

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED VEHICLES**
- 91. ANIMALS**
- 92. HOUSING DISCRIMINATION**
- 93. NUISANCES**
- 94. WEED ABATEMENT**
- 95. PARKS AND RECREATION**
- 96. FIRE PREVENTION**
- 97. STREETS AND SIDEWALKS**

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.01 Unlawful act; definitions
- 90.02 Public hazard; jurisdiction; enforcement duties
- 90.03 Exceptions to restrictions; permitted storage
- 90.04 Enforcement; abatement procedure
- 90.05 Impoundment of vehicle; recovery; costs
- 90.06 Penal violations

- 90.99 Penalty

Cross-reference:

Automobile Graveyards and Junk Yards, see §§ 93.15 et seq.

§ 90.01 UNLAWFUL ACT; DEFINITIONS.

(A) It is unlawful for any person to keep, park, or store any wrecked, junk, or abandoned vehicle, or part thereof, on any public or private property within the town when the vehicle, or part thereof, is not kept in a garage, structure, or other enclosure not visible from the street or neighbors' property, regardless of business zone, so as to not be exposed to public view and access.

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

ABANDONED VEHICLE. Any vehicle which:

- (a) Is located on public property illegally;
- (b) Is left on public property continuously for three days without being moved, except as hereafter provided;
- (c) Is located on public property in a way so as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (d) Is left on private property without the consent of the owner or person in control of that property for more than 48 hours;

Rome City - General Regulations

(e) Is six or more model years old and mechanically inoperable, and is left on private property in a location visible from public property for more than 30 days, except as hereafter provided;

(f) Is not legally registered and licensed with the state, whether on public or private property; or

(g) Not otherwise being an abandoned vehicle as heretofore defined, has been removed by the town or a private towing service under authority of an officer enforcing any statute or ordinance providing for the impoundment and storage of the vehicle, and the vehicle is not claimed or recovered by the owner or agent within 15 days of being impounded and stored.

PUBLIC PROPERTY. Includes public rights-of-way and easements.

VEHICLE. Any motor vehicle designed for use on the public streets and highways, and required to be licensed for use by the Indiana Bureau of Motor Vehicles, whether or not a particular vehicle is actually so used or so licensed.

WRECKED/JUNK VEHICLE. Any vehicle which, because of accident, age, misuse, mechanical or structural deterioration, or dismantling and removal of necessary parts or structural elements, has become inoperable or incapable of safe operation as a vehicle, and is:

(a) Left on public property; or

(b) Left on private property in public view, except for purposes of repair or salvage as hereafter permitted.

(1991 Code, § 90.01) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983; Am. Ord. 2016-09, passed 10-10-2016) Penalty, see § 90.99

§ 90.02 PUBLIC HAZARD; JURISDICTION; ENFORCEMENT DUTIES.

(A) It is hereby found and declared that the keeping, parking, or storage of any wrecked, junk, or abandoned vehicle, or parts thereof, on public or private property exposed to public view, except as expressly authorized herein, poses a threat and endangerment to the public in that the vehicles may be an attractive nuisance resulting in a risk of physical harm to children or others, may pose a fire hazard, may pose a traffic hazard, or may serve as areas for the breeding or harborage of rodents or other noxious and injurious animals; and that the keeping, parking, or storage of the vehicles therefore constitutes dangerous conduct, use, and possession of property inimical to the public health, safety, and welfare. If the vehicle is determined by the enforcement officer to be an immediate danger to the safety and welfare of the public, the officer may immediately proceed to have the vehicle towed or taken to a safe place of storage as proved by I.C. 9-21-16-3.

(B) The following officers of the town shall have concurrent jurisdiction and duties for the enforcement of this chapter:

(1) The Town Marshal and his or her deputies;

(2) The Street Commissioner and his or her authorized agents;

(3) The Park Superintendent, to the extent that an offending vehicle its located upon the property of the public parks under his or her jurisdiction; and

(4) The Zoning Inspector, to the extent pertinent to the provisions of the off-street parking requirements of the zoning code.

(1991 Code, § 90.02) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983; Am. Ord. 91-04, passed 11-4-1991)

§ 90.03 EXCEPTIONS TO RESTRICTIONS; PERMITTED STORAGE.

It is permissible to keep, park, or store a wrecked, junk, or abandoned vehicle, and the prohibitions and restriction of this chapter do not apply, in the following circumstances:

(A) The vehicle is kept in an enclosed area on private premises out of public view;

(B) The vehicle is an antique vehicle registered pursuant to I.C. 9-18-12, and would not be considered an abandoned, wrecked, or junk vehicle except for its being mechanically inoperable;

(C) A vehicle which is operable and has a valid Indiana license plate will not be considered an abandoned vehicle if it is legally parked on a public street within one block of the residence of the registered owner or lessee of the vehicle, notwithstanding the fact that the vehicle may be left so parked for a continuous period of more than three days without being moved;

(D) An operable vehicle may be stored or parked on public property for a continuous period of more than three days if it is owned or leased, or is properly authorized by, the public authority having charge over the public property; or

(E) An operable motor vehicle may be legally parked on a public street, or an inoperable vehicle may be stored on private property, notwithstanding the provisions of § 90.01, if it is parked or stored as the property of a member of the armed forces of the United States who is on active duty assignment and absent from the community for that purpose.

(1991 Code, § 90.03) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983; Am. Ord. 2016-09, passed 10-10-2016)

§ 90.04 ENFORCEMENT; ABATEMENT PROCEDURE.

If any enforcement officer finds a wrecked, junk, or abandoned vehicle being kept, parked, or stored in violation of this chapter, the enforcement officer shall forthwith begin action to abate the violation and remove the offending vehicle or part thereof in accordance with the procedures prescribed by I.C. 9-22-1-1 *et seq.* and by this section. If the vehicle is determined to be an abandoned vehicle as defined by § 90.01, other than division (g) of the definition, the enforcement officer shall attach a tag to the vehicle of the type and in the manner described by I.C. 9-22-1-11, and if the vehicle is not removed and properly disposed of by the owner within 72 hours, the enforcement officer shall then proceed to have the vehicle removed and towed or taken to a safe place of storage as provided by I.C. 9-22-1-14 through 9-22-1-16, irrespective of the officer's estimation of the market value of the vehicle or parts and notwithstanding the provisions of I.C. 9-22-1-13. The enforcement officer shall then prepare and forward an abandoned vehicle report to the Indiana Bureau of Motor Vehicles in accordance with I.C. 9-22-1-19. The Bureau of Motor Vehicles shall then take charge of the matter as provided by I.C. 9-22-1-20 and 9-22-1-22, and shall recompense the town or a private towing service for the costs of removal and storage of the vehicle as hereafter provided, if the vehicle is not claimed and the charges paid by the owner or a lienholder. However, if the offending vehicle is determined by the enforcement officer to be a wrecked or junk vehicle as defined by § 90.01, but is not also a prima facie abandoned vehicle in accordance with § 90.01, then the enforcement officer shall attach the same notice tag and, after 72 hours, shall, if necessary, cause the offending vehicle or parts to be removed and stored in the same manner as an abandoned vehicle as heretofore provided, but shall not file an abandoned vehicle report with the Bureau of Motor Vehicles until 15 days have elapsed since the vehicle was removed and it has not been claimed and redeemed from storage by the lawful owner or agent; but if the 15 days have elapsed, the enforcement officer shall declare the impounded vehicle to be an abandoned vehicle in accordance with division (g) of the definition in § 90.01, and shall forthwith prepare and file an abandoned vehicle report with the Bureau of Motor Vehicles as provided above, and the matter shall thereafter be administered in the same manner as in the case of any other abandoned vehicle.

(1991 Code, § 90.04) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983)

§ 90.05 IMPOUNDMENT OF VEHICLE; RECOVERY; COSTS.

(A) When feasible, a vehicle or parts thereof becoming subject to removal and storage pursuant to § 90.04 above shall be so removed and stored by the town using town equipment, personnel, and storage facilities. However, if it is not feasible to do so, the enforcement officer shall call upon the services of a private towing and storage service with which the town has a contract to tow and store impounded vehicles. On or before December 31 of each year, the Town Council shall:

(1) Adopt a resolution fixing the rates and charges to be assessed for the towing and storage of an impounded vehicle when removed and stored by the town during the ensuing calendar year, which charges shall be reasonably related to the estimated actual costs incurred by the town; and

(2) If deemed necessary, the Town Council shall make and enter into a contract with one or more private vehicle towing and storage services to remove and store impounded vehicles, when so directed by an authorized enforcement officer during the ensuing year. The contract may be made effective for more than one year, and shall stipulate the following:

(a) The rates and charges to be assessed by the private towing service for removing and storing impounded vehicles, which shall not exceed the rates and charges which the towing service would usually charge for the removal and storage of a vehicle of equivalent type, weight, and size in the ordinary course of its business;

(b) The towing and storage charges are the liability of the owner of the impounded vehicle, or of the Indiana Bureau of Motor Vehicles from the state Abandoned Vehicle Account, if the vehicle is not recovered by the owner and is sold pursuant to law, and that the charges are not a liability of the town;

(c) The owner of the impounded vehicle is liable for any damages resulting from the removal or storage thereof to the extent provided by I.C. 9-22-1-4, and that the private towing service, and not the town, is liable for any other damages arising out of the removal and storage operation to the same extent that it would be liable for the damages in the course of any usual and ordinary towing operation undertaken in the normal conduct of its business; and

(d) The towing and storage service will keep and store the vehicle only in accordance with all provisions of law governing the management of impounded vehicles.

(B) Any resolution passed or contract entered into, pursuant to divisions (A)(2)(a) or (A)(2)(b) above, shall be considered incorporated by reference into and a part of this chapter, and two copies of the resolution or contract shall be on file in the office of the Clerk-Treasurer and available for public inspection. In addition, a copy of each current resolution or contract, or an abstract of the rates and charges provided therein, shall be filed with the Bureau of Motor Vehicles in accordance with I.C. 9-22-1-30(a)(1). The owner, lessee, or an authorized agent may recover an impounded vehicle only upon payment of the costs provided pursuant to this section and owing to the town or to a private towing and storage service, as the case may be, for the removal and storage of the impounded vehicle. (1991 Code, § 90.05) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983)

§ 90.06 PENAL VIOLATIONS.

Any person who leaves an abandoned vehicle which is operable, and is an abandoned vehicle for the causes described in divisions (a) through (c) of the definition of abandoned vehicles in § 90.01, commits an offense, respectively, of improper parking, overtime parking, and obstructive parking and shall be cited therefor, and, upon conviction, shall be fined in accordance with the schedule of penalties

for the offenses provided in § 70.99. Any person who keeps and maintains a junk vehicle in violation of the off-street parking regulation of the zoning code shall be cited for a zoning violation and subject to a penalty as provided therefor in accordance with the zoning code. (1991 Code, § 90.06) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983) Penalty, see § 90.99

§ 90.99 PENALTY.

Any person otherwise keeping, storing, or parking a wreckcd, junk, or abandoned vehicle in violation of any provision of this chapter shall, upon conviction, be fined in a sum not less than \$25 nor more than \$300, and each day that a violation shall continue shall be a separate offense if not otherwise a discrete act and violation. The penalties provided in this section are for the penal violation of this chapter per se and are in addition to any towing or other abatement costs for which a violator may be liable as heretofore provided. (1991 Code, § 90.99) (Ord. 67-5, passed 6-24-1967; Am. Ord. 83-17, passed 11-7-1983)

CHAPTER 91: ANIMALS

Section

- 91.01 Definitions
- 91.02 Duties of the Animal Control Agency
- 91.03 General animal care requirements
- 91.04 Pet owner and identification
- 91.05 Sale of animals as novelties or used as prizes prohibited
- 91.06 Motor vehicle accidents involving animals
- 91.07 Animals in motor vehicles
- 91.08 Poisoning of animals
- 91.09 Trapping of animals
- 91.10 Maximum number of cats and dogs
- 91.11 Community cat provider
- 91.12 Restricted animals
- 91.13 Owners or agents responsible for removing waste and dead animals
- 91.14 Animal bites
- 91.15 Vaccination of dogs and cats required
- 91.16 Interference with animal control officer or its designee(s)
- 91.17 Spaying and neutering of animals
- 91.18 Exclusion of service dogs prohibited
- 91.19 Confinement by other than Town Officials; notice required
- 91.20 Breaking into animal shelter prohibited
- 91.21 Dangerous and poisonous animals prohibited
- 91.22 Impoundment procedures
- 91.23 Protected animals
- 91.24 Keeping certain animals prohibited
- 91.25 Seizer of certain animals
- 91.26 Serious injury or death
- 91.27 Dangerous animal breeder
- 91.28 Inspection
- 91.29 Penalty

ORDINANCE #2023-01

AN ORDINANCE RESTATING AND AMENDING CHAPTER 91, ANIMALS, OF TITLE OF THE CODE OF ORDINANCES OF THE TOWN OF ROME CITY, INDIANA

WHEREAS, the Town Council of the Town of Rome City, Indiana, after full investigation, deems it in the best interests of the citizens of Rome City and to preserve their public safety and welfare to modify and update Chapter 91 of Title IX of the Code of Ordinances of the Town of Rome City, Indiana.

NOW, THEREFORE, BE IT ORDAINED that Chapter 91 of Title IX, General Regulations of the Code of Ordinances of the Town of Rome City, Indiana is hereby restated and amended by the Town Council of the Town of Rome City, Indiana, as follows:

Section 1:

91.01 DEFINITIONS.

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

ABANDON. To deposit, leave, drop-off or otherwise dispose of any live animal on public or private property without providing the requisite care prescribed under 91.03.

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

ADEQUATE SHELTER. A structure designed specifically to shelter an animal, with a roof and three sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure is physically located in a dry area allowing the animal dry keeping and access outside the structure to dry ground that is mud free.

AGENT. Any person 18 years or older who is authorized by the animal's owner to act on such owner's behalf with respect to his or her animal(s).

A.K.C. The American Kennel Club.

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

ANIMAL. Any live, nonhuman, vertebrate, or invertebrate creature that is domestic, wild, or exotic.

ANIMAL CONTROL AGENCY. Any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this chapter for and on behalf of the town. The term shall include the Town A Office when there has not been a specific establishment of a separate agency for such purposes as set forth herein,

TOWN ANIMAL CONTROL OFFICER. A person or persons authorized to carry out the provisions of this chapter.

ANIMAL HOARDER. Any person who meets any one of these items:

- (1) Possesses five (5) or more animals;
- (2) Fails to or is unable to provide adequate food, potable water and/or sanitary environment;
- (3) Keeps the animals in an overcrowded environment;
- (4) Maintains animals that are not altered; and
- (5) Has a reckless disregard for the condition under which the animals are living and the deleterious impact those conditions have on the animal's, health and well-being.

ANIMAL PERFORMANCES OR EXHIBITIONS. Any spectacle, performance, display, act, exhibition, or event in which an animal or animals are used.

ANIMAL SHELTER. A facility or vehicle operated by a governmental or private entity for the temporary care, confinement, detention, and humane treatment of animals.

AT LARGE. An animal that is:

- (1) Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
- (2) On a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
- (3) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

AUCTION. Any place or facility where animals are regularly bought, sold, or traded by means of auction sale, except for those facilities otherwise defined in this chapter or state law.

BITE. To seize, tear, wound, or cut with the teeth, resulting in a break in the skin.

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

CIRCUS. Any performances, which are given for a fee, by traveling companies on vacant lots, using tents, or some other kind of temporary enclosure, for sheltering the public.

COMMUNITY CAT. Shall mean a cat that is abandoned, stray, lost, or feral, and that may be cared for by a community cat caregiver, known or unknown pursuant to this ordinance.

COMMUNITY CAT COLONY. Shall mean a colony of community cats, appropriately registered as a community cat, that are cared for by a community cat provider. Community cat colonies shall be limited to eight (8) community cats.

COMMUNITY CAT MEDICAL PROVIDER. Shall mean a person who in accordance with and pursuant to a policy of TNR, provides medical care, while not being the owner, harbinger, controller, or keeper of a community cat.

COMMUNITY CAT PROVIDER. Any person who provides food, water, and shelter or otherwise cares for community cats.

CONTROLLED ANIMAL. Any animal not defined as a domestic animal in this chapter, with the exception of small, nonpoisonous aquatic or amphibious animals, nonpoisonous reptilian animals, small cage birds, and psittacine. Such CONTROLLED ANIMALS shall include but not be limited to the following:

- (1) All poisonous animals, including rear-fang snakes.

- (2) Apes: chimpanzees (*Pan*), gibbons (*Hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*), and siamangs (*Symphylans*’);
- (3) Baboons (*Papio*, *Mandrillus*)
- (4) Bears (*Ursidae*)
- (5) Bison (*Bison*)
- (6) Cheetahs (*Acinonyx jubatus*)
- (7) Crocodilians (*Crocodylia*)
- (8) Constrictor snakes, such as boa, python, and anaconda.
- (9) Coyotes (*Canis lairans*)
- (10) Deer (*Cervidae*), including all members of the deer family, such as white-tailed deer, elk, antelope, and moose.
- (11) Elephants (*Elephas* and *Loxodonta*)
- (12) Game cocks and other fighting birds
- (13) Hippopotami (*Hippopotamidae*)
- (14) Hyenas (*Hyaenidae*)
- (15) Jaguars (*Panthera onca*)
- (16) Leopards (*Panthera pardus*)
- (17) Lions (*Panthera leo*)
- (18) Lynxes (*Lynx*)
- (19) Monkeys
- (20) Ostriches (*Struthio*)
- (21) Piranha fish (*Characidae*)
- (22) Pumas (*Felis concolor*), also known as cougars, mountain lions, and panthers.
- (23) Rhinoceroses (*Rhinocero tidae*)
- (24) Sharks (class *Chondrichthyes*)
- (25) Snow leopards (*Panthera uncia*);
- (26) Spiders and insects which are poisonous.
- (27) Tigers (*Panthera Tigris*); or
- (28) Wolves (*Canis lupus*).

CRIMINAL TRESPASS.

- (1) Means:
 - (a) Not having a contractual interest in the property, knowingly or intentionally entering the real property of another person after having been denied entry by the other person or his or her agent.
 - (b) Not having a contractual interest in the property, knowingly or intentionally refusing to leave the real property of another person after having been asked to leave by the other person or his or her agent.
 - (c) Accompanying another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the other vehicle.
 - (d) Knowingly or intentionally interfering with the possession or use of the property of another person without his or her consent; or
 - (e) Not having a contractual interest in the property, knowingly or intentionally entering the dwelling of another person without his or her consent.
- (2) For purposes of this chapter, a person has been denied entry if the denial was by means of personal communication, oral or written, or by putting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

DANGEROUS ANIMAL.

- (1) Any animal which:
 - (a) Has attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - (b) Has attacked, attempted to attack, bitten, or seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - (c) Has a history, documented with a public agency or its designee, of attacking or biting any humans or domestic animals;
 - (d) Has a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten or endanger the safety of humans or domestic animals;
 - or
 - (e) Has been found to be at large and has been documented to be at large by an animal control officer.
- (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:
 - (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - (c) Teasing, tormenting, abusing, or assaulting the animal.
- (3) No K-patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a **DANGEROUS ANIMAL** when used in the line of duty or for law enforcement purposes.
- (4) Whether there has been provocation or not (see (1)(b) above), shall be determined by the facts which shall also include, but not be limited to, a determination as to whether or not a person was on the property owned by the animal's owner or keeper by invitation. Absent evidence of teasing, tormenting, abusing or assaulting the animal, if a person is on an owner's property by invitation, provocation may be deemed to not have occurred. Mailmen, postal deliverymen, door-to-door salesmen, children selling school or club items and utility personnel shall be deemed to be invited guests for purposes of this definition.

DESIGNEE. A person, organization, or entity selected, appointed, or nominated for a particular purpose or duty. Unless otherwise indicated, references to the Animal Control Agency or the Animal Control Officer shall always include its designee.

DOG PARK. A municipally designated appropriate area for off-leash exercise of dogs. Unless otherwise in violation of rules adopted for the dog park, an owner is not liable (and it shall not be deemed a public nuisance) for a dog to be off-leash or "running at large" in a municipally designated dog park.

DOMESTIC ANIMAL. Any domestic animal shall include but not be limited to:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Cattle (*Bos domesticus*, *Bos taurus*, or *Bos indicus*);
- (4) Horse (*Equus caballus*);
- (5) Donkey (*Equus asinus*);

- (6) Sheep (*Ovis aries*);
- (7) Goat (*Capra hircus*);
- (8) Rabbit (*Oryctolagus cuniculus*);
- (9) Mouse (*Mus musculus*);
- (10) Rat (*Rattus*);
- (11) Guinea pig (*Cavia procavia*);
- (12) Hamster (*Mesocricetus auratus*);
- (13) Gerbil (*Gerbillus*);
- (14) Cow or ox (*Bovine*);
- (15) Pigeon, homing, or racing;
- (16) Chicken, turkey, goose, duck;
- (17) Swine;
- (18) Chinchillas;
- (19) Mink;
- (20) Ferrets;
- (21) Bison; and
- (22) Llamas.

EAR TIPPING. Shall mean the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, and in compliance with any applicable federal or state law, or under the supervision of a licensed veterinarian, derived to identify the community cat as being sterilized and lawfully vaccinated for rabies.

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii. This definition does not include fish, fur-bearing animals commercially bred for the furrier trade, and birds protected under federal laws and regulations.

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

FERAL CAT. An unowned domestic cat that lives outdoors and avoids human contact.

FIGHT. A conflict between two or more animals that is intentionally organized for such purpose.

FIGHT PARAPHERNALIA. Equipment or items used to train or condition animals for participation in an animal fight contest or materials to promote animal fighting, the breeding of animals specifically for the purpose of fighting, train animals for fighting, or to track the results of animal fights.

FOSTER ANIMAL. An animal held by animal services for adoption, that is temporarily boarded at a residence.

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

HARBORING. The actions of any person that permit an animal habitually to remain, to be lodged or to be fed within one's home, store, enclosure, yard, or place of 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 or more.

HOME BREEDER. Any person who uses their residence for the purpose of breeding animals.

HUMANE OFFICER. Any person or agency designated by the state or the city as a person who is qualified to perform the duties required by the law of this city and state regarding animals.

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

KEEPER. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for such animal. A person shall be construed as a **KEEPER** of an animal even if he or she does not have the owner's permission.

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

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

MICROCHIP. A tiny computer chip, implanted underneath the skin of an animal, that contains identification information relating to that animal.

MUZZLE. A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.

NIP. To pinch or squeeze with the teeth without breaking the skin or damaging any tissue.

NOT-FOR PROFIT. A business, association, or entity established or organized as a **NOT-FOR-PROFIT** corporation under state law or recognized as **NOT-FOR-PROFIT** by the Internal Revenue Service or the state Department of Revenue. **FOR-PROFIT** means all other types of businesses, associations, or entities.

OFF PROPERTY. Beyond the legal boundaries of the real property on which the owner, agent, or keeper resides.

OWNER. Any person 18 years of age or older having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal covered by this chapter.

PERFORMING ANIMAL EXHIBITION. Any spectacle, display, act, or exhibit or event other than a circus, 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, which sells or barter animals.

PROVOKED. To deliberately arouse, incite, or excite.

PUBLIC NUISANCE. Any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include but not be limited to:

- (a) Excepting domestic cats, which exception shall apply only to this paragraph (a), any animal found repeatedly running at large or unrestrained;

- (b) Any animal, whether or not on the property of its owner, that without provocation molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (c) Any animal that chases or interferes with motor vehicles in a public right-of-way; (d) Any animal that attacks other animals;
- (e) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
- (f) Any animal that makes disturbing noises continuously for 15 minutes or for an aggregate 20 minutes in a one-hour period, including but not limited to howling, barking, whining, or other utterances;
- (g) Any animal in any section of a public park, playground, school yard, or other recreational area that is found running at large;
- (h) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (i) Any animal that trespasses on the private property of persons other than the owner of the animal; or
- (j) Any animal determined to be a dangerous animal.

The term **PUBLIC NUISANCE ANIMAL** shall not automatically apply to an animal being cared for at an Animal Control Agency that might otherwise be deemed a Public Nuisance under this definition. However, an Animal Control Agency shall not be completely exempt from a violation of (f) herein this definition if the nuisance creating a violation of (f) is not addressed by the agency to the satisfaction of the Animal Control Officer, or, upon request, the Board or Animal Control Commission.

RABIES VACCINATION. An injection, licensed by the U.S.D.A. and approved by the Indiana State Board of Health, given to a dog, cat, or other animal by a licensed veterinarian to prevent the spread of rabies.

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

RIDING SCHOOL OR STABLE. Any place that provides, for a fee, boarding and/or riding instructions for a horse, pony, donkey, mule, or burro.

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

SERIOUS INJURY OR DEATH.

- (1) Any bodily injury, which is caused by an animal and is medically documented, that:
 - (a) Creates a substantial risk of death;
 - (b) Causes serious permanent disfigurement, unconsciousness, or extreme pain;
 - (c) Results in a permanent or protracted loss or impairment of a bodily member or organ.
- (2) This definition shall not include any nip from an animal.

SERVICE DOGS. Any dog that is trained to assist a handicapped person.

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

TRAP-NEUTER-RELEASE. Shall mean the process of humanely trapping, vaccinating for rabies, ear tipping, and returning a community cat to their original location.

U.K.C. The United Kennel Club.

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

UNPROVOKED. Without incitement or stimulation.

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

VETERINARIAN. Any person licensed and accredited to practice veterinary medicine in the state.

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

ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, which is operated by a person, partnership, corporation, or governmental agency that is established for educational purposes and is properly zoned for such use, and which possesses valid licenses and permits as required under federal or state law.

91.02 DUTIES OF THE ANIMAL CONTROL AGENCY

(A) Authority. The Animal Control Agency shall have the following duties with respect to animal control within the city:

- (1) To report to or be responsible to the Town Council.
- (2) To recommend proposed policies, principles, standards, and regulations for the control and humane treatment of all animals in the town.
- (3) To review and to make recommendations to the Town Council on improving the enforcement of the terms of this chapter and as to other ordinances necessary for the care and treatment of all animals under this chapter.
- (4) To review the performance of any town agencies or agency hired by the town matters related to the enforcement of this chapter.
- (5) To receive reports involving animal control from the Marshal's Office or other agency authorized to carry out the provisions of this chapter. To receive complaints regarding alleged animal control violations.
- (6) To hear appeals within ten working days after an appeal has been filed on:
 - (a) Whether an animal is a dangerous animal, as defined in 91.01; or
 - (b) Whether a person has provoked an animal which has resulted in a violation of this chapter.

Such determination shall be in writing with the original copy being maintained by the Marshal's Office or its designee, and copies being sent to the animal's owner and the Town Clerk-Treasurer for record-keeping purposes. The determination as to whether the animal is a dangerous animal, as defined in

91.01, shall be made by the Council. The determination shall be made upon taking into consideration the specified definition, witness testimony, observation or other factors which the Council deems relevant to the determination.

§ 91.03 GENERAL ANIMAL CARE REQUIREMENTS.

Every owner or his or her agent, including a community cat provider, residing within the corporate limits of the town shall see that each of his or her animals:

- (A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement.
- (B) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- (C) Subject to the discretion of the investigating officer, lives in a structure, which will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner; which meets minimum standards of floor space where at least half of the cage is solid if housed in a cage with wire floor;
- (D) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;
- (E) Is not beaten, ill-treated, overloaded, over-worked, tormented, or otherwise abused or neglected, or involved in any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (F) Is not physically altered in any manner by anyone other than a veterinarian, except for tattooing for identification purposes and grooming;
- (G) Is not abandoned, neglected, or tortured;
- (H) Does not become a public nuisance;
- (I) Does not become a dangerous animal;
- (J) In the case of a dog or cat over the age of four months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law, and such animals shall be licensed (paid dog tax) as required by this chapter and state law;
- (K) Is properly restrained and not at large; an animal must be properly restrained when off of its owner's private property unless it is determined by the animal control officer that such animal is not a nuisance as defined under 91.01; and
- (L) When in estrus (in heat), shall be confined in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.
- (M) For purposes of division (K), the following shall apply:

- (1) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least six feet in length and must have a swivel device on the anchor and collar end to prevent tangling.
- (2) No person shall chain their dog using an agitation collar; a collar exceeding one and one-half inches wide for any dog less than 60 pounds. Dogs over 60 pounds shall not be tethered using a collar exceeding two inches in width.
- (3) An animal that is tethered must have access to adequate shelter at all times.
- (4) A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth of the dog's body weight.
- (5) A person shall not tether an animal in a manner that permits the animal to leave the person's property or to reach within six feet of public property.
- (6) A person shall not tether or confine a dog at a vacant structure or premises for any purpose when it is not monitored by an adult who is present at the property for the duration of such tethering or confinement.
- (7) A person shall not have more than four dogs tethered simultaneously at the same residence.
- (8) A person shall not allow contact between tethered dogs.

(N) For purposes of provision (E), the following shall apply:

- (1) No person shall possess animal fighting paraphernalia AND a dog, cock, fowl, or bird bearing a scar, wound or injury consistent with animal fighting.
- (2) No person shall attend an animal fighting contest.
- (3) No person shall knowingly sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.
- (4) No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.
- (5) No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of an exhibition of animal fighting.
- (6) Each animal affected by the defendant's conduct may constitute a separate count for the purposes of prosecution, convictions, sentencing and penalties under this section.

(O) It shall be a violation of this section to be an Animal Hoarder as defined in this chapter,

91.04 PET OWNER AND IDENTIFICATION.

(A) All dogs and cats shall be able to be identified by wearing of a collar with tags, the animal is microchipped, or clearly designated as a Community Cat in accordance with this Ordinance.

91.05 SALE OF ANIMALS AS NOVELTIES OR USED AS PRIZES PROHIBITED; EXCEPTIONS.

(A) Sale of animals as novelties or use as prize prohibited.

- (1) No person shall display, sell, offer for sale, barter, or give away any animal, reptile, fish, or bird as a novelty or as an advertising device.

- (2) No rabbit, chick, gosling, duckling, turkey, or other fowl may be dyed or otherwise colored artificially; nor shall any dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys, or other fowl be sold, offered for sale, displayed, used as barter, or given away.

- (B) This section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys, or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this section prohibit a pet shop holding a valid permit under this chapter, or a legitimate humane society or animal shelter, from humane caring for, adopting out, or selling animals as pets.

91.06 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person operating a motor vehicle who knowingly hits, runs over, or causes injury to an animal within the Town of Rome City shall immediately notify Law Enforcement. Such notice shall include the motorist's name, address, phone number, type of animal hit, and the location of the animal.

91.07 ANIMALS IN MOTOR VEHICLES.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is securely fastened to the vehicle.

91.08 POISONING OF ANIMALS.

- (A) No person shall deposit, dispose, or place any poisonous substance on any public or private property within the corporate of the town, if a domestic animal is reasonably likely to consume such substance.
- (B) A person shall not be liable under division (A) of this section for leaving common rat or mouse poisons or insecticides, in any form, on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons so that only the targeted rodents or insects are exposed to said poisons.

91.09 TRAPPING OF ANIMALS

No person shall trap animals or fowl within the Town of Rome City, unless such trap(s) are approved by an animal care facility and used for the control of nuisance animals. If available, approved traps shall be obtained from the animal control officer and shall only be placed on the property of the trapper, whether the trapper is a renter or owner of the property. Upon trapping the animal, the trapper shall contact the animal control officer to schedule a pick-up of the animal. The prohibition set forth herein shall not apply to any trap specifically designed to kill rats, mice, gophers, or moles. Persons who believe that this section is being violated shall notify the Town Council for review. This section shall not apply to "Trap, Neuter, and Release" program.

91.10 MAXIMUM NUMBER OF DOGS OR CATS.

- (A) Unless otherwise stated, no person shall keep more than a total of five (5) dogs or cats over the age of six months per household in any residential area zone. These restrictions mean a total of five (5) animals; for example, three dogs and two cats, or three cats and two dogs, but in no event shall the total number exceed five animals per household.

- (B) Exception: Pet owners who owned more than the allotted number of animals on the effective date of this section are not in violation of any other section of this chapter if all other pet requirements are met. Pet Owners who maintain more than the allotted number of cats or dogs may not add or replace pet after a loss until the total number of pets owned complies with this section. Every such pet owner must register their pets with the Town Marshal's Office. To qualify as a valid registration, the following information must be filed with the Marshal's Office with respect to each owned animal:
- (1) The name and address of the current owner
 - (2) The street address (or if none, the legal description of the property) where the animal is currently located; and
 - (3) A description of the animal, including the species, photograph and approximate age of the animal.
- (C) Community Cat Provider: Cat colonies cannot exceed eight (8) cats after January 2, 2024. Colonies registered prior to January 2, 2024, may maintain their population until the maximum of eight (8) cats is achieved through loss.
- (D) It shall also be a violation of this section to be an Animal Hoarder as defined in this chapter, excepting a registered community cat provider..
- (E) This section applies to households and not to an animal shelter, veterinary office, hospital, pet store, or other legally operated and/or licensed animal related businesses.

91.11 COMMUNITY CAT PROVIDER.

Cat colonies cannot exceed eight (8) cats after January 2, 2024. Colonies registered prior to January 2, 2024, may maintain their population until the maximum number of eight cats is achieved through loss.

- (A) Maximum of three (3) colonies within the Town of Rome City.
- (B) Animal must be spayed/neutered, vaccinated and microchipped, appropriately tagged as a community cat, or wearing an breakaway collar.
- (C) Community Cat Provider Registration:
 - (1) The name and address of the current owner,
 - (2) The street address (or legal description of the property) where the animal is currently located,
 - (3) Description of each community cat, including the species, color, and approximate age of the animal (photographs should be provided when possible),
 - (4) All cats in the community cat colony Must be registered,
 - (5) Any abandoned cat must be reported to the Town Marshal,
 - (6) Exception: Marshal/Animal Control Officer has the discretion to allow an abandoned cat to be added to the community cat colony.
- (D) Community Cat Care Requirements:
 - (1) Food can only be left out for community cats between the hours of 6:00 am through 9:00 am, but shall never be left out for longer than thirty (30) minutes. If all food is consumed within fifteen (15) minutes, CC provider shall increase the amount of food provided,
 - (2) Only dry or wet cat or kitten food shall be provided to community cats,

- (3) CC providers shall not interfere with the social hierarchy or natural feeding habits of the community cats,
- (4) Food must be placed in clean bowls, which shall be hidden from public view,
- (5) Water shall be provided in clean bowls in the same location as food is set out each day. Water bowls shall be free of bugs, mold, dirt, or landscape debris.
- (6) Community cats can only be brought inside during extreme cold weather. Community cat shelters are encouraged. Ways to construct these shelters can be found on the internet or in the Town Hall.

91.12 RESTRICTED ANIMALS.

- (A) No restricted animal shall be kept within the town limits unless otherwise excepted by this section or approved by variance through Rome City Board of Zoning Appeals.
- (B) Subject to division (C) of this section, the term "restricted animal" as used in this section means: poultry, horses, cows, goats, swine, sheep, llamas, donkeys, asses, burros, mules, other livestock, and the offspring of any such animals.
- (C) Notwithstanding division (B), the term "restricted animal" as used in this section does not include:
 - (1) Dogs or cats.
 - (2) An animal kept in a well-secured cage in an enclosed building:
 - (a) For educational purposes under the supervision of the staff or administration of a school or bona fide educational institution;
 - (b) Temporarily in the ordinary course of business of a licensed veterinary clinic or practice; or
 - (c) Temporarily in the ordinary course of business of a generally recognized animal shelter or animal control facility.
 - (3) An animal kept temporarily, being for no longer than 14 days, for a public or quasi-public purpose on grounds designated for such purpose.
 - (4) Nothing in this section shall be construed to permit the keeping of any animal in a manner or place that constitutes a nuisance or that is otherwise illegal under any other applicable ordinance, statute or common law.
- (D) Nothing in this section shall be construed to permit the keeping of any animal in a manner or place that constitutes a nuisance or that is otherwise illegal under any other applicable ordinance, statute or common law.
- (E) This section applies to households and not to an animal shelter, veterinary office or hospital, pet store or other legally operated and/or licensed animal related business.
- (F) Any person desiring to raise animals for 4-H purposes must petition the Town Council for permission to keep the animal on their property, but at all times animals must be maintained in a safe or sanitary condition so that a public nuisance as defined herein is not created. The Town Council reserves the right to rescind permission for maintaining an animal under this section if it is found to create a public nuisance.

- (F) In the event a restricted animal either unregistered or not exempted by the provisions of this section is found to be located within the town limits in violation of provisions herein, the Animal Control Officer shall notify the owner of the restricted animal that the owner must take steps necessary to remove the animal from the town limit within a certain time frame, not less than ten days from the date of delivery of the notice. The notice shall further provide that should the owner or person in control of the restricted animal fail to remove the animal as directed, the Animal Control Agency may bring necessary action in a court of proper jurisdiction for the removal of the animal and for collection of costs and attorney fees.
- (G) The failure, neglect, or refusal, by the record owner of record or person in control of the restricted animal to comply with the terms of the notice given pursuant to Section (G), shall constitute a violation of this section. Each day's failure, neglect, or refusal to remove the restricted animal from the town pursuant to this section shall constitute a separate offense under this section. A town ordinance violation citation to the owner or person in control of the restricted animal shall result in a fine pursuant to section 91.99.

91.13 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING WASTE AND DEAD ANIMALS

- (A) Any owner or his agent taking the owner's dog outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property, except in the case of a service dog for a blind person or disabled person.
- (B) Any owner of a dog or cat owner shall remove excrement deposited on their property before it becomes a public nuisance.
- (C) The owner of any dead animal shall remove and properly dispose of the animal within 24 hours after its death. A property owner is responsible for removing any animal carcass on his or her real property.

91.14 ANIMAL BITES.

- (A) If any person is a victim of an animal bite, he or she shall immediately notify the county Health Department, town Marshal's Office or Animal Control Agency of the incident and provide a description of the animal and an identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than 14 days.
- (B) Except for any judicial action dictating otherwise, an animal which has bitten a person may be left in the charge of the owner, under quarantine, unless, in the judgment of the Animal Control Officer and based upon considerations of public safety, the Animal Control Officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.
- (C) In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before such animal will be released. If the owner is unable or unwilling to pay for said costs, the animal may be humanely euthanized, and the owner shall still remain liable to the animal shelter for any costs incurred in said quarantine and/or impoundment and/or euthanasia and/or disposal.

- (D) If the owner of the quarantined animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Marshal's Office and confined in the animal shelter for a period of observation of not fewer than 14 days.
- (E) Animal Control Officers shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary.

91.15 VACCINATION OF DOGS, AND CATS REQUIRED.

- (A) Per I.C. 15-17-6, no animal owner or his or her agent shall keep or harbor a dog, and/or cat over the age of four months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.
- (B) The owner shall maintain proof of an animal's vaccination so that it can be presented to the town or its agents upon request.
- (C) Failure to comply with the provisions of this section shall subject the owner of said unvaccinated dog and/or cat to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in 91.99.

§ 91.16 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR ITS DESIGNEE(S).

No person shall interfere with or impede an Animal Control Officer or any other authorized designee or agent in the performance of his or her duties as set forth in this chapter.

91.17 SPAYING AND NEUTERING OF ANIMALS.

- (A) Any dog or cat shall be spayed or neutered by a licensed veterinarian within 60 days of adoption or ownership if the dog or cat is over six months of age. If the dog or cat is less than three months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six months. A dog or cat shall not be spayed or neutered if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that such animal shall be neutered or spayed within the time limitations specified in this section.
- (B) Exclusion of Breeders. Owners must register with Animal Control Agency any dog or cat intended for the use of breeding. Two (2) dogs or cats may be breed twice per year. The dog or cat must be spayed or neutered when no longer used for breeding purposes.

91.18 EXCLUSION OF SERVICE DOGS PROHIBITED,

No person owning, operating, or maintaining any public place of business to which the general public is invited for any business purpose shall exclude therefrom any service dog that has been trained to assist the blind, the hearing-impaired, or the physically disabled. However, such dog must be in the company of the handler for whom it was trained to assist or in the company of a licensed obedience service trainer.

§ 91.19 CONFINEMENT BY OTHER THAN TOWN OFFICIALS; NOTICE REQUIRED.

Unless authorized by the owner of an animal, no person shall hold or retain possession of any animal of which he or she is not the owner for more than 24 hours without first reporting the possession of the animal to the Animal Control Officer or its designee. When reporting possession of an animal, such person shall give his or her name and address, a description of the animal, a true and complete statement of the circumstances under which he or she took possession of the animal, and the precise location where the animal is confined.

91.20 BREAKING INTO ANIMAL SHELTER PROHIBITED.

It shall be unlawful for any person to break into any animal shelter where animals are impounded by the town or in any way remove or assist in the removal of any animal from the described property, without lawful permission.

91.21 DANGEROUS AND POISONOUS ANIMALS PROHIBITED.

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

91.22 IMPOUNDMENT PROCEDURES.

- (A) An Animal Control Officer or its designee may immediately seize, impound, or confine any of the following animals:
 - (1) Unless excepted, any animal running at large;
 - (2) Any animal constituting a public nuisance;
 - (3) Any unattended animal that is ill, injured, or otherwise in need of care;
 - (4) Any unattended animal that is reasonably believed to have been abused or neglected;
 - (5) Any animal that is reasonably suspected of having rabies;
 - (6) Any animal charged with being dangerous or determined to be dangerous by the Animal Control Agency; or
 - (7) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested, or evicted from his or her regular place of residence.
- (B) If any dangerous, ferocious, or vicious animal is found at large and cannot be safely impounded, an animal may be tranquilized, tased, slain, or humanely euthanized to prevent harm or undue suffering by an Animal Control Officer or designee.
- (C) If dogs and cats licensed under this chapter are impounded by the Animal Control Agency, an attempt shall be made by the Animal Control Officer or designee to return the animal to the owner as soon as is practical after the time of the impoundment. Unless this animal is claimed by the owner, the animal may be placed for adoption or humanely euthanized, per the policies of the Humane Society of Noble County.

- (D) All other impounded animals (except dogs and cats specifically covered herein) shall be under the authority of the Animal Control Officer or designee. The animals shall be turned over to the Humane Society of Noble County. Cats will be impounded for no more than 24 hours after which time the Animal Control Agency shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.
- (E) The Animal Control Agency shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, for the welfare of the animal and for the safety of humane officers and the public. The agency may take action without holding an animal within any stated impoundment time period as hereinabove or hereinafter stated.
- (F) Nothing contained herein shall limit the Animal Control Agency's authority to take whatever action is reasonably necessary to provide veterinary care by a licensed veterinarian for a sick or injured animal.
- (G) Reclaiming procedures of impounded animals. The local animal shelter shall establish procedures for reclaiming impounded animals. In the event there ceases to exist a local animal shelter, the town shall establish reclaiming procedures for impounded animals within its facilities.

91.23 PROTECTED ANIMALS.

- (A) No person shall possess, offer for sale, attempt to buy or own within the town any protected animals of either thoroughbred or hybrid stock or pedigree.
- (B) No person shall buy, sell, or offer for sale or own a native or foreign species or subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 16 (Public Law 135, 1st Congress), as amended.
- (C) No person shall import or cause to be imported into this town any part of the plumage, skin, or dead body of any species of hawk, owl, or eagle. This division shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (D) This section shall not be construed to prevent the importation, possession, purchase, or sale of any species to any person or organization licensed to present a circus or carnival pursuant to this code.
- (E) An Animal Control Officer or its designee may seize and impound any animal being offered for sale or owned in violation of this section. Any person violating any of the provisions of this section shall be fined no more than \$200 for the first offense, and no more than \$500 for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

91.24 KEEPING CERTAIN ANIMALS PROHIBITED.

- (A) No person shall keep, maintain, or have in his or her possession or under his or her control, within the town, any poisonous reptile or any other dangcrouous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious, or dangerous propensities.
- (B) The provisions of this section shall not apply to institutions of higher learning, circuses, or persons harboring animals specifically for the purpose of rehabilitation and release into their natural habitat pursuant to a valid wildlife permit issued by the state or an agency of the United States if:
 - (1) Their location conforms to the provisions of town ordinances.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate offensive odors.
 - (3) Animals are confined in such a manner so as to prevent their escape and protect the public from coming in direct contact with them.
 - (4) Any person, firm, or corporation violating any provision of this section shall be fined not less than \$200 for the first offense and not more than \$500 for each subsequent offense; a separate offense shall be deemed committed on each day during which or on which a violation occurs or continues.

91.25 SEIZURE OF CERTAIN ANIMALS.

- (A) No person shall keep, harbor, own, or permit to be kept on his or her premises any wild animal (*ferae naturae*). Wild animals shall include but are not limited to raccoons, skunks, foxes, squirrels, chipmunks, porcupines, wolves, and woodchucks.
- (B) Animal care facilities, circuses, or carnivals properly licensed pursuant to this chapter, and persons possessing a valid wildlife permit from the state Department of Natural Resources are exempt from this section.
- (C) Any person who owns, possesses, or harbors any wild animal in violation of this section may have the animal seized and impounded.

91.26 SERIOUS INJURY OR DEATH.

- (A) If an animal kills or causes serious injury, the animal shall be deemed a dangerous animal, pursuant to 91.01, and the animal shall be humanely impounded. The owner shall be responsible for the costs of caring for the animal during the period of impoundment, including but not limited to the costs of boarding and veterinary treatment, if necessary.
- (B) The owner of an animal which kills or causes serious injury to a person who is found guilty of criminal trespass as heretofore described shall not be subject to the violation provisions set forth herein.
- (C) If a conflict arises between the provisions of this section and other sections of this chapter, the provisions of this section shall prevail due to the public health and safety concerns.

91.27 DANGEROUS ANIMAL BREEDER

- (A) *Registration for owning a dangerous animal.* A person shall not own, harbor, possess or keep any dangerous animal unless such animal is registered under this section. Any person whose pet has been determined to be a dangerous animal may file an appeal within 48 hours after such determination. The appeal shall be in writing, accompanied with a non-refundable appeal fee of \$25, and be directed to the Town Council.
- (B) *Registering requirements.* Any owner of a dangerous animal, shall register to the Animal Control Agency. The application shall be on a form provided by the town and shall be accompanied by the following:
- (1) A valid driver's license or state issued picture identification showing the owner's name and current address.
 - (2) Proof that the applicant owns the animal and is 18 years of age or older.
 - (3) One copy of a registration certificate issued for the animal by the A.K.C. and/or A.D.B.A., if available and applicable.
 - (4) One copy of the current immunization and health records for the animal showing that the animal received a current rabies vaccination by a licensed veterinarian.
 - (5) Four photographs of the animal from four different sides taken not more than one month before the date of the registration. Such photographs shall consist of a front, back, left and right-side view of the animal; and
 - (6) The name, address and phone number of the animal's previous owner, if applicable.
- (C) *Confinement.* The dangerous animal/attack dog shall be confined or under the control of its master, owner or keeper at all times to prevent injury to any person or animal.
- (D) *Lost or escaped animal.* If the animal is lost or escapes, the owner or owner's agent shall report the incident immediately to the Animal Control Agency.
- (E) *Signs of dangerous animal.* The owner of a dangerous animal shall post signs on or in his or her property where such animal will be kept, clearly visible to the public.
- (F) *Law enforcement exemptions.* Duly authorized members of the Marshal's Office or other law enforcement agencies, including, but not limited to, conservation officers and other law enforcement officers shall be exempt from the provisions of this section if the animal is used for law enforcement duties.
- (G) *Number of days in which to register for a permit.* If the Animal Control Agency is notified of an address where a dangerous animal is being kept or harbored, and that animal and owner of the property has not been in violation of any section of this chapter, the owner shall have a maximum of 10 business days to register the animal. If the registration is not completed within 10 business days, a fine shall be imposed.
- (H) *Violations.* If the owner of a dangerous animal violates any provisions of this chapter, the animal shall be impounded immediately.
- (I) *Changing owners.* In the event that a dangerous animal changes owner, the new owner must register. The original owner's registration shall not be transferable to the new owner. The original owner shall notify the Animal Control Agency that the animal has been sold or given away.

- (J) *Address change.* The owner of a dangerous animal shall notify the Animal Control Agency if the address changes where the animal is being kept. The owner must make this notification so an inspection can be made of the premises.
- (K) *Fighting.* No person shall fight, bait, conspire to fight or bait, or keep, train or transport for the purpose of fighting or baiting, any animal required to be licensed under this chapter. A person who violates this section shall be reported by the Animal Control Agency or its designee to the county prosecutor's office for prosecution under I.C. 35-46-3-8 et seq.
- (L) *Notification by owner/agent.* The owner, or owner's agent, of an animal required to be registered under this chapter shall notify the Animal Control Agency immediately if the animal is running at large, has been stolen, or has attacked a person or domestic animal.

91.28 INSPECTION.

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, a health officer, police officer, code enforcement officer, or Animal Control Officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law, provided that:
 - (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
 - (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefore.
- (B) In the event the Animal Control Officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe, dangerous, or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer shall have recourse to secure lawful entry and inspection of the property.

91.99 PENALTY.

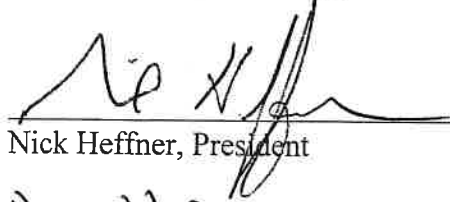
- (A) *Citations.* Any person served with a warning notice for failure to have a dog or cat vaccinated and who fails to comply within 10 days, and any person who violates any other provision of this chapter, shall be issued a citation. Citations shall contain the name and address of the violator, the ordinance section violated, the date, time, and nature of the violation, location of the violation, and the name of the person issuing the citation.
- (B) *Fines.* All fines are payable to the Town Clerk/Treasurer

- (1) Any person who violates any of the following sections shall be subject to a fine of not less than \$100 for the first offense and not less than \$200 for the second or each subsequent offense as set forth in section 10.98 of this Code, which shall be payable through the Town Clerk/Treasurer.
 - (2) 91.04, General animal care requirements;
 - (3) 91.05, Sale of animals as novelties or use as prize prohibited; exceptions, see 91.05(B);
 - (4) 91.07, Animals in motor vehicles;
 - (5) 91.08, Poisoning of animals;
 - (6) 91.10, Maximum number of dogs or cats;
 - (7) 91.14, Vaccination of dogs and cats required; or
 - (8) 91.15, Interference with Animal Control Officer or its designees prohibited,
 - (9) 91.16, Spaying and neutering of animals
- (C) Any person who violates any section of 91.26, Dangerous animal shall be subject to a fine of not less than \$250 for the first offense and not less than \$500 for the second or each subsequent offense.
- (D) Only to the extent the violation is not otherwise covered by State law, any person who violates any of the following sections shall be fined not more than \$2,500: §91.03(E), General animal care requirements; fighting.
- (E) Any person who violates any of the following sections shall be fined not less than \$250 for first offense and not less than \$500 for second offense:
- (1) 91.22 Protected animals;
 - (2) 91.23, Keeping certain animals prohibited; and
 - (3) 91.24, Seizure of certain animals.
- (F) Any person who violates 91.11 shall be subject to fines in conformance with 93.03. Nuisance violations under 93.03 shall be deemed a Class C classification violation and other violations under 91.11 shall be deemed a Class B violation.
- (G) Any person who violates any other provision of this chapter, unless otherwise specified, shall be issued fines of \$25 for the first offense, \$100 for the second offense and \$150 for each offense thereafter.
- (H) In addition, violations of this chapter may result in immediate impoundment of animal(s) and/or revocation of any registrations or special permissions given by the Town Council.

Section 2: This Ordinance shall be in full force and effect after its adoption and approval by the Town Council of Rome City, Indiana. If a subsequent reading is required by law, the Town Council of Rome City waives any additional readings, and this Ordinance shall become effective on the date of passage.

PASSED AND ADOPTED by the Town Council of the Town of Rome City, Indiana, this
13 day of November, 2023.

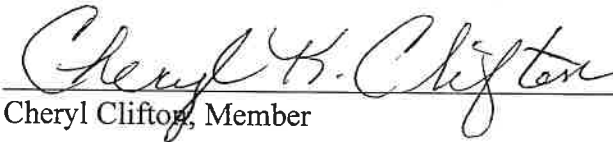
TOWN COUNCIL OF ROME CITY, INDIANA, BY:



Nick Heffner, President



Kirk Klein, Vice-President



Cheryl Clifton, Member

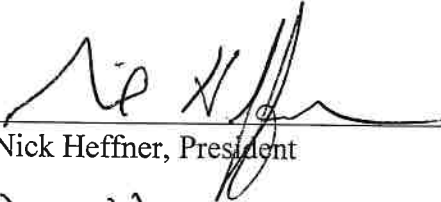
ATTEST:




Heidi Lang, Clerk-Treasurer

PASSED AND ADOPTED by the Town Council of the Town of Rome City, Indiana, this
13 day of November, 2023.

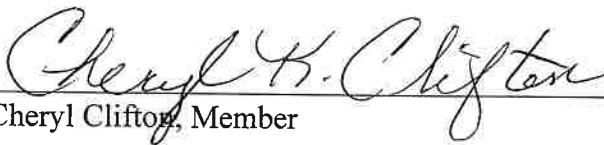
TOWN COUNCIL OF ROME CITY, INDIANA, BY:



Nick Heffner, President



Kirk Klein, Vice-President



Cheryl Clifton, Member

ATTEST:



Heidi Lang, Clerk-Treasurer

CHAPTER 92: HOUSING DISCRIMINATION

Section

- 92.01 Policy statement
- 92.02 Definitions
- 92.03 Unlawful practice
- 92.04 Discrimination in the sale or rental of housing
- 92.05 Discrimination in residential real estate-related transactions
- 92.06 Discrimination in the provision of brokerage service
- 92.07 Interference, coercion, or intimidation
- 92.08 Prevention of intimidation in fair housing cases
- 92.09 Exemptions
- 92.10 Administrative enforcement

§ 92.01 POLICY STATEMENT.

It shall be the policy of the Town of Rome 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 I.C. 22-9.5-1 *et seq.*

(Ord. 2010-09, passed 7-12-2010)

§ 92.02 DEFINITIONS.

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

AGGRIEVED PERSON. Includes any person who (I.C. 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 (I.C. 22-9.5-2-3). The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

COMPLAINANT (I.C. 22-9.5-2-4). A person, including the Commission, who files a complaint under I.C. 22-9.5-6.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 92.04 through 92.08 or I.C. 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 (I.C. 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 (I.C. 22-9.5-2-9), with the status of such family being further defined in **FAMILIAL STATUS** in this section.

HANDICAP.

(1) With respect to a person:

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

(b) A record of having such an impairment;

(c) Being regarded as having such an impairment;

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

(e) Any other impairment defined under I.C. 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 (I.C. 22-9.5-2-10(b)); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

PERSON (I.C. 22-9.5-2-13). 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 U.S.C. Title 11, receivers, and fiduciaries.

TO RENT (I.C. 22-9.5-2-13). Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
(Ord. 2010-09, passed 7-12-2010)

§ 92.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 92.09 and I.C. Title 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. Title 22-9.5-5-1 and in § 92.04 shall apply to:

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

(B) Other than the provisions of division (C) of this section, nothing in § 92.04 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 excepted 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 § 92.04(C), but noting 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 or her residence.

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

(1) He or she has, 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) He or she has, 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 transaction involving the sale or rental of any dwelling or any interest therein; or

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

(Ord. 2010-09, passed 7-12-2010)

§ 92.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 92.03 and except as exempted by §§ 92.03(B) and 92.09, 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) (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; or

(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 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 excepted;

(b) 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

(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:

Rome City - General Regulations

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

(4) Compliance with the appropriate requirement 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 paragraph division (F)(3)(c)3.iii. of this section.

(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 of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 2010-09, passed 7-12-2010) Penalty, see § 10.99

§ 92.05 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; or
- (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. 2010-09, passed 7-12-2010) Penalty, see § 10.99

§ 92.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.

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 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. 2010-09, passed 7-12-2010) Penalty, see § 10.99

§ 92.07 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 §§ 92.03 through 92.06.

(Ord. 2010-09, passed 7-12-2010) Penalty, see § 10.99

§ 92.08 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 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 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 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 subsection 15(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 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) of this section, 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. 2010-09, passed 7-12-2010)

§ 92.09 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. Title 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 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.

(C) (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 person (as defined in the state or federal program) or;

(b) Intended for, and solely occupied by, person 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. 2010-09, passed 7-12-2010)

§ 92.10 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 Town of Rome City, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Rome City, 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 I.C. Title 22-9.5-6 and the Chief Elected Official of the Town of Rome City, Indiana, shall refer all said complaints to the Commission provided for under division (A) of this section to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. Title 22-9.5-6.

(C) All executive departments and agencies of the town of Rome City, Indiana, 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 of Rome City, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(Ord. 2010-09, passed 7-12-2010)

CHAPTER 93: NUISANCES

Section

General Provisions

- 93.01 Activities which are public nuisances
- 93.02 Abatement
- 93.03 Relationship of chapter to other code sections; preexisting activities

Automobile Graveyards and Junk Yards

- 93.15 Definitions
- 93.16 Storing junk in outdoor area unlawful
- 93.17 Automobile repair businesses
- 93.18 Supplementary nature of subchapter

- 93.99 Penalty

Cross-reference:

Abandoned Vehicles, see Chapter 90

GENERAL PROVISIONS

§ 93.01 ACTIVITIES WHICH ARE PUBLIC NUISANCES.

Except as hereafter provided, it is declared a public nuisance and a violation of this chapter for any person to keep and maintain any condition or use of property, or to carry on or suffer to be carried on any activity, as follows:

(A) The keeping of any animal which, by causing frequent or continual noise or odor, shall disturb the comfort or repose of persons in any dwelling or residential neighborhood;

(B) Maintaining any condition of property, other than a natural condition of the land, which is conducive to the breeding or harborage of noxious, annoying, or injurious animals and insects, including, but not limited to, rats, mice, mosquitoes, flies, and termites;

Rome City - General Regulations

(C) Causing or permitting excessive and annoying noise or dust from the operation of machinery or vehicles, except to the extent that their operation is necessary for the ordinary purpose of construction, industry, or transportation, and the noise or dust is natural to their operation and cannot be prevented by reasonable and ordinary means;

(D) Causing or permitting the emission and dissemination of dense, toxic, foul-smelling, irritating, or annoying smoke, fumes, dust, ash products, or condensates;

(E) Causing or permitting any other frequent or continuous condition, use, or activity which causes substantial endangerment, disturbance, or impairment of the public health, tranquillity of the community, or the use and enjoyment of public property or their private property by others; and/or

(F) Accumulating and maintaining on private premises, in any area visible from a public place, thoroughfare, or adjoining private premises, rubbish and junk, including, but not limited to: neglected machinery; wrecked, dismantled, or inoperative boats or other mobile equipment; broken or discarded household furniture or equipment; scrap metal, lumber, or other construction materials; or packing boxes, scrap or waste paper, and similar trash and debris.

(1991 Code, § 93.01) (Ord. 69-4, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983; Am. Ord. 84-1, passed 6-4-1984) Penalty, see § 93.99

§ 93.02 ABATEMENT.

(A) Whenever the Town Marshal, or other enforcement officer having jurisdiction, shall find that a prohibited public nuisance, as defined and enforceable under § 93.01 of this chapter, is being kept and maintained by any person, and the nature of the nuisance is so that it derives from and arises out of the condition or use of any real property, the enforcement officer shall present the complaint to the Town Attorney together with particulars and evidence as may be compiled.

(B) It shall be the duty of the Town Attorney to investigate the complaint, and if he or she finds it valid and further finds that the nuisance is:

(1) A corrigible condition or use that reasonable corrective action may be taken so as to render the condition or use no longer a public nuisance, he or she shall then require and pursue the appropriate corrective action in the manner provided by I.C. 36-1-6-2; or

(2) Not a reasonably corrigible condition or use subject to any particular corrective action, except by the ceasing and desisting from some use or activity causing or creating the nuisance, and the person responsible will not so cease and desist voluntarily nor upon pain of the penalties for violation as hereafter provided, he or she shall initiate an action for injunction as provided by I.C. 36-1-6-4 (a); and the collateral actions as are necessary to recover enforcement costs, including attorney's fees, on behalf of the town.

(1991 Code, § 93.02) (Ord. 69-4, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

(2) Not a reasonably corrigible condition or use subject to any particular corrective action, except by the ceasing and desisting from some use or activity causing or creating the nuisance, and the person responsible will not so cease and desist voluntarily nor upon pain of the penalties for violation as hereafter provided, he or she shall initiate an action for injunction as provided by I.C. 36-1-6-4 (a); and the collateral actions as are necessary to recover enforcement costs, including attorney's fees, on behalf of the town.

(1991 Code, § 93.02) (Ord. 69-4, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

§ 93.03 RELATIONSHIP OF CHAPTER TO OTHER CODE SECTIONS; PREEXISTING ACTIVITIES.

The provisions of this subchapter are intended to be supplemental to all other ordinances or provisions of this code, and do not supersede any other ordinances or provisions declaring or implying any matter to be a public nuisance; nor which prohibit, restrict, or regulate the matter; or which permit and authorize the condition, use, or activity. If any condition, use, or activity violates both the provisions of this chapter and another ordinance or code prohibition, the violation may be prosecuted or abated in accordance either with this chapter or the other ordinance or code provision, except that any condition, use, or activity prohibited by this chapter and being also a penal violation of state law shall be prosecuted and abated in accordance with the latter. Furthermore, however, the provisions of this section, pursuant to I.C. 32-30-6-9, do not apply to any agricultural or industrial activity which has been carried on for more than one year, and the nuisance of the activity arises out of a change in the locale and environs and not out of any change in the activity itself, and the activity would not have constituted a substantial nuisance except for the change in the locale and environs of the activity.

(1991 Code, § 93.03) (Ord. 69-4, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

AUTOMOBILE GRAVEYARDS AND JUNK YARDS

§ 93.15 DEFINITIONS.

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

AUTOMOBILE GRAVEYARD. Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

AUTOMOBILE REPAIR BUSINESS. An establishment engaged in the mechanical or structural repair or restoration of automobiles, trucks, or other motor vehicles for pay or profit.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

JUNK YARD. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

VISIBLE. Capable of being seen by a person of normal visual acuity using a state highway, town street, or other publicly maintained thoroughfare.
(1991 Code, § 93.15) (Ord. 84-1, passed 6-4-1984)

§ 93.16 STORING JUNK IN OUTDOOR AREA UNLAWFUL.

It is declared to be a public nuisance, and is unlawful and a penal violation of this subchapter, for the owner or operator of any automobile graveyard or junk yard to place, keep, or store any junk in any outdoor area wherein the same is visible as defined by § 93.15. Any areas must be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible.
(1991 Code, § 93.16) (Ord. 84-1, passed 6-4-1984) Penalty, see § 93.99

§ 93.17 AUTOMOBILE REPAIR BUSINESSES.

(A) The owner or operator of an automobile repair business may temporarily place, keep, and store wrecked or junk motor vehicles in a visible outdoor area, provided that:

- (1) No more than three vehicles, or parts thereof, be so placed, kept, or stored at any given time;
- (2) No one vehicle shall be so placed, kept or stored for a period in excess of 12 days;
- (3) All the vehicles are actually in the process of being repaired, or are being used to obtain parts for other vehicles actually in the process of being repaired, by the automobile repair business; and
- (4) The vehicles are kept in a confined, screened area from which public view is unavailable or obscured.

(B) If any of the above conditions are not met, the owner or operator of an automobile repair business shall be obliged to comply with the provisions of § 93.16 respecting the screening of any outdoor area wherein any noncomplying vehicles are placed, kept, or stored.
(1991 Code, § 93.17) (Ord. 84-1, passed 6-4-1984; Am. Ord. 2016-09, passed 10-10-2016) Penalty, see § 93.99

§ 93.18 SUPPLEMENTARY NATURE OF SUBCHAPTER.

The provisions of this subchapter are intended to be supplementary to, and to impose additional restrictions on, the owners or operators of automobile graveyards, junk yards, and automobile repair businesses, notwithstanding the provisions of § 90.03(A). (1991 Code, § 93.18) (Ord. 84-1, passed 6-4-1984)

NOISE REGULATIONS**§ 93.30 NOISE THAT EMANATES FROM PRIVATE PROPERTY.*****(A) Unreasonable noise prohibited.***

(1) It shall be a violation of this subchapter for a person, after having been warned to desist, to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof, unless the making and continuing of the same cannot be prevented, or is necessary for the protection or preservation of property, or of the health, safety, life or limb of some person.

(2) It shall be a defense to this subchapter that noise consists of speech or other communications, of gathering with others to hear or observe such speech or communication, or gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political, or religious questions.

(3) It shall be a violation to keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness.

(4) It shall be a violation to cause any noise to emanate from any private or public piece of property loud enough to be heard on neighboring pieces or property so as to disturb the peace after 11:00 p.m. on a weekend evening unless a permit has been issued.

(B) Enumeration of certain prohibited acts. The following acts, uses or noises, among others, subject to the specific exemptions provided herein, are declared to be unreasonable noise in violation of this subchapter. Such enumeration shall not be deemed to be exclusive:

(1) Using, operating, or permitting to be played, used or operated any machine or device for the producing or reproducing a sound in such a manner as to unreasonably disturb the peace, quiet, or comfort of the neighboring inhabitants, after having been warned to desist.

(2) Using, operating, or permitting to be played, used or operated any machine or device whether producing or reproducing a sound on any public right of way adjacent to any school, church, court, or governmental building, while the same are in use, which unreasonably interferes with the workings with such institution, after having been warned to desist.

(3) No person shall set off fireworks or any other noisemaker in the town, except on recognized national holidays or by special permit after the hour of 11:00 p.m.
(Ord. 2013-05, passed 11-12-2013; Am. Ord. 2016-09, passed 10-10-2016)

§ 93.31 NOISE THAT EMANATES FROM PUBLIC PROPERTY.

Prohibited noise. No person shall play, use, operate, or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(A) Any public property, including any public right-of-way, highway, building, sidewalk, park, bodies of water, or thoroughfare, if the sound generated in any manner so as to create any noise as to disturb the peace, quiet, and comfort of neighboring residents between the hours of 10:00 p.m. of one day and 7:00 p.m. of the following day.

(B) Any motor vehicle on a public right-of-way, highway or public space if the sound generated in any manner so as to create any noise as to disturb the peace, quiet and comfort of neighboring residents between the hours of 10:00 p.m. of one day and 7:00 p.m. of the following day.
(Ord. 2013-05, passed 11-12-2013)

§ 93.32 EXEMPTIONS.

The following shall be exempted from the provisions of this subchapter:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, leaf blowers and pressure washers and other similar equipment, between the hours of 8:00 a.m. and 9:00 p.m.

(C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(D) Celebrations on Halloween and legal holidays.

(E) Permitted, by the Town Council, parades, festivals and events between the hours of 8:00 a.m. and 12:00 midnight.

(F) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

(G) The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.

(H) Sounds associated 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.

(I) Noise from church bells and governmental public address systems including those operated by the town, East Noble School Corporation and the Orange Township Trustee and Fire Department.

(J) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.
(Ord. 2013-05, passed 11-12-2013)

MISCELLANEOUS

§ 93.45 STORAGE OF WOOD ON PROPERTY.

(A) *Restrictions.* It should be unlawful for any residential lot to have upon it stored more than six neatly stacked cords of wood as same is discussed in Ord. 2014-05.

(B) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CORD OF WOOD. Wood stacked at a height of four feet, a width of four feet, for a length of eight feet.

(Ord. 2014-05, passed 9-8-2014)

§ 93.99 PENALTY.

(A) Any person maintaining a public nuisance in violation of §§ 93.01 through 93.03 shall, upon conviction, be fined in a sum of not less than \$25 nor more than \$300, and each day that any violation shall continue shall be a separate offense if not otherwise a discrete act and violation. The fine provided

by this division (A) is for the penal violation of the ordinance per se, and any violator shall be cited and prosecuted therefor and liable to the penalty, notwithstanding any additional action for enforcement or costs incurred pursuant to § 93.02.

(Ord. 69-4, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

(B) Any violation of §§ 93.15 through 93.18 may be abated by the town in the same manner as other public nuisances are abated in accordance with § 93.02; any owner or operator responsible for the violation shall, in addition to any costs of abatement, be liable for the penalties for maintaining a public nuisance as prescribed by § 93.17.

(Ord. 84-1, passed 6-4-1984)

(C) Whoever violates any provision of §§ 93.30 *et seq.*, upon adjudication thereof, shall be fined not less than \$50, not more than \$500 for each offense. Each day any violation shall continue shall constitute a separate offense.

(Ord. 2013-05, passed 11-12-2013)

(D) Each day a residential lot is in violation of § 93.45 shall be deemed a separate offense, and each offense shall receive a fine of up to \$200 plus attorney's fees and all other costs of enforcement.

(Ord. 2014-05, passed 9-8-2014)

(1991 Code, § 93.99)

CHAPTER 94: WEED ABATEMENT

Section

- 94.01 Definitions; exclusions
- 94.02 Unlawful maintenance of weeds and vegetation
- 94.03 Enforcement procedure

- 94.99 Penalty

§ 94.01 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the enforcement authority on the property owner of the ordinance violation.

ENFORCEMENT AUTHORITY. The town executive or, in cases of appeal, the Town Council.

PROPERTY OWNER. The person occupying the property, the holder of legal title, or a person having control over the property of another, which includes a right-of-way, easement, license, or lease.

RANK VEGETATION. The uncontrolled, uncultivated growth of annuals and perennial plants.

WEEDS, GRASSES. Includes Canada thistle, thistles, johnson grass, sorghum, alum (i.e., allium), bur cucumber, shattercane, crown vetch, or any similar ground covering growth, but shall not include shrubs, trees, cultivated plants, or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious, illegal, or detrimental plants.

(C) The Indiana Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants, and crops.

(Ord. 2012-06, passed 10-8-2012)

§ 94.02 UNLAWFUL MAINTENANCE OF WEEDS AND VEGETATION.

It is unlawful for any person owning real estate in the town to suffer, permit or allow any grasses, weeds, thistles, brush, undergrowth or rank vegetation of any kind whatsoever to remain or grow upon any vacant or unimproved lot, lots, parcels or tracts of land, or on the lawn between the sidewalk and the curb line in front of any such real estate to a height of eight inches or more, and it shall be the duty of any person owning, leasing or controlling any such lots, tracts or parcels of land or other real estate within the town, to cause any weeds, thistles, underbrush or rank vegetation of any kind to be removed before reaching eight inches in height.

(1991 Code, § 95.01) (Ord. 67-3, passed 6-24-1967; Am. Ord. 2012-06, passed 10-8-2012) Penalty, see § 94.99

§ 94.03 ENFORCEMENT PROCEDURE.

(A) The Town Marshal or Town Manager shall make or cause to be made an inspection of all lots or other parcels of land (improved or unimproved) within the corporate boundaries of the town during the growing season to determine that all such lots or parcels are in compliance with § 94.02.

(B) A lot or parcel shall be adjudged in violation of § 94.02 if:

(1) It is a tract between any public sidewalk and a public street, and weeds or other rank vegetation (including lawn grass) have been permitted to grow to a height of more than eight inches; or

(2) It is an improved lot or parcel, and weeds or other rank vegetation (including lawn grass) have been permitted to grow to a height of more than eight inches; or

(3) It is a vacant and unimproved lot or parcel, other than natural forestlands or wetlands, and weeds or other rank vegetation have been permitted to grow to a height of more than eight inches.

(C) The inspector shall make a list identifying the location of any lot or parcel found to be in violation, and may collect corroborative evidence such as vegetation samples or photographs including a recognizable scale object, and shall promptly deliver same to the Clerk-Treasurer, Town Marshal or Town Manager. The Clerk-Treasurer, Town Marshal or Town Manager shall determine the name and address of the owner of each noncomplying lot or parcel as listed in the Wastewater Utility, or the tax rolls of the Noble County Assessor's Office, and shall prepare a written notice to the owner stating that his or her property, adequately identified by location, has been found to harbor weeds and rank vegetation in violation of this chapter, and that if the same are not cut and properly removed within five days of receipt of the notice, the weeds and rank vegetation will be cut and removed by the town at the owner's expense, and that he or she will further be subject to penalties for violation as hereafter provided. The Clerk-Treasurer, Town Marshal, or Town Manager shall send the notice to the landowner by first class mail, or an equivalent service permitted under I.C. 1-1-7-1. The Clerk-Treasurer, Town Marshal or Town Manager shall advise the Street Commissioner of the date of service or delivery of the notice, and if landowner does not appeal, then on the sixth day after such date or as soon after that as

possible, the Street Commissioner shall reinspect the lot or parcel to determine if it has been brought into compliance. If not, he or she shall cause the weeds and rank vegetation (including grasses) removed either by the town or a private contractor, keeping a careful record of the actual costs of the cutting and removal, including personnel time if town employees are used. The record of costs shall be promptly provided to the Clerk-Treasurer, Town Marshal or Town Manager, who shall then prepare a certified statement of the costs incurred by the town, and shall cause same to be served or delivered to the property owner in the same manner as the original notice of violation. If the costs are not paid within ten days of service or delivery of the certified statement, the Clerk-Treasurer, Town Marshal or Town Manager shall certify a copy of the statement to the County Auditor, who shall collect and disburse the amount claimed to the town at the same time and in the same manner as taxes on the property are collected and disbursed, all as provided by I.C. 36-7-10-3 (b)10.1-5. In addition, the Clerk-Treasurer, Town Marshal or Town Manager shall cause to be issued a complaint and summons citing the property owner for penal violation of this chapter, and specifying each day elapsing between the expiration of the five-day period after the owner's receipt of the original notice of violation and the day when the weeds and vegetation (including grasses) are finally cut and removed to be a separate offense and violation, as hereafter provided. The complaint and summons shall be served and prosecuted in the same manner as other citations for town ordinance violations.

(D) The landowner may appeal the notice if, within five days, he or she tenders written objection to the Clerk-Treasurer. The matters alleged in the appeal will be heard by the Town Board at its next meeting.

(E) The Town Marshal may post a continuous abatement notice any time after five days following the above written notice of violation.

(1991 Code, § 95.02) (Ord. 67-3, passed 6-24-1967; Am. Ord. 83-16, passed 11-7-1983; Am. Ord. 2012-06, passed 10-8-2012; Am. Ord. 2022-09, passed 9-12-2022)

§ 94.99 PENALTY.

Any property owner who is given notice of noncompliance, and who shall fail to bring his or her property into compliance with this chapter within five days after receipt of such notice as provided by § 94.03, commits a penal violation of this chapter, and upon conviction shall be fined in an amount not less than \$250, and each day that such violation continues shall be deemed a separate and distinct offense. The penalties provided by and imposed pursuant to this section are in addition to any costs collected for bringing the offending property into compliance.

(1991 Code, § 95.99) (Ord. 67-3, passed 6-24-1967; Am. Ord. 83-16, passed 11-7-1983; Am. Ord. 2012-06, passed 10-8-2012)

Cross-reference:

Civil penalty, see § 37.31

CHAPTER 95: PARKS AND RECREATION

Section

95.01 Prohibition of piers in Lakeside Park; enforcement provisions

95.99 Penalty

§ 95.01 PROHIBITION OF PIERS IN LAKESIDE PARK; ENFORCEMENT PROVISIONS.

(A) In the Town of Rome City, Indiana, no one, except the Rome City Park Board, will be allowed to place a pier, pier posts, watercraft of any type, or any other semi-permanent structure in the water, floating upon the water, or tied along the water's edge in Lakeside Park.

(B) The enforcement provisions of Chapter 37 of the Rome City Code of Ordinances shall apply to this chapter.

(Ord. 2000-02, passed 7-10-2000)

§ 95.99 PENALTY.

Each violation shall be deemed a Class A Infraction with a fine of \$100; in addition, a fine of \$25 per day for each day the violation continues until violation is corrected.

(Ord. 2000-02, passed 7-10-2000)



CHAPTER 96: FIRE PREVENTION

Section

- 96.01 Open burning
- 96.02 Certain types of off-premise furnaces and fuels prohibited

- 96.99 Penalty

§ 96.01 OPEN BURNING.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OPEN BURNING. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

(B) No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this section. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning:

(C) *Exemptions.* The following types of burning are allowed:

(1) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(2) Campfires until midnight.

(3) Fires used for recreational or ceremonial purposes. Recreational or ceremonial fires shall meet the following conditions:

(a) Only clean, untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.

(b) The fire shall not be ignited more than two hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

Rome City - General Regulations

(c) The pile to be burned shall be less than 1,000 cubic feet (for example: 10 ft. x 10 ft. x 10 ft.).

(d) The local Fire Department shall be notified 24 hours in advance if the pile to be burned is more than 125 cubic feet (for example: 5 ft. x 5 ft. x 5 ft.).

(e) The fire shall not be for disposal purposes.

(f) The fire shall not be within 500 feet of a pipeline or fuel storage area.

(D) All exemptions under division (C) shall be subject to the following:

(1) Only wood products or products derived from wood shall be burned unless otherwise stated above;

(2) Fires shall be attended at all times until completely extinguished. Fires shall be burned in a fire pit, barrel, or surrounded by flame retardant material to prevent the spread of the fire.

(3) Recreational fires in town parks shall be subject to approval by the Park Department;

(4) If fires create a nuisance or a fire hazard, they shall be extinguished immediately.

(5) No burning shall be conducted during unfavorable meteorological conditions, such as temperature inversions, high winds, air stagnation and the like.

(6) No fire shall contain or consume items which will naturally result in noxious fumes or excessive smoke.

(7) Burning shall not be conducted within 30 feet of a building located on adjacent property.

(E) Burning with prior approval of the Fire Department consistent with Rule 326 IAC 4-1 shall be allowed for the following:

(1) Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem;

(2) Burning of refuse consisting of material resulting from a natural disaster;

(3) Burning for the purpose of fire training;

(4) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land;

(5) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.

(F) The following conditions apply to all exemptions and variances:

(1) Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.

(2) Fires must be attended at all times until completely extinguished.

(3) Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.

(4) Firefighting equipment adequate for the size of the fire shall be on-site and nearby during times of burning.

(5) Burning shall not be for disposal purposes.

(6) All burning shall comply with other federal, state, and local laws, rules, and ordinances.

(G) *Enforcement.* Any person found in violation of this section shall be subject to the following procedures:

(1) The Rome City Marshal's Office shall issue a warning notice to a first time violator, stating that they are in violation. The person must then correct the violation by immediately extinguishing the fire.

(2) Failure or refusal by the violator to immediately extinguish the fire in violation of this section shall also result in the Fire Department having the authority to go upon private property to extinguish said fire.

(3) Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued shall be considered a separate offense.

(4) *Liability for fire.* Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this section on the basis that said fire was set by vandals, accidental, or act of God.

(H) The open burning provisions are enforceable by the Rome City Town Marshal's Office acting on his or her own initiative or at the request of the Town Council.
(Ord. 99-06, passed 10-11-1999; Am. Ord. 2020-16, passed 12-14-2020) Penalty, see § 96.99

§ 96.02 CERTAIN TYPES OF OFF-PREMISE FURNACES AND FUELS PROHIBITED.

(A) It shall be unlawful for any individual to create a furnace or other burning device intended to provide heat or hot water to a residence, separate or apart from the location of such furnace, burning device, or structure housing the same, and to cause such furnace or other burning device to expel smoke, fumes or other noxious or unpleasant odors from the real estate upon which the premises is located.

(B) Industrial areas and/or industrial zoned areas will be exempt from this section.
(Ord. 06-05, passed 7-10-2006) Penalty, see § 96.99

§ 96.99 PENALTY.

The enforcement provisions of Chapter 37 of the Rome City Code of Ordinances shall apply to this chapter, and each violation shall be deemed a Class A Infraction with a fine of \$100 plus any and all attorney's fees and costs of collection.

(Ord. 99-06, passed 10-11-1999; Am. Ord. 2020-16, passed 12-14-2020)

CHAPTER 97: STREETS AND SIDEWALKS

Section

General Provisions

- 97.01 Removal of snow and ice from sidewalks and private property
- 97.02 Horse effluent on town streets and properties

Replacement of Sidewalks

- 97.15 75/25 sidewalk replacement program
 - 97.16 Inspection and payments
 - 97.17 Replacement of sidewalks by owners
 - 97.18 New sidewalks
 - 97.19 Sidewalk specifications
-
- 97.99 Penalty

GENERAL PROVISIONS

§ 97.01 REMOVAL OF SNOW AND ICE FROM SIDEWALKS AND PRIVATE PROPERTY.

The removal of snow and ice from sidewalks, drives and private property shall be as follows:

(A) The owner and/or occupant of any dwelling, building, or subdivided lot or property shall keep the sidewalks in front thereof clean at all times of the year. Within 24 hours after any fall of snow or formation of ice, such snow or ice shall be removed from the sidewalks.

(B) Where the owner or occupant of any property shall fail or refuse to remove any snow from the sidewalk as required within the prescribed period of time, the town may remove such snow, and the cost of such removal shall be assessed to the property owner.

(C) (1) It shall be unlawful for any person to throw, push, or deposit in any manner snow, slush, or ice from any drive or private property onto any street or sidewalk in such a manner as to impede the safe progress and movement of vehicular or pedestrian traffic.

(2) Persons who violate this division (C) are responsible for costs incurred by the town to remove the impediment to safe progress and movement of vehicular and pedestrian traffic.

(D) If a person, or persons, living at any property affected by this section should be unable physically to comply herewith, they may apply to the Town Board for assistance. After a hearing concerning the nature of this physical problem, the Town Board will decide if and to what extent assistance shall be granted.

(Ord. 05-07, passed 10-10-2005; Am. Ord. 2011-03, passed 5-9-2011) Penalty, see § 97.99

§ 97.02 HORSE EFFLUENT ON TOWN STREETS AND PROPERTIES.

(A) Any entity within the confines of the town which installs or places upon its property a hitching rack for purposes of securing horses and/or horse-drawn vehicles shall also provide adjacent thereto a container for purposes of the Safety Committee policing and keeping the area clear of effluent.

(B) A violation of this section by failing to clean a hitching post area or operating a horse-drawn vehicle on a town street, with the exception of State Road 9 and other major thoroughfares, defined as Front Street, Grant Street and Gale Street, and not immediately removing any horse effluent deposited by a horse-drawn vehicle upon said neighborhood or non major street of the town shall be deemed a Class B infraction and subject to the fines and penalties as provided by the laws of the State of Indiana. (Ord. 2021-07, passed 12-13-2021)

REPLACEMENT OF SIDEWALKS

§ 97.15 75/25 SIDEWALK REPLACEMENT PROGRAM.

(A) The Town Manager will receive requests for sidewalk replacement, inspect the affected property, determine the condition and need for replacement, and keep an up-to-date list of interested and eligible participants.

(B) The Town Manager will annually invite quotes from a minimum of three contractors on the replacement of eligible sidewalks.

(C) The Town Manager, along with the contractors, will inspect the requested sidewalk replacement locations, measure and mark the area to be replaced during a mandatory pre-quote conference. A sidewalk section may not be split. If any portion of a section is on the adjoining property, the complete section will be replaced as if it were the participant's. The sidewalk program is intended to replace complete sidewalks. The replacement of only one or two sections is expensive, due to minimum charges, and is not encouraged by the town. This program is a replacement program. New sidewalks or first time sidewalks may be made eligible only by specific agreement of the Rome City Town Board.

(D) Town Council will receive the quotes and take same under advisement.

(E) The Town Council will direct the Town Manager to contact property owners affected by any sidewalk project, advising the property owners of the nature of the project, of the Town Council's decision to go forward with same, of the approximate cost to the property owner, and of the availability of this program to the property owner. The property owner may then apply, and if accepted, shall be responsible for 25% of the cost of the project to the pro rata extent it affects the property owned by the applicant.

(F) Town Manager shall report findings to Council and recommend action.

(G) Council shall award project to the lowest responsive and responsible quoter.

(H) Within two weeks prior to the commencement of construction by the lowest responsive and responsible quoter, participant shall submit payment of their 25% of the total of the projected project cost as concerns their real estate to the Rome City Clerk-Treasurer by check, cashier's check, or money order, payable to the contractor, unless prior to that time property owner has entered into an agreement with the Town of Rome City providing for a low interest loan to property owner for their share of the expense, repayable to the town in monthly or three annual payments. The initial interest charged for the agreement shall be 3%, but may from time to time be modified based upon the cost of money to the town. In any such case, the Clerk-Treasurer shall hold payments for the contractor until the work is completed and accepted by the town. Payment required hereunder may be delivered in person to the Town Hall, mailed to the Town Hall at P.O. Box 338, Rome City, Indiana, 46784, and any party wishing to become involved in the low interest loan program for the sidewalks, shall apply at the Town Hall through the Town Manager, and all of the process must be completed on or before two weeks prior to construction, or the monies paid hereunder. Any party who fails to make and complete arrangements prior to the two week period shall be deemed ineligible for the low interest loan.

(I) Upon receipt of payment from the participant, the contractor will be notified by the Town Manager to proceed with the work. All work must be completed within 45 days from the date the notice to proceed is issued. The contractor will be subject to a 10% penalty for work that is not completed within 45 days, unless otherwise agreed upon by the Town Manager.

(J) Handicap accessible sidewalks shall be installed, paying special attention to ramping at intersections, meeting ADA Federal Standards for slope and width.

(K) Replacement will be limited to a minimum width of four-foot sidewalks (see below) and a maximum width matching the existing sidewalk found on the property, running the length of the property in the public right of way.

(Ord. 2011-04, passed 5-9-2011; Am. Ord. 2012-02, passed 3-12-2012; Am. Ord. 2013-01, passed 8-12-2013; Am. Ord. 2020-11, passed 12-14-2020)

§ 97.16 INSPECTIONS AND PAYMENTS.

(A) Two inspections by the Town Manager are required, the first when the sidewalk is formed and before it is poured; the second is the final inspection when the work is completely finished, including all grade work and re-seeding of grass. The Town Manager is authorized by the Town Council to inspect the project site and, upon satisfactory completion of the work, authorize payment. Payment will consist of the 25% paid by the participant and 75% paid by the town.

(B) If any payment due and owing hereunder is made more than 30 days after the date said payment is due, there shall be added to such payment a 10% penalty. The penalty shall be calculated by multiplying 0.10 times the amount of the payment that is made late. All costs of collection, including attorney fees, should be assessed against any late payment. If any payment is not made after its due date, upon ten days advance written notice, all sums due and owing shall become a lien on the real estate and shall be collected as such lien, and may by affidavit tendered from the Town Clerk-Treasurer to the Noble County Recorder and the Noble County Auditor be placed upon the real estate tax rolls of the County of Noble and assessed and collected as any other lien against the real estate of any such party. (Ord. 2011-04, passed 5-9-2011; Am. Ord. 2020-11, passed 12-14-2020)

§ 97.17 REPLACEMENT OF SIDEWALKS BY OWNERS.

The Town Council recognizes the fact that some property owners may want to replace sidewalks on their own property. The Town Manager is authorized to issue permits for same. (Ord. 2011-04, passed 5-9-2011; Am. Ord. 2020-11, passed 12-14-2020)

§ 97.18 NEW SIDEWALKS.

The responsibility for construction of new sidewalks within the town limits and zoning boundary of the Town of Rome City is with the developer or owner of an undeveloped lot. In established areas without sidewalks, the Town Council will review individual sidewalk requests for new construction. (Ord. 2011-04, passed 5-9-2011; Am. Ord. 2020-11, passed 12-14-2020)

§ 97.19 SIDEWALK SPECIFICATIONS.

(A) Concrete mix design for sidewalks shall have a cement factor of six bags (limestone) per cubic yard.

(B) One-half inch expansion joint shall be placed where new sidewalk meets old sidewalk, where new sidewalk meets curb, and at 50 foot intervals.

(C) All sidewalk shall be five feet in width, except in case of the continuation of an existing sidewalk. Minimum sidewalk width shall be four feet.

(D) All sidewalks shall have a minimum thickness of four inches for pedestrian traffic and six inches for vehicular traffic.

(E) Slope sidewalk toward street one-fourth inch per foot.

(F) Sidewalks shall remain the property and responsibility of the property owner.

(G) Place contraction joints at intervals no greater than the width of sidewalk being constructed. Within area of six inch thick concrete, a maximum spacing of ten feet is allowed.

(H) The surface shall have a "slip-resistant" texture or "broom finish".

(I) A letter of approval will need to be obtained from the Clerk-Treasurer's office.

(J) Construction standards and detail drawings shall be maintained by Town Manager and available upon request.

(Ord. 2011-04, passed 5-9-2011; Am. Ord. 2020-11, passed 12-14-2020)

§ 97.99 PENALTY.

(A) Persons who violate § 97.01 are responsible for the costs incurred by the town to remove the impediment to safe progress and movement of vehicular and pedestrian traffic.

(B) It is unlawful for any person to violate § 97.01, and for any such violation the property owner shall be fined as a Class A infraction as follows:

(1) First offense in a 24-month period: \$100 plus costs of collection;

(2) Second offense in a 24-month period: \$150 plus costs of collection; and

(3) Each subsequent offense in a 24-month period: \$250 plus costs of collection.

(C) The involved property owner shall further pay for any and all reasonable legal fees or costs of collection incurred in collecting such cost of snow removal and/or fines and penalties pursuant to a violation of § 97.01.

(Ord. 05-07, passed 10-10-2005)

