

ORDINANCE NO. 2018-07

AN ORDINANCE AMENDING ORDINANCE NO. 2007-03
AN ORDINANCE ESTABLISHING THE TOWN OF WOLCOTT
ORDINANCE VIOLATIONS BUREAU

ARTICLE 1. ESTABLISHMENT

There is hereby established the Town of Wolcott Ordinance Violations Bureau (“Bureau”) pursuant to Indiana Code 33-6-3-1 *et seq.*, as amended.

ARTICLE 2. VIOLATIONS CLERK DESIGNATED

The Clerk-Treasurer of the Town of Wolcott shall be the administrator of the Ordinance Violations Bureau.

ARTICLE 3. ADMINISTRATION

- 3.1 The Clerk-Treasurer and his or her staff, as his or her agents, shall accept, no later than seven (7) days of the issuance of a complaint, the written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than \$500.00 in ordinance violation cases, subject to the schedule of civil penalties adopted in section 4 at the Clerk-Treasurer’s office during the hours specified on the complaint or summons issued under authority of this section.
- 3.2 Civil penalties shall be paid to, receipted, and accounted for by the Clerk under procedures provided for by the Indiana State Board of Accounts. Payment of civil penalties under this chapter may be made in person or by mail to the Violations Clerk.
- 3.3 A person charged with an ordinance or code violation under this chapter is entitled to a trial before court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the Violations Clerk. Upon such an admission, no later than seven (7) days of the issuance of a complaint, the Violations Clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established and adopted under Section 3.
- 3.4 If a person charged with a violation under this chapter wants to exercise the right to trial, the person shall appear before the Violation Clerk no later than seven (7) days of the issuance of a complaint and deny the violation or enter a written denial with the Violations Clerk.
- 3.5 Any Wolcott police officer or other Wolcott official or employee authorized by a regulation of the Town or state law to issue complaints for violations of regulations may issue complaints to the Ordinance Violations Bureau.

ARTICLE 4. SCHEDULE OF FINES

Town of Wolcott regulations and Code of Ordinance provisions identified in the schedule in this section (each hereinafter referred to as “Bureau Ordinance”) shall be within the jurisdiction of the Bureau subject to the civil penalties listed to the right of each Bureau ordinance. For some Bureau ordinances, second and any additional violations, admissions or judgments of violations of that ordinance, occurring within 12 months of any other violation, admission or judgment of violation will be subject to a greater civil penalty. Where applicable those greater penalties for second and additional violations and admissions or judgments are listed to the right of the penalty that applies to the first violation, admission or judgment of violation. All citizens of the Town of Wolcott are entitled to a written warning for a first offense before a civil penalty is assessed for subsequent violations. In cases where citizens are charged with violating the False Alarm ordinance, citizens shall receive two written warnings before a civil penalty is assessed.

**Ordinance or
Code of
Provisions**

Subject

Civil Penalty

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|---|---|
| Unlicensed pet; failure to vaccinate pet | \$125.00/162.50 |
| Animal running at large; other actions constituting a nuisance | \$50.00/162.50 |
| Keeping of prohibited animals | \$50.00/162.50 |
| Transient merchant without license | \$125.00/162.50 |
| False alarms (after two in any calendar year) | \$30.00 |
| Maintenance of junk or abandoned motor vehicle | \$500.00 (per violation) |
| Trash Receptacle Violation-Returning to Premises after collection | \$25.00 (per violation) |
| All parking violations not including below | \$30.00 |
| Parking commercial vehicles in residential zones | \$125.00/\$162.50 |
| Off-street parking and loading | \$125.00/\$162.50 |
| Graffiti Removal | \$30.00 |
| Unlawful Burning | \$200.00 |
| Depositing Waste-Littering | \$125.00/162.50 |
| Nuisance Violations | \$500.00 or actual cost of cleaning property whichever is greater until property is brought into compliance and for every violation thereafter. |

ARTICLE 5. NONCOMPLIANCE; ENFORCEMENT

- 5.1 If a person upon whom a complaint and summons is issued pursuant to this section does not bring an admission of violation and payment of the civil penalty or if a complaint for a violation of a Bureau ordinance issued pursuant to this section is not properly responded to in writing within seven (7) days of the issuance of the complaint, the Bureau shall add a late charge of \$5 per violation to the amount otherwise payable under Division 4. After 30 days of the issuance of the complaint, the Bureau shall not accept admission of a violation or payment of the civil penalty without the consent of the Town Council who may withhold that consent if the violation has been referred to legal counsel for judicial resolution.
- 5.2 Upon payment of any sum of money in to the Ordinance Violation Bureau, as provided by this section, the Clerk-Treasurer shall issue a receipt to the person so paying. The Clerk-Treasurer shall keep a record of all payments and shall account for all sums paid to the Bureau under this section as required by statute. The Clerk-Treasurer shall provide the town Council with a monthly report on the Bureau's activities showing the total number of complaint and summons issued pursuant to this section during the proceeding monthly period, including their dates of issuance and the number of such cases referred to the town's attorney, who has initiated an action to prosecute the ordinance violation.
- 5.3 If a person upon whom a complaint and summons is issued pursuant to this section fails to deny or admit a violation within 30 days, the town's Ordinance Prosecutor may bring legal proceedings in a court of competent jurisdiction. Under such circumstances, if a judgment is rendered in favor of the town, court costs will be assessed in addition to any fine or other relief provided.
- 5.4 If a person upon whom a complaint and summons is issued pursuant to this section wants to challenge this ticket and assure that it will be kept under the jurisdiction of the Wolcott Ordinance Violation Bureau, he or she must go to the Clerk-Treasurer's Office and expressly deny the violation or send a signed written statement indication of his or her denial to the Clerk-Treasurer within 30 days of the issuance of the complaint and summons. Under such circumstances, the town's Ordinance Prosecutor will initiate legal proceedings in a court of competent jurisdiction for the alleged violation.

5.5 The identification of Section 4 of a Wolcott regulation or Code of Ordinance provision as a Bureau ordinance does not preclude the town from taking other legal action to enforce said ordinance or code provision, in lieu of issuing a complaint under the authority of this section seeking the civil penalty prescribed in this Division Section 4, if the Wolcott regulation or code provision provides for other enforcement options, including but not limited to injunctive relief and recovery of abatement costs or of damages.

5.6 If a person denies an ordinance or code violation as set out herein, or fails to pay and satisfy the civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to deny or admit the violation of any of the provisions adopted by reference in Section 3, then the Violations Clerk shall report this fact to the Town Attorney, who may then initiate an action to prosecute the ordinance violation.
(IC 33-6-3-1 et seq.)

6.0 OTHER ORDINANCES OR STATUTES:

A) All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinance are hereby ratified, re-established, and confirmed.

6.1 CONSTRUCTION OF CLAUSE HEADINGS. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

6.2 SEVERABILITY OF PROVISIONS. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

6.3 DURATION AND EFFECTIVE DATE. This ordinance shall be in full force and effect beginning June 15, 2018 from and after its passage by the Council of the Town of Wolcott, and publication according to the laws of the State of Indiana.

Introduced and Filed on the 3rd day of April, 2018.

DULY PASSED AND ADOPTED this 1st day of May, 2018 by the Council of the Town of Wolcott, White County, Indiana, having been passed by a vote 4 in Favor and 0 Opposed.

AYE

NAY

Christina M. Orns, Council President

Christina M. Orns, Council President

Michael A. Yelton, Council Vice President

Michael A. Yelton, Council Vice President

Fred A. Young, Member

Fred A. Young, Member

Michael J. Johnson, Member

Michael J. Johnson, Member

Stephen Schemerhorn, Member

Stephen Schemerhorn, Member

ATTEST:

Tammy L. Seward, Clerk-Treasurer