

TITLE IX: GENERAL REGULATIONS

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§ 90.03 ANIMAL BITES; RABIES.

Section

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DOGS AND CATS

§ 90.01 DEFINITIONS.

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

"AT LARGE." Off the premises of the owner and not in the company of the owner or a member of his immediate family restrained either by leash, cord, chain, or otherwise.

"CAT." Both male and female, regardless of age, and whether or not the animal is spayed.

"CONFINED." The actual placing of an animal in any duly licensed or authorized dog pound or kennel, or with a licensed veterinarian, in either the city or the county.

"DOG." Both male and female.

"DOMESTIC ANIMAL." Any animal tamed or domesticated and kept, owned, harbored, or possessed as a pet or as a domesticated animal used for food production or service to owner or possessor.

"OFF THE PREMISES OF THE OWNER." Anywhere but on the property owned or leased by the owner. It also shall be intended to mean public walkways, streets or alleys.

"OWNER." Any person keeping or harboring a dog.

"RABIES." That disease of animals, including dogs and cats, as medically defined or determined by the State Veterinarian, local health officer, or their duly authorized and qualified agent or representative.  
(Ord. 349, passed 3-19-56; Am. Ord. 72-2, passed 6-5-72; Am. Ord. 1981-7, passed 7-6-81)

§ 90.02 RUNNING AT LARGE.

(A) No person who is the owner of any dog or cat shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

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(B) The owner of any dog or cat who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.  
Penalty, see § 10.99

(A) Every case of a human bitten by a dog, cat, or other domestic or wild animal shall be reported promptly to the local health officer having jurisdiction in the city, or to his duly appointed, qualified, and acting agent or representative. It shall be the duty of the local health officer immediately to investigate each reported bite by a dog, cat, or other animal.

(B) Any dog, cat, or domestic animal reported to have bitten an individual or suspected of being rabid, shall be confined and held in observation for a period of not less than 14 days. Any dog which has been bitten by a dog known to have rabies shall be confined for a period of six months or be destroyed.

(C) Any confinement shall be at the owner's expense.

(D) The actual confinement for the stated period shall be under the written and certified order and supervision of the State Veterinarian, the local health officer, or a duly licensed or authorized agent or representative.

(E) The State Veterinarian, health officer, agent, or representative shall have the authority under warranted circumstances as determined by that officer or agent, to issue a written and certified order directing the immediate destruction of the animal known to be infected with or showing symptoms of rabies.  
(Ord. 72-2, passed 6-5-72; Am. Ord. 1981-7, passed 7-6-81)

§ 90.04 IMPOUNDMENT; COSTS.

Any dog or cat found running at large in the corporate limits of the city shall be impounded, and the person authorized by the Common Council and the Board of Public Works and Safety to impound said dogs or cats, shall be entitled to receive and collect from the owner the sum of \$10 for each day the dog or cat is impounded.  
(Ord. 349, passed 3-19-56; Am. Ord. 72-4, passed 6-29-72; Am. Ord. 1981-7, passed 7-6-81; Am. Ord. 2001-9, passed 7-16-01)

§ 90.05 REGISTRY REQUIRED.

The person impounding the dog or cat shall make a complete registry entering the breed if known, color, and sex of the dog or cat, and whether or not it is licensed. If licensed, the name and address of the owner and the license tag shall be entered in the registry.  
(Ord. 349, passed 3-19-56; Am. Ord. 1981-7, passed 7-6-81)

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§ 90.06 RECLAMATION OR DISPOSITION OF ANIMALS.

If no person shall claim the dog or cat and pay for the impounding on or before the end of the fifth day of impoundment, it shall be lawful for the person employed by the city to dispose of or kill and dispose of the same.  
(Ord. 349, passed 3-19-56; Am. Ord. 72-4, passed 6-29-72; Am. Ord. 1981-7, passed 7-6-81)

Section

- 91.01 Noise ordinance; purpose
- 91.02 Violation
- 91.03 Exemptions
  
- 91.99 Penalty

§ 91.01 NOISE ORDINANCE; PURPOSE.

The purpose of the noise ordinance codified herein is to regulate the production of unreasonably loud noise within the City of Portland. (Ord. 2006-19, passed 8-7-06)

§ 91.02 VIOLATION.

It shall be a violation of this chapter to produce or cause to be produced any noise that by the manner of its production or its volume disturbs the peace or quiet enjoyment of any person and is audible at a distance of 30 feet or greater. (Ord. 2006-19, passed 8-7-06)

§ 91.03 EXEMPTIONS.

The following shall be exempted from the prohibitions set forth in this chapter:

- (A) Sounds produced by sirens of authorized emergency vehicles;
- (B) Sounds produced by lawn mowers, garden tractors and similar home power tools when properly muffled and produced between the hours of 7:00 a.m. and 9:00 p.m.;
- (C) Sounds produced by burglar alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause of such alarm or warning device sound is investigated and turned off within a reasonable period of time;
- (D) Sounds produced in connection with celebrations on legal holidays;
- (E) Sounds produced in connection with permitted parades, festivals or concerts between the hours of 7:00 a.m. and 12:00 midnight;
- (F) Sounds produced in connection with the actual performance of athletic events and practices related to them;
- (G) Sounds produced in connection with the performance or practice of a band, orchestra, or choir organized and maintained as part of the curriculum of a publicly or privately operated educational institution;
- (H) Sounds produced for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work;

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(I) Sounds produced in connection with normal conduction of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use;

(J) Sounds produced in connection with a religious practice, function or celebration.  
(Ord. 2006-19, passed 8-7-06)

§ 91.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$2,500 for each offense. Each day's continued violation shall constitute a separate offense.  
(Ord. 2006-19, passed 8-7-06)

## Section

92.01	Definitions
92.02	Proclamation by Mayor
92.03	Emergency powers
92.04	Imposition of curfew
92.05	Additional regulations
92.06	NIMS adopted
92.99	Penalty

§ 92.01 DEFINITIONS.

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

"CIVIL EMERGENCY."

(1) A riot of unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute that 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 an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

"CURFEW." A prohibition against any person walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the city during the hours in which a curfew has been imposed, excepting persons officially designated to duty within reference to the civil emergency. (Ord. 1969-17, passed 12-29-69)

§ 92.02 PROCLAMATION BY MAYOR.

When in the judgment of the Mayor a civil emergency as defined in § 92.01 of this chapter is deemed to exist, he shall forthwith proclaim in writing the existence of same. In case of the absence of the Mayor from the city, the Chief of Police shall be authorized to act in his stead. (Ord. 1969-17, passed 12-29-69)

§ 92.03 EMERGENCY POWERS.

During the period of a declared state of emergency, the Mayor shall have the power to invoke any or all of the following provisions:

(A) Alcoholic beverages. No person shall consume any alcoholic beverage in a public street or place which is publicly owned, or in any motor

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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 Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his duly designated representative, or a person shall prove residence therein.  
(Ord. 1969-17, passed 12-29-69) Penalty, see § 92.99

§ 92.04 IMPOSITION OF CURFEW.

After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to those geographical areas of the city or to the city as a whole, as he deems advisable and applicable during those hours of the day or night as he deems necessary in the interest of the public safety and welfare.  
(Ord. 1969-17, passed 12-29-69)

§ 92.05 ADDITIONAL REGULATIONS.

After proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare make any or all of the following orders:

- (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 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.

(H) Issue any other orders as are imminently necessary for the protection of life and property. (Ord. 1969-17, passed 12-29-69)

§ 92.06 NIMS ADOPTED.

There is hereby established the National Interagency Incident Management System (NIMS) as the city standard for incident management. (Res. 2006-6, passed 8-7-06)

§ 92.99 PENALTY.

Whoever violates the provisions of this chapter or any order made by the Mayor in accordance with the terms of this chapter shall be punished by a fine of not more than \$2500. (Ord. 1969-17, passed 12-29-69)



## Section

Fire Prevention Code

- 93.01 Definitions
- 93.02 Adoption of Indiana Fire Code
- 93.03 Emergency lanes
- 93.04 Enforcement of Fire Prevention Code
- 93.05 Modifications
- 93.06 Appeals
  
- 93.99 Penalty

Cross-reference:

Burning of leaves and other rubbish,  
see § 52.08

## FIRE PREVENTION CODE

§ 93.01 DEFINITIONS.

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

"CORPORATION COUNSEL." The City Attorney.

"ENFORCEMENT OFFICIAL." The Chief of the Fire Department or the authorized agent or representative of the Chief of the Fire Department to enforce the provisions of the Fire Prevention Code.

"JURISDICTION." The City of Portland.

§ 93.02 ADOPTION OF INDIANA FIRE CODE.

There is hereby adopted, as if set out at length herein, the most current edition of the Indiana Fire Code, including any amendments and appendices thereto, and the provisions thereof shall be controlling within the corporate limits of the city. There shall be filed in the following offices copies of the Indiana Fire Code: one in the office of the Clerk-Treasurer; one in the office of the City Engineer; and one in the office of the Chief of the Fire Department.

§ 93.03 EMERGENCY LANES.

(A) The city is hereby authorized to require the establishment and maintenance of emergency lanes on private commercial property.

(B) Location and marking of emergency lanes upon the commercial property shall be subject to the approval of the Chief of Police and the Chief of the Fire Department.

(C) Emergency lanes shall be approximately 15 feet in width and shall be marked with the appropriate yellow marks or lines. Signs designating the emergency lanes shall be marked "No

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Parking - Emergency Lane" and shall be placed at least every 50 feet along the curb or side of building wherein the lanes are established. The signs shall be of a size and marking as to conform to state law.

(D) It shall be the responsibility of the owner of the commercial property to bear the cost of the signs and the marking of the emergency lanes and curbs.

(E) Police officers or fire officials of the city shall remove or cause the removal of any vehicle from any emergency lane established in accordance with this section. The removed vehicle shall be impounded into a storage yard. The owner of the vehicle shall pay reasonable towing and storage charges before the vehicle may be released.

(F) No person shall stop, stand, or park any vehicle other than an emergency vehicle, whether attended or unattended, in any emergency lane established according to the provisions of this section.

(G) This section shall not apply to the following:

(1) Those vehicles displaying a state "disabled" or other "disabled" identifying insignia or by the attesting officer's certain knowledge of the person in question being disabled or handicapped, may stand in an emergency lane while loading or unloading.

(2) All areas already established and marked as handicapped parking shall remain as placed and marked, and shall not be moved or changed in any manner as to conflict with the establishing of emergency lanes, except when they cannot be complied with in accordance with division (B) of this section. Penalty, see § 93.99

§ 93.04 ENFORCEMENT OF FIRE PREVENTION CODE.

(A) The Fire Prevention Code shall be enforced by the Chief of the Fire Department. It shall be unlawful for any person properly served with an order or citation under provisions of the Fire Prevention Code to fail to comply with the order or citation.

(B) The Chief of the Fire Department shall be responsible for the enforcement of laws and regulations for the safeguarding, to a reasonable degree, of life and property from hazards of fire or explosions and from conditions hazardous to life and property in the use or occupancy of buildings or premises and their contents.

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(C) It is the intent of the Fire Department to achieve compliance by traditional means of inspection, notification, granting of reasonable time to comply, and reinspection. The citation shall be used only after all reasonable means to gain compliance have failed or, with proper justification, at the discretion of the Fire Chief.

(D) Only those members of the Fire Department specifically designated by the Chief of the Fire Department may issue citations.

(E) The adoption of the Indiana Fire Code is contained in Chapter 93 of the city code and establishes the procedures for handling violations of the code and applicable city ordinances. Penalty, see § 93.99

§ 93.05 MODIFICATIONS.

The Chief of the Fire Department have the authority to modify any of the provisions of the Indiana Fire Prevention Code upon application in writing by the owner, lessee, or duly authorized agent thereof, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Chief of the Fire Department, shall be entered upon the records of the Fire Department, and assigned copies shall be furnished to the applicant.

§ 93.06 APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Public Works and Safety within 30 days from the date of the decision appealed from.

§ 93.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made under this chapter, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certification or permit issued thereunder, shall for each violation and noncompliance, respectively, be fined not less than \$10 nor more than \$2500.

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(B) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(C) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## Section

Removal of Trash, Debris  
From Real Estate

- 94.01 Definitions
- 94.02 Responsibility and duty of owners owning or controlling real estate
- 94.03 Dumping trash, debris, and the like on real estate prohibited
- 94.04 When building materials and equipment may be placed or stored
- 94.05 Use of real estate without owner's consent; exception

REMOVAL OF TRASH, DEBRIS  
FROM REAL ESTATE§ 94.01 DEFINITIONS.

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

"TRASH", "DEBRIS", "GARBAGE", "REFUSE", "OFFAL", and "OTHER EXTRANEOUS MATERIAL." The same shall have common usage in the city and under the laws of the state.  
(Ord. 1965-8, passed 6-21-65)

§ 94.02 RESPONSIBILITY AND DUTY OF OWNERS OWNING OR CONTROLLING REAL ESTATE.

(A) It shall be the duty of all persons owning or controlling real estate to keep the same free of trash, debris, garbage, refuse, offal, or other extraneous material. It shall further be the duty of those persons owning or controlling real estate to make monthly collections and removal during the months of April through November of material described in § 94.01 as may have accumulated.

(B) It shall be the duty of all persons owning or controlling real estate in the city to maintain the same in a condition as to contribute to, rather than detract from the cleanliness and attractiveness of the district in which it is located and in general, conforming to the other orderly premises in that vicinity.  
(Ord. 1965-8, passed 6-21-65)

§ 94.03 DUMPING TRASH, DEBRIS, AND THE LIKE ON REAL ESTATE PROHIBITED.

It shall be unlawful for any person to dump or deposit trash, debris, garbage, refuse, offal, or other extraneous material on any real estate.  
(Ord. 1965-8, passed 6-21-65) Penalty, see § 10.99

LITTERING§ 94.04 WHEN BUILDING MATERIALS AND EQUIPMENT MAY BE PLACED OR STORED.

Building materials and equipment may be placed or stored on vacant lots only during the process of building on that lot or during a period no longer than one month prior to the commencement of building on that lot or real estate.

(Ord. 1965-8, passed 6-21-65) Penalty, see § 10.99

§ 94.05 USE OF REAL ESTATE WITHOUT OWNER'S CONSENT; EXCEPTION.

It shall be unlawful for any person, firm, or corporation to use any real estate or vacant lot without the express consent of the owner thereof, except that traversing it on foot and at the pedestrian's own risk, is considered allowable unless specifically prohibited by the owner of same or the same be posted as "No Trespassing" by the owner.

(Ord. 1965-8, passed 6-21-65) Penalty, see § 10.99



## Section

95.01	Definitions
95.02	Common law nuisances
95.03	Certain conditions declared a nuisance
95.04	Enforcement procedure
95.05	Nuisance created by others
95.99	Penalty

§ 95.01 DEFINITIONS.

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

"NUISANCE." Public nuisance.

"UNFIT FOR FURTHER USE." In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

§ 95.02 COMMON LAW NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.  
Penalty, see § 95.99

§ 95.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or stacks adjoining street. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(C) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

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(D) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(E) Trees and shrubbery obstructing streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight feet over sidewalks, or the growing and maintenance of shrubbery in excess of three feet in height within the radius of 20 feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

(F) Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(G) Storage of junk. Any person, firm, corporation, partnership, or other association placing or permitting the placement of scrap copper; brass; rope; rags; batteries; trash; rubber; debris; waste; junked, dismantled, or wrecked automobiles or automobile parts; discarded household or business items; iron; steel; lumber; and/or other scrap ferrous or nonferrous material such that is unsightly and in such a manner that it is visible from any public street, alleyway, or neighboring property.

(Am. Ord. 2006-20, passed 8-7-06) Penalty, see § 95.99

Cross-reference:

Noise control, see Chapter 91

§ 95.04 ENFORCEMENT PROCEDURE.

(A) Any owner, occupant, or person having control or management of any land within the city who is in violation of this chapter shall be notified by a law or code enforcement officer of the City of Portland of the nature of the violation and the action required to remove the violation within seven days of the date of the notice. Said notice shall be served by a law or code enforcement officer upon the landowner of the real estate upon which the violation exists in person or by registered mail and by placing said notice in a conspicuous location on the land where the violation exists. In the event that the law or code enforcement officer is unable to locate a landowner, service shall be made in such manner which is most likely to bring to the attention of the landowner that he is being required to take action under the terms of this section. It shall be a violation of this chapter if the required action is not taken within seven days after the required notice has been served.

(B) If a landowner fails to remove the material causing the violation or take the action required in the notice, the city may remove the material and take all reasonable action to abate the violation by hiring independent labor or employing its own agent. The Clerk-Treasurer may make a certified statement of the actual costs incurred by the city in the removal of the material and the abatement of the violation. The statement of costs shall be delivered by the city by ordinary mail to the landowner and the landowner shall pay the amount to the Clerk-Treasurer within ten days after receiving said statement. In the event of the failure of a landowner to pay the amount within the prescribed time, a certified copy of the statement of costs shall be filed in the office of the Auditor of Jay County. The Auditor of Jay County shall then place the amount claimed by the city on the tax duplicate against the property affected by the work and said amount shall be collected as taxes and shall be disbursed to the general fund of the city.

(C) It shall be the duty of the Board of Public Works and Safety to establish policies and regulations concerning the enforcement of this section, including but not limited to, the methods and rates of pay to be allowed to those individuals who perform services on behalf of the city under the terms of this section.

(D) Any violation of this chapter for which a notice was previously issued within a period of 12 months from the date of the first notice of violation shall be considered a subsequent violation of this chapter and a citation may be issued by a law or code enforcement officer of the city.

(Ord. 2006-20, passed 8-7-06; Am. Ord. 2008-19, passed 10-20-08; Am. Ord. 2106-2, passed 4-4-16)

§ 95.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 95.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$2,500 for each offense. Each day's continued violation shall constitute a separate offense.

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## Section

- 96.01 Definitions
- 96.02 Leaving inoperable vehicle on street or other public property
- 96.03 Abandonment of inoperable or discarded vehicle on private property
- 96.04 Keeping inoperable or discarded vehicle on private property; notice
- 96.05 Removal of vehicle by city; lien for expenses
- 96.06 Exceptions
- 96.07 Impoundment
- 96.08 Fee schedule for towing and storage
- 96.09 Police Chief and designee may incur charges
  
- 96.99 Penalty

§ 96.01 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 city 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 traffic.

"VEHICLE." Any machine propelled by power, other than human power, to travel along the ground by the use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.  
(Ord. 1987-6, passed 12-7-87; Am. Ord. 1993-11, passed 8-23-93; Am. Ord. 1996-7, passed 6-17-96; Am. Ord. 2001-7, passed 7-16-01; Am. Ord. 2005-12, passed 8-22-05)

§ 96.02 LEAVING INOPERABLE VEHICLE ON STREET OR OTHER PUBLIC PROPERTY.

No person shall leave or discard any partially dismantled or otherwise inoperable vehicle on any public street, alley, highway or any public property within the city.  
(Ord. 1987-6, passed 12-7-87; Am. Ord. 1996-7, passed 6-17-96; Am. Ord. 2005-12, passed 8-22-05)  
Penalty, see § 96.99

§ 96.03 ABANDONMENT OF INOPERABLE OR DISCARDED VEHICLE ON PRIVATE PROPERTY.

No person shall willfully leave a discarded, inoperable or abandoned vehicle on private property without the permission of the person having the right of possession of the property.

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For purposes of this section, the fact that a vehicle has been left on private property without the permission or notification of the person having the right to possession of this property is prima facie evidence of abandonment.  
(Ord. 1987-6, passed 12-7-87; Am. Ord. 1996-7, passed 6-17-96; Am. Ord. 2005-12, passed 8-22-05)  
Penalty, see § 96.99

§ 96.04 KEEPING INOPERABLE OR DISCARDED VEHICLE ON PRIVATE PROPERTY; NOTICE.

(A) No person in charge or in control of any real property within the municipality, whether as an owner, tenant, occupant, lessee, or otherwise shall allow any discarded vehicle, inoperable vehicle, or a vehicle which does not display a current license plate and/or proper license plate, to remain on the property within their control longer than 72 hours after the receipt of a written notice from the Chief of Police or his or her designee instructing that person to remove the discarded vehicle, inoperable vehicle, or a vehicle that does not display a current license plate and/or proper license plate from the property. This section does not apply to a vehicle stored in an enclosed building or to commercial garages, repair shops, car dealers, or junkyards operated in a lawful manner.

(B) Notice required under division (A) above shall be deemed to be adequate if the Chief of Police or his or her designee causes that notice to be affixed to the vehicle or upon the door of any residence located on the property where the vehicle is found or delivering the notice in person, by certified mail, or by leaving the notice affixed to the door and mailing a copy of same to the registered owner of the vehicle, the owner of the real estate or the tenant, occupant, or lessee of the private property upon which the discarded or inoperable motor vehicle is found.

(C) The notice required under division (A) should state the following:

- (1) The date and time of the notice;
- (2) A description of the inoperable or discarded vehicle;
- (3) The license plate number on the vehicle, if any;
- (4) The identity of the owner or person in charge of the real property upon which the vehicle is located;
- (5) That the person responsible for the vehicle has 72 hours after the date and time noted in division (C) (1) above in order to remove the vehicle because it is alleged that the vehicle is a discarded or inoperable vehicle as defined by division (A) of this section;
- (6) A copy of Ordinance No. 2005-12 should be attached; and

(7) A statement indicating that ~~PORTLAND~~ vehicle is not removed from the property within 72



hours of the date and time affixed above, this would be prima facie evidence of the fact that it is an inoperable or discarded vehicle in violation of this section and the person to whom the notice is directed could be subject to penalties provided by this chapter.

(D) If the person to whom the notice is directed contends that the vehicle is operable and not discarded, he or she or a designee should take it to the Police Department for inspection. If this is done within 72 hours of the time of the giving of the notice, this shall be deemed to be prima facie evidence that the vehicle in question is not a discarded or inoperable vehicle.

(E) For purposes of this section, if the 72 hours granted extends after 5:00 p.m. Friday and before noon on the following Monday, the time shall be extended to 5:00 p.m. that Monday. If it ends on a legal holiday, the time shall be extended 24 hours following the conclusion of the legal holiday. (Ord. 2005-12, passed 8-22-05) Penalty, see § 96.99

§ 96.05 REMOVAL OF VEHICLE BY CITY; LIEN FOR EXPENSES.

(A) If the vehicle is not removed within the time so fixed, the Chief of Police or his or her designee may cause the vehicle to be removed at the expense of the owner of the real estate upon which the vehicle was removed and which expense shall constitute a lien on the real estate. A statement of the expenses to remove and store the vehicle shall be mailed to the property owner at the last know mailing address on record at the Office of the Auditor of Jay County, Indiana, and the owner shall pay the amount to the Clerk-Treasurer. If the property owner fails to pay the amount within 30 days after receiving the statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Jay County, Indiana. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the payment of fees, and the amount shall be collected as taxes are collected and shall be disbursed to the General Fund of the city.

(B) Any violation of this chapter for which a notice was previously issued for the same vehicle within a period of 12 months from the date the first written notice was issued shall be considered a subsequent violation of this chapter and the Chief of Police or his or her designee may immediately take any action to enforce this chapter including issuing a citation for violation of this chapter. (Ord. 1987-6, passed 12-7-87; Am. Ord. 1993-11, passed 8-23-93; Am. Ord. 1996-7, passed 6-17-96; Am. Ord. 2005-12, passed 8-22-05; Am. Ord. 2008-20, passed 10-20-08)

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(E) If the value of the vehicle or parts is less than \$250, the Chief of Police or his or her designee may proceed to dispose of the vehicle or parts removed pursuant to I.C. 9-22-1-13, and any amendments thereto. (Ord. 2005-12, passed 8-22-05) Penalty, see § 96.99

ABANDONED VEHICLES

§ 96.06 EXCEPTIONS.

At the discretion of the Mayor, a vehicle or part thereof may be outside in violation of the provisions of § 96.05 for reasons of being the stored property of a serviceperson, illness of the owner, unemployment of the owner, or being the property of a licensed dealer. A certificate, issued by the Mayor, showing the reason for the exception and duration of its effectiveness, which may not be more than one year, shall be renewable under the same provisions as granted and shall be affixed to the object in question so as to be at all times available for inspection. The absence of this certificate shall make the vehicle liable to § 96.05, even though it qualified for the exceptional powers of the Mayor. (Ord. 2005-12, passed 8-22-05) Penalty, see § 96.05

§ 96.07 IMPOUNDMENT.

(A) In lieu of filing a lien under § 96.05 of this chapter:

(1) The Chief of Police or his or her designee may impound any vehicle found in violation of this chapter. The vehicle shall remain impounded until lawfully claimed or disposed of in accordance with I.C. 9-22-1-5 et seq., and any amendments thereto.

(2) The Chief of Police or his or her designee may also impound a vehicle that is inoperable or has been abandoned upon complaint of any owner of a repair garage or place of storage for a vehicle when the vehicle has been left longer than agreed upon by the owner of the repair garage or place of storage, his or her agent or employee and the owner or operator of the vehicle. Before taking possession of the vehicle, the Chief of Police or his or her designee shall give a 72-hour notice to the owner of the vehicle of his or her intention to impound the vehicle at the end of the 72 hours if it is not lawfully removed from the repair garage or other place of storage.

(B) The Chief of Police shall designate a place of storage for vehicles impounded under this section.

(C) The owner of a vehicle impounded under this section may reclaim it upon payment of any expenses or charges incurred in removal and storage, and presentation of proof of ownership, which may be evidenced by certificate of title to the vehicle.

(D) If the vehicle remains unclaimed by the owner for a period of 30 days, the vehicle may be disposed of in accordance with the provisions established by I.C. 9-22-1-6 et seq., and any amendments thereto.

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§ 96.08 FEE SCHEDULE FOR TOWING AND STORAGE.

The following maximum fee schedule shall be charged for all towing and storage costs imposed pursuant to I.C. 9-22-1-11 et seq., and any amendments thereto:

(A) Towing: \$50 per vehicle, plus \$1 per mile

for any towing outside the city.

ABANDONED VEHICLES

(B) Storage: \$5 per day per vehicle.  
(Ord. 2005-12, passed 8-22-05) Penalty, see § 96.99

§ 96.09 POLICE CHIEF AND DESIGNEE MAY INCUR CHARGES.

The Chief of Police or his or her designee officers may incur charges for the removal or storage or disposition of abandoned vehicles pursuant to I.C. 9-22-1-1 et seq., and any amendments thereto. (Ord. 2005-12, passed 8-22-05) Penalty, see § 96.99

§ 96.99 PENALTY.

Any person, firm or corporation who or that shall be in violation of any provisions of this chapter shall, upon conviction, be fined in any sum not exceeding \$500.  
(Ord. 1987-6, passed 12-7-87; Am. Ord. 1996-7, passed 6-17-96; Am. Ord. 2005-12, passed 8-22-05)

ABANDONED VEHICLES

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## Section

97.01	Policy statement
97.02	Definitions
97.03	Unlawful practice
97.04	Discrimination in the sale or rental of housing
97.05	Discrimination in residential real estate-related transactions
97.06	Discrimination in the provision of brokerage services
97.07	Interference, coercion or intimidation
97.08	Prevention of intimidation in fair housing cases
97.09	Equal access to housing in HUD programs
97.10	Exemptions
97.11	Administrative enforcement

§ 97.01 POLICY STATEMENT.

It is the policy of the city 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. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.02 DEFINITIONS.

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

"AGGRIEVED PERSON." Includes any person who (IC 22-9.5-2-2):

- (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.

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

"COMPLAINANT" A person, including the Commission, who files a complaint under IC 22-9.5-6.

"DISCRIMINATORY HOUSING PRACTICE." An act that is unlawful under §§ 97.04 through 97.08 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." 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.

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 (IC 22-9.5-2-9), with the status of such family being further defined in "FAMILIAL STATUS" above. See also § 97.09.

"PERSON." (IC 22-9.5-2-11) 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.

"HANDICAP." With respect to a person:

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

(2) A record of having such an impairment;

(3) Being regarded as having such an impairment;

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

(5) Any other impairment defined under IC 22-9.5-2-10.

The term "HANDICAP" shall not include current, illegal use of or addiction to a controlled substance as defined in section 802 of Title 21 of the United States Code (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.

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

(Ord. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

Statutory reference:

For similar definitions under state law, see IC 22-9.5-2-2, 22-9.5-2-3, 22-9.5-2-4, 22-9.5-2-8, 22-9.5-2-9, 22-9.5-2-11 and 22-9.5-2-13

§ 97.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 97.09 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 § 97.04 shall apply to:

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

(B) Other than the provisions of division (C) of this section, nothing in § 97.04 shall apply to:

(1) 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 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 § 97.04(C) of this chapter, 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

(2) 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 quarters as his 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;

(2) They have, within the preceding 12 months, participated as agent, other than in the sale of their 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. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 97.03, and except as exempted by § 97.03(B) and § 97.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of 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 or 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 induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(F) (1) 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:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

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

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(3) For purposes of this division, "DISCRIMINATION" includes:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied, or to be occupied by that person, if such modifications may be necessary to afford that 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 excepted;

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

(c) In connection with the design and construction of covered multi-family dwellings 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:

1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

2. 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

3. All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Lights, switches, electrical outlets, thermostats, and other environmental controls in accessible locations; and

c. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans with 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 (F) (3) (c) 3.

(5) Nothing in this division 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, or whose tenancy would result in substantial physical damage to the property of others.

(Ord. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

(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:

(a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering or appraising of residential real property.

(C) Nothing in this chapter 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. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.06 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 that person 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. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.07 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 having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 97.03 through 97.06 of this chapter.

(Ord. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.08 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 attempts to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion, sex, handicap, familial status or national origin, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he is or has been, or in order to intimidate that 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 is or has been, or in order to discourage that 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 for 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. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.09 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. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.10 EXEMPTIONS.

(A) Exemptions defined or set forth under IC 22-9.5-3 et seq. shall be exempt from the provisions of this chapter, including 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 persons, 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.

(B) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, "HOUSING FOR OLDER PERSONS" means housing:

(a) 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

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

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)

§ 97.11 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter, and referral of complaints hereunder to the Commissioner as set forth in division (B) hereof, shall be vested in the chief elected official of the city.

(B) Notwithstanding the provisions of IC 22-9.5-4-8, the city, because of its lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to IC 22-9.5-6. The chief elected official shall refer all such complaints to the Commission, as provided for under division (A), 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 city 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, or the chief elected official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 1992-10, passed 10-5-92; Am. Ord. 1995-10, passed 7-5-95; Am. Ord. 2014-10, passed 4-21-14; Am. Ord. 2016-21, passed 10-10-16)



Section

98.01	Construction on corner sidewalks
98.02	Requirements
98.99	Penalty

§ 98.01 CONSTRUCTION ON CORNER SIDEWALKS.

(A) Any new construction or alteration of an existing sidewalk which involves construction or alteration of the curb at an a corner must meet the Uniform Federal Accessibility Standards of 1994.

(B) Any new construction or alteration of an existing sidewalk which ends at an alley, street, or another sidewalk which is at a different height must include a ramp or a curb cut to the other level which meets the Uniform Federal Accessibility Standards of 1994.

(Ord. 1992-7, passed 8-3-92)

§ 98.02 REQUIREMENTS.

Some, but not all, listed requirements include:

(A) The minimum width of a curb cut will be 36 inches exclusive of the flared sides.

(B) The maximum slope on new construction is one inch in 12 inches for the ramp and one inch in ten inches for the flared sides. Sides must be flared where pedestrians are required to walk across the ramp.

(C) The transition from the ramp to the gutter, street, or walk shall be flush and free of abrupt changes.

(D) Alterations of old construction may have a slope of one inch in ten inches for a rise of not more than six inches and one inch in eight inches for a rise of not more than three inches.

(Ord. 1992-7, passed 8-3-92)

§ 98.99 PENALTY.

Anyone who fails to comply with this chapter will be required to alter the work to meet the Uniform Federal Accessibility Standards of 1994 within 120 days or be subject to a fine of not less than \$50 or more than \$200.

(Ord. 1992-7, passed 8-3-92)

1994 S-5 Repl.

STREETS AND SIDEWALKS

## Section

99.01	Unlawful growth
99.02	Notice to remove
99.03	Removal; costs
99.04	Enforcement
99.99	Penalty

STREETS AND SIDEWALKS§ 99.01 UNLAWFUL GROWTH.

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It shall be unlawful for any person to allow or permit any weeds, grasses or other noxious or rank vegetation, which shall include any volunteer trees or bushes growing out of or beside the foundation of any building, to be or remain upon any property owned, leased, occupied by or under the control of such person after the receipt of the notice required in § 99.02. It shall be the duty of every owner of real estate within the corporate limits of the city to cut and remove all weeds, grasses, or other noxious or rank vegetation from the property at least six times each year to a height of four inches as follows:

(A) Once between May 1 and May 15; once again between June 1 and June 15, once again between July 1 and July 15, once again between August 1 and August 15, once again between September 1 and September 15 and once again between October 1 and October 15.

(B) Further, in addition to the six required mowings provided for herein, no property owner shall permit weeds and grasses to grow to a height exceeding eight inches in average height.  
(Ord. 2016-3, passed 4-4-16)

§ 99.02 NOTICE TO REMOVE.

(A) No person shall fail, neglect or refuse to properly cut or remove such weeds or clean such premises so owned by him or her within seven days after the date of mailing of a notice in written form that such premises are overgrown with weeds, grasses or other noxious or rank vegetation and that he or she is ordered to cut or remove such weeds, grasses or other noxious or rank vegetation therefrom.

(B) Notice as herein provided shall be mailed by regular mail to an owner of record of the property at the last address of the owner as indicated in the records of the county auditor on the date the notice is mailed. A copy of said notice shall also be posted in a prominent place on the property.

(C) Any violation of this chapter for which a notice was previously issued within a period of 12 months from the date of the first notice of violation shall be considered a subsequent violation of this chapter and a citation may be issued, without further notice, by a law or code enforcement officer of the city.

(D) An owner of the property may appeal the action required in the notice to the Board of Public Works and Safety by filing a written request in the office of the clerk-treasurer within seven days after the date of mailing of the notice of violation.  
(Ord. 2006-17, passed 8-7-06; Am. Ord. 2013-11, passed 8-5-13; Am. Ord. 2016-3, passed 4-4-16)

WEED CONTROL

§ 99.03 REMOVAL; COSTS.

(A) If a landowner fails to remove the vegetation within the time prescribed, the city may remove the vegetation by hiring independent labor or employing its own agents. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the city in the removal of said vegetation. The statement of costs shall be delivered by the city by ordinary mail to the owner of the property and the owner shall pay the amount to the Clerk-Treasurer within ten days after receiving said statement. In the event of the failure of a landowner to pay the amount within the prescribed time, a certified copy of the statement of costs shall be filed in the office of the Auditor of Jay County. The Auditor of Jay County shall then place the amount claimed by the City on the tax duplicate against the property affected by the work and said amount shall be collected as taxes and shall be disbursed to the general fund of the city.

(B) In the event of the failure of a landowner to pay the amount within the prescribed time, the Clerk-Treasurer shall also record the statement of costs containing all necessary information to identify the landowner and the location of the real estate in the office of the Recorder of Jay County. The cost to record and release the statement of costs shall be added thereto.

(Ord. 2006-17, passed 8-7-06; Am. Ord. 2007-4, passed 5-21-07)

§ 99.04 ENFORCEMENT.

It shall be the duty of the Board of Public Works and Safety to establish policies and regulations concerning the enforcement of this chapter, including but not limited to the methods and rates of pay to be allowed to those individuals who perform services on behalf of the city under the terms of this chapter.

(Ord. 2006-17, passed 8-7-06)

§ 99.99 PENALTY.

Anyone who upon receipt of the notice referred to in § 99.03 above fails, refuses or neglects to cut or remove the weeds, grasses or noxious growth from the premises under his or her control within five days from the receipt of said notice shall be subject to a fine as provided in § 10.99 of this Code. The penalty provided for by this section shall be in addition to any liability imposed under § 99.03 and the prosecution of anyone under the terms of this chapter shall in no way affect the right of the city to remove weeds, grasses, and other noxious vegetation and make the cost of said removal a lien upon the real estate as provided for by § 99.03.

(Ord. 2006-17, passed 8-7-06)

WEED CONTROL

PORTLAND