

TOWN OF SWAYZEE

ORDINANCE TOWN CODE

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ABANDONED VEHICLES (G-4-1994)

Because of the danger to health, safety, and the general welfare of the citizens of Swayzee, Grant County, Indiana; "ABANDONED VEHICLES" are prohibited on public or private property within the town limits of the Town of Swayzee.

Vehicles found in violation of this ordinance shall be removed by a licensed towing service and stored or disposed of at owner's expense.

The enforcement authority for this ordinance shall be the town marshal of the Town of Swayzee or a duly appointed representative of said town.

SECTION 1:

(A) DEFINITIONS: The following definitions shall apply to the interpretation and enforcement of this ordinance.

(1) "VEHICLE" Means a machine propelled by power other than human power designed to travel along the ground or in the air by use of wheels, treads, runners or similar devices and is designed to transport persons or property. This includes but is not limited to the automobile, truck, motorcycle, tractor, trailer, bus, wagon or recreational vehicle.

(2) "ABANDONED VEHICLE"

(a) A vehicle located on public property illegally or in such a manner as to constitute a hazard or obstruction to public welfare.

(b) A vehicle that is in anyway dismantled or inoperable and left on public property for more than three (3) days.

(c) A vehicle that is in anyway dismantled or inoperable and left on private property, in public view for more than thirty (30) days.

(3) The following vehicles do not fit within the definition of "ABANDONED VEHICLES".

(a) Vehicles located on business or commercial property properly zoned and licensed to do business as sale, repair, maintenance or salvage of said vehicles.

(b) Vehicles on private property that are in a garage or otherwise concealed from public view with the use of a car/vehicle cover (tarps may not be used).

(4) "TOWING SERVICE" Means a business that engages in the business of moving or removal of disabled or abandoned vehicles and the disposition of said vehicles.

(5) "OWNER" Means the last record title holder of a vehicle according to the records of the bureau of motor vehicles.

(6) "PUBLIC PROPERTY" Means a public right-of-way, street, highway, alley, park, or other state, county or municipal property located within the Town of Swayzee.

(7) "PRIVATE PROPERTY" means all other property located within the Town of Swayzee.

SECTION 2:

ABANDONED VEHICLE "CLASS ONE"

Vehicles determined as abandoned by the enforcement authority and meeting requirements of (2)(a) of this ordinance can be removed immediately.

ABANDONED VEHICLE "CLASS TWO"

Vehicles determined as abandoned by the enforcement authority and meeting requirements of (2)(b) will be tagged with a warning and will be removed three (3) days (72 hours) after the warning is issued and placed on the vehicle.

ABANDONED VEHICLE "CLASS THREE"

Vehicles determined as abandoned by the enforcement authority and meeting requirements of (2)(c) will be tagged with a warning and will be removed in ten (10) days after the warning is issued and placed on the vehicle. A reasonable attempt will be made within 24 hours after the warning is issued to notify the owner that the vehicle is going to be towed.

SECTION 3: LIABILITY

The Town of Swayzee and the Swayzee Police Department shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this ordinance.

SECTION 4: VIOLATION & PENALTY

A person who violates any provision under this ordinance commits an ordinance violation and upon conviction shall be fined \$50.

ANIMAL CONTROL (P-1-2006)

LIVESTOCK

(1) No person shall operate or maintain any barn, pen, yard or enclosure for the keeping, feeding or sale of any livestock within the Town of Swayzee.

SECTION 1: DEFINITIONS

“ANIMAL” – any living creature, domestic or wild.

“ANIMAL SHELTER” – Any premises designated by the Council for impounding and caring for animals held under this ordinance.

“HUMANE OFFICER” – The Grant County Humane Society Inc, Marion Animal Care & Control (MACC) and/or a designee assigned by the Swayzee Town Council.

“OWNER” – Any person owning, keeping, feeding or harboring animals.

“RESTRAINT” – An animal is under restraint if;

- (a) On the premises of its owner, or
- (b) Accompanied by the owner or a responsible person and under that person’s control when off of the premises of the owner on public property.

SECTION 2: ANIMAL RESTRAINT

An animal must be kept under restraint at all times.

(1)(a) an animal is under restraint if – while on the premises of its owner *or* another location in the Town of Swayzee, the animal may not be tied/tethered in reach of or freely able to access within 5 feet of a sidewalk, roadway, property line or front door access from roadway in its nearest point unless separated by an operable electric fence or a physically erected fence.

(1)(b) An animal is under restraint if – accompanied by the owner or a responsible person and under that person’s control when off of the premises of the owner. The animal shall be kept on a lead/leash for the entire time while not on the property of the owner or its native property. An electric type collar system is not considered a lead/leash. This sub-section is intended to prohibit loose running animals while on walks, or at parks. This definition of restraint also includes the animal being contained within or held within a vehicle.

SECTION 3: ANIMAL THAT HAS BEEN IMPOUNDED

An unrestrained animal may be taken by the Town Marshal, Deputy Marshal, or an employee of the Humane Society and impounded in an animal shelter or in an area designated by the Swayzee Town Council and confined in a humane manner. An impounded animal shall be kept for not less than (72) hours. An animal not reclaimed by its owner within that time may be humanely disposed of by the Humane Society (MACC).

SECTION 4: RECLAIMING AN IMPOUNDED ANIMAL

An owner reclaiming an impounded animal shall pay any fee required to be paid to the person in charge of the animal shelter.

SECTION 5: PUBLIC NUISANCE

An owner shall exercise proper care and control over the animal and prevent the animal from becoming a public nuisance. An animal which engages in excessive, continuous, or untimely barking, molesting passerby, chasing vehicles, attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property and damaging property constitutes a violation of this ordinance subject to section 6 of this ordinance and the animal may also be impounded in an animal shelter under this ordinance. No property shall possess more than (4) animals at any given time.

SECTION 6: FINES

A person who violates any provision of this ordinance commits an ordinance violation and upon conviction shall be fined not less than \$50 plus court costs and not more than \$250 plus court costs. Each day that a violation occurs or continues constitutes a separate ordinance violation.

SECTION 7: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the validity thereof shall not affect the remaining parts of this ordinance.

SECTION 8: POOPER SCOOPER LAW

– Defecation by dogs or cats, pet owners must remove all fecal material deposited by their pets on property in which they do not own, including neighbor's yards, city parks, school property, public right-of-ways etc. A person in control of a dog or cat must promptly remove and dispose of, in a sanitary manner, feces left by their dog or cat when walking outside of their yard with their pet. Each person in control of the dog or cat must have materials necessary to remove feces left by their dog or cat when they are off of their own property. If the person in control of the dog or cat is the owner of the property, this law does not apply.

SECTION 9: DEFINITIONS:

“SUPERVISION” – Being present on or within the property in which possesses the animal; and is within a reasonable distance / available to the immediate needs or care of the animal(s) restrained.

“DIRECT SUPERVISION” – Being physically present within sight and sound of the animal(s).

“TEMPERATURE” – As determined by the National Weather Service for the area of Swayzee, IN 46986

SECTION 10: “SUPERVISION & CLIMATE SAFETY OF PETS”

A person who by definition fits the criteria as being the animal owner shall abide by the following at all times;

- (a) When an animal is brought outside under restraint as defined, the animal shall be under supervision of the animal owner or another responsible caretaker at all times while the animal remains outside of the residence under restraint. This includes animals tied/tethered or enclosed within boundary of a fence. (Owner or caretaker shall be present upon the property).
- (b) The animal owner(s), or caretaker shall be physically present under direct supervision within sight and sound of the animal if no boundary exists such as an erected or electric fence. (Owner or caretaker shall be physically outside with the animal).
- (c) An animal which is restrained outside or contained within a vehicle shall only remain for no longer than 30 consecutive minutes when temperatures are at or below 32 degrees Fahrenheit, and at or above 90 degrees Fahrenheit as determined by National Weather Service.

An animal described under section (c) in this section must have access by its own ability to retreat to an appropriate climate area when temperatures are at, below or above the designated marks such as; a residence, garage, shed or shelter which is insulated and heated/cooled to bring the temperatures above 32 degrees Fahrenheit or below 90 degrees Fahrenheit.

It is not a defense under subsection (c) of this section for an animal to remain outside under restraint longer than 30 consecutive minutes when a shelter is present.

- (d) An animal which is brought outside shall not remain outside between the hours of 9pm and 6am for longer than 30 consecutive minutes without direct supervision by the animal's owner(s).
- (e) Animals shall not be restrained by primary contact around their neck such as with the use of a neck collar while on the owner's property or another property. The animal shall wear a properly fitted load bearing harness in which the tethering device is attached. The tethering device should be made of a strong, sturdy material that will not break under any normal circumstances, attached to a proper anchor point of the same toughness and of a length no less than 15 feet. The animal shall be able to roam around attached to the tethering device without the hindrance of an obstruction subject to tangle the animal and the tethering device. This includes but is not limited to any obstacles within the property that could potentially tangle with the tethering device and may include the anchor point itself.

SECTION 11: IDENTIFICATION & VACCINATION

Each person who owns, keeps, harbors, or maintains a dog shall provide each animal with a collar and identification tag or microchip to which the rabies vaccination tag shall be affixed and is responsible to see that the collar and tags are correctly worn. Dog tags are not transferable from one dog to another. The collar shall demonstrate proper identification or phone number / address of its owner. Each animal shall be kept up to date on vaccinations including rabies.

SECTION 12: DANGEROUS AND POISONOUS ANIMALS PROHIBITED

No person shall harbor or possess within the Town any poisonous animal, reptile, amphibian, fish or insect, or any animal that poses a threat to the public health and safety. Such animal may be impounded by the MACC and disposed of in a manner determined to be in the best interest of the animal and public.



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NOISE CONTROL (P-1-2008)

An ordinance for enforcement relating to the control of motor vehicle & *non-motor vehicle* noise in the Town of Swayzee.

P-1-2008

SECTION 1: PURPOSE

The purpose of this ordinance is to regulate the compliance of excessive motor vehicle noise within the Town of Swayzee for the protection of public health, safety, and welfare.

SECTION 2: DEFINITIONS AND STANDARDS

“EMERGENCY” – means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss, which demands immediate action.

“EMERGENCY WORK” – any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

“MODIFIED EXHAUST SYSTEM” – any vehicle defined as a motor vehicle under the traffic ordinance, including but not limited to, passenger cars, trucks, truck/trailers, campers, go-carts, snowmobiles and motorcycles.

“REAL PROPERTY BOUNDARY” – the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another.

“NON-MOTOR VEHICLE RELATED NOISE” – Any noise which is not primarily caused, driven or powered by a motor vehicle such as a passenger car, truck, semi-truck, golf cart, motor home, RV, go-cart, dirt bike, ATV or UTV.

SECTION 3: MOTOR VEHICLE PROHIBITIONS AND ENFORCEMENT

Motor vehicle noise – No person shall operate a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, deceleration, engine revving, tire squealing, testing of vehicles, or loud musical devices. The generality of this section shall not be construed as limited to the following enumerated offenses:

- (1) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.
- (2) The use of any musical instruments, radio, tape player, compact disc player, amplifiers, speakers, and any similar device that creates excessive noise or vibrations above the perception threshold of an individual at or beyond the source if on private property or at a distance of 50 feet from the source if on public property or roadways.
- (3) The use of any motor vehicle with or without the attachment of various appurtenances thereto so to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the

use of any vehicle, said use of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary acceleration, deceleration, revving the engine, or tire squeal.

- (4) The use of a compression engine release brake, A/K/A “jake brake” system or any device known by a similar name, on a motor vehicle without a properly installed and operational engine brake muffler. The term compression engine release brake, jake brake, or any similar device shall be defined as a device used to slow a motor vehicle by engine compression creating a loud or excessive noise to be emitted through the vehicle’s exhaust system.

SECTION 4: EXEMPTIONS

Provisions of this noise article shall not apply to the following;

- (1) Emergencies – including the emission of sound for the purpose of alerting persons to an emergency, or sounds made in connection with the performance of emergency work.
- (2) Public Speech – shall not apply to noncommercial public speech or public assembly activities conducted on any public space for which a permit has been obtained.
- (3) School or Public Program – organized school-related programs, activities, events or parades or other public programs or events.
- (4) Holiday celebrations, concerts, parades or other special events with prior approval from the town council.
- (5) Town of Swayzee employees utilizing equipment and acting within parameters of their occupation conducting official business.

SECTION 5: VIOLATION

Any person who violates this ordinance shall be fined not less than \$50 and not more than \$250 plus court costs upon conviction per ordinance violation.

SECTION 6: NON-MOTOR VEHICLE RELATED NOISE

- (a) Noise not associated with a motor vehicle as described in the above definition; and
- (b) That is considered unreasonable, disturbing or provoking to the surrounding area beyond the property line in which possesses the source of the noise.
- (c) Non-Motor Vehicle Noise shall be limited to the daytime hours between 6am – 9pm except for a Town of Swayzee Event, an event approved by the Town Council, or a Town of Swayzee employee utilizing their equipment operating within the duties of their occupation.
 - a. Section 6 includes non-motor vehicle noise such as but not limited to the following:
 - i. Construction/Home Improvement
 - ii. Snow/Leaf Blowing
 - iii. Mowing/Weed Trimming
 - iv. Home & Outdoor Stereo Systems / Musical Instruments
 - v. Any noise which would be described in section 3(2); and that would pertain to non-motor vehicle noise on private or public property.

- b. During the above quiet hours, any and all noise shall not be heard or felt beyond the boundary of the source in which contains the noise.

(d) DISTURBING THE PEACE CLAUSE

- a. Noise projected in an excessive, tumultuous, provoking or disturbing manner outside of the above quiet hours may still be in violation if the noise can be heard beyond 50 feet from the source; and after receiving a verbal warning from the Swayzee Police Department Town Marshal or Deputy Marshal; and has not ceased the prevention of the noise causing the disturbance which is being projected in the above manner.
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CURFEW (G-3-2009)

An ordinance to create a curfew ordinance pursuant to Indiana Code 31-37-3

WHEREAS, the problems facing our youth, including drug and alcohol abuse, sexually transmitted disease, crime commission and victimization chief among them, are exacerbated during the later night hours and early morning hours, when fewer opportunities for adult supervision exists; and

WHEREAS, the town council make a special finding there are particular concerns with relation to youth under the age of 16, in particular, 15 year olds, in as much as they cannot lawfully operate automobiles.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the town council of the Town of Swayzee, Indiana that:

SECTION 1: ORDINANCE

The Town of Swayzee adopts this Curfew Ordinance with the following provisions.

- a. Curfew Hours for Minors Younger than 16 Years of Age- It is a curfew violation for a child less than 16 years of age to be in a public place after 11pm or before 5 am on any day.
- b. Curfew Hours for Minors 16 and 17 years of Age – It is a curfew violation for a child 16 or 17 years of age to be in a public place;
 - (1) Between 1am and 5am on a Saturday or Sunday;
 - (2) After 11 pm Sunday, Monday, Tuesday, Wednesday, Thursday; or
 - (3) Before 5 am on Monday, Tuesday, Wednesday, Thursday or Friday.
- c. Emancipation: It is a defense to a violation under this ordinance that the child was emancipated
 - (1) Under IC 31-37-19-27 or IC 31-6-4-15.7 before its repeal;
 - (2) By virtue of having married.
 - ii. An officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that;
 - a. The child has violated this ordinance; and
 - b. There is no legal defense to the violation.
 - iii. A child who commits a curfew violation under this ordinance is subject to enforcement procedures provided in IC 36-1-6 and IC34-28-5. Any complaint filed against a child for a violation of this ordinance shall be filed in court and the town shall direct a copy of the complaint to the child’s parent, guardian or custodian, If such person is known or can be identified by reasonable inquiry.

SECTION 2: VIOLATION & PENALTIES

- (1) A person who is found guilty of a violation of this ordinance shall be punishable by a fine not exceeding \$50 upon conviction.
- (2) In addition to the imposition of the forgoing fine, the court, upon request may order such injunctive relief as is appropriate and necessary to prevent the child from committing further violations of this ordinance.

SECTION 3: CURFEW RESPONSIBILITY OF PARENT, GUARDIAN OR CUSTODIAN

It is and shall be unlawful for a parent, guardian, or other person having custody over a child to permit a child to commit a curfew violation under this ordinance. If a parent, guardian, custodian or child is charged with a second or subsequent violation of this ordinance, there shall be presumption that the parent, guardian or custodian is responsible under this ordinance for the child's violation of this ordinance.

SECTION 4: SEVERABILITY

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this ordinance.



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INSPECTION OF MOTOR VEHICLES¹⁻¹⁹⁹¹

An ordinance providing the procedure for a town marshal to inspect motor vehicles and to charge fees therefor;

SECTION 1:

The Swayzee Town Code is amended by adding a new ordinance reading as follows:

- a) A “Special Vehicle Inspection Fund” is hereby created and the Town Marshal is authorized and directed to collect a fee of \$5 for each inspection performed pursuant to IC 9-1-2-1, and said fees are to be deposited in the fund above created.
- b) Any funds in the “Special Vehicle Inspection Fund” may only be expended, after appropriation, for law enforcement purposes.



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ISSUANCE OF REPORTS (G-2-1991)

An ordinance establishing the town code to regulate the issuance of motor vehicle accident & police reports.

SECTION 1:

The Swayzee Town Code is amended by adding a new ordinance reading as follows;

- a) An “Accident Report Account” is hereby created, and the town marshal is authorized and directed to collect a fee of \$5 for furnishing a copy of an accident or police reports to any person entitled to such information.
 - b) Any funds in the “Accident Report Account” may be expended, without appropriation, at the discretion of the Town Marshal, for purposes reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
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LITTERING (G-1-1994)

An ordinance providing for the prevention of litter in the Town of Swayzee, Indiana

Purpose of Ordinance

The purpose of this ordinance is to promote the health and general welfare of the people of the Town of Swayzee by prohibiting the throwing, casting, or re-depositing of litter in or upon any private or public property within the Town limits.

SECTION 1: DEFINITION:

“LITTER” – for the purpose of this ordinance, litter is defined as ashes, filth, excrement, boards, slop, cinder, old tires, sawdust, wood or metal shavings, rubber, lumber scraps, boxes, barrels, crates, cans, bottles, cartons, paper, trash, rubbish, debris, garbage, manure, grass cuttings, tree limbs, plowed/removed snow, discarded food, clothing or any other offensive or disagreeable substance thrown, cast, dropped, discharged or deposited by anyone in or upon public or private property, including streams and water sources.

SECTION 2: VIOLATIONS: No person shall sweep, throw, cast or otherwise place or deposit litter of any kind in or upon any curb, gutter, street, alley, boulevard, highway, right-of-way viaduct, sidewalk, vacant or occupied lot, vacant building, pond, stream or water source, or other public or private property.

- (1) No person within any vehicle shall throw, cast, place, drop, spill or deposit litter upon any private or public property.
- (2) It shall be the duty of the owner or occupant of any real estate to maintain the sidewalk, lawn space and that portion of the street lying between the curb line and property line free from litter. Such owner or occupant is prohibited from sweeping or otherwise moving litter from their property into the gutters or streets, or onto adjoining property. Failure to comply with this section shall constitute an ordinance violation.
- (3) The owner lease, agent or other person having control, charge, authority or management over vacant property shall keep said property free and clear of any and all litter. Failure to comply with this section shall constitute an ordinance violation.
- (4) Snow that is pushed, blown, plowed or removed, must be conducted in such a manner as to keep the snow upon the property in which it is being removed from. Failure to comply with this section shall constitute an ordinance violation.
- (5) No trash, refuse or garbage shall be removed, hauled or conveyed within town limits, unless the vehicle is used for removal, hauling, or conveying is tightly covered by screen, wire mesh or tarpaulin. Such a vehicle shall be loaded and driven in a manner that none of the contents may be spilled, dropped or blown from it.
- (6) Occupants of all premises shall be required to provide adequate receptacles for garbage disposal, equipped with tight lids or covers and such lids and covers shall be kept in place at all times. All receptacles shall be placed in easily accessible locations on the premises but not on streets or alleys where they may obstruct refuse and garbage collection. Failure to comply with this constitutes an ordinance violation.

SECTION 3: ENFORCEMENT:

The town attorney, the nuisance abatement officer, or the town marshal/deputy marshal acting as agent for the Swayzee Town Council, can and shall take immediate legal action to enforce this ordinance. Responsible parties shall not be fined less than \$50 and no more than \$2,500 per offense.

(1) Each day that a violation occurs or continues shall constitute a separate offense under this ordinance.

If the property owner, landowner, or tenant fails to remove such litter as defined within this ordinance, the Town of Swayzee may remove the items of litter at the expense of the property owner, landowner, or tenant. The town clerk must take a certified statement of the actual cost incurred by the town in removal. The statement must be delivered to the owner of the property by a law enforcement officer of the town, or by registered/certified mail and the landowner shall pay the amount to the Town of Swayzee. If the property owner, landowner or tenant fails to pay the amount within 10 days, after receiving the statement, a certified copy of the statement costs shall be filed in the office of the Grant County Auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the unit. Any monetary value acquired from the removal or disposal of such items shall be deposited within the Towns general fund.

(a) The town clerk/treasurer shall issue a certified statement to the property owner at the address shown on record which shall include the administrative cost of \$20 plus the actual removal costs incurred by the town by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100 and shall be shown by the records of the town clerk/treasurer.

NO PARKING ZONES (G-2-2000)

An ordinance establishing an area within the corporation limits of the Town of Swayzee as a “No Parking Zone”.

PARKING REGULATIONS:

- a) The Swayzee Town Council declares the following area to be a “no parking zone”. No person shall stop, park or stand any vehicle in this zone.
 - 1) East Lyons Street: The south side (EASTBOUND) of East Lyons Street from Sims Street to Taylor.
 - 2) West Lyons Street: The south side (EASTBOUND) of West Lyons Street from 1st Street through the west boundary of the corporation limit of Swayzee.
 - 3) East Main Street: The south side (EASTBOUND) of East Main Street from Sims Street through the 500 block of East Main.
 - a. No Parking Zone shall apply to north side (WESTBOUND) East Main Street adjacent to north sidewalk where “Loading Zone” sign is present. This space shall be reserved open for business use of loading and unloading only.
- b) This code shall not apply to any person operating an authorized emergency vehicle as defined in IC 9-4-1-28.

Any person who violates any provision of this code section shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined \$50. Each day that a violation occurs or continues shall constitute a separate offense.

NO PASSING ZONES (G-4-1999)

An ordinance establishing an area within the corporation limits of the Town of Swayzee as a “No Passing Zone”.

The Swayzee Town Council declares the following area to be a “No Passing Zone”. No vehicle shall pass another except for the exceptions described in this ordinance.

Lyons Street – From the east boundary of the corporation to the west boundary of the corporation.

This code shall not apply to any person operating an authorized emergency vehicle as defined in IC 9-4-1-28 as long as the emergency vehicle is being used in response to an emergency call.

This section shall not apply to passing a vehicle that is parked or mechanically inoperable.

Any person who violates any provision of this code shall be deemed to have committed an ordinance violation and upon conviction shall be fined \$50.

OPEN BURNING (G-1-1998)

Providing for regulation of open burning in the Town of Swayzee, IN.

SECTION 1:

(a) **TITLE.** This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the “Open Burning Code of the Town of Swayzee, Indiana”, may be cited as such, and will be referred to herein as “this code”.

(b) AIR POLLUTION AND OPEN BURNING

(1) **PURPOSE.** This section is designed to control the burning of certain combustible and non-combustible material in the open air or in containers, furnaces or similar appurtenances, causing the emission of smoke, offensive odors, fumes, gases, soot or other pollutants which interfere with the enjoyment by the people of the town of life and property.

(2) DEFINITIONS

“AIR POLLUTANTS” – any substance such as cinder fly ash, smoke fumes, gas, mist and offensive odors.

“AIR POLLUTION” – the presence in the outdoor atmosphere of substance in quantities.

“ADEQUATE CONTAINER” – a noncombustible permanent structure, or a 55 gallon barrel or drum sufficiently vented to induce adequate primary combustion, with enclosed sides, a bottom, and a mesh covering the top with openings no larger than ¼ inches.

No burning shall take place during periods of high winds, or air stagnation. The town marshal may determine that conditions are unfavorable for burning, and may order that any and all fires be extinguished at such times.

SECTION 2: PENALTIES

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Town Marshal, or shall fail, neglect or refuse to obey any lawful order given by the Town Marshal in connection with the provisions of this ordinance, for each such violation, failure or refusal, such person, firm or corporation shall be fined not less than \$25 and no more than \$2,500. Each day a violation continues after the enforcement officer causes a citation to be issued against the violation constitutes a separate offense. Payment of such penalty shall in no way effect any of the other remedies or enforcement procedures, including a temporary or permanent injunction against the ordinance violation.

SECTION 3: PERMITTED OPEN BURNING

Open burning is permitted only in the following instances:

(A) Outdoor Cooking / Grilling

(B) Camp Fires and Scouting Activities with Prior Approval from the town marshal

Burning of combustible materials in an adequate container is permitted only in the following instances:

- (A) The burning takes place at a distance of 10 or more feet from any combustible product, including buildings, automobiles or any structure.
- (B) The burning does not take place upon the sidewalk, streets, or on the ground in front of the building.

Burning of combustible materials and open burning are subject to the following restrictions:

- (A) Only wood and paper products shall be burned.
- (B) Fires shall be attended at all times until completely extinguished.
- (C) Fires shall be extinguished if the town marshal, his designee or the Swayzee Fire Dept. determines that they are a nuisance, fire hazard, or air pollution problem.
- (D) All burning of combustible materials in adequate containers described above must occur between during daylight hours only or comply with IDEM regulations.
- (E) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds or air stagnation.
- (F) No fire pits, burn piles, or open burns of any kind are allowed at a recognized town park other than the use of a grill or grilling device where the burn is used for the primary use of cooking/preparing food for consumption.

SECTION 6: FIRE PIT REGULATIONS

The use of fire pits will be allowed provided the following regulations are complied with;

- 1) For clarity, a fire pit includes a permanent below ground fire pit with barrier, a permanent grade level outdoor fireplace or a portable outdoor fireplace / burn barrel, all intended to contain and control outdoor wood fires.
- 2) Portable fire pits, constructed of steel, brick, or masonry, shall be used in accordance with the manufactures specifications ad safety guidelines and must be placed upon a non-combustible surface.
- 3) Only natural seasoned firewood or commercial logs may be burned.
- 4) The fires in fire pits shall be kept manageable and not to exceed the barrier or containment of such fire pit.
- 5) The use of the fire pit must be attended and supervised by a competent adult until the fire has been completely extinguished. A legal resident/tenant of a property may use a fire pit in accordance to this ordinance as long as the property owner or assigned management company grants written permission to the legal resident/tenant. The use of the fire pit must be attended and supervised by the legal resident/tenant until the fire has been completely extinguished.
- 6) A portable 10 pound ABC type fire extinguisher or other approved extinguishing equipment, such as a garden hose, bucket of sand, or dirt must be readily available.
- 7) The use of a fire pit which creates a hazardous or objectionable condition shall be prohibited. The code official is authorized to order the extinguishment of a fire in a fire pit creating a hazardous or objectionable condition.
- 8) The use of the fire pit shall not be located within under 10 feet of a structure or any combustible material. In no case shall the appliance be located directly under overhead combustible construction.

- 9) The use of the fire pit shall not cause any building fire alarm system to activate.
- 10) The use of a fire pit shall include common sense, respect for neighbors and neighborhoods.
- 11) The use of gas, or LP type fire pits and fire places are permitted but must follow the same regulations.

SECTION 7: IDEM COMPLIANCE

- (1) Open burning is not allowed in mobile home parks, apartment or condominium complexes or buildings of more than four dwelling units.
-



NUISANCE (G-2-1994)

An ordinance providing for the abatement of public nuisances within the Town of Swayzee, IN.

SECTION 1: NUISANCES

- (a) For the purpose of this code section, the word nuisances shall be defined as set forth in the Indiana Code IC 34-1-52-1, as follows:
- a. Whatever is injurious to health, or indecent, or offensive to the senses, or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance and the subject of action.
- (b) If any person maintains, uses, creates, causes, places, deposits, leaves, or permits a nuisance to be or remain on any property, that person violates this code section. The following list includes but does not limit the conditions constituting a nuisance under this code section:
- (1) Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals and lumber
 - (2) Any condition that could most likely provide a harborage of rats, mice, snakes and/or other vermin.
 - (3) Disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of those odors and stenches.
 - (4) Carcasses of animals or fowls, not disposed of within a reasonable time of death.
 - (5) Buildings, structures or other places and locations where any violation of Federal, State or Town law is conducted, maintained or performed.
 - (6) Accumulations of stagnant water.
 - (7) Refrigerators, stoves, dishwashers, washers/dryers or other indoor house hold appliances stored outside in public view, or in a dangerous manner unsecured.
 - (8) The storing of indoor furniture, outside in public view.
 - (9) Any building or other structure where is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or property of the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
 - (10) The unauthorized obstruction of any public street, road or sidewalk; and
 - (11) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial, waste or other substances / materials.

SECTION 2: ENFORCEMENT

- (c) If a nuisance exists within the Town of Swayzee, the town attorney, the nuisance abatement officer or the town marshal, acting as agent for the Swayzee Town Council, shall send a written notice by certified mail, registered mail, hand delivered, or posted upon the property in which that nuisance exists or to the person causing or maintaining the nuisance. The written notice shall be sent or posted at least 10 days before an action is commenced against the person to whom the notice was sent, unless the town attorney, town marshal or the nuisance abatement officer determines that an emergency requires that an action proceed without this notice.
- (d) Any person who violates any provision of this code section shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not less than \$25 and not more than \$2,500.

Each day a violation continues after an action has been commenced to abate that nuisance shall constitute a separate ordinance violation. No additional notice under this code section shall be required to initiate these separate actions once an action has been commenced against the person violating this code section.

- (e) In addition to acting under subsection (d) of this code section, the town attorney or the nuisance abatement officer may file suit in the name of the town against any person violating any provision of this code section to obtain injunctive relief to abate that nuisance.

If the property owner, landowner, or tenant fails to remove the nuisance items as defined within this ordinance, the Town of Swayzee shall remove the nuisance items at the expense of the property owner, landowner, or tenant. The town clerk must take a certified statement of the actual cost incurred by the town in removal. The statement must be delivered to the owner of the property by a law enforcement officer of the town, or by registered/certified mail and the property owner, landowner, or tenant shall pay the amount to the Town of Swayzee. If the property owner, landowner, or tenant fails to pay the amount within 10 days, after receiving the statement, a certified copy of the statement costs shall be filed in the office of the Grant County Auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the town. Any monetary value acquired from the removal or disposal of such items shall be deposited within the town's general fund.

- (f) The town clerk/treasurer shall issue a certified statement to the property owner at the address shown on record which shall include the administrative cost of \$20 plus the actual removal costs incurred by the Town by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100 and shall be shown by the records of the town clerk/treasurer.
-

CONTROL OF WEEDS (G-3-1994)

This ordinance serves as an amendment to the Indiana Code providing for the prevention and control of weeds as a public nuisance.

SECTION 1: WEEDS

- (b) The term real estate, as used in this code section, shall include the lot area, curtilage, lawn space, curb space and sidewalk area abutting that real estate.
- (c) Weeds and other vegetation allowed growth of a height of 9 or more inches, and all weeds and other vegetation which do not grow to a height of 9 inches or more after reaching the flowering state are a public nuisance.
- (d) No person shall fail to cut and remove from any real estate owned, leased or occupied by that person, all weeds or other rank vegetation declared a public nuisance under subsection (b) of this code section.

SECTION 2: ENFORCEMENT:

Upon request by the nuisance abatement officer or police department, the nuisance abatement officer shall issue a notice to any property owner in violation of this ordinance, which notice shall state that the owner has 5 days in which to remove the weeds or mow the property. This notice can be served by the nuisance abatement officer, Swayzee Police Department, certified or registered mail, or posted on said property and will only be on notice once per calendar year. The town reserves the right to maintain the posted property per 7 inches of growth after the first ordinance violation has been commenced in that calendar year.

If the property owner, landowner, or tenant fails to remove the vegetation within the time prescribed, the Town shall remove the vegetation at the cost of the property owner, landowner, or tenant. The Swayzee Town Clerk must take a certified statement of the actual cost incurred by the town in removal. The statement must be delivered to the owner of the property by a law enforcement officer of the town, or by registered, or certified mail and the property owner, landowner, or tenant shall pay the amount to the Town of Swayzee. If the property owner, landowner, or tenant fails to pay the amount within 10 days, after receiving the statement, a certified copy of the statement costs shall be filed in the office of the Grant County Auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the unit.

- (e) The town clerk/treasurer shall issue a certified statement to the property owner at the address shown on record which shall include the administrative cost of \$20 plus the actual removal costs incurred by the Town by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100 and shall be shown by the records of the town clerk/treasurer.
- (f) A person who violates any provision of this ordinance shall be fined upon conviction no less than \$50 and no more than \$250 per violation. Each day a violation occurs or continues constitutes a separate offense.

SPEEDING (P-2-2002)

An ordinance establishing vehicle speed in the Town of Swayzee, Indiana.

WHEREAS, the Town Council of Swayzee, IN has determined on the basis of an engineering and traffic investigation that the maximum speed permitted under IC 9-21-5-2 is greater or less than reasonable and safe under the conditions found to exist on town streets, except for SR.13;

AND WHEREAS, the Town of Swayzee, IN desires to determine and decalare reasonable and safe maximum speed limit on town streets except for SR. 13.

SECTION 1: SPEED LIMITS

That the maximum vehicle speed upon West Lyons Street from the west town limits to 3rd street, and from the east town limits to east end of the 900 block of East Lyons Street, shall be 35MPH, and for all of the remaining town streets, except SR13, shall be 25 MPH.

SECTION 2: FINES

Any person who violates this ordinance shall be deemed guilty of an ordinance violation and, upon conviction, shall be fined not more than \$100 and not less than \$50.

SWAYZEE TRAFFIC CODE (P-1-2004)

An ordinance amending the Swayzee Town Code by revising Traffic Regulations.

SECTION 1:

The Swayzee Town Code is amended as follows:

Section 9-4-1-34(a)(b)(c)(d) are amended by repealing the existing provisions, and by inserting the following provisions in their place, to wit:

9-4-1-34. STOP SIGNS & ONE WAY ALLEYS:

(a) The board hereby designates the following streets as preferential streets at the following intersections. All vehicles shall comply with the requirements of IC 9-21-1-2 and 9-21-1-3 by stopping traffic as required by signs posted under this code section.

TRAFFIC CODE

STOP STREET

All Streets

All Streets(except Washington)

Mark Street

Madison Street

W. Stewart Street

W. Cole Street

W. Adams Street

Second Street

Second Street

Third Street

Madison Street

Lincoln Street

W. Stewart Street

W. Cole Street

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

Stop For

PREFERENTIAL STREET

Washington Street

Lyons Street

Second Street

Second Street

Second Street

Second Street

Second Street

W. Mark Street

Clark Street

Clark Street

Third Street

Third Street

Third Street

Third Street

W. Adams Street	Stop For	Third Street
E. Grant Street	Stop For	N. Sims Street
E. Wilson Street	Stop For	N. Sims Street
N. Sims Street	Stop For	E. Lewis Street
East Street	Stop For	E. Lewis Street
East Street	Stop For	E. Wilson Street
N. Smith Street	Stop For	E. Wilson Street
E. Harrison Street	Stop For	N. Smith Street
N. Smith Street	Stop For	E. Wilson Street
Lavengood Street	Stop For	E. Harrison Street
E. Wilson Street	Stop For	Lavengood Street
E. Wilson Street	Stop For	Carter Lane
E. Harrison Street	Stop For	Carter Lane
S. Taylor Street	Stop For	Main Street
S. Smith Street	Stop For	Main Street
S. Sims Street	Stop For	Main Street
S. Sims Street	Stop For	E. Mark Street
S. Smith Street	Stop For	E. Mark Street
S. Sims Street	Stop For	E. Cole Street
E. Adams Street	Stop For	S. Sims Street
E. Stewart Street	Stop For	S. Sims Street

The Board designates the following intersections as 4-way stop intersections. All persons operating vehicles shall stop before proceeding through any such intersection.

4-WAY STOP

E. Harrison Street	&	N. Sims Street
S. Taylor Street	&	E. Mark Street

W. Lincoln Street & Second Street

W. Mark Street & Second Street

The board designates the following alleys as one-way alleys. All persons operating vehicles shall only travel one-way upon such alleys.

ONE-WAY ALLEYS

Alley between N. Washington and N. Sims Street, behind 210 & 214 N. Washington is one-way going South.

Alley beside town hall is one-way going East

Alley between N. Washington and N. Sims Street, and between East Lyons Street and East Grant Street, is one-way going East. (2008)

SECTION 2: *P-3-2006-1 Stopping At A Marked Intersection*

Whenever a stop sign is erected at or near an intersection, every driver of a vehicle shall come to a complete stop:

- (1) Parallel to the stop sign
- (2) Before a marked stop sign; or
- (3) Before a marked crosswalk; prior to cautiously entering into the intersection, unless traffic at such intersection is controlled by a Police Officer, in which every driver shall comply with the direction of the Police Officer. An Officer of the Swayzee Police Department may issue a citation for failure to comply with a stop sign within the corporate boundaries of the Town of Swayzee.

SECTION 3: *P-3-2006-2 Yielding At An Unmarked Intersection*

Whenever a stop sign is not present at an intersection or at a private road, driveway, alley or parking lot, a person who drives a vehicle that is about to enter or cross a highway or roadway from a private road, driveway, alley or parking lot shall yield the right of way to all vehicles approaching.

SECTION 4: *P-3-2006-3 Vehicles Shall Drive Only In The Designated Direction Of A One-Way Road*

A vehicle shall be driven upon a roadway designated and which a sign is posted for one-way traffic only in the direction designated.

SECTION 5: VIOLATION

Any person who violates this ordinance shall be fined not less than \$50 for each offense or more than \$100 for any single offense, plus court costs.

GOLF CARTS & OFF ROAD VEHICLES (P-3-2012)

An ordinance to provide for the operation of golf carts on the streets, roadways, intersections and alleys of Swayzee, Indiana.

WHEREAS, the State Legislature has adopted legislation IC 9-13-2-69.7 providing the authority and manner for the legislative body of a town to establish an ordinance governing the use of golf carts within the town limits and

WHEREAS, the Town of Swayzee considers it in the best interest of the town and public's safety to establish such an ordinance to regulate the operation of golf carts / off road vehicles on certain streets, roadways, intersections and alleys located within the town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SWAYZEE, INDIANA THAT:

SECTION 1: DEFINITIONS

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

- (a) **GOLF CART** – a vehicle with 4 wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor.
- (b) **DRIVER'S LICENSE** – a valid license, issued by the State of Indiana or any other state of the union, which lawfully provides for the operation of a motor vehicle.
- (c) **FINANCIAL RESPONSIBILITY** – liability insurance coverage on the golf cart in the amount not less than required applicable by Indiana Law for motor vehicles operated on public highways within the State of Indiana.
- (d) **OFF-ROAD VEHICLE** – ATV, UTV *to be used unanimously with “golf cart” throughout this ordinance.

SECTION 2: OPERATION OF GOLF CART

The operation of a golf cart within the Town of Swayzee is strictly prohibited under state law unless the town has established an ordinance. Therefore with this ordinance we declare that a golf cart may be operated within the town limits so long as it is registered, equipped and operated in full compliance with all of the terms and conditions set forth in the ordinance. *The term “off-road” vehicle will be used unanimously with “golf cart” throughout this ordinance. (2014)

SECTION 3: OPERATOR

Only persons over the age of 16 years of age who holds a valid driver's license may operate a golf cart upon the streets, roadways, intersections and alleys located within the town.

SECTION 4: FINANCIAL RESPONSIBILITY

The operator of a golf cart must be able to show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either by placing the same on the golf cart or via carrying by the operator of said golf cart at all times.

SECTION 5: TIME OF OPERATION

A golf cart may not be operated on the streets, roadways, intersections or alleys located within the town during darkness from dusk to dawn or during inclement weather, when headlights are necessary for other motor vehicles, unless the golf cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet.

SECTION 6: SLOW MOVING VEHICLE SIGN AND FLASHING LAMP

A golf cart operated on the streets, roadway, intersections or alleys within the town shall at all times display either a slow moving vehicle (SMV) sign on the rear of the vehicle (IC 9-21-9-3) or an amber flashing lamp in accordance with IC 9-21-9-4.

SECTION 7: OCCUPANTS

The number of occupants in a golf cart shall not exceed the number of persons for whom factory seating is installed. The operator of a golf cart and all occupants will remain seated in said factory seating at all times while the golf cart is in motion. No part of the person's body may stick outside of the golf cart.

SECTION 8: PLACE OF OPERATION

A golf cart may be operated on the streets, roadways, intersections and alleys of the Town of Swayzee. A golf cart may not, in any circumstances, be operated on sidewalks, grass right of ways, town parks, or private property (unless the owner of private property consents) or along state highways (SR13 A.K.A. Washington Street) within the Town of Swayzee. A golf cart may be operated through marked intersections to cross said state highways only (side streets crossing SR13 East & West ONLY). Golf carts must not be operated inside of the town parks at any time except during town approved festivals. A golf cart and off-road vehicle shall only cross SR13 and not traverse the actual highway.

SECTION 9: TRAFFIC AND PARKING RULES

The operator of a golf cart shall comply with all traffic and parking rules and regulations adopted by the Town of Swayzee and the State of Indiana which govern the operation of motor vehicles. **MUST BE 16 YEARS OLD WITH VALID OPERATOR'S LICENSE.**

SECTION 10: INSPECTION AND PERMITTING

The owner or lessee of a golf cart must obtain an inspection of the golf cart by the town marshal or his designate each year prior to the vehicle's operation within the Town of Swayzee. The inspection shall cost \$10 per golf cart inspection per year. The purpose of the annual inspection shall be to determine whether a golf cart is safe and in compliance with the terms and provisions of this ordinance and any other applicable laws of the State of Indiana. Said inspections shall include a review of the financial Responsibility associated with the golf cart. The police department will keep a record of inspections. Upon completion of an adequate inspection, the owner or lessee of a golf cart shall register the golf cart and obtain a permit for its operation from the Swayzee Police Department. The cost of the permit shall be \$10 per year. The permit will be valid that calendar year only. Registration tags shall be placed upon the rear most point of the vehicle and should be displayed in a location clearly visible.

SECTION 11: RECIPROCITY

This section applies to anyone bringing in a golf cart or off-road vehicle for the Swayzee Days Festival, Swayzee Rummage Days, Swayzee Farm Days, or any other Town recognized festival or fair held within the town limits.

- (a) Anyone bringing a golf cart or off-road vehicle into Swayzee for the above events must have a valid, current and visible permit belonging to another municipality within Grant County, Indiana.
 - (b) Operators of any golf cart or off-road vehicle shall abide by all sections of this ordinance at all times and are subject to enforcement actions, fines and penalties.
 - (c) The reciprocity shall be valid only during the hours of the recognized event and shall not exceed three consecutive days. Reciprocity will expire at the conclusion of the event and is only honored during the scheduled hours of the recognized events.
 - (d) Any violator of this section must register their golf cart or off- road vehicle with the Swayzee Police Department and have their vehicle inspected subject to annual fees. If they wish to continue its use and operation outside of the above limitations.
 - (e) There is no fee under this section so long as the above criteria are met.
-

ALARM SYSTEMS (P-1-2014)

WHEREAS, there are businesses and residences in the Town of Swayzee that utilize alarm systems, that require special response from the Swayzee Police Department. The agencies in question respond to protect and preserve the health, safety, and welfare of the occupants and/or properties of said businesses and residences as well.

WHEREAS, town council finds that said alarms frequently produce false and/or accidentally set alarms requiring Law Enforcement Agencies to provide responses when no situation of no emergency nature has actually developed.

WHEREAS, the concern over requiring the dispatch of county law enforcement agencies demands reasonable regulation of alarms in said businesses, residences, and/or automobiles, to protect the health and well-being of the citizens of the town.

WHEREAS, the town council desires to minimize and control the potential adverse effects of dispatching law enforcement agency units to non-emergency situations often during and to the exclusion of services rendered during actual emergencies which could reduce the welfare of the citizenry and inhibit law enforcement agencies from rendering aid to others in time of need.

WHEREAS, it is not the intent of the town council to suppress the right of all persons to provide for their increased security by owning, operating, installing, or having installed an alarm, but to enact a content neutral ordinance which addresses the secondary effects of said alarms such as repeated false and/or accidental alarms.

WHEREAS, it is the intent of the town council to provide law enforcement agencies a means by which responsibility for false alarms is born by those responsible for said alarms within the Town of Swayzee.

WHEREAS, the voluntary registration of alarm systems with the Swayzee Police Department allows them to handle the event in a more expedient and efficient manner resulting in less cost to the town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF SWAYZEE, INDIANA as follows:

ARTICLE 1

This ordinance shall be titled "Alarm Systems" and may be cited as such.

ARTICLE 2 PURPOSE

To establish required fees, encourage registration of alarm systems, and to provide penalties for violations of said ordinance and to encourage security alarm users and alarm businesses (sales, installations, customer service and/or monitoring) to maintain responses to alarms by the town law enforcement agency.

ARTICLE 3 DEFINITIONS

“ALARM AGENT” - any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on or in any building structure, facility, or grounds any alarm system.

“ALARM BUSINESS” – any individual partnership, corporation, or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, altering, replaces, moves, or installs any alarm system or caused any of the above mentioned.

“ALARM SYSTEM” – any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility, or grounds or for alerting others on the commission of an unlawful act within a building, structure, facility, or grounds, which when activated causes notification to be made directly or indirectly to law enforcement agencies.

For the purpose of this article, the following shall be considered exempt:

- (1) An alarm installed on a motor vehicle
- (2) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

“ALARM NOTIFICATIONS” – a notification intended to summons a law enforcement agency, which is designed either to be initiated purposely by a person or by an alarm system that responds to an unlawful entry, attempted entry, or any other unauthorized intrusion.

“ALARM SITE”- a single premises or location serviced by an alarm system.

“PANIC ALARM” – any device that is designed or intended to be manually activated by a person, whether in a business, residence, or automobile, who has encountered an actual or perceived emergency situation.

“AUTOMATIC DIALING DEVICE” – any device that is designed or intended to automatically dial, via telephone lines, any law enforcement agency and report an emergency such as a burglary or hold up.

“REMOTE ALARM REPORTER” – any device that is designed or intended to provide an audible response in the event of a burglary/holdup, to a remote site.

“FALSE ALARM NOTIFICATION” – any alarm notification, whether direct or indirect, to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted offense.

ARTICLE 4 REGISTRATION

Registration shall be on the form provided by the Swayzee Police Department and registration shall remain on file with the agency only.

There is no fee required in the issuance of an alarm registration.

Any alarm system registration issued pursuant to this article shall be valid for a term of two years commencing the date of the issuance.

An alarm system registration issued pursuant to this article shall be personal to the registration holder for a specific location and is not transferable.

ARTICLE 5 PROHIBITED ACTIVITY & FINES

It shall be unlawful for a person who owns or controls property on which an alarm system is installed to issue, cause to be issued, or allow the issuance of more than two false alarms in a calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within 30 days after installation of the alarm.

Fines will be established as follows plus Court Costs:

	<u>REGISTERED</u>	<u>NON-REGISTERED</u>
1. First two non-exempt false alarms	Written Warning	Written Warning
2. Third non-exempt false alarm	\$15	\$25
3. Fourth	\$30	\$50
4. Fifth	\$60	\$80
5. Sixth	\$90	\$125
6. Seventh or greater non-exempt false alarms	\$150	\$250

In addition to the penalties provided for in this section, any act or any person, firm or corporation who continuously, knowingly or intentionally violates any provisions of this ordinance is hereby declared to be a nuisance and all remedies applicable to a nuisance, both public and private, including but not limited to, injunctions and damages are hereby preserved.

ARTICLE 6 ENFORCEMENT

It shall be the duty of the Swayzee Police Department to enforce this ordinance. Any person violating any provisions of this ordinance shall be subject to fines and costs as specified within this ordinance.

Violators of this ordinance shall be served a written notice of the violation (Complaint and Summons) either in person or by any other manner reasonably calculated to result in actual notice, including certified mail.

ARTICLE 7 COLLECTION OF FINES

All fees and violation fines collected from this ordinance shall be deposited in the local law enforcement continuing education fund established under IC 5-2-8-2.

FIREWORKS

An ordinance regulating the use of consumer fireworks within the corporation limits of Swayzee.

SECTION 1: ORDINANCE

- (1) The use of consumer fireworks within the Town of Swayzee shall be prohibited and it shall be a violation of this ordinance to use, ignite or discharge any type of consumer or homemade firework, as defined by IC 22-11-14. The above prohibition shall not apply to the following:
 - a. Between the hours of 5pm and two hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th, July 9th, and;
 - b. Between the hours of 10am and 12 midnight on July 4th; and
 - c. December 31st between the hours of 10am and 1am on January 1st.
- (2) The lawful use or discharge of consumer fireworks on the times and dates stated shall only take place:
 - a. Upon property of the person using or discharging the fireworks,
 - b. On the property of one who gives consent to use and discharge fireworks; and
 - c. In a safe manner by a responsible adult over the age of 18 years of age, or under the supervision of a responsible adult over 18 years of age.
- (3) At no time, shall fireworks be ignited, discharged or used at any town park unless approved by the town council for a recognized town function.

SECTION 2: VIOLATION & PENALTY

A person who violates any condition of the above section constitutes an ordinance violation and upon conviction shall be fined no less than \$50 and no more than \$500.

TRANSIENT MERCHANT

An ordinance regulating solicitation by transient merchants in the Town of Swayzee.

SECTION 1: DEFINITIONS

IC 25-37-1-2 "Transient merchant" defined

"Transient merchant", when used in this chapter, includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1) locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term does not include the following:

- (1) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;
- (2) a person who makes crafts or items by hand and sells them or offers them for sale;
- (3) an auctioneer who is licensed under IC 25-6.1;
- (4) a resident of the county in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;
- (5) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;
- (6) a person who:
 - (A) sells merchandise;
 - (B) offers to sell merchandise; and
 - (C) provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (5);
- (7) a person who:
 - (A) organizes;
 - (B) sells merchandise at;
 - (C) offers to sell merchandise at; or
 - (D) exhibits at;a trade show or convention;

(8) except as provided in section 15 of this chapter, a person who holds a registered retail merchant's certificate under IC 6-2.5-8.

SECTION 2: ORDINANCE

The Town of Swayzee hereby taxes, licenses, and regulates transient merchants and charges a fee for the transaction of business by transient merchants within the town limits of Swayzee, Indiana and provides for the punishment of persons violating this ordinance.

Each transient merchant shall obtain a permit from the town clerk-treasurer's office prior to engaging in business by paying a licensing fee in the amount of \$25 per week. (A week shall consist of seven consecutive calendar days commencing on the day of issuance of the license). This fee shall be paid in full prior to the issuance of the license. Such fee shall be deposited into the town's general fund account.

No person shall accompany a transient merchant during the transaction of business unless that person has obtained a permit under this ordinance.

All transient merchants and solicitors shall display on their person identification which clearly states their name and the organization in which they belong and are affiliated in the transaction of business.

No transient merchant shall enter upon property in the Town of Swayzee on which a sign or notice stating "NO SOLICITORS" or any words reflecting the nature.

All transient merchant applicants shall provide valid and current identification to which the town clerk/treasurer shall keep a copy with the application. Honored forms of identification shall include: state driver's license, state identification card or passport.

Transient merchants are prohibited from soliciting within the Town of Swayzee on Sundays and Holidays.

Holidays are to include the following:

New Years Day, Martin Luther King Jr. Day, President's Day, Valentines Day, Thanksgiving Day, Christmas Eve, and Christmas Day.

The permitted hours for transient merchants with a permit shall only consist of the following:

Between 10am – 5pm local time.

SECTION 3: PENALTY

Any person or persons who are in violation of this above ordinance shall, upon conviction, be guilty of an ordinance violation and be fined a sum of \$100 each day that a violation occurs.

**AN ORDINANCE TO ESTABLISH AN ORDINANCE
VIOLATIONS BUREAU AND SCHEDULE OF ORDINANCES
SUBJECT TO ADMISSION OF VIOLATION**

WHEREAS, the State Legislature has adopted legislation IC 33-36-2-1 providing the authority and the manner for the legislative body of a town to establish an Ordinance Violations Bureau; and

WHEREAS, the Town of Swayzee considers it in the best interest of the town to establish such a bureau for the acceptance of appearances of waivers of trial, admissions of certain ordinance violations and the payment of civil penalties of \$250 or less; and,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SWAYZEE, INDIANA, THAT:

SECTION 1: There shall be created an Ordinance Violations Bureau for the Town of Swayzee.

SECTION 2: The town clerk-treasurer is appointed and shall administer the bureau. All fines collected will be receipted and accounted for by the clerk-treasurer. Proceeds from the bureau shall be placed into the Law Enforcement Continuing Education Fund. The officers of the police department are duly authorized to issue uniform tickets (in the same form as the uniform traffic tickets now in the use for traffic violations) upon having good cause to believe a violation of an ordinance listed herein has occurred.

SECTION 3: The town clerk-treasurer, deputy clerk, town marshal, chief deputy or a designee, shall be authorized to accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as provided below. Payment of civil penalties may be made in person by cash or check, or through mail by certified check or money order.

SECTION 4: The following schedule of ordinances and Swayzee Town Code provisions shall be subject to the jurisdiction of the Ordinance Violations Bureau, and violations of said ordinances and code provisions shall be subject to the civil penalty set forth:

<u>CODE/ORDINANCE#</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>FINE AMOUNT</u>
G-1-1994	LITTERING	
	1 ST OFFENSE	\$50
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
G-2-1994	PUBLIC NUISANCE 1 ST OFFENSE	\$50

	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
G-3-1994	CONTROL OF WEEDS 1 ST OFFENSE	\$50
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
G-4-1994	ABANDONED VEHICLES	\$50
G-1-1998	OPEN BURN	
	1 ST OFFENSE	\$50
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
G-2-2000	PARKING IN NO PARKING ZONE	\$50
P-2-2002	SPEEDING	
	1-10 MPH OVER	\$50
	11-20 MPH OVER	\$65
	21-30 MPH OVER	\$80
	+31 MPH OVER	\$100
P-1-2006	ANIMAL CONTROL VIOLATION	
	1 ST OFFENSE	\$75
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150

	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
P-1-2008	NOISE CONTROL	
	1 ST OFFENSE	\$50
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
P-3-2012	GOLF CART/OFF-ROAD VEHICLE VIOLATION	
	1 ST OFFENSE	\$25
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$75
	4 TH + OFFENSE	\$100
P-6-2012-1	FAILURE TO STOP AT POSTED STOP SIGN	\$50
P-6-2012-2	FAILURE TO YIELD AT POSTED YIELD SIGN	\$50
P-6-2012-3	WRONG WAY STREET OR ALLEY	\$50
P-7-2019	USE OF CONSUMER FIREWORKS	
	1 ST OFFENSE	\$50
	2 ND OFFENSE	\$100
	3 RD OFFENSE	\$150
	4 TH OFFENSE	\$200
	5 TH OFFENSE	\$250
25-31-1-11	SOLICITATION BY TRANSIENT MERCHANTS	\$100

SECTION 5: Persons charged with an Ordinance Violation shall have (14) days from the issuance of the violation citation to pay the fine prior to the paperwork being transferred to the court. Once the paperwork is transferred to the court, the fines have to be paid through the court during their normal business hours. Each day that a violation occurs shall constitute a separate violation. Once transferred to the court, all violations, fines and penalties are subject to court cost.

NOTE* Costs above, are subject to added court costs once filling has transferred and taken place.

Contact the Swayzee Town Marshal or Town Clerk-Treasurer to see which Court to contact.

SECTION 6: Nothing in this ordinance shall be constituted to limit the rights of trial to a person charged with an ordinance violation. If a person charged with an ordinance violation wants to exercise their right to trial, the ordinance violation will be sent to the designated court and heard by the judge of said court.

SECTION 7: SEVERABILITY

If any part of this ordinance as a whole shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this ordinance.

--END



THE ONLY
SWAYZEE
IN THE WORLD

*APPLICATION FOR PEDDLER'S PERMIT OF TRANSIENT MERCHANTS
TOWN OF SWAYZEE, INDIANA*

NAME: _____ DATE: _____

PERMANENT RESIDENTIAL ADDRESS OF
APPLICANT: _____

PHONE NUMBER _____ DOB _____

SSN _____ HEIGHT: _____ WEIGHT: _____

HAIR COLOR: _____ EYE COLOR _____

EMPLOYER NAME: _____ PHONE: _____

EMPLOYER
ADDRESS: _____

ITEMS, PRODUCTS, SERVICES BEING SOLICITED:

SUPERVISOR NAME, ADDRESS, PHONE
NUMBER: _____

DATES FOR SOLICITATION: _____

PAYMENT (\$25) METHOD: _____ PAID Y / N

SIGNATURE: _____

DATE: _____

*APPLICATION FOR PEDDLER'S PERMIT OF TRANSIENT MERCHANTS
TOWN OF SWAYZEE, INDIANA*

AUTHORIZATION TO RELEASE INFORMATION:

I, _____, AM AN APPLICANT FOR A PEDDLER'S PERMIT FOR THE TOWN OF SWAYZEE. IN ORDER TO PROCESS MY APPLICATION, CERTAIN INFORMATION MUST BE MADE AVAILABLE TO THE BOARD OF WORKS AND SAFETY & CITY CONTROLLER'S OFFICE. THIS INFORMATION IS FOR MY BENEFIT. I HEREBY AUTHORIZE, REQUEST AND DIRECT LAW ENFORCEMENT OFFICIALS, WHEREVER SITUATED, TO RELEASE THE BOARD OF WORKS AND SAFETY, CITY CONTROLLER'S OFFICE OR ANY AGENT DESIGNATED BY THEM, ANY DOCUMENT, INFORMATION, RECORD OR FILE, CONCERNING ANY ARREST OR CONVICTION I MAY HAVE REGARDING A CRIMINAL OFFENSE. SAID INFORMATION CAN BE FURNISHED IF THE REQUEST THEREFORE IS MADE IN PERSON OR IN WRITING.

FURTHER, I RELEASE ALL OF SAID INDIVIDUALS OR ORGANIZATIONS FROM ALL LIABILITY TO ME THAT COULD ARISE IN ANY AND ALL LEGAL COMMUNICATIONS PRIVILEGES THAT I COULD CLAIM.

FURTHER, I APPOINT ANY AGENT DESIGNATED BY THE CITY CONTROLLER'S OFFICE OR BOARD OF WORKS AND SAFETY AS MY AGENT AND ATTORNEY-IN-FACT FOR THE SOLE PURPOSE OF COLLECTING THE INFORMATION NECESSARY FOR PROCESSING MY APPLICATION. I FURTHER DIRECT THAT HE/SHE BE PERMITTED TO INSPECT ALL OF SAID FILES AND INFORMATION, AND BE PERMITTED TO MAKE COPIES AT HIS/HER DISCRETION. THIS REQUEST CAN BE TREATED AS IF I WERE MAKING THE REQUEST IN PERSON.

A COPY OF THIS RELEASE AUTHORIZATION IS TO BE CONSIDERED AS LEGALLY BINDING AS THE ORIGINAL.

DATED: _____

SIGNED: _____

SUBSCRIBED AND SWORN BEFORE ME, _____

THE _____ DAY OF _____, 20____.

NOTARY PUBLIC _____

SEAL

APPLICATION FOR PEDDLER'S PERMIT OF TRANSIENT MERCHANTS
TOWN OF SWAYZEE, INDIANA

PROCEDURES

THIS PEDDLER'S PERMIT OF TRANSIENT MERCHANTS ISSUED TO THE INDIVIDUAL SIGNING BELOW AND THE COMPANY HE/SHE REPRESENTS IS A PRIVILEGE EXTENDED BY THE TOWN OF SWAYZEE, INDIANA AND MAY BE REVOKED AT ANY TIME BY THE BOARD OF PUBLIC WORKS AND SAFETY OR ITS DESIGNEE. THE INDIVIDUAL SIGNING BELOW, BY THAT ACTION, AFFIRMS HE/SHE HAS NOT BEEN CONVICTED OF A MISDEMEANOR, OTHER THAN A MINOR TRAFFIC VIOLATION, OR A FELONY. THE COMPANY REPRESENTS, BY ITS LOCAL REPRESENTATIVE'S SIGNATURE THAT APPROPRIATE POLICE CHECKS HAVE BEEN MADE ON ALL INDIVIDUALS CANVASSING IN THIS AREA AND NO MISDEMEANORS, OTHER THAN MINOR TRAFFIC TICKETS, OR FELONIES HAVE BEEN DISCOVERED.

1. THIS PERMIT IS ISSUED ONLY FOR THE TOWN OF SWAYZEE, INDIANA AND DOES NOT COVER ANY AREA OUTSIDE OF THE CORPORATE BOUNDARIES OF THE TOWN.
2. HOURS PERMITTED ARE ONLY FROM 10AM – 5 PM LOCAL TIME, MONDAY-SATURDAY. HOLIDAY SOLICITING IS STRICTLY PROHIBITED.
3. ANY COMPLAINT ABOUT A TRANSIENT MERCHANT OR PEDDLER WILL BE REPORTED TO THE LOCAL SUPERVISOR FOR APPROPRIATE ACTION.
4. TWO COMPLAINTS FROM THE GEOGRAPHICAL AREA OF A TRANSIENT MERCHANT OR PEDDLER WILL RESULT IN THAT PARTICULAR PERMIT BEING REVOKED.
5. FIVE COMPLAINTS FROM ANY OR ALL GEOGRAPHICAL AREAS WILL RESULT IN ALL PERMITS BEING REVOKED.
6. ALL COMPLAINTS WILL BE REPORTED TO THE COMPANY.
7. NO RETURN OF PERMIT FEES WILL BE MADE FOR REVOKED PERMITS.
8. ANY MISREPRESENTATION OR FALSEHOOD IN CONNECTION WITH THIS APPLICATION WILL RESULT IN THIS PERMIT BEING DENIED OR REVOKED.

APPLICANT SIGNATURE: _____ DATE: _____

DATE PERMIT ISSUED: _____ VALID DATES OF PERMIT: _____

ISSUING AUTHORITY: _____

DATE OF REVOCATION: _____

REVOKING AUTHORITY _____