

SUPPLEMENT NO. 9
January 2009

CODE OF ORDINANCES

City of

MUNCIE, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 47-08, passed December 1, 2008.

See the References to Ordinances for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

MUNICIPAL CODE CORPORATION

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(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
Council	Main and Willard	Both	
Council	Penn Central R.R. and Hoyt first	East	
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

<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
Franklin	Berkley and McGalliard	Both	26-93
Franklin	Gilbert and south to Seymour	Both	
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, except for that portion of Gilbert between Martin and Dill	North	33-08
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, except for the south side of Gilbert between Franklin and High	Both	34-08
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

TRAFFIC SCHEDULES

Sched. IV

<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
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

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.

<i>Street</i>	<i>Restricted Zone</i>	<i>Side</i>	<i>Time Limit</i>	<i>Ord. No.</i>
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, 40-08
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	

*Note—Ord. No. 40-08, § 1, adopted Oct. 6, 2008, removed the two-hour parking restriction on the east side of the 200—300 block of South Celia Avenue. This change was approved by the Muncie Board of Public Works for a period of 60 days.

<i>Street</i>	<i>Restricted Zone</i>	<i>Side</i>	<i>Time Limit</i>	<i>Ord. No.</i>
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

Title IX

GENERAL REGULATIONS

Chapter

- 90. Animals
- 91. Fire Prevention
- 92. Minors
- 93. Beech Grove Cemetery
- 94. Pollution of Air; Smoke
- 95. Parks and Recreation
- 96. Streets and Sidewalks
- 97. Tree Ordinance
- 98. Nuisances
- 99. Sale of City-Owned Property
- 100. Noise
- 101. Muncie Area Party Plan
- 102. Reimbursement for Hazardous Materials Emergency Action

CHAPTER 102. REIMBURSEMENT FOR HAZARDOUS MATERIALS EMERGENCY ACTION

- Sec. 102.01. Definitions.
- Sec. 102.02. Application.
- Sec. 102.03. Reimbursement for reasonable & necessary expenses.
- Sec. 102.04. Action for reimbursement.
- Sec. 102.05. Use of reimbursement funds.

Sec. 102.01. Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) *Emergency action* means any action taken at or near the scene of a hazardous material emergency to prevent or minimize harm to:

- (1) Human health;
- (2) Property; and/or
- (3) The environment; from the uncontrolled release of a hazardous material.

(B) *Hazardous material* means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:

- (1) The United States:
 - (a) Environmental Protection Agency;
 - (b) Nuclear Reactor Commission;
 - (c) Department of Transportation; or
 - (d) Occupational Safety and Health Administration; or
- (2) The solid waste management board.

(C) *Hazardous material emergency* means an occurrence that:

- (1) Involves the uncontrolled release or imminent uncontrolled release of a hazardous material into the environment; and
- (2) Creates the possibility of harm to:
 - (a) Human health;
 - (b) Property; and/or
 - (c) The environment.

(D) *Responsible party* means a person:

- (1) Who:
 - (a) Owns hazardous material that is involved in a hazardous material emergency; or
 - (b) Owns a container or owns or operates a vehicle that contains a hazardous material that is involved in a hazardous material emergency; and
- (2) Who:
 - (a) Causes; or
 - (b) Substantially contributes to the cause of; the hazardous material emergency.

(Ord. No. 47-08, § 1, 12-1-08)

Sec. 102.02. Application.

This chapter does not apply to an occurrence involving the release or imminent release of less than 25 pounds of active ingredient of a substance or a combination of substances that meets all of the following conditions:

- (1) Was commercially produced and sold as a fertilizer, fungicide, herbicide, or pesticide.
- (2) Is, at the time of occurrence, in the possession of an individual who acquired the substance or combination of substances with the intent to use the substance for the purpose intended by the commercial producer:
 - (a) In a dwelling owned or occupied by the individual;
 - (b) In the yard adjacent to or surrounding a dwelling owned or occupied by the individual; or
 - (c) On a farm owned or operated by the individual.

(Ord. No. 47-08, § 1, 12-1-08)

State law reference—Authority, IC 13-25-6-1.

Sec. 102.03. Reimbursement for reasonable and necessary expenses.

(A) The responsible party in connection with a hazardous material emergency shall reimburse the Muncie Fire Department for reasonable and necessary expenses incurred in taking emergency action at or near the scene of the hazardous material emergency.

(B) Reimbursement for expenses is not available under this chapter if those expenses may be reimbursed by the federal government under Section 123 of the Superfund Amendments and Reauthorization Act of 1986.

(C) The reimbursement charged to the responsible party shall be for the total value of the assistance provided, as determined from the state fire marshal's schedule of service charges issued annually under IC 36-8-12-16(e).
(Ord. No. 47-08, § 1, 12-1-08)

State law references—Authority, IC 13-25-6-2; IC 13-25-6-4; IC 36-8-12.2-7.

Sec. 102.04. Action for reimbursement.

(A) The Muncie Fire Department, or its agent, shall forward a statement of charges to be assessed to the City of Muncie Controller. The controller shall prepare and send the statement to each responsible party who shall be jointly and severally liable for the cost. The responsible party shall remit payment to the city controller within 60 days after receipt of the statement.

(B) A responsible party that fails to pay the full amount of the reimbursement within 60 days after the issuance of the statement of charges shall be assessed a penalty equal to ten percent of the amount of the charge that remains unpaid on the due date.

(C) Upon the failure of a responsible party to remit payment within 60 days, the city, or its authorized representative, may obtain reimbursement from the responsible party under this chapter by filing an action for reimbursement in a court of general jurisdiction of: (1) the county in which the hazardous material emergency arose;

or (2) in Delaware County. The city may recover all costs of such an action, including reasonable attorneys' fees.

(Ord. No. 47-08, § 1, 12-1-08)

State law references—Authority, IC 13-25-6-5; IC 36-8-12.2-10; IC 36-8-12.2-11.

Sec. 102.05. Use of reimbursement funds.

Funds collected under this chapter shall be deposited into separate accounts established for the sole purpose of administering such funds. Those funds shall be used only for the purchase of supplies and equipment used in providing hazardous materials emergency assistance, training for members of the fire department in skills necessary for providing hazardous materials emergency assistance, and/or payment to persons with which the fire department contracts to provide services related to the hazardous material emergency assistance provided by the fire department under this chapter.

(Ord. No. 47-08, § 1, 12-1-08)

State law reference—Authority, IC 36-8-12.2-8.

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Sec.
53-06	12- 4-06	Ch. 80, Sched. XIII
54-06	1- 9-07	34.102(C)(1.5)
56-06	12- 4-06	90.01, 90.28
57-06	12- 4-06	90.07(B)
58-06	12- 4-06	90.29
21-07	7- 9-07	Ch. 80, Sched. XIII
26-07	8- 6-07	70.99
28-07	9-10-07	Rpld 31.100—31.105
		Added 31.100—31.105
1-08	2- 4-08	Ch. 80, Sched. V
14-08	7- 7-08	90.01
15-08	7- 7-08	90.28
33-08	10- 6-08	Ch. 80, Sched. IV
34-08	10- 6-08	Ch. 80, Sched. IV
40-08	10- 6-08	Ch. 80, Sched. V
47-08	12- 1-08	Added 102.01—102.05

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