may be dedicated. Rights-of-way for watercourses and similar channels shall not be acceptable for space exchanges;

(6) Clustering of dwellings may be accomplished through a reduction of lot area with overall density remaining the same, and the provisions of usable and desirable open-space easements dedicated;

(7) Public utility and similar easements shall not be used for space exchange;

(8) Any project which proposes to dedicate land for park and open space must include the total park area at the time of the filing of the application;

(9) Maximum privacy for each multiple-family unit shall be provided through functional design, use of proper building materials, and landscaping;

(10) The architectural design of each multiple-family unit shall be provided through functional design, use of proper building materials, and landscaping;

(11) Building coverage shall not exceed 40 percent of the net lot area;

(12) A minimum of 25 percent of the total lot area, exclusive of parking and streets, shall be landscaped for recreation; and

(13) All onsite utilities shall be placed underground.

(Code 1968, § 130.245)

Sec. 150.221. Truck terminals.

(A) Definition. A "truck terminal" shall be the use of property or buildings for the temporary parking of motor freight vehicles or trucks of common or contract carriers during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

(B) Zones in which permitted. A truck terminal may be permitted in the II Intense Industrial Zone.

(C) Conditions. A truck terminal may be permitted under the following conditions:

(1) No property to be used as a truck terminal shall be located closer to any dwelling or residence zone than 200 feet.

(2) The site shall be relatively flat, well-drained, and large enough to accommodate any foreseeable need for expansion.

(3) The site shall be fully enclosed by a fence or wall adequate to insure that no portion of a vehicle shall extend beyond the lot line.

(4) The principal access shall not be a local street but a secondary or major highway.

(5) All vehicular exits and entrances shall be located not less than 100 feet apart.

(6) Minimum distances on docks to property lines, measured at right angles to the docks, shall be not less than 85 feet where no parking of trailers along the property line is intended, or 100 feet when trailers are so parked, and 60 feet where no pickup trucks are parked.

(7) Driveways shall be kept open at all times so that there will be no necessity for maneuvering upon entering or leaving the property.

(8) A 5-to-1 ratio of land to building shall be observed. The dock area shall be twice the size of the combined floor area of the trucks.

(9) All truck terminals shall be paved with two inches of asphaltic concrete over a 2-inch base of crushed rock.

(10) All truck parking spaces shall be 12 feet wide and 20 percent longer than the trailer, with a maximum of 60 feet. There shall be three parking spaces for each berth.

(Code 1968, § 130.246)

Sec. 150.222. Home occupation.

(A) Definition. The term "home occupation" shall mean an occupation conducted in a dwelling by a member of the resident family where the clientele would be coming to the premises upon which such occupation is conducted. A home occupation shall be controlled and limited so as to not interfere with the principal use of the premises as a residence and so as to not adversely affect the residential character, use, or value of the adjacent area. This special use does not allow rummage, yard, porch or garage sales, or similar activity.

(B) Zones in which permitted. A home occupation may be permitted in the F Farming Zone or in any residence zone.

(C) Conditions. A home occupation shall be determined by and regulated by the following conditions:

(1) The operator of the home occupation shall remain a resident of the dwelling and no person other than a member of the resident family shall be employed in connection with the home occupation.

(2) The primary use of the dwelling shall remain residential and the home occupation use shall be clearly incidental and subordinate to the residential use.

(3) No accessory building or structure shall be used to house a home occupation.

(4) Not more than 25 percent of the floor area of the dwelling shall be used in the conduct of the home occupation.

(5) There shall be no change in the outside appearance of the dwelling or the premises or any visible evidence of the conduct of the home occupation other than one sign not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the building in accordance with the provisions regulating home occupation signs in § 150.212.

(6) No traffic shall be generated in greater volume than normally expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be met off the street and not in the required front yard and in accordance with the provisions regulating parking in § 150.211.

(7) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, or causes fluctuations on line voltage, off the premises.

(8) There shall be no visible display or storage of goods or commodities. No stock in trade or commodities, other than those prepared, produced or created on the premises, shall be sold on the premises.

(9) The granting of a special use for a home occupation shall not transfer with ownership nor to another location.

(10) A home occupation shall not be considered to include clairvoyance, fortune telling, or experimentation that may involve the use of chemicals or other substances which may create noises, odors, or hazards to health, safety, and welfare of the neighborhood. Neither shall a home occupation include hobby or curio shops, convalescing or nursing homes, tourist homes, and gun shops.

(Code 1968, § 130.247; amend. Ord. No. 67-83, 9-12-83; amend. Ord. No. 42-86, 8-4-86)

Sec. 150.223. Seasonal work camps.

(A) Definition. A "seasonal work camp" shall mean premises where a number of transient workers enjoy temporary quarters while they work for a salary during the harvesting of agricultural products.

(B) Zones in which permitted. A seasonal work camp may be permitted in the F Farming Zone.

(C) Conditions. A seasonal work camp may be permitted under the following conditions:

(1) The camp site shall be free from floodwaters.

(2) The camp shall be located off a major or secondary highway and not closer than ¼ mile to any residence zone, residential subdivision, town, school, church, or institution for human care. No camp shall be located on the watershed of a domestic or public water supply so as to create a pollution hazard. No camp structure shall be located within 100 feet of any barn or pen.

(3) An adequate and convenient water supply in line with the requirements of the state board of health shall be provided to meet all the needs of the residents. The water supply shall be capable of supplying a minimum of 35 gallons per person per day.

(4) Facilities for providing hot water for bathing, laundering, and dishwashing purposes shall be available.

(5) Public sewer systems shall be tapped into, whenever they are available. Where public sewer systems are not available, the most efficient sewage disposal recommended by the state board of health shall be used.

(6) All buildings shall meet minimum structural requirements of the building code. Floors shall be of wood or concrete construction. In all shelters, whether existing or new, no less than two rooms shall be provided for each family composed of husband and wife and one or more children. Except in housing of families, separate sleeping accommodations shall be provided for each sex.

(7) Each room designed or used for sleeping quarters shall have at least 38 square feet of floor space and 270 cubic feet of air space per person. Combined sleeping, cooking, and eating facilities shall have a minimum of 300 cubic feet of air space per occupant, and 40 square feet of floor space per occupant.

(8) The ceiling of each structure shall be not less than seven feet. Each room shall have a minimum of one window.

(9) Each habitable room shall be provided with one ceiling type light fixture and at least one separate floor or wall type electric outlet.

(10) Toilet facilities shall be in accordance with the requirements of the state board of health. The same shall apply to screening, heating, washrooms, bathrooms, and laundries; cooking and eating facilities; garbage and other refuse disposals.

(11) There shall be a permanent camp operator or supervisor who shall see to it that all health and functional regulations of the camp are being followed and complied with.

(Code 1968, § 130.248)

Sec. 150.224. Private outdoor camp.

(A) Definition. A "private outdoor camp" shall mean premises privately owned and operated as vacation sites, including facilities for camping trailers, mobile homes, and tents or similar appurtenances. The camps shall not allow permanent living or occupancy.

(B) Zone in which permitted. A private outdoor camp may be permitted in the F Farming Zone.

(C) Conditions. Any person, group, or corporation desiring to establish a private outdoor camp shall make an application for the use with the board, and shall submit, together with the application, the following data:

(1) A complete plan of the property, showing its exact boundaries, acreage, topography, existing buildings and other structures, existing streams and watercourses, existing wooded area, location of campgrounds and their capacity, location of picnic areas, trails, or any other similar feature;

(2) A statement, preferably from the county soil and water conservation district board, attesting to the types of soils prevalent in the area and their suitability for a private outdoor camp. Two soil tests per acre may be required by the board to determine percolation ability with particular emphasis on locations where camping trailers, mobile homes, tents, or similar appurtenances may be parked;

(3) A statement, from the county board of health as to the nature and extent of sanitary facilities which may be necessary for the operation of a private outdoor camp;

(4) A statement from authoritative sources of the availability of water on the premises, with supporting facts; and

(5) A statement of the financial capability of the applicant to establish, maintain, and operate the camp in accordance with existing requirements.

(D) Standards. A private outdoor camp may be permitted under the following conditions:

(1) The camp site shall be not less than 20 acres in area;

(2) The camp site shall be a naturally attractive area with wooded surroundings;

(3) The camp shall be in the immediate proximity of a major or secondary highway and at least one-half mile from any extensive residential development;

(4) The camp site shall be well-drained, accessible on an adequate access road not less than 20 feet in width, and capable of safe passage even during extreme weather conditions;

(5) While parked, no camping trailer, mobile home, tent, or similar appurtenances shall be closer than 15 feet to one another; and

(6) Unless provisions are made for sanitary sewer facilities, no private outdoor camp shall be permitted within one-half mile of any major body of water used as a source of water supply by residents of the city.

(Code 1968, § 130.249)

Sec. 150.225. Group housing.

(A) Definition. A single unit dwelling occupied by four or more unrelated individuals sharing a common kitchen and other common living areas.

(B) Zones in which permitted. Group housing may be permitted in the R-5 residence zone.

(C) Conditions. Group housing may be permitted under the following conditions:

(1) A minimum of 250 square feet of floor area shall be provided for each occupant.

(2) One off-street parking space shall be provided for every two occupants. Such parking shall meet the performance standards as set forth in section 150.211.

(Ord. No. 67-83, 9-12-83)

Sec. 150.226. Nursery/day care centers.

(A) Definition. Any residence or institution operated for the purpose of providing care and maintenance to children separated from their parent, guardian, or custodian. This section does

not apply to an individual who provides child care in his residence to five or fewer children at any time, excluding relatives of the individual.

(B) Zones in which permitted. Nursery/day care centers may be permitted in the F farming zone and the R-1 through R-4 residence zones.

(C) Conditions. Nursery/day care centers may be permitted under the following conditions.

(1) All provisions of state statutes pertaining to licensing requirements of nursery/day care centers shall be complied with.

(2) Off-street parking shall be provided in accordance with section 150.211 of this Code.

(3) All signage giving reference to nursery/day care centers within a residence zone shall meet the specifications of a ground sign as set forth in section 150.211(E)(1) except that no sign shall be illuminated. In addition, faces or panels of such sign may not exceed a maximum of 12 square feet in total. The owner may substitute using a ground sign by placing a sign, not to exceed a total of 12 square feet, flat against the wall of the structure housing the nursery/day care center facility.

(Ord. No. 67-83, 9-12-83)

Sec. 150.227. Multi-unit development.

(A) Definition. A multi-unit development shall mean residential development consisting of 25, or more, units where the intended development will be designed under one site plan.

(B) Zones in which permitted. A multi-unit development may be permitted in the R-5 residence zone.

(C) Purpose. The purpose of a multi-unit development is to provide for a site plan review of larger residential developments to promote future growth in accordance with the comprehensive plan. The site plan review is to ensure new developments are furnished with adequate facilities and services, such as utilities, access roads, ingress and egress to minimize traffic congestion, and drainage; to ensure that adjacent areas are not affected in a substantially adverse manner; and to generally carry out the purpose of this Code.

(D) Procedure. An application for a multi-unit development shall be filed with the board of zoning appeals under the established rules and procedures for a special use request as specified by this Code. The application shall include the following items:

(1) Location and size of the area involved.

(2) Density of land use.

(3) Location, function, ownership, and manner of maintenance of common open space.

(4) Use, approximate height, bulk, and location of buildings and other structures.

(5) Feasibility of proposals for the disposition of sanitary and storm water.

(6) Covenants, grants, and easements to be placed on the use of the land and buildings.

(7) Provisions for parking of vehicles and the location and width of proposed streets.

(8) Relationship of proposed streets to streets in the proximity of the development.

(9) Schedule of construction and a written statement of how the development would be consistent with residential growth.

(E) Standards and conditions. In considering an application for a multi-unit development, the board may impose conditions to carry out the intent of this section and this Code. These conditions may include, but are not limited to, the following type of provisions:

(1) Off-street parking and loading areas.

(2) Refuse and service areas.

(3) Special screening and buffering with reference to type, dimensions, and character of same.

(4) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with adjacent properties.

(5) Additional setback distances, yards, and other open space with reference to areas, as needed, to be set aside for open recreational or landscaped areas at a ratio of 100 square feet per unit.

(6) General compatibility with adjoining properties, with reference to site development standards designed for mutual protection and environmental harmony.

(Ord. No. 67-83, 9-12-83)

Sec. 150.228. Vegetative composting/mulching facility.

(A) Definition. A vegetative composting/mulching facility shall mean an operation allowing for the biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material to create compost. Vegetative matter shall mean any yard or landscaping waste, including leaves, grass, brush, limbs, and branches resulting from commercial, industrial, and agricultural operations or from community activities. For the purpose of this section, a vegetative composting/mulching facility shall not include an operation conducted at a person's residence or farm for vegetative matter and other types of organic material that are generated by the person's activities and stored, treated or disposed of at the person's residence or farm; nor shall this section apply to the uniform spreading of vegetative matter over agricultural fields, whether generated on-site or off-site.

(B) Zones in which permitted. A vegetative composting facility may be permitted in the F farming zone subject to the determination of the Delaware-Muncie Metropolitan Board of Zoning Appeals.

(C) Application. In addition to the information required on the standard application for appeal, the following information shall be supplied and may be indicated on the standard application map where applicable if it is of adequate size and scale:

(1) Topographic mapping showing two-foot contours.

(2) One hundred-year flood line, if applicable.

(3) Regulated drains and open waterways within 1,000 feet, if applicable.

(4) Wetland areas, if applicable, as designated by the National Wetland Inventory Maps for Delaware County.

(5) Existing residences within 600 feet of the site.

(6) Existing wells within 600 feet.

(7) Soils mapping for the site.

(8) Water table levels for the site.

(9) The proposed location of the facility on the property including all appurtenant features which shall be considered a part of the facility.

(10) The proposed point of access and type of construction of the access road.

(11) A description of compost management procedures to be implemented at the facility including controls for dust, odors, and noise.

(12) A description of the methods proposed for collecting, removing, and disposing of unwanted and noncompostable materials received at the facility.

(13) A description of the composting facility that indicates the area to be served by the composting operation.

(14) A description of the proposed final use of composted materials.

(15) An estimate of the volume of materials that will be processed annually by the composting facility.

(16) A description of surface water drainage control and leachate management procedures to be implemented at the composting facility.

The plan commission or the board of zoning appeals may require additional information as deemed necessary to determine compliance with the standards set forth herein.

(D) Standards: Any proposed vegetative composting facility shall meet the following standards and shall continue to meet such standards throughout the life of the operation:

(1) The facility shall be registered with the Indiana Department of Environmental Management (IDEM).

(2) There shall be a minimum distance of 600 feet from the boundary of the facility operation to any existing residence, hospital or institution for human care.

(3) There shall be a minimum distance of 200 feet from the boundary of the facility operation to any surface water body which is not a part of the composting facility.

(4) There shall be a minimum distance of 600 feet from the boundary of the facility operation to any public water supply well or private water supply well unless the well is controlled by the owner/operator or is used solely for monitoring ground water quality.

(5) The facility shall not be located in a floodway as shown on the Floodway Maps for the City of Muncie, Indiana nor in a wetland as shown on the National Wetland Inventory Maps or as determined by the soil conservation service. The facility shall not be located inside the boundary of any 100-year floodplain as shown on the FIRM maps for Delaware County, Indiana, unless protection from the 100-year flood is provided. This standard shall not apply to a facility operated in conjunction with a publicly owned works permitted under IC 13-7-10-2.

(6) The lowest surface area of the facility shall be at least five feet from a water table or provide adequate controls to prevent ground or surface water contamination.

(7) The composition and design of the surface area used for composting shall adequately control runoff through the use of ditches, dikes, berms or swales and shall be designed to allow drainage of surface waters away from the compost with no ponding of water between windrows and to allow heavy equipment operation without creating ponding of water and to allow heavy equipment operation during inclement weather with minimal dust and erosion generation.

(8) The slope of the composting and curing areas shall be graded and maintained at no less than two percent and no greater than six percent.

(9) That there is a management plan for leachate that may be generated by the composting facility showing that leachate will be prevented from entering surface and ground waters such as direct discharge to an approved treatment facility or leachate conveyance and storage structures. Any leachate that is collected must be disposed of in accordance with the rules promulgated under IC 13-7.

(10) That a contingency plan is presented detailing emergency equipment, procedures, notification and cleanup for fire, equipment failure and temporary cessation of operations.

(11) That only vegetative matter is accepted and that any matter received that is unsuitable for composting must be stored in enclosed, leakproof containers maintained on-site for this purpose and disposed of within one week receipt and in accordance with the Indiana Solid Waste Rule (329 IAC 2). Yard waste must be removed from containers and bags.

(12) That adequate plans for the control of dust, noise, vectors and odors shall be presented and the facility shall be managed in such a manner that these items are so controlled.

(a) The facility must be operated in such a manner that fugitive dust does not leave the site in violation of 326 IAC 6-4.

(13) Access roads shall be maintained in such a manner that allows for smooth passage

of loaded vehicles during inclement weather with minimal dust and erosion generation.

(14) For windrow composting, windrows must be constructed parallel to the line of the slope on the site and must be at least 50 feet in from the boundary of the facility operation (which may not be the property boundary). The windrow construction and turning frequency must enable predominately aerobic composting conditions to be maintained throughout the production of compost using the following guidelines:

(a) If grass clippings are incorporated into windrows, the initial formation of a windrow must be no greater than six feet high and 14 feet wide.

(b) For windrows containing grass clippings, the turning frequency shall be determined by temperature, and whenever the internal pile temperature exceeds 130 degrees Fahrenheit, the windrow shall be turned within one week.

(c) Regardless of temperature, windrows shall be turned at a minimum frequency of once per week from April 1st to September 15th of each year.

(d) Materials received for composting between April 1st and September 15th of each year must be placed in windrows within four days of its receipt.

(15) A grass buffer area at least 25 feet in width shall be located at the perimeter of the site immediately adjacent to the facility boundaries for controlling erosion.

(16) If any nuisance or pollution conditions are created, immediate corrective action will be taken by the owner/operator.

(17) Fencing may be required at the discretion of the board of zoning appeals based upon recommendations from the plan commission and upon consideration of the individual characteristics of the site and proposed facility development.

(18) Copies of the annual report required by the Indiana Department of Environmental Management shall be forwarded to the plan commission office before February 1st of each year.

(19) The method of disposal of compost, as set forth in the original application, may be limited by conditions imposed by the board of zoning appeals.

The board of zoning appeals may require surety, in a manner satisfactory to the City of Muncie, that the facility will be operated and closed as set forth herein.

(E) Closure of a vegetative composting/mulching facility. If and when an operator of a composting facility declares the facility closed, the following procedure shall be followed:

(1) Written notice of the anticipated date to cease operation shall be forwarded to the plan commission, the Delaware County health department, and the City of Muncie Zoning Administrator not less than 60 days prior to closure.

(2) Not later than ten days after closure, the operator shall thoroughly clean all facilities, equipment and areas on the site as follows:

(a) All compost shall be removed from the site.

(b) All containers, equipment, machines, floors, facility surfaces that were in contact with compost and that are not to be removed shall be washed or otherwise subjected to procedures that substantially reduce or eliminate any remaining constituents derived from the compost.

(c) When a leachate system has been used, any leachate remaining on the site shall be removed and disposed of properly and the leachate collection system shall be thoroughly flushed of all materials derived from the composting activity.

(3) Not later than 180 days after closure, the owner or operator shall install signage

stating, in letters not less than three inches high, that the facility is closed and such signage shall be posted in such a manner as to be easily visible at all access points from the public roadway and shall be maintained in legible condition for not less than one year after closure. The signage text shall read:

"THIS FACILITY IS CLOSED FOR ALL COMPOSTING ACTIVITIES AND ALL RECEIPT OF WASTE MATERIALS".

(4) If a leachate collection system has been used, the owner or operator shall, within 180 days after closure, modify, remove or seal the system as necessary to prevent discharges from the system to surface or ground water.

(Ord. No. 21-93, § 5, 7-12-93)

Sec. 150.229. Reserved.

DIVISION 28. ADMINISTRATION

Sec. 150.230. General.

The purpose of this chapter is to promote and protect the public health, safety, morals, comfort, and general welfare of the people of the city. Associated with this purpose is the establishment of an effective administrative system to fulfill the objectives of good, sound zoning. The system should, among other things, expeditiously handle day-by-day matters concerning the citizens of the city and county with utmost care, courtesy, and exacting ability; protect the right of appeal from any decision of an administrative officer; deal fairly with deliberate or accidental infractions of this chapter; and through its function, create a climate as may deserve the respect of the community and the confidence of its citizens.

(Code 1968, § 130.250)

Sec. 150.231. Administrative offices.

The administration of this chapter shall rest with three offices of local government, namely:

(A) The administrative zoning officer;

(B) The Dela-Muncie Metropolitan Plan Commission;

(C) The Delaware-Muncie Metropolitan Board of Zoning Appeals.

(Code 1968, § 130.251)

Sec. 150.232. Administrative zoning officer.

(A) Appointment. There shall be an administrative zoning officer who shall be the enforcement officer of this chapter. He shall be appointed by the mayor of the city. The administrative zoning officer may be the building commissioner of the city.

(B) Qualifications. The administrative zoning officer shall be a person of proven responsibility and knowledgeable in zoning administration and practice. He shall enforce the provisions of this chapter to their literal meaning and shall not try to exercise independent discretion that may violate it. He shall not permit the violation of any of the provisions of this chapter just because he considers it unduly severe as applied to specific cases, inasmuch as this chapter provides the necessary remedies. He shall not refuse to issue a permit for the construction of a building or structure or for the use of land on the basis of what he considers to be lack of wisdom in any zoning provision. He shall use the powers of his position to encourage compliance and advise citizens how such compliance can be achieved without unnecessary hardship.

(C) Duties. In addition to other administrative duties assigned to him periodically by the mayor of the city, the administrative zoning officer shall perform the following duties:

(1) Issue all zoning permits and certificates of occupancy;

(2) Conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of this chapter;

(3) Maintain accurate records, including, but not limited to, maps, amendments, variations, conditional uses, and applications;

(4) Receive and file applications for permits and forward details of any refusal to issue a permit to the board;

(5) Revoke certificates of occupancy or zoning permits when violations of the provisions of this chapter are discovered by him; and

(6) Initiate court action as may be deemed necessary to prevent or abate violations of the provisions of this chapter, report all violations for prosecution to the proper legal authority, by sign or cause to be signed all complaints to local courts prepared by the proper legal authority.

(D) Inspections. The administrative zoning officer may, after giving at least 48 hours' notice to the proper person, examine premises to investigate possible violations. He shall state the nature of the violation to the owner or resident and give reasons for the inspection prior to obtaining entry into the premises.

(E) Zoning permit.

(1) No zoning permit pertaining to the use of land or building shall be issued by the administrative zoning officer unless the application for the permit has been examined and approved by the officer. Any zoning permit issued in conflict with the provisions of this chapter shall be cause for revocation. This application for a zoning permit shall include the following data:

(a) Location of the proposed structure, including street name, house or lot number, and zone;

(b) Name of the owner of the property, type of work proposed, and estimated cost of the work;

(c) Use proposed for the building or structure, area of lot and dimensions of same, size of front, side, and rear yards;

(d) Number of families that will occupy the building, height and number of stories of the building or structure, and number, size, and type of any accessory building; and

(e) Sketch of the proposed layout of the lot, and affidavit attesting to the accuracy of the application.

(2) Within two days after an application for a zoning permit is filed, the administrative zoning officer shall examine the application and shall advise the applicant or his agent as to whether or not the building, structure, or use thereof complies with the provisions of this chapter. If he finds the data in order, the administrative zoning officer shall issue the zoning permit. If he denies the permit, he shall inform the applicant of his findings and shall instruct him as to the applicant's right of appeal. He shall acquaint the applicant thoroughly with all current procedures to effect such an appeal. One copy of the application, together with the plans, shall be returned to the applicant after the administrative zoning officer shall have marked the copy either as approved or rejected, attesting to same by his signature on the copy. The original copy of the application, similarly marked, shall be retained by the administrative zoning officer as a part of the office's permanent record.

(F) Certificate of occupancy. No new building or improvement shall be occupied, or land use started, unless and until the applicant shall have applied for in writing, and received a certificate of occupancy from the administrative zoning officer. The certificate shall be issued after the premises have been thoroughly inspected by the officer and found to be in full compliance with the provisions of this chapter.

(G) Fees.

(1) Applicants filing for changes in zoning, appeals, or review of shopping center plans shall be required to pay a filing fee in accordance with the following schedule:

(a)	Changes in zoning	$100.00
(b)	Appeals from decision of zoning administrator	100.00
(c)	Appeals for a variance.	100.00
(d)	Appeals for a special use to allow mineral extractions, salvage yards, refuse disposal sites,	

	and planned unit developments	200.00
(e)	Appeals for a special use other than those listed above	100.00
(f)	Review of shopping center plans	200.00

(2) Fees required to cover the processing of zoning changes or appeals as well as fees for the processing of shopping center plans shall be paid to the county auditor and shall be credited to the budget of the commission. Zoning permit fees shall be paid to the administrative zoning officer of the city as the jurisdictional case may be.

(H) Remedies. The commission, the board, or any designated enforcement official may institute a suit for injunction or damages in the county circuit court, the city court, or a court of competent jurisdiction, to prevent an individual or a governmental unit from violating the provisions of this chapter. These bodies may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of the provisions of this chapter.
(Code 1968, § 130.252; Ord. No. 732-81, 10-5-81; Ord. No. 74-88, 12-15-88)

Sec. 150.233. Metropolitan plan commission.

(A) General. The metropolitan plan commission shall be Delaware-Muncie Metropolitan Plan Commission, created under the provisions of IC 18-7-3-1 et seq. It is not intended by this chapter to abrogate, annul, or dismiss the commission, but the same shall continue as currently organized.

(B) Zoning amendments. From time to time and as conditions change, the provisions of this chapter may be amended, supplemented, or changed. Application for changes in zone may be initiated by the commission, or by owners of 50 percent or more of the area involved, in a petition, or by the common council of the city. Any proposed ordinance for amendment not originating from action of the commission shall be referred to it for consideration and report before final action is taken by the common council of the city.

(C) Filing.

(1) Any person seeking a change in zone shall make application for the change with the commission in forms prepared for the purpose. The commission may set the number of copies to be submitted and shall adjust each and every application to its regular schedule. The commission shall hold a public hearing on the proposed change in zone or amendment, giving public notice in at least two county newspapers of general circulation. The notice shall state the date and time of the hearing, the description of the change, and the exact location of the property involved. The notice shall appear in the newspapers at least ten days prior to the date of the public hearing.

(2) The proponent of a zone change shall cause the notice of public hearing to be published in the newspapers and shall bear the expense involved in so doing. He shall also submit a complete list of all surrounding property owners within a 300-foot radius of the property, with the necessary postage to cause the mailing of notices to the owners; except where a 300-foot radius would include only the immediately abutting properties, irrespective of public ways, the owners of the property adjoining the immediately abutting properties, in an east, west, north, and south direction, shall also be notified.

(D) Public hearing. The proponent of a zone change may appear in person, by agent, or by attorney. He shall be given proper consideration. All public hearings and all meetings of the commission shall be open to the general public. Opponents to a proposed change in zone shall be given adequate time to voice their opinions.

(E) Disposition. The final disposition of a proposed change in zone shall be in the form of a motion, duly adopted, favorably or unfavorably recommending the change; or specifically setting

forth modifications, variations or conditions. The commission's action shall be forwarded to the common council of the city for final action.

(F) Basis for the decision. In making a decision on a proposed zoning change or amendment thereto, the commission shall substantially determine the following, that the:

(1) Change in zone will not adversely affect the values of surrounding property;

(2) Proposed use is the best and most adequate use of the property;

(3) Proposed change in zone does not constitute spot zoning; the owner of the property in question is not being favored over surrounding property owners;

(4) Owner can comply with all the requirements of this chapter;

(5) Traffic congestion will not be unnecessarily increased;

(6) Owner is not speculating on land values; and

(7) Proposed changes are in line with good zoning practice.

(Code 1968, § 130.253; Ord. No. 11-88, 4-11-88)

Sec. 150.234. Metropolitan board of zoning appeals.

(A) General. The board shall be the Delaware-Muncie Metropolitan Board of Zoning Appeals created under the provisions of IC 18-7-3-11. It is not intended by this chapter to abrogate, annul, or dismiss the board as constituted at the time of the enactment of this chapter.

(B) Appeals. All matters brought before the board shall be known as appeals. There shall be three types of appeals, namely:

(1) From the review of an order, requirement, or decision of the administrative zoning officer. This shall include any interpretation rendered by the officer, which an applicant for a permit may deem questionable, or the refusal of the officer to issue a zoning permit;

(2) In which a person is requesting a special use under the terms of this chapter; and

(3) Requesting variances from the terms of this chapter when it is claimed that the literal enforcement of the provisions of this chapter may cause undue hardship.

(C) Hearings.

(1) All appeals shall be subject to public hearing. Prior to any public hearing an appeal shall be filed with the board on forms supplied by it and in full compliance with established schedules and procedures. The board shall give notice of the hearing in at least two newspapers of general circulation in the county, at least ten days in advance of the hearing. The appellant shall cause the notice of public hearing to be published as required and shall bear the expense involved in so doing. He shall submit a complete list of all property owners within a 300-foot radius of the property, with the necessary postage to satisfy the mailing of notices to the owners; and, where a 300-foot radius would include only the immediately abutting properties, irrespective of public ways, the owners of the properties adjoining the immediately abutting properties, in an east, west, north, and south direction, shall also be notified.

(2) Applications for appeal shall be accompanied by a certificate from the administrative zoning officer stating the reasons for the appeal, the date on which he refused to issue the permit, and all other pertinent information. All hearings and meetings of the board shall be open to the general public. The applicant may appear in his own behalf or by an authorized agent or attorney.

(D) Disposition.

(1) The board shall keep minutes of its meetings and hearings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. Should the applicant fail to appear at the hearing or to appoint an agent or attorney to represent him, the board shall dismiss the case.

(2) Decisions of the board shall be made within 30 days of the time of the hearing and shall be entered in the minutes. The decision shall include the reasons, the summary of evidence introduced, and the findings of fact made by the board. When a variance is granted, the record shall state in detail any exceptional difficulty and unnecessary hardship upon which the appeal was based. The board's decision may reverse, affirm, wholly or partly, the ruling of the administrative zoning officer, and shall be final unless judicial review is sought by the applicant.

(E) Vote. The concurring vote of the majority of the members of the board shall be necessary to grant an appeal. Failure of a motion to receive a majority shall constitute a denial of the appeal.

Decisions of the board shall be available for inspection during normal office hours.

(F) Withdrawal. An applicant may, in writing, withdraw his appeal at any time prior to the hearing or he may do so verbally at the hearing.

(G) Time limitation. An appeal shall not be taken after 15 days have lapsed from the time of a zoning permit or a certificate of occupancy where denied by the administrative zoning officer. If an appeal is granted by the board, all necessary permits shall be obtained within 90 days, and construction shall be completed within six months from the time of the board's action, unless otherwise directed by the board.

(H) Hearing. No second hearing shall be entertained by the board on a case ruled upon by it, unless new facts and evidence are submitted which, in the board's judgment, materially change the case. A plea for the second hearing shall be requested in writing to the board. The board shall determine prior to scheduling a second hearing if the facts and evidence do exist. Change in ownership of the property affected by an appeal shall be insufficient reason for hearing. Should the board, at a regularly scheduled meeting, decide that there are substantial grounds for a second hearing and it is fully satisfied that new evidence has been submitted, the applicant shall be advised in writing of the board's ruling and will then be entitled to refile for rehearing in conformance with established schedules and procedures. The proper legal notices shall be published and all interested parties shall be duly notified.

(I) Advice. No informal request for advice, or moot questions, shall be considered by the board. Any advice, opinion, or information given by a board member shall not be binding on the board.

(J) Proof for a variance. It shall be incumbent upon an applicant to conclusively prove at the public hearing that, if he is compelled to meet the provisions of this chapter, he cannot secure reasonable use of his property; that the hardship claimed by him results from the application of the provisions of this chapter; that the hardship claimed is suffered by his property directly, and not merely by other properties; that the hardship claimed is not the result of the applicant's own actions; that the granting of the variance will not be contrary to the planning goals of the city.

(K) Judicial review. Each decision of the board of zoning appeals is subject to review by certiorari. Each person aggrieved by a decision of the board of zoning appeals may present, to the circuit or superior court of Delaware County, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The person shall present the petition to the court within 30 days after the date of that decision of the board of zoning appeals.
(Code 1968, § 130.254; Ord. No. 11-88, 4-11-88; Ord. No. 10-90, 5-14-90)

Secs. 150.235—150.239. Reserved.

DIVISION 29. DEFINITIONS

Sec. 150.240. General; terms and meanings.

(A) For purposes of this chapter, the phrase "used for" shall include "arranged for," "designed for," "intended for," and "occupied for."

(B) Terms and meanings. For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:

Accessory dwelling. A special use allowed in the R-3 and R-4 residence zones, when approved by

the board of zoning appeals, consisting of a second dwelling unit which is accessory to the principal dwelling unit, at least 300 square feet in area and provided with additional off-street sparking spaces as required.

Accessory use or structure. A use or structure which is incidental and commonly associated with the principal use of the lot, operated and maintained under the same ownership and on the same lot as the principal use and, in residence zones, erected after or in conjunction with the erection/operation of the principal use in a clearly subordinate manner in terms of height, area, and bulk (see § 150.23 for accessory use or structure regulations).

Advertising, outdoor. Any device or means of identification, description, or illustration which is mobile or affixed to or erected upon a property, tract of land, a building, or a structure which directs attention to a product, place, activity, service, institution, or business (see § 150.212 for outdoor advertising regulations).

Adult bookstore. An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specialized anatomical areas.

Adult cabaret. A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

Adult drive-in theater. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment business. An adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

Adult live entertainment arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

Adult mini motion picture theater. An enclosed building with a capacity of more than five but less than 50 persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater. An enclosed building with a capacity of 50 or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment. Any building, premises, structure or other facility, or any part thereof under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Airport. The area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used, intended for use, for airport buildings or airport facilities or rights-of-way.

Alley. A public way other than a street designed as a secondary means of access to abutting land and primarily used for vehicular access to the side and rear of such land and/or access for utilities and other services.

Anatomical exposure. The exposure of any human genital region, buttocks, female breasts, pubic areas, or any other part of the human anatomy, described as specified anatomical areas, designed to convey or express an erotic message. See also "specified anatomical areas."

Apartment. A room or suite of rooms arranged, designed, used, or intended to be used as a single housekeeping unit.

Apartment house. A building other than a duplex residence in which there are three or more dwelling units.

Block. A lineal measurement on and along a street which approximates 330 feet and which, under an ideal grid system of street layout, would be the distance from one intersecting street to the next intersecting street.

Board. The Delaware-Muncie Metropolitan Board of Zoning Appeals.

Boarding house. A residence in which table board or sleeping accommodations, or both, are provided, for compensation, for three or more, but not to exceed 15, persons. A "boarding house" shall be synonymous with "lodging house."

Breezeway. A roofed structure with open sides connecting one building and another building where the area cannot be heated for year-round use as living quarters.

Buffer. Screening that lessens the impact of one use on an adjacent use.

Buildable area. The net lot area remaining after deducting the required front, side, rear setbacks from the gross area of a lot or parcel of land of record.

Building. A roofed structure for the shelter, support, enclosure, or protection of persons, animals, or property; including all other structures of every kind, regardless of the similarity of buildings.

Building, detached. A building having no structural connection with another building.

Building, front. The wall of a building most nearly parallel with a street adjacent and the front line of the lot on which the principal use is conducted and/or the wall of a building containing the entrance to the building; when a building is to be located on the corner lot, the owner shall, for the purpose of this chapter, have the privilege of selecting which street shall be used to determine the front line of the lot, provided that such choice will not be injurious to the existing or future development of adjacent properties as determined by the administrative zoning officer and that such

choice will not be contrary to the Uniform House Numbering Ordinance as determined by the plan commission.

Building line. The line establishing the minimum permitted distance on a lot between the front line of a building and the street right-of-way line; could be used interchangeably with "front setback line."

Building, principal. A building constituting the principal use of the lot.

Business office. An office used in the conduct of a business offering or selling a service such as, but not limited to, offices for real estate, insurance, brokers and consultants, and where the service does not involve the use of delivery trucks or other commercial vehicles or equipment.

Camp, public. Any area or tract of land used or designed to accommodate two or more automobile house trailers, mobile homes, cabins, tents, or other camping outfits, but not intended for permanent year-round occupancy.

Cemetery. Land used for the burial of the dead, including crematories and mausoleums.

Charitable institutions. A group, organization, or not-for-profit corporation organized and operated to provide care, help, relief, and assistance to those in need and not for the pecuniary gain of its trustees, directors, incorporators, or members. A not-for-profit corporation would be one where the articles of incorporation are on file with the secretary of state. Other groups and organizations would be on file with the consumer protection division of the office of the attorney general.

Child care centers. One of the special uses listed in this chapter consisting of any residence or institution operated for the purpose of providing care and maintenance to more than five children separated from their parent, guardian, or custodian, excluding relatives of the person operating the care center.

Church. A permanently located building commonly used for religious worship, fully enclosed with walls and having a roof (canvas or fabric excluded), and including accessory buildings housing facilities commonly associated with such religious worship.

Clinic. An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

Club, private. Buildings and facilities owned or operated by a corporation, association, or person for a social, educational, or recreational purpose, but not for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business. The affairs and management of a private club are conducted by a board of directors, an executive committee or a similar body chosen by the members at an annual meeting. The serving of food and the sale of alcoholic beverages to members and their guests shall be permitted, provided it is secondary and incidental to the promotion of a common objective by the organization.

Collector. A roadway, so designated by the Official Thoroughfare Plan, intended to collect and distribute local traffic to primary and secondary arterials; its primary function involves both traffic movement and access to abutting properties; the right-of-way is 60 feet.

Commission. The Delaware-Muncie Metropolitan Plan Commission.

Comprehensive plan. An overall development plan consisting of the Zoning Ordinance, the Subdivision Ordinance, the Flood Plain Management Ordinance, the Official Thoroughfare Plan, the Final Land Use Plan, the Uniform House Numbering Ordinance, and like ordinances governing and directing planning and zoning in the county and the city. Also known as the Master Plan.

Condominium. A dwelling unit which is usually part of a building containing two or more dwelling units where such units may be individually owned and the land may be under group ownership.

Country club. A type of private club.

Density. A term indicating the number of dwelling units per acre for an area, which is determined by dividing the square footage of an acre (43,560 square feet) by the minimum amount of lot area allowed in the appropriate zone.

Development standards. The requirements set forth in this chapter governing the development of a property such as maximums and minimums for height, area, bulk, setbacks, parking, and accessory structures or uses.

Dormitory. A building arranged and used for the housing of individuals, with common toilet and bath facilities and not having individual cooking facilities.

Dwelling. A building or portion thereof used primarily as a place of abode for one or more human beings, but not including hotels, lodging houses, boarding houses, tourist homes, or motels.

Dwelling, attached. A dwelling which is joined to another dwelling at one or more sides by party walls.

Dwelling, detached. A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, multiple-family. A building or portion thereof containing three or more dwelling units with no more than one family per dwelling unit.

Dwelling, single-family. A building containing one dwelling unit for one family.

Dwelling, two-family. A building containing with no more than one family per dwelling unit two dwelling units.

Dwelling, unit. One or more rooms arranged, designed, or used as living quarters for one family containing cooking, bathing, and sleeping facilities which serve only such room or rooms with no through access to a room or rooms similarly arranged, designed, or used; the term "housekeeping unit" shall denote dwelling unit.

Establishing an adult entertainment business. Any of the following: the opening or commencement of any such business as a new business; the conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein; the addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or the relocation of any such business.

Expressway. A roadway, so designated by the official thoroughfare plan, intended for high-speed, high-volume continuous traffic with controlled access; its function is traffic movement; the right-of-way is 150 feet.

Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity, sorority house, boarding house or dormitory.

Floor area.

(a) When used to determine compliance with the minimum floor area requirements for a residence, it shall mean the sum of the horizontal areas of the several floors of the residence measured from the exterior faces of the exterior walls or from the center line of common walls separating residences, excluding carports, garages, breezeways, or open porches.

(b) When used to determine lot coverage, it shall mean the horizontal area of the ground floor of a building measured from the exterior faces of the exterior walls of such building; and

(c) When used to determine the number of off-street parking spaces required for non-residential uses, buildings and structures, it shall mean the sum of the horizontal areas of the several floors of the building measured from the interior faces of the interior walls.

Fraternity. A dwelling or dwelling unit maintained exclusively for fraternity members and their guests or visitors and affiliated with an academic or professional college, university, or other institution of higher learning.

Front setback. The distance required, as set forth in each zone, from the front lot line to the closest point of the wall of the building or to the closest part of a structure placed on a lot.

Front setback line. A line which establishes the front setback area of a lot, generally parallel to and generally equidistant from the street right-of-way line; also, front building line.

Frontage. All property fronting on one side of a street between two intersecting streets, measured along the street right-of-way.

Garage, community. Two or more private garages.

"*Garage, private.* A compartment within or attached to a residence, or any building located on land on which a residence is located, designed, arranged, used, or intended to be used for the storage of the private passenger automobiles of the occupants of the residence.

Garage, public. Any building other than a private garage or a community garage designed, arranged, used, or intended to be used for the storage of motor vehicles other than trucks, tractors, truck trailers, and commercial vehicles exceeding two-ton capacity.

Green belt. An area of land with softscaped treatment consisting of natural vegetative material such as greenery, plants, grass and trees.

Gross floor area (GFA). The interior floor area of buildings and structures used to determine off-street parking spaces.

Group housing. A term used to describe a type of special use as listed in this chapter referring to a situation where one dwelling unit may be used to house four or more persons unrelated by blood, marriage or adoption when approved by the board of zoning appeals (see § 150.225 for specific regulations).

Health center. A convalescent home, nursing home, rest home, institution for human care, or health resort.

Height, building or structure. The vertical distance from the average established curb grade in front of the lot or from the average finished grade, at the building line, if higher, to the top of the highest point of the building or structure.

Home occupation. A special use. It is an occupation conducted in a dwelling by a member of the resident family. This use permits clientele to come to the business but limits and controls such activity to that which does not interfere with the principal use of the premises as a residence, nor adversely affect the residential character, use, or value of the adjacent area. This special use does not allow rummage, yard, porch, or garage sales or similar activity.

Hotel. A building containing rooms intended or designed to be used, or which are used, rented, hired out to be occupied, or which are occupied for sleeping purposes by guests, and where general kitchen and dining room facilities are provided within the building or in an accessory building.

Improvements. Any work done, or any facility, structure, or building placed, on or off of a property involving proposed development such as streets, sidewalks, sewers, utility transmission facilities, storm drains and flood control, monuments, landscaping, screening and any other work or facility required by ordinance.

Institution, educational. A public, parochial, charitable, or nonprofit college, university, other than trade or business school, including instructional and recreational uses with or without living quarters, dining rooms, restaurant, heating plants, and other incidental facilities for students, teachers, and employees.

Junk. Scrap metals and their alloys, bones, used materials and products such as rags, cloth, rubber, rope, tin foil, bottles, lumber, wastepaper, boxes, crates, old tools, machinery, fixtures, and appliances with negligible remaining utility, and other goods uneconomical to repair or unusable.

Junkyard. A salvage yard. The purchase or storage of used furniture, household equipment, and used cars in operable condition with current state vehicle license plates or current registration, are not included.

Kennel. The use of land or buildings for the purpose of selling, breeding, boarding, or training animals other than farm animals; or the keeping of four or more dogs over four months old, of six or more cats over four months old, or more than five dogs and cats.

Landbank. A process whereby land is set aside as green space and reserved for a future use.

Local street. A roadway, so designated by the official thoroughfare plan, intended for local traf-

fic within neighborhoods; its primary function is to provide access to abutting properties; the right-of-way is 50 feet.

Lot. A parcel, property, plot, tract of land, or like term used to designate a particular piece of land.

Lot, area. The area of a horizontal plan bounded by the front, side, and rear lot lines of a lot, but not including any area occupied by dedicated alleys, streets, or recorded lakes or rivers.

Lot, corner. A lot fronting on two or more streets at their intersection.

Lot coverage. The portion of the lot area which is covered by principal buildings and accessory buildings.

Lot, depth. The mean horizontal distance measured from the front lot line to the rear lot line.

Lot, interior. A lot other than a corner lot.

Lot line. The property lines bounding a lot.

(a) *Front.* The lot line separating a lot from a street; in the case of a corner lot, the owner shall have the privilege of selecting which street shall be used to determine the front lot line, provided that such choice will not be injurious to the existing or future development of adjacent properties as determined by the administrative zoning officer and that such choice will not be contrary to the Uniform House Numbering Ordinance as determined by the plan commission.

(b) *Rear.* The lot line which is opposite and most distant from the front lot line.

(c) *Side.* Any lot line not a front line or a rear line; where the lot is on a corner, the side lot line separating a lot from a street shall be called the side street lot line.

Lot of record. A parcel of land designated as a lot on a plat or subdivision recorded or registered pursuant to the statutory provisions; a single tract of land which, at the time of filing for an improvement location permit or a building or zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership and is so recorded in the county office of the recorder.

Lot width. The mean horizontal distance between the side lot lines measured at right angles to the depth.

Manufactured home. A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the state fire prevention an building safety commission; also refers to modular homes.

Maps. All official zone maps made a part of this chapter.

Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the human body specified anatomical areas with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Delaware County or any agency thereof, by any city or town within Delaware County or any agency thereof, or registered or licensed by any statute or ordinance of the United States, State of Indiana, Delaware County or any city or town in Delaware County, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

Massage establishment. Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in or carries on any of the activities as defined in a massage.

Mobile home. A transportable dwelling unit larger than eight feet in body width and longer than 32 feet in body length and designed to be used as a year-round dwelling unit, built prior to June 15, 1976.

Mobile home park. An area of land upon which two or more manufactured homes or mobile homes are harbored for the purpose of being occupied as principal residences and which includes all real and personal property used in the operation of the park. This includes subdivided lots which are leased, owned, or otherwise contracted or where the lots are at least 3,000 square feet in area but not necessarily of sufficient size to meet the required lot area for single-family dwellings in a residence zone.

Motel. A building or group of buildings in which lodging is provided and offered to the public, for compensation, and catering primarily to the traveling public.

Nonconforming adult use. Any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at August 7, 1989, which does not conform after August 7, 1989, with the regulations of this chapter.

Nonconforming building or structure.

(a) *Lawful.* A building or structure which does not comply with the development standards of this chapter and which was established prior to November 5, 1973, and is still in existence (see § 150.24 for regulations).

(b) *Unlawful.* A building or structure which does not comply with the development standards of this chapter and which was established on or after November 5, 1973 (see § 150.11 for regulations).

Nonconforming use.

(a) *Lawful.* A use of land, buildings, or structures which does not comply with the usage provisions of the zone in which such use is located and which was established prior to November 5, 1973, and which has not been, at any time, discontinued for one year or longer (see § 150.24 for regulations).

(b) *Unlawful.* A use of land, buildings, or structures which does not comply with the usage provisions of this zone in which such use is located and which was established on or after November 5, 1973 (see § 150.11 for regulations).

Nursing home. A facility providing human care and service for the aged, convalescent, chronically ill, or incurable and in which three or more persons are received, kept, and provided with such care and service for compensation; similar terms include convalescent home, rest home, and health care center.

Official thoroughfare plan. A development plan for the roadway system which classifies the various roads, establishes right-of-ways and projects traffic patterns by volume, population and trip generation.

Open porch. A porch open on three sides, except for wire screening. A porch shall not be considered open if enclosed on the three sides in a manner which would allow the perch area to be heated and used as year-round living quarters. This open concept shall apply to patios, balconies, breezeways, and like extensions off of a principal building.

Owner. A person who owns a lot by virtue of his name being on the Muncie deed to the property with the deed being duly recorded in the county office of the recorder or a person who is a contract purchaser of a property; or a person who has entered into a long term lease agreement such as an 89-year lease.

Parking lot. A parcel of land devoted to parking spaces for four or more motor vehicles, for compensation or otherwise, having an all-weather

dust-free surface, enclosed or unenclosed connected to a street and providing satisfactory ingress and egress for customers.

Parking, space. A parking space for one vehicle consisting of a minimum 162 square feet in area.

Planned unit development. One of the special uses listed in this chapter; a term used to denote a type of development which is under one design plan where the standard setbacks, lot area, and lot dimensions may be waived in favor of a design plan emphasizing aesthetics, open space, and efficient use of land through innovations in type, design, and layout of dwellings. A planned unit development (PUD) may consist of detached dwelling units, duplexes, townhouses, clusters of units, patio homes, garden apartments, zero lot line units, and so on, and may be a mixture of the various types of units.

Primary arterial. A roadway, so designated by the official thoroughfare plan, intended for high-volume through traffic; its primary function is traffic movement achieved through turn lanes, channelization and medians; the right-of-way is 100 feet.

Principal use. The primary use of a property, building or structure in terms of being foremost in financial worth or scope of operation such as the dwelling unit on a residentially zoned lot, the selling of grocery items in a retail store containing video games, or the assembly plant of a manufacturing operation.

Professional office. An office used in the conduct of a profession or vocation requiring.training in the liberal arts or the sciences and/or advanced study in a specialized field such as, but not limited to, a doctor, lawyer, engineer, dentist, or surveyor.

Projection. A structure which projects out from the main wall of a building and which is an architectural feature not connected to the structural support and make-up of the building; for example, a canopy or a balcony is an architectural feature, and a bay window or chimney is a part of a supporting wall.

Public building. Any structure, edifice, or building, regardless of location, held, used or controlled for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

Public Land. Any real estate in which any governmental organization or entity has a legal, or equitable, interest. This term shall not include any public streets, highways, roads or alleys since these terms are included in the definition of "street" and "alley".

PUD. A planned unit development.

Recreational vehicle. Any portable vehicular structure not built to the national manufactured housing construction and safety standards code, designed to provide temporary living quarters for recreational, camping or travel use, including but not limited to travel trailers, collapsible trailers, truck campers, motor homes, and multi-use vans; they are intended for temporary residential uses and should be occupied only in RV parks.

Religious institution. A church, chapel, temple, synagogue, convent, seminary, monastery, nunnery, rectory, parsonage, parish house, or similar facilities for the conduct of religious worship.

Rummage sale. A type of accessory use consisting of the selling, by the owner, not to exceed two times per calendar year in each time not to exceed seven successive days in duration, of tangible personal property. The term shall be synonymous with garage sale, yard sale and similar terms.

Salvage yard. One of the special uses listed in this chapter and consisting of an area where waste paper, rags, or discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; a salvage yard shall include auto wrecking yard, dismantling of machinery, house wrecking yard, used lumber yard, and places or yards for the storage of salvaged house wrecking and structural steel materials and equipment; the term shall be synonymous with junk yard (see § 150.218 for specific regulations).

Screening. A buffer consisting of either an earth berm, a masonry wall, a wooden fence, a stucco wall, a chain-link type metal fence using durable permanently affixed slats to create a

substantially opaque surface, a dense evergreen hedge that will grow to the required height and density within two growing seasons, or any combination of these materials which will effectively block visibility.

Secondary arterial. A roadway, so designated by the official thoroughfare plan, intended for high volume through and local traffic; its primary function is traffic movement; the right-of-way is 80 feet.

Services involving specified sexual activities or display of specified anatomical areas. As used in "adult service establishment" any combination of two or more of the following activities: the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons: the operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five or fewer persons per machine at any one time and where the images, so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas; live performances by topless and or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities, or specified anatomical areas; the operation of a massage establishment.

Sexual activities. Sexual intercourse or deviate sexual conduct, real or simulated, exhibition of the uncovered genitals of a person in the context of masturbation or other sexual activities, provocative, erotic, or suggestive dance which is intended to convey an erotic message. See also "specified sexual activities."

Sign. Any outdoor sign, display, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designated, intended or used to advertise or inform.

Special use. A type of use which is listed under the various residence zones as being allowed when approved by the Delaware-Muncie metropolitan board of zoning appeals; also, one of the uses listed under §§ 150.215 through 150.227, which gives the general procedure for filing with the board of zoning appeals, consisting of mineral extraction, salvage yard, refuse disposal site, planned unit development, truck terminals, home occupation, seasonal work camps, private outdoor camps, group housing, care centers and multi-unit developments. Some special uses are seen as being potentially compatible with the principal uses permitted in a zone and some special uses are of a sufficient intensity, with a potentially adverse impact on surrounding uses, as such that they must be approved through a public hearing process before the board of zoning appeals.

Specified anatomical areas. Any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following: human genitals in a state of sexual stimulation or arousal: acts of human masturbation, sexual intercourse or sodomy: fondling or other erotic touchings of human genitals; pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irritation as part of or in connection with any of the activities set forth above.

Story. That portion of a building included between the surface of any floor and the surface of

the floor next above it; or if there be no floor above it, the space between any floor and the ceiling next above it. A basement shall be counted as a story for height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet, or if used for dwelling or business purposes.

Street. A public right-of-way not less than 50 feet in width unless otherwise required in the official thoroughfare plan for the city; the right-of-way established in a recorded plat to provide the principal means of access to abutting property; a public right-of-way open to the general public.

Townhouse. A dwelling unit which usually consists of two stories and is usually attached to like dwelling units by common walls.

Yard. A space on the same lot with a main building, open, unoccupied, and unobstructed by structures.

Yard, corner side. The side yard fronting on the street which intersects the street running on and along the front lot line.

Yard, front. An open, unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot.

Yard, rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the main building.

Yard, side. A yard between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is measured horizontally at 90 degrees with the side lot line.

Zero lot line. A term referring to a type of development where the principal buildings are not subject to a side setback; the buildings might be offset to one side where one side wall abuts the side lot line and the other side wall is set back from the other side lot line or one building might share common walls with another building.

(Code 1968, §§ 130.260, 130.261; Ord. No. 41-86, 8-4-86; Ord. No. 40-85, 4-7-86; Ord. No. 42-86, 8-4-86; Ord. No. 74-88, 12-15-88; Ord. No. 40-89, 8-7-89; Ord. No. 12-95, §§ 4, 5, 5-8-95; Ord. No. 89-95, § 1, 11-3-95; Ord. No. 90-95, § 1, 11-5-95)

CHAPTER 151. SUBDIVISION REGULATIONS

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Division 10. Changes and Amendments

Sec. 151.65. Changes and amendments.

DIVISION 1. DEFINITIONS

Sec. 151.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Commission. The metropolitan plan commission created in § 34.01 of this code.

Cul-de-sac. A short street having one end open to traffic and being permanently terminated by a vehicular turnaround, usually a circle.

Easement. A grant or dedication by a property owner of the use of a parcel of land for specified purposes, including, but not limited to, street rights-of-way, utility easements, and easements of access.

Lot. A portion of a subdivision, or any other tract of land intended as a unit for transfer of ownership.

Master plan. The complete plan, or any of its parts, for the development of the city, when adopted as provided by law.

Plat. A map or drawing showing a subdivision or resubdivision of land, including easements, which the subdivider submits for approval, and intends to record in final form.

Plat, final. The map or drawing prepared by a registered land surveyor or engineer on which the subdivider's plan of subdivision, set forth in accordance with the requirements of this chapter, is presented for secondary approval and which, if approved, may be submitted to the Delaware County Recorder for recording in the Book of Plats. The term "final plat" shall be synonymous with "secondary plat."

Plat, preliminary. The drawing or drawings prepared by a registered land surveyor or engineer indicating the proposed manner of layout of a subdivision which meets all conditions of this chapter and is submitted to the Plan Commission for primary approval. The term "preliminary plat" shall be synonymous with "primary plat."

Primary approval. An approval, or approval with conditions imposed, granted to a preliminary subdivision plat by the Plan Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this chapter and which is the approval necessary to begin the process of developing the subdivision.

Secondary approval. A second and last stage of approval granted to a final subdivision plat found to be in conformance with the terms of the primary approval and the requirements of this chapter including the requirements dealing with the installation and completion of all required improvements which is the approval necessary to allow the designated officials to sign the plat and to allow submission of the plat to the Delaware County Recorder for recording.

Street. A right-of-way, dedicated to the public use, or, in certain instances, restricted for private use.

(1) *Major street.* A street shown on the major street plan, a part of the master plan.

(2) *Minor street.* A street intended primarily as access to abutting properties.

(3) *Secondary street.* A street for collecting traffic from several minor streets to a major street.

Subdivision.

(1) The division of land into two or more tracts, sites, or parcels of five acres or less in area, including the resubdivision of any existing lot, or of an entire subdivision. However, neither the sale or exchange of small parcels of land to or between adjoining property owners, nor the sale of a part of adjoining lots within a platted subdivision where the sale or exchange does not create additional lots or building sites, shall be considered as a subdivision of land;

(2) The establishment or dedication of a road, highway, street, alley, or public easement through a tract of land, regardless of area.

(3) The division or partition of land into lots or parcels under the MHR Mobile Home Residence Zone requirements or the Planned Unit Development requirements shall not be considered a subdivision for the purpose of this chapter; however, where any Planned Unit Development or MHR development involves the division or allocation of land for the opening, widening, or extension of a public street, such street shall be constructed and designed in accordance with the standards set forth in this chapter. Nothing shall prevent an owner or developer from electing to subdivide lots under the provisions of this chapter in the MHR Mobile Home Residence Zone or a Planned Unit Development.

Territorial jurisdiction. The incorporated area within the limits of the city, and the contiguous unincorporated area within the jurisdiction of the commission, as provided by law.
(Code 1968, § 131.01)
(Ord. No. 75-85, 1-6-86; Am. Ord. No. 46-90, 12-10-90)

Secs. 151.02—151.04. Reserved.

DIVISION 2. CONTROL AND PROCEDURE

Sec. 151.05. Plat must be approved before recording.

Any person who may lay out a subdivision of any lot or lands within the city or its territorial jurisdiction, shall, prior to the sale of any lots in the subdivision, cause to be recorded in the office of the county recorder a correct plat of the subdivision. No plat or replat of any subdivision of land, or creation, opening, or dedication of a street or public easement within the city or its territorial jurisdiction, shall be eligible for recording until it shall have been approved by the commission, and the approval entered in writing on the plat. Any plat, lot, or tract not so approved shall be subject to the provisions of § 151.60 of this chapter.
(Code 1968, § 131.05)

Sec. 151.06. Confer with commission.

Each subdivider of land should confer with the plan director or the city engineer before preparing the preliminary plat, in order to become thoroughly familiar with any ordinances and the master plan proposals affecting the territory in which the proposed subdivision lies.
(Code 1968, § 131.06)

Sec. 151.07. Preliminary plat to be approved.

A preliminary plat and an application for a certificate shall first be submitted to the plan commission for its consideration, as hereinafter provided. The design and layout of all subdivisions shall conform to the requirements of §§ 151.10 through 151.19 of this chapter. The subdivider shall submit a preliminary plat to the commission prepared in accordance with specifications of §§ 151.25 through 151.28 of this chapter.
(Code 1968, § 131.07)

Sec. 151.08. Requisites for final plat approval.

Following approval of the preliminary plat by the commission, the subdivider shall comply with the requirements of § 151.31 of this chapter before the final plat can be approved. The final plat shall conform to the requirements of §§ 151.45 through 151.47 of this chapter.
(Code 1968, § 131.08)

Sec. 151.09. Basis for approval.

In determining whether the plat shall be approved, the Commission shall be satisfied that:

(A) Public facilities and services have been installed and will be of sufficient capacity to serve the proposed subdivision.

(B) That subdivision streets have been properly coordinated with existing and planned streets and highways.

(C) That all lots and parcels of land in the subdivision meet the width and area requirements as contained in the current zoning ordinance.

(D) That the provisions of the master plan including the Official Thoroughfare Plan have been carried out.

(E) That the subdivision layout is conducive to improve traffic safety and circulation.

(Ord. No. 46-90, 12-10-90)

DIVISION 3. DESIGN

Sec. 151.10. Unsuitable land.

No land shall be subdivided for residential use if the land shall be considered by the commission to be unsuitable for residential use for any of the following reasons:

(A) Flooding;

(B) Improper drainage;

(C) Objectionable earth or rock formation;

(D) Objectionable topography; or

(E) Any other condition harmful to the health and safety of possible residents and the community as a whole.

(Code 1968, § 131.15)

Sec. 151.11. Relation to adjoining street system.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The width of the streets in new subdivisions shall not be less than the minimum widths established herein. The street and alley arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. Intersections of more than two streets shall be avoided. Street jogs with center-line offsets of less than 125 feet shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than 30 from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved. When a residential subdivision borders an existing major road shown on the Official Thoroughfare Plan for realignment or larger width, the subdivider shall dedicate the right-of-way but shall not be required to improve the road. Nothing in this section shall be construed as preventing improvement requirements on existing roads under an access control ordinance as implemented by the city or county engineer.
(Code 1968, § 131.16; Am. Ord. No. 46-90, 12-10-90)

Sec. 151.12. Street and alley widths.

(A) The location and widths of major streets shall conform to the location and widths designated on the major street plan.

(B) Secondary streets shall have a width of not less than 60 feet.

(C) The minimum width for minor streets shall be 50 feet, except that, in cases where the topography or special conditions make a street of less width more suitable, the commission may waive the above requirements. When a street adjoins unsubdivided property, a half street, at least 30 feet in width, shall be dedicated; and whenever the property being subdivided adjoins a half street, the remainder of the street shall be dedicated.

(D) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries, and shall be at least 20 feet wide. No dead end alleys or any sharp changes in their alignment shall be permitted.

(E) Courts, cul-de-sacs, or other street spaces may be provided if proper access is given to all lots from a dedicated street or court. All permanent cul-de-sac streets shall terminate in a dedicated street space having a minimum radius of 50 feet, or other satisfactory means for turning vehicles. Courts and cul-de-sac streets shall not exceed 700 feet in length and shall be not less right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.
(Code 1968, § 131.16)

Sec. 151.12. Street and alley widths.

(A) The location and widths of major streets shall conform to the location and widths designated on the major street plan.

(B) Secondary streets shall have a width of not less than 60 feet.

(C) The minimum width for minor streets shall be 50 feet, except that, in cases where the topography or special conditions make a street of less width more suitable, the commission may waive the above requirements. When a street adjoins unsubdivided property, a half street, at least 30 feet in width, shall be dedicated; and whenever the property being subdivided adjoins a half street, the remainder of the street shall be dedicated.

(D) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries, and shall be at least 20 feet wide. No dead end alleys or any sharp changes in their alignment shall be permitted.

(E) Courts, cul-de-sacs, or other street spaces may be provided if proper access is given to all lots from a dedicated street or court. All permanent cul-de-sac streets shall terminate in a dedicated street space having a minimum radius of 50 feet, or other satisfactory means for turning vehicles. Courts and cul-de-sac streets shall not exceed 700 feet in length and shall be not less than 40 feet in width.
(Code 1968, § 131.17)

Sec. 151.13. Easements.

Easements of at least six feet in width shall be dedicated on each side of all rear lot lines and, where necessary, along side lot lines, for poles, wires, conduits, storm and sanitary sewers, surface drain, gas, water, or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. No sharp changes in alignment of easements shall be permitted.
(Code 1968, § 131.18)

Sec. 151.14. Blocks.

No block shall be longer than 1,400 feet. The number of intersecting streets along major streets shall be kept to a minimum and, wherever practicable, blocks along the major streets should not be less than 1,000 feet in length. Where blocks are over 750 feet in length, a crosswalk with a right-of-way of at least ten feet in width may be required near the center of the block.
(Code 1968, § 131.19)

Sec. 151.15. Lots.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and to the character of surrounding developments.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(C) No lot shall have a depth of less than 100 feet nor should the depth be in excess of three times the width of the lot. No lot shall have an area or width less than that required by any applicable zoning ordinance.

(D) Corner lots shall have a width sufficient to permit the establishment of front building lines along both the adjoining streets.

(E) Lots at major street intersections and at acute angle intersections of less than 75 shall have a radius of 25 feet at the street corner. On corner lots a chord may be substituted for the circular arc.
(Code 1968, § 131.20)

Sec. 151.16. Maintenance of improvements outside corporate limits.

Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area, which are of common use or benefit to the lot owners, and which the city or county does not desire to, or can not, maintain, provision shall be made, by agreements made a part of the plat restrictions acceptable to the commission, for the proper and continuous maintenance, replacement, and supervision of the facilities by the lot owners in the subdivision, or by a public utility established in accordance with Chapter 313 of the Acts of 1957 and amendments thereto.
(Code 1968, § 131.21)

Sec. 151.17. Parks, school sites, etc.

In subdividing property, due consideration shall be given to the designation of suitable sites for schools, parks, playgrounds, and other public areas, so as to conform as nearly as possible to the recommendations of the commission in its master plan of the city. The areas should be indicated on the preliminary plan in order that it may be determined when and in what manner they will be acquired by the city or other public agency. The commission may require the sites to be reserved for a period of not less than one nor more than three years.
(Code 1968, § 131.22)

Sec. 151.18. Dedications along streams.

Whenever any stream or important drainage course is located in any area which is being subdivided, the subdivider shall dedicate and convey an adequate drainage right-of-way, as determined by the city engineer or county surveyor, along each side of the stream, for the purpose of widening, deepening, sloping, improving, or protecting the stream, and the drainage right-of-way shall be dedicated and conveyed to the city or other appropriate public agency.
(Code 1968, § 131.23)

Sec. 151.19. Exceptions in neighborhood unit developments.

(A) Whenever a subdivision is developed as a modern neighborhood unit wherein adequate park area is provided, through traffic is adequately cared for, and the majority of the minor streets are of the cul-de-sac type, the commission may vary the requirements of §§ 151.12 through 151.15 of this chapter, in order to allow the subdivider more freedom in the arrangement of the streets and lots but at the same time protect the convenience, health, and safety of the future residents of the subdivision, as well as the general welfare of the entire community. In no case, however, shall the lot area per family requirement be less than is required in any applicable zoning ordinance.
(Code 1968, § 131.24)

(B) Commercial and Industrial Subdivisions. If a proposed subdivision includes land zoned for commercial or industrial use, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern proposed is adapted to the uses anticipated and takes into account all uses in the vicinity. The following standards shall apply:

(1) Industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street right-of-way and pavement for proposed and existing streets shall be adequate to accommodate the type and volume of traffic anticipated to be generated.

(3) Special requirements may be imposed with respect to design and construction of proposed existing streets, curbs, gutters and sidewalks.

(4) Special requirements may be imposed with respect to the installation of public utilities such as water, sewer, storm drainage, etc.

(5) Adjacent residential areas shall be protected from potential nuisance from commercial or industrial uses in the subdivision including additional depth in lots backing up to the residential development and the use of buffer strips, properly landscaped, for shielding purposes.

(Am. Ord. No. 46-90, 12-10-90)

Secs. 151.20—151.24. Reserved.

DIVISION 4. PRELIMINARY PLAT AND IMPROVEMENTS

Sec. 151.25. Procedure.

It is recommended that before the preliminary plat is submitted for approval, the developer should present to the planning director or the city engineer a sketch plan on a topographic map, showing the proposed layout of streets, lots, and other features in relation to existing conditions and proposed development. The sketch shall also indicate the proposed utilities and street improvements. The planning director or city engineer may submit the sketch plan and their recommendations to the plan commission for approval.
(Code 1968, § 131.30)

Sec. 151.26. Preliminary plat, where filed, exception.

Five copies of a preliminary plat shall be submitted to the planning director or city engineer at least ten days before the regular meeting of the plan commission.

The preliminary plat shall be at a scale of not more than one inch equals 100 feet. Plats containing four lots or less and no new streets or ease-

ments may be exempted from the provisions of §§ 151.25 through 151.28 of this chapter, upon application to the commission.
(Code 1968, § 131.31)

Sec. 151.27. Contents of preliminary plat.

The preliminary plat shall show:

(A) The location of the present property lines and section lines, streets, buildings, water courses, and other existing features within the area to be subdivided, and similar information regarding land immediately adjacent thereto;

(B) The proposed location and width of streets, alleys, lots, building lines, and easements;

(C) The title under which the proposed subdivision is to be recorded and the name of the engineer, or the registered land surveyor, and the subdivider platting the tract;

(D) Contours referred to the sea level datum with intervals of two feet or less, shall be required;

(E) The north point, scale, and date;

(F) Site data including total acres, number of lots, typical lot dimensions and area, lineal feet in streets, acres in streets, parks, and similar public or semipublic areas; and

(G) Sketch plans and supporting data setting out the suggested grades or profiles of the streets, the proposed grades and facilities for all required improvements, and the subdivider's proposal to the city for accomplishing their installation in accordance with §§ 151.30 through 151.39 of this chapter. Data regarding all existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or on streets immediately abutting thereto; as well as the location and size of the nearest water main and sewer outlet shall be submitted in conjunction with the preliminary plat.

(Code 1968, § 131.32)

Sec. 151.28. Approval of preliminary plat.

If the commission shall find that the preliminary plat satisfies the requirements of §§ 151.10 through 151.19 of this chapter, and can conform to all other requirements of this chapter, it shall approve the plat. One copy of the approved plat, together with a copy of any comments of the commission, shall be given to the city engineer, one shall be retained by the commission, and one copy and the findings shall be given the person offering the proposed plat, together with a certificate of preliminary approval. The other copies of the preliminary plat shall be given to the public officials, agencies, or utility companies as may be concerned with any phase of improvement in the subdivision. The certificate or approval shall include a statement that the approval is valid for a period of two years unless extended by the plan commission.
(Code 1968, § 131.33)

Sec. 151.29. Reserved.

DIVISION 5. IMPROVEMENTS AND REQUIREMENTS

Sec. 151.30. Authority to proceed with final plat and working drawings.

Receipt by the subdivider of a copy of the approved preliminary plat shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit final plans and specifications therefor to the board of public works and safety. If the board of public works and safety shall find the plans and specifications to be in accordance with applicable policies and standards of the city, it shall authorize construction and certify the authorization to the commission. When the subdivision is located within the unincorporated area of Delaware County, the board of county commissioners shall replace the function of the board of public works and safety.
(Code 1968, § 131.40)

Sec. 151.31. Requirements for approval of final plat.

No final plat of any subdivision shall be approved unless:

(A) A certificate of the board of public works and safety has been filed with the commission that the improvements listed hereinafter have been installed prior to the approval, and proper record drawings of the installations are filed with the city engineer; or

(B) A certificate of the board of public works and safety has been filed with the commission that a complete set of plans and specifications for the improvements listed hereinafter has been filed with the board of public works and safety and that the plans and specifications are in accordance with the applicable policies and standards of §§ 151.30 through 151.41 of this chapter, and a bond to insure the installation of the improvements as shown by the plans and specifications filed with the board of public works and safety for the subdivision has been filed, which shall:

(1) Run to the city;

(2) Be in an amount determined by the board of public works and safety, subject to the approval of the commission, to be sufficient to complete the improvements and installations in compliance with this chapter;

(3) Be with surety satisfactory to the board of public works and safety, subject to approval of the commission; and

(4) Specify the time for the completion of the improvements, that time not to exceed two years.

(C) Where the subdivision is located beyond the corporate limits, the board of county commissioners would exercise the same authority as the board of public works and safety.

(Code 1968, § 131.41)

Sec. 151.32. Installation of part of improvements.

The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements in only a portion of the tract, but the improvements in any portion of the area for which a final plat is approved for recording must be installed or provision made for their installation. However, any water mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed to serve the entire tract to be subdivided.

(Code 1968, § 131.42)

Sec. 151.33. Monuments and markers.

(A) Monuments shall be of concrete with a diameter of not less than six inches, and 36 inches long, with a copper dowel 3/8 of an inch in diameter, at least 2-1/2 inches in length, imbedded so that the top of the dowel shall be not more than 1/4 of an inch above the surface and at the approximate center of the monument.

(B) Monuments shall be set so that the top is level with the established grade adjoining it, and placed so that the marked point on the metal center shall coincide exactly with the intersection of street property lines (or street center lines), and the intersection of all angles in the boundary line and at the beginning and ending of all curves along streets on the inside street lines.

(C) Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least two feet in length and not less than 5/8 of an inch in diameter, the top of the pipe or bar to be set level with the established grade of the ground adjoining it.

(D) Any other types of monuments and markers must be approved by the city engineer.

(Code 1968, § 131.43)

Sec. 151.34. Streets and alleys, paving.

(A) Streets and alleys shall be graded, surfaced, and improved to dimensions required by this chapter or other ordinances of the city. Streets and alleys shall be paved with asphaltic concrete,

cement concrete, or other approved material, in accordance with the standards of the board of public works and safety then applicable.

(B) Streets shall be paved to a width of 27 feet back-to-back between curbs; alleys to a width of 12 feet, except that where the subdivision is located beyond the corporate limits and contains lots with an area of not less than 15,000 square feet and a width of not less than 100 feet at the building line, the pavement need not exceed 16 feet in width.

(C) Where the subdivision is located beyond the corporate limits, the board of county commissioners shall exercise the same authority as the board of public works and safety.
(Code 1968, § 131.44)

Sec. 151.35. Curb and gutter.

(A) Except as indicated in § 151.34 of this chapter, curbs shall be constructed along all streets in accordance with the standards of the board of public works and safety then applicable.

(B) Where the subdivision is located beyond the corporate limits, the board of county commissioners shall exercise the same authority as the board of public works and safety.
(Code 1968, § 131.45)

Sec. 151.36. Sanitary sewers.

(A) Wherever it shall be unlawful by city ordinance or state statute to construct or maintain any privy, privy vault, cesspool, septic tank, or any receptacle for human excrement on any lot within a subdivision, the subdivider shall provide a sanitary sewer system which connects to an established public sanitary sewer system, or provide a separate treatment plant. The sewer system shall be adequate for the needs of the subdivision.

(B) The commission may require the subdivider to provide sanitary sewers under this section that are larger than would be necessary to meet the needs of the subdivision; provided, that the board of public works and safety shall enter into the contracts or make the provisions as are provided for by law with the subdivider to compensate him for the cost of requirements in excess of the needs of his subdivision. The board of public works and safety is further empowered to charge future subdividers, corporations, or persons, as provided for by law, for future connections to the facilities required by this section, in a proportionate amount of the extra cost of the facility, based upon the area then being subdivided or developed. Where the subdivision is located beyond the corporate limits, the board of county commissioners shall exercise the same authority as the board of public works and safety.

(C) Wherever it is not unlawful by city ordinance or state statute to construct or maintain any privy, privy vault, cesspool, septic tank, or other method of treatment of human excrement, the commission may, in its discretion, allow the subdivider to provide a disposal system comprised of septic tanks with absorption systems, in lieu of a sanitary sewer system connected to the city sanitary sewer system.

(D) Any system of septic tanks with absorption fields within the jurisdiction area of the commission and outside the corporate area of the city, shall conform to the Sanitation Ordinance of Delaware County, Indiana, Ordinance No. S-1, January 28, 1957. The subdivider shall provide the commission with a statement from the county sanitarian, stating that, based on percolation tests, the proposed septic tank system can and will conform to the sanitation ordinance. Any proposed subdivision not accompanied by such a statement shall not be approved by the commission.

(E) In addition, the commission may require the subdivider to provide a sanitary sewer system which connects to a private disposal plant or to the city sanitary sewer system, rather than the septic tank system. The subdivider shall furnish the commission with percolation tests and any other data the commission may require in this respect.

(F) All systems described in this section shall be subject to the approval of the board of public works and safety, and meet the minimum requirements of the state board of health.
(Code 1968, § 131.46)

Sec. 151.37. Storm sewers.

(A) The subdivider shall provide a storm water sewer system adequate for the present needs of the subdivision. As a minimum, the systems shall be adequate for the most intense rainfall expected in a 2-year period, and adequacy shall be computed according to the rational formula method. Whenever a drainage channel is located within the subdivision, the developer shall clear and so improve the channel that it will accommodate the future storm water flow of the drainage area. Approval of engineering specifications and drawings shall rest with the commission, upon recommendation by the city engineer.

(B) The commission may require the subdivider to provide, under the provisions of this section, storm water sewers that are larger than would be necessary to meet the present needs of the subdivision; provided, that the board of public works and safety shall enter into the contracts or make those provisions as are provided for by law, and with the subdivider, to compensate him for the cost of requirements in excess of the present needs of his subdivision. The board of public works and safety is further empowered to charge future subdividers, corporations, or persons, as provided by law, for future connections to the facilities required by this section, in a proportionate amount of the extra cost of the facility, based upon the area then being subdivided or developed.

(C) Where the subdivision is located beyond the corporate limits, the board of county commissioners shall exercise the same authority as the board of public works and safety.
(Code 1968, § 131.47)

Sec. 151.38. Water.

The subdivider shall provide the subdivision with a complete water supply system which shall be connected with and become a part of a public water supply system. However, the commission may, in its discretion, permit a private water supply for each lot to be installed in accordance with the minimum requirements of the state board of health, where the subdivision is located more than 200 feet from a public water supply system.
(Code 1968, § 131.48)

Sec. 151.39. Street signs.

The subdivider shall provide the subdivision with standard city street signs at the intersections of all streets. The number and location of the signs shall be subject to the approval of the city engineer.
(Code 1968, § 131.49)

Sec. 151.40. Sidewalks.

(A) Sidewalks not less than four feet in width shall be provided whenever a subdivision:

(1) Shall encompass or abut a major or secondary street. The subdivider shall provide sidewalks on whichever side of the street abuts the subdivision, with both sides of the street falling within the subdivision;

(2) Or any part of a subdivision is within 900 feet of an existing or planned school site. The subdivider shall provide sidewalks on one side of the streets within the subdivision for 900 feet immediately adjacent to the school site.

(B) Sidewalks shall be constructed in accordance with the standards of the board of public works and safety then applicable.

(C) Where the subdivision is located beyond the corporate limits, the county commissioner shall exercise the same authority as the board of public works and safety.
(Code 1968, § 131.50)

Sec. 151.41. Annexation.

Whenever the area of the proposed subdivision is contiguous to the corporate limits of the city, the commission may require, as a condition of approval of the subdivision, that an application for annexation of the subdivision shall be filed with the city council.
(Code 1968, § 131.51)

Secs. 151.42—151.44. Reserved.

DIVISION 6. FINAL PLAT

Sec. 151.45. Final plat.

(A) The final plat on tracing cloth or mylar and five prints thereof together with copies of any deed restrictions, where the restrictions are too lengthy to be shown on the plat, shall be submitted to the city planning director or city engineer not less than ten days before the regular meeting of the plan commission. The final plat shall be drawn to a scale of not more than 100 feet to the inch, from an accurate survey, and on one or more sheets whose dimensions shall be 17 inches by 21 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the component areas on other sheets.

(B) When the final plat conforms to the approved preliminary plat, and the requirements of §§ 151.25 through 151.39 of this chapter have been accomplished, the commission shall hold a hearing thereon. Thereafter, if the commission approves the plat, certification thereof shall be endorsed on the final plat by the chairman and secretary of the commission.
(Code 1968, § 131.55)

Sec. 151.46. Information required.

The final plat and accompanying documents shall show:

(A) The boundary lines of the area being subdivided, with accurate distance, and angles. The correct legal description of the property being subdivided shall be shown on the plat, or on an accompanying certificate.

(B) The lines of all proposed streets and alleys, with their widths and the names of all streets.

(C) The accurate outline of any portions of the property intended to be dedicated or granted for public use.

(D) The line of departure of one street from another.

(E) The lines of all adjoining property and the lines of adjoining streets and alleys, with their widths and the names of all streets.

(F) All lot lines, together with an identification of all lots.

(G) Minimum building lines shall be shown on the plat, when in excess of the yard requirements of the zoning regulations.

(H) The location of all easements provided for public uses, services, or utilities.

(I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest $^{1}/_{100}$ of a foot.

(J) The radii, arcs or chords, points of tangency, and center angles for all curvilinear streets, and radii for rounded corners.

(K) The location of all survey monuments and their descriptions.

(L) The name of the subdivision and the scale of the plat (both graphic and written), the points of the compass, and the name of the owner or subdivider.

(M) The certificate of a registered engineer or land surveyor, attesting the accuracy of the survey and the correct location of all monuments shown.

(N) The owner's declaration of ownership, and dedication for public use, of streets, alleys, drainageways and other easements, parks or other open spaces, as well as all private restrictions and trusteeships and their periods of existence.

(O) Calculations showing the error of linear closure shall in no case be greater than one in 10,000, and there shall be no error in the angular closure.

(P) A receipt or certificate showing that there are no unpaid taxes or assessments upon any part of the area within the subdivision.

(Code 1968, § 131.56)

Sec. 151.47. Approved plat filed with recorder of deeds.

After the approval of the final plat by the commission, the plat shall be recorded in the office of the county auditor and recorder within six months, and, if not so filed, the plat shall have no validity and shall not be recorded without reapproval.
(Code 1968, § 131.57)

Secs. 151.48, 151.49. Reserved.

DIVISION 7. FEES

Sec. 151.50. Fees paid by subdivider.

To cover the cost of checking preliminary and final plats and of checking plans and specifications as well as inspecting the installation of required improvements, the subdivider shall pay the fee required in the following sections. The fees shall be paid to the city treasurer, to be credited to the general fund, after the amount thereof has been approved by the plan director or the city engineer. In the event that a county department or county official shall be responsible for inspecting any of the improvements located in subdivisions lying beyond the corporate limits, the city treasurer may pay the sum as may be approved by the city engineer to the county treasurer for reimbursement for the inspection.
(Code 1968, § 131.65)

Sec. 151.51. Fees for preliminary and final plats.

The fees for checking preliminary and final plats containing not more than 100 lots shall be $0.50 per lot, and the minimum fee shall be $10. The fee for each lot exceeding 100 shall be $0.25 per lot. These fees shall be paid separately for checking each of the plats.
(Code 1968, § 131.66)

Secs. 151.52—151.54. Reserved.

DIVISION 8. EXCEPTIONS AND VARIATIONS

Sec. 151.55. Modification of requirements.

Whenever the tract to be subdivided is of an unusual size or shape or is surrounded by a development or conditions so unusual that the strict application of the requirements contained in this chapter would result in real difficulties or substantial hardship or injustice, the commission may vary or modify the requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this chapter preserved.
(Code 1968, § 131.70)

Secs. 151.56—151.59. Reserved.

DIVISION 9. CONFORMITY TO MASTER PLAN

Sec. 151.60. Improvement location permit.

A structure shall not be located, and an improvement location permit shall not be issued for a structure, on lands within the city or the jurisdictional territory of the commission, unless the structure and its location conform to the master plan and this chapter. Any street or easement within a subdivision that has not been approved as required herein shall not be accepted by the board of public works and safety, nor shall any funds be expended by the agency for the improvement or maintenance of the streets or easements.
(Code 1968, § 131.75)

Secs. 151.61—151.64. Reserved.

DIVISION 10. CHANGES AND AMENDMENTS

Sec. 151.65. Changes and amendments.

Any regulations or provisions of this chapter may be changed and amended from time to time by the common council. However, the changes or amendments shall not become effective until after study and report by the plan commission, and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least 15 days prior to the hearing.
(Code 1968, § 131.80)

CHAPTER 152. BUILDING CODE

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DIVISION 1. GENERAL PROVISIONS

Sec. 152.01. Title; purpose; scope.

(A) Title. This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Muncie, Indiana," may be cited as such, and will be referred to herein as "this code."

(B) Purpose. The purpose of this code is to provide minimum standards for the protection of life, limb, health, environment, public safety, and welfare, and for the conservation of energy in the design and construction of buildings and structures.

(C) Scope. The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the city.
(Ord. No. 26-85, 7-1-85; amend. Ord. No. 16-88, 5-9-88)

Sec. 152.02. Adoption of regulations by reference.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code, and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13-Building Codes.

(a) Fire and Building Safety Standards.

(b) Indiana Building Code.

(c) Indiana Building Code Standards.

(d) Indiana Handicapped Accessibility Code.

(2) Article 14-One- and Two-Family Dwelling Codes.

(a) Council of American Building Officials One- and Two-Family Dwelling Code.

(b) CABO One- and Two-Family Dwelling Code; Amendments.

(c) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16-Plumbing Codes.

Indiana Plumbing Code.

(4) Article 17-Electrical Codes.

(a) Indiana Electrical Code.

(b) Safety Code for Health Care Facilities.

(5) Article 18-Mechanical Codes.

Indiana Mechanical Code.

(6) Article 19-Energy Conservation Codes.

(a) Indiana Energy Conservation Code.

(b) Modifications to the Model Energy Code.

(7) Article 20-Swimming Pool Codes.

Indiana Swimming Pool Code.

(B) Copies of this code, and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the building director of the city, 401 East Jackson Street, Muncie, Indiana.
(Ord. No. 26-85, 7-1-85; amend. Ord. No. 61-86, 11-10-86; amend. Ord. No. 16-88, 5-9-83)

Sec. 152.03. Effective date.

This code shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission.
(Ord. No. 61-86, 11-10-86)

Sec. 152.04. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 152.05. Powers and duties of building director.

The building director is authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction the building director or any other officer of the city, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by this code have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what the regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce the provisions of this code or ordinances in an arbitrary or discriminatory manner.
(Ord. No. 26-85, 7-1-85)

Sec. 152.06. Right of entry.

Upon presentation of proper credentials, the building director or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code.
(Ord. No. 26-85, 7-1-85)

Sec. 152.07. Stop order.

Whenever any work is being done contrary to the provisions of this code, the building director may order the work stopped by notice in writing, or attached to the property where the work is being performed, served on any persons engaged in the doing, or causing such work to be done, and any such persons shall forthwith stop the work until authorized by the building director to proceed with the work.
(Ord. No. 26-85, 7-1-85)
Cross reference—Penalty, § 152.99.9.

Sec. 152.08. Certificate of occupancy.

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this code shall be issued unless the building or structure was erected, altered, or repaired in compliance with the provisions of this code.
(Ord. No. 26-85, 7-1-85)

Sec. 152.09. Standards.

All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Ord. No. 26-85, 7-1-85)

Secs. 152.10—152.14. Reserved.

DIVISION 3. UNSAFE BUILDINGS

Sec. 152.15. Unsafe building law.

(A) Establishment. Under the provisions of IC 35-7-9-3 there is established the Muncie Unsafe Building Law.

(B) Definitions. The definitions as stated in IC 36-7-9-2 are amended and the following definitions shall apply in the enforcement of this section. Words in the singular include the plural and words in the plural include the singular.

Building. Includes *structure* and shall be construed as if followed by the words "or part thereof".

Department. The building department shall be the "department" as set out in IC 36-7-9-2 and shall have the powers and duties of the "department" as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this code and municipal ordinances of the city.

Enforcement authority. The building director shall be the "enforcement authority" within the meaning of IC 36-7-9-2 and shall have the powers and duties of the "enforcement authority" as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this Code and the municipal ordinances of the city.

Substantial property interest. Any right in real property that may be affected in a substantial way by actions authorized by this section including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. The interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a "substantial property interest" unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

(1) Recorded in the office of the county recorder; or

(2) The subject of a written information that is received by the building director and includes the name and address of the holder of the interest described.

Unsafe building hearing authority. There shall be created a five-member "unsafe building hearing authority" to be appointed by the mayor and serve during his term of office. This hearing authority shall consist of the historic preservation officer, a member of the Common Council of the city, and three private citizens who are residents of the corporate limits of the city, and it shall be the hearing authority within the meaning of IC 36-7-9-2 and shall have the powers and duties of the hearing authority as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this Code and the municipal ordinances of the city.

(C)(1) Adoption of state law. I.C. 36-7-9-1, 36-7-9-3 through 36-7-9-10, 36-7-9-11, and 36-7-

9-12 as modified herein, and 36-7-9-13 through 36-7-9-28 are adopted by reference as the Muncie Unsafe Building Law together with any and all amendments thereto that are made following this date. All proceedings in the city for inspection, repair, and removal of unsafe buildings shall be governed by this law and the provisions of this section.

(2) Vacant structures.

(a) In Muncie there exists a large number of unoccupied structures that are not maintained and that constitute a hazard to public health, safety and welfare.

(b) Vacant structures often become dilapidated because the structures are not maintained and repaired by the owners or persons in control of the structures.

(c) Vacant structures attract children, become harborage for vermin, serve as temporary abodes for vagrants and criminals, and are likely to be damaged by vandals or set ablaze by arsonists.

(d) Unkept grounds surrounding vacant structures invite dumping of garbage, trash, and other debris.

(e) Many vacant structures are situated on narrow city lots and in close proximity to neighboring structures, thereby increasing the risk of conflagration and spread of insect and rodent infestation.

(f) Vacant, deteriorated structures contribute to blight, cause a decrease in property values, and discourage neighbors from making improvements to properties.

(g) Structures that remain boarded up for an extended period of time also exert a blighting influence and contribute to the decline of the neighborhood by decreasing property values, discouraging persons from moving into the neighborhood, and encouraging persons to move out of the neighborhood.

(h) Vacant structures often continue to deteriorate to the point that demolition of the structure is required, thereby decreasing available housing in a community and further contributing to the decline of the neighborhood.

(i) The blighting influence of vacant, deteriorated structures adversely affects the tax revenues of local government.

(j) The city finds that vacant, deteriorated structures create a serious and substantial problem in urban areas and are public nuisances.

(k) In recognition of the problems created in the community by vacant structures the city finds that vigorous and disciplined action should be taken to ensure proper maintenance and repair of vacant structures and further ordains that all maintenance and repair standards set forth in section 152.15(G) and all remedies and penalties associated with violations thereof, shall and do apply to vacant structures.

(D) Nuisances. All buildings or portions thereof within this city which are determined, after inspection by the building director or his agent acting in his behalf, to be unsafe as defined in this section are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in the unsafe building law.

(E) Authorization of building director. The building director for the city is authorized to administer and proceed under the provisions of this law in ordering the repair or removal of any buildings found to be unsafe as defined by state law adopted herein and the definition as set forth herein.

(F) Decision; appeal. Whenever in the building regulations of the city or the unsafe building law it is provided that anything must be done to the

approval or subject to the direction of the building director, or any other officer acting for and on behalf of the building director, this shall be construed to give the officer the discretion of determining whether the rules and standards established by this chapter have been complied with. Any aggrieved party may request the unsafe building hearing authority to review the action of the building director.

(G) Definition of unsafe building amended. The definition of an unsafe building contained in IC 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the city by adding the following definitions: Any building or structure which has any or all the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1) times the working stress or stresses allowed for new buildings or similar structure, purpose, or location.

(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

(4) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(5) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened into place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(6) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(7) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause is likely to partially or completely collapse.

(8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(9) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(10) Whenever the building or structure, exclusive of foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or covering.

(11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become an

attractive nuisance to children; or freely accessible to persons for the purpose of committing unlawful acts.

(12) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

(13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance has in any nonsupporting part, member, or portion less than 50 percent or in any supporting part, member, or portion less than 66 percent of the strength, fire-resistant qualities or characteristics, or weather-resistant qualities or characteristics required by law in the case of a newly constructed building or like area, height, and occupancy in the same location.

(14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air, or sanitation facilities, or otherwise, is determined by the building director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of fire-resistant construction, faulty electric wiring, gas connections, or heating apparatus, or other cause is determined by the building director to be a fire hazard.

(16) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(H) Standards. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one- and two-family dwellings, promulgated by the state administrative building council, shall be considered standard acceptable practice for all matters covered by this section by the building director of the city.

(I) Building director. In any instance where the word "director" is used in the provisions of the Indiana Code as adopted herein the same shall be construed to apply to the building director for the city.

(J) Unsafe building fund. An unsafe building fund is established, currently known as the Clearance Fund Account 96 of Community Development. This is in accordance with the provisions of IC 36-7-9-14 and pursuant to the provisions contained therein, any balance remaining at the end of the fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(K) Contractors. In any instance where the words "contractor" or "contractor licensed and qualified under law" are used in IC 36-7-9-11, IC 36-7-9-12 or any other sections of the statute, as adopted herein, requirements are modified in that any contractor approved by the building director may perform any work that is required in complying with the orders of the building director.

(L) Violation; penalty. No person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this section or any order by the building director. Any person violating the provisions of this section or the provisions of the Indiana Code as adopted herein

shall commit a separate violation for each day that such violation continues and shall be subject to a penalty of not more than $2,500.00 for each violation, subject to execution as by law provided.
(Ord. No. 962-82, 1-10-83; Ord. No. 29-84, 6-11-84; Ord. No. 10-85, 4-1-85; Ord. No. 17-87, 8-3-87; Ord. No. 36-90, 9-10-90; Ord. No. 42-91, 12-9-91)

Secs. 152.16—152.24. Reserved.

DIVISION 4. VIOLATIONS AND ENFORCEMENT

Sec. 152.25. Violations.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of this Code.
(Ord. No. 26-85, 7-1-85)

Sec. 152.26. Right of appeal.

All persons shall have the right to appeal any order of the Building Commissioner first through the Delaware-Muncie Metropolitan Board of Zoning Appeals, and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.
(Ord. No. 26-85, 7-1-85; Ord. No. 16-88, 5-9-88)

Sec. 152.27. Legal proceedings.

The building director shall in the name of the city bring actions in the Circuit or Superior Courts of Delaware County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the building director, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.
(Ord. No. 26-85, 7-1-85)

Secs. 152.28, 152.29. Reserved.

DIVISION 5. PERMITS

Sec. 152.30. Permit required.

A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, using forms furnished by the building director. All permits shall be issued by the building director, and all fees provided for herein shall be paid to the city.
(Ord. No. 26-85, 7-1-85)
Cross reference—Penalty, § 152.99.9.

Sec. 152.31. Application for permits.

No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the State Fire Prevention and Building Safety Commission must also be filed with the Commission. No local permits shall be issued hereunder until a copy of a release for construction from the State Building Commissioner is received by the local Building Commissioner.
(Ord. No. 26-85, 7-1-85)
Cross reference—Penalty, § 152.99.9.

Sec. 152.32. Compliance with other regulations.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in the ordinances.
(Ord. No. 26-85, 7-1-85)
Cross reference—Penalty, § 152.99.9.

Sec. 152.33. Review of application.

Prior to the issuance of any building permit hereunder, the building director, or his duly authorized representative, shall:

(A) Review all building permit applications to determine full compliance with the provisions of this Code.

(B) Review all building permit applications for new construction or substantial im-

provements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes):

(1) Is protected against flood damage.

(2) Is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and flood damage.

(3) Uses of construction methods and practices that will minimize flood damage.

(Ord. No. 26-85, 7-1-85)

Sec. 152.34. Issuance of permit.

Permits required by section 152.30 shall be issued upon prior payment of inspection fees according to the schedule set forth in section 152.35.

(Ord. No. 26-85, 7-1-85)

Sec. 152.35. Permit fees.

(A) Building permits.

(1) Applications for change in zoning, appeals, and review of shopping center plans shall conform to the following:

(a)	Change in zoning	$50.00
(b)	Appeals	50.00
(c)	Review of shopping center plans	75.00

(2) Applications for zoning and building construction permits shall conform to the following:

(a) One-family dwellings and additions—$2.25 per 100 square feet (includes garage square feet when built with new dwelling) minimum—$25.00.

(b) Two-family dwellings and additions—$2.25 per 100 square feet (includes garage square feet when built with new dwelling) minimum—$25.00.

(c) Multifamily dwellings and additions—$3.50 per 100 square feet.

(d) Garages (attached or unattached)—$3.00 per 100 square feet (not built with new home) minimum—$25.00.

(e) Commercial buildings, offices, additions—$3.50 per 100 square feet.

(f) Industrial buildings, additions—$3.50 per 100 square feet.

(g) School buildings or additions—$2.50 per 100 square feet.

(h) Church buildings or additions—$2.50 per 100 square feet.

(i) Pole barns, agricultural—$1.50 per 100 square feet.

(j) Pole barns, steel agricultural—$1.50 per 100 square feet.

(k) Mobile homes, permanent residences—$2.25 per 100 square feet, minimum—$25.00.

(l) Utility buildings, accessory buildings—$2.00 per 100 square feet, minimum—$25.00.

(m) Fuel service stations—$3.50 per 100 square feet plus:

1 to 12 pumps	$300.00
12 to 20 pumps	500.00
Over 20 pumps, each ..	50.00

(n) Alterations—$5.00 per 100 square feet, minimum—$25.00.

(o) Camp grounds—$250.00 minimum plus $15.00 per stand.

(3) Demolition permits:

(a) Residences—$25.00

(b) Commercial and industrial—$5.00 per 1,000 square feet.

(4) Mineral extraction—$500.00 minimum plus $50.00 per acre with an annual inspection fee of $100.00.

(5) Mobile home parks—$250.00 minimum plus $20.00 per lot.

(6) Occupancy permit for multi-family—$15.00 minimum plus $5.00 per unit above three.

(7) Occupancy permit for schools and churches—minimum—$15.00.

(8) Occupancy permit for commercial and industrial—0—5,000 square feet—$25.00 plus $1.00 for each additional 100 square feet.

(9) Salvage yards—$500.00 minimum plus $50.00 per acre with an annual inspection fee of $100.00.

(10) Swimming pool placement (in-ground)—$50.00.

(11) Builders registration fee $25.00 (annual)—includes one- and two-family code book to each registrant.

(12) Whenever permits are not obtained prior to beginning of construction, a fee of $50.00 shall be required over and above the cost of the permit for the first offense. The second offense shall carry an additional fee of $150.00.

(B) Plumbing permits. Applications for installation and inspection or reinspection of plumbing permits shall be as follows.

(1) New construction.

(a) Each complete bathroom consisting of a stool, lavatory, shower or tub, plus, $3.00 for each additional stool, lavatory, shower or tub $10.00

(b) Kitchen sink, garbage disposal, and dishwasher 3.00

(c) Automatic clothes washer and dryer ventilation 3.00

(d) All other openings, such as clean-out drains, etc. 3.00

(2) Alterations, repairs, and remodeling—Fees same as new construction.

(3) Commercial, industrial, apartment and public buildings—Fees same as new construction.

(4) Agricultural and warehouse structures—Permit fee $30.00 up to the equivalent of two complete baths; above that same as new construction.

(5) Plumbers registration fee (Annual)—$15.00

Plumbing contractors must have a State Master Plumber License on file before permit for plumbing is issued.

(C) Electrical permits. Applications for installation and inspection or reinspection of electrical permits shall be as follows:

(1) New construction.

(a) One- and two-family residence—$1.00 per room, excluding baths and closets plus inspection fee of $20.00.

(b) Multi-family residence—$20.00 inspection fee for first unit with an inspection fee of $10.00 per unit thereafter

Maximum $500.00

(2) Alterations, repairs,and remodeling—Fees same as new construction.

(3) Commercial and industrial.

(a) New construction.

Inspection fee 100 AMP and 200 AMP service . . $500.00

Inspection fee 400 AMP up to 1,000 AMP 75.00

Inspection fee for 1,000 AMP and up 100.00

Plus permit fee of $2.00 per 100 square feet of floor area.

Minimum..... 100.00

Maximum 500.00

(b) Alterations, repair, and remodeling.

Partial or complete rewire permit fee 25.00

Plus $15.00 inspection fee.

Change of service (increase amperage) new or moved panel box, new or moved meter 25.00

(4) Agriculture and warehouse structures.

Permit fee $30.00 up to 400 AMPS, above 400 AMPS, same as commercial and industrial.

(5) Electricians registration fee (Annual) 15.00

Electrical contractors must have a local electrician license on file before work permit is issued.

(D) Heating and ventilating permits. Applications for installation and inspection or reinspection of heating and ventilating permits shall be as follows.

(1) New construction.

(a) One- and two-family residence.

Conversion burner installation..... $15.00

New or replacement furnace installation 20.00

Air conditioning installation 20.00

Combination furnace and air conditioning unit or heat pump installation—new or replacement 35.00

(b) Multi-family residence—Same as one- and two-family residence plus inspection fee of $10.00 per unit above one.

Maximum 500.00

(c) Replacement on any of the above—Fees same as new construction.

(2) Commercial and industrial.

(a) Air Conditioning—$20.00 inspection fee per unit plus $1.00 per ton

(b) Electric heat—$20.00 inspection fee per unit plus $1.00 per ten KW's.

(c) Fossil heat—$20.00 inspection fee per unit plus $1.00 per 10,000 BTU's.

(d) Replacement—Same as new construction.

(3) Heating and ventilating registration fee. (Annual)..... 15.00

(1968 Code, § 132.46; Ord. No. 287-77, 7-13-77; Ord. No. 26-83, 5-9-83; Ord. No. 75-85, 1-6-86; Ord. No. 47-02, 11-4-02)

Secs. 152.36—152.39. Reserved.

DIVISION 6. INSPECTION

Sec. 152.40. Inspections.

After the issuance of any building permit hereunder, the building director shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this code and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.
(Ord. No. 26-85, 7-1-85)

Secs. 152.41—152.44. Reserved.

DIVISION 7. DEMOLITION OF BUILDINGS

Sec. 152.45. Permit for demolition of buildings.

(A) Prior to the demolition or removal of any building or structure, an application for a permit shall be made to the building director, containing a statement of the facts in relation thereto, and stating the location and ownership of the building

to be demolished. After issuance of a demolition permit by the building director, the permittee shall give 24 hours' notice to the building director before the demolition of any building or structure Is begun. (See § 152.36 (F) and (K) of this chapter for wrecking permit fee.)

(B) Every application for demolition permit shall be accompanied by a $5,000.00 surety bond by permittee issued to the city.
(1968 Code, § 132.55)

Sec. 152.46. Safety measures and cleanup.

(A) In demolishing any structure or part thereof, story after story consecutively shall be completely removed. No material shall be placed upon a floor of any building in the course of demolition; the brick, timbers, and other parts of the story shall be lowered to the ground immediately upon displacement. The materials to be removed shall be properly wet to reduce dust. A substantial shed, to be approved by the building director, covering over thoroughfares, shall be provided when demolishing buildings over 20 feet in height.

(B) When any building has been wrecked, the person, firm, or corporation who has wrecked the same shall immediately clear the property and adjacent streets and alleys of all rubbish, refuse, and loose material resulting from the wrecking. The wrecking contractor shall fill all excavations level with the adjoining grade.
(1968 Code, § 132.56)

Secs. 152.47—152.64. Reserved.

DIVISION 8. FIRE ZONES

Sec. 152.65. Fire zones.

For the purpose of the building ruler and regulations incorporated in this code, there are established fire zones within the city limits, as follows:

(A) Fire zone 1. All the areas within the city limits which are zoned: CB Central Business; and MT Major Trading, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.

(B) Fire zone 2. All the areas within the city limits which are zoned: BL Limited Business; BC Community Business; and BV Variety Business, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.

(C) Fire zone 3. All the remaining areas within the city limits which are not classified in the zone classifications listed above in fire zones 1 and 2, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.

(Code 1968, § 132.75; amend. Ord. No. 247-76, 12-6-76)

Sec. 152.66. Commercial, industrial, apartments, and public buildings fire limits.

There is specifically incorporated by reference the Uniform Building Code promulgated by the Administrative Building Council of Indiana, governing restriction in fire zones for industrial, apartments, and public buildings, and all amendments thereto. The fire zone regulations so incorporated by reference shall be supplemental to local and state regulations and the zoning ordinances of the city.
(Code 1968, § 132.76; amend. Ord. No. 247-76, 12-6-76)

Sec. 152.67. One- or two-family dwellings, fire limits.

All the regulations governing commercial, industrial, apartments, and public buildings as set forth in § 152.66 of this chapter shall also apply to one- and two-family dwellings when the dwellings are constructed, altered, or moved within fire zones 1 and 2 designated in § 152.65 of this chapter.
(Code 1968, § 132.77)

Secs. 152.68, 152.69. Reserved.

DIVISION 9. RESIDENTIAL BUILDING CODE GENERAL PROVISIONS

Sec. 152.70. Definitions.

For purposes of §§ 152.70 through 150.132 the following words and phrases shall have the following meanings ascribed to them respectively.

Apartment. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Approved. (As to materials and types of construction.) Approval by the building commissioner as the result of investigations and tests conducted by him, or by reason of accepted principles of tests by national authorities or technical or scientific organizations.

Approved agency. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building commissioner.

Building commissioner. The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this code.

Dead load. The weight of all permanent construction including walls, floors, roofs, partitions, stairways, and fixed service equipment.

Felt. A fabric saturated with bitumen weighing up to 15 pounds per 108 square feet used as an underlayment or sheeting paper. Not commonly acceptable as flashing.

Fire-resistance rating. The time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the "Standard Methods of Fire Tests of Building Construction and Materials." See NBFU Building Code 55.

Hollow masonry unit. A masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than 75 percent of its gross cross-sectional area measured in the same plane.

Solid masonry unit. A masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is 75 percent or more of its gross cross-sectional area measured in the same plane.
(Code 1968, § 132.81)

Veneer. A facing of brick, stone, concrete, tile, metal, or similar material attached to a wall for the purpose of providing ornamentation, protection, or insulation, but not counted as adding strength to the wall.
(Code 1968, § 132.83)

Walls.

(1) *Bearing wall.* A wall which supports any vertical load in addition to its own weight.

(2) *Cavity wall.* A wall built of masonry units or plain concrete or a combination of these materials, so arranged as to provide an air space within the wall, one in which the inner and outer wythes of the wall are tied together with metal ties.

(3) *Faced wall.* A wall in which the masonry facing and backing are of different materials and are so bonded as to exert a common reaction under load.

(4) *Foundation wall.* A wall below the floor nearest grade serving as a support for a wall, pier, column, or other structural part of a building.

(5) *Nonbearing wall.* A wall which supports no vertical load other than its own weight.

(Code 1968, §§ 132.80, 132.81, 132.83)

Sec. 152.71. Occupancy of structure.

No residential, duplex, or row house can be occupied for habitual use until all constructions conditions required by this code have been fully complied with and certified by the building commissioner.
(Code 1968, § 132.82)

Secs. 152.72—152.134. Reserved.

DIVISION 10. MOVING BUILDINGS

Sec. 152.135. Application for permit required; contents of application.

Any person desiring to remove any building or structure from the place where it is located in the

city shall file with the building commissioner of the city a written application for a permit describing:

(A) The present location of the building or structure and the place where it is to be moved, if such place is within a radius of four miles of the city.

(B) The proposed route of moving over the streets of the city.

(Code 1968, § 132.145)

Sec. 152.136. Amount and payment of permit fees.

At the time of filing an application for a permit to move a building or structure as provided in § 152.135 of this chapter, the applicant shall pay to the office of the city controller an application fee of $50.00 for the benefit of the general fund of the city. However, if the area of the building or structure to be moved does not exceed 400 square feet, then the application fee shall be $10.00.
(Code 1968, § 132.146)

Sec. 152.137. Agreement of applicant to be filed with application.

The applicant described in § 152.135 of this chapter shall also file with the application a written agreement, duly executed, providing that, if the permit is granted, the applicant will:

(A) Promptly remove the building in a careful and prudent manner, and not permit the same to remain upon the streets in the city longer than reasonably necessary.

(B) Upon completion of the removal, if within four miles of the corporate limits of the city, promptly complete the remodeling of the building in conformity with the provisions of all applicable sections of this code, or other ordinances of the city then in force.

(C) Pay all damages of every kind and character occasioned to the city, any public utility, and any other person as a result of the moving.

(Code 1968, § 132.147)

Sec. 152.138. Examination of building to be moved.

Upon the filing of the application required by § 152.135 of this chapter, the building commissioner and the city engineer shall immediately proceed to examine the building to be removed and make a complete investigation to determine:

(A) Whether or not the economic life of the building is more than 50 percent exhausted.

(B) The approximate extent, nature, and amount of damage to the streets, alleys, and other public improvements over the proposed route of moving.

(C) Whether or not the neighborhood into which it is proposed to move the building is a neighborhood in which are located buildings of the same size, type, age, and character as the building to be moved.

(D) Whether or not the building when completed in the new location will violate any of the provisions of this code, or other ordinances of the city.

(Code 1968, § 132.148)

Sec. 152.139. Notice and hearing for determination by board of zoning appeals.

If the city engineer and building commissioner shall disagree in any of the matters to be determined as provided in § 152.137 of this chapter, they shall submit the matter to the board of zoning appeals of the city, and the board of zoning appeals shall thereupon determine the matter after holding a public hearing at the expense of the applicant, giving notice of the hearing as provided by the zoning code.
(Code 1968, § 132.149)

Sec. 152.140. Notification to public utilities to file estimate of damages.

(A) The building commissioner shall upon determination as hereinafter provided, notify all public utilities affected by the proposed moving of any building or structure, and request that they furnish, within 48 hours of the notice, an estimate

of the expense and damage which will be suffered by the utilities in the event the moving takes place.

(B) The notice shall be given only in case the building director and the city engineer shall determine, or, in event of their disagreement, in case the board of zoning appeals shall determine that:

(1) More than 50 percent of the economic life of the building is not exhausted.

(2) The moving will not cause irreparable damage to the streets, alleys, and other public improvements along the route of moving.

(3) The neighborhood into which it is proposed to move the building has located therein buildings of the same age, type, and character as the building to be moved.

(4) The building when completed will not violate the provisions of this code, or other ordinances of the city.

(Code 1968, § 132.150)

Sec. 152.141. Notice to applicant that permit will be issued upon posting of bond and deposit to cover damages.

Upon expiration of the 48-hour period provided for in the preceding section, the building director shall notify the applicant that a moving permit will be granted upon the applicant's:

(A) Filing with the city controller a bond payable to the city and any person who may be damaged by the moving, in the penal sum of $5,000.00, conditioned that applicant will cause to be performed the agreement filed with the application, and pay all damages, public or private, occasioned by the moving, including expenses of collection and attorney's fees, without relief from valuation of appraisement laws.

(B) Paying to the office of the city controller for the use of the city and persons entitled thereto the estimated amount of such damages.

(Code 1968, § 132.151)

Sec. 152.142. Issuance or refusal of permit.

No permit required by §§ 152.135 through 152.145 of this code shall be granted if any of the matters set out in § 152.138 of this chapter are determined in the negative; otherwise, the permit shall be issued upon performance of the conditions set out in § 152.140 of this chapter.

(Code 1968, § 132.152)

Sec. 152.143. Notice of completion of moving.

Within two weeks after completion of the moving, the applicant shall file with the building director notice thereof, and the city engineer, on behalf of the city and any other person affected thereby, shall file with the building director an itemized and verified statement of the cost, expense, and damage incurred on account of the moving. The building director shall thereupon approve so much of the claims as in his judgment shall be deemed just and reasonable, and if there be sufficient money on deposit with the city controller, shall direct the city controller to pay the claims to the persons entitled thereto. If the sum on deposit is insufficient, the same shall be prorated, and the applicant shall be notified by the building director of the deficiency, and it shall be the duty of the applicant to pay the deficiency. Four weeks after the filing of notice of completion of the moving, if any of the deposit remains unclaimed, the head of the department of finance shall refund the same.

(Code 1968, § 132.153)

Sec. 152.144. Moving building without permit; leaving building in street for unreasonable time; failure to complete building after moving.

It shall be unlawful to:

(A) Remove any building or structure of any kind or character whatsoever located within the city without first obtaining the permit provided for by §§ 152.135 through 152.145 of this chapter.

(B) Leave any building or structure upon the public streets of the city for an unreasonable time, or fail to immediately complete

the building in conformity with the provisions of this code, or other ordinances of the city then in force.

(Code 1968, § 132.154)

Sec. 152.145. Injunctive relief against violation; recovery of costs.

Any violation of §§ 152.135 through 152.145 of this chapter may be restrained, enjoined, and prevented by injunctive relief at the suit of the building director or any other person, either in the name of the person or in the name of the city, and the party bringing the action, if successful, shall be entitled to recover all costs, expenses, and attorneys' fees incurred in connection with the prosecution of the suit.

(Code 1968, § 132.155)

Sec. 152.999. Penalty.

If any person, firm, or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building director, or shall fail, neglect, or refuse to obey any lawful order given by the building director in connection with the provisions of this code, for each such violation, failure, or refusal, such person, firm, or corporation shall be fined in any sum not less than $1.00 nor more than $1,000.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. No. 26-85, 7-1-85)

CHAPTER 153. ELECTRIC CODE

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Sec. 153.58. License personal, not transferable.
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Sec. 153.63. Hearing and appeal.
Sec. 153.99. Penalty.

DIVISION 1. ELECTRIC CONTRACTORS

Sec. 153.01. Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Electrician. A person with a regular established place of business and who is engaged in the business of electrical contracting. That person, or if a firm or corporation, a member thereof, shall have passed an examination before the appointed electrical examiners, and shall have made a grade of 75, or better; in which case, he shall be granted a license which shall permit the person to engage in the installation, alteration, and repair of any electric wiring, devices, or appliances.

Journeyman electrician. Any person who has taken an examination before the appointed electrical examiners and shall have passed with a grade of 75, or better; in which case, he shall be granted a personal card that shall state his name, address, date of examination, expiration date, and that the holder thereof shall be entitled to undertake the work of installing, maintaining, altering, and repairing electric wiring, devices, appliances, and equipment in the employ of an electrical contractor.

Wiring. The art and science of installing in buildings the wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for light, heat, or power purposes.
(Code 1968, § 132.200)

Sec. 153.02. Board of electrical examiners.

The board of electrical examiners shall be appointed by the mayor and shall be composed of a member of the common council selected by the council president, one registered architect, the

building commissioner, one master electrician with not less than ten years' experience, and one journeyman electrician with not less than five years' experience. The journeyman and master electricians shall be actively engaged in electrical work in the city. The journeyman and master electrician serving on the board of electrical examiners shall receive $2.50 each per meeting.
(Code 1968, § 132.201)

Sec. 153.03. Permit required; submission of plans and specifications.

Before any electrical work shall be commenced in any residence, building, or structure of any kind, or on any lot or premises in the city, plans and specifications thereof shall be filed with the building commissioner, and if such plans and specifications are approved by the building commissioner, then he shall endorse his approval thereon; or the building commissioner may be notified of the proposed installation of electricity by the property owner as above designated, and thereupon the commissioner shall visit the premises, and, after inspection of the methods, plans, and specifications of the owner, shall reduce the same to writing, and the building commissioner shall endorse approval thereon. After the approval of such plans and specifications and the methods of proposal, a permit to do such wiring work shall be obtained by a licensed and bonded electrical contractor from the building commissioner of the city.
(Code 1968, § 132.202)

Sec. 153.04. Compliance with regulations prerequisite to issuance of permit.

No application for a permit to do electrical work in the city shall be approved by the building commissioner unless the person making such application agrees to do all work for which such permit is granted in accordance with the provisions of this chapter and the approval of the building commissioner.
(Code 1968, § 132.203)

Sec. 153.05. Effect of approval of plans and specifications.

Approval of all plans and specifications by the building commissioner shall not guarantee any person that the approved plans and specifications are in exact accordance with this chapter, and no errors or omissions found later by the applicant or by the building commissioner shall be construed to permit any person to violate the provisions of this chapter, or other laws. Such errors or omissions shall be immediately rectified so that such plans and specifications conform with the provisions of this title, and other ordinances and laws of the city.
(Code 1968, § 132.204)

Sec. 153.06. Permit fees.

The permit fees for the installation and inspection or reinspection of wiring shall be as set out in the building code of the city in §§ 152.01 through 152.144.
(Code 1968, § 132.205)

Sec. 153.07. Revocation of permits; authority of building commissioner.

Should the building commissioner become convinced that the work called for in the wiring permit is not proceeding according to the plans and specifications upon which the permit was issued, it shall be his duty to notify, in writing, the owner of the property involved, or his agent, and the electrical contractor installing the work, that the work is being done in violation of the approval permit or this chapter, that such work shall be corrected to conform to the provisions of this section, and if such work is not corrected as required, the permit shall be revoked.
(Code 1968, § 132.206)

Sec. 153.08. Notice of revocation.

The revocation of a wiring permit shall be by letter to the applicant at the address shown on the wiring permit application, or to the wiring concern installing the work, or in lieu thereof, the building commissioner or his authorized assistants may cause a tag, sticker, or notice of such revocation of a permit to be attached to the electrical work under construction or in the vicinity of such work.
(Code 1968, § 132.207)

Sec. 153.09. Expiration of permits.

Every wiring permit shall expire by limitation if active work has not been commenced within two months of the date of issue.
(Code 1968, § 132.208)

Sec. 153.10. Inspection of wiring; generally; duty of building commissioner.

The building commissioner, when notified that any electrical work is ready for inspection, shall examine the same and approve or reject all such work, or parts thereof, not less than eight working hours from the time of such notification. All work shall be left uncovered for examination until the inspection is made.
(Code 1968, § 132.209)

Sec. 153.11. Notice to building commissioner and owner of property involved.

The electrician in charge shall notify the building commissioner, and also the owner of the property involved, or his authorized agent, by telephone or in writing, between the hours of 8:00 a.m. and 4:00 p.m., not less than eight work hours before the work is to be inspected or tested. It shall be the duty of the electrician, before giving the notification above, to make sure that the work will stand inspection. If the building commissioner finds that the work will not pass the inspection, the electrician shall be required to renotify as above, and to pay the sum of $1.00 for each renotification or reinspection.
(Code 1968, § 132.210)

Sec. 153.12. Adoption of rules and regulations; applicability to utilities and manufactures.

(A) The National Electrical Code, 1958 Edition, is accepted and adopted as the minimum requirements for the installation of all wiring within the city in the type of buildings set forth under § 153.03.

(B) In the district of the city designated by the zoning code as District C-1 General Commercial District, all current-carrying conductors shall be installed in rigid conduit or thin-wall tubing; this includes all new replacements and additions, excepting window lighting, which may be wired with greenfield in length not to exceed three feet. This district shall include all public buildings, filling stations, bulk plants, gasoline pumps, garages, warehouses, and all buildings in which oil, grease, paper, rags, rubber, and any other inflammable material is stored. All fittings, switches, and fixtures shall be in compliance with the National Electrical Code adopted in this section.

(C) This section shall not apply to public utilities or manufacturing companies, or their regularly employed electricians, while engaged in electrical maintenance on the property or equipment of such utility or manufacturing company.
(Code 1968, § 132.211)

Sec. 153.13. License required; bond.

No person shall engage in or operate a business of wiring, heating, or air conditioning in the city without having first obtained a license to do so from the city controller. No license shall be issued until the applicant has filed with the city clerk his bond in the sum of $1,000.00, payable to the city, for the use and benefit of any person who shall suffer any damage because of any violation of this chapter or damage to the property owned by him. Such bond shall be executed by such person, together with a surety company authorized to do business in the state, or with two resident freeholders of the city, who shall own unencumbered real estate of at least twice the amount of such bond. Such bond shall be approved by the clerk of the city and such approval shall be endorsed thereon; and such bond shall be maintained so long as the person engages in the business of wiring in the city. A cash bond in the sum of $1,000.00 may be accepted by the clerk in lieu of the bond herein provided.
(Code 1968, § 132.212; Am. Ord. No. 17-87, 8-3-87)

Sec. 153.14. Record of licenses to be kept.

The city clerk shall keep a record of all persons licensed to engage in the electrical, heating, or air conditioning business in the city, together with the amount and date of their bonds and the sureties thereon.
(Code 1968, § 132.213; Am. Ord. No. 17-87, 8-3-87)

Sec. 153.15. License fee; expiration of license; renewal.

(A) The fee for a license to operate an electrical, heating, or air conditioning business or engage in wiring as an independent contractor in the city shall be at the rate of $75.00 per annum payable at the time application for the license is filed with the city controller. All licenses shall expire one year after the date of issue and no license shall be issued for a longer period than one year, but such license may be renewed without reexamination. Any person holding a license who shall allow the same to lapse shall not be entitled to renew the same without examination, unless he renews the same within 30 days from the expiration of the license. No license shall be transferable and the license shall be conspicuously posted in the place of business for which it is issued. The renewal fee after one year's license fee of $75.00 has been paid shall be $25.00 per year. The license fee for journeyman electricians shall be $5.00 with application and the renewal fee $3.00 per year. A journeyman must deposit, at the time of application for an examination, a fee of $5.00 with the city controller. If he should fail to pass the examination, the fee shall be deposited in the general fund.

(B) All holders of a present contractor's license shall, 30 days before the expiration date of April 1 of each year, make application for renewal of such license before being granted the new master electrician's license, and the new master electrician's license shall state master electrician thereon.
(Code 1968, § 132.214; Am. Ord. No. 17-87, 8-3-87)

Sec. 153.16. Certificate and bond prerequisite to issuance of license.

(A) The city controller shall not be entitled to issue a license as provided in this chapter until the applicant shall produce and show to the controller either his old license which has expired or a certificate from the board of electrical examiners that he has passed the examination successfully as provided in this chapter and also a certificate from the city clerk showing that a bond has been filed or a cash deposit made as provided in § 153.13.

(B) In case any person properly applying to the city controller shall produce the required evidence that he is actively connected with any firm or corporation engaged in the electrical business in the city and shall request that such license be issued in the name of such firm or corporation, then the city controller is authorized to issue such license to the firm or corporation; provided that all parts of §§ 153.01 through 153.11 have been complied with. Any withdrawal of members of any firm must be reported immediately to the board of electrical examiners.
(Code 1968, § 132.215)

Sec. 153.17. Examination of applicant for license.

Any applicant desiring an examination for an electrician's license shall be entitled to an examination within 30 days from the date of filing and perfecting his application with the city controller. Upon the filing of such application, the city controller shall notify, in writing, each member of the board of electrical examiners of the date upon which such examination will be held. Such notification shall be mailed at least five days before the date fixed for the examination. The examination shall consist of questions based on the National Electrical Code referred to in § 153.12. An examination fee of $15.00 shall be deposited with the city controller at the time of application, $10.00 to be applied on the master's fee; provided, that the applicant passes the examination.
(Code 1968, § 132.216)

Sec. 153.18. Issuance of license; disposition of fee.

The license provided for in this chapter shall be issued by the city controller to any person qualified in accordance with this chapter, and the license fee shall be deposited in the general fund.
(Code 1968, § 132.217)

Sec. 153.19. Failure to pass examination; reexamination.

In the event any applicant for an electrician's license fails to pass the examination for such license, the amount deposited shall remain the property of the city and be deposited in the

general fund. An unsuccessful applicant shall be permitted to again file an application for an examination at the expiration of three months from the date of the prior examination, but not sooner, upon payment of the required license fee. (Code 1968, § 132.218)

Sec. 153.20. Licenses for members or officers of firms.

No firm or corporation shall engage in or operate an electrical business in the city unless one member of such firm, or officer or agent of such corporation, has been licensed according to the provisions of this chapter and has had the license issued in the name of the firm or corporation as provided in § 153.16. A person requesting a license to be issued in the name of a firm or corporation shall file with the clerk of the city the names of all members of the firm or the name of the corporation. The examination and all provisions of this chapter relating thereto shall be binding on all members of the firm or corporation. (Code 1968, § 132.219)

Sec. 153.21. Wiring standards.

Any structure within the city limits shall have all electrical wiring enclosed in rigid metal or conduit or thin-wall tubing complete with all fittings and attachments required. The only exception to this shall be single-or two-family residential structures which shall not require the use of conduit unless located in a District C-1 General Commercial District. This does not prohibit the use of "buss duct" or other similar enclosed wiring devices. The type of rigid metal conduit, fittings, and connectors, to be used in various locations such as hazardous locations and wet locations, shall be in conformance with the National Electric Code, latest revised edition. The installation of conduit shall be inspected by an officer from the building commissioner's office, before any wire is pulled and any part is covered up, and again before connection to outside service is made. Forty-eight-hour notice is required. On any question, the decision of the building commissioner or his officer shall be final and binding with no recourse. (Code 1968, § 132.220)

Sec. 153.22. Violations of regulations.

No person shall have the occupation of electrician within the city, or do any electrical work for hire within the city, without first having complied with the provisions of this chapter. No such person shall fail to comply with any of the requirements of these sections, or assist in any violation of these sections.
(Code 1968, § 132.221)

Secs. 153.23—153.39. Reserved.

DIVISION 2. HEATING AND COOLING CONTRACTORS

Sec. 153.40. License required.

(A) Licensure as a heating and cooling contractor of the appropriate type is required to install, modernize, replace, service or repair all or any part of a heating system, a cooling system, space heating equipment, space cooling equipment or refrigeration equipment.

(B) Construction activity which this subchapter allows licensed heating and cooling contractors to carry out is hereafter referred to in this subchapter as "heating and cooling work."

(C) A person not licensed under this subchapter who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed heating and cooling contractor providing direction and control over the nonlicensed person.

(D) A person not licensed under this subchapter may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons,

partnerships or corporations engaged in the business of service and repair, however, must be licensed under this subchapter.
(Ord. No. 74-89, 12-4-89)

Sec. 153.41. Board of heating and cooling examiners.

A board of heating and cooling examiners (hereinafter in this subchapter referred to as the "board") shall consist of five members and shall be responsible for carrying out the provisions relative to licensure of heating and cooling contractors. The building commissioner, or his agent shall be a member of the board. The other four members of the board shall be appointed by the mayor for two year terms in such manner that two terms expire on January 1st of each year and the two other terms expires on January 1st of the next year. Three of the four members appointed by the mayor shall be persons to whom a license has been issued in accordance with this subchapter and the remaining appointed member shall be a person (not licensed under this subchapter) representing the public at large. Each of the appointed members shall be a resident of Delaware County. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure.
(Ord. No. 74-89, 12-4-89)

Sec. 153.42. Organization of board.

(A) The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the building commissioner, or his agent, and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

(B) At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in § 153.47 and of the equivalent examination stated in § 153.49.
(Ord. No. 74-89, 12-4-89)

Sec. 153.43. Meetings of board.

The board shall hold regular meetings once each month if there are one or more applications for license pending or other official business to come before the board. Special meetings may be called by the chairman or any three members upon giving written notice fixing the time and place of the meeting at least two days in advance of the special meeting. Three appointed members of the board shall constitute a quorum for the transaction of all business.
(Ord. No. 74-89, 12-4-89)

Sec. 153.44. Record of proceedings.

The board shall keep a summary record of its proceedings.
(Ord. No. 74-89, 12-4-89)

Sec. 153.45. Register of application.

The building commissioner, or his agent, shall maintain a register of all persons, partnerships and corporations which apply for licensure and persons who apply for renewal of licensure under this subchapter.

(A) If the applicant is a person, the register shall show the date of application, the name of the applicant, the age, education, years of experience and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, the type of license for which application is made, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and date of such action.

(B) If the applicant is a partnership, the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, the type of license for which application is made, and whether the application was rejected or approved and the date of such action.

(C) If the applicant is a corporation, the register shall show the date of application, the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, the type of

license for which application is made and whether the application was rejected and the date of such actions.

(Ord. No. 74-89, 12-4-89)

Sec. 153.46. Qualifications for a person to be licensed as a heating and cooling contractor.

A person shall be entitled to receive one license of the appropriate type as a heating and cooling contractor (either initially or by renewal of a license) if the following requirements are met:

(A) The person:

(1) Meets the written examination requirement stated in § 153.47, and the experience requirement stated in § 153.49; or

(2) Meets the equivalent examination requirement stated in § 153.49 and the experience requirement stated in § 153.49; or

(3) Meets the eligibility for renewal requirements stated in § 153.50; or

(4) Presently holds a license equivalent to the license described under § 153.56(B), below, but a license granted under this last provision shall have the limits of the license issued under § 153.56(B), and

(B) The person does not presently have a license issued under this subchapter suspended nor has he had such a license revoked within a period of the preceding 730 days; and

(C) The board has not, within the preceding 365 days, determined in accordance with § 153.61 that the person is not eligible for license renewal; and

(D) The person has submitted an acceptable bond and certificates of insurance as required by §§ 153.54 and 153.55 unless this requirement is relieved because such person either meets the partnership or corporate agent status requirement stated in § 153.51 or such person meets the inspector status requirement stated in § 153.62; and

(E) The person has paid all specified fees.

Unless these requirements are met a person shall not be entitled to a heating and cooling contractor's license of the appropriate type.

(Ord. No. 74-89, 12-4-89)

Sec. 153.47. Written examination.

The written examination requirement of § 153.46 is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to heating and cooling work for which such license of the applicable type is required:

(A) General knowledge of the provisions of this subchapter and other relevant ordinances of the city; and

(B) General knowledge of the rules and regulations of the administrative building council, state and federal agencies applicable in the city; and

(C) Expert; knowledge about the proper, practical and safe methods of accomplishing heating and cooling work.

(D) In the event a person fails to obtain a passing score on the written examination administered by the board, reexamination shall only be allowed pursuant to the written policies and regulations promulgated by the board.

(Ord. No. 74-89, 12-4-89)

Sec. 153.48. Experience.

The experience requirement of § 153.46 is met by a person who has had at least five years of practical work experience pertaining to heating and cooling work or a combination of experience and school which totals five years.

(Ord. No. 74-89, 12-4-89)

Sec. 153.49. Equivalent examination.

The equivalent examination requirement of § 153.46 is met by a person who demonstrates,

either orally or in writing to the satisfaction of the board, his familiarity with this subchapter and presents evidence satisfactory to the board at one of its meetings that he currently practices the craft of a heating and cooling contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the board for the applicable license type.
(Ord. No. 74-89, 12-4-89)

Sec. 153.50. Eligibility for license renewal.

The eligibility for renewal requirement of § 153.46 is met by a person who:

(A) Has held an unrevoked license of the same type under this subchapter within the preceding 730 days;

(B) Has held an unrevoked license of the same type under this subchapter within the preceding 1,460 days (four years) and demonstrates to the satisfaction of the board that during at least two years of that period the person has been actively engaged, in the city or elsewhere, in heating and cooling work.

(Ord. No. 74-89, 12-4-89)

Sec. 153.51. Partnership or corporate agent status.

The partnership or corporate agent status requirement of § 153.46 is met by a person who:

(A) Is a partner or employee of a partnership or an officer or employee of a corporation which is licensed under this subchapter; and

(B) Does not make any use of his license as a heating and cooling contractor other than as an agent of the partnership or corporation.

Whenever such person has occasion to enter into a transaction or take action for which licensure under this subchapter is required, he shall clearly state the fact he is acting as agent for an identified partnership or corporation principal.
(Ord. No. 74-89, 12-4-89)

Sec. 153.52. Inspector status.

The inspector status requirement of § 153.46 is met by a person who is employed by the city in a position in which she or he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work and the Uniform Mechanical Code (Article II) provisions of this subchapter. Such a person shall not use a license as a heating and cooling contractor other than with respect to his employment by the city. Licensure under this section terminates by operation of law when the person is no longer employed by the building commissioner and does not meet the requirements of §§ 153.46 and 153.55.
(Ord. No. 74-89, 12-4-89; Ord. No. 31-92, 8-3-92)

Sec. 153.53. Qualifications for a partnership or corporation to be licensed as heating and cooling contractor.

A partnership or corporation shall be entitled to receive one license of the appropriate type as a heating and cooling contractor if the following requirements are met:

(A) At least one general partner (who is a person) or employee of a partnership or at least one officer or employee of a corporation holds a license of the same type under this subchapter as that relative to which the partnership or corporation has made application, provided, however, that an unlicensed general partner or employee of a partnership or an unlicensed officer or employee of a corporation shall be deemed to fulfill the requirement of this division if such person is prevented from meeting the requirements of § 153.46 for licensure of the applicable type solely because the partnership or corporation of which he is a partner or employee or officer or employee is not licensed under this subchapter and such partner or employee or officer or employee has submit-

ted an application for licensure so that the licenses of the partner or employee and corporation can be approved and issued simultaneously; and

(B) The partnership or corporation does not presently have a license issued under this chapter suspended nor has it had such a license revoked within a period of the preceding 730 days; and

(C) The board has not, within the preceding 365 days, determined in accordance with section 153.62 that the partnership or corporation is not eligible to receive a successor license; and

(D) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this subchapter presently suspended or who has had such a license revoked within the preceding 730 days, or a determination made of ineligibility for license renewal within the preceding 365 days; and

(E) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding 365 days, served as a partner in a partnership or officer in a corporation licensed under this subchapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended more than one year or a determination made of ineligibility for receipt of a successor license; and

(F) The partnership or corporation has submitted an acceptable bond and certificates of insurance as required by sections 153.54 and 153.55; and

(G) The partnership or corporation has paid all specified fees.

(H) Unless these requirements are met, a partnership or corporation shall not be entitled to a heating and cooling contractor's license of the appropriate type.

(Ord. No. 74-89, 12-4-89)

Sec. 153.54. Bond.

(A) Before a license is issued by the city to any person, partnership or corporation, the city controller shall require the applicant to file a surety bond in the amount of $5,000.00. The bond shall be maintained in full force and effect for a period of not less than one year. The bond shall set forth the name, phone number and address of the agent representing the bonding company, and shall be:

(1) Issued by a surety authorized to do business in Indiana;

(2) Payable to the city or an unknown third party as oblige;

(3) Conditioned upon:

(a) Compliance with requirements set forth in this subchapter which must be met to retain licensure; and

(b) Prompt payment of all fees owed the city as set forth in this subchapter; and

(c) Prompt payment to the city for any loss or expense for damages to property of the city caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction activity; and

(d) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations,

2. Expenses necessary to correct violations, and

3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for viola-

tions of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen of suppliers while engaged in heating and cooling work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of building standards and procedures.

(B) The city controller may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of $5,000.00 if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the city and an unknown third party as the protections afforded by the surety bond.

(C) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to $5,000.00. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety of financial institution shall prorate payment according to the amount of such claims.
(Ord. No. 74-89, 12-4-89)

Sec. 153.55. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all heating and cooling work and any related construction activity accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect:

(A) A public liability and property damage insurance policy assuring the licensee and naming the city as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the city arising out of operations being performed by or on behalf of the licensee in the minimum amounts of $500,000.00 for combined bodily injury and property damage coverage or $500,000.00 for any occurrence relative to which there is injury or death to one or more persons and $100,000.00 for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the building commissioner or his agent.

(B) Worker's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the building commissioner or his agent. This provision shall not apply if the licensee has no employees and gives appropriate notice to the building commissioner or his agent.

The insurance carrier shall give notice both to the licensee and the division of development services at least 15 days before such insurance is either cancelled or not renewed, and the certificate shall state this obligation.
(Ord. No. 74-89, 12-4-89)

Sec. 153.56. Types of licenses.

There shall be three types of licenses approved by the board pursuant to this chapter. Heating and cooling work may be accomplished under these license types as follows:

(A) The "heavy commercial (unrestricted)" license authorizes the holder thereof to perform all of the kinds of heating and cooling work without limitation.

(B) The "light commercial/residential" license authorizes the holder thereof to perform work of the following kinds:

(1) Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment has a rated output not in excess of 600,000 Btuh and does not include preassembled air-conditioning condensing units which exceed a rating of 25 tons under ARI standards; and

(2) Installation, modernization, replacement, service or repair of heating systems of space heating equipment, which system or equipment has a rated Btuh and which does not utilize a water boiler in which the rate pressure exceeds 30 pounds per square inch.

(C) The "refrigeration" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of refrigeration equipment.

(Ord. No. 74-89, 12-4-89)

Sec. 153.57. Board's approval for licensure.

(A) Approval for licensure of a person, partnership or corporation as a heating and cooling contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board, delegate to one of its officers or the building commissioner or his agent authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by § 153.50 or the applicant is a partnership or corporation.

(B) Upon delivery of such approval, a heating and cooling contractor's license of the appropriate type shall be issued by the building commissioner or his agent for a period of one year. No license shall be issued by the building commissioner or his agent to any person, partnership or corporation as a heating and cooling contractor except as provided in this division.

(Ord. No. 74-89, 12-4-89)

Sec. 153.58. License personal, not transferable.

No license issued under the provisions of this division shall be assigned or transferred.

(Ord. No. 74-89, 12-4-89)

Sec. 153.59. Supervision by licensee.

All heating and cooling work shall be accomplished under the direction and control of either:

(A) The licensed person who applied for the building permit; or

(B) If the building permit has been transferred, the licensed person who is the applicant representing the transferee of the building; or

(C) If the applicant for the building permit no longer is able or desires to continue his responsibilities or obligations as the applicant and the obtainer of the building permit is a partnership which has a licensed person as a partner or a corporation which has a licensed person as an officer who meets the requirements imposed by this subchapter to apply for such a building permit in the first instance, such licensed partner or officer upon his notifying (using services) the commissioner of his assumption of the responsibilities and obligations of the applicant for the specified building permit.

The licensed person providing direction and control shall specify work processes and supervise the person or persons, accomplishing the heating and cooling work. Such licensed person or a competent person responsible to him must be present at the site when any significant heating and cooling work occurs.

(Ord. No. 74-89, 12-4-89)

Sec. 153.60. Heating and cooling work on one's own property.

A person who both owns and possesses an improved or unimproved parcel of land may personally accomplish heating and cooling work for which a license is required by this subchapter, without having such a license, relative to a one-or two-family residential structure on such parcel, if:

(A) The nonlicensed person obtains a building permit for the heating and cooling work, if required; and

(B) In the instance of heating and cooling work for which a building permit is required which poses a substantial potential health or safety hazard has determined by the board or by the commissioner on behalf of the board by making reference to standards issued by the board), the nonlicensed person has secured, after furnishing full plans and information, the board's written approval of the specified work; or

(C) In the instance of heating and cooling work for which a building permit is required which if done improperly is not a substantial potential health or safety hazard (as determined by the board or by the commissioned on behalf of the board by making reference to standards issued by the board) the nonlicensed person has secured, after furnishing full plans and information approval in writing of the specified work from the building commissioner or his agent.

The determination by the board or the commissioner as to whether the nonlicensed person shall be allowed to accomplish heating and cooling work shall be made on the basis of whether the nonlicensed person possesses sufficient knowledge and technical skill to accomplish the work in accordance with building standards and procedures.

(Ord. No. 74-89, 12-4-89)

Sec. 153.61. License suspension revocation or determination of ineligibility for renewal for a person.

The board may, under § 153.53, suspend the license of a person for a period of up to 730 days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous 365 days is ineligible for license renewal, if one of the following is shown:

(A) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or

(B) The licensee acted fraudulently in the license examination; or

(C) The licensee (but not including licensees who are exempt because of compliance with the requirements of §§ 153.51 or 153.52) failed to post and maintain the surety bond and insurance required by §§ 153.54 or 153.55; or

(D) The licensee acted fraudulently, or with deceit, in his relationship with other personal partnerships, or corporations with which he dealt in connection with heating and cooling work; or

(E) Heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or

(F) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the building commissioner or his agent issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation causing any of these actions remained uncorrected for a period of ten days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where the

period of ten days was not sufficient, such longer period of time as was fixed by the commissioner in writing; or

(G) The licensee has consistently failed to apply for or obtain required applicable permits for heating and cooling work accomplished by the licensee or under his supervision; or

(H) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by this subchapter;

(I) The licensee has consistently failed to timely file certificates of completion and compliance for heating and cooling work relative to which he was the applicant for the permits; or

(J) The licensee, excluding licensees who meet the inspector status requirement of § 153.52 has not for a period of five continuous years accomplished or supervised the accomplishment of a significant amount of heating and cooling work; or

(K) The licensee qualified for licensure without meeting the bond and insurance requirements of §§ 153.54 and 153.55 by meeting the inspector status requirements of § 153.52, but is no longer employed by the building commissioner or his agent and does not meet the requirements of §§ 153.54 and 153.55; or

(L) The licensee qualified for licensure without meeting the bond and insurance requirements of §§ 153.54 and 153.55 by meeting the partnership or corporate agent requirements of § 153.51, but without presently meeting the requirements of §§ 153.54 and 153.55 either he:

(1) Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this subchapter; or

(2) Has made use of his license other than as an agent of the partnership of corporation named in his application; or

(M) The licensee has not properly paid all specified fees for a license which has been issued or is delinquent in other fees owed pursued to this subchapter; or

(N) The licensee has failed to give proper supervision to heating and cooling work in accordance with requirements of § 153.59; or

(O) The licensee holding a heating and cooling license other than a "heavy commercial (unrestricted)" license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of heating and cooling work without having the type license which is required for such construction activity; or

(P) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(Ord. No. 74-89, 12-4-89)

Sec. 153.62. License suspension; revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under § 153.53, suspend the license of a partnership or corporation for a period of up to 730 days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous 365 days that the partnership or corporation is ineligible to receive a successor license, if one of the following is shown:

(A) A materially false statement of fact was made to the board by an agent of the licensee or place on the licensee's application for license; or

(B) The licensee failed to post and maintain the surety bond and insurance required by §§ 153.54 and 153.55; or

(C) An agent of the licensee acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with which he dealt in connection with heating and cooling work; or

(D) Heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or

(E) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the building commissioner or his agent issued notice of a building code violation, revoked a building permit or issued a stopwork order, and the violation causing the action remained uncorrected for a period of ten days from the date of issuance of (notice of) the building code violation, revocation of permit, or stopwork order, or in the instance where a period of ten days was not sufficient such longer period of time as was fixed by the commissioner in writing; or

(F) The licensee has consistently failed to obtain required applicable permits for heating and cooling work; or,

(G) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by this subchapter;

(H) The licensee has consistently failed to timely file certificates of compliance, as required, for heating and cooling work accomplished pursuant to his license; or

(I) The licensee has not properly paid all specified fees for a license which has been issued or is delinquent in the payment of fees owed pursuant to this subchapter; or

(J) If a partnership does not have a licensed person as a general partner or employee, or if a corporation does not have a licensed person as an officer of employee; or

(K) The partnership presently has a partner or the corporation presently has an officer who has a license under this division presently suspended or who has had such a license revoked within the preceding 730 days or a determination made of ineligibility for license renewal within the preceding 365 days; or

(L) The partnership presently has a partner or the corporation presently has an officer who, within the previous 365 days, served as a partner in a partnership or an officer in a corporation licensed under this subchapter at a time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than 365 days or determination made of ineligibility for receipt of a successor license; or

(M) Heating and cooling work for which the licensee, holding a heating and cooling license other than a "heavy commercial (unrestricted)" license, was responsible as obtainer of the permit or as transferee of the permit was performed without the licensee having the type of license which is required for such work; or

(N) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

(Ord. No. 74-89, 12-4-89)

Sec. 153.63. Hearing and appeal.

(A) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten days before such date, a written notice of the general nature of the charges, prepared by the building Director or his agent and of the time and place of the hearing thereon shall be served upon the licensee; either by hand delivery to the charged licensed person or to a partner of a charged partnership or officer of a charged corporation or by certified mail with return receipt requested, addressed to the licensee at his main place of business as shown by the licensee's application for license or license renewal. The ten or more days shall run from the date such notice is mailed. In the instance where charges are made which have similar factual basis and a business relation-

ship exists (as, for example, charges against two licensed partners or charges against a licensed corporation and a licensed corporate officer), the board may hear evidence relative to two or more charges at the same hearing.

(B) The licensee may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The building director or his agent shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten days after notice and a copy thereof has been served upon the licensee in the manner required for notice of the hearing.

(C) A licensee may appeal any decision of the board by filing a petition for judicial review in any court of general jurisdiction in Delaware County.
(Ord. No. 74-89, 12-4-89)

Sec. 153.99. Penalty.

(A) Any person convicted a second time of violation of any of the provisions of this chapter, of failing to comply with any of the requirements thereof, or of assisting in any such violation or noncompliance shall, in addition to the punishment provided in § 10.99, have his electrician's license revoked for a period of from six months to one year, the time being at the discretion of the court.
(Code 1968, § 132.221)

(B) Any person violating any provision of §§ 153.40 through 153.63 shall, upon a finding of violation, be fined in an amount not to exceed $500.00. Each day such violation is committed or permitted to continue may constitute a separate offense and maybe punished as such. In addition, the building director or his agent or head of the department of law may seek injunctive relief and may recover attorney fees.

(C) Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds and permit fees owed pursuant to this Code to the city) pursuant to this chapter or has failed to maintain the bond and insurance requirements of this chapter, the building director is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

(D) If work for which a permit is required by this chapter has been commenced by the obtainer without compliance with the provisions of this chapter, the permit fee shall be five times the applicable amount stated in this Code, plus the amount of the normal fee for the permit; provided, however, that the maximum fee incurred under this section shall be $1,000.00 plus the amount of the normal fee for the permit. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.
(Ord. No. 74-89, 12-4-89; Am. Ord. No. 2-91, 3-4-91)

CHAPTER 154. PLUMBING CODE*

Sec. 154.01. Definitions.
Sec. 154.02. Board of plumbers' examiners.
Sec. 154.03. Permit required; submission of plans and specifications.
Sec. 154.04. Compliance with regulations prerequisite to issuance of permit.
Sec. 154.05. Effect of approval of plans and specifications.
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Sec. 154.08. Revocation of permits; authority of building commissioner.
Sec. 154.09. Notice of revocation.
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Sec. 154.12. Notice to building commissioner and property owner; reinspection fee.
Sec. 154.13. Adoption of rules and regulations.
Sec. 154.14. License required; bond.
Sec. 154.15. Record of license to be kept.
Sec. 154.16. License fee; expiration of license; renewal; renewal fee.
Sec. 154.17. Certificate from board of plumbers' examiners and bond certificate prerequisite to issuance.
Sec. 154.18. Examination of applicant for plumber's license.
Sec. 154.19. Issuance of license; disposition of fee.
Sec. 154.20. Failure to pass examination; fee; reexamination.
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Sec. 154.23. Failure to pass examination; return of fee; reexamination.
Sec. 154.24. Violations of regulations.
Sec. 154.99. Penalty.

Sec. 154.01. Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Fixture. A water closet, lavatory, bathtub, shower, floor drain, laundry tub, icebox drain, drinking fountain, sink, or similar appliances.

Plumber. A person engaged in plumbing.

Plumbing. The art and science of installing in buildings the pipes, fixtures, and other apparatus for bringing the water supply and removing liquid and water-carried wastes.
(Code 1968, § 132.300)

*__State law reference__—Contractor's regulation and licensing, IC 18-5-21-1.

Sec. 154.02. Board of plumbers' examiners.

The board of plumbers' examiners shall be appointed by the mayor and shall be composed of a member of the common council selected by the council president, the building commissioner, the city health officer, one master plumber with not less than five years' experience, and one journeyman plumber with not less than five years' plumbing experience. The journeyman and master plumbers shall be actively engaged in plumbing. The journeyman and master plumber serving on the board of plumbing examiners shall receive $2.50 each per meeting.
(Code 1968, § 132.301)

Sec. 154.03. Permit required; submission of plans and specifications.

Before any plumbing work shall be commenced in any residence, building, or structure of any kind or on any lot or premises in the city, plans and specifications thereof shall be filed with the building commissioner, and, if such plans and specifications are approved by the building commissioner, then he shall endorse his approval thereon; or the building commissioner may be notified of the proposed installation of plumbing by the property owner, as above designated, and thereupon the commissioner shall visit the premises and, after inspection of the methods, plans, and specifications of the owner, shall reduce the same to writing and the building commissioner shall endorse his approval thereon. After the approval of such plans and specifications and methods of proposal, a permit to do such plumbing work shall be obtained from the building commissioner of the city.
(Code 1968, § 132.302)

Sec. 154.04. Compliance with regulations prerequisite to issuance of permit.

No application for a permit to do plumbing work shall be approved by the building commissioner unless the person making such application agrees to do all the work for which such permit is granted in accordance with the provisions of this chapter and the approval of the building commissioner.
(Code 1968, § 132.303)

Sec. 154.05. Effect of approval of plans and specifications.

Approval of all plans and specifications by the building commissioner shall not guarantee any person that the approved plans and specifications are in exact accordance with this chapter, and no errors or omissions found later by the applicant or by the building commissioner shall be construed to permit any person to violate the provisions of this chapter, or other laws. Such errors or omissions shall immediately be rectified, so that such plans and specifications conform with the provisions of this title, and other ordinances and laws of the city.
(Code 1968, § 132.304)

Sec. 154.06. Repairs.

Repairs shall be taken to mean the repairing or replacing of any old fixture by a new one to be used for the same purpose, forcing out waste, and repairing leaks in pipes; but such repairs or alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent, or leader pipes are proposed to be used. A building condemned by the board of health because of insanitary conditions shall not be considered as coming under the head of repairs, but any plumbing in such building shall be considered new work. Repairs of plumbing, as above defined and limited, shall not come within the provisions of this chapter.
(Code 1968, § 132.305)

Sec. 154.07. Permit fees.

The permit fees for the installation and inspection or reinspection of plumbing shall be as set out in the building code of the city in §§ 152.01 through 152.144, as adopted and approved by the common council.
(Code 1968, § 132.306)

Sec. 154.08. Revocation of permits; authority of building commissioner.

Should the building commissioner become convinced that the work called for in the plumbing permit is not proceeding according to the plans and specifications upon which the permit was issued, it shall be his duty to notify, in writing, the owner of the property involved, or his agent, and the plumbing contractor installing the work, that the work is being done in violation of the approval, permit, or provisions of this chapter, and that such work shall be corrected to conform to this section; and if such work is not corrected as required, then the permit shall be revoked.
(Code 1968, § 132.307)

Sec. 154.09. Notice of revocation.

The revocation of a plumbing permit shall be by letter to the applicant at the address shown on the plumbing permit application, or to the plumbing concern installing the work; or in lieu thereof, the building commissioner or his authorized assistants may cause a tag, sticker, or notice of such revocation of permit to be attached to the plumbing work under construction or in the vicinity of the work.
(Code 1968, § 132.308)

Sec. 154.10. Expiration of permits.

Every plumbing permit shall expire by limitation if active work has not been commenced within two months of the date of issue.
(Code 1968, § 132.309)

Sec. 154.11. Inspection of plumbing; duty of building commissioner.

The building commissioner, when notified that any plumbing work or other pipe fitting is ready for inspection and test, shall examine the same and approve or reject all such work, or parts thereof, not less than eight working hours from the time of such notification. All work shall be left uncovered for examination until the inspection is made.
(Code 1968, § 132.310)

Sec. 154.12. Notice to building commissioner and property owner; reinspection fee.

It shall be the duty of the plumber in charge to notify the building commissioner and also the owner of the property involved, or his authorized agent, by telephone or in writing, between the hours of 8:00 a.m. and 4:00 p.m., not less than eight working hours before the work is to be

inspected and tested. It shall be the duty of the plumber, before giving the above notification, to make sure that the work will stand the test prescribed. If the building commissioner finds that the work will not stand the test, the plumber shall be required to renotify as above, and to pay the sum of $1.00 for each renotification or reinspection.
(Code 1968, § 132.311)

Sec. 154.13. Adoption of rules and regulations.

The plumbing rules and regulations of the administrative building council of the state, and revisions thereto, two certified copies of which are on file in the office of the city clerk for public inspection, are accepted and adopted as the minimum requirements for the installation of all plumbing within the city in the type of buildings as set forth under § 154.03.
(Code 1968, § 132.312)

Sec. 154.14. License required; bond.

No person shall engage in or operate a business of plumbing in the city without first obtaining a license to do so as hereinafter provided. No license shall be issued until the applicant has filed with the city clerk his bond in the sum of $3,000.00, payable to the city, for the use and benefit of any person who shall suffer any damage because of any violation of provisions of this chapter or damage to the property owned by him. Such bond shall be executed by such person, together with a surety company authorized to do business in the state, or with two resident freeholders of the city who shall own unencumbered real estate of at least twice the amount of such bond. The bond shall be approved by the clerk of the city, and shall be maintained so long as such person engages in the business of plumbing in the city. A cash bond in the sum of $3,000.00 may be accepted by the clerk in lieu of the bond herein provided.
(Code 1968, § 132.313)

Sec. 154.15. Record of license to be kept.

The city clerk shall keep a record of all persons licensed to engage in the business of plumbing in the city, together with the amount and date of their bonds and sureties thereon.
(Code 1968, § 132.314)

Sec. 154.16. License fee; expiration of license; renewal; renewal fee.

The fee for a license to operate a plumbing business or to engage in plumbing as an independent contractor in the city shall be at the rate of $75.00 per annum payable at the time the application for a license is filed with the city controller. All licenses shall expire one year after the date of issue, and no license shall be issued for a longer period than one year; but such license may be renewed without reexamination as hereinafter specified. Any person holding a license who shall allow the same to lapse shall not be entitled to renew the same without examination of the license. No license shall be transferable, and the license shall be conspicuously posted in the place of business for which it was issued. The renewal fee, after one year's license fee of $75.00 has been paid, shall be $25.00 per year, payable at the city controller's office.
(Code 1968, § 132.315)

Sec. 154.17. Certificate from board of plumbers' examiners and bond certificate prerequisite to issuance.

The city controller shall not be entitled to issue a license as provided in this chapter until the applicant shall produce and show to the controller either his old license which has expired or a certificate from the board of plumbers' examiners that he has passed the examination successfully as provided in § 154.18, and also a certificate from the city clerk showing that a bond has been filed, or a cash deposit made, as provided in § 154.14. In case any person properly applying to the controller shall produce the required evidence that he is actively connected with any firm or corporation engaged in the plumbing business in the city and shall request that such license be issued in the name of such firm or corporation, then the city controller is authorized to issue such license to

such firm or corporation; provided, that all parts of this section have been complied with. Any change in the location of business or the addition or withdrawal of members of any firm must be reported immediately to the board of plumbers' examiners.
(Code 1968, § 132.316)

Sec. 154.18. Examination of applicant for plumber's license.

Any applicant desiring an examination for a plumber's license shall be entitled to an examination within 30 days from the date of filing and perfecting his application with the city controller. Upon the filing of such application, the city controller shall notify, in writing, each member of the board of plumbers' examiners of the date upon which such examination will be held. Such notification shall be mailed at least five days before the date fixed for the examination. The examination shall consist of questions based on the plumbing rules and regulations of the administrative building council of the state, and revisions thereto, referred to in § 154.13. An examination fee of $15.00 shall be deposited at the time of application, with $10.00 to be applied on the master's fee, provided, that the applicant passes the examination. In the event the applicant fails the examination, the total sum of $15.00 shall be deposited in the general fund.
(Code 1968, § 132.317)

Sec. 154.19. Issuance of license; disposition of fee.

The license provided for in § 154.14 shall be issued by the city controller to any person qualified in accordance with this chapter, and the license fee shall be deposited in the general fund.
(Code 1968, § 132.318)

Sec. 154.20. Failure to pass examination; fee; reexamination.

In the event any applicant for a plumber's license fails to pass the examination, a warrant shall be drawn upon the city controller for the sum of $75.00, which is the sum paid by the applicant, in favor of such applicant. An unsuccessful applicant shall be permitted to again file an application for an examination at the expiration of three months from the date of the prior examination, but not sooner, upon payment of the required license fee.
(Code 1968, § 132.319)

Sec. 154.21. Plumbing contractors.

No firm or corporation shall engage in or operate a plumbing business in the city, unless one member of such firm or officer or agent of such corporation has been licensed according to the provisions of this chapter and has had the license issued in the name of the firm or corporation. A person requesting a license to be issued in the name of a firm or corporation shall file with the clerk of the city the names of all members of the firm or the name of the corporation. The examination and all provisions of this section relating thereto shall be binding on all members of the firm or corporation.
(Code 1968, § 132.320)

Sec. 154.22. Examination of journeyman plumbers; required; fee.

Any journeyman plumber desiring to follow his vocation in the city shall be required to pass an examination before the board of examiners as to his ability, and he shall file an application for such examination with the city controller and deposit the sum of $5.00 as the fee for such examination. The renewal fee shall be $3.00 per year.
(Code 1968, § 132.321)

Sec. 154.23. Failure to pass examination; return of fee; reexamination.

In the event of the applicant for a license as a journeyman plumber failing to pass the examination, the fee of $5.00 will be retained by the city controller and deposited in the general fund; however, after three months, he can again file for examination, by proceeding as before, and again paying the fee of $5.00.
(Code 1968, § 132.322)

Sec. 154.24. Violations of regulations.

No person shall follow the occupation of plumber, either as a master plumber or journeyman plumber

within the city, or do any plumbing work for hire within the city, without first having complied with the provisions of this chapter. Any person who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the requirements thereof, or shall assist in any violation, shall be guilty of a misdemeanor.
(Code 1968, § 132.323)

Sec. 154.99. Penalty.

Any person convicted a second time of violation of any of the provisions of this chapter, or of failing to comply with any of the requirements thereof shall, be deemed guilty of a misdemeanor, and his plumber's license shall be revoked for a period of from six months to one year, the time being at the discretion of the court.
(Code 1968, § 132.323)

CHAPTER 155. HOUSING CODE*

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*__Editor's note—__Ord. No. 15-02, adopted June 3, 2002, amended former Ch. 155 in its entirety to read as herein set out. Former Ch. 155 pertained to similar subject matter and derived from the Code of 1968; Ord. No. 220-B, 2-7-72; Ord. No. 89-95, §§ 1—4, 11-3-95.

DIVISION 1. GENERAL PROVISIONS

Sec. 155.01. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

Adult occupant. Any person over 18 years of age, including owner or operators, living and sleeping in a dwelling unit or having actual possession of the dwelling or rooming unit.

Approved. As applied to material, device, or method of construction, official sanction given by the building commissioner or other official authorized by or designated by the building commissioner or by law to give official sanction in the matter in question.

Basement. A portion of the building partly underground, but having more than half of its clear height below the average grade of the adjoining ground.

Board. "Board" shall mean and refer to the housing board as established under 155.21(A) herein.

Boarding house. A building not open to transients, where lodging and/or meals are provided regularly for not less than three nor more than 30 persons; a lodging house.

Building code. Any code officially adopted or officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building commissioner. The official designated by the municipality to enforce building, housing quality, zoning, or similar laws, or his duly authorized representative.

Dwelling. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior property areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rodents, or other pests, by eliminating the harborage place; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Garbage. The animal, vegetable and mineral wastes resulting from the handling, preparation, cooking, and consumption of food.

Gross floor area. The total area of all habitable space in a building or structure.

Habitable room. A room or enclosed floor space arranged for living, eating, or sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces.

Infestation. The presence, within or contiguous to a dwelling unit, or premises, of insects,-rodents, vermin, or other pests.

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care, or control of a dwelling unit or rooming house in which rental units or rooming units are let for occupancy.

Owner. Any person or legal entity having a legal or equitable interest in the property.

Person. A natural person or any legal entity.

Plumbing or plumbing fixtures. Water heating facilities, water pipes, gas pipes, garbage and disposal units waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

Premises. A lot, plot, or parcel of land including the buildings or structures thereon.

Rent, rental or rented. A transaction whereby money or other valuable consideration is transferred by the tenant to the landlord in return for possession and use of premises.

Rental building. A building containing one or more rental units.

Rental dwelling unit. A dwelling unit in residential premises covered by a tenancy agreement.

Rental unit. Rented dwelling unit or rooming unit.

Rooming house. Any residence building, or any part thereof, containing one or more rental units, in which space is let by the owner or operator to more than three persons who are not members of the family.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; and shall include without limitation the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Tenant. Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

Tenancy agreement. A written agreement embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.

Transient occupancy".Occupancy which is less than two weeks duration in the same or similar units owned by the same owner.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space, and shall include:

(1) *Mechanical.* Ventilation by power-driven devices.

(2) *Natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks, without wind-driven devices.

Workmanlike. Made in a reasonably skillful manner consistent with local standards and in conformance with legally required standards.

Yard. An open unoccupied space on the same lot with a building, extending along the entire length of the front, or rear or side lot-line.
(Ord. No. 15-02, 6-3-02)

Sec. 155.02. Title; purpose; scope.

(A) *Title.* This chapter, together with any revisions, amendments, restatements, or additions thereto, and all matters included therein by reference, shall be known as the "Minimum Housing Standards Code of the City of Muncie, Indiana." It may be referred to and cited as the "Muncie Housing Code of 2002."

(B) *Purpose.* The purpose of this chapter is to protect the public health, safety, and welfare in buildings and premises used for dwelling purposes as hereinafter provided:

(1) Establishing minimum standards for basic equipment and facilities for light, ventilation, heating, and sanitation; for safety from fire; for space, use, and location; for parking; for safe and sanitary maintenance; and for cooking equipment in all dwellings.

(2) Fixing the responsibilities of owners, operators, and occupants of dwellings;

(3) Providing for administration, enforcement, and penalties.

(C) *Scope.* The provisions of this chapter shall apply to all structures used for human habitation, which are now, or may in the future become, substandard with respect to structure, protection against fire hazards, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health, or welfare of their occupant. The existence of such conditions, factors, or characteristics adversely affect public safety, health, and welfare, and lead to the continuation, extension, and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

(D) *Travel trailers and mobile homes.* All movable units used for human habitation, and the areas, grounds, or parcels on which they are located, as provided for in the laws or ordinances of the city applicable thereto, shall comply with the requirements of this chapter.
(Ord. No. 15-02, 6-3-02)

Sec. 155.03. Applicability.

Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels having transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this chapter, except as hereinafter provided.

(A) *Application of building code and zoning laws.* Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable sections of the then existing building code and zoning laws of the municipality.

(B) *Conflict with other ordinances.* In any case where a provision of this chapter is found to be in conflict with the provision of any zoning, building, fire, safety, or health ordinance of the city existing on the effective date of this chapter, the provision which establishes the higher standard protection of the safety and health of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance of this municipality, existing on the effective date of this chapter, which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail.

(C) *Existing buildings.* This chapter establishes minimum requirements for the initial and continued occupancy of all build-

ings used for human habitation and does not replace or modify requirements otherwise established for the construction, alteration, or use of buildings, equipment, or facilities.

(D) *Hazardous conditions.* Where it is determined that there is a condition in any building which is hazardous to human life or health or to adjoining property and in violation of this housing code, the building commissioner shall have full power and authority to require changes or alterations therein regardless of whether the buildings were built in compliance with laws applicable at the time or whether there was no applicable law within the scope of this section at the time of construction.

(Ord. No. 15-02, 6-3-02)

Sec. 155.04. Existing remedies.

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

(Ord. No. 15-02, 6-3-02)

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 155.05. Enforcement authority; coordination of enforcement.

(A) *Enforcement officer.* It shall be the duty and responsibility of the building commissioner of the municipality to enforce the provisions of the housing code as hereby provided.

(B) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the building commissioner of the municipality. Wherever, in the opinion of the building commissioner, it is necessary or desirable to have inspection of any condition by any other department, he shall arrange for this to be done in such a manner that the owners or occupants of the building shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders.

(Ord. No. 15-02, 6-3-02)

Sec. 155.06. Administrative liability.

(A) *Administrative liability.* Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the municipality charged with the enforcement of the housing code shall be held personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this chapter, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

(Ord. No. 15-02, 6-3-02)

Sec. 155.07. Inspections and citations.

(A) The building commissioner or authorized representative shall perform inspections and enforce the provisions of this Code:

(1) Upon complaint of a code violation; or

(2) Whenever the commissioner has cause to believe that a structure or premise does not comply with the provisions of this Code.

(B) Notice of inspection. Citations.

(1) Prior to the inspection, written notice of the inspection shall be given to the owner or the owner's agent and to the occupant at least seven days prior to the date of inspection by certified mail, by personal service, or by leaving a copy at the structure to be inspected. If service is by personal delivery or leaving a copy at the structure, service shall also be made by

ordinary mail to the last known address of the person being served. The building commissioner shall in each instance keep a record of the service of the notice. If the building commissioner determines there is a potential condition hazardous to life or health, or property, the inspection may be made immediately and the notice served contemporaneously therewith.

(2) The notice shall show the date and time the inspection will be made, the address of the property to be inspected, the nature of the inspection and reason therefor, and such other information as the building commissioner shall deem pertinent.

(C) Every owner and every occupant of a dwelling unit shall give the building commissioner or his authorized representative access to any part of the dwelling unit and its premises for the purpose of making inspections, and every occupant shall give the owner or the owners agent access thereto for the purpose of maintenance, repair or alterations necessary to comply with the provisions of this Code.

(D) Notice and citation. Upon completion of the inspection, if the building commissioner finds a violation of any provision of this code, a notice specifying the violation(s) shall be issued and served upon the owner and the occupant in the manner set forth in subsection (B) hereof. The violations shall be cured within 30 days from the date of receipt of the notice. If the violations are not cured within 30 days, with no extension granted, the building commissioner shall cause a citation to be filed by the city legal representative against the owner or operator. Upon good cause shown why the violation(s) cannot be cured within 30 days, the building commissioner may in his discretion extend in writing the time for curative work for a definite period of time, not to exceed (60) days.
(Ord. No. 15-02, 6-3-02)

Secs. 155.08, 155.09. Reserved.

DIVISION 3. CONDEMNATION

Sec. 155.10. Dangerous structures; structures unfit for human occupancy.

(A) *Dangerous structures.* If all or part of any building or structure, including, among others, a fence, billboard, or sign, or the equipment for the operation thereof, the heating plant, plumbing, electric wiring, moving stairways, elevators, and fire extinguishing apparatus, shall be found, in the opinion of the building commissioner, to be in an unsafe condition dangerous to life, health, or property, he shall proceed to have the same condemned pursuant to the applicable laws pertaining to unsafe structures.

(B) *Structures unfit for human occupancy.* Whenever the building commissioner finds that any dwelling constitutes a hazard to the safety, health, or welfare of the occupants, or to the public, because it lacks maintenance; or is in disrepair, unsanitary, vermin-infested, or rodent infested; or because it lacks the sanitary facilities or equipment; or otherwise fails to comply with the minimum provisions of this chapter, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure, as hereinbefore provided, he may declare such dwelling as unfit for human habitation, and order it to be vacated.

(C) *Unlawful structure.* If any dwelling, or any part thereof, is occupied by more occupants than permitted under this chapter, or was erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure, and the building commissioner may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation as the case may be, has been made to conform to the law.
(Ord. No. 15-02, 6-3-02)

Sec. 155.11. Notice.

(A) *Notice.* Notice of the declaration of any building as unfit for human habitation, and the order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building,

such notice shall be given as provided in the building code or any other laws or ordinances of the municipality pertaining to unsafe buildings.

(B) *Posting of notice.* Any dwelling declared as unfit for human habitation shall be posted with a placard by the building commissioner. The placard shall include the following:

(1) Name of city;

(2) The name of the authorized department having jurisdiction;

(3) The section of the chapter under which it is issued;

(4) An order that the dwelling, when vacated, must remain vacated until the provisions of the order are complied with and the order to vacate is withdrawn;

(5) The date that the placard is posted;

(6) A statement of the penalty for defacing or removal of the placard.

(C) *Form of notice.* Whenever the building commissioner has declared a dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling as unfit for human habitation. Such notice shall:

(1) Be in writing;

(2) Include a description of the real estate, sufficient for identification;

(3) Include a statement of the reason or reasons why it is being issued;

(4) State the time to correct the condition;

(5) State the time occupants must vacate the dwelling units.

(Ord. No. 15-02, 6-3-02)

Sec. 155.12. Service of notice.

Service of notice to vacate shall be made on the occupant and owner as follows:

(A) By delivering to the owner and occupant personally; or

(B) By sending a copy of the notice to vacate by certified mail to the last known address of the owner, and by sending a copy by certified mail addressed to the occupant; or

(C) By publication of the notice in a local newspaper of general circulation for three consecutive days, if all other methods of service shall fail.

(Ord. No. 15-02, 6-3-02)

Sec. 155.13. Removal of placard or notice.

No person shall deface or remove the placard from any dwelling which has been declared or placarded as unfit for human habitation, except by authority in writing from the building commissioner.

(Ord. No. 15-02, 6-3-02)

Sec. 155.14. Vacation of declared building.

Any dwelling which has been declared and placarded by the building commissioner as unfit for human habitation shall be vacated within a reasonable time as required by the building commissioner, and it shall be unlawful for any owner or operator to let such dwelling or dwelling unit therein to any person for human habitation. After the date set forth in the placard, no person shall occupy any dwelling which has been declared or placarded by the building commissioner as unfit for human habitation. If the building commissioner determines that the structure presents an immediate threat to life or health, the immediate vacation of the dwelling may be ordered. Extensions of time may be granted for good reason, in sole judgment of the building commissioner.

(Ord. No. 15-02, 6-3-02)

Sec. 155.15. Occupancy of building.

No dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building commissioner, who shall remove such placard, whenever the defect or defects upon which the declaration and placarding action were based have been eliminated. The building commissioner shall reinspect such dwelling within three working days after notification of correction.

(Ord. No. 15-02, 6-3-02)

Sec. 155.16. Report of notice to vacate.

The building commissioner shall furnish to any other designated officials in the municipality concerned therewith, a copy of each notice to vacate a building.
(Ord. No. 15-02, 6-3-02)

Secs. 155.17—155.19. Reserved.

DIVISION 4. TENANCY AGREEMENTS AND VARIANCES

Sec. 155.20. Tenancy agreements.

(A) Any person operating a rental unit shall have a written tenancy agreement with each adult individual dwelling on the premises. This agreement shall include the name, address and phone number of the owner of the property and the agent, if any, for the owner, and shall include or be accompanied by information summarizing current city codes, on a form provided by the building inspector, including but not limited to the following:

(1) Trash placement and disposal, including proper containers, regular trash pickup day, placement of containers, and other restrictions desired by the owner.

(2) Noise ordinances, including noise limits for appliances, machinery, and social gatherings.

(3) Parking for vehicles, including:

(a) Provisions and designations for legal off-street parking as required by city codes.

(b) A summary of any on-street parking regulations for both sides of any street contiguous with the rent unit.

(4) Legal limitations on number of occupants.

(B) A person operating a rental unit shall execute and shall secure from each tenant an executed affidavit of occupancy on a form to be provided by the building commissioner. The affidavit(s) shall be kept by the person operating the rental unit and each tenant shall retain a copy at the rental unit.
(Ord. No. 15-02, 6-3-02)

Sec. 155.21. Variances.

(A) The municipality shall establish a five-member housing board which shall consist of the building commissioner, who shall be the presiding officer, a member of the common council of the city and three private citizens. The common council shall designate its member and shall designate two private citizens and the mayor shall designate one private citizen member to sit on the board.

(B) No variance in the application of the provisions of this chapter shall be made by the board relating to dwellings, or premises now existing or to be constructed, unless, after a public hearing, the board shall find that the structure or the plans and specifications for the construction of any such structure are substantially in keeping with the intent and purposes of this chapter, and that the granting of such variance will not be detrimental to the public health, safety, and welfare. No variance will be granted if such structure or premises are in violation of any existing building, zoning, or other ordinances of the municipality.

(C) An application for a variance shall be submitted to the building commissioner and shall be in writing and verified, and specifically state all facts in support thereof, on forms provided by the building commissioner the applicant shall conclusively prove that he cannot secure reasonable use of the property if compelled to comply with this chapter, that he suffers a hardship as defined herein, resulting from the provisions of this chapter, that the hardship claimed is suffered by his property directly, not merely by other properties, and is not the result of applicant's own actions. The applicant must prove and the board must find that there are peculiar circumstances applicable to the property or its intended use that do not apply generally to other property in the neighborhood, that the variance will not be detrimental to public welfare or to property in the neighborhood and that it will not be contrary to the goals of this chapter. It is not a hardship that the property would be worth more or produce more income if the variance were granted.

(D) The variance shall be subject to public hearing and the applicant shall publish notice of the hearing on a notice form to be provided by the

building commissioner, in a newspaper of general circulation in the city at least ten days prior to the hearing. The applicant shall cause the notice to be published and pay all cost thereof. The applicant shall submit a complete list of all surrounding property owners within a 300-foot radius of the property, together with addressed envelopes and postage necessary to mail the hearing notice to such owners. All hearings shall be open to the public and the applicant may appear in person and/or by an agent or attorney.

(E) Judicial review. Each decision of the housing board is subject to review by certiorari. Each person aggrieved by a decision of the board may present, to the circuit courts of Delaware County, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The person shall present the petition to the court within 30 days after the date of that decision of the housing board.
(Ord. No. 15-02, 6-3-02)

Secs. 155.22—155.24. Reserved.

DIVISION 5. ENVIRONMENTAL REQUIREMENTS

Sec. 155.25. Exterior property area.

(A) The provisions of this section shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by human beings, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

(B) No person shall occupy as owner-occupant or let to another for occupancy for the purpose of living therein, any premises or dwelling unit which do not comply with the following requirements.

(1) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.

(2) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.

(3) *Noxious weeds.* All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

(4) *Accessory structures.* All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.
(Ord. No. 15-02, 6-3-02)

Sec. 155.26. Exterior structure.

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living therein, any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof; which does not comply with the following requirements:

(A) *Foundations, walls, and roof.* Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to prevent the presence of rodents.

(B) *Foundations.* The foundation elements shall adequately support the building at all times.

(C) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

(D) *Roofs.* The roof shall be structurally sound, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

(E) *Stairs, porches, and railings.* Stairs and other exit facilities shall be adequate for safety as provided in any other codes or ordinances of the municipality regulating

construction, alteration, or repair and maintenance of buildings and structures, and shall comply with the following:

(1) *Structural safety.* Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code of the city, and shall be kept in sound condition and good repair.

(2) *Handrails.* Where the building commissioner deems it necessary for safety, every flight of stairs which is more than two risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(F) *Windows.*

(1) *Windows, doors, and hatchways.* Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(2) *Windows to be glazed.* Every window sash shall be fully supplied with glass window panes or approved substitutes which are without open cracks or holes.

(3) *Windows to be tight.* Every window sash shall be in good condition andfit reasonably tight within its frame.

(4) *Windows to be openable.* Every window, other than a fixed window, shall be capable of being easily opened, and shall be held position by window hardware.

(G) *Doors.*

(1) *Door hardware.* Every exterior door, door hinge, and door latch shall be maintained in good condition.

(2) *Doors to fit in frame.* Every exterior door, when closed, shall fit reasonably well within its frame.

(3) *Window and door frames to fit in wall.* Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain as completely as possible, and to substantially exclude wind from entering dwellings.

(4) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling.

(5) *Exit doors.* Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(H) *Screening.* Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

(1) *Guards for basement windows.* Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields.

(2) *Insect screens.* From June 1 to October 15 of each year, every door, other than steel or fiberglass doors, opening directly from any dwelling to the outdoors, and every window or outside opening used for ventilation purposes, shall be supplied with a screen.

(Ord. No. 15-02, 6-3-02)

Sec. 155.27. Interior structure.

No persons shall occupy as owner occupant, or let to another for occupancy, for the purposes of living therein, any dwelling, dwelling unit, room-

ing house, rooming unit, or portion thereof which does not comply with the following requirements:

(A) *Structural members.* The supporting structural members of every dwelling used for human habitation shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provision of the building code.

(B) *Interior stairs and railings.* Stairs shall be provided in every dwelling, rooming, and boarding house as required by the building code of the municipality.

(C) *Maintained in good repair.* All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code of the municipality.

(D) *Handrails.* Every stairwell and every flight of stairs which is more than two risers high shall have handrails and railings located in accordance with the provisions of the building code of the municipality. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs balconies, landings and stairwells.

(E) *Bathroom floors.* Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) *Sanitation.* The interior of every dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept in inside temporary storage facilities as required under § 155.30.

(G) *Insect and rodent harborage.* Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precaution shall be taken to prevent reinfestation.

(H) *Extermination from buildings.* Every owner and occupant of a dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests wherever infestation exists in a dwelling unit, or in the shared or public parts of the structure.

(I) *Responsibility of owner.* Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling in rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(Ord. No. 15-02, 6-3-02)

Secs. 155.28, 155.29. Reserved.

DIVISION 6. SPACE AND OCCUPANCY REQUIREMENTS

Sec. 155.30. Basic facilities.

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living, sleeping, cooking, or eating therein, any dwelling unit which does not comply with the following requirements:

(A) *Sanitary facilities.* The following minimum sanitary facilities shall be supplied and maintained in a sanitary, safe, working condition:

(1) *Water closet.* Every dwelling unit shall contain within its walls a room, sep-

arate from the habitable rooms, which affords privacy and which is equipped with a water closet.

(2) *Lavatory.* Every dwelling unit shall contain a lavatory which, shall be in the same room with the water closet, or in close proximity thereto;

(3) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower;

(4) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required in (A)(2) above.

(B) *Water.*

(1) *Water and sewer system.* Every kitchen sink, lavatory, basin, bathtub or shower, and water closet required under the provisions of this section shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water;

(2) *Water-heating facilities.* Every dwelling unit shall be supplied with water-heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot-water lines to the fixtures required to be supplied with hot water in (B)(1) above. Water-heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of heated water to be drawn at every required kitchen sink, lavatory, basin, bathtub, shower and laundry facility or other similar unit.

(C) *Heating facilities and incinerators.*

(1) *Heating facilities.* Every dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained, in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least an average of 70F., with an outside temperature of-10F.

(2) *Operation of heating and incinerator facilities.* Every heating or water-heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.

(D) *Rubbish storage facilities; responsibility for removal of rubbish.*

(1) *Rubbish storage facilities.* Every dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish.

(2) (a) esponsibility for removal of rubbish. Every occupant in a dwelling or dwelling unit therein shall be responsible for the removal of rubbish from such dwelling or dwelling unit and shall be responsible for placing such rubbish in the approved containers for storage of such material.

(b) Every occupant shall be required to maintain the entire demised premises free of rubbish.

(E) *Parking.* There shall be at least one designated, improved, off-street parking space per adult occupant. If a dwelling unit existed prior to the passage of the ordinance from which this chapter is derived [Ord. No. 15-02] with off-street parking space which complied with prior requirements, and it is physically impossible to comply with the requirements thereof for off-street parking, the owner may upon proof of the same to the building commissioner receive a special permit for the

pre-existing non-conforming off-street parking. Parking areas shall meet the following standards:

(1) Parallel parking spaces shall be 8' 23' minimum;

(2) All other parking spaces shall be 9' 18' minimum.

(3) Each parking space shall require direct access to an alley or driveway;

(4) Parking spaces created to accommodate parking requirements set forth above for expanded dwelling units must be gravel or paved with a minimum of one percent slope for bituminous/asphalt paving surface, or one-half () for concrete paving surface.

(F) There shall be an open space ratio (open space area/living area) of no less than 1.2 to 1. The open space requirement shall be met in the side yard, back yard and that portion of the front yard in excess of any set back. The parking area or portion of the front yard contained within any setback shall not be used to meet the requirement.

(G) *Location of parking areas.* Parking areas will be limited to rear and/or side yards, except as stated below. No parking will be allowed in front yards except for permitted parking in easement areas presently in place. A front yard is defined as the space bounded by a line extending across the front wall of the house or structure (excluding porches) to the lot line on each side, and by the street right-of-way line.

(H) *Outside elements.* Building facades, lawns, and other landscape elements must be maintained on a regular basis.

(I) *Fire escape routes.* Each sleeping area must have at least one primary and one secondary escape route to a firerated area.

(J) *Window surface area.* Each residential unit must have a minimum of eight square feet of window surface per resident.

(Ord. No. 15-02, 6-3-02)

Sec. 155.31. Installation and maintenance.

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living, sleeping., cooking, or eating therein, any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following requirements:

(A) *Facilities and equipment.* All required equipment and all building space and parts in dwellings shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code of the municipality.

(B) *Maintained clean and sanitary.* All housing facilities shall be maintained in a clean and sanitary condition by the occupants, so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(C) *Plumbing fixtures.* In buildings and structures used for human habitation, water lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order, and shall be kept free from obstructions, leaks, and defects, and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code or any other applicable codes and ordinances of the municipality.

(D) *Plumbing systems.* In buildings and structures used for human habitation, every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly, and shall be kept free from obstruction, leaks, and defects, to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

(E) *Heating equipment.* Every space-heating, cooking, and water-heating device located in a dwelling shall be properly installed,

connected, and maintained, and shall be capable of performing the function for which it was designed, in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto.

(F) *Electrical outlets and fixtures.* Every electrical outlet and fixture as required in section 155.33 shall be installed, maintained, and connected to the source of electrical power in accordance with the provisions of the building code or electrical code or any other code or ordinance of the municipality applicable thereto.

(G) *Correction of defective system.* Where it is found, in the opinion of the building official, that the plumbing or heating system or the electrical system in a building constitutes a hazard to the occupants or to the building, (in the case of the electrical system, by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for other similar reasons,) the building commissioner shall require the defects to be corrected, to eliminate the hazard.

(Ord. No. 15-02, 6-3-02)

Sec. 155.32. Occupancy requirements.

No person shall occupy or let to another for occupancy, for the purpose of living therein, any dwelling until which does not comply with the following requirements:

(A) *Minimum ceiling heights.* Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven and one-third (7) feet, except that in attics or top half stories the ceiling height shall be not less than seven feet over not less than one-third () of the area when used for sleeping, study, or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of feet (5) feet or more may be included.

(B) *Living area.* All existing and subsequently erected residential structures shall have not less than the following living area per adult occupant:

250 square feet for one

400 square feet for two

650 square feet for three

900 square feet for four

1400 square feet for five

1900 square feet for six

except that efficiency apartments which have exclusive self-contained cooking and bathroom facilities shall have at least 250 square feet of living area for the first adult occupant and at least 100 square feet of living area for the second adult occupant. The living area shall be calculated on the basis of the total area of all habitable rooms.

More than six adult occupants requires a variance under section 155.21 herein which may be granted upon good cause shown.

(C) *Required space in sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 90 square feet. Every room, occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet of floor area for each occupant thereof.

(D) The number of adult occupants shall not exceed twice the number of bedrooms. Common living areas may not be counted as bedrooms. The number of adult occupants shall not exceed four times the number of full bathrooms. A full bathroom shall be defined as: a sink, toilet, and a bathtub or shower.

(E) *Access limitation of dwelling unit to commercial uses.* No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty

shop, doctors' or dentists' examination treatment room, or similar room used for commercial or public purposes.

(F) *Location of bath in second sleeping room.* No residence building or dwelling unit containing two, or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(G) *Occupancy of dwelling units below grade.* No dwelling unit partially below grade shall be used for living purposes unless:

(1) Floors and walls are watertight;

(2) Total window area, total openable area, and ceiling height are in accordance with this chapter; and

(3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining the window area.

(H) *Requirements cumulative.* All requirements of this section are cumulative and compliance with one subsection does not relieve compliance with other subsections.

(Ord. No. 15-02, 6-3-02)

Sec. 155.33. Light and ventilation.

No person shall occupy as owner occupant, or let to another for occupancy, for the purposes of living therein, any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following requirements:

(A) *Natural light in habitable room.* Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be four percent of the floor area of such room, except in kitchens where artificial light be provided in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors or to a court and shall not be included as contributing to the required minimum total window area for the room.

(B) *Light in non-habitable work space.* Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling shall have one supplied electrical light fixture available at all times.

(C) *Light in public halls and stairways.* Every public hall and inside stairway in every dwelling shall be adequately lighted at all times with an illumination of at least five lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

(D) *Electric outlets required.* Every habitable room of the dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In the kitchen, three electric separate such convenience outlets and one ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(E) *Adequate ventilation.* Every habitable room shall have at least one window which can be easily opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size

required in (A) above, except where mechanical ventilation is provided in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto.

(F) *Ventilation and light in bathroom and water closet.* Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms as required by (A) and (D) above, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(Ord. No. 15-02, 6-3-02)

Sec. 155.34. Minimum requirements for safety from fire.

No person shall occupy as owner occupant, or shall let to another for occupancy, any dwelling, dwelling unit, rooming house, rental unit, lodging house, or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the building code or any other code or ordinance of the municipality providing requirements for safety from fire, and the following additional requirements for safety from fire: All such dwellings shall be equipped with functioning smoke alarms as required by the Muncie City Code.

(A) *Storage of flammable liquids prohibited.* No dwelling, dwelling unit, or rental unit shall be located within a building containing any area handling, dispensing, or storing flammable liquids with a flash point of 110F. or lower.

(B) *Cooking and heating equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from all leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, plumbing code, or any other codes or ordinances of the municipality applicable thereto.

(Ord. No. 15-02, 6-3-02)

Secs. 155.35—155.39. Reserved.

DIVISION 7. RESPONSIBILITIES OF PERSONS

Sec. 155.40. Scope.

Owners and occupants of dwellings or dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this section:

(A) *Cleanliness.* Each occupant of a dwelling unit shall keep that part of the unit, and premises thereof, being occupied, controlled, or used, in a clean and sanitary condition.

(B) *Disposal of rubbish.* Each occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner, by placing it in the rubbish containers required in subsection 155.30(D).

(C) *Disposal of garbage.* Each occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or, if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in a tight metal storage container as required by subsection 155.30(D); or by such other disposal method as may be required by applicable laws or ordinances of the municipality. Every occupant shall be required to maintain the entire demised premises free of garbage and rubbish.

(D) *Use and operation of supplied plumbing fixtures.* Each occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary, and shall be responsible for the exercise and reasonable care of their proper use and operation.

(Ord. No. 15-02, 6-3-02)

Sec. 155.41. Prosecution of violation.

In case any citation or other lawful order is not promptly complied with, the building commissioner may request the legal representative of the municipality to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation:

(A) To restrain, correct, or remove the violation, or refrain from any further execution of work;

(B) To restrain or correct the erection, installation, or alteration of a building;

(C) To require the removal of work in violation;

(D) To enjoin the occupation and use of the building, structure, or part thereof maintained in violation of any provision of this Code; or

(E) To enforce the penalty provisions of this Code.

(F) To secure any other proper remedy.

(Ord. No. 15-02, 6-3-02)

Sec. 155.42. Penalty.

Every person, or legal entity who shall violate any provision of this code shall, upon conviction, be punished by fine. Each day that each violation continues after due notice has been served, shall be deemed a separate offense; provided, that for one offense, no penalty or fine shall exceed $1,000.00, nor shall be less than $250.00. A person or entity who commits a second or subsequent offense involving the same building or premise shall be fined not less than $500.00 for each offense.

(Ord. No. 15-02, 6-3-02)

CHAPTER 156. UNIFORM HOUSE NUMBERING SYSTEM

Sec. 156.01. Uniform numbering system.
Sec. 156.02. Authority.
Sec. 156.03. Relation to health and welfare.
Sec. 156.04. Conformity.
Sec. 156.05. Axis and progression.
Sec. 156.06. Renumbering of houses and structures.
Sec. 156.07. Numbers other than on public streets.
Sec. 156.08. Standards; posting.
Sec. 156.09. Administrative office.
Sec. 156.10. Notification of local agencies.
Sec. 156.99. Penalty.

Sec. 156.01. Uniform numbering system.

A plan for the orderly and systematic numbering and renumbering of houses and structures located within corporate limits of the city is enacted. Any and all ordinances previously adopted by the common council regarding the numbering and renumbering of houses and structures are deemed repealed.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Sec. 156.02. Authority.

The power to regulate properties within its municipal limits is reserved to the city by state law. The power for this project should be exercised only under the supervisory control of the elected representatives of the residents of the city sitting on the common council. The common council assigns the task of making all the necessary preliminary surveys and proposed number designations to the staff of the Delaware-Muncie Metropolitan Plan Commission. The commission shall serve as the administrative office referred to herein.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

State law reference—Powers of cities to regulate buildings, see IC 18-1-1.5-10.

Sec. 156.03. Relation to health and welfare.

The numbering of houses and other structures in an orderly and systematic manner will make the location of such houses and structures more expeditious in cases of fire emergencies, in situations involving immediate need for medical attention for members of a family or occupants of a building, and in instances where police protection may be required with haste. The numbering of houses and other structures in an orderly and systematic manner will enhance the delivery of goods and performance of services and will increase the efficiency of operations such as postal delivery.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Sec. 156.04. Conformity.

From the effective date of this chapter, the numbering of all houses and structures located on lots or parcels of land fronting on public streets within the corporate limits of the city shall be accomplished in conformity with the uniform house numbering system as herein described. At the time of the issuance of any permit for the construction of a house or structure, a number shall be assigned by the administrative office to the house or structure. The number shall be incorporated on the permit. No permit authorizing the occupancy of a building for a house or structure shall be issued, and no final inspection of a building performed for the purpose of permitting its occupancy shall be deemed complete, unless such house or structure displays, at the time of the inspection, the officially assigned number, in full compliance with the standards of this chapter.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Cross reference—Penalty, see § 156.99. (A)

Sec. 156.05. Axis and progression.

(A) Walnut Street, also known as Center Pike, and Main Street, also known as Division Road, shall be the axis for the uniform numbering system. Numbers shall be assigned in all directions beginning at the intersection of Walnut Street and Main Street, and shall increase in denomination in accordance with the provisions of this chapter.

(B) The first numbers on Walnut Street at Main Street shall be in the 100 series and shall increase to the north and south therefrom but shall not exceed 100 numbers to each block; 16 blocks to the mile, or approximately 330 feet per block. The first numbers on Main Street at Wal-

nut Street shall be in the 100 series and shall increase to the east and west therefrom but shall not exceed 100 numbers to each block; 16 blocks to the mile, or approximately 330 feet per block. Whenever a block in not 330 feet the block series for this segment shall be established at logical intervals as the case may require.

(C) All streets or sections of streets, regardless of name type, running north and south and being north of Main Street shall be designated by the prefix "North". All streets or sections of streets, regardless of name type, running north and south and being south of Main Street shall be designated by the prefix "South". All streets or sections of streets, regardless of name type, running east and west and being east of Walnut Street shall be designated by the prefix "East". All streets or sections of streets, regardless of name type, running east and west and being west of Walnut Street shall be designated by the prefix "West".

(D) Any diagonal or curved street or section of street running in a general directional angle of 451 or less, shall be treated as a north-south street and shall be assigned the applicable directional prefix depending on its location in relation to the east-west axis street. Any diagonal or curved street or section of street running in a general directional angle of greater than 451 shall be treated as an east-west street and shall be assigned the applicable directional prefix depending on its location in relation to the north-south axis street.

(E) Odd numbers shall be used on the south side of streets regarded as east-west streets and on the west side of streets regarded as north-south streets. Even numbers shall be used on the north side of streets regarded as east-west streets and on the east side of streets regarded as north-south streets.

(F) Any street which does not extend to or through an axis street shall be assigned the same relative numbers and directional prefix as if the street did extend to or through an axis street.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Cross reference—Penalty, see § 156.99.

Sec. 156.06. Renumbering of houses and structures.

Houses and structures numbered prior to the effective date of this chapter may be renumbered in order that the same may comply with the uniform numbering system, and so that numerical harmony throughout an area or areas is substantially achieved. The administrative office as designated in this chapter shall authorize such changes.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Cross reference—Penalty, see § 156.99. (B)

Sec. 156.07. Numbers other than on public streets.

The administrative office as designated in this chapter may, if it deems proper and necessary to the implementation of the uniform numbering system, agree to assign new numbers to houses or structures situated on private streets, or issue numbers to such houses and structures which may be constructed after the effective date of this chapter. This shall include houses and structures located along unmapped private streets in a condominium or apartment complex, mobile home courts, planned unit developments, lanes in rural areas, or similar situations. Such an agreement shall be between the owner or owners of properties and may require only routine exchange in written communications between the administrative office and the owner or owners.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Cross reference—Penalty, see § 156.99.

Sec. 156.08. Standards; posting.

The owner or occupant of a house or structure located within the corporate limits of the city shall post officially assigned numbers in a location providing easy identification from the abutting street or streets. Such numbers may be located above the front door, on a house column, attached to the mailbox, on a decorative stone, post, or outside light, or in any other prominent place on the house or structure or in their immediate proximity.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Cross reference—Penalty, see § 156.99.

Sec. 156.09. Administrative office.

The Delaware-Muncie Metropolitan Plan Commission, subject to the supervision of the common council, shall act as the administrative office in charge of issuing numbers to houses or structures in compliance with the provisions of this chapter. The administrative office shall issue numbers to all new houses or structures, renumber houses and structures whenever it becomes necessary to do so in the implementation of the uniform numbering system, and cause the numbering of all existing houses or structures which are not numbered to be numbered in accordance with the provisions of this chapter.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Sec. 156.10. Notification of local agencies.

The administrative office as designated in this chapter shall provide a uniform system of notification of the issuance of numbers or the renumbering of houses and structures. Notification shall be made reasonably far ahead of impending changes so as to allow major interested groups and agencies to plan and prepare for proposed changes. The administrative office shall keep accurate records and shall, from time to time, prepare and make available to the common council a report on the state of the uniform numbering system. In performing its functions, the administrative office shall use its best judgment, shall carefully consider and evaluate all contingencies, and shall, in the context of the sensitive job assigned to it, be considerate of the citizens of the city.
(Ord. No. 56-74, 12-3-74; amend. Ord. No. 385-78, 7-12-78)

Sec. 156.99. Penalty.

(A) The owners or occupants of houses or structures being erected, or which may be erected after the enactment of this chapter, within the corporate limits of the city, who shall fail to number such houses or structures as herein provided for within 30 days after the same shall have been constructed, or who shall number any house or structure otherwise than in conformity with the provisions of this chapter, may be fined not more than $1,000.00. Each and every day the infraction remains shall be considered a separate offense and may carry an additional fine of not more than $1,000.00 per day until the infraction is corrected.

(B) The owner or the occupants of houses or structures presently erected within the corporate limits of the city may be required to renumber such houses or structures in conformity with the provisions of this chapter. Any owner or occupant of a house or structure presently erected who shall fail to renumber such house or structure within 30 days after he shall have been notified of the renumbering of the house or structure, may be fined not more than $1,000.00. Each and every day after the infraction shall be considered a separate offense and may carry an additional fine of not more than $1,000.00 per day until the infraction is corrected.

CHAPTER 157. OPEN SPACE PLAN

Sec. 157.01. Title.
Sec. 157.02. Purpose.
Sec. 157.03. Authority.
Sec. 157.04. Objectives of the open space plan.
Sec. 157.05. Use of the open space plan.
Sec. 157.06. Amendment.

Sec. 157.01. Title.

This chapter shall be known as the open space plan.
(Ord. No. 18-74, 7-1-74)

Sec. 157.02. Purpose.

The purpose of this chapter is to establish certain guidelines and procedures for the effective and reasonable implementation of the provision of the open space plan which is a part of the Delaware-Muncie Metropolitan Transportation and Urban Development Study.
(Ord. No. 18-74, 7-1-74)

Sec. 157.03. Authority.

The authority for the adoption of this chapter is provided for in IC 18-7-5-1 through 99.
(Ord. No. 18-74, 7-1-74)

Sec. 157.04. Objectives of the open space plan.

The objectives of the open space plan are:

(A) To develop for a variety of recreational facilities a workable plan that is adaptable, usable, and acceptable to all segments of the community, such plan to be based on neighborhood composition, proximity to major traffic arteries, changing of population, direction of growth, use of lands occurring from removal of obsolete structures, and carefully coordinated with the use of schools and other public buildings.

(B) To provide, supervise, and maintain indoor and outdoor recreational facilities and services for people of all ages, in convenient locations.

(C) To use, develop, and preserve major streams, lakes, marginal lands, and watercourses, as scenic points in the community.

(D) To utilize lands possessing special natural beauty and affording extraordinary features of terrain and flora as areas for enjoyment by the public.

(Ord. No. 18-74, 7-1-74)

Sec. 157.05. Use of the open space plan.

(A) Upon the adoption of the open space plan, the same shall serve as norm in the planning, reservation, and acquisition of lands for use as open space for public recreational facilities and services. The Delaware-Muncie Metropolitan Plan Commission shall cooperate with all departments of local governments in the promotion and development provisions of the open space plan.

(B) After adopting the plan, the city council or other governing body within the territorial jurisdiction of the plan commission shall be guided by and give consideration to the general policy and pattern of development set out in the open space plan.
(Ord. No. 18-74, 7-1-74)

Sec. 157.06. Amendment.

After the adoption of the open space plan the same may be amended in accordance with the procedure followed for its adoption; except, that if the city council desires an amendment it may direct the plan commission to prepare an amendment and submit it to public hearing within 60 days after formal written request by the city council.
(Ord. No. 18-74, 7-1-74)

CHAPTER 158. HISTORIC PRESERVATION AREAS

Sec. 158.01. Emily Kimbrough historic district.
Sec. 158.02. Old Federal building historic district.
Sec. 158.03. The Boyce block historic district.
Sec. 158.04. English Lutheran church historic landmark.
Sec. 158.05. Local historic landmarks.

Sec. 158.01. Emily Kimbrough historic district.

There is established the Emily Kimbrough historic district, a portion of section 1 of the city historic preservation plan.
(Ord. No. 390-78, 7-12-78)

Cross reference—Historic preservation and rehabilitation commission, §§ 34.100 through 34.102.

Sec. 158.02. Old Federal building historic district.

The Council, pursuant to sections 34.100 through 34.111, as amended, and in response to the petition of the property owners hereby establishes and designates the following described properties located in Delaware County, as the Old Federal Building historic district described as follows:

Beginning at a point approximately 650 feet south of and 320 feet east of the northeast corner of Section 16, Township 20 North, Range 10 East, with said point being the center point of the intersection of the center lines of S. High and W. Charles Streets; thence south along said center line of High Street approximately 155 feet to the intersection of the center line of the alley between W. Charles and W. Howard Streets; thence in an easterly direction along the center line of said alley approximately 165 feet to the intersection with the center line of the alley between S. High St. and Walnut Plaza; thence in a southerly direction along the center line of said alley approximately 160 feet to the intersection with the center line of W. Howard Street; thence in a westerly direction along the center line of said street approximately 320 feet to the intersection of the center line of the alley between S. High and S. Franklin Streets; thence in a northerly direction along the center line of said alley approximately 310 feet to the intersection of the center line of W. Charles Street; thence in an easterly direction along the center line of said street approximately 160 feet to the intersection of the center line of S. High Street, the point of beginning.
(Ord. No. 765-81, 11-2-81)

Sec. 158.03. The Boyce block historic district.

The Council, pursuant to sections 34.100 through 34.111 of the Code of Muncie, Indiana of 1980, as amended, approves a portion of section 3 of the Historic Preservation Plan known as "The Boyce Block Historic District" and establishes said district as an historic preservation district.
(Ord. No. 794-82, § 1, 3-1-82)

Sec. 158.04. English Lutheran church historic landmark.

The Council, pursuant to sections 34.100 through 34.111 of the Code of Muncie, Indiana of 1980, as amended, and in response to the petition of the property owners hereby establishes and designates the following described property located in Delaware County, State of Indiana as an historic landmark described as follows:

Willard 3rd W 70 feet, Lot 43.
(Ord. No. 116-83, § 1, 12-19-83)

Sec. 158.05. Local historic landmarks.

The following properties are hereby designated as local historic landmarks:

(1) The building known as the Moore-Youse House, 122 E. Washington Street on the following described property:

Gilbert's Donation, Lot 8, Block 9.

(2) The buildings known today as Standt's Fine Jewelry, historically known as the Senate Block, located at 200 and 202 S. Walnut Street and 109 E. Jackson Street:

Brown's Donation, north 42 feet of Lot 2 Block 27.

(3) The building known today as the Freund or Murray Building, historically known as the Jones Block, located at 401—403 S. Walnut Street:

Seitz Addition Lot 5 and north ten feet of Lot 6.

(4) The building known today as Pazol's Jewelers, historically known as the Anthony Block, located at 123—125 S. Walnut Street:

South 42 feet of Lot 7 in Block 23 of Jackson's Donation.

(5) A portion of the building known today as Gloria's Women's Apparel, historically known as Geiger Block, located at 125 W. Charles Street:

Seitz Addition, part of west half of Lots 50 and 51.

(6) The building known today as Dunnuck, Teagle & Hunt Attorneys, located at 114 South Walnut Street:

Brown's Donation, 21 feet, Lot 5, Block 24.

(7) The building known today as Jack's Camera Shop, historically known as the Commercial Club, located at 300 East Main Street:

Brown's Donation, west 53 feet, five inches Out Lot 6.

(8) The building known today as American United Appraisal Company, Inc., located at 211 South Walnut Street:

SS Addition south 20 feet, six inches of Lot 1 and Lot 2, Block 1.

(9) The building located at 625 North Elm Street:

WL CO 2nd Addition Lot 8.

(10) The building known as The Creative Opportunity Center, located at 215 South Walnut Street:

SSN 41 foot ten inch Lot 7, Block 1

(11) The Phillips-Johnson House located at 516 West Jackson Street, in the City of Muncie, Indiana, to wit:

JD Addition, Block 19, Lot 6, (Sidwell Number 11-09-462-013, Tax ID Number 1520389000) and JD Addition, Block 19, Lot 7, (Sidwell Number 11-09-462-014, Tax ID Number 1502121000).

(12) The David Cammack House located at 524 West Jackson Street, in the City of Muncie, Indiana, to wit:

JD except southern 76 feet Lot 5, Block 19, (Sidwell Number 11-09-462-011, Tax ID Number 1524031000) and JD southern 76 feet Lot 5, Block 19, (Sidwell Number 11-09-462-012, Tax ID Number 1508356000).

(13) The property located at 115 South Council Street, in the City of Muncie, Indiana, to wit:

JD Addition, north 40 feet Lot 8, Block 18, (Sidwell Number 11-09-461-015, Tax ID Number 15056543000).

(14) The F. R. Miller Building located at 309 North Jefferson Street, in the City of Muncie, Indiana, to wit:

A part of Lot 8 in Block 1 in Goldsmith C. Gilbert's donation to Muncie Town, now City of Muncie, Indiana, more particularly described as follows, to-wit: Commencing at the northeast corner of Lot 8 and running thence south on the east line thereof 69½ feet; thence west parallel with the north line of said lot 42½ feet; thence north parallel with the west line of said lot 14½ feet; thence west parallel with the north line of said lot 20 feet to the west line of said lot; thence north on and along the west line of said lot, 55 feet to the northwest corner thereof; thence east 62½ feet to the place of beginning. More commonly known as 309 North Jefferson Street, Muncie, Indiana 47305.

(15) The Mitchell Block Building located at 301 South Walnut Street in the City of Muncie, Indiana, to wit:

A part of Lot 21 in Section 16, Township 20 North, Range 10 East, more particularly described and bounded as follows, to-wit: Beginning at the intersection of the west line of Walnut Street and the south line of Adams Street as said streets are laid out, platted and established in the City of Muncie, Delaware County, Indiana; thence extending south on and

along the west line of Walnut Street 79 feet and nine and one-half inches; thence extending west 125 feet to a point 80 feet south of the south line of Adams Street; thence extending north 80 feet, more or less, to the south line of Adams Street; thence east on and along the south line of Adams Street 125 feet, more or less, to the place of beginning, in the City of Muncie, County of Delaware and State of Indiana, known as 301, 303, 305, and 307 South Walnut Street in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-1078; Sidewll Number 11-16-233-007)

(16) The Patterson Block located at 103 East Main Street and 100—112 South Walnut Street (southeast corner of Main and Walnut Streets), in the City of Muncie, Indiana, to wit:

B D Addition, Lot 4, Block 24 in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-01063000; Sidwell Number 11-10-363-001.

(17) The Topp House located at 323 South Liberty Street, in the City of Muncie, Indiana, to wit:

PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-22182000; Sidwell Number 11-16-230-013).

(18) The Eiler Flats located at 405—411 South Liberty Street, in the City of Muncie, Indiana, to wit:

J C E Add, IN: 2, (Unit Tax Number 15-19017000; Sidwell Number 11-16-234-025).

(19) The Carpenter House located at 417 South Liberty Street, in the City of Muncie, Indiana, to wit:

Mess and R N 36', IN: 1, (Unit Tax Number 15-12207000; Sidwell Number 11-16-234-027).

(20) The house located at 320 South Cherry Street, in the City of Muncie, Indiana, to wit:

NE Qtr NE Qtr 40' 48', .0400 AC, STR: 16-20-10, (Unit Tax Number 15-17872500; Sidwell Number 11-16-230-008).

(21) The Goddard House located at 402 West Charles Street, in the City of Muncie, Indiana, to wit:

PT Lots 3 and 18, .0700 AC, STR: 16-20-10, (Unit Tax Number 15-12206000; Sidwell Number 11-16-230-015).

(22) The Eiler House located at 403 West Charles Street, in the City of Muncie, Indiana, to wit:

J C E Add, IN: 3, (Unit Tax Number 15-19018000; Sidwell Number 11-16-234-024).

(23) The Truitt House located at 415 & 415 West Charles Street, in the City of Muncie, Indiana, to wit:

J C E, IN: 4, (Unit Tax Number 15-02870000; Sidwell Number 11-16-234-011).

(24) The Lesh House located at 418—420 West Charles Street, in the City of Muncie, Indiana, to wit:

PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-12242000; Sidwell Number 11-16-230-010).

(25) The Ream House located at 401 West Howard Street, in the City of Muncie, Indiana, to wit:

PT Lot 24 and Mess and R 5ft 45ft, .1300 AC, STR: 16-20-10, (Unit Tax Number 15-14723000; Sidwell Number 11-16-238-017).

(26) The Ira Hunter House located at 47 West Orchard Place, in the City of Muncie, Indiana, to wit:

Glascock Add, IN: 17, (Unit Tax Number 15-00690000; Sidwell Number 11-16-276-009).

(27) The building known today as Vera Mae's, located at 209 South Walnut Street in the City of Muncie, Indiana, to wit:

S and S Addition, 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).

(28) The building known today as the Heorot, located at 219 South Walnut Street in the City of Muncie, Indiana, to wit:

SS Addition South 20.8 feet Lot 7 Block 1. (Unit Tax Number 15-20230000; Sidwell Number 11-16-229-017).

(29) The building known today as Wealth Strategies, Inc., located at 207 North High Street in the City of Muncie, Indiana, to wit:

Part GD Addition and Part 39 feet mid Lot 5 Block 7. (Unit Tax Number 15-23781000; Sidwell Number 11-09-482-011-000).

(30) The building known today as the Mark III, located at 107 East Main Street in the City of Muncie, Indiana, to wit:

BDW 16, Lot 3, Block 24. (Unit Tax Number 15-08355000; Sidwell Number 11-10-363-002).

(31) The building known today as the Henry Haymond House, located at 814 West Charles Street in the City of Muncie, Indiana, to wit:

P I Add E45 and 10 Ft ADJ E45 FT (Unit Tax Number 15-06722000; Sidwell Number 11-16-207-010-000).

(32) The building known today as the Otto Carmichael house, located at 900 West Kilgore Avenue in the City of Muncie, Indiana, to wit:

Winton addition lot 6 and 7 Exc. N 2½'. (Unit Tax Number 15-16064000; Sidwell Number 11-16-127-013-000).

The lot located directly behind the Otto Carmichael house, located at 900ADJ West Kilgore Avenue in the City of Muncie, Indiana, to wit:

PT TR S SD Jackson Street ADJ Winton 12. (Unit Tax Number 15-16062000; Sidwell Number 11-16-127-012-000).

(33) The building known today as Vera Mae's, located at 209 S. Walnut Street in the City of Muncie, Indiana, to wit:

Owner, Kent W. Shuff; S and S Addition, south 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).

(34) The building located at 205 S. Walnut Street in the City of Muncie, Indiana, to wit:

Owner, Gary D. Riley; S and S Addition, Lots 1 and 2, Block 1. (Unit Tax Number 15-16767000; Sidwell Number 11-16-229-012-000).

(35) The building known today as the north section of the Odd Fellows Building located at 120 S. Walnut St. in the City of Muncie, to wit:

Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).

(36) The building known today as the south section of the Odd Fellows Building located at 122-124 S. Walnut St. in the City of Muncie, to wit:

Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).

(37) The Building the east section of the Odd Fellows Building located at 108 E. Jackson St. in the City of Muncie, to wit:

Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).

(38) The building known today as Ballaird Hall, located at 207 S. Walnut Street in the City of Muncie, Indiana, to wit:

Owner: Kent W. Shuff & Steven E. Fennimore; Legal Description: S&S Addition, pt. 24 feet × 125 feet. (Unit Tax Number: 15-16695000; Sidwell Number: 11-16-229-013-000).

(39) The building known as UEA/Downtown Development Partnership Building, located at 407 S. Walnut Street in the City of Muncie, Indiana, to wit:

Owner: Muncie Urban Enterprise Association, Inc.; Legal Description: Seitz Addi-

tion North 20 feet of lot 7, south 20 feet of lot 6. (Unit Tax Number: 15-16701000; Sidwell Number: 11-16-237-009-000).

(40) The building known today as 309 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at the northwest corner of Lot 8 in Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the Records of Delaware County, Indiana, said corner being 0.4 feet east of a nail; thence north 89 degrees 39 minutes 51 seconds east 100.41 feet along the north line of said lot; thence south 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall; thence south 00 degrees 1 minutes 55 seconds east 1.56 feet; thence south 89 degrees 39 minutes 51 seconds west 100.39 feet along the center of a common wall to a point on the west line of said lot to a point 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 23.51 feet to the point of beginning, containing 0.05 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

(41) The building known today as 311 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the west line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being south 00 degrees 02 minutes 52 seconds east 23.51 feet (assumed bearing) from the northwest corner of said lot and also being 0.4 feet east of a nail; thence north 89 degrees 39 minutes 51 seconds east 100.39 feet along the center of a common wall; thence south 00 degrees 11 minutes 53 seconds east 38.99 feet along the center of a common wall to a point on the south line of said Lot 8; thence south 89 degrees 39 minutes 51 seconds west 100.36 feet to the southwest corner of said lot which is 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 38.99 feet to the point of beginning, containing 0.09 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

(42) The building known today as 313 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place, LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the south line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being north 89 degrees 39 minutes 51 seconds east 100.36 feet (assumed bearing) from the southwest corner of said lot; thence north 00 degrees 11 minutes 53 seconds west 40.55 feet along the center of a common wall; thence north 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall to the north line of said Lot 8; thence north 89 degrees 39 minutes 51 seconds east 24.78 feet to a nail at the northeast corner of said lot; thence south 00 degrees 02 minutes 52 seconds east 62.50 feet to a nail at the southeast corner of said lot; thence south 89 degrees 39 minutes 51 seconds west 24.50 feet to the point of beginning, containing 0.04 of an acre, more or less. (Unit tax number: 15-00338000; Sidewell number: 11-16-233-008-000).

(43) The building known today as 419-421 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Walnut Investors, LLC; Legal Description: Lots 9, 10, 11 and north 10 feet

and west 39 feet of lot 12, Seitz Addition, City of Muncietown, now City of Muncie. (Sidwell Number: 11-16-237-011-000).

(Ord. No. 42-90, § 1, 11-12-90; Ord. No. 12-93, 5-3-93; Ord. No. 19-94, 5-9-94; Ord. No. 62-94, 12-6-94; Ord. No. 19-95, 6-5-95; Ord. No. 2-96, 3-4-96; Ord. No. 17-96, 5-13-96; Ord. No. 22-96, 6-10-96; Ord. No. 15-98, 5-11-98; Ord. No. 37-99, 10-4-99; Ord. No. 24-00, § 1, 7-10-00; Ord. No. 25-00, § 1, 7-10-00; Ord. No. 3-02, §§ 1—5, 2-4-02; Ord. No. 34-03, 12-1-03)

CHAPTER 159. FLOODPLAIN MANAGEMENT

Sec. 159.01. Statutory authorization.
Sec. 159.02. Statement of purpose.
Sec. 159.03. Definitions.
Sec. 159.04. Duties of the zoning administrator.
Sec. 159.05. Regulatory flood elevation and mapping.
Sec. 159.06. Improvement location permit.
Sec. 159.07. Preventing increased damages.
Sec. 159.08. Protecting buildings.
Sec. 159.09. Other development requirements.
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Sec. 159.01. Statutory authorization.

The Indiana Legislature granted the power to local units of government
(Ord. No. 60-94, § 1, 11-14-94)

State law reference—Similar provisions, IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following [purposes].

Sec. 159.02. Statement of purpose.

The purpose of this chapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the city council of the City of Muncie, Indiana, hereby adopts the following floodplain management regulations in order to accomplish the following:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To protect human life and health from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

(F) To make federally subsidized flood insurance available for property in the City of Muncie by fulfilling the requirements of the National Flood Insurance Program.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.03. Definitions.

For the purpose of this chapter, the following definitions are adopted:

(A) "Building:" See "Structure."

(B) "Development" means any man-made change to improved or unimproved real estate including but not limited to:

(1) Construction, reconstruction, or placement of a building or any addition to a building valued at more than $1,000.00;

(2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days provided such recreational vehicle is in compliance with all local laws;

(3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) Mining, dredging, filling, grading, excavation, or drilling operations;

(6) Construction and/or reconstruction of bridges or culverts;

(7) Storage of materials; or

(8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

(C) "Existing manufactured home park/subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

(D) "Expansion to an existing manufactured home park/subdivision:" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(E) "FBFM" means flood boundary and floodway map.

(F) "FEMA" means Federal Emergency Management Agency.

(G) "FHBM" means flood hazard boundary map.

(H) "FIRM" means flood insurance rate map.

(I) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

(J) "Floodplain" means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

(K) "Flood protection grade" or the "FPG" means the elevation of the regulatory flood plus two feet at any given location in the special flood hazard area (SFHA).

(L) "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

(M) "Floodway fringe" means those portions of the floodplain lying outside the floodway.

(N) "Letter of map amendment (LOMA)" means an amendment to the currently effective FEMA map that establishes that a property is not located in a special flood hazard area (SFHA). A LOMA is only issued by FEMA.

(O) "Letter of map revision (LOMR)" means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.

(P) "Lowest floor" means the lowest of the following:

(1) The top of the basement floor;

(2) The top of the garage floor, if the garage is the lowest level of the building;

(3) The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

(4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of

one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

(b) Such enclosed space shall be usable for the parking of vehicles and building access.

(Q) "Manufactured home" means a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971; also refers to modular home. The term "manufactured home" does not include a "recreational vehicle."

(R) "Mobile home" means a transportable dwelling unit larger than eight feet in body width and longer than 32 feet in body length and designed to be used as a year-round dwelling unit, built prior to June 15, 1976. For the purposes of this chapter only, when the term "manufactured home" is used herein, it shall also refer to a mobile home.

(S) "New manufactured home park/subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

(T) "Recreational vehicle" means any portable vehicular structure not built to the National Manufactured Housing Construction and Safety Standards Code, designed to provide temporary living quarters for recreational, camping or travel use, including but not limited to travel trailers, collapsible trailers, truck campers, motor homes and multi-use vans; they are intended for temporary residential uses and shall be occupied only in RV parks.

(U) "Regulatory flood" means the flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in section 159.05 of this chapter. The "regulatory flood" is also known by the term "base flood." Both terms are, currently, known as the "100-year flood."

(V) "SFHA or special flood hazard area" means those lands within the jurisdiction of Muncie, Indiana, that are subject to inundation by the regulatory flood. The SFHAs of Muncie, Indiana, are generally identified as such on the flood insurance rate map (FIRM) of the City of Muncie, Indiana, prepared by the Federal Emergency Management Agency and dated December 3, 1987. The SFHAs of those parts of unincorporated Delaware County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate map prepared for Delaware County by the Federal Emergency Management Agency and dated December 3, 1987.

(W) "Structure" means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days provided such installation is in compliance with all local laws.

(X) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of

the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

(Y) "Zone A" means a special flood hazard area inundated by the 100-year flood, determined by approximate methods, where no base flood elevations are shown on the FIRM or flood hazard factors are determined.

(Z) "Zone A1—A7" means special flood hazard areas inundated by the 100-year flood, determined by detailed methods, where base flood elevations are shown on the FIRM and zones are subdivided according to flood hazard factor.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.04. Duties of the zoning administrator.

The zoning administrator for the city shall implement this chapter. The zoning administrator for the City of Muncie, Indiana, shall review all development to ensure compliance with this chapter, including but not limited to the following duties:

(A) Ensure that all development activities within the SFHAs of Muncie, Indiana, meet the requirements of this chapter through the established permitting and inspection schedules.

(B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction.

(C) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to section 159.07 of this chapter, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

(D) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.

(E) Maintain a record of the engineer's certificates and the "as-built" floodproofed elevation of all buildings, subject to and as set forth in section 159.08 of this chapter.

(F) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program.

(G) Maintain for public inspection and furnish upon request, and as available, regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter; and refer such requests to the Delaware-Muncie Metropolitan Plan Commission as applicable.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.05. Regulatory flood elevation and mapping.

The protection standard for this chapter is the regulatory flood also known as the 100-year flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, that party may submit a detailed engineering study, which serves to replace existing data with better data, to the department of natural resources for review and approval.

(A) The report entitled "Flood Insurance Study, City of Muncie, Indiana, dated December 3, 1987," with all accompanying flood insurance rate maps and flood boundary and floodway maps for the City of Muncie, Indiana, are hereby adopted by reference and declared to be a part of this chapter.

(B) The regulatory flood elevation and floodway limits for the SFHAs of all rivers and creeks identified in the Flood Insurance Study, City of Muncie, Indiana, shall be as delineated on the 100-year flood profiles in said flood insurance study dated December 3, 1987, and the corresponding flood boundary and floodway maps prepared by the Federal Emergency Management Agency and dated December 3, 1987.

(C) If the SFHA is delineated as "Zone A" on a flood insurance rate map for the City of Muncie, Indiana, the regulatory flood elevation shall be according to the best data available as provided by the department of natural resources.

(D) The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Delaware County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Delaware County dated December 3, 1987, and the corresponding FBFM dated December 3, 1987, prepared by the Federal Emergency Management Agency. If the SFHA is delineated as "zone A" on the county flood insurance rate map, the regulatory flood elevation shall be according to the best data available as provided by the department of natural resources.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.06. Improvement location permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an improvement location permit from the zoning administrator. The zoning administrator shall not issue an improvement location permit if the proposed "development" does not meet the requirements of this chapter.

(A) The application for an improvement location permit shall be accompanied by the following:

(1) A description of the proposed development.

(2) Location of the proposed development sufficient to accurately locate the property and structure(s) in relation to existing roads and streams.

(3) A legal description of the property site.

(4) A site development plan showing existing and proposed structure locations and existing and proposed land grades.

(5) An elevation certificate showing the elevation of the top of the lowest floor (including basement) of all proposed structures. Information provided on the certificate should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD) with conversion formulas as needed to allow the zoning administrator to determine compliance.

(B) Upon receipt of an application for an improvement location permit, the zoning administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

(1) If the site is in an identified floodway, the zoning administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the department of natural resources and apply for a permit for construction in a floodway.

Under the provisions of IC 14-28-2 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the building.

No action shall be taken by the zoning administrator until a permit has

been issued by the natural resources commission granting approval for construction in the floodway. Once a permit has been issued by the natural resources commission, the zoning administrator may issue the local improvement location permit, subject to the provisions of this chapter and all applicable state and local laws. The improvement location permit cannot be less restrictive than the permit issued by the natural resources commission.

(2) If the site is located in an identified floodway fringe, then the zoning administrator may issue the local improvement location permit, subject to the provisions of this chapter and all applicable state and local laws. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the flood protection grade (FPG) which is two feet above the regulatory (100-year) flood elevation for the specific site.

(3) If the site is an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the flood insurance rate map), and the drainage area upstream of the site is greater than one square mile or the upstream drainage area is not provided to the satisfaction of the zoning administrator, the zoning administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the department of natural resources for review and comment.

No action shall be taken by the zoning administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended flood protection grade has been received from the department of natural resources.

Once the zoning administrator has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the permit are not less restrictive than the conditions received from natural resources and subject to the provisions of this chapter and all applicable state and local laws.
(Ord. No. 60-94, § 1, 11-14-94; Ord. No. 14-00, § 1, 5-8-00)

Sec. 159.07. Preventing increased damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety and, in order to ensure prevention, the appropriate jurisdictional entities shall adhere to the following:

(A) Within the floodway identified on the flood boundary and floodway map or the flood insurance rate map, the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill such as levees, the data shall be submitted through the City of Muncie to the Federal Emergency Management Agency to request revision of the regulatory flood data.

(B) Within all SFHAs identified as Zone A (no 100-year flood elevation and/or floodway/floodway fringe delineation has been provided), the following standard shall apply:

(1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

(C) Public health standards in all SFHAs.

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of section 159.08 of this chapter.

(2) New and replacement sanitary sewer lines may be permitted providing all manholes or other above ground openings located below the flood protection grade are watertight.

(3) New and replacement on-site waste disposal systems may be permitted only upon approval by the Delaware County board of health and subject to the following conditions: that all above ground openings are located above the flood protection grade and that soil absorption systems shall not be constructed below the regulatory (100-year) flood elevation.

(D) Within the floodway fringe, all facilities, structures, buildings and uses normally found in a community, and as governed by all applicable state and local laws, may be constructed in a floodway fringe area provided that the flood protection grade shall be at least two feet above the regulatory (100-year) flood profile and as set forth in the following section.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.08. Protecting buildings.

All buildings to be located in the SFHA shall be protected from flood damage as set forth in this section.

(A) These building protection requirements shall apply to the following situations:

(1) Construction or placement of any new building valued at more than $1,000.00 or greater than 400 square feet, whichever is less;

(2) Structural alterations made to an existing building that increase the market value of the building by more than 50 percent (excluding the value of the land), and any subsequent alterations;

(3) Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the market value of the building (excluding the value of the land) before damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(5) Installing a recreational vehicle on a site for more than 180 days.

(B) Building protection requirements and methods to achieve such protection are as follows. The zoning administrator shall maintain a record of compliance with these building protection standards. The zoning administrator may, prior to the issuance of any permit under this chapter, require that the applicant supply verification of compliance with a selected protection method from a registered engineer or architect.

(1) A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with the standard Proctor test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor (see definition of lowest floor in section 159.03, Definitions) shall be at or above the FPG which is two feet above the regulatory (100-year) flood elevation.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

2. Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) This requirement applies to all manufactured homes to be placed on a site:

1. Outside a manufactured home park/subdivision;

2. In a new manufactured home park/subdivision;

3. In an expansion to an existing manufactured home park/subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

The manufactured home shall be elevated on a permanent foundation such that the top of the lowest floor shall be at or above

the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park/subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) Recreation vehicles placed on a site shall either:

(a) Be on the site for less than 180 consecutive days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" in paragraph (3) of this section.

(5) A nonresidential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.09. Other development requirements.

(A) The Delaware-Muncie Metropolitan Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a special flood hazard area as defined herein. If the plan commission finds the subdivision to be so located, the plan commission shall forward plans and materials to the Indiana department of natural resources for review and comment. The plan commission shall require appropriate changes and modifications in order to assure that:

(1) It is consistent with the need to minimize flood damages;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and designed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100-year flood elevation, the floodway and the floodway fringe on all subdivision plats containing lands within a special flood hazard area prior to submitting the plats for approval by the plan commission. Developers shall also include plat restrictions dealing with elevation requirements for the top of the lowest floors and increased risks and flood insurance premiums.

(C) All owners of manufactured home parks/subdivisions located within the SFHA identified as Zone A on the flood insurance rate maps shall develop an evacuation plan for those lots located in Zone A and file it with the local plan commission and have it filed and approved by the appropriate community emergency management authorities.
(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.10. Nonconforming structures and uses.

Within the floodplain throughout the City of Muncie, Indiana, there exist lots, structures, uses or combinations of uses and structures which do not conform to the requirements and standards set forth in this chapter. Any building, structure or use which is not in compliance with this chapter, and which is otherwise deemed a lawful building, structure or use, constitutes a nonconforming use for the purposes of this section. The following provisions shall apply to nonconforming use:

(A) Any activity involving a nonconforming building, structure or use within a floodway is under the jurisdiction of the State of Indiana Natural Resources Commission; however, nothing in this chapter shall be construed to prohibit any activity, such as rebuilding or an addition, involving a nonconforming building, structure or use which has been approved by said natural resources commission.

(B) For nonconforming buildings, structures and uses within the floodway fringe, the following shall apply:

(1) Except for normal maintenance, a building which does not conform to this chapter may be altered, repaired, enlarged, or extended, on a one time only basis. These alterations, repairs, enlargements or extensions must not increase the value of the building, excluding the value of the land, by more than 50 percent of its pre-improvement market value.

(2) A building which does not conform to this rule, and which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, if the damage does not reduce the market value of the building, excluding the value of the land, by more than 50 percent.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.11. Variances.

(A) The Delaware-muncie metropolitan board of zoning appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:

(1) There exists a good and sufficient cause for the requested variance such as, but not limited to, when a new structure is to be located on a lot one-half () acre or less contiguous to lots with existing structures constructed below the flood protection grade;

(2) The strict application of the terms of this chapter will constitute an exceptional hardship to the applicant such that the applicant cannot secure a reasonable use of the property; and

(3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) The Delaware-Muncie Metropolitan Board of Zoning Appeals may issue a variance to the terms and provisions of this chapter subject to the following standards and conditions, however, no variance or exception for a residential use within a floodway subject to section 159.07 (A) or (B) of this chapter may be granted:

(1) No variance within a floodway may be granted except where the Indiana Natural Resources Commission has approved a permit and local approval is required to carry out the terms of said permit, then a variance may be considered by the board.

(2) A variance may be granted for the historic reconstruction/restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

(3) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction;

(4) The board may impose conditions on the variance to carry out the intent of this chapter;

(5) The board of zoning appeals shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.12. Disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the City of Muncie, Indiana or the State of Indiana for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.13. Violations.

Failure to obtain an improvement location permit in the sfha or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this chapter and shall be subject to the penalties set forth in section 10.99 and 159.99 of this Code. Additionally, the zoning administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(Ord. No. 60-94, § 1, 11-14-94)

Sec. 159.14. Abrogation and greater restrictions.

This Ordinance No. 60-94 repeals and replaces other ordinances adopted by the city council of the City of Muncie, Indiana to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original action taken to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinances, easements, covenants, or deed restrictions conflict, whichever imposes the more stringent restrictions shall prevail.

Editor's note—Ord. No. 60-94, adopted Nov. 14, 1994, provided for the deletion of former Ch. 159, §§ 159.01—159.12, which pertained to floodplain management derived from Ord. No. 661-80, adopted Mar. 2, 1980, and subsequently amended. Sec. 1 of Ord. No. 60-94 enacted new floodplain management provisions designated as §§ 159.01—159.14 herein set out.

CHAPTER 160. URBAN HOMESTEADING

Sec. 160.01. Establishment.
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Sec. 160.03. Acquisition of property.
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Sec. 160.06. Inspections.
Sec. 160.07. Authorized methods of conveyance.
Sec. 160.08. Failure to fulfill agreement.
Sec. 160.09. Fee simple title.
Sec. 160.10. Rules and regulations.
Sec. 160.11. Tax exemption.
Sec. 160.12. Public sale of surplus property.

Sec. 160.01. Establishment.

The following guidelines, policies, and procedures are established for the implementation of the City of Muncie, urban homesteading program. (Ord. No. 21-85, 6-3-85)

Sec. 160.02. Administration.

The board of public works and safety (BPW) is established as the agency to administer an urban homesteading program under which family dwellings for one through four families may be conveyed to individuals or families, who must occupy and rehabilitate the dwellings. The urban homesteading program shall be administered by the board of public works and safety through the community development department, its director, and designated staff.
(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-2.

Sec. 160.03. Acquisition of property.

(A) The board of public works and safety may acquire real property in the name of the city for use as provided in this chapter.

(B) Under IC 6-1.1-24-4.5, the county auditor shall provide a list of real property on which one or more installments of taxes are delinquent.

(C) Under IC 6-1.1-25-1 and IC 6-1.1-25-4, the board may acquire the deed for real property purchased at tax sale for the purposes of this chapter 90 days after the date of sale.

(D) In addition to real property acquired through tax sale for the purposes of this chapter, the agency may acquire real property by purchase or gift. (As added by Acts 1981, P. L. 309 SEC. 36.)

(E) Priority shall be given to properties located in distressed areas.

(F) The board shall, after the acquisition of real property for use as provided in this chapter, take the steps necessary to fully inform the residents of the city of the following.

(1) The existence, nature, and location of the dwellings.

(2) The qualifications required for participation in the program under this chapter.

(3) The terms and conditions on which the dwellings may be conveyed to qualified persons.

(Ord. No. 21-85, 6-3-85; Am. Ord. No. 37-88, 8-2-88)

State law references—Similar provisions, IC 36-7-17-3; real property tax sales, see IC 6-1.1-24; redemption of property; tax deeds, see IC 6-1.1-25.

Sec. 160.04. Applications; approval procedure.

(A) A person may apply for the program by completing a bid application and paying an application fee and appearing for an interview before the designated staff person.

(B) An applicant is qualified and shall be approved to receive real property offered under this chapter if he:

(1) Is at least 21 years of age.

(2) Possesses the financial resources to support a loan, the necessary skills to rehabilitate the property, or a combination of both.

(3) Has, including immediate family, not previously participated in the program.

(4) Is not personally nor is a member of his family, an employee of the city or other governmental authority within Delaware County, State of Indiana, its agent or agents, units, commissions, councils, or contractors.

(5) Has a disposal income for housing that is at least $300.00 per month for the purposes of division (2) above.

(6) Has an acceptable credit rating as determined by a verified credit report, which would allow the applicant to obtain private financing for the rehabilitation of the property.

(7) Pays more than 30 percent of combined family gross monthly income for housing.

(8) Earns below 120 percent of median family gross monthly income based on family size for the Muncie MSA as determined by the United States department of housing and urban development.

(C) Approved applicants are entitled to receive a list of all properties owned by the city that are available under this chapter. The board of public works and safety shall have the final determination of properties that shall be made available.

(D) Approved applicants may apply for each dwelling in which they are interested. A drawing shall be held to determine those persons receiving the dwellings. Each approved applicant and his immediate family may receive only one dwelling in the drawing. (As added by Acts 1981, P. C. 309, SEC. 36.) When a bid is drawn, the applicant will be asked if he wishes to accept or reject the property. If the property is accepted, he will be awarded the contract on that house and will not be eligible to accept another property if his name is drawn.

State law reference—Similar provisions, IC 36-7-17-5.

(E) Alternates will also be drawn on each property and given first opportunity to receive the homesteading property in the event the awardee chooses to reject the property or fails to comply with the terms of the homesteading agreement at any time prior to receipt of the final deed. The board shall investigate situations where the homesteader is or believed to be in violation of the terms of the agreement. The board shall recommend whether or not to foreclose on a homesteader and award the property to the alternate.

(F) The following are fees which are applicable and collectable.

(1) A nonrefundable application fee shall be paid at the time of application to cover the cost of a credit report.

(2) A charge for closing costs plus $1.00 for the property shall be paid immediately following the award of the property and may be paid with cash, check, or money order.

(G) The applicants shall be given an opportunity to examine the property or properties in which they are interested by attending an open house on a day or days to be determined by the board. The applicants shall submit a separate bid for each property on a form to be provided. No bids shall be accepted prior to the open house.

(H) A list of repairs which must be made to bring the dwelling into compliance with the minimum health and safety standards (housing quality standards) prior to occupancy, and repairs needed to make the house energy efficient, will be available and posted during the open house.

(I) The board, upon recommendation from the community development staff, will review the applications. If the application is denied, applicants shall be notified of the denial in writing, stating the reasons for denial. An appeal may be make to the board at its next regularly scheduled meeting, at which the applicant shall present his case in person. The decision of the board following the appeal shall be considered final.

(J) If applications are approved, they will be forwarded to the staff for inclusion in the drawing.

(Ord. No. 21-85, 6-3-85)

Sec. 160.05. Duties of recipients.

The conveyance of a dwelling to an applicant under this chapter shall be made in return for a fee of $1.00 and other costs as prescribed above and the execution by the applicant of an agreement with the following conditions.

(A) The applicant must reside in the dwelling as his principal place of residence for a period of not less than five years from the date of occupancy.

(B) The applicant must make repairs and bring the residence up to a minimum health and safety standard and occupy the property within six months of the date of award. The repair activity must begin

within 90 days following the award. Properties constructed prior to 1950 may contain lead-based paint which can be extremely hazardous. If lead-based paint is present, awardee must eliminate this condition prior to occupancy.

(C) The applicant must bring the residence up to full code standard (Housing Quality Standards) including building, plumbing, electrical, heating, and fire code standards, making such repairs and improvements as necessary within 12 months after award.

(D) The applicant shall make and cause to complete all repairs and improvements necessary to make the dwelling energy-efficient and weather-tight within three years from date of possession.

(E) The applicant must carry fire and liability insurance on the dwelling at all times.

(F) The applicant agrees to pay all prior taxes and assessments legally due and owing after being awarded the property.

(G) The applicant shall agree to work with the assigned staff throughout the involvement in the program including meeting in the dwelling and providing full and reasonable access for the purpose of inspections.

(H) The applicant will sign a homesteading agreement and a special warranty deed with the board of public works and safety upon award of the property. If the applicant meets all of the requirements of the program at the end of the five-year occupancy period, the property will be fully titled to the applicant.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-6.

Sec. 160.06. Inspections.

(A) The building director or his designated agents shall perform the following inspections upon the request of the community development department.

(1) Initial inspection for the purpose of determining the scope of work requirements, repair, and recommendations based on prevailing code requirements and housing quality standards.

(2) At the end of six months following the award, an inspection to determine whether minimum health and safety standards have been met to provide for occupancy.

(3) At the end of one year following the award, an inspection to determine whether all code requirements have been satisfied.

(4) At the end of three years following the award, an inspection to determine whether all energy efficiency and weatherization recommendations have been satisfied.

(5) At the end of five years following the award, an inspection to determine whether the above inspected improvements and repair have been maintained in a satisfactory manner.

(B) The building director or his designated agents may grant an extension to complete deficient work and repairs and improvements up to an additional 60 days following the inspection. Following subsequent inspection, if deficiency continues, it shall be reported to the board of public works and safety, through the dommunity development department, for possible foreclosure or other appropriate action in order to fulfill the purpose of this chapter.

(C) The building director or his designated agents shall file a copy of each inspection with the board through the community development department, and provide a copy for the applicant within five working days following the respective inspections.

(Ord. No. 21-85, 6-3-85)

Sec. 160.07. Authorized methods of conveyance.

The agency shall convey the real property acquired for the purpose of this chapter to those persons qualified under §§ 160.04 and 160.05 by using the methods prescribed by division (A) or (B) below.

(A) The real property may be conveyed by a conditional sales contract, with title to remain in the agency for a period of at least one year.

(B) The title to real property may be conveyed to the purchaser as a determinable fee, with the granting clause in the deed of conveyance to include the language "The property is conveyed on the condition that the purchaser:

(1) Will reside in the dwelling as his principal place of residence for a period of not less than five years.

(2) Will bring the residence up to minimum health and safety standards within six months and will bring the residence up to full code requirements within one year following the award.

(3) Will bring the residence up to full energy efficiency and weatherization recommendations within three years.

(4) Will carry adequate fire and liability insurance on the dwelling at all times.

(5) Will comply with such additional terms, conditions, and requirements as the agency requires before _____ (date of deed) under IC 36-7-17".

(Ord. No. 21-85, 6-3-85; Am. Ord. No. 17-87, 8-3-87)

State law reference—Similar provisions, IC 36-7-17-7.

Sec. 160.08. Failure to fulfill agreement.

Before the vesting of a fee simple title in the purchase, any material failure by the purchaser to carry out the agreement entered into under §§ 160.04 and 160.05 nullifies the agreement and all right, title, and interest in the property immediately reverts to the board of public works and safety except that the Board may grant the purchaser a specified period not to exceed two years to come into compliance with the terms of the agreement. The board may subordinate its interest under the terms of the agreement to financial institutions or persons lending money to the purchaser for the purpose of allowing the purchaser to fulfill the terms of the conveyance.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-8.

Sec. 160.09. Fee simple title.

After the purchaser has resided in the dwelling for the required 5-year period, brought the property into compliance with the requirements of the agreement, and otherwise complied with the terms and purposes of this chapter, the board of public works and safety shall convey to him a fee simple title to the property.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-9.

Sec. 160.10. Rules and regulations.

The board of public works and safety, through the director of the community development department or his designated agent, shall prescribe the rules and regulations establishing standards and methods for inspection of buildings, bidding for properties by applicants, measurements of rehabilitation progress, and applicable fees.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-10.

Sec. 160.11. Tax exemption.

Property acquired or held under this chapter with retention of the deed by the city is considered property of the city held for municipal purposes and is exempt from property taxation and other legally applied assessments. This property tax and assessment exemption becomes effective on the date of conveyance to the city. A petition to cancel taxes and assessments or a certified application for same is not required or held under this chapter.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-11.

Sec. 160.12. Public sale of surplus property.

Any property for which no one applies in two consecutive drawings held under this chapter may be sold at public auction to the highest bidder.

(Ord. No. 21-85, 6-3-85)

State law reference—Similar provisions, IC 36-7-17-12.

CHAPTER 161. ECONOMIC REVITALIZATION AREAS

Division 1. Real Property Tax Abatement

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DIVISION 1. REAL PROPERTY TAX ABATEMENT*

Sec. 161.01. Tax abatement committee established.

The common council, City of Muncie, hereby creates the Tax Abatement Committee (committee). The committee shall be comprised of members appointed by the presiding officer of the council pursuant to section 32.35 of the Muncie Code for the purpose of reviewing tax abatement applications and monitoring property owner compliance. The committee shall also make recommendations to the common council concerning property owner compliance, upon which the final decision rests with the common council. The committee may also make recommendations concerning ordinance, resolution, application, and monitoring revisions which can effect the tax abatement program. Final decisions concerning the tax abatement program rests with the common council. (Ord. No. 32-97, § 1, 8-4-97)

*__Editor's note—__Ord. No. 3297, §§ 1—4, adopted Aug. 4, 1997, amended Subchapter, Real Property Tax Abatement, of Ch. 161 to read as herein set out. Formerly, said subchapter, §§ 161.01, 161.02, pertained to similar subject matter and derived from Ord. No. 85-89, adopted Feb. 5, 1990, and Ord. No. 48-95, §§ 1—4, adopted Aug. 31, 1996.

Sec. 161.02. Procedure established for designation of economic revitalization areas.

The following procedure is hereby established for the designation of economic revitalization areas for purposes of real property tax abatement or real property tax abatement in already designated areas:

(A) Applications shall be filed with the common council tax abatement committee (committee) and with the Muncie city clerk prior to the project and be in writing and signed by the applicant and shall contain all applicable information required by the application form and shall be supported by payment of fees hereinafter fixed.

(B) Upon receipt of an application, the committee shall review the information filed, in a public meeting proceeding the common council meeting, and the proposed rehabilitation or redevelopment project and make findings and recommendations to the common council with regard to:

(1) Compliance with statutory criteria.

(2) Furtherance of city development objectives.

(3) Creation of and the retention of employment opportunities.

(4) Expansion of property tax base.

(5) Compliance with EEG/AA practices as well as a review of human resource policies.

(6) Stabilization of property values.

(C) Upon review by the city legal department to assure legality in form, and review and sponsorship by a council member, the application shall be filed with the office of the Muncie city clerk in accordance with all deadlines, policies, and procedures established by the Muncie common council to be placed on council's agenda.

(D) The common council may consider a preliminary declaratory resolution designating the requested economic revitalization area for real property tax abatement, and

fixing the duration of such designation for periods of three, six, or ten years, at its regularly scheduled meeting following the filing of said application after receiving and reviewing the findings and recommendations of the committee.

For a three-year abatement:

(1) The new or rehabilitated property must be within the major groups 20—39 or 42 of the Standard Industrial Classification Manual, published by the United States Office of Management and Budget; and

(2) All jobs of the applicant and/or occupant of the real property upon which the three-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

For a six-year abatement:

(1) The new or rehabilitated property must be within the major groups 20—39 or 42 of the Standard Industrial Classification Manual, published by the United States Office of Management and Budget; and

(2) At least five new full-time, permanent jobs should be created by the project within one year or 15 in three years, and all existing jobs should be retained, as certified by the petitioner; and

(3) All jobs of the applicant and/or occupant of the real property upon which the six-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

For a ten-year abatement:

(1) The new or rehabilitated property must be within the major groups 20—39 or 42 of the Standard Industrial Classification Manual, published by the United States Office of Management and Budget; and

(2) At least ten new full-time, permanent jobs should be created by the project within one year or 30 in three years, and all existing jobs should be retained, as certified by the petitioner; and

(3) All jobs of the applicant and/or occupant of the real property upon which the ten-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(E) Upon adoption of said resolution, the common council shall cause a notice of such adoption and the purpose thereof, and of the fact that maps and plats have been prepared and can be inspected at the office of the Muncie redevelopment commission and the Delaware County Assessor's Office to be published in the Muncie Star Press Daily Newspaper published in and of general circulation in the city one time at least ten days prior to the public hearing which shall state the date, time and place at which the common council will receive and hear remonstrances or objections from persons interested in or affected by said proceedings pertaining to the requested real property tax abatement.

(F) On the date and at the time and place theretofore fixed and as stated in said notices, the common council shall receive and hear remonstrances and objections to said resolutions together with the additional evidence and arguments, if any, of the applicant, with respect to said application. In its deliberations, the common council shall give consideration to all those factors with respect to the findings and recommendations as presented. Said hearing may be adjourned from time to time. At the conclusion of said hearing, if the

common council approves said application, it shall adopt a final declaratory resolution. If the common council disapproves said application, it shall rescind the preliminary declaratory resolution. Such action shall be duly recorded, and shall be binding and conclusive on all persons, except that any person who has filed a written remonstrance and is aggrieved by such decision may, within ten days, appeal to a circuit or superior court of Delaware County as hereinafter provided.

(G) Any applicant, and any other person who has filed a written remonstrance to such application, who is aggrieved by the final action taken by the common council, may, within ten days after such final action, file in the office of the clerk of a circuit or superior court of Delaware County, a copy of said application, all written remonstrances thereto, the order of the common council, and his appeal therefrom, together with his bond conditions to pay the costs of said appeal [to] be determined within the limitations and restrictions imposed by I.C. 34-4-17.5-1 et al; provided, however, that in all appeals the burden of proof shall be upon the applicant.

(H) After the final approval(s) by the common council, the property owner may file a certified deduction application form with the Delaware County auditor.

(I) Property owners receiving tax abatement are required to file annual reports with the tax abatement committee for review. Also, property owners receiving a tax abatement, after July 1, 1991, are required to file an annual copy of compliance with the statement of benefits form (CF-1) with the Muncie city clerk's office and the tax abatement committee no later than June 15th of each year during which the abatement is received. The committee will review the CF-1 for compliance and forward a recommendation to the common council for review. If the property owner does not file a CF-1, the committee may immediately forward a recommendation of noncompliance to the common council.

(J) All property owners who file a CF-1, after passage of this ordinance, shall be required to appear annually before the committee to ascertain whether the business has complied with the statement of benefits and whether the abatement should be continued. If the property owner receiving the tax abatement has not complied with the statement of benefits, the committee may immediately forward information of non-compliance to the common council to begin revocation of the tax abatement pursuant to IC 6-1.1-12.1-5.9.

(K) Each applicant shall be limited to one tax abatement on real property in each calendar year. Provided additional abatements may be granted with the unanimous approval of common council.

(L) The tax abatement committee has the authorization to develop a memorandum of agreement as part of the application process. The agreement will outline the property owner's commitment to the project and outline the criteria for the possible rescission of the tax abatement and payback if the property owner is found to be in noncompliance.

(Ord. No. 32-97, § 2, 8-4-97; Ord. No. 57-99, §§ 1—3, 2-23-00)

Sec. 161.03. Office projects.

The purpose of granting real property tax abatement for office projects is to revitalize economically distressed areas. In order to take advantage of the tax abatement program for new or rehabilitated office projects, the Muncie common council must designate an area an "economic revitalization area". If an area is designated an economic revitalization area, the common council can consider either a three, six, or ten year partial abatement on increased tax assessments as a result of new construction or rehabilitative improvements made to real property. Office project abatements will follow the same procedure and criteria as outlined in section 161.02. The follow-

ing criteria will be followed to determine the number of years and percentage of deduction allowed for abatement.

(A) For three-year abatement:

(1) The new or rehabilitated property must be located in an economic revitalization area; and

(2) At least five new full-time, permanent jobs should be created by the project within three years, and all existing jobs should be retained as certified by the petitioner, and

(3) All jobs of the applicant and/or occupant of the real property upon which the three-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(B) For a six-year abatement:

(1) The new or rehabilitated property must be located in an economic revitalization area; and

(2) Minimum construction costs estimated to exceed $250,000.00 for new construction or $100,000.00 for rehabilitation; and

(3) At least five new full-time, permanent jobs should be created by the project within one year or 15 in three years, and all existing jobs should be retained, as certified by the petitioner; and

(4) All jobs of the applicant and/or occupant of the real property upon which the six-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(C) For a ten-year abatement:

(1) The new or rehabilitated property must be located in an economic revitalization area; and

(2) Minimum construction costs estimated to exceed $1,000,000.00 for new construction or $500,000.00 for rehabilitation; and

(3) At least ten new full-time, permanent jobs should be created by the project within one year or 30 in three years, and all existing jobs should be retained, as certified by the petitioner; and

(4) All jobs of the applicant and/or occupant of the real property upon which the ten-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(Ord. No. 32-97, § 3, 8-4-97; Ord. No. 57-99, §§ 4—6, 2-23-00)

Sec. 161.035. Low and moderate income multi-family residential projects.

In accordance with Indiana Code 6-1.1-12.13(e)(11)(A), a real property deduction may be approved for a residential multi-family facility that "contains at least 20 percent of the units available for use by low and moderate income individuals". The purpose of said abatements would be twofold. First, they would serve to revitalize these distressed areas within the City of Muncie, and secondly, they would serve to provide additional housing for low and moderate income individuals in the City of Muncie.

In order to utilize the tax abatement program for new multi-family housing projects the Muncie Common Council must designate an area as an "economic revitalization area". If an area is designated an economic revitalization area, the Common Council can consider either a three, six, or ten year partial abatement on increased tax assessments as a result of new multi-family residential construction in which at least 20 percent of the units are reserved for low and moderate income individuals and are within the required distressed area boundaries.

Abatements for low and moderate income multi-family residential construction projects will follow the same procedures as outlined in section 161.02 subject to the following criteria which will be followed in determining the number of years and percentage of deduction allowed for these abatements.

(A) For a three-year abatement:

(1) The new multi-family residential construction must be located in the required low and moderate income qualifying area and be declared an economic revitalization area; and

(2) At least 20 percent of the units in the development shall be reserved for low and moderate income individuals; and

(3) At least five new full-time, permanent jobs should be created by the project within three years, and all existing jobs should be retained as certified by the petitioner; and

(4) All jobs of the applicant and/or occupant of the residential project upon which the six-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(B) For a six-year abatement:

(1) The new multi-family residential construction must be located in the required low and moderate income qualifying area and be declared an economic revitalization area; and

(2) At least 20 percent of the units in the development shall be reserved for low and moderate income individuals; and

(3) Minimum construction costs estimated to exceed $250,000.00; and

(4) At least five new full-time, permanent jobs should be created by the project within one year or 15 jobs in three years, and all existing jobs should be retained, as certified by the petitioner; and

(5) All jobs of the applicant and/or occupant of the residential project upon which the six-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(C) For a ten-year abatement:

(1) The new multi-family residential construction must be located in the required low and moderate income qualifying area and be declared an economic revitalization area; and

(2) At least 20 percent of the units in the development shall be reserved for low and moderate income individuals; and

(3) Minimum construction costs estimated to exceed $1,000,000.00; and

(4) At least ten new full-time, permanent jobs should be created by the project within one year or 30 jobs in three years, and all existing jobs should be retained, as certified by the petitioner.

(5) All jobs of the applicant and/or occupant of the residential project upon which the ten-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(Ord. No. 64-98, § 1, 12-7-98; Ord. No. 59-99, §§ 1—3, 2-23-00)

Sec. 161.04. Fee schedule.

(A) When submitting an application for real estate property tax abatement, the following non-refundable fee schedule applies:

Total Rehabilitation / Construction Cost of Project	*Application Fee*
$ 20,000.99 or less	$100.00
20,001 to $ 75,000.99	200.00
75,001 to $500,000.99	300.00
500,001 to $999,999.99	500.00
1,000,000 or more	1,000.00

(B) Such fees so collected by the city shall be deposited into a special account and shall be expended to pay the costs of publication of public notices required herein and administrative expenses incurred in the processing of applications for designation of economic revitalization areas and applications for tax abatement therein, and shall not revert to the general fund.
(Ord. No. 32-97, §§ 1-4, 8-4-97)

Secs. 161.05—161.19. Reserved.

DIVISION 2. TANGIBLE PERSONAL PROPERTY TAX ABATEMENT*

Sec. 161.20. Tax abatement committee established.

The Muncie common council hereby creates the Tax Abatement Committee (committee). The committee shall be comprised of members appointed by the presiding officer of the council pursuant to section 32.35 of the Muncie Code for the purpose of reviewing tax abatement applications and monitoring property owner compliance. The committee shall also make recommendations to the common council concerning property owner compliance, upon which final decision rests with the common council. The committee may also make recommendations concerning ordinance, resolution, application, and monitoring revisions which can affect the tax abatement program. Final decisions concerning the tax abatement program rests with the common council.
(Ord. No. 31-97, § 1, 8-4-97)

*__Editor's note—__Ord. No. 31-97, §§ 1—4, adopted Aug. 4, 1997, amended Subchapter Tangible Personal Property Tax Abatement of Ch. 161 to read as herein set out. Formerly, said subchapter, §§ 161.20, 161.21, pertained to similar subject matter and derived from Ord. No. 84-89, 2-5-90; Ord. No. 48-95, §§ 5—15, 8-7-95; Ord. No. 49-96, § 1, 9-9-96)

Sec. 161.21. Procedure established for the designation of economic revitalization areas.

The following procedure is hereby established for the designation of economic revitalization areas for the purpose of tangible, personal property tax abatement and for personal property tax abatement in an already designated area:

(A) Applications may be filed with the common council tax abatement committee (committee) and with the Muncie city clerk's office prior to the project and be in writing and signed by the applicant and shall contain all applicable information required by the application form and shall be supported by payment of fees hereinafter fixed.

(B) Upon receipt of an application, the committee shall review the information filed, in a public meeting proceeding the common council meeting, and the proposed rehabilitation project and make finding and recommendations to the common council with regard to:

(1) Compliance with statutory criteria.

(2) Furtherance of city developmental objectives.

(3) Creation of and retention of employment opportunities.

(4) Expansion of property tax base.

(5) Compliance with EEO/AA practices as well as review of human resource policies.

(C) Upon review by the city legal department to assure legality in form, and a review and sponsorship by a council member, the application shall be filed with the city clerk's office in accordance with all deadlines, policies, and procedures established by the Muncie common council to be placed on the council's agenda.

(D) The common council may consider a preliminary declaratory resolution designating the requested economic revitalization area for new manufacturing equipment tax abatement and fixing the duration of

such designation for terms not to exceed five years or ten years, at its regularly scheduled meeting following the said application after receiving the findings of and recommendations of the committee.

(i) The following criteria must be met for five-year personal property tax abatement:

(1) Use of new or rehabilitated machinery or equipment must be within major groups 20—39 and 42 of the Standard Industrial Classification Manual, published by the United States Office of Management and Budget; and

(2) All existing jobs will be retained as certified by the petitioner; and

(3) All jobs of the applicant and/or occupant of the entire facility where the personal property, upon which the five-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(ii) The following criteria must be met for ten-year personal property tax abatement:

(1) Use of new, or rehabilitated machinery or equipment must be within major groups 20—39 and 42 of the Standard Industrial Classification Manual, published by the United States Office of Management and Budget; and

(2) All existing jobs will be retained as certified by the petitioner; and

(3) At least 250 new jobs will be created by applicant within a five-year period, and at least 125 of these within three years from the time of approval. However, since the common council has placed a high priority and importance on attracting and retaining local manufacturing jobs, and due to the high regard and value placed on existing manufacturing jobs, this jobs creation criteria can be waived by a majority vote of the common council in the event there is a potential significant loss of local existing manufacturing jobs or plant closure. The significance of any potential job loss due to plant closure or relocation shall be determined at the time of the filing of any ten-year tax abatement application based upon this criteria.

(4) All jobs of the applicant and/or occupant of the entire facility where the personal property, upon which the ten-year abatement is being sought shall pay a minimum of $7.25 per hour and comply with the hourly rate and other representations as contained in the SB-1 submitted with the application.

(iii) The following types of equipment are eligible for tax abatement following the same criteria in section (D)(i—ii) above for periods of one (1) to five (5) years pursuant to the following schedules and subject to council approval.

(1) "New research and development equipment" meaning any tangible personal property that:

(A) Is installed after June 30, 2004 and before January 1, 2006, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) Consists of:

(i) Laboratory equipment;

(ii) Research and development equipment;

(iii) Computers and computer software;

(iv) Telecommunications equipment; or

(v) Testing equipment;

(C) Is used in research and development activities devoted di-

rectly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; and

(D) Is acquired by the property owner for purposes described in this subdivision and was never before used by the owner for any purpose in Indiana.

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy history, or similar projects.

(2) "New logistical distribution equipment" meaning any tangible personal property that:

(A) Is installed after June 30, 2004, and before January 1, 2006, in an economic revitalization area:

(i) In which a deduction for tangible personal property is allowed; and

(ii) Located in the City of Muncie; and

(B) Consists of:

(i) Racking equipment;

(ii) Scanning or coding equipment;

(iii) Separators;

(iv) Conveyors;

(v) Fork lifts or lifting equipment (including "walk behinds");

(vi) Transitional moving equipment;

(vii) Packaging equipment;

(viii) Sorting and picking equipment; or

(ix) Software for technology used in logistical distribution; and

(C) Is used for the storage or distribution of goods, services, or information; and

(D) Before being used as described in clause (C), was never used by its owner for any purpose in Indiana.

(3) "New information technology equipment" meaning tangible personal property that:

(A) Is installed after June 30, 2004 and before January 1, 2006, in an economic revitalization area:

(i) In which a deduction for tangible personal property is allowed; and

(ii) Is located in the City of Muncie; and

(B) Consists of equipment, including software, used in the fields of:

(i) Information processing;

(ii) Office automation;

(iii) Telecommunication facilities and networks;

(iv) Informatics;

(v) Network administration;

(vi) Software development; and

(vii) Fiber optics; and

(C) Before being installed as described in clause (A) was never used by its owner for any purpose in Indiana.

(4) Abatements for one to five years can be approved at the discretion of the common council on a case-by-case basis pursuant to the following schedules:

For a one-year abatement:

Year one	Thereafter
100%	0%

For a two-year abatement:

Year one	Year two	Thereafter
100%	50%	0%

For a three-year abatement:

Year one	Year two	Year three	Thereafter
100%	66%	33%	0%

For a four-year abatement:

Year one	Year two	Year three	Year four	Thereafter
100%	75%	50%	25%	0%

For a five-year abatement:

Year one	Year two	Year three	Year four	Year five	Thereafter
100%	80%	60%	40%	20%	0%

(E) Upon adoption of said resolution, the common council shall cause a notice of such adoption and the purpose thereof, and of the fact that maps and plats have been prepared and can be inspected at the office of the Muncie redevelopment commission and the Delaware County assessor's office to be published in the Muncie Star Press Daily newspaper published in and. of general circulation in the city one time at least ten days prior to the public hearing which shall state the date of such publication, on which the common council will receive and hear remonstrances or objections from persons interested in or affected by said proceedings pertaining to the installation of new manufacturing equipment.

(F) On the date and at the time and place theretofore fixed and as stated in said notice, the common council shall receive and hear remonstrances and objections to the resolution together with the additional evidence and arguments of the applicant if any, with respect to the application. In its deliberations, the common council shall give consideration to all those factors with respect to the findings and recommendations as presented. Said hearing may be adjourned from time to time. At the conclusion of the hearing, if the common council approves said application it shall adopt a final declaratory resolution confirming the preliminary declaratory resolution. If the common council disapproves said application it shall rescind the preliminary declaration resolution. Such action shall be duly recorded, and shall be binding and collusive on all persons, except that any person who has filed a written remonstrance and is aggrieved by such decision may, within ten days, appeal to the circuit or superior court of Delaware County as hereinafter provided.

(G) Any applicant, and any other person who has filed a written remonstrance to such application, who is aggrieved by the final action taken by the common council may within ten days after such final action, file in the office of the clerk of a circuit or superior court of Delaware County, a copy of said application, all written remonstrances thereto, the order of the common council and his appeal therefrom, together with his bond conditioned to pay

the costs of said appeal should the appeal be determined within the ai limitations and restrictions imposed by IC 34-4-17.5-1 et a]; provided, however, that in all appeals, the burden of proof shall be upon the appellant.

(H) After final approval(s) by the common council, the property owner may file a certified deduction application form with the Delaware county auditor.

(I) Property owners receiving tax abatement are required to file annual reports with the tax abatement committee for review. Also, property owners receiving a tax abatement, after July 1, 1991, are required to file an annual copy of compliance with the statement of benefits form (CF-1) with the Muncie city clerk's office and the tax abatement committee no later than June fifteenth of each year during which abatement is received. The committee will review the CF-1 for compliance and forward a recommendation to the common council for review. If the property owner does not file a CF-1, the committee may immediately forward a recommendation of non-compliance to the common council.

(J) All property owners who file a CF-1, after the passage of this ordinance, shall be required to appear annually before the committee to ascertain whether the business has complied with the statement of benefits and whether the abatement should be continued. If the property owner receiving the tax abatement has not complied with the statement of benefits, the committee shall immediately forward information of non-compliance to the common council to begin revocation of the tax abatement pursuant to IC 6-1.1-12.1-5.9.

(K) Each application shall be limited to one tax abatement on personal property in each calendar year. Provided additional abatement may be granted with the unanimous approval of common council.

(L) The tax abatement committee has the authorization to develop a memorandum of agreement as part of the application process. The agreement will outline the property owner's commitment to the project and outline the criteria for the possible rescission of the tax abatement and payback if the property owner is found in non-compliance.

(Ord. No. 31-97, § 2, 8-4-97; Ord. No. 58-99, §§ 1, 2, 2-23-00; Ord. No. 17-04, 8-2-04)

Sec. 161.22. Fee schedule.

(A) The following nonrefundable fee structure shall be in place for filing of applications for designation of economic revitalization areas and tax abatement applications. The appropriate fees are payable by the applicant to the city at the time of filing the application.

Cost of New Tangible Personal Property (New Manufacturing Equipment)	*Fee*
$ 50,000.99 or less	$ 100.00
50,001 to $100,000.99	200.00
100,001 to 500,000.99	300.00
500,001 to 999,999.99	500.00
1,000,000 or more	1,000.00

(B) Such fees so collected by the city shall be deposited into a special account and shall be expended to pay the costs of publication of public notices required herein and administrative expenses incurred in the processing of applications for designation of economic revitalization areas and applications for tax abatement therein, and shall not revert to the general fund.

(Ord. No. 31-97, § 3, 8-4-97)

CHAPTER 162. WIRELESS COMMUNICATION FACILITIES

Sec. 162.01. Definitions
Sec. 162.02. Purpose and goals
Sec. 162.03. Applicability
Sec. 162.04. Performance and usage standards
Sec. 162.05. Siting requirements
Sec. 162.06. Approval procedures
Sec. 162.07. Removal of abandoned WCFs
Sec. 162.08. Nonconforming WCFs
Sec. 162.09. Modifications of WCFs
Sec. 162.10. Severability
Sec. 162.11. Repealer
Sec. 162.12. Enforcement
Sec. 162.13. Effective date

Sec. 162.01. Definitions.

(A) *Antenna array.* An antenna array is one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure defined below.

(B) *Attached wireless communication facility (Attached WCFs).* An attached WCF is an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device (Attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

(C) *Co-location/site sharing.* Co-location/site sharing shall mean use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

(D) *Equipment facility.* An equipment facility is any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals or any other similar structures.

(E) *FAA.* FAA shall mean the Federal Aviation Administration.

(F) *FCC.* FCC shall mean the Federal Communications Commission.

(G) *Height.* When referring to a WCF, height shall mean the distance measured from the ground level to the highest point on the WCF, including the antenna array.

(H) *Setback.* Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the support structure.

(I) *Support structure.* A support structure is a structure designed and constructed specifically to support an antenna array and, for purposes of this chapter, shall be limited to monopoles. Any device (attachment device) which is used to attach an attached WCF to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

(J) *TCA.* TCA shall mean the Federal Telecommunications Act of 1996.

(K) *Temporary wireless communication facility.* A Temporary WCF shall mean a WCF to be placed in use for 90 or fewer days.

(L) *Wireless communications.* Wireless communications shall mean any personal wireless services as defined in the TCA, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

(M) *Wireless communication facility (WCF).* A WCF is an unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility and a support structure to achieve the necessary elevation.

(N) *Zone*. Zones are as defined in Title XV, Chapter 150 of the Code of Ordinances of the City of Muncie, Indiana.
(Ord. No. 66-98, 12-7-98)

Sec. 162.02. Purpose and goals.

(A) The purpose of this chapter is to establish general and specific guidelines for the siting and regulation of WCFs.

(B) The goals of this chapter are to:

(1) Provide a range of locations for WCFs in a variety of zones;

(2) Provide clear performance standards addressing the siting of WCFs within each zone;

(3) Encourage the location of WCFs on existing structures, including utility structures, signs, water towers, buildings and other WCFs where feasible;

(4) Encourage co-location and site sharing of new and existing WCFs;

(5) Facilitate the use of public property and structures for WCFs;

(6) Streamline and expedite any existing permitting procedures in accordance with the intent of any state statute enacted with the purpose to effect compliance with the TCA; and,

(7) Enhance the ability of providers of telecommunication services to provide such service to the community quickly, effectively and efficiently.
(Ord. No. 66-98, 12-7-98)

Sec. 162.03. Applicability.

(A) Pre-existing WCFs, functioning prior to the effective date of this chapter shall not be required to meet the requirements of this chapter except as specified in section 162.08.

(B) This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

(C) This chapter shall supersede all conflicting requirements of other codes, titles or chapters regarding the locating, siting and regulating of WCFs.
(Ord. No. 66-98, 12-7-98)

Sec. 162.04. Performance and usage standards.

(A) *Height standards.*

(1) Attached WCFs shall not add more than 20 feet in height to the existing attachment structure to which it is attached.

(2) WCFs with support structures shall not exceed a maximum height of 200 feet.

(B) *Setback standards.*

(1) Attached WCFs with antenna arrays for attached WCFs are exempt from the setback standards of this title and from the setback standards for the zone in which they are located. An attached WCF antenna array may extend up to five feet horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

(2) Equipment facilities shall meet the setback standards for buildings for the underlying zone in which they are located.

(3) WCFs with support structures shall be set back a minimum of 20 feet from all lot lines.

(C) *Landscaping and screening.*

(1) WCFs with support structures shall be landscaped to effectively screen the view of the base of the support structure, the equipment facility and the security fence; to ensure the public health, safety, comfort and to improve the environment surrounding the support structure.

(2) All WCFs with support structures shall comply with the green belt and landscaping standards as established in Title XV Chapter 150 section 150.214.5 (B)(3)(a),

(B)(3)(b)5, (B)(3)(f)(1—5 and 7) and (B)(3)(g) of the Code of Ordinances for the City of Muncie, except for the following:

(a) All fences shall be as specified in subsection (G) of this section; and,

(b) All references to owner or developer shall apply to the site lessee.

(3) All required landscaping shall be completed by the conclusion of construction; however, if the weather conditions prohibit this, then all landscaping shall be completed within eight months after conclusion of construction. Surety, such as, but not limited to, bonds, letters of credit or personal guaranties may be required to ensure installation.

(4) Appeals of any decision rendered in connection with this subsection shall be reviewed pursuant to Title XV, Chapter 150, Section 150.214.5(C) of the Code of Ordinances for the City of Muncie.

(5) Attached WCFs are exempt from this subsection.

(6) Existing mature growth and natural land forms on the site shall be preserved to the extent feasible; however, vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.

(D) *Aesthetics placement, materials and colors.*

(1) Attached WCFs which are significantly visible to the adjacent residences shall be designed so as to blend in with the existing structure to the extent feasible, including placement in a location which is consistent with proper functioning of the WCF and the use of compatible or neutral colors.

(2) Attached WCFs which are significantly visible to adjacent residences and have aesthetic impacts that are not able to be reasonably mitigated by placement and color solutions are required to be screened in a reasonable and achievable manner.

(3) WCFs with support structures shall be designed so as to blend in with the existing surroundings to the extent feasible, including the use of compatible colors.

(4) Equipment facilities shall, to the extent practicable, use materials, colors and textures that will blend with the natural setting and environment.

(E) *Lighting and signage.*

(1) WCFs shall not be artificially lighted, except for:

(a) Security and safety lighting of the equipment facility as long as the lighting is appropriately down shielded and kept within the boundaries of the site; and,

(b) Such lighting of WCFs as may be required by the FAA or FCC or other applicable authority and installed in a manner to comply with the requirements but to minimize the impact on adjacent parcels.

(2) WCFs shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider information and other such identification and emergency telephone information and such other information as may be required by local, state or federal regulations governing WCFs.

(F) *Noise.*

(1) No equipment shall be operated at a WCF so as to produce noise in excess of the applicable noise standards under the laws of the State of Indiana, except for emergency situations requiring the use of a backup generator. In such situations, the noise standards may be exceeded on a temporary basis.

(G) *Security fencing.*

(1) WCFs with support structures shall be enclosed by a security fence not less than six feet in height and the support structure shall be constructed in a manner that reasonably prevents unauthorized person-

nel from climbing the support structure. Nothing herein shall prevent security fencing which is necessary to meet other state or federal requirements.

(H) *Radio frequency emissions.*

(1) The TCA gives the FCC sole jurisdiction of the regulation of radio frequency (RF) emissions and WCFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.

(2) In order to provide information to its citizens, applicants for WCFs shall be required to provide information, upon request, on the projected power density of the facility and how this meets the FCC standards.

(3) No unusual sound emissions such as alarms, bells, buzzers or the like are permitted on any WCFs.

(I) *Structural integrity.*

(1) WCFs with support structures must be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" as it may be updated or amended.

(Ord. No. 66-98, 12-7-98)

Sec. 162.05. Siting requirements.

(A) *Attached WCFs.*

(1) Attached WCFs are allowed in all zones as long as the attachment structure complies with the underlying zone's requirements and the attached WCF complies with this chapter and any other applicable local, state or federal regulations.

(B) *WCFs with support structures.*

(1) WCFs with support structures are allowed in all zones as long as they:

(a) Are at least 300 feet in every direction from any type of residence, measuring from the security fence on the side closest to the residence, if the height is between 150 feet and 200 feet; or

(b) Are at least 200 feet in every direction from any type of residence, measuring from the security fence on the side closest to the residence, if the height is between 100 feet and 149 feet; or

(c) Are at least 150 feet in every direction from any type of residence, measuring from the security fence on the side closest to the residence, if the height is less than 100 feet; and

(d) Comply with this chapter and any other applicable local, state or federal regulations.

(2) WCFs with support structures that cannot comply with subsection (1)(a—c) may request a variance. Such request shall be made to the Delaware-Muncie Board of Zoning Appeals, as outlined in section 162.06 of this chapter.

(C) *WCFs as a part of a coordinated development approval.*

(1) WCFs as a part of a proposed residential or nonresidential subdivision, planned unit development, site plan, rezoning or other coordinated development approval shall be permitted as outlined in subsections (A) and (B).

(D) *WCFs for temporary terms.*

(1) Temporary WCFs, of any type, are allowed for a term of not more than 90 days with a possible one time 90 day extension. Said temporary WCFs are to allow service that was interrupted by an act of God or other means to continue while repairs are being completed on the permanent WCF. The city building commissioner shall be notified, within one business day from the date of discovery that repairs are needed, that repairs are going to begin and that a temporary WCF is going to be used. If the damage to the WCF exceeds 50 percent of the replacement cost, either a WCF build-

ing permit or an attached WCF building permit, whichever is appropriate, will be required before repairs are made.

(E) *Co-location/site sharing of WCFs.*

(1) No building permit shall be issued for a new WCF with support structure or attached WCF until the applicant demonstrates, to the reasonable satisfaction of the Delaware-Muncie Metropolitan Board of Zoning Appeals, by written report, that no existing support structure or attachment structure can accommodate the applicant's proposed antenna. Evidence to be submitted shall consist of:

(a) Whether existing structures are located within the geographical area required to meet the applicant's engineering requirements.

(b) Whether existing structures are of sufficient height to meet the applicant's engineering requirements.

(c) Whether existing structures have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) Whether the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing structures or whether the antenna on the existing structures would cause interference with the applicant's proposed antenna.

(e) Whether the fees, costs or contractual provisions required by the owner of the existing structure or for adapting an existing structure for co-location are unreasonable. Costs exceeding the costs of creating a new structure are to be deemed unreasonable.

(f) Any other limiting factors presented by the applicant that render existing structures unsuitable.

(2) Any type of WCF that co-locates or site shares, either on a support structure or an attachment structure, shall be required to comply with this chapter and shall be required to purchase only a WCF co-location/site sharing building permit.

(3) It shall be a violation of this chapter for an owner of a WCF to unreasonably deny co-location/site sharing. For purposes of this subsection, an unreasonable denial of co-location/site sharing shall include, but shall not be limited to, instances when the owner of a WCF causes a wireless license holder, utility or public entity to reject co-location/site sharing due to an excessively high, non-market monthly co-location fee or when the owner of a WCF denies co-location/site sharing due to unjustified competitiveness concerns.

(F) *Distance between WCFs.*

(1) No new WCFs with support structures may be constructed within a distance of 750 yards from an existing support structure, unless the applicant can demonstrate to the Delaware-Muncie Metropolitan Board of Zoning Appeals, through the variance procedure, that a lesser proximity to the existing structure is required to satisfy the operational requirements of the applicant.

(G) *Location on public property.*

(1) To encourage and facilitate the use of public property for the siting of any type of WCFs, any variance request for a proposed WCF on public property shall be approved or denied expeditiously and without extensive cost to the applicant.

(Ord. No. 66-98, 12-7-98)

Sec. 162.06. Approval procedures.

(A) *Allowed outright.*

(1) Where an attached WCF is allowed outright, only an attached WCF building permit is required.

(2) Where a WCF with support structure is allowed outright, only a WCF building permit is required.

(B) *Variance request.*

(1) Where a WCF with support structure applicant requests a variance, the Delaware-Muncie Metropolitan Board of Zoning Appeals shall review such requests and issue such variance when deemed appropriate.

(2) Each applicant requesting a variance shall submit a scaled plan and a scaled elevation view and other support drawings, calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning structure specifications, antenna locations, equipment facilities, landscaping, fencing and, if relevant, topography, adjacent uses and existing vegetation.

(3) A review fee of $500.00 and a radio frequency intermodulation study fee of $500.00 (for co-location applicants only and only if the applicant does not supply the study itself) shall accompany each request. These fees may be used to engage consultants to review the technical aspects of the plan and study (if required).

(4) Notice, hearing, approval or denial and appeal of the request shall be given in accordance with Title XV Chapter 150 section 150.234 of the Code of Ordinances for the City of Muncie.

(5) Every request for variance shall be reviewed for compliance with section 162.04 of this chapter; however, the applicable standards may be reduced or waived so long as the approval of the WCF meets the goals and purpose of this chapter.

(6) The Delaware-Muncie Metropolitan Board of Zoning Appeals may impose conditions in addition to the standards of section 162.04 if all of the following findings have been made:

(i) The WCF would result in probable significant adverse visual impacts on nearby residences.

(ii) The conditions are based upon the goals and purposes of this chapter and other adopted policies and regulations of this jurisdiction.

(iii) The conditions are reasonable and capable of being accomplished.

(7) Upon granting of a variance, the applicant shall then be required to purchase the appropriate building permit.

(Ord. No. 66-98, 12-7-98)

Sec. 162.07. Removal of abandoned WCFs.

(A) Any WCF that is not operated for a continuous period of 12 months shall be considered abandoned and the WCF owner shall remove the WCF within 90 days after notice from the City of Muncie. If the abandoned WCF is not removed within 90 days, the City of Muncie may remove it and recover all costs from the WCF owner, including all attorney's fees and court costs that may arise while collecting these costs.

(B) If there are two or more users of a WCF, then subsection (A) shall not be effective until all providers cease to use the WCF for a continuous period of 12 months.

(C) If the owner of an abandoned WCF cannot be located or is no longer in business, the requirements of subsection (A) shall be the responsibility of the landowner on whose property the WCF is located.

(Ord. No. 66-98, 12-7-98)

Sec. 162.08. Nonconforming WCFs.

(A) WCFs in existence on the effective date of this chapter and that do not comply with the requirements of this chapter are nonconforming WCFs and are subject to the following provisions:

(1) Nonconforming WCFs may continue in use for the purpose now used but may not be expanded without complying with this chapter, except as hereinafter provided.

(2) Nonconforming WCFs may add additional antennas (belonging to the same carrier or other carriers) subject to the

purchase of a WCF building modification permit and the additional antenna must comply with this chapter.

(3) Nonconforming WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a WCF building modification permit but without otherwise complying with this chapter; however, if the damage to the WCF exceeds 50 percent of the replacement cost, the WCF may only be repaired or restored pursuant to the requirements of this chapter.

(4) The owner of any nonconforming WCF may replace, repair, rebuild and/or expand such WCF only in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of this chapter, so long as such facilities are not increased in height by more than ten percent.

(Ord. No. 66-98, 12-7-98)

Sec. 162.09. Modifications of WCFs.

(A) Any modification to any type of WCF allowed under this chapter shall be approved by the city building commissioner.

(B) Any modification of any type of WCF that is approved by the city building commissioner shall require a WCF building modification permit.

(Ord. No. 66-98, 12-7-98)

Sec. 162.10. Severability.

(A) The various sections, subsections and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby.

(Ord. No. 66-98, 12-7-98)

Sec. 162.11. Repealer.

(A) Any ordinances or parts thereof in conflict with the provisions of this chapter are hereby repealed to [the] extent of such conflict.

(Ord. No. 66-98, 12-7-98)

Sec. 162.12. Enforcement.

(A) The city building commissioner or an authorized representative shall enforce all provisions of this chapter.

(Ord. No. 66-98, 12-7-98)

Sec. 162.13. Effective date.

(A) This chapter shall take effect on December 7, 1998.

(Ord. No. 66-98, 12-7-98)

CHAPTER 163. STORM DETENTION/RETENTION FACILITIES FOR COMBINED SEWERS

Sec. 163.01. Purpose
Sec. 163.02. Discharge permit application
Sec. 163.03. Design criteria for stormwater detention or retention facilities
Sec. 163.04. Responsibility for maintenance
Sec. 163.05. Exempt facilities

Sec. 163.01. Purpose.

The final NPDES discharge permit for the Muncie wastewater treatment plant issued by the Indiana department of environmental management February 1, 1998 requires that new construction tributary to the combined sewer system be designed to minimize or delay inflow contribution to the existing combined sewer. To comply with this requirement, the following regulations shall apply:

Sec. 163.02. Discharge permit application.

Prior to constructing any drainage facilities intended for discharge to a combined sewer system, a discharge permit application shall be submitted to the Muncie sanitary district engineering department for review and approval. The discharge permit application shall be accompanied by plans for stormwater drainage and shall include details for stormwater detention or retention.
(Ord. No. 60-98, § 1, 11-9-98)

Sec. 163.03. Design criteria for stormwater detention or retention facilities.

Detention/retention facilities shall be designed in accordance with the following guidelines to limit the peak discharge from a development.

(1) For development with a drainage area (tributary to a combined sewer) equal to or greater than ten acres, peak discharge from the detention/retention facility shall be limited to the five year, predeveloped frequency storm peak discharge, with a duration equal to or slightly greater than the time of concentration for the drainage area or the 24 hour duration storm, whichever provides the lesser peak discharge.

(2) For developments with a drainage area (tributary to a combined sewer system) less than ten acres, peak discharge from the detention/retention facility shall be limited to the ten year period redeveloped frequency storm peak discharge with a duration equal to or slightly greater than the time of concentration for the drainage area of the 24 hour duration storm whichever provides the lesser peak discharge.

(3) The five year or ten year peak discharge shall be based on land use conditions prior to development, using corresponding runoff coefficients, time of concentration and other basin parameters.

(4) Inflow (runoff) to all stormwater detention or retention facilities shall be determined using a 100 year 24 hour storm to develop an inflow hydrograph.

(5) The 100 year 24 hour peak discharge and inflow hydrograph shall be based on land use conditions representing fully developed conditions, using corresponding runoff coefficients, time of concentration and other basin parameters.

(6) A routing procedure shall be used to demonstrate that the stormwater detention or retention facility will reduce the 100 year peak discharge equal to or less than the five year or ten year peak discharge using the predeveloped conditions.

(7) The results of the routing procedure shall demonstrate that adequate storage volume has been provided. The detention facility shall not be overtopped from the 100 year 24 hour storm event and shall have a minimum freeboard of two feet between the maximum routed pool elevation and the top of the facility embankment.

(8) An emergency spillway shall be provided to discharge flow resulting from pool elevations greater than the 100 year 24 hour pool elevation. The spillway shall have a minimum size adequate to pass the routed 100 year 24 hour storm (assuming the primary spillway is not functional) with-

out overtopping the detention facility embankment. The elevation of the emergency spillway shall not be placed lower than the routed 100 year 24 hour pool elevation.

(9) Erosion protection shall be provided for the primary outlet and emergency spillway so that the detention facility embankment will be protected. Location of the emergency spillway shall be in undisturbed material.

(10) The minimum allowable size of the primary outlet conduit from the detention or retention facility shall be 12 inches, unless otherwise approved by the Muncie sanitary district engineer. If further restriction of the outlet conduit is required, the restriction shall be made at the head end for the outlet conduit.

(11) In the event the discharge velocity from the primary outlet or emergency spillway is greater than six feet per second or is excessive in the opinion of the sanitary district engineer, energy dissipation may be required.

(12) Detention facilities which are designed to have dry bottoms, must be designed to have underdrains, to drain the bottom of the detention facility so the facility can be maintained. The bottom of the facility shall be designed to have longitudinal and transverse grade to the outlet so that the facility will empty leaving no ponded water.

(13) The methodology used to develop peak discharge hydrography and flood routing calculation shall be in accordance with acceptable engineering practice. Calculations based on the soil conservation service procedures, corps of engineers procedures or the bureau of reclamation procedures are considered acceptable.

(14) Peak discharge calculations shall be submitted for the five year or ten year predevelopment and 100 year post-development condition. The calculations shall show the drainage area, runoff calculations, time of concentrations and other basin parameters used to develop the appropriate peak discharge.

(15) Calculations shall be submitted which show stage-discharge relations (rating curves) for the primary outlet and emergency spillway, the stage-storage relationship for the retention facility, the inflow hydrography for the 100 year 24 hour storm and the routing 100 year 24 hour discharge hydrography.

(Ord. No. 60-98, § 1, 11-9-98)

Sec. 163.04. Responsibility for maintenance.

It shall be the responsibility of the subdivider owner to maintain the drainage system, detention or retention facility and water course located on private property in good working condition as originally designed and constructed.

(Ord. No. 60-98, § 1, 11-9-98)

Sec. 163.05. Exempt facilities.

Detention or retention facilities shall not be required for:

(1) Construction of a single- or double-family home where the impervious surface area has not increased by more than one-half acre.

(2) Areas where stormwater drainage has been designed such that after combining both off-site and on-site drainage area, no increase in total peak discharge occurs from the development during the five-, ten- and 100-year storm events and the volume of rainfall for each project site outlet has not been increased over the entire range of storm events up to the 100-year event.

(Ord. No. 60-98, § 1, 11-9-98)

TABLES OF SPECIAL ORDINANCES

TABLE I

ANNEXATIONS

Ord. No.	Date	Description
1383	9-10-57	—-
1384	9-10-57	—-
1392	12- 3-57	—-
1393	12- 2-57	—-
1403	3- 4-58	—-
1407	4- 7-58	—-
1424	8- 4-58	—-
1434	- -58	—-
1482	5- 9-60	—-
1533	8- 8-61	—-
1579	1- 8-63	—-
1584	3- 5-63	—-
1646	9-17-64	—-
1679	6- 8-65	—-
1731	3- 8-66	City boundary
68-B	12- 2-68	—-
89-B	2- 3-69	A part of the northwest quarter of the southwest quarter and a part of the southwest quarter of the northwest quarter, all in section 27, township 20 north, range 10 east.
93-B	5- 5-69	—-
124-B	8- 4-69	—-
128-B	10- 6-69	—-
154-B	12- 8-69	A part of the fractional northeast quarter of section 3, township 20 north, range 10 east.
159-B	2- 2-70	—-
186-B	3- 2-70	—-
201-B	7- 7-70	A part of the north half of section 11, township 20 north, range 10 east.
222-B	9-14-70	A part of the northeast quarter of the northeast quarter of section 14, township 20 north, range 10 east.
320-B	2- 7-72	A part of the east half of the northeast quarter of section 13, township 20 north, range 9 east.
321-B	2- 7-72	A part of the east half of the northeast quarter of section 13, township 20 north, range 9 east.
322	2- 7-72	A part of the east half of the northeast quarter of section 13, township 20 north, range 9 east.
322-B	2- 7-72	A part of the east half of the northeast quarter of section 13, township 20 north, range 9 east.
341-B	6- 5-72	Beginning at a point in the west line of section 18, township 20 north, range 10 east.
454	10- 1-73	Lots No. 679, 680, 681, 667, and 668 in Morningside Addition to the city.
258-77	3- 7-77	Beginning at a point in the south right-of-way of Indiana State Road No. 32 and the west corporation line of the city as annexed on February 15, 1967.
275-77	5- 2-77	A part of the southeast quarter of section 13, and a part of the northeast quarter of section 24, in township 20 north, range 9 east.
276-77	5- 2-77	All that part of the north half of section 33, township 21 north, range 10 east, in Center Township, lying east of the corporate boundary of Muncie as described in Ord. 1731 (later designated as Ord. 1797).

Ord. No.	Date	Description
290-77	7-13-77	All that part of section 18, township 20 north, range 10 east lying north of the north line of Penn Central Railroad (now known as Consolidated Rail Line Corporation) right-of-way and south of the city as annexed in March 1967 by Ord. 1797.
292-77	7-13-77	That part of the south half of section one, and that part of sections 11 through 14, all in Center Township, lying north of the Consolidated Rail Line Corporation north right-of-way line, west of the Muncie Loop east (Indiana State Road 67) westerly right-of-way line, and east of the east corporation line of the city as annexed February 15, 1967 by Ord. 1731, all in Center Township. Also, that part of the north half of sections 13 and 14, in township 20 north, range 10 east lying east of the above described east corporation line of the city, and west of the west right-of-way line of Butterfield Road.
293-77	8- 1-77	All of the west half of section 35, and that part of the half of section 34 in township 21 north, range 10 east lying east of the westerly right-of-way line of the Norfolk and Western Railroad Company, and north of the corporation line of the city as annexed by Ord. 1731 on February 15, 1967. Also, that part of sections 2 and 3, in township 20 north, range 10 east, lying north of, and adjacent to, the corporation line of the city as annexed in 1967, from the west line of the T. J. Addition to the east line of the northwest quarter of section 2.
317-77	9-12-77	Repeals Ord. 276-77.
302-77	10- 3-77	That part of the north half of sections 13 and 14, in township 20 north, range 10 east lying south of the north right-of-way line of the Consolidated Rail Line Corporation, east of the corporation line of the city as annexed in 1967 by Ord. 1797, and west of the west right-of-way line of Butterfield Road.
303-77	10- 3-77	All that part of the southeast quarter of section 33, township 21 north, range 10 east, in Center Township, lying east of the corporate boundary of Muncie as described by Ord. 1797 in the 1967 annexation, and containing 59.03 acres, more or less.
304-77	10- 3-77	That part of the southeast quarter of section 34, township 21 north, range 10 east, in Center Township, lying north of the city civil boundary as established by Ord. 1797 in the year 1967 and lying west of the west right-of-way line of the Norfolk and Western Railroad Company, and containing 37.3 acres more or less.
305-77	10- 3-77	A part of sections 18 and 19, in township 20 north, range 10 east, in Center Township.
306-77	10- 3-77	A part of section 18, township 20 north, range 10 east, in Center Township.
307-77	10- 3-77	That part of sections 19 and 20, in township 20 north, range 10 east, which is bounded on the north and the west by the center of Buck Creek, on the south by a line parallel to the north line of the southwest quarter of section 20 and 10 chains south of said north line of the southwest quarter of section 20, with this parallel line projected west to Buck Creek, and with the east limits being the city as annexed in 1967 by Ord. 1797, containing in all about 85 acres.

TABLE I—ANNEXATIONS

Ord. No.	Date	Description
308-77	10- 3-77	That part of the southwest quarter of section 17, township 20 north, range 10 east, which is bounded on the east and north by the city boundary as annexed in 1967 by Ord. 1797, and by section lines on the west and the south, containing about 28.07 acres. Also, 20 acres in the east half of the northeast quarter of the northeast quarter of section 19, township 20 north, range 10 east. Also, that part of the northwest quarter of section 20, township 20 north, range 10 east, which extends from the north section line south to the center of Buck Creek and from the west section line east to the city as annexed in 1967 by Ord. 1797, and containing about 44 acres.
316-77	10- 4-77	All that part of the north half of section 33, township 21 north, range 10 east, in Center Township, lying east of the corporate boundary of Muncie as described in Ord. 1797.
317-77	9-12-77	Repeals Ord. 276-77
533-79	11-14-79	A part of the west half of the southwest quarter of the northwest quarter of section 26, in township 20 north, range 10 east, in Center Township, and containing 15.825 acres more or less.
534-79	12-17-79	A part of the west half of the southeast quarter of section 31, township 21 north, range 10 east, estimated to contain 37.458 acres, more or less.
554-79	12-18-79	All that part of the east half of the southeast quarter of section 31, township 21 north, range 10 east, excepting 20 acres off the north end thereof, containing 60 acres more or less
773-81	1- 4-82	A part of the southeast quarter of section 28, township 20 north, range 10 east, and also a part of the southwest quarter of section 27, township 20 north, range 10 east, estimated to contain 14.117 acres more or less.
57-85	1- 6-86	A certain 148-acre portion of section 34, township 21 north, range 10 east.
58-85	1- 6-86	All of the southeast quarter of section 35, township 21 north, range 10 east, and also all that part of the southwest quarter of section 36, township 21 north, range 10 east lying west of the U.S. 35, Indiana 3 and 67 bypass, estimated to contain 247.3 acres more or less.
60-85	1- 6-86	A certain 17-acre portion of section 13, township 20 north, range 10 east.
61-85	1- 6-86	A 55-acre tract beginning at the point of intersection of the west line of the southeast quarter of section 23, township 20 north, range 10 east with the northwesterly right-of-way line of the Indiana State Highway 3, 67, and 35 bypass.
65-85	1- 6-86	A 43.4-acre tract beginning at a point in the east line of the west half of the southwest quarter of section 31, township 21 north, range 10 east. A 76-acre tract beginning at the southwest corner of the fractional northwest quarter of section 6, township 20 north, range 10 east. A tract within Mount Pleasant Township, beginning at a point in the east line of the fractional northeast quarter of section 1, township 20 north, range 9 east, estimated to contain 12.1 acres more or less.

Ord. No.	Date	Description
66-85	1- 6-86	A tract of land estimated to contain 107.0 acres more or less, beginning at a point in the east right-of-way of Everett Road (County Road 200W) 880 feet south of the north line of the northwest quarter of section 32, township 21 north, range 10 east.
35-87	9-14-87	A part of the east half of the southwest quarter of section 34, township 21 north, range 10 east, containing 57.322 acres more or less.
10-95	4- 3-95	A part of the northeast quarter of the northeast quarter of section 19, township 20 north, Range 10 east, estimated to contain 15.556 acres more or less.

[The next page is TSO:25]

TABLE II

ANNEXATIONS

Ord. No.	Date	Description
1445	5-12-59	Sale of 1/10 acre of city land.
1517	2-10-61	Sale of old fire station #5.
1562	5-23-62	Release of easement (flood protective works).
1572	10- 2-62	Sale of old fire station #5.
1587	4- 2-63	Release of easement.
1640	8- 4-64	Purchase of realty-lot #3, block 11, in Gilbert's Donation to city.
1688	7-12-65	Conveyance of easement on Blue Creek Interceptor.
1693	8- 3-65	Purchase of realty-extension of Macedonia Ave.
1782	11-21-66	Easement-Borg-Warner Corporation.
1783	11-21-66	Easement-Central Indiana Gas Company.
21-95(Res.)	7-10-95	Sale of 0.03 acre of city property.

[The next page is TSO:51]

TABLE III

STREET NAME CHANGES

Ord. No.	Date	Description
1388	11-5-57	Beechwood Pl. to Gatewood Ln.
1421	7-7-58	Manor Dr. to Italiano Dr. (Twelfth to State Rd. 32)
1421	7-7-58	Perdieu to Italiano Dr. (Cornbread Rd. to State Rd. 32)
1421	7-7-58	Pine St. to Hemlock Rd. (Normandy Addition)
1421	7-7-58	Edgewood St. to Hemlock Rd. (Thirty-fourth St. to Twenty-sixth St.)
1421	7-7-58	Park Ave. to Normandy Dr. (Middletown Pk. to Twenty-sixth St.)
1421	7-7-58	Willow Ln. to Willow Rd. (White River Blvd. to Godman Ave.)
1421	7-7-58	Harley Rd. changed to Harvey Rd. (Ethel Ave. to Peachtree Ln.)
1421	7-7-58	Euclid Ave. changed to Noel Dr. (Normandy Dr. to Keesling Ave.)
1421	7-7-58	Ashland Ave. changed to University Ave. (McKenzie Rd. to Bittersweet Ln.)
1421	7-7-58	Tyrone St. changed to Tyrone Dr. (Ashland Ave. to Riverside)
1421	7-7-58	Wills Ave. changed to Devon Rd. (Baker to Eber)
1421	7-7-58	Buckles St. changed to Amherst Rd. (Baker to Eber)
1421	7-7-58	Parsons St. changed to Torquay Rd. (Baker to Eber)
1421	7-7-58	Hampshire Ln. changed to Amherst Rd. (Riverside Park Addition)
1421	7-7-58	Withrop Rd. changed to Riley Rd. (Euclid north to end)
1421	7-7-58	Riley Rd. changed to Alden Rd. (Euclid north to end)
1421	7-7-58	Reeves changed to Beechwood Ave. (Martin Ave. to Dicks St.)
1421	7-7-58	Sutton Ave. changed to Ashland Ave. (McKinley Ave. to Dicks St.)
1421	7-7-58	Petty Rd. changed to Petty Rd. (McKinly Ave. to Tillotson)
1421	7-7-58	Oak Ave. changed to Acorn Ave. (Twelfth St. to Sixteenth St.)
1421	7-7-58	Cardinal Dr. changed to Cardinal St. (Cunnington's Addition)
9-87	6-1-87	A part of Highland Ave. located between Wheeling Ave. and Walnut St., and which was not vacated by Ord. 59-86, changed to Minnetrista Parkway
1421	7-7-58	Cowing St. changed to Cowing Dr. (Oakwood to Linden)
1421	7-7-58	Riley Ave. changed to Weber St. (South of Cromer-west of Walnut)
1421	7-7-58	Streeter Ave. changed to Tilmore Dr. (Virginia to Linden)
1421	7-7-58	Warner changed to Streeter Ave. (Buckles east to end)
1421	7-7-58	Roosevelt St. changed to Streeter Ave. (Reserve to Walnut)
1421	7-7-58	Hickory Ln. changed to Cowing Dr. (Norton's Addition)
1421	7-7-58	Ivy St. changed to Short St. (Granville to Jefferson)
1421	7-7-58	Dunn Rd. changed to Dunn Ave. (Granville to Linda Ln.)
1421	7-7-58	Haynes Dr. changed to, Haines Dr. (Granville Park Addition)
1421	7-7-58	Bell St. changed to Waid Ave. (Buckles St. to Walnut St.)
1421	7-7-58	Butler Ave. changed to Indiana Ave. (Broadway to Leland)
1421	7-7-58	Orchard Ave. changed to Miami Ave. (Darthmouth to Depauw)
1421	7-7-58	N. Fourteenth St. changed to Cowing Dr. (N. P. RR. to Broadway)
1421	7-7-58	N. Fifteenth St. changed to Streeter Ave. (N. P. RR. to Broadway)

Ord. No.	Date	Description
1421	7- 7-58	N. Thirteenth St. changed to Waid Ave. (Granville-Turner and Claypool to Garnet)
1421	7- 7-58	N. Twelfth St. changed to Cromer Ave. (N. P. RR. to Macedonia)
1421	7- 7-58	N. Eleventh St. changed to Weber Dr. (Elm to Turner)
1421	7- 7-58	N. Tenth St. changed to Kolmetz St. (Granville to Macedonia)
1421	7- 7-58	Grace St. changed to Harkin St. (Penn to Wolf St.)
1421	7- 7-58	N. Eleventh St. changed to Cromer Ave (Claypool to Garnet)
1421	7- 7-58	Wilson Rd. changed to Manhattan Ave. (Jackson north to RR)
1421	7- 7-58	Wood St. changed to Wysor St. (Leland to Wilson Rd)
1421	7- 7-58	Leach St. changed to North St. (Bellaire to Wilson)
1421	7- 7-58	Reed St. changed to Gilbert St. (Bellaire to Wilson; also in Eastwood Addition)
1421	7- 7-58	Hefel changed to Main St. (Bellaire to Grafton)
1421	7- 7-58	Branch changed to Race St. (Eastwood Addition)
1421	7- 7-58	Wood St. changed to Wysor St. (Eastwood Addition)
1421	7- 7-58	Columbia Heights Ave. changed to Biltmore Ave. (Biltmore Ave. to Burlington Dr.)
1421	7- 7-58	Rector St. changed to Hines St. (Hill St. west to end)
1421	7- 7-58	Stradling (in Johnson Addition) changed to Greenbriar Rd.
1421	7- 7-58	Fourteenth St. changed to Ewing Dr. (Perdieu Rd. east to end)
1421	7- 7-58	Dudley St. changed to Rowan St. (Ohio to Windsor)
1421	7- 7-58	King changed to Ace (That part that runs east and west that connects with Reserve St.)
1421	7- 7-58	Maple St. changed to Russey Ave. (Walnut to Jefferson St.)
1421	7- 7-58	Brady St. changed to Wolf St. (Willard to Ninth St.)
1421	7- 7-58	Lincoln St. changed to Brady St. (Willard to Ninth St.)
1421	7- 7-58	Shirley Rd. changed to Claypool Rd. (Centennial to McGalliard)
1421	7- 7-58	Turner's Alley changed to First St. (Elm to Madison)
1421	7- 7-58	Meeker Rd. changed to Cecil Rd. in township (Memorial Dr. south)
1421	7- 7-58	Anthony St. changed to Waid Rd. (Oakwood to New York)
76-75	5-12-75	Timber Ln. changed to N. Vienna Woods Dr. (located in Norwood Section "C")
76-75	5-12-75	Timber Ln. changed to N. Vienna Woods Dr. (located in Nor-hall Village, Section "B")
121-75	10- 6-75	Mathews Ave. changed to N. Glenwood Ave. (between Janney Ave. and Yale Ave.)
121-75	10- 6-75	Vine St. changed to N. Barr St. (north of McGalliard Rd.)
224-76	10- 4-76	Hagadorn Ave. changed to Varsity Ave. (from Godman Ave., south to its termination)
224-76	10- 4-76	Jackson Blvd. changed to West View Blvd. (from its intersection with Jackson St. and running in a northwesterly direction and parallel to the Norfolk and Western Railroad to its intersection with Jackson St.)
598-80	5-12-80	Tillotson Ave. extension south from Tillotson Ave. to Cornbread Rd. changed to Dr. Martin Luther King, Jr. Blvd.

[The next page is TSO:75]

TABLE IV

ZONING MAP CHANGES

Ord. No.	Date	Description
1382	9- 9-57	—-
1387	11- 4-57	—-
1396	1- 6-58	—-
1400	2- 4-58	—-
1401	3- 3-58	—-
1411	5-15-58	—-
1429	11-26-58	—-
1435	1-13-59	—-
1436	2- 3-59	—-
1438	3- 2-59	—-
1439	4- 6-59	—-
1446	6- 1-59	—-
1447	6- 1-59	—-
1449	7-20-59	—-
1450	7- 3-59	—-
1453	8- 3-59	—-
1457	9-15-59	—-
1458	9-15-59	—-
1459	9-15-59	—-
1466	12- 8-59	—-
1467	12- 8-59	—-
1478	5-10-60	—-
1481	5-10-60	—-
1488	6- 7-60	—-
1489	7-12-60	—-
1490	7-12-60	—-
1497	9-13-60	—-
1498	9-13-60	—-
1503	9-12-60	—-
1504	9-12-60	—-
1507	10- 3-60	—-
1529	5- 4-61	—-
1530	6- 6-61	—-
1534	8- 7-61	—-
1535	8- 8-61	—-
1536	8- 8-61	—-
1542	11- 6-61	—-
1543	11- 7-61	—-
1544	11- 7-61	—-
1549	12- 5-61	—-
1552	1- 8-62	—-
1551	1- 9-62	—-
1553	1- 9-63	—-
1554	2- 6-62	—-
1556	4- 3-62	—-
1564	7- 5-62	—-
1566	7- 5-62	—-
1569	8- 7-62	—-
1571	9-11-62	—-
1574	11-13-62	—-
1577	12- 4-62	—-
1581	2- 6-63	—-
1592	6- 4-63	—-
1603	8- 8-63	—-
1604	8- 8-63	—-

Ord. No.	Date	Description
1605	8- 8-63	—-
1606	8- 8-63	—-
1612	10- 7-63	—-
1613	10- 8-63	—-
1610	10-10-63	—-
1611	10-10-63	—-
1614	1- 4-61	—-
1617	12- 4-63	—-
1620	1-14-64	—-
1622	2- 3-64	—-
1624	3- 3-64	—-
1625	4- 6-64	—-
1626	4-16-64	—-
1629	5-11-64	—-
1630	5-11-64	—-
1631	5-11-64	—-
1638	5-20-64	—-
1634	6- 2-64	—-
1641	8- 3-64	—-
1647	9-17-64	—-
1650	11-10-64	—-
1651	11-10-64	—-
1662	12- 8-64	—-
1667	2- 2-65	—-
1671	4- 9-65	—-
1672	4- 9-65	—-
1673	4- 9-65	—-
1680	6- 8-65	—-
1697	8-17-65	—-
1711	9- 8-65	—-
1710	11- 3-65	—-
1713	12- 8-65	—-
1714	12- 8-65	—-
1716	2- 8-66	—-
1719	3-11-66	—-
1740	6- 7-66	—-
1741	6- 7-66	—-
1742	6- 8-66	—-
1762	8- 3-66	—-
1770	6- 2-66	—-
1763	8- 3-66	—-
1775	11-21-66	—-
1790	11- 3-66	—-
1787	12- 6-66	—-
1788	12- 7-66	—-
466-B	1- 7-74	Lot numbered 10, block 11, Riverside Addition to be included in R-5.
2-74	2- 4-74	R-5 to VB
4-74	3- 4-74	R-4 to BC
12-74	4- 1-74	R-3 to BL
31-74	9- 2-74	R-5 to BL
35-74	10- 7-74	R-5 to BL
36-74	10- 7-74	R-4 to BV
78-75	4- 7-75	R-4 to BV
87-75	5-12-75	Include certain real estate into R-5.
89-75	5-12-75	R-4 to BC

TABLE IV—ZONING MAP CHANGES

Ord. No.	Date	Description
94-75	7- 7-75	R-4 to BV
102-75	7- 7-75	R-4 to BC
103-75	8- 4-75	R-4 to BC
120-75	11-10-75	R-3 to BC
133-75	2- 2-76	R-4 to R-5
172-76	4- 5-76	R-4 to IL
173-76	5-10-76	R-4 to CB
189-76	7-12-76	R-5 to BC
194-76	8- 2-76	R-4 to BV
195-76	8- 2-76	R-2 to R-5
196-76	8- 2-76	R-4 to R-5
197-76	8- 2-76	BL, R-5 to BC
198-76	8- 2-76	R-4 to BL
210-76	8- 2-76	R-4 to IL
211-76	9-13-76	R-2 to BL
212-76	9-13-76	R-4 to BL
213-76	9-13-76	R-4 to R-5
214-76	9-13-76	R-4 to BV
238-76	11- 8-76	R-4 to II
248-76	1- 3-77	R-4 to R-5
272-77	5- 2-77	R-2 to R-5
273-77	5- 2-77	R-5, R-3 to BL
282-77	6- 6-77	R-4 to BV
288-77	7-13-77	R-5 to R-4
312-77	8- 1-77	R-5 to BL
313-77	9-12-77	R-3 to IL

[The next page is TSO:101]

TABLE V

RECIPROCAL AGREEMENTS

Ord. No.	Date	Description
435-B	5-7-73	Agreement for cooperative operation of the region 6 development commission.

REFERENCES TO INDIANA CODE

IC	Code Sec.	IC	Code Sec.
Trial Rule 6(A)	10.12	9-4-1-17	70.01
1-1-1-8	10.07	9-4-1-18	70.01
1-1-3.5	10.05	9-4-1-19	70.01
1-1-4-1	10.06	9-4-1-20	70.01
1-1-4-5	10.05	9-4-1-21	70.01
3-12-5-17	30.03	9-4-1-24	70.03
3-13-8	31.04	9-4-1-25	70.04
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31.09	32.28	50.30	50.29
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71.11	79.11	72.51	75.06
71.12	79.12	72.52	75.08
71.13	79.13	73.01	73.01
71.14	79.14	73.02	73.02
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75.20	77.17	90.07	90.07
75.21	77.18	90.08	90.08
75.22	77.19	90.09	90.09
75.23	77.20	90.10	90.10
75.24	77.21	90.11	90.11
75.25	77.22	90.12	90.12
75.26	77.23	90.13	90.13
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75.43	77.43	91.03	91.04
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93.20	130.10	96.26	96.26
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93.22	130.12	96.30	96.30
93.23	130.13	96.31	96.31
93.24	130.14	96.32	96.32
93.40	130.20	96.33	96.33
93.42	130.21	96.34	96.34
93.60	130.25	96.35	96.35
93.65	130.30	96.36	96.36
93.66	130.31	96.40	96.40
93.67	130.32	96.41	96.41
93.68	130.33	96.42	96.42
93.69	130.34	96.43	96.43
93.99	130.99	96.44	96.44
94.01	94.01	96.45	96.45
94.02	94.02	97.01	97.01
94.03	94.03	97.02	97.02
95.01	95.01	97.03	97.03
95.02	95.02	97.04	97.04
95.03	95.03	97.05	97.05
95.04	95.04	97.06	97.06
95.05	95.05	97.07	97.07
95.06	95.06	97.08	97.08
95.07	95.07	97.09	97.09
95.08	95.08	97.10	97.10
95.09	95.09	98.10	98.10
95.10	95.10	98.11	98.11
95.11	95.11	98.12	98.12
95.12	95.12	98.13	98.13
95.13	95.13	98.14	98.14
95.14	95.14	99.01	99.01
95.15	95.15	99.02	99.02
95.16	95.16	99.03	99.03
95.17	95.17	99.05	99.05
95.18	95.18	99.06	99.06
96.01	96.01	99.07	99.07
96.02	96.02	110.01	110.01
96.03	96.03	110.02	110.02
96.04	96.04	110.03	110.03
96.05	96.05	110.04	110.04
96.10	96.10	111.01	111.01
96.11	96.11	111.02	111.02
96.12	96.12	111.03	111.03
96.13	96.13	111.04	111.04
96.14	96.14	111.05	111.05
96.15	96.15	111.06	111.06
96.16	96.16	111.07	111.07
96.17	96.17	111.08	111.08
96.20	96.20	111.09	111.09
96.21	96.21	111.10	111.10
96.22	96.22	111.99	111.99
96.23	96.23	112.01	112.01

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112.02	112.02	118.09	117.09
112.03	112.03	118.10	117.10
112.04	112.04	118.11	117.11
112.05	112.05	118.12	117.12
112.06	112.06	118.13	117.13
112.07	112.07	118.14	117.14
112.08	112.08	118.15	117.15
112.09	112.09	118.16	117.16
112.10	112.10	118.17	117.17
113.01	113.01	118.18	117.18
113.02	113.02	118.19	117.19
113.03	113.03	118.20	117.20
113.04	113.04	118.21	117.21
113.05	113.05	118.22	117.22
113.06	113.06	118.23	117.23
113.07	113.07	118.24	117.24
113.08	113.08	118.50	117.50
113.09	113.09	118.51	117.51
113.99	113.99	130.01	150.01
115.01	114.01	130.02	150.02
115.02	114.02	130.03	150.03
115.03	114.03	130.04	150.04
115.04	114.04	130.05	150.05
115.05	114.05	130.07	150.06
115.06	114.06	130.08	150.07
115.07	114.07	130.10	150.10
115.08	114.08	130.11	150.11
116.01	115.01	130.12	150.12
116.02	115.02	130.13	150.13
116.03	115.03	130.14	150.14
116.04	115.04	130.15	150.15
116.05	115.05	130.16	150.16
116.06	115.06	130.17	150.17
116.07	115.07	130.19	150.20
116.08	115.08	130.20	150.19
116.09	115.09	130.21	150.21
116.10	115.10	130.23	150.22
116.11	115.11	130.26	150.24
116.12	115.12	130.27	150.25
116.13	115.13	130.41	150.35
117.01	116.01	130.42	150.36
117.02	116.02	130.43	150.37
117.03	117.03	130.50	150.40
117.04	116.04	130.51	150.41
117.05	116.05	130.52	150.42
117.06	116.06	130.61	150.45
118.01	117.01	130.62	150.47
118.02	117.02	130.63	150.48
118.03	117.03	130.64	150.49
118.04	117.04	130.65	150.51
118.05	117.05	130.66	150.52
118.06	117.06	130.67	150.53
118.07	117.07	130.70	150.55
118.08	117.08	130.71	150.57

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130.72	150.58	130.162	150.147
130.74	150.61	130.163	150.148
130.75	150.62	130.164	150.149
130.76	150.63	130.165	150.150
130.80	150.65	130.170	150.155
130.81	150.67	130.171	150.156
130.82	150.68	130.172	150.157, 150.158
130.84	150.71	130.174	150.159
130.85	150.72	130.175	150.160
130.86	150.73	130.176	150.161
130.90	150.75	130.177	150.162
130.91	150.77	130.180	150.165
130.92	150.78	130.181	150.166
130.94	150.81	130.182	150.167
130.95	150.82	130.183	150.170
130.96	150.83	130.184	150.171
130.100	150.85	130.185	150.172
130.101	150.87	130.200	150.185
130.102	150.88	130.201	150.186
130.104	150.91	130.202	150.187
130.105	150.92	130.203	150.188
130.106	150.93	130.204	150.189
130.110	150.95	130.205	150.190
130.111	150.96	130.210	150.195
130.112	150.97 (A)	130.211	150.196
130.114	150.97 (D)	130.212	150.197
130.115	150.98	130.213	150.198
130.116	150.99	130.214	150.199
130.120	150.105	130.215	150.201
130.121	150.106	130.216	150.202
130.122	150.107	130.220	150.205(A), (B)
130.123	150.108	130.221	150.206
130.124	150.109	130.222	150.207
130.125	150.110	130.230	150.210
130.130	150.115	130.231	150.211
130.131	150.116	130.232	150.212
130.132	150.117	130.233	150.213
130.133	150.118	130.240	150.215
130.134	150.119	130.241	150.216
130.135	150.120	130.242	150.217
130.140	150.125	130.243	150.218
130.141	150.126	130.244	150.219
130.142	150.127	130.245	150.220
130.143	150.128	130.246	150.221
130.144	150.129	130.247	150.222
130.145	150.130	130.248	150.223
130.150	150.135	130.249	150.224
130.151	150.136	130.250	150.230
130.152	150.137	130.251	150.231
130.153	150.138	130.252	150.232
130.154	150.139	130.253	150.233
130.155	150.140	130.254	150.234
130.160	150.145	130.260	150.240
130.161	150.146	130.261	150.240

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131.05	151.05	132.147	152.137
131.06	151.06	132.148	152.138
131.07	151.07	132.149	152.139
131.08	151.08	132.150	152.140
131.15	151.10	132.151	152.141
131.16	151.11	132.152	152.142
131.17	151.12	132.153	152.143
131.18	151.13	132.154	152.144
131.19	151.14	132.155	152.145
131.20	151.15	132.200	153.01
131.21	151.16	132.201	153.02
131.22	151.17	132.202	153.03
131.23	151.18	132.203	153.04
131.24	151.19	132.204	153.05
131.30	151.25	132.205	153.06
131.31	151.26	132.206	153.07
131.32	151.27	132.207	153.08
131.33	151.28	132.208	153.09
131.40	151.30	132.209	153.10
131.41	151.31	132.210	153.11
131.42	151.32	132.211	153.12
131.43	151.33	132.212	153.13
131.44	151.34	132.213	153.14
131.45	151.35	132.214	153.15
131.46	151.36	132.215	153.16
131.47	151.37	132.216	153.17
131.48	151.38	132.217	153.18
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131.57	151.47	132.301	154.02
131.65	151.50	132.302	154.03
131.70	151.55	132.303	154.04
131.75	151.60	132.304	154.05
131.80	151.65	132.305	154.06
132.20	152.15	132.306	154.07
132.21	152.16	132.307	154.08
132.22	152.17	132.308	154.09
132.23	152.18	132.309	154.10
132.24	152.19	132.310	154.11
132.46	152.35	132.311	154.12
132.55	152.45	132.312	154.13
132.56	152.46	132.313	154.14
132.75	152.65	132.314	154.15
132.76	152.66	132.315	154.16
132.77	152.67	132.316	154.17
132.80	152.70	132.317	154.18
132.81	152.70	132.318	154.19
132.82	152.71	132.319	154.20
132.83	152.70	132.320	154.21
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