

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ABANDONED VEHICLES

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§ 90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY. Any real property within the town which is not a street or highway.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. 171, passed 6-6-66)

§ 90.02 ABANDONMENT OF VEHICLES PROHIBITED.

No person shall abandon any vehicle within the town and no person shall leave any vehicle at any place within the town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(Ord. 171, passed 6-6-66) Penalty, see § 90.99

§ 90.03 LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET PROHIBITED.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the town.

(Ord. 171, passed 6-6-66) Penalty, see § 90.99

§ 90.04 DISPOSITION OF WRECKED OR DISCARDED VEHICLES.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the town for a longer time than 24 hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. 171, passed 6-6-66) Penalty, see § 90.99

§ 90.05 IMPOUNDMENT OF VEHICLES.

The Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, or any person designated by them, are hereby authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this chapter or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with state law.

(Ord. 171, passed 6-6-66; Am. Ord. 277, passed 9-11-89)

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and shall be fined in an amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 171, passed 6-6-66)

Cross-reference:

Ordinance Violation Bureau penalties, see § 36.04

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS**§ 91.01 DEFINITIONS.**

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

ABANDONMENT. To deposit, leave, drop off or otherwise dispose of any live domestic animal without providing immediate human care on any public or private property.

A.D.B.A. American Dog Breeders Association.

AGENT. Person or persons 18 years or older authorized by an owner to act in the owner's behalf.

A.K.C. American Kennel Club.

ALTERED ANIMAL. Any animal that has been operated on to prevent it from procreating.

ANIMAL. Any live non-human vertebrate creature, domestic, wild or exotic.

ANIMAL CARE FACILITY. An agency charged with housing animals picked up in violation of this chapter.

ANIMAL CONTROL COMMISSION. The Town Council.

ANIMAL CONTROL OFFICER. Persons authorized to carry out the provisions of this chapter.

ANIMAL SHELTER. A facility operated by the town or any facility operated by a humane society, or facility operated by authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

AT-LARGE. Any animal that is not under restraint. IC 15-2.1-21-8 addresses recklessly permitting a domestic animal to run at large and defines it as a Class B misdemeanor.

ATTACK DOGS. Dogs trained to attack upon command or those who have been trained to attack.

AUCTIONS. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter or state law.

BITE. To seize or cut with the teeth.

BREEDER. Any person or for-profit business or corporation which harbors dogs and allows or causes those dogs to procreate for the purpose of selling said offspring.

CIRCUS. Includes performances given by traveling companies on vacant lots with tents, or some other kind of temporary enclosure, where performances are given for a fee. Performances may include, but are not limited to: trained animal acts, races, feats of horsemanship, acrobatics, strength, trapeze acts or clowns. Circuses and carnivals are also subject to the licensing provisions set forth in § 91.46.

CRIMINAL TRESPASS. As defined in IC 35-43-2-2, means a person who:

- (1) Not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or his agent;
- (2) Not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or his agent;
- (3) Accompanies another person in a vehicle with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) Knowingly or intentionally interferes with the possession or use of the property of another person without his consent;
- (5) Not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without his consent; or
- (6) Knowingly or intentionally:
 - (a) Travels by train without lawful authority or the railroad carrier's consent; and
 - (b) Rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent.

DOMESTIC ANIMAL. As defined in IC 15-2.1-2-15, means any animal that is a member of one of the following species:

Dog (Canis Familiaris)	Mouse (Mus Musculus)
Cat (Felis Cattus or Felis Domesticus)	Rat (Rattus)
Cattle (Bos Domesticus or Bos Taurus or Bos Indicus)	Guinea Pig (Cavis Procellus)
Horse (Equus Caballus)	Chinchilla (Chincilla Langier)
Donkey (Equus Asinus)	Hamster (Mesocricetus Auratus)
Pig (Sus Scroffa)	Gerbil (Gerbillus)
Sheep (Ovis Aries)	Mink
Goat (Capra Hicus)	Cow or Ox (Bovine)
Rabbit (Oryctolagus Cuniculuc)	Ferret

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish and fur bearing animals commercially bred for the furrier trade and birds defined under federal regulations, and non-poisonous snakes and reptiles.

EXPOSED TO RABIES. Any human or non-human warm blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

FIGHT. A conflict between two or more animals but does not include a conflict that is unorganized or accidental. IC 35-46-3-4 defines "animal fighting contests."

POWL. Any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots or similar types of birds kept in cages.

GUIDE DOGS. Dogs trained to assist the handicapped.

HARBORING. The actions of any person that permit any animal habitually to remain or ledge or to be fed within his home, store, enclosure, yard or place or business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

HUMANE OFFICER. Any person and/or agency designated by the State of Indiana, Kosciusko County or the Town of Mentone, as the person who is qualified to perform the duties required by the law of this town and state regarding animals.

K-9 PATROL DOGS OR POLICE DOGS. A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

KENNEL. Any premises wherein any person engages in the business or boarding, breeding, buying, letting or keeping of more than three dogs for hire, training for fee, or selling, and which is zoned for such commercial purpose.

LEASH. A cord, chain, rope, strap or other such physical restraint.

MUZZLE. A device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

NIP. To pinch or squeeze with teeth with no breaking of skin or tissue.

OWNER. Any person 18 years or older owning or harboring one or more animals.

PERFORMING ANIMAL EXHIBITION. Any spectacle, display, act or event other than circuses in which performing animals are used.

PET. Any animal kept for pleasure rather than utility.

PET SHOP. Any person, group of persons, partnership or corporation whether operated separately or in connection with another business enterprise.

POTENTIALLY DANGEROUS DOG. Any dog that when unprovoked: inflicts bite(s) on a human, or has a history documented with a public agency of biting or attacking humans or domestic animals, but shall not include K-9 patrol dogs or police dogs, or an animal specifically "attack trained" or a guard or watch dog.

PUBLIC NUISANCE. Any animal or animals which:

- (1) Interferes with passersby or passing vehicles;
- (2) Attacks other animals or persons;

- (3) Is at-large;
- (4) Damages private or public property;
- (5) Causes frequent or long continued noises or other sounds common to its species which disturbs the comfort and repose of any person in the immediate neighborhood;
- (6) Causes foul or noxious odors which offend residents in the neighborhood; or
- (7) Trespasses on the private property of persons other than the owner of the dog.

RABIES VACCINATION. The injection, by a licensed veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.

RESTRAINT. The securing of an animal by a leash or securely confining it within the real property limits of its owner or agent.

RIDING SCHOOL OR STABLE. Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, greased pig contest, or bull riding.

STRAY. Any animal that is not under restraint and upon reasonable inquiry by a humane officer does not appear to have an owner.

U.K.C. United Kennel Club.

UNCONFINED POTENTIALLY DANGEROUS DOG. A potentially dangerous dog which is not securely confined indoors, or not under restraint, or not confined indoors, or not under restraint, or not confined in a securely enclosed and locked pen or structure upon the premises of the owner or agent of such dog.

UNPROVOKED. Without provocation, lacking provocation, incitement or stimulation.

U.S.D.A. United States Department of Agriculture.

VETERINARIAN. Any person licensed and accredited to practice veterinary medicine in the State of Indiana.

VICIOUS ANIMAL. Any animal that has, without provocation, attacked a human being or other animal, or an animal that by its behavior constitutes an immediate and serious physical or health threat to human beings or animals, or any animal which has previously attacked or bitten any human being or other animal on two or more reported occasions, or any potentially dangerous dog.

WILD ANIMAL. Any animal not a domestic or exotic animal, with the exception of small, non-poisonous aquatic or amphibious animals and small cage birds, which are normally found in a wild state.

ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel displaying or exhibiting one or more species or non-domesticated animals operated by a person, partnership, corporation or governmental agency and is properly zoned for such use.

(Ord. 312, passed 7-3-95)

Editor's Note:

IC 15-2.1-2-15 and IC 15-2.1-21-8 are repealed by 2008 Public Law 2, § 83

§ 91.02 PUBLIC NUISANCES.

No person shall own or harbor a public nuisance as defined in this chapter. The animal control officer may take steps immediately to correct the situation either through issuance of a citation or impounding the animal if no owner or agent can be found at the time of disturbance.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.03 INTERFERING WITH ENFORCEMENT.

No person shall interfere with an animal control officer in the pursuit of his or her duties as such officer.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.04 BITING ANIMALS.

(A) The person responsible for any animal which has bitten a person must report the incident to the animal control shelter. Upon receiving the report, the animal shall be quarantined for ten days with the place of confinement to be within the discretion of an animal control officer. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

(B) Except when necessary to preserve the animal for examination or for the protection of a person, no person other than an animal control officer shall kill or cause to be killed any animal which has bitten a human within the preceding ten days.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

ANIMAL CARE REGULATIONS

§ 91.15 SHELTER, FOOD AND WATER.

(A) No person shall confine or allow an animal to remain outside without access to appropriate shelter from the elements.

(B) All animals shall have fresh, potable drinking water and shall be provided with food that is nutritional for that species.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.16 HITCHING OR TYING.

No animal shall be restrained outside the immediate presence of its owner by any rope, chain or cord that is directly attached to the animal's neck or choke collar. Animals that must be so restrained must wear a properly fitted collar or harness with the tying device properly attached to it.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.17 VACCINATION; MEDICAL CARE.

(A) Cats and dogs over the age of six months must be vaccinated by a licensed veterinarian against rabies, and must wear a tag at all times attached to a properly fitted collar or harness.

(B) All animals shall be provided with necessary medical care in addition to the required rabies vaccination.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.18 SANITATION.

(A) Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from the property of another. This paragraph shall not apply to a blind person accompanied by a guide dog.

(B) The area of confinement of an animal shall be kept in a sanitary manner. The persons responsible for the animal shall maintain all animal areas as necessary to prevent odor and health or sanitation problems.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.19 WILD, FARM OR EXOTIC ANIMALS.

No wild, farm or exotic animal shall be kept within the town.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.20 RESTRAINT.

All animals shall be properly restrained as defined in this chapter.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.21 CRUELTY; ABANDONMENT.

(A) No person shall abuse, beat, cruelly treat, neglect, torment, overload or overwork an animal.

(B) Animals found in cruel, abusive or neglectful situations may be impounded. A person may reclaim an animal in the custody of the animal control shelter upon providing proof of ownership and payment to the animal control shelter of redemption and service and medical fees. Animals not claimed

within 72 hours shall become the property of the animal control shelter and may be placed for adoption or humanely euthanized.

(C) No person shall abandon or cause to be abandoned any animal anywhere within the town limits. (Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.22 POISONOUS BAIT.

No person shall set any type of poisonous substance or bait for the purpose of poisoning any domestic animal.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.23 MOTOR VEHICLE CAUSED INJURIES.

Any person operating a motor vehicle who causes injury or death to an animal shall immediately notify the owner or animal control shelter of the location of the animal.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.24 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the conditions in the vehicle would constitute a health hazard to the animal.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.25 ANIMALS IN HEAT.

Every female dog or cat in heat shall be confined in a secure building or enclosure so as to prevent conception, except during instances of planned breeding.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.26 PUPPIES AND KITTENS.

No puppy or kitten which is under the age of eight weeks may be offered for sale, trade or be given away. A puppy or kitten, or litter or litters, less than eight weeks of age may be taken to the animal control shelter.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.27 DESTRUCTION OF ANIMALS.

No person may destroy any domestic animal within the town limits, excepting only the following:

(A) Animal control officers;

(B) Licensed veterinarian;

(C) Persons acting in immediate self-protection; and

(D) Police officers.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

§ 91.28 LOST OR STRAY ANIMALS.

Persons finding a stray animal shall immediately notify the animal control shelter and surrender the animal to an animal control officer. At the discretion of an animal control officer, the animal may be kept by the finder to enable the finder an opportunity to return the animal to its rightful owner.

(Ord. 312, passed 7-3-95) Penalty, see § 91.99

DOGS

§ 91.40 RUNNING AT LARGE PROHIBITED.

The owner or keeper of any dog within the town is hereby required to restrain such dog from running at large, and it shall be unlawful to suffer or permit any dog to run at large on any of the streets, alleys, sidewalks, public places or public grounds within the limits of the town.

(Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.41 IMPOUNDMENT OF DOGS AT LARGE.

It shall be the duty of the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, to take into custody any dog found to be roaming the streets and/or alleys, or other public places unattended by the owner, the owner's agent or custodian, and to place such dog in the town dog pound.

(Ord. 249, passed 4-2-84; Am. Ord. 277, passed 9-11-89)

§ 91.42 RABIES IMMUNIZATION REQUIRED.

It shall be unlawful for any person to harbor any dog which is over the age of six months and which is not presently immunized against rabies.

(Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.43 ALLOWING DOGS TO INJURE HUMAN BEINGS PROHIBITED.

No person shall harbor a dog which is over six months of age and is not immunized against rabies and allow such dog to run loose, with the result that bodily injury is inflicted upon a human being.

(Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.44 SPREAD OF DISEASE; SPECIAL PROCLAMATION.

Whenever the President of the Town Council may apprehend that there is danger of the existence or spread of hydrophobia or other dangerous disease within the town, he shall issue a proclamation ordering and requiring all persons owning, possessing or harboring any member of the canine family within the limits of the town to:

(A) Confine or muzzle such animal for a term of not less than 30 days, nor more than 90 days following the date of such proclamation;

(B) Cause such uninoculated animal to be inoculated with antirabies serum by a registered veterinary surgeon;

(C) Cause such animal to be effectively secured and muzzled during the period of the proclamation so as to prevent the animal from biting humans and other animals.
(Ord. 249, passed 4-2-84)

§ 91.45 DESTRUCTION OF RABID DOG.

Any member of the canine family which may be found in violation of the provisions of the proclamation issued pursuant to § 91.04 shall be destroyed by order of the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana.
(Ord. 249, passed 4-2-84; Am. Ord. 277, passed 9-11-89)

§ 91.46 POTENTIALLY DANGEROUS DOGS.

(A) If a person owns or harbors a potentially dangerous dog, or in the event that any dog commits an act or acts which define a dog as a "potentially dangerous dog" (see definition in § 91.01) the owner shall have 48 hours from acquiring ownership or from the time the owner harbors a potentially dangerous dog or from the incident which triggers the applicability of the definition of a potentially dangerous dog to report the incident to the Mentone Police Department.

(B) The owner of a potentially dangerous dog shall apply to the Clerk-Treasurer's Office or the town's duly authorized third party for the licensing of the dog. The application shall be on a form provided by the Clerk-Treasurer's Office or the town's duly authorized third party and shall be accompanied by all of the following:

(1) Verification of the owner's name and current address by way of providing a photostatic copy of his or her driver's license;

(2) Proof that the applicant owns said dog;

(3) One copy of a registration certificate issued for said dog by the U.K.C., A.K.C. and/or A.D.B.A., if available;

(4) One copy of the current immunization and health records for said dog;

(5) Proof that the applicant has insurance coverage of not less than \$300,000 for any injury, damage or loss caused by said dog;

(6) Two photographs of said dog taken not more than one month before the date of the application. One photograph shall be a front view of the dog, and one photograph shall be a side view of said dog;

(7) If the dog was previously licensed under this chapter, the name and address of any previous owner and the number of the most recent license assigned to said dog;

(8) A licensing fee of \$25; however, in the event that an application for license is made after September 1 of each year, the fee shall be prorated to one-half of the yearly license fee.

(C) If the Clerk-Treasurer's Office or the town's duly authorized third party is satisfied of all of the following, said dog shall be licensed if:

(1) The applicant is the owner or agent of the dog;

(2) The applicant is 18 years of age or older;

(3) The applicant agrees to inform the Clerk-Treasurer's Office of any notice or cancellation of the required liability insurance within 48 hours of such notice or cancellation;

(4) The applicant agrees to inform the City Clerk-Treasurer's Office of any change of address, or change of ownership of said dog; and

(5) The applicant meets the other requirements under this section for licensing.

(D) Upon licensing of a dog not previously licensed under this chapter the Clerk-Treasurer's Office or the town's duly authorized third party shall assign a specific license number of ownership to said dog, without duplication, which number shall be tattooed on the inside and through the skin of a rear leg of said dog at the initial time said dog is licensed under this chapter. No further tattoos shall be required upon renewal of said license. All licenses issued under this chapter shall expire January 31 of each year. The tattooing shall be done by a veterinarian and shall be made by the use of permanent tattoo ink. The tattoo shall not be less than one inch long and not less than 1/4 inch high. The Clerk-Treasurer's Office or the town's duly authorized third party shall issue to the owner or agent of said dog a license or permit in written form which includes the number of the license or permit, type of license or permit, date of issuance and date of expiration. Additionally, a durable tag stamped with the license or permit number and year of issuance shall be given along with a sign stating "BEWARE - POTENTIALLY DANGEROUS DOG", which sign must be prominently and conspicuously displayed by the owner of said dog where said dog is harbored and clearly visible from the street or alley immediately adjacent thereto.

(E) The Clerk-Treasurer's Office or the town duly authorized third party shall keep a permanent record of the name and address of the owner or agent of each such dog licensed under this chapter and the number of ownership, name, breed, sex, color and two photographs of each such dog so licensed. The Clerk-Treasurer's Office and/or the town's duly authorized third party shall furnish to any law enforcement agency a true copy of these records upon request.

(F) The Clerk-Treasurer's Office and the town's duly authorized third party shall keep the licensing records for said dogs licensed under this chapter separate from the records for all other breeds of dogs. (Ord. 312, passed 7-3-95) Penalty, see § 91.99

CATS

§ 91.60 RUNNING AT LARGE PROHIBITED.

The owner or keeper of any cat within the town is hereby required to restrain such cat from running at large, and it shall be unlawful to suffer or permit any cat to run at large on any of the streets, alleys, sidewalks, public places or public grounds within the limits of the town. (Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.61 IMPOUNDMENT OF CATS AT LARGE.

It shall be the duty of the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, to take into custody any cat found to be roaming the streets and/or alleys, or other public places, unattended by the owner or the owner's agent or custodian, and to place such cat in the town animal pound. (Ord. 249, passed 4-2-84)

§ 91.62 RABIES IMMUNIZATION REQUIRED.

It shall be unlawful for any person to harbor any cat which is over six months of age and which has not been inoculated for rabies within the immediately preceding 12 months. (Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.63 ALLOWING CATS TO INJURE HUMAN BEINGS PROHIBITED.

No person shall harbor a cat over six months of age which has not been inoculated for rabies within the immediately preceding 12 months and allow such cat to run loose, with the result that bodily injury is inflicted upon a human being. (Ord. 249, passed 4-2-84) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to a fine of not less than \$50 nor more than \$500 per violation.

(B) Any person who violates § 91.04 shall be subject to a fine of not less than \$100 nor more than \$1,000 per violation. (Ord. 312, passed 7-3-95)

(C) Whoever violates any provision of §§ 91.40 through 91.45 or §§ 91.60 through 91.63 shall be fined not more than \$500. (Ord. 249, passed 4-2-84)

Cross reference:

Ordinance Violation Bureau penalties, see § 36.04

CHAPTER 92: CIVIL EMERGENCIES

Section

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- 92.02 Proclamation by Town Council
- 92.03 Curfew
- 92.04 Authority to order cessation of business
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- 92.99 Penalty

§ 92.01 DEFINITION.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

CIVIL EMERGENCY.

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law; or

(2) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(Ord. 184, passed 4-13-70)

§ 92.02 PROCLAMATION BY TOWN COUNCIL.

When, in the judgment of the members of the Town Council, a civil emergency is deemed to exist, they shall forthwith proclaim in writing the existence of same. Such proclamation shall state the regulations invoked thereby, and it shall be published in a newspaper of general circulation in the English language, published in the County of Kosciusko, as quickly as possible, and shall forthwith be posted in five public places in the town. Further, the President of the Town Council making such proclamation shall endeavor to have the fact thereof and the contents thereof broadcast by radio or television communications.

(Ord. 184, passed 4-13-70)

§ 92.03 CURFEW.

As a part of such proclamation a general curfew may be ordered prohibiting any person or persons from walking, running, loitering, standing or motoring in any place in the whole or such part of the city as may be defined in such proclamation, which curfew shall be applicable during such hours of the day or night as the Town Council deems necessary in the interest of the public safety, health and welfare. (Ord. 184, passed 4-13-70) Penalty, see § 92.99

§ 92.04 AUTHORITY TO ORDER CESSATION OF BUSINESS.

As a part of such proclamation the Town Council may also, in the interest of the public safety and welfare, make any or all of the following orders:

- (A) Order the closing of all retail liquor stores.
- (B) Order the closing of all taverns.
- (C) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer or both is permitted.
- (D) Order the discontinuance of the sale of beer.
- (E) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (F) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
- (G) Order the discontinuance of selling, distributing, dispensing or giving away of firearms or ammunition or both.
- (H) Issue such other orders as are imminently necessary for the protection of life and property. (Ord. 184, passed 4-13-70)

§ 92.05 AUTHORITY TO INVOKE SPECIAL REGULATIONS.

During the period of a declared state of emergency the Town Council shall have the power to invoke any or all of the following regulations:

- (A) Alcoholic beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.
- (B) Weapons. No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the persons or property of another.

(C) Incendiary missiles. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb or other incendiary missile.

(D) Restricted areas. No person shall enter any area designated by the Town Council as a restricted area unless in the performance of official duties or with written permission from the Town Council or their duly designated representative, or person residing therein, or a person related as a guardian, as a parent or child of a person residing therein.

(Ord. 184, passed 4-13-70) Penalty, see § 91.99

§ 92.99 PENALTY.

Any person violating any provision of this chapter or any order made in any proclamation duly ordered according to the terms of this chapter shall be punished by a fine of not more than \$500.

(Ord. 184, passed 4-13-70)

CHAPTER 93: NUISANCES

Section

- 93.01 Property to be kept free from garbage, weeds and the like; removal of partially demolished buildings
- 93.02 Noncompliance; abatement notification
- 93.03 Failure of owner to abate nuisance; costs and liens
- 93.99 Penalty

§ 93.01 PROPERTY TO BE KEPT FREE FROM GARBAGE, WEEDS AND THE LIKE; REMOVAL OF PARTIALLY DEMOLISHED BUILDINGS.

It shall be the duty of the owner or the owners, jointly and severally, of each lot, part of lot, parcel of land, or any possessory or rental interest therein, within the town to cut and remove weeds and other rank vegetation growing thereon, and to keep the real estate free from ashes, paper, rags, garbage, rubbish, debris and trash of any nature or character, and to remove any partially demolished buildings and/or improvements which have been partially torn down and which are unsightly in appearance, so that the real estate does not detract from the general appearance of the area in which it is located. (Ord. 181, passed 2-3-69) Penalty, see § 93.99

§ 93.02 NONCOMPLIANCE; ABATEMENT NOTIFICATION.

If it is brought to the attention of the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, that any person is not complying with § 93.01 of this chapter, the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, shall notify such person or persons in writing of their failure to comply herewith. Thereafter, the person or persons notified shall have a period of 15 days in which to clean up the land in question so that it conforms to the provisions of this chapter. (Ord. 181, passed 2-3-69)

§ 93.03 FAILURE OF OWNER TO ABATE NUISANCE; COSTS AND LIENS.

(A) If 15 days expire after written notification is given to any person or persons in accordance with § 93.02 of this chapter, and the property in question has not been cleaned up to conform to the provisions of this chapter, the Town Marshall and/or the Sheriff of Kosciusko County, Indiana, and/or the Deputies of the Sheriff of Kosciusko County, Indiana, shall proceed to have such lot, part of a lot, or parcel of land, or any interest therein, cleaned up by the town to conform to the provisions of this chapter, the costs and expense thereof to be born and paid by the owner or owners of the land in question.

(B) The Clerk-Treasurer of the town shall notify the owner or owners of the land cleaned up of the costs and expense thereof and the owner or owners shall promptly pay to the town the costs and the expense incurred by the town in cleaning up the property.

(C) Once each year the Clerk-Treasurer of the town shall prepare, certify, and forward to the County Auditor, a list containing the names of the owner or owners of any property who have not paid the costs and expense incurred by the town in cleaning up such property. This list shall also contain a description of the property cleaned up and shall certify the actual costs and expense incurred in cleaning up said property. The County Auditor shall thereupon enter the costs and expense so certified upon the tax duplicate of the owner or the owners of the real estate, and these costs and expenses shall be collected in the same manner as property taxes are now collected and they shall remain a lien upon the real estate until they are paid in full by the owner or the owners thereof.
(Ord. 181, passed 2-3-69)

§ 93.99 PENALTY FOR § 93.01

For violations of § 93.01, the provisions of the Ordinance Violation Bureau (see § 36.04) or the general penalty (see § 10.99) shall apply.

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Burning garbage and the like upon streets and sidewalks
- 94.02 Sidewalk and curbing installation; distribution of costs
- 94.03 Cuts into streets and sidewalks

- 94.99 Penalty

§ 94.01 BURNING GARBAGE AND THE LIKE UPON STREETS AND SIDEWALKS.

It shall be unlawful for any person to burn any garbage, refuse or natural debris (such as leaves) upon paved sidewalks or paved streets within the corporate boundaries of the town.
(Ord. 247A, passed 2-6-84) Penalty, see § 94.99

§ 94.02 SIDEWALK AND CURBING INSTALLATION; DISTRIBUTION OF COSTS.

(A) When monies are available the town will share 50% of the cost of material and labor to install new curbing and new sidewalks if work is done by a contractor.

(B) If the work is done by the town employees, residents will be responsible for 100% of cost of material.

(C) Town will require 50% of the cost before the work is started and the balance upon completion of work.

(D) The town will make it public whenever they plan to make fund available and work will be done on a first come basis.
(Ord. 279, passed 2-5-90)

§ 94.03 CUTS INTO STREETS AND SIDEWALKS.

(A) No person shall cut the surface of any public way without first having obtained a street cut permit. This section is intended to cover any improved surface in the town's rights-of-way, including but not limited to asphalt, concrete streets, alleys, curbs, sidewalks, walk ways or any other improved rights-of-way with concrete, asphalt or improved surfaces.

(B) Application shall be made on forms provided by the town, and may be picked up from the Clerk-Treasurer at the Clerk's office at 201 West Main Street. A \$25 non-refundable fee must accompany this application.

(C) The Superintendent shall proceed with due diligence to measure the proposed cut and estimate, in writing, the cost of labor and materials necessary to restore the public way to the same condition in which it existed prior to the cut proposed to be made by the applicant. The Superintendent shall return the estimate to the Clerk-Treasurer.

(D) (1) The Clerk-Treasurer shall issue the street cut permit to the applicant if the applicant shall pay to the Clerk-Treasurer a security deposit equal to 125% of the estimate restoration cost as determined by the Superintendent. The security deposit shall be placed in the Street Cut Fund and shall be refunded to the applicant when, within a reasonable time after the permit has been exercised, the applicant shall restore the street to the condition in which it existed prior to the cut and the Superintendent shall sign a claim authorizing the refund. If the applicant does not restore the cut the cost of the restoration may be paid from the applicant's security deposit on claim made by the applicant and approved by the Superintendent.

(2) The applicant may in the alternative post bond of sufficient amount to cover the restoration cost. If the applicant does not restore the street to the condition in which it existed prior to the cut a claim may be made against said bond by the Superintendent.

(Ord. 07-388, passed 3-5-07; Am. Ord. 18-454, passed 4-2-18)

§ 94.99 PENALTY.

Any person violating the provisions of § 94.01 shall, upon conviction, be fined not less than \$1 nor more than \$25 for each offense.

(Ord. 247A, passed 2-6-84)

Cross reference:

Ordinance Violation Bureau penalties, see § 36.04

CHAPTER 95: FAIR HOUSING

Section

95.01	Definitions
95.02	Policy statement
95.03	Unlawful practice
95.04	Discrimination in the sale or rental of housing
95.05	Discrimination in residential real estate-related transactions
95.06	Discrimination in the provision of brokerage services
95.07	Interference, coercion, or intimidation
95.08	Prevention of intimidation in fair housing cases
95.09	Equal access to housing in HUD programs
95.10	Exemptions
95.11	Administrative enforcement

§ 95.01 DEFINITIONS.

The definitions set forth in this section shall apply throughout this chapter:

AGGRIEVED PERSON. Any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur. (IC 22-9.5-2-2)

COMMISSION. The Indiana Civil Rights Commission created pursuant to IC 22-9-1-4 et. seq. (IC 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under IC 22-9.5-6. (IC 22-9-1-4)

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 95.04, 95.05, 95.06, 95.07, or 95.08 or IC 22-9.5-5.

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families. (IC 22-9.5-2-8)

FAMILIAL STATUS.

(1) One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

(2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual, with the status of such family being further defined in "Familial Status." (IC 22-9.5-2-9)

HANDICAP.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.

(e) Any other impairment defined under IC 22-9.5-2-10,

(2) The term **HANDICAP** shall not include current illegal use of or addictions to a controlled substance as defined in 21 U.S.C. § 802 (IC 22-9.5-2-10(b)); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite (IC 22-9.5-2-10(c)).

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. (IC 22-9.5-2-11)

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant. (IC 22-9.5-2-13)
(Ord. 13-431, passed 5-6-13)

§ 95.02 POLICY STATEMENT.

It shall be the policy of the Town of Mentone to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and IC 22-9.5-1 et. seq.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 95.09 and IC 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in IC 22-9.5-5-1 and in § 95.04 shall apply to:

(A) All dwellings except as exempted by division (B) and IC 22-9.5-3.

(B) (1) Other than the provisions of division (C), nothing in § 95.04 shall apply to:

(2) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24 month period. The private individual

owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 95.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(c) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarter as his or her residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) They have, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) They have, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 95.03 and except as exempted by §§ 95.03(B) and 95.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

(C) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

(D) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(E) For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(F) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

- (1) That buyer or renter;
- (2) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (3) Any person associated with that person.

(G) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

- (1) That person; or
- (2) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (3) Any person associated with that person.

(H) For purposes of this section, discrimination includes:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear expected;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multi-family dwelling for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwelling are readily accessible to and useable by handicapped persons;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling;
2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
3. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(I) Compliance with the appropriate requirement American Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of division (H)(3)(c)3.

(J) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTION.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, the term **RESIDENTIAL REAL ESTATE-RELATED TRANSACTION** means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 1. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 2. Secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.07 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 95.03, 95.04, 95.05, or 95.06.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, handicap, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation or any

dwelling, or applying for or participation in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A); or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life,
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.09 EQUAL ACCESS TO HOUSING IN HUD PROGRAMS.

Pursuant to Federal Register, Volume 77, Number 23, published on February 3, 2012, the definition of **FAMILY** is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
(Ord. 13-431, passed 5-6-13)

§ 95.10 EXEMPTIONS.

(A) Exemptions defined or set forth under IC 22-9.5-3 et. seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, **HOUSING FOR OLDER PERSONS** means housing:

(1) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(2) Intended for, and solely occupied by, person 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

§ 95.11 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioners as set forth in division (B) hereof shall be vested in the Chief Elected Official of the town.

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the Town of Mentone, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of the sections of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to IC 22-9.5-6 and the Chief Elected Official of the town, shall refer all said complaints to the Commission as provided for under division (A) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under IC 22-9.5-6.

(C) All executive departments and agencies of the town shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

(D) The Chief Elected Official of the town or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.
(Ord. 321, passed 10-7-96; Am. Ord. 13-431, passed 5-6-13)

CHAPTER 96: BICYCLES, SKATEBOARDS, SKATES, AND SCOOTERS

Section

General Provisions

- 96.01 Definitions
- 96.02 Performance of stunts, tricks, or jumping

Bicycles

- 96.15 Traffic laws applicable to bicycles
- 96.16 Manner of riding, speed, and parking of bicycles
- 96.17 Operations of bicycles on sidewalks restricted

Skateboards, Skates, and Scooters

- 96.40 Operation of skateboards, skates and scooters on sidewalks and streets restricted
- 96.99 Penalty

§ 96.01 DEFINITIONS

As used in this chapter, the following terms have the following meanings:

BICYCLE. Every peddled vehicle propelled solely by human power upon which any person may ride, usually having two tandem wheels.

ROLLER SKATES AND/OR IN-LINE SKATES. Any device designed to be attached to the foot and having wheels, usually propelled by human power and intended to carry or propel an individual.

SCOOTER. Any board, surface or other similar device, usually propelled by human power and usually having attached two wheels and used to carry or propel an individual.

SKATEBOARD. Any board, surface or other similar device, usually propelled by human power and usually having attached four wheels and used to carry or propel an individual.

SIDEWALK. All sidewalks laid out as such by the Town or reserved by custom or usage for the use of pedestrians as sidewalks, excluding paths, trails or walks that are designated by appropriate signs for bicycle travel.

STREETS. Any highway, street, roadway, lane or other public way used for vehicular traffic.

§ 96.02 PERFORMANCE OF STUNTS, TRICKS, OR JUMPING.

It shall be a violation of this chapter to place on any street within the Town any device used to assist in the performance of stunts or tricks while riding or operating bicycles, skateboards, roller skates, in-line skates or scooters.

BICYCLES**§ 96.15 TRAFFIC LAWS APPLYING TO BICYCLES.**

Every person riding a bicycle upon a roadway shall be subject to the statutes of the state and to the provisions of this chapter applicable to the driver of a vehicle, except such provisions which by their nature can have no application. For the purpose of this section a sidewalk or a city-owned property shall be deemed to be a roadway and shall be subject to the same traffic control as is the street adjacent to which such sidewalk parallels or to which such property lies.

§ 96.16 MANNER OF RIDING, SPEED, AND PARKING OF BICYCLES.

No operator of a bicycle shall cause his or her bicycle to weave or curve to and fro upon a sidewalk or roadway and shall ride the same in a straight and continuous line only. No person shall operate his or her bicycle at a speed greater than that which permits him or her to bring his or her bicycle to a stop within the assured clear distance ahead. No person shall park a bicycle upon a street other than against the curb, or upon a sidewalk in a rack to support the bicycle or against a building or at the curb except in such a manner as to afford no obstruction to vehicular or pedestrian traffic.

§ 96.17 OPERATIONS OF BICYCLES ON SIDEWALKS RESTRICTED.

No person shall operate a bicycle upon a sidewalk within the following streets in the Town:

Main Street, between Morgan Street and Tucker Street.

Where bicycles are permitted to be operated upon sidewalks, the operator of the bicycle shall yield the right-of-way to any pedestrian.

SKATEBOARDS, SKATES, AND SCOOTERS**§ 96.40 OPERATION OF SKATEBOARDS, SKATES, AND SCOOTERS ON SIDEWALKS AND STREETS RESTRICTED.**

It shall be a violation of this chapter to ride or operate skateboards, roller skates, in-line skates, and scooters on the streets and sidewalks within the area bounded by the following streets in the Town:

On Main Street between Yale Street and Franklin Street and extending both North and South on each of the following side streets, which includes: Morgan Street, Broadway Street, Tucker Street, and Franklin Street - to the first residence on each side of the street. Also, on the Mentone Elementary School property and adjacent sidewalks which include the area bounded by the following streets: Jackson Street on the South side, Yale Street on the West side, and Harrison Street on the North side.

§ 96.99 PENALTIES.

Violations of this chapter shall be subject to a maximum fine of Fifty Dollars (\$50.00):

(A) First Offense. Upon the first violation hereof, the bicycle, skateboard, roller skate, in-line skate or scooter of the offending party, who was riding or otherwise operating the same, shall be confiscated by the Town Marshal or his deputies and held by the Town Marshal for the Town for a period of five days, after which time, said item shall be returned to such party.

(B) Second Offense: Upon the second violation hereof, the bicycle, skateboard, roller skate, in-line skate or scooter of the offending party, who was riding or otherwise operating the same, shall be confiscated by the Town Marshal or his Deputies and held by the Town Marshal for the Town for a period of five days, and the offending party shall be fined in an amount not to exceed \$25.00, after which time, said item shall be returned to such party.

(C) Subsequent offenses. All subsequent violations hereof, the bicycle, skateboard, roller skate, in-line skate or scooter of the offending party, who was riding or otherwise operating the same, shall be confiscated by the Town Marshal or his Deputies and held by the Town Marshal for the Town for a period of 30 days, and the offending party shall be fined an amount not to exceed \$50.00, after which time, said item shall be returned to such party.

(D) Fines assessed. The fines assessed in the chapter shall be paid to the Clerk-Treasurer to the Town in accordance with the Ordinance Violation Bureau, as established by the Town.
(Ord. 347, passed 4-5-99)

CHAPTER 97: GARAGE SALES

Section

97.01	Definition
97.02	Limitations
97.03	Permit
97.99	Penalty

§ 97.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALES. Any garage, porch, patio, tag, or yard sale, which:

(1) Is conducted from a residence (single-family or multi-family) within the town which is displayed in the open, clear view of the public, in a garage, in a yard, or adjacent to a dwelling house or other building primarily used for residential purposes; and

(2) Sells clothing, toys, household furnishings, furniture, appliances, household, yard, or garden tools and equipment, and/or other personal items.
(Ord. 08-399, passed 7-7-08)

§ 97.02 LIMITATIONS.

Garage sales are limited as follows.

(A) Only two sales per calendar year may be conducted from any one location.

(B) Each sale may be active and display items for sale for a period not to exceed Thursday from 7:00 a.m. to 5:00 p.m., Friday from 7:00 a.m. to 5:00 p.m., and Saturday from 7:00 a.m. to 5:00 p.m. No sales on Sunday, Monday, Tuesday, or Wednesday. All sale items and sale paraphernalia must be removed from public view within one hour after the end of any garage sale.

(C) There must be a period of eight days between sales at any specific location. Consecutive sales are specifically prohibited.

(D) A third garage sale may be held in a calendar year that is limited to the time during the Egg Festival each year, so long as the town continues to hold such festival or similar type event. Garage sales during Egg Days shall be conducted in accordance with divisions (B) and (C) as described above.

(Ord. 08-399, passed 7-7-08) Penalty, see § 97.99

97.03 PERMIT.

Any person desiring to organize, operate, or maintain a garage sale shall make application at the Office of the Clerk-Treasurer for a permit for such sale. Upon approval of the application by the Clerk-Treasurer, a permit shall be given and issued to the applicant. The permit shall be attached or displayed to the residential premises at which the garage sale is being operated and in clear view for public inspection at all times during the sale.

(Ord. 08-399, passed 7-7-08; Am. Ord. 08-402, passed 9-8-08)

§ 97.99 PENALTY.

(A) An officer of the Mentone Police Department may issue a town ordinance violation citation to a person who violates this chapter or fails to comply with any of the requirements.

(B) The fines imposed for a violation or non-compliance shall be as follows:

- (1) Fifty dollar fine for the first violation;
- (2) Seventy-five dollar fine for the second violation; and
- (3) Two hundred dollar fine for the third and all subsequent violations:
 - (a) Sale starts too early;
 - (b) Sale extended beyond ending time;
 - (c) Sale items or display paraphernalia is not removed within allotted time;
 - (d) Sale other than permitted days; and
 - (e) More than two garage sales per year, except for Egg Festival.

(C) Each day that there is non-compliance or violation of this chapter shall constitute a separate offense.

(Ord. 08-399, passed 7-7-08)

CHAPTER 98: PARKS AND CEMETERIES

Section

- 98.01 Temporary closure or curtailment of activities
- 98.02 Calendar seasons; hours of operation
- 98.03 Limitations on town liability
- 98.04 Theft of items
- 98.05 Use of alcoholic beverages
- 98.06 Cleanliness; placement of trash and debris
- 98.07 Dangerous, hazardous or disturbing acts
- 98.08 Driving and parking of vehicles
- 98.09 Signs and circulars; posting and distribution
- 98.10 Exhibitions or entertainments
- 98.11 Use of language
- 98.12 Pets

- 98.98 Enforcement
- 98.99 Penalty

§ 98.01 TEMPORARY CLOSURE OR CURTAILMENT OF ACTIVITIES.

The Town Council may temporarily close or curtail activities upon any park lands, cemetery lands when it has been deemed necessary to be in the best interest of public safety, conduct, health or order.

(Ord. 22-467, passed 9-7-22)

§ 98.02 CALENDAR SEASONS; HOURS OF OPERATION.

All parks and cemeteries shall be open for public use on a year-round basis. All parks and cemeteries shall be open for public use beginning at sunrise and ending at sunset.

(Ord. 22-467, passed 9-7-22)

§ 98.03 LIMITATIONS ON TOWN LIABILITY.

The town shall not be responsible for accidents involving property damage or personal injury resulting from activities in town parks or cemeteries over which the town has no control.

(Ord. 22-467, passed 9-7-22)

§ 98.04 THEFT OF ITEMS.

The town shall not be responsible for the theft of items belonging to patrons of the town's public parks or cemeteries.
(Ord. 22-467, passed 9-7-22)

§ 98.05 USE OF ALCOHOLIC BEVERAGES.

There shall be no use of alcoholic beverages in the town's public parks or cemeteries.
(Ord. 22-467, passed 9-7-22)

§ 98.06 CLEANLINESS; PLACEMENT OF TRASH AND DEBRIS.

It shall be the responsibility of each individual to maintain cleanliness in the area which they have used. All trash or debris shall be placed in suitable containers provided for such use.
(Ord. 22-467, passed 9-7-22)

§ 98.07 DANGEROUS, HAZARDOUS OR DISTURBING ACTS.

No park or cemetery patron shall perform any act which tends to create a danger, hazard or disturbance to other park or cemetery patrons.
(Ord. 22-467, passed 9-7-22)

§ 98.08 DRIVING AND PARKING OF VEHICLES.

No person shall drive any motorized vehicle on any park or cemetery land, except upon roads or areas which are designated and approved for such purposes. Parking of vehicles shall be permitted in designated parking areas only.
(Ord. 22-467, passed 9-7-22)

§ 98.09 SIGNS AND CIRCULARS; POSTING AND DISTRIBUTION.

No person shall erect, paint or distribute any sign, advertisement or circulars on park or cemetery property without receiving prior written permission of the Town Council. Such permission shall be given upon a showing that the signs, advertisements or circulars will not violate state law or city ordinances, or injure public property. It is, however, acknowledged and accepted that certain signs, advertisements or circulars relating to approved park or cemetery activities are permitted on park or cemetery properties and do not require Council approval.
(Ord. 22-467, passed 9-7-22)

§ 98.10 EXHIBITIONS OR ENTERTAINMENTS.

No demonstration, exhibition or entertainment shall take place on park or cemetery property without permission of the Town Council, except when such activity is under the supervision of the Council. Permission shall be given upon a finding that public health or safety will not be endangered and that public property will not be injured.
(Ord. 22-467, passed 9-7-22)

§ 98.11 USE OF LANGUAGE.

Use of abusive, upsetting or threatening language is prohibited on park or cemetery property.
(Ord. 22-467, passed 9-7-22)

§ 98.12 PETS.

Pets shall only be allowed on park or cemetery property if attached to a leash.
(Ord. 22-467, passed 9-7-22)

§ 98.98 ENFORCEMENT.

(A) The Police Department is hereby authorized to enforce the rules of this chapter.

(B) The Police Department shall take such actions as may be necessary to protect patrons and users of the public parks and cemeteries from endangerment by actions of persons disregarding the rules of this chapter or engaging in activities which may expose other patrons and users of the parks and cemeteries located within the town.

(C) Upon observing any violation of this section, the Police Department is authorized to evict any violators from any of the public parks in the town for the remainder of the park season. Upon observing any violation of this section, the Police Department is authorized to evict any violators from any of the cemeteries in the town for a reasonable period of time, not to exceed 90 days.

(D) Any person on the premises of a town park or cemetery who disregards the orders of a police officer may be immediately evicted from the park and, upon conviction, shall be guilty of an offense. Any person guilty of an offense may also be fined in an amount not to exceed \$100 for each violation.

(Ord. 22-467, passed 9-7-22)

Cross Reference:

See §130.99, Penalty

§ 98.99 PENALTY.

In addition to any other penalty as outlined herein, any person found to be in violation of any of the rules and regulations of this chapter may be subject to suspension from any or all cemeteries, park recreational grounds, facilities and privileges.
(Ord. 22-467, passed 9-7-22)