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¹TITLE 1 ----- GENERAL PROVISIONS

Chapters:

- 1.04 General Provisions
- 1.08 General Penalty

¹ Repealed and Replaced by Ordinance 1035, 5/13/1997

Sections:

- 1.04.010 Definitions
- 1.04.020 Title of office
- 1.04.030 Interpretation of language
- 1.04.040 Grammatical interpretation
- 1.04.050 Acts by agents
- 1.04.060 Prohibited acts included causing and permitting
- 1.04.070 Computation of time
- 1.04.080 Construction
- 1.04.090 Repeal shall not revive any ordinance
- 1.04.100 Severability
- 1.04.110 Errors and omissions
- 1.04.120 Non-code

1.04.010 DEFINITIONS

The following words and phrases whenever used in the ordinances of Bluffton, Indiana, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is

Specifically defined and more particularly directed to the use of such words or phrases.

1. "City" means the City of Bluffton, Indiana, or the area within the territorial limits of the outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
2. "Council" means the Common Council of the City of Bluffton, Indiana.
3. "County" means the county of Wells.
4. "Law" denotes applicable federal law, the Constitution and statutes of the State of Indiana, the ordinances of the City of Bluffton, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
5. "May" is permissive.
6. "Month" means a calendar month.
7. "Must" and "shall" are each mandatory.
8. "Oath" includes an affirmation or declaration in all Cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
9. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
10. "Person" includes a natural person, joint venture, Joint Stock Company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
11. "Personal property" includes money, goods, chattels and things in action and evidences of debt.
12. "Preceding" and "Following" mean next before and next after respectively.
13. "Property" includes real and personal property.
14. "Real property" includes lands, tenements and hereditaments.
15. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
16. "State" means the state of Indiana.
17. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares,

curbs, or other public ways in the City, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

18. "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
19. "Written" includes printed, typewritten, mimeographed, multi-graphed or otherwise reproduced in permanent visible form.
20. "Year" means a calendar year.

1.04.020 TITLE OF OFFICE

Use of the title of any officer, employee, department, board of commission means that officer, employee, department, board of commission of the City.

1.04.030 INTERPRETATION OF LANGUAGE

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.040 GRAMMATICAL INTERPRETATION

The following grammatical rules shall apply in the ordinances of the City, unless it is apparent from the context that a different construction is intended:

1. Gender. Each gender includes the masculine, feminine and neuter genders.
2. Singular and Plural. The singular number includes the plural and plural includes the singular.
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.04.050 ACTS BY AGENTS

When an act is required by an ordinance the same being such that it may be done as well by an agent as the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.060 PROHIBITED ACTS INCLUDE CAUSING AND PERMITTING

Whenever in the ordinances of the City, any act or omission is made unlawful, it shall include causing, allowing, permitting, abiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 COMPUTATION OF TIME

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.080 CONSTRUCTION

The provisions of the ordinances of the City, and all proceedings under them are to be construed with a view to affect their objects and to promote justice.

1.04.090 REPEAL SHALL NOT REVIVE ANY ORDINANCE

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance, which has been repealed thereby.

1.04.100 SEVERABILITY

If any provision of this code as now or later amended or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application. IC 1-1-1-8

1.04.110 ERRORS AND OMISSIONS

If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached or, the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected, and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

1.04.120 NON-CODE

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code or ordinances shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Sections:

1.08.010 General penalty

1.08.010 GENERAL PENALTY

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City of Bluffton, Indiana shall be guilty of an offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder. Except in cases where different punishment is prescribed by any ordinance of the City, any person convicted of an offense shall be punished by a fine of not more than allowable by IC 36-1-3-8 as it is now written or may be amended in the future.

² Amended by Ordinance 1144, 4/30/2002

³TITLE 2 ----- PERSONNEL AND ADMINISTRATION

Chapters:

- 2.04 Administrative Organization of City
- 2.08 Compensation of Officers and Employees
- 2.20 Statutory Roads and Commissions
- 2.24 City Departments Established
- 2.32 Wells County Plan Commission
- 2.36 Election Districts

³ Repealed and Replaced by Ordinance 1035, 5/13/1997

Sections:

- 2.04.010 Organization
- 2.04.020 Executive Branch
- 2.04.021 Mayor
- 2.04.022 Board of Public Works and Safety
- 2.04.023 Department of Law
- 2.04.024 Powers and Duties
- 2.04.025 Appointment to Board of Public Works and Safety or Department Head
- 2.04.030 Legislative Branch
- 2.04.031 Clerk of the Council
- 2.04.032 Regular Meeting Date, Time and Place
- 2.04.033 Presiding Officer of the Council
- 2.04.034 Common Council
- 2.04.050 Fiscal Branch
- 2.04.051 Appointment of Employees
- 2.04.052 Working Relationships
- 2.04.060 Judicial Branch

2.04.010 ORGANIZATION

The Government of the City of Bluffton shall consist of five (5) branches, as follows:

1. Executive Branch, IC 36-4-5;
2. Legislative Branch, IC 36-4-6;
3. Fiscal Branch, IC 36-4-10;
4. Judicial Branch, IC 33-10.1-1.3; and
5. Statutory Boards and Commissions.

2.04.020 EXECUTIVE BRANCH

The City Executive Branch is hereby established and existing shall consist of the Mayor, the Board of Public Works and Safety, the Department of Law, with the designation of appropriate powers and duties.

2.04.021 MAYOR

The Mayor is the City executive and the head of the Executive Branch. He or she shall faithfully perform the duties and responsibilities as set out in IC 36-4-5 as well as all other applicable statutes of the State of Indiana.

2.02.022 BOARD OF PUBLIC WORKS AND SAFETY

There is hereby established a Board of Public Works and Safety within the Executive Branch. Said Board shall be the chief administrative body of the City and shall have control of the day-to-day operations of the following executive departments, which are hereby established: 1.) Police Department, 2.) Fire Department, 3.) Utilities Department (consisting of the electrical generation and distribution system, sewage collection and disposal system and the waterworks system), and 4.) Street Department.

2.04.023 DEPARTMENT OF LAW

There is hereby established a Department of Law pursuant to IC36-4-9-12, consisting of the City Attorney. The City Attorney shall represent all departments, boards and commissions operating on behalf of the City and he or she shall be a licensed, practicing attorney, admitted to and in

good standing with the Indiana Bar. Deputy attorneys shall be employed as needed and shall be paid solely from funds so designated in the budget for the Department of Law.

2.04.024 POWERS AND DUTIES

Subject to the appropriation power of the Common Council, the above and foregoing departments shall have the ability to hire such employees, and purchase or contract for such materials or services, as the Board of Public Works and Safety or other governing board or commission deems necessary to perform their public functions.

2.04.025 APPOINTMENT TO BOARD OF PUBLIC WORKS AND SAFETY OR DEPARTMENT HEAD

The members of the Board of Public Works and Safety are the Mayor and two persons who shall be chosen by the Mayor in accordance with the law of Indiana and who shall serve at his or her pleasure. The Chiefs of Police and Fire Departments and the heads of the Department of Law, Utilities and Street Department are appointed by the Mayor and serve at his or her pleasure.

2.04.030 LEGISLATIVE BRANCH

The Legislative Branch of the City of Bluffton is the Common Council. The Common Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the City and to perform other necessary and desirable legislative functions.

2.04.031 CLERK OF THE COUNCIL

The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by IC 36-4-6-9 and such other duties as the Council may direct.

2.04.032 REGULAR MEETING DATE, TIME AND PLACE

The regular meeting date, time and place for the Common Council shall be at 7:30 o'clock P.M. every other Tuesday at the Police-Fire Building.

2.04.033 PRESIDING OFFICER OF THE COUNCIL

The Mayor, or in the absence of the Mayor, the president pro tempore of the Council, shall be presiding officer of the Council pursuant to IC 36-4-6-8 and meetings shall be conducted pursuant to the applicable statutes IC 36-4-6-10 through 17 and in accordance with the following rules:

- A. Order of Business. The order of business to be followed at the meeting of the Common Council shall be as follows:
 1. Call to order and roll call,
 2. Invocation,
 3. Reading and approval of minutes of previous meeting
 4. Reports from committees, boards or commissions
 5. Unfinished business
 6. New business, including introduction of ordinances and resolutions,
 7. Comments from Council members or citizens,
 8. Adjournment.
- B. Contempt and Disorder in Council Room. No person shall use violent or contemptuous language, behave in a disorderly manner or otherwise refuse to obey the orders of the Mayor or presiding officer in the Council room while the Council is in session. The Mayor or presiding officer may order the removal from the Council room anyone who intentionally disturbs the decorum of a Council meeting.
- C. Introduction and Adoption of Ordinances and Resolutions.
 1. All proposed ordinances shall be delivered to Council members, along with a copy of

- the agenda for the meeting at which the ordinance is to be introduced at least seventy-two (72) hours prior to the meeting, except in situations in which an emergency exists.
2. All ordinances shall be read two (2) times before receiving final passage and no ordinance shall pass on the same day in which it is introduced except in accordance with IC 36-4-6-13.
 3. Resolutions shall be subject to the same rule in the method of introduction as ordinances, but may be adopted with one passage upon receiving the approval of at least three (3) members of the Council.
 4. On final passage of any ordinance, the ayes and nays shall be entered in the record, and the ordinance shall be processed in accordance with IC 36-4-6-14 through 17.
- D. Questions of Order. The Mayor or presiding officer shall decide all questions of order pursuant to the rules set forth in this ordinance, or where this ordinance does not provide for said question of order, according to Robert Rules of Order.
- E. Suspension of Rules. The order of business may be suspended by a two-thirds (2/3) vote of the members of the Council. Any other decision to suspend the rules can only be made by a unanimous vote of the Council when at least four (4) members are in attendance.
- F. Abstentions. Abstentions from voting, except in situations where the abstention results from a Council member's determination, made and announced prior to the vote, that he or she will not vote on the question due to a conflict of interest, will be recorded as such, and will not be counted in the tallying of the vote unless it is necessary to break a tie, in which case an abstention will be considered a nay vote. Abstentions resulting from conflicts of interest will not be considered in determining the vote.

2.04.034 COMMON COUNCIL

The Common Council shall be comprised of five (5) members, four (4) of whom are elected from distinct districts and one (1) of whom is elected by the voters of the City at large. Redistricting of council districts shall be done in 1982 and every ten (10) years thereafter in accordance with IC 36-4-6-4 and 5.

2.04.050 FISCAL BRANCH

The Clerk-Treasurer is the fiscal officer of the City and the head of the fiscal branch. He or she shall perform the duties assigned by IC 36-4-10 and such other duties as the Common Council may, by ordinance, require.

2.04.051 APPOINTMENT OF EMPLOYEES

The Clerk-Treasurer is hereby authorized, pursuant to IC 36-4-11-4, to appoint deputies and employees as authorized by the Common Council. Such deputies or employees shall work under the exclusive direction of the Clerk-Treasurer and serve at the pleasure of the Clerk-Treasurer.

2.04.052 WORKING RELATIONSHIPS

The Clerk-Treasurer shall furnish space within his or her office for the administration and records of the City's utility departments. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities department shall be appointed and compensated by the board having control of the utility the clerk serves. The utility clerks serve at the pleasure of the board, which appointed them. The Clerk-Treasurer and his or her deputies shall be compensated for services they render to the City's utilities and shall have the power to supervise any utility personnel in the Clerk-Treasurer's office, subject to the approval of the governing board of the utility.

2.04.060 JUDICIAL BRANCH

There is hereby established effective Jan. 1, 1984, a City Court of Bluffton to be headed and operated by a City Judge elected and seated pursuant to IC 33-10.1-1-3.

Sections:

- 2.08.010 Elected Officials.
- 2.08.020 Other Officials and Employees
- 2.08.020 Employees of Bluffton Utilities

2.08010 ELECTED OFFICIALS

The annual salary of all elected city officers shall be established annually by ordinance pursuant to IC 36-4-7-2.

2.08.020 APPOINTIVE OFFICERS, DEPUTIES, AND OTHER CITY EMPLOYEES

The compensation to be paid to each appointive officer, deputy and other employee of the City shall be fixed by the Mayor subject to approval, subject to the approval of the Common Council in pursuant to IC 36-4-7-3.

2.08.030 EMPLOYEES OF BLUFFTON UTILITIES

The compensation to be paid to employees of Bluffton Utilities shall be fixed by the Board of Public Works and Safety pursuant to IC 8-1.5-34.

Sections:

- 2.20.010 Parks and Recreation Board
- 2.20.020 Department of Economic Development
- 2.20.030 The Bluffton Housing Authority
- 2.20.040 Police Pension Board of Trustees
- 2.20.050 Firefighters' Pension Board of Trustees

2.20.010 PARKS AND RECREATION BOARD

There is hereby established a Park and Recreation Board established pursuant to IC 36-10-3 and having the power, duties and responsibilities as set forth therein

2.20.020 DEPARTMENT OF ECONOMIC DEVELOPMENT

There is hereby established a Department of Economic Development consisting of the Economic Development Commission organized under IC 36-7-12 and having the powers, duties and responsibilities as set forth therein.

2.20.030 THE BLUFFTON HOUSING AUTHORITY

The Bluffton Housing Authority, as established by Resolution No.75, passed November 16,1976, is hereby re-established. Said body shall be organized under and shall possess the powers enumerated in IC 36-7-18.

2.20.040 POLICE PENSION BOARD OF TRUSTEES

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by IC36-8-6 (1925 Fund) and IC 36-8-8 (1977 Fund) concerning the statutory pensions of city police.

2.20.050 FIREFIGHTERS PENSION BOARD OF TRUSTEES

There shall be a Firefighters' Pension Board of Trustees to perform certain duties prescribed by IC 36-5-7 (1925 Fund) and IC 36-8-5 (1977 Fund) concerning the statutory pensions of city firefighters.

Sections:

2.24.010 Departments established

2.24.020 Powers and duties.

2.24.010 DEPARTMENTS ESTABLISHED

The following departments are hereby established in the City of Bluffton, Indiana.

1. Police Department
2. Street Department
3. Utility Department
4. Department of Law
5. Fire Department
6. Department of Parks and Recreation

2.24.020 POWERS AND DUTIES

The departments established by Section 2.24.010 shall perform the administrative functions assigned to them by statute and ordinance.

Section:

2.32.010 City participation in area department.

2.32.010 CITY PARTICIPATION IN AREA DEPARTMENT

1. The Common Council hereby adopts the provisions IC 36-7-4.
2. Said city hereby agrees to join in and participate with the area planning department of Wells County, which was established by separate ordinance of said county and which ordinance provides for said planning department to be in existence from the date of which it is organized at its first meeting called by the President of the Board of County Commissioners.
3. The membership of the Area Planning Commission of Wells County shall be as set forth in IC 36-7-4-207, IC 36-7-4-208, IC 36-7-4-209 and IC 36-7-4-211.
4. A copy of this section, upon its passage and proper signature, shall be certified to the Board of County Commissioners of Wells County, Indiana, and to the respective Board of Trustees of the Town of Ossian, Indiana, the Town of Uniondale Indiana, the Town of Poneto, Indiana, the Town of Vera Cruz, Indiana and the Town of Markle, Indiana.

⁴ Amended by Ordinance 1147, 5/142002

Sections:

- 2.36.010 Election pursuant to IC 36-4-6-5.
 2.36.020 Districts designated.
 2.36.030 Notification of Wells County Election Board

2.36.010 ELECTION PURSUANT TO IC 36-4-6-5

The City of Bluffton hereby elects to divide itself into four (4) election districts pursuant to the authority of IC 36-4-6-5. The Legislative body (also known as the Common Council) of the City of Bluffton, Indiana shall be composed of four (4) members elected from the districts herein established and one (1) member elected from the City at-large.

⁵2.36.020 DISTRICTS DESIGNATED

The election districts are designated as follows:

- A. District One (1) is that portion of the City of Bluffton, which is located in Lancaster Township and is also east of the centerline of Main Street.
- B. District Two (2) is that portion of the City of Bluffton, Indiana, which is located west and north of the following described line: Beginning at a point where Main Street intersects with the north city limit, then southerly on and along the centerline of Main Street to the Southern boundary of Lancaster Township, then westerly on and along the southern boundary of Lancaster Township to a point where it intersects with the Norfolk and southern railroad tracks, then southerly on and along the centerline of said railroad tracks to a point where said railroad tracks would intersect with a natural extension of Indiana Street, then southerly on and along the center line of Indiana Street to its intersection with Clark Avenue, then southwesterly on and along the center line of Clark Avenue to the south city limit.
- C. District Three (3) is that portion of the City of Bluffton which is located in Harrison Township and is also east and south of the line marking the eastern boundary of District Two (2) as described hereinabove and is also located west of the centerline of Main Street.
- D. District Four (4) is that portion of the City of Bluffton which is located in Harrison Township and is also east of centerline of Main Street.

2.36.030 NOTIFICATION OF WELLS COUNTY ELECTION BOARD

Any time this Chapter is amended the City Clerk-Treasurer shall send a certified copy of this chapter to the secretary of the Wells County election board.

⁵ Amended by Ordinance 1355, 1/22/2013

6TITLE 3 ----- REVENUE AND FINANCE

Chapters:

- 3.04 General Improvement Fund
- 3.08 Cumulative Building and Equipment Fund
- 3.12 Warrants
- 3.16 Permissive Expenses for Municipal Promotion
- 3.20 Junk Vehicle Fund
- 3.36 Public Employees Retirement Fund
- 3.40 Police Pension Fund
- 3.44 Parks and Recreation Fund
- 3.46 Evidence Fund
- 3.48 Other Funds

⁶ Repealed and Replaced by Ordinance 1035, 5/13/1997
Repealed Chapter 32, 5/14/2002

Sections:

- 3.04.010 Fund established--Use
- 3.04.020 Sources
- 3.04.030 Tax levy designated
- 3.04.040 Limitation on fund
- 3.04.050 Disbursements
- 3.04.060 Letting of contracts --assessments
- 3.04.070 Payments

3.04.010 ESTABLISHMENT OF GENERAL IMPROVEMENT FUND: USE

Pursuant to the provisions of 36-9-17-1 *et seq.*, a General Improvement Fund is hereby established which Fund shall be used to construct, repair, or improve streets, alleys, sidewalks, curbs, gutters and sewers.

3.04.020 COMPOSITION OF FUND

The fund shall consist of the following:

1. The special assessments collected under this chapter for benefits to property from constructing, repairing, or improving streets, alleys, sidewalks, curbs, gutters, and sewers; and
2. Any appropriations made from the General Fund of the City or taxes levied by the Common Council in accordance with the procedures under IC 6-1.1-41.
3. However, special assessments collected by the City under any statute or ordinance other than this chapter or the statutes authorizing this ordinance may not be deposited in the fund.

3.04.030 APPROPRIATIONS AND TAX LEVIES

The City may:

1. Appropriate money from the General Fund of the City and transfer that money to this fund
2. Levy a tax for the benefit and use of this fund in compliance with the procedures under IC 6-1.1-41; or
3. Both A and B.

During the year in which this fund is established, the City may make an emergency appropriation from the General Fund and transfer that appropriation to this fund in the manner prescribed by the statutes of the Indiana Code for the making of emergency appropriations.

3.04.040 LIMITATION ON FUND

Notwithstanding any other provision of this chapter, the aggregate sum that may be appropriated and levied under this chapter, including emergency appropriations as authorized by the Indiana Code, may not exceed the equivalent of fifty cents (\$.50) on each one hundred dollars (\$100) net taxable valuation of property in the City.

3.04.050 DISBURSEMENTS AND COLLECTIONS

Disbursements may be made from the General Improvement Fund for any purpose only if benefits are to be assessed against the properties benefited in the manner provided by the street and sewer improvement statutes of the Indiana Code and collected in the manner provided by law for the collection of Barrett Law Assessments.

3.04.060 LETTING OF CONTRACTS

Contracts for public improvements authorized by this chapter shall be let according to the Indiana Code provisions authorizing the City to make and finance public improvements.

3.04.070 ASSESSMENTS

As soon as any contract for the construction of a public improvement under this chapter has been let, the Board of Public Works and Safety shall:

- A. Carefully compute the entire cost of the project, including payments made and to be made to the contractor, and all incidental costs, expenses, and damages paid and incurred, according to law; and
- B. Prepare an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the Board of Public Works and Safety is governed by the street and sewer improvement statutes of the Indiana Code; however, the Board of Public Works and Safety shall fix a period of not more than five (5) years within which the assessments shall be paid.

Any property owner liable for an assessment may elect to pay it in annual installments over the period of time fixed by the Board of Public Works and Safety by executing a waiver in the manner provided by the street and sewer improvement statutes of the Indiana Code.

3.04.080 ASSESSMENTS AS LIENS

Assessments made under this chapter are liens on the properties benefited from the time of the letting of the contract.

3.04.090 PAYMENTS

All payments, including the payment of interest and penalties, of the assessments and all payments made by the City for public improvements under this chapter shall be made into the General Fund of the City.

Sections:

3.08.010 Fund Established -- Use.

3.08.020 Tax Levy Designated.

3.08.010 FUND ESTABLISHED -- USE

Pursuant to IC 36-8-14-2, a fund known as the Cumulative Firefighting Building and Equipment Fund is established. The fund shall be used only for the equipment.

Purposes specified under IC36-8-14-2 as it now reads or may be amended in the future.

3.08.020 TAX LEVY DESIGNATED

To provide for the Cumulative Firefighting Building and Equipment Fund, the Common Council of the City of Bluffton shall comply with the requirements of IC 6-1.1-41 regarding the levy of an annual tax on all taxable property within the City and obtain approval of the tax by the state board of tax commissioners. The tax rate may not exceed ten cents on each one hundred dollars of assessed valuation of property in the City.

Sections:

- 3.12.010 Issuance of Warrant.
- 3.12.020 Approval of Order for Issuance.
- 3.12.210 Vouchers that May be Paid Prior to BOW Allowance
- 3.12.030 Audit and Investigation of Claims.
- 3.12.040 Approval of Claim.
- 3.12.050 Prerequisites for Approval of Claim.

3.12.010 ISSUANCE OF WARRANT

Money may be paid out of the city treasury only on warrant of the City Clerk-Treasurer. Unless provided otherwise by state law, the Clerk-Treasurer may draw a warrant against a fund of the City only if an appropriation has been made for that purpose, the appropriation is not exhausted, and:

1. The warrant is for a salary fixed by statute or ordinance;
2. The warrant is for a claim allowed under Section 3.12.040 of this chapter;
3. The Clerk-Treasurer is ordered to issue the warrant under Section 3.12.020 of this chapter;
4. The warrant is for payment of a judgment that the city must pay; or
5. The warrant is for interest due on City bonds.

3.12.020 APPROVAL OF ORDER FOR ISSUANCE

The Board of Public Works and Safety or Common Council may order the issuance of warrants for payment of money by the City only at a meeting of the Board or Common Council. A city officer who violates this section forfeits his office pursuant to IC 36-4-8-3.

⁷3.12.021 VOUCHERS THAT MAY BE PAID PRIOR TO BOW ALLOWANCE

- A. The following types of vouchers are allowed to be paid prior to Board of Works allowance:
1. Utility payments or connection charges;
 2. General grant programs where advance funding is not prohibited and the contracting
 3. party posts sufficient security to cover the amount advanced;
 4. Grants of state funds;
 5. Principal and interest on Bonds or coupon payments;
 6. Payroll including Direct Deposits;
 7. State, federal or county taxes;
 8. Expenses that must be paid because of emergency circumstances;
 9. A product or service for which the city legislative body has accepted a bid;
 10. Deposits for bonds for street cuts and to raze buildings made payable to and held in escrow by the city to be refunded to the payee upon satisfactory completion of construction of work associated with said deposit of bond;
 11. Registration fees associated with conferences, seminars, or workshops that city employees wish to attend;
 12. Credit Card payments;
 13. Insurance Premiums;
 14. License fees or permit fees;
 15. Property or services purchased or leased from the United States government; or an agency or political subdivision of the United States government or government of the

⁷ Added by Ordinance 1424, 2/2/2016

State of Indiana.

16. Maintenance agreement or service agreement payments;
 17. Lease agreements or rental agreement payments;
 18. Payment of the funeral benefits outlined in IC36-8-6-9.8 (4) to heirs or estates of deceased retired members of the Old Police Pension.
 19. Payment to vendors which provided services or goods to the City and for which a delay of payment incurs penalties or late payment charges.
 20. Payments for the purchase of real estate; provided, that the purchase and price has been duly authorized and approved by the action of the proper council, board or commission, and the purchase was executed in compliance with IC 33-24-1-10.5, 36-7,36-9 or 35-10 and other relevant laws;
 21. Expenditures for temporary loans in consequences of cash flow needs, provided that the temporary loan has been duly authorized and approved by action of the Common Council;
- B. Each payment of expenses outlined in subsection (A) of this section must be supported by a fully itemized accounts payable voucher.
- C. Timely Review. The Board of Public Works and Safety shall review and allow the payment at the Board's next regular or special meeting following the preapproved payment of the expense.

3.12.030 AUDIT AND INVESTIGATION OF CLAIMS

The Clerk-Treasurer may audit a claim against the City by examining under oath any officer, agent or employee of the City or any other person. When acting under this section, the Clerk-Treasurer has the same powers as the Common Council in summoning and examining witnesses.

If the Clerk-Treasurer finds that:

1. The claim includes an item for which no appropriation has been made
2. There is not a sufficient balance for payment of the claim in the proper fund; or
3. The claim should not be approved for any reason;

The Clerk-Treasurer may not issue warrants to pay the claim and shall notify the proper department of the reasons for is refusal to pay the claim.

3.12.040 APPROVAL OF CLAIM

The Board of Public Works and Safety or Common Council may allow a claim:

- A. Only at a meeting of the Board or Common Council; and
- B. Only if the claim was filed in the manner prescribed by IC 5-11 -10-2 at least five days before the meeting.

A city officer who violates this section forfeits his office pursuant to IC 36-4-8-5.

3.12.050 PREREQUISITES FOR APPROVAL OF CLAIM

A warrant for payment of a claim against the city may be issued only if the claim is:

1. Itemized and certified under IC 5-11-10-1;
2. Approved by the officer or person receiving the goods or services;
3. Filed with the Clerk-Treasurer;
4. Audited and approved by the Clerk-Treasurer; and
5. Allowed by the Board of Public Works and Safety or Common Council or the city board having jurisdiction over allowance of the claim.

Sections:

3.16.010 Appropriations for Municipal Promotion Authorized

3.16.020 Prior Approval

3.16.010 APPROPRIATIONS FOR MUNICIPAL PROMOTION AUTHORIZED

The Bluffton City Council is hereby authorized to budget and appropriate funds from the general fund of the City to pay the expenses of or to reimburse City officials for expenses incurred in promoting the best interest of the City. Such expenses may include, but are not necessarily limited to, rental of meeting places, meals, decorations and expenses incurred in interviewing job applicants, in promoting industrial development and any other expenses of a civic or governmental nature deemed to be in the interest of the City.

3.16.020 PRIOR APPROVAL

No expenses shall be incurred under this chapter without prior authorization of the mayor and all claims for such expenses shall be approved by the Mayor and allowed in the regular manner before payment.

Sections:

3.20.010 Junk Vehicle Fund.

3.20.010 JUNK VEHICLE FUND

There is hereby created the City Junk Vehicle Fund which shall be a revolving fund, and all monies paid to the city for the cost of removal, storage, and/or disposal of abandoned vehicles shall be placed in said fund and in no other place. Said fund shall also have added to it such monies as may be appropriated by the Common Council and such monies also shall not revert but shall remain in the Junk Vehicle Fund.

Sections:

3.36.040 Fund established

3.36.080 Eligible personnel to participate

3.36.040 FUND ESTABLISHED

The City of Bluffton elects to become a participant in the Public Employees Retirement Fund as established by the Acts of 1945; Chapter 340 and all Acts amendatory and supplemental thereto. The City of Bluffton agrees to make the required contributions under the Public Employees' Retirement Fund Act which is the Acts of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefits Act."

3.36.080 ELIGIBLE PERSONNEL TO PARTICIPATE

All appointed officers, deputies, and other employees of the City of Bluffton or Bluffton Utilities who are not compensated on a fee basis or who are not employees of an emergency nature and are not in a part-time category are declared to be covered by the fund unless otherwise covered by a Police or Firefighter's Pension Fund as set out in this Code of Ordinances or the Acts of the Indiana General Assembly. The active participating membership of the City of Bluffton, State of Indiana, shall begin on January 1, 1974.

Sections:

3.40.010 Fund established - Use.

3.40.020 Assessment.

3.40.030 City participation in fund.

3.40.010 FUND ESTABLISHED - USE

Pursuant to the provisions of Chapter 51 of the Acts of the General Assembly of 1925 and subsequent amendments the "Police Pension Fund is hereby re-established.

3.40.020 ASSESSMENT

The Clerk-Treasurer is authorized and directed to withhold from the salary of those members of the police department who are also members of the 1925 Police Pension Fund, as an assessment authorized by IC36-8-64 (a)(3), an amount equal to six per cent (6%) of the base salary (plus all longevity increases) of a patrolman with twenty (20) years of service. The assessment shall not be made against any of the following benefits: incentive pay, holiday pay, insurance, clothing allowance, automobile use, firearms, education, overtime or compensatory time off.

3.40.030 CITY PARTICIPATION IN FUND

To provide for the fund", the Bluffton City Council shall levy an "police pension annual tax on all taxable property within the City upon approval of the tax by the state board of tax commissioners as provided by IC 36-8-14-3.

Sections:

- 3.44.010 Funds Established - Use.
- 3.44.020 Sources.
- 3.44.030 Tax Levy Designated.
- 3.44.040 Limitation on Funds.
- 3.44.050 Disbursements.

3.44.010 FUNDS ESTABLISHED - USE

Pursuant to the provisions of IC36-10-3-20 the following special non -reverting funds are hereby established:

1. Wells Community Swimming Pool Equipment Improvement Fund;
 2. Land Acquisition Fund-
 3. Parks and Recreation Department Capital Improvement Fund;
- The use of the above funds are specific relating to their special purposes.

3.44.020 SOURCES

The funds shall consist of special appropriations of the Common Council and other monies as specified herein:

- A. The Wells Community Swimming Pool Equipment Fund may consist of monies collected by the Parks and Recreation Board and generated by the rental fees charged by said Board to individuals and groups renting the Wells Community Swimming Pool.
- B. The Land Acquisition Fund may consist of monies that have accumulated in the Gift Fund, the Lion's Club Park Fund, and the Ferguson Park Fund for the use and benefit of the Parks and Recreation Department.
- C. The Parks and Recreation Capital Improvement Fund may consist of -monies collected by the Parks and Recreation Board in connection with the use and rental of baseball diamonds and from revenue generated by rental fees charged for the right to engage in concession sales conducted in connection with the baseball program.

3.44.030 TAX LEVY DESIGNATED

To provide for the Park and Recreation Fund, the Bluffton City Council shall levy an annual tax on all taxable property within the City upon approval of the tax by the state board of tax commissioners as provided by Indiana Code 36-8-14-3.

3.44.040 LIMITATION ON FUNDS

The monies placed in said whether by appropriation or by the funds from time to time, collection of use and rental fees, shall not be expended except for specific equipment or capital improvements of the parks system under the jurisdiction of the Parks and Recreation Board and further shall not be expended without prior appropriation therefore having been duly made by the Common Council of the City of Bluffton, Indiana.

3.44.050 DISBURSEMENTS

Disbursements shall follow the normal claims procedure established by law, within the limitations established in 3.44.040.

Sections:

3.46.010 Fund Established

3.46.020 Use

3.46.010 FUND ESTABLISHED

There is hereby established an Evidence Fund to be maintained by the Clerk-Treasurer of the City of Bluffton, Indiana.

3.46.020 USE

The Evidence Fund shall receive monies received by the Bluffton Police Department in connection with the investigation of a fraudulent scheme and shall disburse monies at the direction of, an in amounts determined by, an agent of the Bluffton Police Department upon determination of rightful ownership by said Department.

⁸ Added by Ordinance 1428, 3/15/2016

Sections:

3.48.010 Other Funds Re-established - Use

3.48.010 OTHER FUNDS RE-ESTABLISHED-USE

Pursuant to statutory provisions all other funds that the City may elect to use are hereby re-established. Such funds shall include, but not be limited to, the following:

Animal Shelter Vet Fund
Are You OK Fund
City Bus Fund
Clerk Record Perpetuation Fund
Clerk Treasurer Petty Cash Fund
Community Development block Grant Fund
Court Fees Fund
Cumulative Capital Development Fund
D.A.R.E. Fund
⁹Domestic Violence Abuse Fund
Drug Task Force - Detective Grant Fund
EDC Miscellaneous Revenue Fund
Firearms Training Fund
Firemen's Pension Fund
General Fund
K-9 Donation Fund
Law Enforcement User Fee Fund
Local Law Enforcement Continuing Education Fund
¹⁰Local Road and Bridge Matching Grant Fund
Local Road and Street Fund
Motor Vehicle Highway Fund
Payroll Fund
Police Petty Cash Fund
Police Petty Cash - Informant Fund
¹¹Police Programs Fund
Police Training Fund
Recycle Building Fund
Revenue Sharing Fund
Special Vehicle Inspection Fund
State and Federal Loan/Grant Funds

⁹ Adopted Ordinance 1238, 8/9/2006

¹⁰ Adopted Ordinance 1451, 6/6/2017

¹¹ Adopted Ordinance 1237, 8/9/2006

¹²TITLE 5 ----- BUSINESS LICENSE AND REGULATIONS

Chapters:

- 5.04 Solicitors and Transient Merchants
- 5.16 Advertising; Billboards
- 5.20 Junk Dealer and Yards

¹² Repealed and Replaced by Ordinance 1057, 4/28/1998

Sections:

- 5.04.010 Definitions
- 5.04.020 Registration by Solicitors with Police Department
- 5.04.030 Registration by Transient Merchants with Police Department
- 5.04.040 Evidence of Compliance with Registration Requirement
- 5.04.050 Display of Permit
- 5.04.060 Exemptions
- 5.04.070 Duration of Permit
- 5.04.080 Unlawful Solicitation

5.04.010 DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply:

- A. "Solicitor" shall include, shall mean any person, firm, limited liability company, or corporation, both as principal and agent, who sells, offers to sell, or takes orders for goods at any place other than a fixed place of business for future delivery or for services to be performed.
- B. "Solicit or Solicitation" shall include requesting, directly or indirectly, money, credit, property, financial assistance, or other thing of value or selling, offering to sell, taking orders for sale of goods or services to be rendered at any place other than from a fixed place of business.
- C. "Person" shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization, or league, and includes any trustee, receiver, assignee, agent, or other similar representative word.
- D. "Transient Merchant" shall include all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in One (1) locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term shall not include any of the following:
 - 1) any person, individual, copartner, limited liability company, or corporation, which grows the goods, wares, or merchandise that is sold or offered for sale;
 - 2) a person who makes crafts or items by hand and sells them or offers them for sale;
 - 3) an auctioneer who is licensed under IC 25-8.1;
 - 4) a resident of the county in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per year;
 - 5) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-26;
 - 6) a person who:
 - a) sells merchandise;
 - b) offers to sell merchandise; and
 - c) provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (5);
 - 7) a person who:
 - a) organizes;

¹³ Section 5.04.090 Repealed, by Ordinance 1144, 4/30/2002

- b) sells merchandise at; and
 - c) offers to sell merchandise at; or
 - d) exhibits at a trade show or convention
- 8) a person who holds a registered retail merchant's certificate under IC 6-2-5-8
- E. "Principal Agent" shall mean the employee or agent of the Transient Merchant who is responsible for the day-to-day operations of the business within the City.

5.04.020 REGISTRATION BY SOLICITORS WITH POLICE DEPARTMENT

Any Solicitor or Transient Merchant desiring to conduct business within the City of Bluffton shall first register at the office of the Bluffton Police Department; as a part of the registration process shall:

- A. Provide a valid driver's license, identification card or other verifiable form of picture identification, which contains the applicant's name, address, social security or driver's license number, and physical description of the Solicitor and permit an employee of the Police Department to copy the same.
- B. Provide a brief description of the nature of the solicitation and the dates during which the Solicitor expects to be soliciting within the City;
- C. Provide the name, address and telephone number of the company for whom the Solicitor is employed or whom the Solicitor represents;
- D. Provide a recent photograph of the Solicitor. (If no such photograph is available, the Solicitor shall permit the Department to photograph the Solicitor at the time of the application.);
- E. Provide the license plate number of any vehicle to be used in such solicitation;
- F. Sign a statement as to whether the Solicitor has been convicted of any felony or been found to have violated any misdemeanor or ordinance related to solicitation or the sale of goods and to describe the nature of the conviction or violation
- G. Sign a statement that the permit to be issued will not be used or represented in any way as an endorsement of the Solicitor by the City or Bluffton Police Department.

5.04.030 REGISTRATION BY TRANSIENT MERCHANTS WITH POLICE DEPARTMENT

Any Transient Merchant desiring to transact business within the City of Bluffton shall first register at the office of the Bluffton Police Department; said Transient Merchant shall:

- A. Provide the name, address and telephone number of the company for whom the Transient Merchant is employed or whom the Transient Merchant represents;
- B. Provide a brief description of the nature of the business and the dates during which the Transient Merchant expects to be conducting business within the City;
- C. Provide a valid driver's license, identification card or other verifiable form of picture identification, which contains the name, address, social security or driver's license number, and physical description of the principal agent of the Transient Merchant and permit an employee of the Police Department to copy the same.
- D. Provide the license plate number of any vehicle to be used in such business;
- E. Sign a statement as to whether the Principal Agent has been convicted of any felony or been found to have violated any misdemeanor or ordinance related to solicitation or the sale of goods and to describe the nature of the conviction or violation;
- F. Sign a statement that the permit to be issued will not be used or represented in any way as an endorsement of the Transient Merchant by the City or Bluffton Police Department.

5.04.040 EVIDENCE OF COMPLIANCE

As evidence of registration, the Police Department shall issue to each Solicitor or Transient Merchant who has complied with the previous section, a permit which shall include the

Solicitor's or Transient Merchant's name and address and the name of the company represented and the kind of goods to be sold or offered.

5.04.050 DISPLAY OF PERMIT

The permit issued under this Chapter shall be maintained by a Solicitor or Transient Merchant upon his immediate person or premises and, upon the request of any member of the Bluffton Police Department or person with whom he or she is transacting or attempting to transact business, the Solicitor or Transient Merchant shall produce said permit for inspection.

5.04.060 EXEMPTIONS

The following shall be exempt from the requirements of this Chapter:

- (a) An organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;
- (b) A person who provides proof that the business or activity is being conducted as part of an activity sponsored by an organization described in subdivision (5);

5.04.070 DURATION OF PERMIT

A Permit issued under this Chapter shall be valid for six (6) months from the date of issue.

¹⁴5.04.080 UNLAWFUL ACTS

The following acts shall not be permitted:

- A. Soliciting or engaging in business as a Transient Merchant without a permit as provided in this Chapter
- B. Soliciting prior to 9:00 A.M.
- C. Soliciting after sunset or 8:00P.M., whichever shall occur earlier
- D. Soliciting at a residence or business displaying a sign, which indicates that Solicitors are not to call on said residence, or business.

¹⁴ Amended by Ordinance 1336, 10/18/2011

Sections:

- 5.16.010 Definitions
- 5.16.020 No Signs Unless Specifically Permitted
- 5.16.030 Off-premise Signs Not Permitted
- 5.16.040 Variance Applications

5.16.010 DEFINITIONS

As used in this Chapter, the following terms shall connote the following meanings:

- A. "Sign" shall mean a name, identification, description, is a or illustration which is affixed directly or indirectly to a building, structure, lot parcel, or tract of land, which directs attention to an object, product, place, person, institution, organization, or business, but does not include the following:
 1. The display of official court or public notices; or
 2. The flag, emblem or insignia of a nation, historical monuments, historical markers, historical signs, political units markers, school or religious markers; or
 3. A name, identification, description, display, or illustration located completely within a closed building; or
 4. The identifying name of a city, town or subdivision.
- B. "Off-premise Sign" shall mean a sign, which communicates the availability of goods, and services which are not available on the premises on which the sign is located.
- C. "On-premise Sign" shall mean a sign, which communicates only the availability of goods, and services which are available on the premises on which the sign is located.
- D. "Political Sign" shall mean a sign, which promotes a specific political candidate who will be on a ballot as part of an upcoming election or a specific position, which will be voted upon as part of an upcoming election or referendum.
- E. "Temporary Sign" shall mean a sign that is intended to remain at a location for less than forty five (45) days.

5.16.020 NO SIGNS UNLESS SPECIFICALLY PERMITTED

No sign shall be erected or maintained within the City except as specifically hereafter provided:

- A. On-premise signs, which meet the requirements and specifications as, set forth in Section 307.5 of the Zoning Ordinance of Wells County, Indiana as it now reads or may be amended in the future.
- B. Temporary signs, which meet the requirements and specifications as, set forth in Section 307.6 of the Zoning Ordinance of Wells County, Indiana as it now reads or may be amended in the future.
- C. Political signs may be erected not more than ninety (90) days prior, and must be removed within ten (10) days after, the election or event for which they are erected.

5.16.030 OFF -PREMISE SIGNS NOT PERMITTED

No off-premise signs shall be erected or maintained within the City. Any sign existing and erected prior to the passage of this Chapter which is not in compliance with the restrictions of this Chapter shall be removed or brought into compliance with this Chapter within fifteen (15) years of the date of passage of this Chapter.

¹⁵ Section 5.16.050 Repealed, by Ordinance 1144, 4/30/2002

5.16.040 VARIANCE APPLICATIONS

The granting of a variance by the Wells County Board of Zoning Appeals with respect to the erection of a sign does not act as a waiver of the restrictions set forth in this Chapter; however, any party who receives a variance from the Board of Zoning Appeals with respect to a sign may apply to the Common Council for a variance with respect to the same sign. Any decision made by the Common Council with respect to the granting of a variance under this subsection shall be based upon the size, location and physical properties of the sign, and the aesthetics of the area and not the written content of the sign.

Sections:

- 5.20.010 Definitions
- 5.20.012 Requirement of Fence
- 5.20.020 Operating Junk Yard or Dealing in Junk; License
- 5.20.030 Application Contents
- 5.20.040 Inspection of Applicant; Issuance of License
- 5.20.050 Storing Junk Outside of Licensed Area
- 5.20.060 Penalty

5.20.010 DEFINITIONS

- A. "Junk yard" means a place outside enclosed buildings where junk is placed, deposited or stored in the course of conducting the junk business.
- B. "Junk" shall include old or scrap ferrous or nonferrous material, including but not limited to, copper, brass, rope, rags, batteries, paper, trash, rubber debris, iron, steel and other items which have been scrapped or discarded. It shall also include automobiles, farm implements, industrial machinery, business equipment, household items, or parts thereto, which are being stored or kept for salvage purposes, or from which all usable parts have been salvaged.
- C. "Junk dealer" means any person, partnership, corporation, or any other business association who engages in the business of buying and selling junk and/or who maintains a junk yard, but does not include a towing operation holding wrecked vehicles while awaiting an abandoned vehicle title or disposition from an insurance company.

5.20.012 REQUIREMENT OF FENCE

Any junk yard shall be surrounded by a neat and well-built fence constructed of materials and in a condition acceptable to the licensing body to be erected on the outer boundary of that portion of said premises used for the junk yard such that any junk stored within the yard shall not be visible from the travel portion of any public right-of-way; provided however, that no fence shall be erected under this chapter which by its location or height obstructs the view at any right-of-way or railway intersection so as to endanger lives or property of persons traveling said street. Where a building or buildings on an adjacent property from said boundary, said fence shall not exceed eight (8) feet in height, and no junk shall be stored, placed, deposited or permitted to remain in said junkyard to a height greater than the height of the fence.

5.20.020 OPERATING JUNK YARD OR DEALING IN JUNK: LEASE

No person, firm or corporation shall engage in the business of a junk dealer and maintain a junkyard in said city without having first complied with the provisions of this chapter and procured a license to do so.

5.20.030 APPLICATION CONTENTS

Application for such license shall be made to the Common Council of the city on forms provided for such purpose, filed in the office of the clerk-treasurer thereof, and said application shall state therein the place or places wherein it is proposed to engage in said business and establish and maintain such junk yard, and describe the same by metes and bounds, or by lot number, indicating specifically the portion of said premises to be used for such purpose, which latter tract shall in no event be so near any street or railroad tracks as to obstruct the view of approaching trains so as to endanger the lives or property of persons traveling said street.

5.20.040 INSPECTION OF APPLICANT: ISSUANCE OF LICENSE

When any application has been filed under the provisions of this chapter, the Common Council shall examine the same and the premises described therein and if they find that the same complies with the provisions of this chapter they shall take action granting such license, conditioned that the applicant erect such fence and otherwise comply with the provisions of this chapter. When said applicant has done so the clerk-treasurer shall issue said license, which shall be for the period of One year.

5.20.050 STORING JUNK OUTSIDE OF LICENSED AREA

It shall be a violation of this chapter for any such licensee or any person to deposit, place or store, or permit to be deposited, placed or stored, or to permit any junk heretofore so deposited, placed or stored, to remain within the corporate limits of the city, except as provided by this chapter.

5.20.060 ¹⁶PENALTY

Any person violating any provisions of this Chapter and upon conviction thereunder shall be fined as allowed by law of Indiana, to which shall be added the costs of the action. Each day said violation continues shall be deemed a separate offense, and said violation shall be deemed good and sufficient cause for the revocation of the license of the violator, which, if ordered, shall be entered as part of the judgment in the cause. The vocation may prevent the issuance of a license to said person, firm or corporation for a period of six (6) months from the date thereof.

¹⁶ Amended by Ordinance 1147, 5/14/2002

¹⁷**TITLE 6 ----- ANIMAL**

Chapter:

- 6.04 Dogs and Other Animals
- 6.05 Nuisance Animals
- 6.08 Other Animals

¹⁷ Repealed and Replaced by Ordinance 1070, 9/1/1998
Section 6.12.010 Repealed, by Ordinance 1144, 4/30/2002

Sections:

- 6.04.010 Definitions
- 6.04.020 Animals Running at Large Prohibited
- 6.04.030 Impounding of Animals
- 6.04.040 Notice of Impounding
- 6.04.050 Release of Animals
- 6.04.070 Animal Shelter
- 6.04.080 Impounding Fees
- 6.04.090 Breach of Shelter
- 6.04.100 Animal Control Authority
- 6.04.130 Animal Noises
- 6.04.140 Animal Nuisances
- 6.04.150 Maximum Number of Animals
- 6.04.154 Shelter from the Elements
- 6.04.160 Poisonous Animals
- 6.04.170 Removal of Excrement

6.04.010 DEFINITIONS

- A. "Owner" means any person, firm or corporation, organization, or dependent possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- B. "Animal Control Authority" means the animal control officer of the City of Bluffton, Indiana or his/her designee.
- C. "At large" means off the premises of the owner and not under the control of the owner or some member of his immediate family or other authorized person either by leash or otherwise.

6.04.020 ANIMALS RUNNING AT LARGE PROHIBITED

No person shall allow any animal under that person's control or authority to run at large in the City.

6.04.030 IMPOUNDING OF ANIMALS

The Animal Control Authority shall impound any animal found running at large and shall keep it until redeemed or otherwise disposed of. The police or animal warden shall have the right to go upon private property to carry out the purpose of this chapter and to deputize others to assist.

6.04.040 NOTICE OF IMPOUNDING

The Animal Control Authority shall immediately give notice of impounding of any such animal to the owner, if known and if the owner can be found. A registry of impounded animals shall be kept with a general description of each animal. A copy of such registry shall be available at the animal shelter. Such shelter shall be open to inspection at reasonable times for owners to search for and to reclaim animals.

6.04.050 RELEASE OF ANIMAL

Any impounded animal may be redeemed by the owner thereof by payment to the Clerk-Treasurer of the fees hereinafter established provided, however, that no animal shall be released from the shelter unless the owner thereof shall present proof that such animal has been immunized for rabies within the twelve (12) months preceding its impoundment. When such proof is not available, the owner may advance the cost of immunization and any expense incidental thereto, for such immunization by the Animal Control Authority or its designee. After

¹⁸ Repealed and replaced by Ordinance 1218, 8/16/2005

such immunization has been accomplished, the animal may be redeemed and released up payment of the fees. Any dog impounded shall bear current Indiana Dog License tags or such shall be purchased for said dog by the owner prior to being redeemed by the owner. After an animal has been held unredeemed at the shelter for a period of five (5) days, it may be disposed of by the Animal Control Authority or by surrendering it to some person who will provide the animal a suitable home, or by destroying it.

6.04.070 ANIMAL SHELTER

The City shall maintain a suitable shelter for the safekeeping of animals taken up. The Board of Public Works and Safety may contract with any person for the keeping, feeding and caring of such animals on such terms as they shall deem proper, or such duty may be delegated to the police or the Animal Control Authority.

6.04.080 FEES

Fees to be collected for impounding of animals shall be fixed from time to time by the Board of Public Works and Safety. To such fees may be added the reasonable cost of feeding and caring for such animal during the period of impoundment, as may be determined by the Board of Public Works and Safety.

6.04.090 BREACH OF SHELTER

No person other than the Animal Control Authority shall liberate any impounded animal. No person shall commit any breach of such shelter or interfere with the taking of animals by the Animal Control Authority.

6.04.100 ANIMAL CONTROL AUTHORITY

The Mayor shall appoint an Animal Control Officer who shall be the supervising office for the Animal Control Authority.

6.04.130 ANIMAL NOISES

No person shall keep within the City any animal, which by loud and frequent barking, howling, yelping or other animal noises disturbs, the peace and quiet or annoys any citizens.

6.04.140 ANIMAL NUISANCES

The following conditions are hereby declared to be nuisances within the meaning of this title, and no person having ownership or custody of any animal described herein shall:

- A. Fail to prohibit any animal from chasing people, automobiles or bicycles on streets or sidewalks.
- B. Fail to prohibit any animal from destroying, defacing or damaging shrubbery, lawns, flowers, gardens or other property.
- C. Fail to confine any female animal in heat in a closed building so that such animal cannot come into contact with another animal except for planned and supervised breeding.

6.04.150 MAXIMUM NUMBER OF ANIMALS

Not more than five (5) total dogs and/or cats, in any combination, over the age of six (6) months shall be kept in any home located on less than 14,520 square feet of real estate (1/3 acre) per dwelling in any area of the City zoned as residential.

Dogs kept in kennels for breeding, boarding, or training purposes, or for sale shall not be counted for the purposes of this section so long as the owner is in compliance with all state and/or federal regulations regarding the keeping of such dogs and the licensing of the kennel.

¹⁹6.04.154 SHELTER FROM THE ELEMENTS

No person shall leave an animal outside and exposed to the elements for any amount of time that said exposure would become dangerous to the animal's health, whether or not tethered, without providing for the animal proper shelter. Proper shelter shall mean a structure of at least three (3) sides and a roof within which an animal can seek refuge from the sun, wind and precipitation,

¹⁹ Adopted by Ordinance 1341, 5/15/2012

which shelter is located on dry ground that is mud free and which shelter is maintained in a sanitary condition to prevent odor and health problems for the animal.

6.04.160 POISONOUS ANIMALS

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

6.04.170 REMOVAL OF EXCREMENT

Persons exercising control of an animal, or the owner if the animal is running at large, shall immediately remove any excrement deposited by the animal on any public lands, including but not limited to streets, sidewalks, and parks. This section shall not apply to blind persons who are the owners, or in control of, a guide dog.

Sections:

6.05.010	Definitions
6.05.020	Determination of a Potentially Nuisance Animal
6.05.030	Determination of a Nuisance Animal
6.05.040	Exceptions
6.05.050	Contents of Orders with Respect to Potentially Nuisance Animals
6.05.060	Contents of Orders with Respect to Nuisance Animals
6.05.065	Duration of Orders
6.05.070	Unlawful Acts

6.05.010 DEFINITIONS

For the purposes of this chapter, the term:

- A. “Animal Control Authority” means the animal control officer of the City of Bluffton, Indiana or his/her designee.
- B. “Nuisance animal” means any animal that:
 1. Causes an injury to a person or domestic animal; or
 2. Has been determined to be a Potentially Nuisance Animal and engages in behavior that poses a threat to public safety as described in subsection 6.05.010 (G)
- C. “Serious injury” means any physical injury that results in broken bones or lacerations that require multiple sutures or cosmetic surgery.
- D. “Proper Enclosure” means a secure confinement indoors or, if outdoors, a secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if the animal can climb a fence, with secure sides, which provide proper protection from the elements for the animal, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping from the owner’s property.
- E. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- F. “Impound” means taken into the custody by the City of Bluffton.
- G. “Potentially Nuisance Animal” means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 1. Causing an injury to a person or domestic animal that is less severe than a serious injury;
 2. Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
 3. Running at large or impounded, or owners cited by the Animal Control Authority two (2) or more times within any 12-month period.
 4. Acts in an aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to escape.
- H. “Responsible person” means a person at least 18 years old who is familiar with the animal and has the physical ability and experience to keep the animal under complete control at all times.

²⁰ Replaced by ordinance 1454 on 8/1/2017

6.05.020 DETERMINATION OF A POTENTIALLY NUISANCE ANIMAL

Upon receiving a complaint that an animal has engaged in conduct described in 6.05.010(G), the Animal Control Authority shall within five (5) days make a determination whether the animal is a Potentially Nuisance Animal as described in 6.05.010(G). If the Animal Control Authority determines that the animal is a Potentially Nuisance Animal, the Animal Control Authority shall issue to the owner of the animal an Order in accordance with 6.05.060 which shall be complied with by the owner within thirty (30) days of the date of the Order, subject to review by the Board of Public Works and Safety.

Upon receiving an Order from the Animal Control Authority, the owner of the animal may, within five (5) business days after the date of the Order, petition the Board of Public Works and Safety seeking review of the determination and Order. The Board shall convene a hearing on the petition within ten (10) days of the receipt thereof and shall at said hearing either confirm, modify, or rescind the Order. A decision to rescind the Order of the Animal Control Officer shall not affect the authority of the Animal Control Officer to issue subsequent Orders to the owner of the animal based upon the animal's subsequent behavior.

If the Animal Control Authority has probable cause to believe that an animal is a Potentially Nuisance Animal and probable cause to believe that the animal poses a threat to public safety unless immediately impounded, the Animal Control Authority shall impound the animal until such time as the owner complies with the terms of the Order.

If the owner refuses to allow the animal to be impounded, the Animal Control Authority may request a warrant for the purpose of taking custody of the animal and impounding the animal pending disposition of the case or until the owner has complied with the terms of the Order. The Animal Control Authority shall have the authority to humanely euthanize the impounded animal if the owner fails to comply with the Order within the time provided in this Ordinance or by a decision of the Board of Public Works and Safety. The owner of the animal shall be liable for the costs and expenses of keeping the animal.

If any animal previously determined to be a Potentially Nuisance Animal, or a Potentially Dangerous Animal prior to the effective date of this Ordinance, has not exhibited any of the behaviors specified in 6.05.010 (B) or (G) within the thirty-six (36) months of the date of the Order determining the animal to be a Potentially Nuisance Animal, the owner may request the Animal Control Authority to review the determination; provided, however, even if the Animal Control Authority rescinds the determination, the same animal may again be declared a Nuisance Animal or Potentially Nuisance Animal for behavior exhibited subsequent to the determination.

6.05.030 DETERMINATION OF A NUISANCE ANIMAL

Upon receiving a complaint that an animal has engaged in conduct described in 6.05.010(B), the Animal Control Authority shall within five (5) days make a determination whether the animal is a Nuisance Animal. If the Animal Control Authority determines that the animal is a Nuisance Animal, the Animal Control Authority shall issue to the owner of the animal an Order in accordance with 6.05.060 which shall be complied with by the owner within thirty (30) days of the date of the Order, subject to review by the Board of Public Works and Safety.

Upon receiving an Order from the Animal Control Authority, the owner of the animal may, within five (5) business days after the date of the Order, petition the Board of Public Works and Safety seeking review of the determination and Order. The Board shall convene a hearing on the petition within ten (10) days of the receipt thereof and shall at said hearing either confirm, modify, or rescind the Order. A decision to rescind the Order of the Animal Control Officer

shall not affect the authority of the Animal Control Officer to issue subsequent Orders to the owner of the animal based upon the animal's subsequent behavior.

If the Animal Control Authority has probable cause to believe that an animal is a Nuisance Animal and probable cause to believe that the animal poses a threat to public safety unless immediately impounded, the Animal Control Authority shall impound the animal until such time as the owner complies with the terms of the Order.

If the owner refuses to allow the animal to be impounded, the Animal Control Authority may request a warrant for the purpose of taking custody of the animal and impounding the animal pending disposition of the case or until the owner has complied with the terms of the Order. The Animal Control Authority has the authority to humanely euthanize the impounded animal if the owner fails to comply with the Order within the time provided in this Ordinance or by a decision of the Board of Public Works and Safety. The owner of the animal is liable for the costs and expenses of keeping the animal.

6.05.040 EXCEPTIONS

No animal shall be declared a Nuisance Animal or Potentially Nuisance Animal if:

- A. The animal was used by a law enforcement official for legitimate law enforcement purposes;
- B. The threat, injury, or damage was sustained by a person:
 1. Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the animal;
 2. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 3. Who was committing or attempting to commit a crime; or
- C. The animal was:
 1. Responding to pain or injury, or was protecting itself, its offspring; or
 2. Protecting or defending a human being within the immediate vicinity of the animal from an actual or threatened attack or assault.

6.05.050 CONTENT OF ORDERS WITH RESPECT TO POTENTIALLY NUISANCE ANIMALS

If the Animal Control Authority determines that an animal is A Potentially Nuisance Animal under 6.05.020, the Animal Control Authority shall issue an Order to the owner of the animal requiring the owner to do any one or more of the following:

- A. Show evidence that the owner of the potentially nuisance animal is 18 years of age or older;
- B. Obtain a valid license for the potentially nuisance animal pursuant to Indiana law;
- C. Show evidence that the animal has a current rabies vaccination;
- D. Provide a proper enclosure (as defined in this Chapter) for the animal
- E. Require the owner to register the animal as a Potentially Nuisance Animal and pay an annual fee for such registration as determined by the Board.
- F. Spay or neuter the animal;
- G. Implant a microchip into the animal which is registered with the Animal Control Authority; or
- H. Require the owner to enter the animal in a socialization and/or behavior program approved by the Animal Control Authority.
- I. Require the owner to provide the Animal Control Authority with the name and address of

the new owner if the ownership or physical custody of the animal is transferred.

6.05.060 CONTENT OF ORDERS WITH RESPECT TO NUISANCE ANIMALS

If the Animal Control Authority determines that an animal is a Nuisance Animal under 6.05.030, the Animal Control Authority shall issue an Order to the owner of the animal requiring the owner to do any one or more of the following:

- A. Show evidence that the owner of the Nuisance Animal is 18 years of age or older;
- B. Obtain a valid license for the Nuisance Animal pursuant to Indiana law;
- C. Show evidence that the animal has a current rabies vaccination;
- D. Provide a proper enclosure (as defined in this Chapter) for the animal;
- E. Require the owner to register the animal as a Nuisance Animal and pay an annual fee for such registration as determined by the Board.
- F. Spay or neuter the animal;
- G. Implant a microchip into the animal which is registered with the Animal Control Authority; or
- H. Require the owner to enter the animal in a socialization and/or behavior program approved by the Animal Control Authority.
- I. Require the owner to provide the Animal Control Authority with the name and address of the new owner if the ownership or physical custody of the animal is transferred.
- J. Show that he or she has written permission of the property owner or homeowner's association where the Nuisance Animal will be kept, if applicable;
- K. Maintain the animal exclusively on the owner's property except when transporting is necessary for medical treatment or examination; and
- L. Post on the premises a clearly visible written warning sign that there is a Nuisance Animal on the property with a conspicuous warning symbol that informs children of the presence of a Nuisance Animal. The sign shall be visible from the public roadway or 50 feet, whichever is less.

6.05.065 DURATION OF ORDERS

Except for the declassification of an animal as a Potentially Nuisance Animal under 6.05.02, any Order issued by the Animal Control Authority, as modified by the Board of Public Works and Safety, if applicable, shall remain in effect for the life of the animal. The Order shall apply to the animal even if the ownership of the animal is transferred after the issuance of an Order.

6.05.070 UNLAWFUL ACTS

It shall be unlawful to:

- A. Keep a Nuisance Animal or Potentially Nuisance Animal contrary to the terms of an Order issued by the Animal Control Authority;
- B. Permit a Potentially Nuisance Animal to be outside a proper enclosure unless it is under the control of a responsible person as defined in 6.05.010(H), muzzled and restrained by a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting a person or an animal;
- C. Fail to maintain a Nuisance Animal exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the Nuisance Animal shall be caged or under the control of a responsible person as defined in 6.05.010(H), muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human being or animal;
- D. Fail to notify the Animal Control Authority immediately upon the happening of any of

the following:

- a. A Nuisance Animal is outside of its Proper Enclosure, except when under control of a Responsible Person;
 - b. A Nuisance Animal or Potentially Nuisance Animal has attacked another domestic animal; or
 - c. A Nuisance Animal or Potentially Nuisance Animal has attacked a person.
- E. Fail to notify the Animal Control Authority immediately upon the happening of any of the following:
- a. The death of a Nuisance Animal or Potentially Nuisance Animal, other than by natural causes; or
 - b. The transfer of ownership or physical custody of a Nuisance Animal or Potentially Nuisance Animal.
- F. Fail to advise the potential owner of a Nuisance Animal or Potentially Nuisance Animal if the owner intends to transfer ownership of the animal.
- G. Fail to comply with any special security or care requirements for a Nuisance or Potentially Nuisance Animal the Animal Control Authority may have established pursuant to the finding that the animal is a Nuisance Animal or Potentially Nuisance Animal.

Sections:

- 6.08.010 Keeping Cattle or Swine
- 6.05.020 Stables, Pens and Kennels
- 6.08.030 Removal of Dead Animals
- 6.08.040 Sale Barns
- 6.08.050 Sale of Young Animals
- 6.08.060 Shod Animals prohibited from Use of Walkway

6.08.010 KEEPING ANIMALS OR SWINE

No person shall keep, feed, or maintain any cattle, horses, or swine of any kind within the City, except swine or cattle temporarily in shipping pens for shipment to market or elsewhere, or horses kept on tracts of land of five (5) acres or greater.

6.08.020 STABLES AND KENNELS

No person shall keep within the City any pig sty, kennel, stable or other animal pen or shelter in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any such animal pen or shelter constructed in such manner as to permit the contents of filth therein to run or wash upon the premises owned or occupied by another or upon any street or other public place.

6.08.030 REMOVAL OF DEAD ANIMALS

Any person who becomes apprised of the death of any animal owned by him or her within the City shall, within six (6) hours thereafter, cause the same to be removed outside the limits of the City and buried, or disposed of so as not to become a nuisance. When such animal is killed by any other person than its owner, if the person so killing it is known, the owner shall not be compelled to remove it as provided above, but it shall be removed by the person killing it.

6.08.040 SALES BARNs

It is unlawful for any owner or operator of any sales barn within the City to keep within such sales barn any livestock or poultry before 6:00 a.m. or later than 11:00 p.m. of the day on which said stock is delivered at such sales barn, except that when weather conditions are such that to remove the livestock would be dangerous to the lives of the stock, the livestock may remain in such sales barn until the weather permits their removal.

A sales barn, for the purpose of this section, is a place where livestock is taken and held for sale at public auction.

6.08.050 SALE OF YOUNG ANIMALS

- A. It shall be unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium, or advertising device or display in any store, shop, carnival, or other place, any chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially.
- B. It shall be unlawful for any person to sell or offer for sale, raffle, or offer or give as a prize, premium, or advertising device, any chicks, ducklings, or goslings younger than four weeks of age in quantities of less than twelve birds to each individual person.
- C. All stores, shops, vendors, and other offering chicks, ducklings, or goslings for sale, or raffle, or as a prize, premium, or advertising device, or displaying chicks, ducklings, or goslings to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

6.08.060 SHOD ANIMALS PROHIBITED OF WALKWAYS

No person shall permit a shod animal to travel on the asphalt, concrete or stone apron, on or along the sidewalk, pedestrian walkway, hiking, biking, or jogging path (including but not limited to the Rivergreenway Trail) or on any publicly owned property on which signs prohibited the travel of shod animals are displayed.

TITLE 7 ----- CITY BOUNDARIES

Chapters:

7.04 City Boundaries

Sections:

7.04.010 Adoption by reference

7.04.020 Annexations

7.04.010 ADOPTION BY REFERENCE

Indiana official map is hereby adopted by reference and made a part of this chapter as fully as if the same were attached hereto and incorporated herein, and is on public display in the City Hall of Bluffton, Indiana; and filed with the offices of the Wells County Auditor and Recorder. The corporation boundaries set forth therein shall constitute the official corporation boundaries of the City of Bluffton, Indiana.

7.04.020 ANNEXATIONS

Annexations and disannexations are hereby adopted by reference and made a part of this chapter as fully as if the same were attached hereto and incorporated herein, and as filed in the offices of the Wells County Auditor and Recorder, and in the City Hall of Bluffton, Indiana. Two (2) copies of the said references are on file in the office of the Clerk-Treasurer for public inspection.

²¹TITLE 8 ----- HEALTH AND SAFETY

Chapters:

- 8.08 Fire Prevention
- 8.10 Restrictions on Use of Consumer Fireworks
- 8.12 Weed Control
- 8.16 Abandoned Vehicles and Junk
- 8.20 Miscellaneous Nuisances
- 8.24 Rubbish, Garbage, and Sanitation
- 8.36 Massage and Nude Modeling Establishments
- 8.40 Curfews

²¹ Repealed Chapter 32, 5/14/2002

Sections:

- 8.08.010 Sales and Use Restriction on Fireworks
- 8.08.020 Negligently Throwing or Tossing Fireworks
- 8.08.030 Open Burning
- 8.08.040 Penalty

8.08.010 SALES AND USE RESTRICTIONS ON FIREWORKS

The regulations contained in IC 22-11-14 as they now read or may be from time to time amended or recodified, are hereby incorporated into this ordinance, as though fully set forth herein.

8.08.020 NEGLIGENTLY THROWING OR TOSSING FIREWORKS

It shall be unlawful at any time to carelessly or purposely throw any firecracker, as that term is defined in IC 22-11-14-1 as it now reads or may be from time to time be amended or recodified, or to discharge any kind of firework in or into any vehicle which is at the time occupied by any person or to purposely or negligently throw or place the same where it will detonate in close proximity to any person.

8.08.030 OPEN BURNING

The administrative regulations contained in Title 326, Indiana Administrative Article 4, as they now read or may be from time to time amended or recodified, are hereby incorporated into this ordinance, as though fully set forth herein.

No person, firm or corporation shall engage in the open burning of any materials except as provided in 326 I.A.C. 4-1-3 or 326 I.A.C. 4-1-4.

The Bluffton Police Department and the Bluffton Fire Department shall have the authority to enforce this ordinance by going upon public property extinguishing any fires, which violate the terms of this Chapter.

8.08.040 PENALTY

Whoever violates any provisions of this Chapter shall be subject to penalty as provided by the law of Indiana and each day said violation continues shall be considered a separate offense.

²² Amended by Ordinance 1145, 5/14/2002

Sections:

- 8.10.010 Definitions
- 8.10.020 Prohibited Conduct
- 8.10.030 No Conflict with State Law
- 8.10.040 Penalty

8.10.010 DEFINITIONS

- A. "Consumer Firework" shall have the meaning as set forth in IC 22-11-14-1 as it now reads or may be amended in the future.

8.10.020 PROHIBITED CONDUCT

It shall be unlawful to use, ignite or discharge consumer fireworks within the corporate limits of the City of Bluffton except as follows:

- A. Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 4, July 5, July 6, July 7, July 8 and July 9
- B. Between hours of 10:00 a.m. and 12:00 midnight on July 4; and
- C. Between the hours of 10:00 a.m. on December 31, and 1:00 a.m. on January 1.

8.10.030 NO CONFLICT WITH STATE LAW

Nothing in this Chapter is intended to conflict with any of the criminal or civil restrictions set forth in IC 22-11-14-1, et seq. (or elsewhere in the State Code, if applicable) nor it is intended to grant fireworks use rights where such are restricted by State or Federal Law.

8.10.040 PENALTY

Any person who violates the provisions of this Chapter shall be subject to a fine in accordance with the Law of Indiana.

²³ Adopted by Ordinance 1266, 6/12/2007

Sections:

- 8.12.010 Definitions
- 8.12.020 Notice to Remove
- 8.12.030 Penalty
- 8.12.040 Removal - Costs
- 8.12.050 Enforcement
- 8.12.060 Appeal Procedure
- 8.12.070 Continuous Abatement Notice

8.12.010 DEFINITIONS

- A. "Property Owner" shall mean any person, entity, or organization who is responsible for the payment of real estate taxes on a particular tract of real estate as reflected by the most current records in the office of the Auditor of Wells County.
- B. "Nuisance Vegetation" shall not include agricultural crops such as hay and/or pasture, but shall include the following:
 1. Grasses or weeds that have reached a height of eight (8") inches or higher;
 2. Any growth of vegetation (even if it has died) which is neglected or disregarded; which is detrimental to health; or which acts as a haven for mosquitoes, flies, bees, mice, snakes, rats, or other insects or animals that pose a hazard to the public health; and
 3. Any vegetation that obscures the visual clearance at a street intersection.

8.12.020 NOTICE TO REMOVE

Any property owner determined by the City to have Nuisance Vegetation on his property shall receive written notice from the city that said vegetation must be removed within five (5) days of the date of the notice. The City shall cause the notice to be served upon the property owner by certified mail, return receipt requested, addressed to the property owner as reflected by the most current records in the office of the Auditor of Wells County and shall be posted in a prominent place on the premises where the violation is occurring.

8.12.030 PENALTY

Any property owner who fails to remove nuisance vegetation after notice as required by this Chapter shall be subject to a fine as permitted by Indiana Law. Each day that an owner fails to remove vegetation shall be considered a separate violation of this chapter.

8.12.040 REMOVAL COSTS

If a property owner fails to remove the nuisance vegetation within the time set forth in the notice, in addition to a fine, the City may remove the nuisance vegetation by hiring independent labor or by employing its own agents. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the City in the removal of said vegetation. The statement of costs shall be delivered to the property owner by first class mail addressed to the property owner as reflected by the most current records in the office of the Auditor of Wells County and said property owner shall pay the amount to the Clerk Treasurer within thirty (30) days after receiving said statement. In the event of the failure of the property owner to pay the amount within the prescribed time, a certified copy of the statement of costs shall be filed in the office of the Auditor of Wells County. The Auditor of Wells County shall then place the amount claimed

²⁴ Repealed and Replaced by Ordinance 1360, 5/28/2013

by the City on the tax duplicate against the property affected by the work and said amount shall be collected as taxes and shall be disbursed to the general fund of the City.

8.12.050 ENFORCEMENT

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

8.12.060 APPEAL PROCEDURE

Any owner who has received a bill for vegetation removal through the provisions of this ordinance may appeal such bill to the Board of Public Works and Safety by filing a written notice of such appeal with Clerk Treasurer of the City within thirty (30) days of the date of bill. Upon the filing of such appeal, the Municipal Clerk-Treasurer shall schedule the owner to appear before the Board at a meeting to occur within thirty (30) days after the filing of the appeal. No statement of costs shall be filed with the County Auditor until such appeal has been resolved.

8.12.070 CONTINUOUS ABATEMENT NOTICE

If an initial notice of the violation of this Chapter was provided by certified mail as provided for herein, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation during the year for which the initial notice of the violation was provided may be abated by the City as set forth herein.

Sections:

- 8.16.010 Adoption of Indiana Code
- 8.16.020 Definitions
- 8.16.030 Responsibility and Liability of Owner of Abandoned Vehicle or Parts
- 8.16.040 Tagging Abandoned Vehicle or Parts
- 8.16.050 Abandoned Vehicle Report
- 8.16.060 Disposal of Vehicle or Parts
- 8.16.070 Towing and Storage of Vehicle or Parts
- 8.16.080 Non-Liability for Loss or Damage
- 8.16.090 Search by Indiana Bureau of Motor Vehicles for Owner or Lien Holder
- 8.16.100 Charges Allowed for Towing and Storage
- 8.16.110 Abandoned Vehicle Fund
- 8.16.120 Other Ordinances or Statutes

8.16.010 ADOPTION OF THE INDIANA CODE

This ordinance specifically adopts the provisions of Indiana Code 9-22-1-1 through 9-22-1-32 inclusive as they now read or may be amended.

²⁶8.16.020 DEFINITIONS

- A. The term "Vehicle" refers to an automobile, a motorcycle, a truck, a trailer, a semi trailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.
- B. The term "owner means any person, firm or corporation owning an abandoned vehicle or parts as defined in this section.
- C. The term "abandoned vehicle" means a vehicle which has been tagged in accordance with section 8.16.040 and is one or more of the following:
 - 1. Located on public property illegally;
 - 2. Left on public property without being moved for seventy-two (72) hours;
 - 3. Located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
 - 4. Left on private property without the consent of the owner or person in control of that property for more than seventy-two (72) hours;
 - 5. Void of an engine, transmission, or differential or that is otherwise partially dismantled or inoperable and left on public property;
 - 6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal; or
 - 7. At least three (3) model years old, mechanically inoperable, and left on private property continuously in a location visible from public property for more than twenty (20) days.
- D. A vehicle otherwise filling the definition of an abandoned vehicle shall not be considered an abandoned vehicle if it is:
 - 1. Stored as the property of a member of the armed forces of the United States who is on active duty assignment;
 - 2. Located on a vehicle sale lot or at a commercial vehicle servicing or leasing facility;

²⁵ Amended by Ordinance 1145, 5/14/2002

²⁶ Amended by Ordinance 1249, 10/3/2006

3. Located upon property licensed or zoned as an automobile salvage yard;
 4. Registered and licensed under Indiana Code 9-18-12 as an antique vehicle; or
 5. Stored in a garage or other building or within a fenced area, which blocks the vehicle from public view.
- E. The Term “parts” shall mean all components of a vehicle that as assembled do not constitute a complete vehicle.

8.16.030 RESPONSIBILITY AND LIABILITY OF OWNER ABANDONED VEHICLE OR PARTS

No owner shall allow any vehicle or parts to be abandoned within the City as described in Section 8.16.020. A person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts. All costs incurred shall constitute a lien against the vehicle or parts, and the vehicle or parts shall not be released until all such costs are paid.

8.16.040 TAGGING ABANDONED VEHICLE OR PARTS

An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- A. The date, time, officer’s name, public agency, and address and telephone number to contact for information;
- B. That the vehicle or parts are considered abandoned;
- C. That the vehicle or parts will be removed after seventy-two (72) hours;
- D. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle; and
- E. That the person who owns the vehicle may avoid costs be removal of the vehicle or parts within seventy-two (72) hours.

8.16.050 ABANDONED VEHICLE REPORT

If a vehicle or part tagged under Section 8.16.040 is not removed within the seventy-two (72) hour period, the officer shall declare the vehicle to be abandoned and shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

8.16.060 DISPOSAL OF VEHICLE OR PARTS

If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined to be abandoned under section 8.16.040 is less than five hundred dollars (\$500.00), after the expiration of the seventy-two (72) period required under section 8.16.040, the office immediately dispose of the vehicle to an automobile salvage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Indiana Bureau of Motor Vehicles. The city shall retain the original records and photographs for at least two (2) years.

8.16.070 TOWING AND STORAGE OF VEHICLE OR PARTS

If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined to be abandoned under section 8.16.040 is at least five hundred dollars (\$500.00), the office shall, immediately before placing a notice tag on the vehicle or parts, make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area.

8.16.080 NON-LIABILITY FOR LOSS OR DAMAGE

The City shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this Chapter.

8.16.090 SEARCH BY INDIANA BUREAU OF MOTOR VEHICLES FOR OWNER OR LIEN HOLDER

Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under section 8.16.070, the officer or storage lot shall prepare and forward to the Indiana Bureau of Motor Vehicles an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- A. The make;
- B. The model;
- C. The identification number;
- D. The number of the license plate; and

A request that the bureau make a search, and if available, advise the officer or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle.

8.16.100 CHARGES ALLOWED FOR TOWING AND STORAGE

The owner of an abandoned vehicle, which is not removed within the seventy-two (72) hour period, is responsible for the towing and storage charges incurred by the City. The towing charge shall be the amount actually incurred by the city, but not less than one hundred dollars (\$100.00). The storage charge shall be the amount actually incurred by the city. All costs described herein must be paid before the vehicle or parts will be released.

The proceeds from the sale of an abandoned vehicle or parts by the Indiana Bureau of Motor Vehicles shall be credited against the cost of the removal, storage, and disposal of the vehicle.

Should the proceeds from the sale of an abandoned vehicle or parts be insufficient to meet the total costs incurred for the removal, storage, and disposal of a vehicle or parts, the city may file suit in a court of competent jurisdiction against the person owning the abandoned vehicle or parts to collect the balance due.

8.16.110 ABANDONED VEHICLE FUND

An abandoned Vehicle Fund is hereby established. The fund shall be used to pay for the costs for removal and storage of abandoned vehicles or parts not claimed by the person who owns or holds a lien on the vehicle or parts.

The costs incurred by the city in administering this ordinance shall be paid from the abandoned vehicle fund.

The Common Council shall annually appropriate sufficient money to the fund to carry out this ordinance. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

8.16.120 OTHER ORDINANCES OR STATUTES

This ordinance shall not limit the authority of the City from towing a vehicle prior to the seventy-two (72) hour period if authorized by another ordinance or statute.

The owner of any vehicle, which has been determined under the terms of this Chapter to be an abandoned vehicle as defined herein, shall be fined as allowed by law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder.

Sections

- 8.20.010 Attaching Items to Light Poles or Cross Arms
- 8.20.020 Discharging Water
- 8.20.030 Items in the Right of Way
- 8.20.040 Storage of Junk
- 8.20.050 Penalty

8.20.010 ATTACHING ITEMS TO UTILITY POLES

No person shall attach or permit to be attached, any item to any pole, cross arm or other part of the distribution system owned by Bluffton Utilities of the electric light and power plant of the city, or pole to which any part of said system is attached.

This section shall not apply to the employees of said plant engaged in the work of the power plant or to the employees of any company under the terms of any agreement with the City.

²⁸8.20.020 DISCHARGING WATER

No person, firm or corporation, having a substantial interest in real estate within the City of Bluffton, shall permit the discharge of water from said real estate onto any sidewalk, street or alley in any manner which creates a hazard to vehicular or pedestrian traffic; results in degradation of the sidewalk, street or alley; or results in standing water which might be a haven for mosquitoes or other insects.

8.20.030 OBJECTS IN THE CITY RIGHT OF WAY

- A. No person shall place or permit any object to remain the public right of way or City utility easement for more that 24 hours without the written consent of the Board of Public Works and Safety of the City of Bluffton, Indiana.
- B. The preceding shall not apply to the following:
 - 1. Household garbage or rubbish, properly bagged or in proper containers, or recycling containers when placed and removed as provided in Chapter 24 of this Title;
 - 2. Vehicles, except as prohibited in Chapter 16 of this Title;
 - 3. Items displayed for sale by a registered retail merchant, if displayed on the merchant's premises and displayed for not more than 72 hours in a 90-day period;
 - 4. Signs offering the real estate upon which the sign is placed for sale or rent, if placed on the real estate; and
 - 5. Signs placed by a unit of federal, state, or local government.
- C. The Board of Public Works and Safety may grant written permission for the placement of an object that would otherwise be in violation of this Chapter upon application which sets forth the following:
 - 1. The name and address of the person wishing to place an object;
 - 2. The location of the requested placement of the object;
 - 3. The purpose of the placement of the object; and
 - 4. The duration of the placement of the object; provided however, the Board may determine the duration of the placement of the object as a term of its consent.
- D. The City may remove any item placed on the right of way or in the utility easement which is placed or permitted to remain in violation of this Chapter, and if the City removes an object that is in violation of this Chapter:
 - 1. The person who places the item is liable for all of the costs incidental to its removal,

²⁷ Amended by Ordinance 1145, 5/14/2002

²⁸ Amended by Ordinance 1309, 7/28/2009

storage, and/or disposal. The item shall not be released to its owner until all such costs are paid.

2. The City shall not be liable for any loss or damage to any object removed by the City under the terms of this Chapter.

8.20.040 STORAGE OF JUNK

Any person, firm, corporation, partnership, or other association placing or permitting the placement of scrap copper; brass; rope; rags; batteries; trash; rubber; debris; waste; junked, dismantled, or wrecked automobiles or automobile parts; discarded household or business items; iron; steel' lumber; and/or other scrap ferrous or nonferrous material such that is unsightly and in such a manner that it is visible from any public street, alleyway, or neighboring property shall be notified by a law enforcement office of the City of Bluffton that such material must be removed within 5 days of the date of the notice. Said notice shall be served by a law enforcement officer upon the landowner of the real estate upon which the material has been placed by in person or by registered mail and by placing said notice in a conspicuous location on the premises where the material has been placed.

It shall be a violation of this chapter for any person to permit such material to remain beyond 5 days after said notice has been served.

8.20.050 PENALTY

Whoever violates any provision of this Chapter shall be fined as allowed by law. Each day a violation continues or is permitted to continue is considered a separate offense and may be prosecuted as such.

Sections:

- 8.24.010 Definitions
- 8.24.020 Accumulation of garbage and unsanitary disposal
- 8.24.030 Type of containers placing for collection
- 8.24.035 Placing for collection within the Central City
- 8.24.040 Collection; equipment
- 8.24.050 Private contractors; municipal collection agency
- 8.24.060 Service charges
- 8.24.070 Regulation usage of Refuse Containers at Public Parks
- 8.24.080 Prohibited Activities

8.24.010 DEFINITIONS.

- A. "Bluffton" shall mean those areas, which are under the jurisdiction of the City of Bluffton and situated inside the corporate limits of said city.
- B. "Central City" shall mean the area enclosed by the centerlines of Washington Street, Scott Street, Marion Street and Wabash Street.
- C. "Garbage" shall mean and include rejected food wastes including every waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- D. "Hazardous material" includes, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.
- E. "Person" shall mean any person, firm, corporation or association.
- F. "Public disposal" shall mean and relate to disposal of garbage and rubbish which has been removed from premises used, owned or leased by one or more persons, firms, corporations or associations, and transported to other premises and disposed either with or without the payment of a fee.
- G. "Recyclable Materials" shall mean all material acceptable to be collected by the City of Bluffton, or its agent pursuant to Bluffton's curbside recycling program.
- H. "Refuse" means any combination of garbage and rubbish.
- I. "Rubbish" shall mean and include such matter as ashes, cans, metal ware, broken glass, crockery, dirt sweepings, boxes, wood, grass, weeds or litter of any kind,

8.24.020 ACCUMULATION OF GARBAGE AND UNSANITARY DISPOSAL

The owner, occupant or lessee of any premises in the City of Bluffton, Indiana, shall cause to be removed from said premises all garbage and rubbish, and shall keep said premises at all times free and clear of any accumulation of garbage and rubbish.

No person shall deposit or place any garbage or rubbish in any alley, street, river or other public place within the city, except as provided herein. No person shall deposit or place any garbage upon private property, whether owned by such person or not, within the limits of the City, unless the same shall be enclosed in a suitable container.

8.24.030 TYPE OF CONTAINERS; PLACING FOR COLLECTION

The City, or its duly authorized agent shall collect all garbage and rubbish providing such garbage and rubbish is deposited in proper containers and placed in a location and at a time as designated by the collecting agency.

Garbage shall be carefully drained before depositing in receptacles. Trees, limbs, boxes and

²⁹ Repealed and replaced by Ordinance 1198, 10/26/2004

other articles of unwieldy size or shape will only be acceptable for collection if they are broken or cut down to a size suitable for handling and transportation and the Board of Public Works and Safety shall have authority to prescribe the maximum size and weight thereof from time to time. No receptacles or bags of garbage or rubbish shall be placed for collection on the public right of way more than 24 hours prior to the regularly scheduled time for its pickup and any receptacles shall be removed from the curb within 24 hours after the garbage or rubbish has been removed by the City or its designated agent.

8.24.035 PLACING FOR COLLECTION WITHIN THE CENTRAL CITY

The City, shall permit refuse containers to be placed at specified locations within the Central City into which persons owning or leasing premises located within the Central City may place for collection the garbage, rubbish and recyclable fiber generated at such premises. No refuse containers, bags of garbage or rubbish, or other trash receptacles shall be placed or maintained in a public right of way in the Central City any time except as otherwise set forth in this section and Section 8.24.070.

8.24.040 COLLECTION; EQUIPMENT

The City or its duly authorized agency shall collect all garbage and rubbish not less than once each week. Said garbage and rubbish shall be collected only when it has been properly deposited in proper containers and the proper place for collection as determined and set forth by the Board of Public Works and Safety.

Equipment used for the collection of garbage shall have a suitably constructed sanitary type, all enclosed body with watertight beds and equipment used for the collection of rubbish shall be sufficiently covered and so constructed that rubbish shall not be blown or scattered on the streets or area adjacent to said streets over which such hauling is done. All of said equipment to be subject to the approval of the Board of Public Works and Safety.

8.24.050 PRIVATE CONTRACTORS; MUNICIPAL COLLECTION AGENCY

The person or firm contracting to provide the service of collecting and disposing of garbage and rubbish shall give a good and sufficient bond to the City. The contractor shall be directly responsible to the Board of Public Works and Safety, whose duty it shall be to see that the collection and disposal of garbage and rubbish is carried out according to the agreement between the contractor and the City.

8.24.060 SERVICE CHARGES

The Board of Public Works shall by resolution from time to time establish regulations and fees for the collection of rubbish, garbage, and recyclable materials, the fees for which shall be payable at the same time and in the same manner as the electric, water, and wastewater fees. The receipt and disbursement of all fees for garbage and rubbish collection shall be accounted separately through the Bluffton Wastewater Utility Fund.

8.24.070 REGULATION USAGE OF REFUSE CONTAINERS AT PUBLIC PARKS AND IN PUBLIC PLACES

The refuse containers maintained by the City at its park sites are not intended for general public use for the disposal of trash, garbage and other waste items generated at locations outside the parks, therefore, it is unlawful for any person, firm or corporations to place into any refuse container located in a public park and marked "Park Use Only" any garbage, trash, rubbish or waste material of any kind, type or nature, other than those items that may have been generated by that person, firm or corporation's normal use of the park.

The open street side refuse containers maintained by the City at various locations in the Central City are intended for the deposit of incidental and normal amounts of trash for the convenience

of persons shopping or doing business in the downtown district. No person shall use said containers for the deposit of large amounts of household or business trash, garbage or other waste items.

8.24.080 PROHIBITED ACTIVITIES

- A. No person shall place for collection building material, carcasses of dead animals, hazardous waste or other material as require the labor of more than the normal truck complement or require special collection equipment.
- B. No person shall tamper with locks placed on refuse containers within the Central City or permit the unauthorized use of the refuse containers within the Central City.

- 8.36.010 Definitions
- 8.36.020 Exemptions
- 8.36.030 Establishment License Required
- 8.36.040 Application for Establishment Licenses
- 8.36.050 Issuance of Licenses
- 8.36.060 Hearings and Appeals
- 8.36.070 Display of License
- 8.36.080 Annual Term; Renewal
- 8.36.090 Transfer of License
- 8.36.100 Suspension or Revocation of License
- 8.36.110 Name and Place of Business
- 8.36.120 Standards of Operation
- 8.36.130 Hours When Establishment Allowed to Remain Open
- 8.36.140 Inspection Required
- 8.36.150 Certain Activities Prohibited
- 8.36.160 Maintaining a Public Nuisance
- 8.36.170 Penalty

8.36.010 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires an alternative meaning:

- A. "Employee" shall mean any person who renders any service in connection with the operation of a massage or nude modeling business and receives compensation from the operator of the business patrons.
- B. "Nude Model" shall mean any person who, for any consideration whatsoever, engages in nude modeling.
- C. "Nude Modeling" shall mean the exposing by any person of his or her sexual or genital areas. However, nude modeling at or on behalf of any properly accredited institution of higher learning shall not fall within this definition.
- D. "Nude Modeling Establishment" shall mean any establishment having a source of income or compensation derived from the practice of nude modeling. A nude modeling establishment includes any establishment which could come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, bookstore or any other name. However, any properly accredited institution of higher learning shall not fall within this definition.
- E. "Massage" shall mean any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with any portion of the body or with the aid of any mechanical, electrical or other apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore. Massage shall also mean the giving, receiving or administering of a bath to any person or the application of body paint or other colorant to any person.

³⁰ Adopted Ordinance 1059, 5/26/1998

- F. "Massage Establishment" shall mean any establishment having a source of income or compensation derived from the practice of massage, as defined above, and which has a fixed or temporary place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined above. A massage establishment includes any establishment which would come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, bookstore or by any other name.
- G. "Massagist" shall mean any person who, for any consideration whatever, engages in the practice of massage as defined above.
- H. "Patron" shall mean any person who receives a massage or uses the services of a nude model under such circumstances that it is reasonably expected that such person will pay money or give other consideration therefore.
- I. "Person" shall mean any individual? partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- J. "Sexual or Genital Area" shall mean genitals, pubic area, buttocks, anus, or perineum of any person or the vulva or breasts of a female.
- K. "Bodywork Practitioner" shall mean any person who:
 - (1) Submits a certificate by a licensed physician, chiropractor? or osteopath who practices in the county that the person is competent and efficient as a body work practitioner; or
 - (2) Who holds a diploma or other certificate of graduation from a recognized school of massage.
- L. "Recognized School of Massage" shall mean any properly accredited school or institution of learning which has for its purpose the teaching of the theory, ethics, practice, method, profession or work of a massage technician and has a program which requires a resident course of study of not less than Five hundred (500) hours to be given in not less than six calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of said course. Schools offering a correspondence course not requiring actual attendance at class shall not be deemed a recognized school.

8.36.020 EXEMPTIONS

This Chapter shall not apply to the following establishments:

- A. Hospitals, nursing homes, sanitariums or other health care facilities licensed under the laws of the State of Indiana.
- B. Barbershops and beauty parlors, licensed under the laws of the State of Indiana and employing licensed barbers or beauty culturists, provided that such massage as is practiced is limited to the head and scalp of the customer or client.
- C. Accredited schools and colleges and not for-profit corporations organized for educational, literary, scientific, religious or charitable purposes that are exempt from federal taxation under the Internal Revenue Code, and any organization that exclusively provides models for said schools, colleges and not for-profit corporations.
- D. Establishments owned and operated by body work practitioners and which employ only body work practitioners as massagists.

8.36.030 ESTABLISHMENT LICENSE REQUIRED

It shall be unlawful for any person to engage in or carry out the business of massage or nude modeling unless that person has a valid establishment license issued by the City pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person. A person who has a communicable disease or infectious disease shall not work in

any establishment licensed under this Chapter.

8.36.040 APPLICATION FOR ESTABLISHMENT LICENSE

Every applicant for an establishment license shall file an application under oath with the City upon a form provided by the city executive and pay a non-refundable annual license fee, which shall be One Thousand Dollars (\$1, 000.00) per year. Copies of the application shall, within five (5) days be referred to the Area Plan Commission, County Board of Health and the Fire Department. These departments shall, within thirty (30) days after receipt of such application, inspect the premises proposed to be operated as a massage or nude modeling establishment and shall make written verification to the city executive concerning compliance with the city, county, or state codes that they administer. The application shall further be referred to the Police Department for investigation of the applicant's character and qualifications. Each applicant shall provide on the application the following information:

- A. A thorough description of the services to be provided.
- B. The location, mailing address and all telephone numbers where business is to be conducted.
- C. The name and residence address of each applicant (hereinafter all provisions which refer to "applicant" include an applicant which may be a corporation, partnership or other business entity).
 1. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and each stockholder owning more than ten percent (10%) of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage or nude modeling establishment.
 2. If the applicant is a partnership, the names and residence addresses of each partner, including any limited partners, and the address of the partnership itself, if different from the address of the massage or nude modeling establishment.
- D. The two (2) immediately preceding addresses of the applicant.
- E. Proof that the applicant is at least twenty one (21) years old.
- F. The height, weight, eye color, hair color, and sex of all individual applicants or partners of a partnership applicant.
- G. Identification, such as driver's license, state identification card, or social security card, of all individual applicants or partners of a partnership applicant.
- H. Two color photographs, taken less than one (1) year prior to the time of the application and at least three inches (3") by three inches (3"), of the individual applicant, all partners of a partnership applicant, or all officers and/or managing agents of a corporate applicant.
- I. The business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.
- J. The massage, nude modeling or similar business license history of the applicant; whether such person, in previously operating in this or another city or state, has ever had a business license revoked or suspended in the last five (5) years, the reason therefore, and the business activity or occupation subsequent so such action of suspension or revocation.
- K. A listing of all criminal convictions other than misdemeanor traffic violations, within the immediately preceding five (5) years, of each individual applicant, each partner of a partnership applicant, and each director, officer, and stockholder owning more than ten percent (10%) of a corporate applicant.
- L. The name and address of any massage or nude modeling business or other establishment owned or operated by any person whose name is required to be given in accordance with this Section wherein the business of massage or nude modeling is carried on.

- M. A description of any other business to be operated on the same premises and a description of any other business to be operated on adjoining premises, owned or controlled by the applicant.
- N. A list of all employees of the establishment, including all massagists, nude models and any and all other employees, with the address, social security number, date of birth, next of kin, and two color portrait photographs taken not less than one (1) year prior to the date of the application at least three inches (3") inches by three inches (3") of each and every employee.
- O. Authorization to the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant of the permit.

Upon the completion of the provided form and the furnishing of all foregoing information and fees, the city executive shall accept the application for the necessary investigations. The holder of an establishment license shall notify the city executive and the city Police Department of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

8.36.050 ISSUANCE OF LICENSES

Not less than thirty (30) days after accepting an application pursuant to this Chapter, the city executive shall forward such application to the Board of Public Works and Safety (hereinafter Board) for action. The Board shall act to approve or deny such application within ninety (90) days after receipt and shall issue a license unless the Board finds for denial of such license. Good cause for license denial shall be any of the following reasons:

- A. The correct license fee has not been tendered to the City.
- B. The applicant for, or holder of, a license, if an individual; or any of the stockholders with more than ten percent (10%) of the stock of the corporation, any of the officers and directors, if the applicant or partners, including limited partners, if the applicant or license holder is a partnership; of the manager or any other person principally in charge of the massage or nude modeling establishment, has been convicted of any of the following offenses or convicted of an offense without the state that would have constituted any of the following offenses if committed within the state in the immediately preceding five (5) years:
 - 1. An offense involving the use of force or violence upon the another that amounts to a felony pursuant to the laws of Indiana.
 - 2. An offense involving sexual misconduct, which constitutes a felony or misdemeanor under the laws of Indiana.
- C. The applicant for or holder of a license has knowingly made any false, misleading or fraudulent statements of fact in the license application or in any document required by the city in connection with this chapter.
- D. The applicant or license holder has had an establishment, Massagist, or other similar permit or license denied, revoked or suspended by the City or any other state or local agency within the five (5) years immediately preceding the date of the application.
- E. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 21 years.
- F. The application was not completely filled out or the application was not correctly filled out.
- G. The establishment would not comply with all applicable laws, including but not limited to building, zoning, and health regulations, and within this chapter.
- H. Any person has committed, on the premises of the establishment, an act that would

constitute prostitution pursuant to state laws, or any offense involving narcotics, dangerous drugs, or gambling whether or not such person has been convicted of such prostitution, narcotics, dangerous drugs, or gambling offenses under state laws.

- I. The establishment or any employee of the establishment has not complied with the provisions of this chapter.

8.36.060 HEARINGS AND APPEALS

An applicant shall be entitled to an appeal and a review hearing whenever an application is denied or the Board receives information indicating that any licensee has violated the provisions of this Chapter and determines that the license should be revoked or suspended. Said hearing shall occur under the following conditions and pursuant to the following procedures:

- A. Upon the determination by the Board that a license applied for ought not be issued, a notice shall be sent to the applicant by certified mail stating the reason for the denial, and advising the applicant of the right to a hearing to appeal the denial and the right to correct any defect in the application or premises.
- B. When a hearing is requested by an applicant on denial of a license, not less than ten (10) days written notice of such hearing shall be given to the applicant, which notice shall designate the time and place where the hearing will be held.
- C. My license issued under this Chapter may be revoked or suspended by the Board for the causes listed in this Chapter after notice and hearing.
- D. When a hearing is set by the Board in a revocation or suspension procedure the Board shall give not less than twenty (20) days written notice, which notice shall contain the charges made, as well as time and place where the hearing will be held.
- E. At a hearing conducted pertaining to this section, the applicant or licensee shall have the right to be represented by counsel, to present witnesses, to testify and cross examine any other witnesses and to subpoena witnesses. Proceedings shall be conducted under oath.
- F. The city executive shall preside at the hearing and the Board shall make the final determination regarding the revocation, suspension, or denial of a license.
- G. If any decision adverse to the applicant or licensee is made by the Board after a hearing as provided above, the Board shall provide the applicant or licensee with a written reason for such decision, as well as a notice of the applicant's or licensee's right to appeal to the courts of the State of Indiana.

8.36.070 DISPLAY OF LICENSE

All establishments licensed under this chapter shall display their licenses in a location easily visible to patrons or potential patrons at or near the entrance of the establishment for which the license was issued.

8.36.080 ANNUAL TERM; RENEWAL

Licenses shall be granted for an initial term ending December 31st following the issuance of the license, unless sooner suspended or revoked. Such license must be renewed annually, and any renewal shall be for a term of one (1) calendar year. Applicants for renewals of licenses must be filed not more than sixty (60) days or less than thirty (30) days prior to termination of an existing license.

8.36.090 TRANSFER OF LICENSE

A licensed establishment may be moved to another location providing:

- A. The location meets all the requirements of this Chapter; and
- B. The city executive is notified in writing a minimum of thirty (30) days in advance of the move.

8.36.100 SUSPENSION OR REVOCATION OF LICENSE.

My license issued pursuant to this Chapter shall be subject to revocation or suspension if any applicant, employee or agent of an applicant, partner of a partnership applicant, or officer, director, or managing agent of a corporate applicant violates any provision of this Chapter.

8.36.110 NAME AND PLACE OF BUSINESS

No person granted a license pursuant to this Chapter shall operate the massage or nude modeling establishment under a name not specified in the license, nor shall business be conducted under any designation or location not specified in the license.

8.36.120 STANDARDS OF OPERATION

All nude modeling or massage establishments shall be operated under the following standards of operation:

- A. Every portion of the massage or nude modeling establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees of massage establishments shall be clean and wear non-transparent outer garments, the use of which is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to each dressing room shall open inward and shall be self-closing.
- D. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, and shall be laundered after each use thereof and stored in a sanitary manner.
- E. No massage or nude modeling establishment granted a license under the provisions of this chapter shall place, publish, or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

8.36.130 HOURS WHEN ESTABLISHMENT ALLOWED TO REMAIN OPEN

No massage or nude modeling establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. and no person shall allow a massage or nude modeling establishment to remain open for any purpose between the hours of 10:00 p.m. and 8:00 p.m.

8.36.140 INSPECTION REQUIRED

It shall be the duty of the city executive, through duly authorized representatives, to inspect massage or nude modeling establishments from time to time to determine compliance with this chapter.

- A. Inspections are to be made at reasonable times, with due regard to the nature of the business to be inspected.
- B. Upon showing the proper credentials¹ the representatives of the city executive, including police officers, shall be entitled to inspect portions of the massage or nude modeling establishment open to the public to determine compliance with this chapter.

8.36.150 CERTAIN ACTIVITIES PROHIBITED

The following acts are prohibited:

- A. It shall be unlawful for any person, in a massage or nude modeling establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle

- in any manner, or to massage a sexual or genital part of any other person.
- B. It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts⁷ or any portion thereof, to any other person.
 - C. It shall be unlawful for any person to allow the sexual or genital parts of patrons of establishments required to be licensed under this chapter to be exposed when in the presence of an employee, Massagist or nude model.
 - D. It shall be unlawful for any person owning, operating or managing a massage or nude modeling establishment to cause, allow or permit on the premises of such establishment, any person to perform such act prohibited in division A, B, or C of this section.
 - E. It shall be unlawful for any massage service or nude modeling to be carried on within a massage or nude modeling establishment which is fitted with a door capable of being locked.
 - F. No person shall permit any person under the age of twenty-one (21) years to come to or remain on the premises of any massage or nude modeling establishment, as Massagist, employee, or patron.

8.36.160 MAINTAINING A PUBLIC NUISANCE

Any building used as a massage or nude modeling establishment in violation of this chapter, with the actual or constructive knowledge of the owner thereof, or of the agent of the owner managing such building, together with all fixtures and other property used in conjunction with the operation of said building, are hereby declared to be a public nuisance.

8.36.170 PENALTY

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$500. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Sections

- 8.40.010 Inapplicability of Chapter
- 8.40.020 Children Fifteen through Seventeen Years of Age
- 8.40.030 Children Less than Fifteen Years of Age
- 8.40.040 Penalty

8.40.010 INAPPLICABILITY OF CHAPTER

This chapter shall not apply to a child who is:

- A. Accompanied by the child's parent, guardian, or custodian;
- B. Accompanied by an adult specified by the child's parent, guardian or custodian;
- C. Engaged in a bona fide exercise of their rights under the First Amendment of the United States Constitution such as the free exercise of religion, freedom of speech and the right of assembly;
- D. Participation in, going to or returning home from:
 - 1. Lawful employment;
 - 2. A school sanctioned activity;
 - 3. A religious event;
 - 4. An activity sponsored by a governmental entity, civic organization or similar entity that takes responsibility for the child; or
 - 5. Any specific business or activity at the request of the child's parent, guardian or custodian.

8.40.020 CHILDREN FIFTEEN THROUGH SEVENTEEN YEARS OF AGE

It shall be unlawful for a child fifteen (15), sixteen (16) or seventeen (17) years of age to be in a public place:

- A. Between 1:00 AM and 5:00 AM on Saturday or Sunday;
- B. After 11:00 PM on Sunday, Monday, Tuesday, Wednesday or Thursday; or
- C. Before 5:00 AM on Monday, Tuesday, Wednesday, Thursday or Friday.

8.40.030 CHILDREN LESS THAN FIFTEEN YEARS OF AGE

It shall be unlawful for a child less than fifteen (15) years of age to be in a public place after 11:00 PM or before 5:00 AM on any day.

8.40.040 PENALTY

Any person who violates the provisions of this Chapter shall be subject to a fine as provided by the Law of Indiana for ordinance violations.

³¹ Adopted Ordinance 1115, 8/1/2000

TITLE 9 ----- PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.01 Drughouse
- 9.02 Loud Noise
- 9.04 Discharging Firearms
- 9.20 Park Regulations

Sections:

- 9.01.010 Drughouse Ordinance
- 9.01.020 Prohibited Conduct
- 9.01.030 Notice
- 9.01.040 Defenses

9.01.010 DRUGHOUSE ORDINANCE

An Ordinance regulating the Manufacture, Sale, Delivery and use of Controlled Substances on tenementary property within the limits of the City of Bluffton and providing for the enforcement thereof and fixing penalties for violations thereof.

9.01.020 PROHIBITED CONDUCT

No person having a legal or equitable interest in real estate situate within the corporation limits of the City of Bluffton, Indiana, shall knowingly permit the manufacture, sale, delivery or use of controlled substances (as the tem is defined at IC 35-48-1-9) on the premises by the occupants thereof or their guests.

9.01.030 NOTICE

The owner shall be deemed to have knowledge of such activity, and therefore be subject to prosecution under this Ordinance, upon the receipt of written notice given in accordance with IC 36-7-9-25, from an officer or agent of the Bluffton Police Department who has reasonable belief based on the facts and circumstances known to him or her that such activity is occurring on the premises.

9.01.040 DEFENSES

- A. It shall be a defense to a charge made under this ordinance that within thirty (30) days of receipt of notice as described in 9.01.020, the owner commences eviction proceedings against the occupants of the real estate where such activity is occurring and that said owner makes a good faith effort to complete such proceedings within One Hundred and Twenty (120) days of the notice heretofore described, or as soon thereafter as possible.
- B. In the event that the activity is occurring at real estate where a multiple - unit dwelling exists, in regard to the evictions described under subsection (a), the owner need only name the occupants of the unit or units where the activity is occurring.

³² Adopted Ordinance 997, 2/20/1996

Section 9.01.050 Repealed, by Ordinance 1144, 4/30/2002

Sections:

- 9.02.010 Noise Ordinance
- 9.02.020 Violations
- 9.02.030 Prohibited

9.02.010 NOISE ORDINANCE

An Ordinance regulating the production of unreasonably loud noise within the City of Bluffton.

9.02.020 VIOLATION

It shall be a violation of this Chapter to produce or cause to be produced any noise that by the manner of its production or its volume disturbs the peace or quiet enjoyment of any person and is audible at a distance of thirty (30) feet or greater.

9.02.030 PROHIBITED

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

- A. Sounds produced by sirens of authorized emergency vehicles;
- B. Sounds produced by lawn mowers, garden tractors and similar home power tools when properly muffled and produced between the hours of 7:00 a.m. and 9:00 p.m.;
- C. Sounds produced by burglar alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause of such alarm or warning device sound is investigated and turned off within a reasonable period of time;
- D. Sounds produced in connection with celebrations on legal holidays;
- E. ³⁴Sounds produced in connection with permitted parades, festivals or concerts between the hours of 7:00 a.m. and 12:00 midnight;
- F. Sounds produced in connection with the actual performance of athletic events and practices related to them;
- G. Sounds produced in connection with the performance of practice of a band, orchestra, or choir organized and maintained as part of the curriculum of a publicly or privately operated educational institution;
- H. Sounds produced for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work;
- I. Sounds produced in connection with normal conduction of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use;
- J. ³⁵Sounds produced in connection with a religious practice, function or celebration.

³³ Adopted Ordinance 1014, 9/3/1996

³⁴ Amended by Ordinance 1016, 10/1/1996

³⁵ Amended by Ordinance 1016, 0/1/1996

Section 9.02.040 Repealed, by Ordinance 1144, 4/30/2002

Sections:

9.04.010 Definitions

9.04.020 Shooting of firearms prohibited

9.04.030 Exceptions

9.04.010 DEFINITIONS

The term “firearm” means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion. Such weapons include any gun, air rifle revolver, pistol, cannon or other instrument producing like effects.

9.04.020 SHOOTING OF FIREARMS PROHIBITED

It shall be unlawful for any person to discharge, or assist in discharging any firearm within the corporate limits of the City of Bluffton, Indiana.

9.04.030 EXCEPTIONS

This chapter shall not apply to the discharge of firearms by proper officials engaged in their official duties, or by members of the armed forces of the United States, or the State of Indiana. Or by persons on the premises of a licensed shooting gallery or any firearms dealer having a regular place of business and facilities for the testing and sighting in of guns, nor any shooting or gun club using suitable facilities for either indoor or outdoor shooting. Nor any private individual using suitable facilities for indoor shooting on his property or the discharge of firearms or cannon with the permission of the Mayor, in public commemoration of an important event, or in the salute of any deceased person, or any duly organized veterans groups in conducting any portion of a deceased veteran’s funeral. This chapter shall not prohibit a person from hand loading ammunition in his residence.

³⁶ Adopted Ordinance 484, 6/20/1972
Section 9.04.100 Repealed, by Ordinance 1144, 4/30/2002

Sections:

- 9.20.010 Definitions
- 9.20.012 Park Hours
- 9.20.020 Alcohol Prohibited in City Parks/Exceptions
- 9.20.030 Use of Tobacco
- 9.20.040 Removal or Exclusion from City Park
- 9.02.050 Registered Sex Offender Prohibited from Using City parks
- 9.20.060 Penalty

9.20.010 DEFINITIONS

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

- A. Alcohol beverage shall mean a liquid or solid that:
 1. is, or contains, one-half percent (0.5%) or more alcohol by volume
 2. is fit for human consumption; and
 3. is reasonably likely, or intended, to be used as a beverage
- B. "Baseball Diamond" shall mean that area of a City Park where baseball or softball is played and shall include all of the area within the fences defining the playing surface including the foul territory and the dugouts.
- C. "Container" shall mean a receptacle in which an alcoholic beverage in it is in immediate contact.
- D. "City Park" shall mean any land, building, structure, and/or other property under the control of the City of Bluffton and the Bluffton Parks and Recreation Department and which is specifically set aside for public recreation or which is generally used by the public for recreational purposes. City park shall not include the area known and designated as the River Greenway
- E. "Use Tobacco" shall mean to smoke, chew, or dip tobacco in any form.
- F. "E-Cigarette" shall mean any electronic device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit which provides a vapor of nicotine of any other substance, and the use of inhalation of which simulates smoking.

9.20.012 PARK HOURS

Unless otherwise posted, all City Parks shall be closed for use between the hours of 11:00 PM and 5:00 AM. No one other than an employee or agent of the Department of Parks and Recreation acting within the scope of its duties as such employee or agent shall be permitted to enter or to remain in a City Park during the hours that it is closed except to participate in or view an event sanctioned by the Department of Parks and Recreation.

9.20.020 ³⁸ALCOHOL PROHIBITED IN CITY PARKS/EXCEPTIONS

Except for beer and/or wine at selected events hosted or sanctioned by the Bluffton Department of Parks & Recreation to be held at Kehoe Park, in accordance with rules and regulations adopted by the Department Parks & Recreation and approved by a Resolution adopted by the Common Council of the City of Bluffton, it shall be unlawful to consume an alcoholic beverage in a City Park or to possess in a City Park an alcohol container that has been opened, that has a broken seal, or from which some of the contents have been removed."

³⁷ Adopted by Ordinance 1399, 2/17/2015

³⁸ Amended by Ordinance 1447, 5/9/2017

9.20.030 USE OF TOBACCO

It shall be unlawful to use tobacco or e-cigarettes:

- A. Within fifty feet (50') of any baseball diamond located within a City Park;
- B. Within fifty feet (50') of the "splash pad";
- C. Within the confines of the fenced area of the City Swimming Pool; or
- D. At Kehoe Park during any event sanctioned by the Department of Parks and Recreation at Kehoe Park.

9.20.040 REMOVAL OR EXCLUSION FROM A CITY PARK

The Department of Parks and Recreation, its agent or designee (specifically including but not necessarily limited to any member of the Bluffton Police Department) shall have the right to remove and exclude from a City Park any person whom the Department, its agent or designee believes in its sole discretion to be acting in such a way as to endanger the health or safety of any other park user or to be acting in such a way as to prevent the use and enjoyment of the park by another park user. No person who is removed or excluded from a City Park shall reenter the City Park within twenty-four (24) hours after the original removal or exclusion.

It shall be unlawful to refuse to obey the commands of an agent or designee of the Department of Parks and Recreation when removed or excluded from a City Park.

9.20.050 REGISTERED SEX OFFENDERS PROHIBITED FROM USING CITY PARKS

No person who is required to register as a sexual offender by the State of Indiana or any other state or who is listed on the State of Indiana Sex Offender Registry shall be permitted to enter or to remain in a City Park.

9.20.060 PENALTY

Any person who violates the provisions of this Chapter shall be subject to a fine in accordance with the Law of Indiana and as provided in Section 1.08.101 of the Code of Ordinances of Bluffton, Indiana.

³⁹**Title 10 ----- BLUFFTON TRAFFIC CODE**

Chapters:

- 10.01 General Provisions
- 10.02 Definitions
- 10.03 Authority of Police
- 10.04 Traffic Control Devices
- 10.05 Stop, Yield and Signalized Intersections
- 10.06 One Way Streets
- 10.07 Turn Restrictions
- 10.08 Speed Regulations
- 10.09 Truck Regulations
- 10.10 Parking Controls
- 10.11 Traffic Regulation
- 10.12 Miscellaneous Driving Rules
- 10.13 Snow Control Route
- 10.14 Golf Cart
- 10.15
- 10.16
- 10.17
- 10.18
- 10.19 Penalties
- 10.20 Repealer and Severability

³⁹ Repealed and Replaced by Ordinance 1032, 3/11/1997

Sections:

- 10.01.010 Traffic Code Title
- 10.01.020 Definitions.
- 10.01.030 City of Bluffton, Indiana Motor Vehicle and Traffic Code.

10.01.010 TRAFFIC CODE -TITLE

The provisions codified in this title may be known and cited us the Bluffton Traffic Code of 1997.

10.01.020 DEFINITIONS

The words and phrases used in the traffic code shall have the same meaning and definition as defined in I. C. 9-4-1-2 through 9-4-1-21.

10.01.030 CITY OF BLUFFTON INDIANA MOTOR VEHICLE AND TRAFFIC CODE

The terms and provisions established in the City of Bluffton, Indiana Motor Vehicle and Traffic Code (bound copy) are hereby adopted by reference as if fully set out herein.

Two (2) copies of the said references are on file in the office of the Clerk-Treasurer for public inspection.

Sections:

10.02.010	Definitions Generally
10.02.020	City
10.02.030	County
10.02.040	State
10.02.050	Council
10.02.060	Person
10.02.070	Ordinances
10.02.080	Traffic Code
10.02.090	Police Officer
10.02.100	Time Standard
10.02.110	Reference to Streets
10.02.120	Vehicle
10.02.130	Driver
10.02.140	Pedestrian
10.02.150	Street or Highway
10.02.160	Private Road or Driveway
10.02.170	Sidewalk
10.02.180	Alley

10.02.010 DEFINITIONS GENERALLY

The following words and phrases when used in this title shall, for the purpose of the title, have the meanings prescribed to them in this chapter.

10.02.020 CITY

The City of Bluffton, Indiana.

10.02.030 COUNTY

County of Wells.

10.02.040 STATE

State of Indiana.

10.02.050 COUNCIL

The Common Council of the City of Bluffton.

10.02.060 PERSON

Any natural individual, firm, trust, partnership, association, or corporation. Whenever the word "person" is used in any section of this traffic code prescribing a penalty or fine as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

10.02.070 ORDINANCES

The ordinances of the City of Bluffton and all amendments thereto.

10.02.080 TRAFFIC CODE

"Traffic Code" shall mean the BLUFFTON TRAFFIC CODE.

10.02.090 POLICE OFFICER

"Police Officer" means every officer of the City of Bluffton and any other duly constituted law officer who may be aiding the police force of said City at any time, including State and County officers.

10.02.100 TIME STANDARD

All reference to time contained in this Traffic Code shall be the time standard that is used by said City at any given time and which may change periodically.

10.02.110 REFERENCE TO STREETS

Any reference in this traffic code to a specific street, Avenue or drive shall be deemed to be a reference to the exact and correct name of such street so long as the first part of the name before the word street, Avenue or drive, as the case may be is correctly stated.

10.02.120 VEHICLE

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

10.02.130 DRIVER

"Driver" means every person who drives or is in actual physical control of a vehicle.

10.02.140 PEDESTRIAN

"Pedestrian" means any person a foot.

10.02.150 STREET OR HIGHWAY

"Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for purposes of vehicular travel.

10.02.160 PRIVATE ROAD OR DRIVEWAY

"Private road or driveway" means every way or place privately owned and used for vehicular travel by the owner and those Having express or implied permission from the owner but not by other persons.

10.02.170 SIDEWALK

"Sidewalk" means that portion of a street between the curb lines or the lateral lines of a street or highway and the adjacent property lines intended for the use of pedestrians.

10.02.180 ALLEY

"Alley" means a street or highway which is twenty-two (22-) feet or less in width

Sections:

10.03.010 Authority of Police

10.03.010 AUTHORITY OF POLICE

It is the duty of the Police Department to enforce the provisions of this Traffic Code. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this Code, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police or Fire Departments may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

The Police Department is hereby empowered to make and enforce regulations necessary to make effective the provisions of this traffic code and to make and enforce temporary regulations to cover emergencies.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

Sections:

10.04.010 Authority to Install Traffic Control Devices.

10.04.020 Manual and Specifications for Traffic Control Devices.

10.04.030 Obedience to Official Traffic Control Devices.

10.04.040 Traffic Lanes

10.04.010 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The City shall place and maintain official traffic control devices when and as required under the traffic code of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic control devices as it may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this City or Indiana Motor Vehicle Laws.

10.04.020 MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the INDIANA MANUAL on UNIFORM TRAFFIC CONTROL DEVICES for STREETS AND HIGHWAYS as approved by the Indiana Department of Highways. All signs and signals required hereunder for the particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices.

10.04.030 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

10.04.040 TRAFFIC LANES

The city is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Sections:

10.05.010	Stop Intersections
10.05.020	Multi-Stop Intersections
10.05.030	
10.05.040	Signalized Intersections
10.05.050	Emerging from Alley
10.05.060	Future Designation of Intersections for Stop and Yield Signs

10.05.010 STOP INTERSECTIONS

The intersections described in Schedule A, attached hereto and made a part hereof, are designated STOP intersections. When appropriate signs conforming to the requirements of this traffic code are erected at the entrances to such intersections, the operator of a vehicle approaching any of the streets where a sign has been erected shall bring such vehicle to a full and complete stop before entering the intersection, except when directed by a police officer to do otherwise.

10.05.020 MULTI-STOP INTERSECTIONS

The intersections described in Schedule B, attached hereto and made a part hereof are designated as Multi-Stop intersections and which may be a four-way stop, a three-way stop or an all-way stop. When appropriate signs conforming to the requirements of this traffic code are erected at the entrance to such intersections, the operator of a vehicle entering any of the streets shall bring such vehicle to a full and complete stop before entering the intersection, except when directed by a police officer to do otherwise.

The intersections described in C, attached hereto and made a part the requirements of this traffic code are erected at the entrance to such, the operator of a vehicle approaching any a sign has been shall slow down and yield the right-of-way to any vehicle on the cross street, except when directed by a police officer to do otherwise.

10.05.040 SIGNALIZED INTERSECTIONS

The intersections described in Schedule D, attached hereto and made a part hereof, are designated as SIGNALIZED intersections. When appropriate traffic control signals conforming to the requirements of this traffic code are installed at each intersection, the operator of a vehicle entering the intersections shall obey the signal displayed as the driver approaches the intersection, except when directed by a police officer to do otherwise.

10.05.050 EMERGING FROM ALLEY

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to **exiting the alley, driveway or building or** driving onto a sidewalk or into a sidewalk area extending across any alley or private driveway.

10.05.060 FUTURE DESIGNATION OF INTERSECTIONS FOR STOP AND YIELD SIGNS

The Common Council may, by resolution or ordinance from time to time designate additional intersections where stop signs or yield the right of way signs shall be placed, or intersections from which stop signs or yield the right of way signs, as hereinabove set forth, shall be removed. Said resolution or ordinance shall be in full force and effect from the time of erection or removal of said stop signs or yield the right of way signs, and as long as said signs are maintained.

40SCHEDULE A

STOP INTERSECTIONS

(A Part of Sub-Section 10.05.010)

<u>Traffic On</u>	<u>Shall Stop for Traffic On</u>
A	
⁴¹ Abbey Lane	Autumn Court
⁴² Abbey Lane	Lamar Street
⁴³ Adams Street	Angel Street
Arnold Street	Clark Street
Arnold Street	Jersey Street
Arnold Street	Johnson Street
Arnold Street	Marion Street
Arnold Street	Oak Street
Arnold Street	Scott Street
Arnold Street	Wayne Street
Arnold Street	Williams Street
B	
Baker Place	Sutton Circle Drive N.
Baker Place	Sutton Circle Drive S.
Baldwin Street	Cherry Street
Baldwin Street	Lancaster Street
Baldwin Street	Market Street
Baldwin Street	South Street
Baldwin Street	Washington Street
Baldwin Street	Wiley Avenue
Beechwood Drive	Greenbriar Drive
⁴⁴ Bellbrook Boulevard	Dustman Road
Bennett Street	Cherry Street
Bennett Street	Silver Street
Bennett Street	South Street
⁴⁵ Bennett Street	Spring Street
Bennett Street	Wiley Avenue
Beth Avenue	Central Avenue
Beth Avenue	Washington Street
Bond Street	N & S Railroad
Briarcrest Place	Willowbrook Trail
⁴⁶ Brookhaven Drive	Ridgewood Lane
C	
⁴⁷ Capri	Terminus ?
Central Avenue	Baldwin Street
Central Avenue	Bennett Street
Central Avenue	Bond Street
Central Avenue	Johnson Street
Central Avenue	Liberty Street

⁴⁰ Amended by Ordinance 1329, 7/26/2011 (*added previously missed stop intersections)

⁴¹ Adopted by Ordinance 1213, 8/30/2005

⁴² Adopted by Ordinance 1213, 8/30/2005

⁴³ Adopted by Ordinance 1329, 7/26/2011

⁴⁴ Adopted by Ordinance 1329, 7/26/2011

⁴⁵ Adopted by Ordinance 1329, 7/26/2011

⁴⁶ Adopted by Ordinance 1329, 7/26/2011

⁴⁷ Adopted by Ordinance 1329, 7/26/2011

Central Avenue
Central Avenue
Central Avenue
Central Avenue
Central Avenue
Central Avenue
Central Avenue
Central Avenue
Central Avenue
Cherry Street
Cherry Street
Cherry Street
Cherry Street
Cherry Street
Cherry Street
⁴⁸Chestnut Court
⁴⁹Columbian Avenue
Columbian Avenue
⁵⁰Commerce Drive
⁵¹Commerce Drive
Compromise Lane
⁵²Crestwood Court
⁵³Cricketeer Drive

D

⁵⁴Deerbrook Court
⁵⁵Dogwood Court
Dougherty Street
Dougherty Street
Dougherty Street
Drummond Street
Drummond Street
Drummond Street
Drummond Street

E

Echo Lane (Southbound)
Echo Lane
Echo Lane
⁵⁶Echo Lane
Echo Lane
Ellingham Pike
Elm Drive
⁵⁷Elm Drive
Elm Street
Elm Street
Elm Street
Elm Street

Merchants Street
Marion Street
Midway Street
Mulberry Street
Oak Street
Reid Street
Scott Street
Wayne Street
Williams Street
Beth Avenue
Bond Street
Jersey Street
Midway Street
N & W Railroad
Wayne Street
Red Oak Court
Lancaster Street
Washington Street
Monroe Street
Main Street
Elm Grove Road
Stillwater Drive
Bell Brook Boulevard

Ridgewood Lane
Topaz Court
Central Avenue
Wiley Avenue
Jefferson Street
Marion Street
Morgan Street
Oak Street
Williams Street

Echo Lane (Southwestbound)
McCoy Road
Parkway Drive
Spring Street
Stogdill Road
Clark Avenue
Riverview Drive
Spring Street
Bennett Street
Johnson Street
Liberty Street
Marion Street

⁴⁸ Adopted by Ordinance 1268, 10/3/2007

⁴⁹ Adopted by Ordinance 1329, 7/26/2011

⁵⁰ Adopted by Ordinance 1139, 2/19/2002

⁵¹ Adopted by Ordinance 1139, 2/19/2002

⁵² Adopted by Ordinance 1268, 10/3/2007

⁵³ Adopted by Ordinance 1213, 8/30/2005

⁵⁴ Adopted by Ordinance 1329, 7/26/2011

⁵⁵ Adopted by Ordinance 1362, 6/25/2013

⁵⁶ Adopted by Ordinance 1329, 7/26/2011

⁵⁷ Adopted by Ordinance 1329, 7/26/2011

Elm Street
Elm Street
Ethel Street

F

4-H Road
⁵⁸Farmington Drive
⁵⁹Fawncrest Court
⁶⁰Fieldcrest Court
⁶¹Forest Glen Court
⁶²Forester Drive

G

Garr Street
⁶³Goldenrod Court
⁶⁴Granary Court
⁶⁵Grassland Court
Greenbriar Drive
Greenbriar Drive
⁶⁶Greenfield Lane
⁶⁷Greenfield Lane

H

Hale Street
Hale Street
⁶⁸High Point Court
⁶⁹Highland Court
Highland Park Circle
⁷⁰Highland Park Circle (East and West Bound)
Hillcrest Road
Hi-Lo Drive
Hi-Lo Drive
⁷¹Hollendale Drive
⁷²Hollendale Drive
Hollyhock Lane
Home Street
Home Street
⁷³Homestead Court
Honeysuckle Lane
Horton Street
Horton Street
Horton Street

Mulberry Street
Scott Street
Clark Avenue

Spring Street
Ellingham Pike
Ridgewood Drive
Monroe Street
Oak Forest Drive
Kensington Drive

Hillcrest Road
Fieldcrest Drive
Greenfield Lane
Fieldcrest Drive
Hickory Knoll Drive
Willowbrook Trail
Farmington Drive
Clark Avenue

N & W Railroad
Oak Street
Dustman Road
Old Creek Avenue
Riverview Drive
Sycamore Lane
Hunter Road
Westgate Drive
Woodlawn Street
Cricketeer Court
Dustman Road
Stogdill Road
Ethel Street
Silver Street
Fieldcrest Drive
Stogdill Road
Clark Avenue
Jersey Street
Morgan Street

⁵⁸ Adopted by Ordinance 1329, 7/26/2011

⁵⁹ Adopted by Ordinance 1139, 2/19/2002

⁶⁰ Adopted by Ordinance 1139, 2/19/2002

⁶¹ Adopted by Ordinance 1268, 10/3/2007

⁶² Adopted by Ordinance 1213, 8/30/2005

⁶³ Adopted by Ordinance 1268, 10/3/2007

⁶⁴ Adopted by Ordinance 1329, 7/26/2011

⁶⁵ Adopted by Ordinance 1268, 10/3/2007

⁶⁶ Adopted by Ordinance 1329, 7/26/2011

⁶⁷ Adopted by Ordinance 1329, 7/26/2011

⁶⁸ Adopted by Ordinance 1329, 7/26/2011

⁶⁹ Adopted by Ordinance 1329, 7/26/2011

⁷⁰ Adopted by Ordinance 1329, 7/26/2011

⁷¹ Adopted by Ordinance 1213, 8/30/2005

⁷² Adopted by Ordinance 1213, 8/30/2005

⁷³ Adopted by Ordinance 1268, 10/3/2007

Horton Street
Horton Street
Horton Street
Horton Street

Oak Street
Scott Street
Wayne Street
Williams Street

I

Indiana Street
Indiana Street
Indiana Street
Indiana Street
Indiana Street

Clark Avenue
Market Street
South Street
Washington Street
Wiley Avenue

J

Jefferson Street
Jefferson Street
Jersey Street
Jersey Street
Jersey Street
Johnson Street
Johnson Street
Johnson Street
⁷⁴Johnson Street
⁷⁵Johnson Street
Johnson Street

Beth Avenue
Bond Street
Silver Street
Spring Street
Washington Street
Cherry Street
Silver Street
Spring Street
Wabash Street
Water Street
Wiley Avenue

K

Kathryn Drive
⁷⁶Kenwood Drive
⁷⁷Kingston Court
⁷⁸Knights Court

Clark Avenue
Sherwood Drive
Truxton Court
Abbey Lane

L

⁷⁹Lakeview Court
Lancaster Street
Lancaster Street
Lancaster Street
Lancaster Street
Lancaster Street
Liberty Street
Liberty Street
Liberty Street
Liberty Street
Liberty Street
Liberty Street
⁸⁰Liberty Street
Liberty Street
Liberty Street
Liberty Street
Lindenwood Drive
⁸¹Linnwood Drive

Dustman Road
Marion Street
Morgan Street
N & S Railroad
Oak Street
Williams Street
Arnold Street
Cherry Street
Horton Street
Ohio Street
Silver Street
South Street
Spring Street
Townley Street
Washington Street
Wiley Avenue
Willowbrook Trail
Hunter Road

⁷⁴ Adopted by Ordinance 1329, 7/26/2011

⁷⁵ Amended by Ordinance 1147, 5/14/2002

⁷⁶ Adopted by Ordinance 1329, 7/26/2011

⁷⁷ Adopted by Ordinance 1213, 8/30/2005

⁷⁸ Adopted by Ordinance 1213, 8/30/2005

⁷⁹ Adopted by Ordinance 1329, 7/26/2011

⁸⁰ Adopted by Ordinance 1329, 7/26/2011

⁸¹ Adopted by Ordinance 1213, 8/30/2005

M

Manor Drive (Westbound)

Manor Drive
 Maple Road
 Maple Road
 Marion Street
 Marion Street
 Marion Street
 Marion Street
 Market Street
 McConnell Drive
⁸²Meadow Lane
⁸³Memory Lane
 Merchant Street
 Merchant Street
 Midway Street
 Miller Street
 Miller Street
 Miller Street
 Miller Street
⁸⁴Misty Bay Court
 Mobile Street
 Mobile Street
 Morgan Street
 Morgan Street
 Morgan Street
 Morgan Street
 Morgan Street
 Morgan Street
 Morgan Street
 Mulberry Street
⁸⁵Mulberry Street
 Mulberry Street
 Mulberry Street
⁸⁶Mulberry Street
 Mulberry Street
 Mulberry Street
 Myra Lane
 Myra Lane

Manor Drive (North & Southbound)

Clark Street
 Elm Drive
 Ranch Road
 Horton Street
 Market Street
 Silver Street
 Wiley Street
 N & S Railroad
 Clark Avenue
 Lancaster Street
 Lancaster Street
 Cherry Street
 Western Avenue
 Washington Street
 Marion Street
 Morgan Street
 Oak Street
 Williams Street
 Cricketeer Court
 Ethel Street
 Silver St
 Market Street
 N & S Railroad
 Silver Street
 South Street
 Spring Street
 Washington Street
 Wiley Street
 Cherry Street
 Market Street
 Silver Street
 South Street
 Spring Street
 Washington Street
 Wiley Street
 Sutton Circle Drive N.
 Sutton Circle Drive S.

N

⁸⁷North Shore Drive

Dustman Road

O

⁸⁸Oak Forest Drive
 Oak Street
 Oak Street
 Oak Street

Main Street
 Market Street
 N & S Railroad
 Silver Street

⁸² Adopted by Ordinance 1329, 7/26/2011

⁸³ Adopted by Ordinance 1329, 7/26/2011

⁸⁴ Adopted by Ordinance 1213, 8/30/2005

⁸⁵ Adopted by Ordinance 1213, 8/30/2005

⁸⁶ Adopted by Ordinance 1329, 7/26/2011

⁸⁷ Adopted by Ordinance 1329, 7/26/2011

⁸⁸ Adopted by Ordinance 1268, 10/3/2007

Oak Street
Oak Street
Ohio Street
Ohio Street
Ohio Street
Ohio Street
Ohio Street
Ohio Street
Ohio Street
Ohio Street
⁸⁹Old Creek Avenue
⁹⁰Orchard Circle
⁹¹Orchard Ridge Drive
Orchard Ridge Drive
Orchard View Drive
Orchard View Drive

P

Parkway Drive
Parkway Drive
⁹²Parlor City Drive
Perry Street
Perry Street
Perry Street
Perry Street
Perry Street
Perry Street
Perry Street
⁹³Plaza Street
⁹⁴Plaza Street
Popular Street
Poplar Street
Poplar Street
Poplar Street
Poplar Street
Poplar Street

R

Ranch Road
Ranch Road
⁹⁵Red Oak Court
Reid Street
⁹⁶Ridgewood Lane
⁹⁷Ridgewood Lane
Ridgeview Place
⁹⁸Riverview Drive
Riley Street
Riley Street

Spring Street
Wiley Street
Indiana Street
Johnson Street
Marion Street
Morgan Street
Oak Street
Scott Street
Wayne Street
Stogdill Road
Sherwood Drive
River Road
Riverview Drive
Dustman Road
Northwood Drive

Highland Park Circle
Spring Street
Ridgewood Lane
Bennett Street
Johnson Street
Marion Street
Morgan Street
Scott Street
Wabash Street
Williams Street
Harrison Street
State Street
Bennett Street
Johnson Street
Liberty Street
Marion Street
Mulberry Street
Scott Street

Parkway Drive
Sycamore Lane
Oak Forest Drive
Silver Street
Sherwood Drive
Old Creek Avenue
Willowbrook Trail
River Road
Bennett Street
Johnson Street

⁸⁹ Adopted by Ordinance 1329, 7/26/2011

⁹⁰ Adopted by Ordinance 1329, 7/26/2011

⁹¹ Adopted by Ordinance 1329, 7/26/2011

⁹² Adopted by Ordinance 1329, 7/26/2011

⁹³ Adopted by Ordinance 1329, 7/26/2011

⁹⁴ Adopted by Ordinance 1329, 7/26/2011

⁹⁵ Adopted by Ordinance 1268, 10/3/2007

⁹⁶ Adopted by Ordinance 1329, 7/26/2011

⁹⁷ Adopted by Ordinance 1329, 7/26/2011

⁹⁸ Adopted by Ordinance 1329, 7/26/2011

Riley Street
Riley Street
Riley Street
Riley Street

Liberty Street
Marion Street
Mulberry Street
Scott Street

S

Scott Street
Scott Street
Scott Street
⁹⁹Shadow Run Trail
¹⁰⁰Shadow Run Trail
¹⁰¹Sherwood Drive
Silver Street
Silver Street
¹⁰²Songbird Lane
¹⁰³Songbird Lane
South Street
South Street
South Street
South Street
South Street
South Street
Spring Street
¹⁰⁴Stillwater Drive
¹⁰⁵Stillwater Drive
¹⁰⁶Stogdill Road
¹⁰⁷Stogdill Road
⁵⁸Stoney Creek
¹⁰⁸Summerwood Court
Summit Avenue
Summit Avenue
¹⁰⁹Sunnyglen Court
Sunrise Way
Sunset Drive
Sycamore Lane
Sycamore Lane

Silver Street
Wabash Street
Wiley Avenue
Channing Way
Kensington Drive
Stogdill Road
N & S Railroad
Wayne Street
Goldenrod Court
Topaz Drive
Beth Avenue
Merchants Street
Midway Street
N & S Railroad
Scott Street
Wayne Street
Clark Avenue
Oak Forest Drive
Topaz Drive
River Road
State Road 116
William Wells Circle
Oak Forest Drive
Spring Street
Stogdill Road
Columbian Avenue
Dustman Road
Dustman Road
Elm Drive
Stogdill Road

T

Toll Circle
Toll Circle
Townley Street
Townley Street
Townley Street
Townley Street
Townley Street
Townley Street

Garr Street
Hunter Road
Clark Avenue
Jersey Street
Johnson Street
Marion Street
Morgan Street
Oak Street

⁹⁹ Adopted by Ordinance 1329, 7/26/2011
¹⁰⁰ Adopted by Ordinance 1213, 8/30/2005
¹⁰¹ Adopted by Ordinance 1329, 7/26/2011
¹⁰² Adopted by Ordinance 1362, 6/25/2013
¹⁰³ Adopted by Ordinance 1362, 6/25/2013
¹⁰⁴ Adopted by Ordinance 1362, 6/25/2013
¹⁰⁵ Adopted by Ordinance 1362, 6/25/2013
¹⁰⁶ Adopted by Ordinance 1329, 7/26/2011
¹⁰⁷ Adopted by Ordinance 1329, 7/26/2011
⁵⁸ Amended by Ordinance 1183, 3/16/04
¹⁰⁸ Adopted by Ordinance 1268, 10/3/2007
¹⁰⁹ Adopted by Ordinance 1139, 2/19/2002

Townley Street
Townley Street
Townley Street
¹¹⁰Treyburn Court
¹¹¹Truxton Court

Scott Street
Wayne Street
Williams Street
Channing Way
Cricketeer

U
Union Street
Union Street
Union Street
Union Street
Union Street

Cherry Street
Lancaster Street
Market Street
South Street
Washington Street

V
¹¹²Virginia Court

Lancaster Street

W
¹¹³Wabash Street
Walmer Street
Walmer Street
Walmer Street
Walmer Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Walnut Street
Washington Street
Washington Street
Washington Street
Water Street
Water Street
Water Street
Water Street
Wausau Court
Wausau Court
¹¹⁴Wayne Street
¹¹⁵Westgate Road
Westgate Drive
¹¹⁶Wexford Court
¹¹⁷Wheatfield Court
¹¹⁸White Bridge Court
Wildwood Lane
Wiley Avenue
Wiley Avenue

Market Street
Central Avenue
Cherry Street
South Street
Washington Street
Bennett Street
Johnson Street
Liberty Street
Marion Street
Morgan Street
Mulberry Street
Oak Street
Scott Street
Williams Street
N & S Railroad
Scott Street
Wayne Street
Marion Street
Morgan Street
Oak Street
Williams Street
Hale Street
Oak Street
Market Street
Lancaster Street
Washington Street
Forester Drive
Greenfield Lane
Compromise Lane
Elm Grove Road
Beth Avenue
Bond Street

¹¹⁰ Adopted by Ordinance 1329, 7/26/2011
¹¹¹ Adopted by Ordinance 1213, 8/30/2005
¹¹² Adopted by Ordinance 1329, 7/26/2011
¹¹³ Adopted by Ordinance 1213, 8/30/2005
¹¹⁴ Adopted by Ordinance 1213, 8/30/2005
¹¹⁵ Adopted by Ordinance 1329, 7/26/2011
¹¹⁶ Adopted by Ordinance 1213, 8/30/2005
¹¹⁷ Adopted by Ordinance 1329, 7/26/2011
¹¹⁸ Adopted by Ordinance 1139, 2/19/2002

Wiley Avenue
Wiley Avenue
Willowbrook Trail (Westbound)
¹¹⁹William Wells Circle
Williams Street
Williams Street
Williams Street
Williams Street
Williams Street
Williams Street
Williams Street
Williams Street
¹²⁰Windsor Lane
¹²¹Windsor Lane
Woodlawn Street
Woodlawn Street

Western Avenue
N & S Railroad
Hickory Knoll Drive
Madison Avenue
Cherry Street
Market Street
Silver Street
South Street
Spring Street
Washington Street
Wiley Avenue
Ridgewood Lane
Stogdill Road
Columbia Avenue
Westgate Drive

¹¹⁹ Adopted by Ordinance 1329, 7/26/2011

¹²⁰ Adopted by Ordinance 1329, 7/26/2011

¹²¹ Adopted by Ordinance 1329, 7/26/2011

122 SCHEDULE B
 MULTI-STOP INTERSECTIONS
 (A Part of Sub-Section 10.05.020)

123 Adams Street & Western Avenue	All Way
Arnold Street & Bennett Street	All Way
Arnold Street & Mulberry Street	All Way
Bennett Street & Horton Street	All Way
Bennett Street & Townley Street	All Way
Bennett Street & Washington Street	All Way
Bond Street & Market Street	All Way
124 Bond Street & South Street	All Way
125 Bond Street & Wabash Street	All Way
126 Bond Street & Washington Street	All Way
Bond Street & Lancaster Street	All Way
127 Bell Brook Boulevard & Bell Brook Court	All Way
128 Bell Brook Boulevard & Kensington Drive	All way
Central Avenue & Morgan Street	All Way
Cherry Street & Marion Street	All Way
Cherry Street & Morgan Street	All Way
Cherry Street & Oak Street	All Way
129 Cherry Street & Washington Street	All Way
Clark Avenue, Jersey Street & Ohio Street	All Way
Clark Avenue & Silver Street	All Way
130 Echo Lane & Summit Avenue	All Way
131 Fieldcrest Drive & Oak Forest Drive & Red Oak Court & Topaz Drive	All Way
Hickory Knoll & Greenbriar	All Way
Horton Street & Mulberry Street	All Way
132 Hunter Road & Lamar Street	All Way
Jersey Street & Wiley Avenue	All Way
Johnson Street & Horton Street	All Way
Johnson Street & Market Street	All Way
Johnson Street & South Street	All Way
133 Kenwood Drive & Windsor Drive	All Way
Marion Street & South Street	All Way
Mulberry Street & Ohio Street	All Way
Mulberry Street & Townley Street	All Way
134 Oak Forest Drive & Red Oak Court	All Way
Oak Street & South Street	All Way
Oak Street & Washington Street	All Way
Old Creek Drive and Ridgewood Lane	All Way
Riverview Drive, Wayne Street & Wiley Avenue	All Way
Scott Street & Cherry Street	All Way
South Street & Jersey	All Way

122 Amended by Ordinance 1120, 8/29/00

123 Adopted by Ordinance 1213, 8/30/2005

124 Adopted by Ordinance 1280, 4/1/2008

125 Adopted by Ordinance 1280, 4/1/2008

126 Adopted by Ordinance 1280, 4/1/2008

127 Adopted by Ordinance 1213, 8/30/2005

128 Adopted by Ordinance 1213, 8/30/2005

129 Adopted by Ordinance 1213, 8/30/2005

130 Adopted by Ordinance 1268, 10/3/2007

131 Adopted by Ordinance 1362, 6/25/2013

132 Adopted by Ordinance 1213, 8/30/2005

133 Adopted by Ordinance 1139, 2/19/2002

134 Adopted by Ordinance 1362, 6/25/2013

Spring Street & Stoddard Road	All Way
Sunrise and Garden Lane	All Way
¹³⁵ Sunset and Garden Lane	All Way
¹³⁶ Washington Street & Johnson Street	All Way
¹³⁷ Washington Street & Marion Street	All Way
¹³⁸ Wayne Street & Spring Street	All Way
Williams Street & South Street	All Way
Willowbrook Trail & Hickory Knoll	All Way

¹³⁵ Amended by Ordinance 1150, 6/11/02

¹³⁶ Amended by Ordinance 1184, 4/13/2004

¹³⁷ Amended by Ordinance 1184, 4/13/2004

¹³⁸ Adopted by Ordinance 1329, 7/26/2011

SCHEDULE D
SIGNALIZED INTERSECTIONS
(A PART OF SUB-SECTION 10.05.040)

Sections:

10.06.010 One Way Streets

10.06.020 Authority to Disregard by Emergency Vehicles

10.06.010 ONE WAY STREETS

Upon those streets and parts of streets and in those alleys described in Schedule E, attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

10.06.020 AUTHORITY TO DISREGARD BY EMERGENCY VEHICLES

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual suspected violator of the law or when responding to but not upon returning from a fire alarm, may disregard regulations governing direction of movement or turning in specified directions as required by this section.

The exemption herein granted to the driver of an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SCHEDULE E

ONE WAY STREETS

(A PART OF SUB-SECTION 10.06.010)			
STREET	FROM	TO	DIRECTION OF TRAVEL
Arnold Street	Main Street	1st Alley E. of Johnson Street	West
Bennett Street	Wabash Street	Perry Street	South
Cherry Street	Jersey Street	Main Street	West
¹³⁹ Johnson Street	Wabash Street	Silver Street	South
Perry Street	Oak Street	Wabash Street	East
Scott Street	Wabash Street	Spring Street	North
¹⁴⁰ Walnut Street	Market Street	Mulberry Street	West
¹⁴¹ Walnut Street	Scott Street	Oak Street	West
¹⁴² Washington Street	Main Street	Bennett Street	East

¹³⁹ Amended by Ordinance 1139, 2/19/2002

¹⁴⁰ Adopted by Ordinance 1213, 8/30/2005

¹⁴¹ Adopted by Ordinance 1213, 8/30/2005

¹⁴² Amended by Ordinance 1184, 4/13/2004

Sections:

10.07.010 Restricted Turn Intersection

10.07.020 Restricted Turns on Red at Signalized Intersections

10.07.010 RESTRICTED TURN INTERSECTIONS

The intersections described in Schedule F, attached hereto and made a part hereof, shall have certain turning movements restricted. When appropriate signs conforming to the requirements of this Traffic Code are erected that no right or left or U turn is permitted, no driver of a vehicle shall disobey the direction of any such sign.

10.07.020 RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

The intersections described in Schedule G, attached hereto and made a part hereof, shall restrict turns on red at signalized intersections. When appropriate signs conforming to the requirements of this Traffic Code are erected that no turn on red may be made at signalized intersections, no driver of a vehicle shall disobey the sign.

¹⁴³SCHEDULE F

RESTRICTED TURN INTERSECTIONS

(A PART OF SUB-SECTION 10.07.010)

PROHIBITED TURNS

FROM

ONTO

Wabash Street, Northbound
Water Street, Eastbound

Perry Street, Westbound
Main Street, Northbound

¹⁴³ Amended by ordinance 1197, 10/26/2004

Sections:

- 10.08.010 State Speed Laws Applicable
- 10.08.020 Increasing or Decreasing State Speed Limits
- 10.08.030 School Speed Zones
- 10.08.040 Park and Playground Speed Zones

10.08.010 STATE SPEED LAWS APPLICABLE

The Indiana motor vehicle laws regulating the speed of vehicles shall be applicable upon the streets within this city, except as this Traffic Code, as authorized by Indiana motor vehicle law, hereby declares and determines upon the basis of an engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

10.08.020 INCREASING OR DECREASING STATE SPEED LIMITS

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by the Indiana Motor Vehicle Laws upon the streets listed in Schedule H, attached hereto and made part hereof, is greater or less, as specified in the schedule, than is necessary for the reasonable or safe operation of vehicles thereon and is hereby declared that the maximum speed limit shall be as herein designated when signs are erected giving notice thereof.

10.08.030 SCHOOL SPEED ZONES

It is hereby determined that school Speed Zones shall be established as listed in Schedule I attached hereto and made a part hereof. When appropriate signs are erected on said streets, conforming to the requirements of this Traffic Code, no person shall drive a vehicle at a speed greater than 20 miles per hour, except that the time of such reduced speed limits are confined to periods WHEN CHILDREN ARE PRESENT.

10.08.040 PARK AND PLAYGROUND SPEED ZONES

It is hereby determined that Park and Playground Speed Zones shall be established as listed in Schedule I, attached hereto and made a part hereof. When appropriate signs are erected on said streets, conforming to the requirements of this Traffic Code, no person shall drive a vehicle at a speed greater than 20 miles per hour, except that the time of such reduced speed limits are confined to periods WHEN CHILDREN ARE PRESENT.

144 SCHEDULE H

INCREASED OR DECREASED STATE SPEED LIMITS

(A PART OF SUB-SECTION 10.08.020)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>POSTED SPEED</u>
¹⁴⁵ Angel Street	City Limits	City Limits	40 MPH
¹⁴⁶ Adams Street	Angel Street	Lancaster Street	45 MPH
Capri Court	Main Street	Its Terminus	20 MPH
Clark Avenue	Ellingham Pike	City Limit	35 MPH
Columbian Avenue	Lancaster Street	Washington Street	20 MPH
Crescent Drive	Reid St	Kathryn Drive	20 MPH
Dustman Road	Sunrise Drive	City Limit	45 MPH
Ethel Street	Clark Avenue	Reid Street	20 MPH
Hi-Lo Street	Westgate Road	Woodlawn Street	20 MPH
¹⁴⁷ Jackson Street	Main Street	Eastern City Limit	30 MPH
Kathryn Drive	Crescent Drive	Clark Avenue	20 MPH
Lancaster Street	Bond Street	1000 ft. W of Meadow Lane	35 MPH
Lancaster Street	1000 ft. W of Meadow Lane	City Limit	45 MPH
Madison Avenue	Main Street	City Limit	45 MPH
¹⁴⁸ Manor Drive	Beginning	Terminus	20 MPH
Reid Street	Silver Street	Ethel Street	20 MPH
River Road	Orchard Ridge Drive	City Limit	40 MPH
¹⁴⁹ Sunset Drive	Lakeside Drive	Sunset Drive	20 MPH
Wabash Street	Main Street	Market Street	20 MPH
¹⁵⁰ Washington Street	Main Street	Marion Street	20 MPH
Wayne Street	Spring Street	City Limit	35 MPH
Western Avenue	500' West of Merchant Street	City Limit	40 MPH
Westgate Road	Lancaster Street	Washington Street	20 MPH
Woodlawn Street	Westgate Road	Columbian Avenue	20 MPH

¹⁴⁴ Amended by Ordinance 1120, 8/29/2000

¹⁴⁵ Adopted by Ordinance 1300, 1/27/2009

¹⁴⁶ Adopted by Ordinance 1368, 9/3/2013

¹⁴⁷ Adopted by Ordinance 1368, 9/3/2013

¹⁴⁸ Adopted by Ordinance 1329, 7/26/2011

¹⁴⁹ Amended by Ordinance 1150, 6/11/2002

¹⁵⁰ Amended by Ordinance 1184, 2/13/2004

¹⁵¹SCHEDULE I

SCHOOL SPEED ZONES

(A PART OF SUB-SECTION 10.08.030)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Spring Street	Summit Avenue	Stogdill Road
Stogdill Road	State Road 116	Spring Street
Jackson Street	Main Street	Eastern City Limit
Wayne Street	Spring Street	South City Limit

SCHEDULE I (1)

PARK AND PLAYGROUND SPEED ZONES

(A PART OF SUB-SECTION 10.08.040)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Indiana Street	Clark Avenue	Wiley Avenue
Silver Street	Clark Avenue	Bond Street
Spring Street	Main Street	Williams Street

¹⁵¹ Amended by Ordinance 1368, 9/3/2013

Sections:

- 10.09.010 Truck Prohibitions
10.09.020 Exceptions
10.09.030 Truck Routes
10.09.040 ¹⁵²Engine Braking

10.09.010 TRUCK PROHIBITIONS

No person shall drive or operate, or cause to be driven or operated, any vehicle having more than two (2) axles, used for the transportation of goods or property, upon the streets, bridges and culverts within the city, except on designated and marked city truck routes as hereinafter described, or on state and federal highways, temporary or permanent, passing through the city.

10.09.020 EXCEPTIONS

The restrictions as hereinabove set forth on commercial vehicles having more than two (2) axles shall not be applicable to vehicles delivering or picking up goods or property at places not located on designated and marked city truck routes or on state and federal highways, provided such vehicles are only operated by the shortest way possible between the designated and marked city truck route or state and federal highways and the place of delivery or pickup or as otherwise directed by a police officer, nor shall said restrictions be applicable to refuse or garbage trucks regularly operating within said city while in the process of picking up refuse and garbage from the residences and business places in said city.

10.09.030 TRUCK ROUTES

The streets described in Schedule J, attached hereto and made a part hereof, are designated as City Truck Routes when appropriate signs conforming to the requirements of this Traffic Code are erected on said streets.

10.09.040 ENGINE BRAKING

“Engine Braking” (also known as “jake braking”) shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle.

It shall be unlawful for the driver of any motor vehicle to use or operate or to cause to be used or operated, at any time and on any street within the corporate limits of the City of Bluffton, any mechanical exhaust or decompression device which results in the practice known as “engine braking” as herein defined.

The prohibition against engine-braking shall not apply to emergency vehicles in connection with their official use or where the use of engine braking is necessary to avoid injury to persons and/or property which injury could not otherwise be avoided by the application of an alternative method of braking.

¹⁵²Adopted by ordinance 1312, 8/25/2009

¹⁵³SCHEDULE J

TRUCK ROUTES

(A PART OF SUB-SECTION 10.08.3)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Adams Street	South City Limits	North City Limits
Angel Street	East City Limits	West City Limits
Western Avenue	Wiley Street Extended	West City Limits
Wiley Street Extended	Bond Street	Western Avenue

¹⁵³ Amended by Ordinance 1120, 8/29/2000

Sections:

10.10.010	Alley Parking
10.10.020	Parking Position
10.10.025	No Parking along yellow lines
10.10.030	Angle Parking
10.10.040	Private Parking Signs
10.10.050	No Parking Zones
10.10.060	Limited Parking Zones
10.10.070	Loading Zones
10.10.080	Delivery Vehicle Permits
10.10.090	Bus and Taxi Zones
10.10.100	Business Area Parking - Limitations
10.10.110	City Owned or Managed Parking Lots
10.10.120	Truck or Other Vehicle Parking Restrictions
10.10.130	Business Area Deliveries
10.10.140	Parking Restrictions Generally and For Stated Period of Time
10.10.150	No Parking Official Vehicles Only
10.10.160	Handicapped Parking (Restricted)
10.10.170	Handicapped Parking
10.10.180	Enforcement

10.10.010 ALLEY PARKING

No person shall park any vehicle in any alley.

10.10.020 PARKING POSITION

Except where angle parking is permitted, a vehicle stopped or parked upon a roadway shall be stopped or parked with the curb-side wheels of the vehicle parallel with and within twelve inches of the curb or edge of the roadway. On a two-way traffic street, a vehicle shall only be parked on the right side of the roadway.

¹⁵⁴10.10.025 NO PARKING ALONG YELLOW LINES

Any section of curb along any street which has been painted yellow by the City of Bluffton shall indicate a no parking area of the street, whether or not such section of street has been specifically indicated as no parking zone under this chapter. No vehicle shall be parked adjacent to any section of curb which has been painted yellow by the City of Bluffton.

10.10.030 ANGLE PARKING

Vehicles may be parked at an angle to the curb, as marked on the roadway on those streets listed in Schedule K, attached hereto and made a part hereof.

10.10.040 PRIVATE PARKING SIGNS

No person shall place any sign along or on any street or alley or designate any place thereon with the intent to regulate or prevent the parking of vehicles on any street or alley.

10.10.050 NO PARKING ZONES

The streets described in Schedule L, attached hereto and made a part hereof, are designated NO PARKING ZONES. When appropriate signs conforming to the requirements of this Traffic Code are erected no person shall park a vehicle on the side of the street at the times designated in

¹⁵⁴ Adopted by Ordinance 1249, 10/3/2006

the schedule.

10.10.060 ¹⁵⁵LIMITED PARKING ZONES

The streets described in Schedule M, attached hereto and made a part hereof, are designated LIMITED PARKING ZONES. When appropriate signs conforming to the requirements of this Traffic Code are erected no person shall park a vehicle in the listed locations for any continuous period of time longer than designated in the Schedule. Such limited parking zones may or may not be regulated by parking meters. Where designation in Schedule M are in conflict with designations in Schedules N through Q as set out in this chapter or with Section 10.10.060 regarding the designation of spaces for handicapped drivers, the designations in Schedules N through Q and/or the designation of a space as being reserved for a handicapped driver shall prevail.

10.10.070 LOADING ZONES

The streets described in Schedule N, attached hereto and made a part hereof, are designated as LOADING ZONES. When appropriate signs conforming to the requirements of this Traffic Code are erected no person shall stop, stand or park a vehicle for a longer period of time than is necessary for the expeditious loading or unloading of passengers, or for the loading, unloading, delivery or pickup of materials or merchandise, in any place designated and marked as a loading zone. In no case shall the stop for loading and unloading of materials exceed a total of fifteen minutes.

10.10.080 DELIVERY VEHICLE PERMITS

Delivery Vehicle Permits issued under this Chapter shall be issued by the Board of Works and Public Safety based on requests submitted by the owner and/or operator of any “downtown” business within the City; such requests shall be in writing and state the name and address of the business and the specific need for the permit. The Board of Works and Public safety shall have absolute discretion in the issuance of Delivery Vehicle Permits, but shall consider such factors as the nature of the business making the request, the frequency of the deliveries made by the business, the location of the business and its proximity to unrestricted parking, the availability of private parking to the business and the type of vehicle expected to utilize the Permit. The Board shall retain the right to revoke and invalidate any permit issued in accordance with this chapter if the Board determines that the factors considered in granting the Permit no longer exist.

The cost of a Delivery Vehicle Permit issued prior to June 30, of any given year shall be One Hundred Dollars (\$100) and the cost of a Permit issued later than June 30, of any given year shall be Fifty Dollars (\$50); the Permit shall be valid in the year of its issuance.

10.10.090 BUS AND TAXI ZONES

The streets described in Schedule O, attached hereto and made a part hereof, are designated as either a BUS ZONE or a TAXI ZONE. When appropriate signs conforming to the requirements of this Traffic Code are erected no person shall stop, stand or park a vehicle other than a bus in a bus zone or a taxi in a taxi zone as so designated in the schedule.

10.10.100 BUSINESS AREA PARKING LIMITATIONS

In order to facilitate street cleaning, no parking shall be allowed on the streets bounded on the north by Water Street; on the east by Scott Street; on the south by Cherry street; and on the west by Marion Street, between the hours of 4:00 a.m. and 6:00 a.m. on Friday mornings.

¹⁵⁵ Amended by Ordinance 1120, 8/29/2000

10.10.110 CITY OWNED OR MANAGED PARKING LOTS

No vehicle shall remain parked on any city owned or managed parking lot for a period longer than forty-eight (48) hours.

10.10.120 TRUCK OR OTHER VEHICLE PARKING RESTRICTIONS

No vehicle of an overall length of more than twenty (20) feet or of any overall width of more than seven (7) feet, six (6) inches, shall park or be allowed to remain parked in, on or along any street or alley within the City unless the driver of said vehicle is actually engaged in delivering or unloading an item from the vehicle, in which case such vehicle shall be allowed to remain parked in such a manner as to pose the least impediment to the free flow of traffic in said street or alley and, if so parked, may remain parked for a period not exceeding one (1) hour. The time limitation contained herein shall not apply to private or commercial trucks involved in loading or unloading items of personal property in connection with the relocating of a family or individual residence.

10.10.130 BUSINESS AREA DELIVERIES

Between the hours of 11:00 A.M. to 1:00 P.M. of Monday through Saturday in the area bounded on the north by Water Street; on the east by Scott Street; on the south by Cherry Street; and on the west by Marion Street, no deliveries or pickups of merchandise of any type will be made if the vehicle involved in said pickup or delivery cannot park in a regularly designated parking area without blocking traffic in any manner.

10.10.140 PARKING RESTRICTIONS GENERALLY AND FOR STATED PERIODS OF TIME

The Common Council may, by resolution or ordinance, designate additional restrictions or areas as to parking, including the prohibition of parking in designated areas for certain periods of time. Said additional restrictions shall be in full force and effect from the time of the erection of appropriate signs.

10.10.150 NO PARKING-OFFICIAL VEHICLES ONLY

The Streets described in Schedule P, attached hereto and made a part hereof are designated as Parking for Official Cars as specified. When appropriate signs conforming to the requirements of this Traffic Code are erected no person shall stop, stand or park a vehicle other than as specified.

10.10.160 RESTRICTED PARKING

Notwithstanding any other provision in this Chapter to the contrary, parking shall be allowed in certain restricted areas for designated periods of time, all as set out in Schedule Q, attached hereto and made a part hereof. When appropriate signs conforming to the requirements of this traffic code are erected, no person shall park a vehicle on the side of the street as designated in the Schedule, except at those times as designated in the Schedule.

10.10.170 HANDICAPPED PARKING

The Board of Works and Public Safety may from time to time, designate certain parking spaces in either off-street parking lots, or on City streets as restricted to parking by handicapped persons or persons operating automobiles on behalf of handicapped persons. Such parking spaces designated for handicapped persons shall be clearly marked as such and shall be used only by persons who have a physical handicap. Persons parking in handicapped spaces are still required to adhere to the other provisions of this ordinance concerning length of time in any parking space and method of parking.

10.10.180 ENFORCEMENT

The Police Dept. of the City of Bluffton, including its civilian employees as well as uniformed officers, shall enforce this chapter in accordance with and consistently with, the directions of the Board of Works and Public Safety. When a vehicle is parked in excess of the time limits specified in this chapter, a notice, numbered envelope and ticket stub shall be placed upon such vehicle informing the owner or operator thereof of the violation, the time of the violation, license number of the vehicle and such other information as is necessary to an understanding of the violation, together with instructions as to payment of the charges for such violation. An owner or operator who has received notice of a violation issued under this chapter may fully satisfy the requirements of this chapter by placing in the numbered envelope the sum of \$5.00 and delivering the same to the Police Department at the Police-Fire Building, within 48 hours of the issuance of the notice of violation.

In the event that a notice of violation, issued under this chapter, is not fully satisfied within 48 hours of its issuance, the same shall then be considered an ordinance violation and said violation shall subject the violator to payment of a \$25.00 fine, payable either at the office of the Clerk-Treasurer or the Ordinance Violations Bureau, or at such other location as may be designated by the Clerk-Treasurer.

Sections:

10.01.010 Exhibition Driving

10.11.010 EXHIBITION DRIVING

No person shall operate a vehicle within the corporate limits of the City of Bluffton, Indiana in such a manner that creates or causes unnecessary engine noise, tire squeal, skidding or sliding upon acceleration or stopping; that causes the front wheel or wheels to rise above the ground; that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway.

¹⁵⁶ Adopted Ordinance 1054, 4/28/1998

SCHEDULE K

ANGLE PARKING
(A PART OF SUB-SECTION 10.10.030)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE OF STREET</u>
Market Street	Marion Street	Scott Street	North
Market Street	Marion Street	Scott Street	South

157 SCHEDULE L

NO PARKING ZONES
(A PART OF SUB-SECTION 10.10.050)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE OF STREET</u>	<u>TIME OF RESTRICTION</u>
A				
¹⁵⁸ Adams Street	Lancaster Street	Angel Street	Both	Any Time
Arnold Street	Jersey Street	Clark Street	South	Any Time
Arnold Street	Johnson Street	Wayne Street	South	Any Time
B				
Baldwin Street	45 ft. north of Wabash	Wabash	Both	Any Time
¹⁵⁹ Baldwin Street	Wabash	South	East	Anytime
Bennett Street	Market Street	Perry Street	East	Any Time
Bennett Street	South Street	Market Street	West	Any Time
Bennett Street	Spring Street	Horton Street	West	Any Time
¹⁶⁰ Bennett Street	Horton Street	Townley Street	East	Any Time
Beth Avenue	Wiley	Jefferson	West	Any Time
¹⁶¹ Beth Avenue	118' south of Wiley Avenue	168' south of Wiley Avenue	East	Any Time
Bond Street	N&W Railroad	Wabash Street	West	Any Time
Bond Street	Wabash Street	Central Avenue	East	Any Time
C				
Central Avenue	Bond Street	Baldwin Street	South	Any Time
Central Avenue	Midway Street	Bond Street	North	Any Time
¹⁶² Central Avenue	Main Street	Wayne Street	North	Anytime
¹⁶³ Central Avenue	Main Street	Oak Street	South	Anytime
Cherry Street	Main Street	Wayne Street	North	Any Time
Cherry Street	Main Street	Scott Street	South	Any Time
Cherry Street	Marion Street	Main Street	North	4AM to 6AM Friday
Cherry Street	Marion Street	Main Street	South	4AM to 6AM Friday
Cherry Street	Midway Street	Union Street	North	Any Time
¹⁶⁴ Cherry Street	Williams Street	Jersey Street	North	Any Time
Clark Avenue	S. Corp. Line	Jersey Street	East	Any Time

¹⁵⁷ Amended by Ordinance 1300, 1/27/2009

¹⁵⁸ Adopted by Ordinance 1381, 8/19/2014

¹⁵⁹ Adopted by Ordinance 1449, 6/6/2017

¹⁶⁰ Amended by Ordinance 1361, 5/28/2013

¹⁶¹ Adopted by Ordinance 1230, 4/18/2006

¹⁶² Adopted by Ordinance 1449, 6/6/2017

¹⁶³ Adopted by Ordinance 1449, 6/6/2017

¹⁶⁴ Adopted by Ordinance 1449, 6/6/2017

D

Dougherty Street	Jefferson Street	Central Avenue	West	Any Time
Dougherty Street	Jefferson Street	Polk Street	East	Any Time
¹⁶⁵ Dustman Road	Main Street	East City boundary	North	Any Time
¹⁶⁶ Dustman Road	Main Street	East City boundary	South	Any Time

E

Elm Street	Johnson Street	Scott Street	North	4AM to 6AM Friday
Elm Street	Marion Street	Scott Street	South	4AM to 6AM Friday
Elm Street	Scott Street	Main Street	South	Any Time
Elm Street	Scott Street	Bennett Street	North	Any Time

H

¹⁶⁷ Hale Street	North Oak Street	Wausau Court	North	Any Time
Hale Street	Oak Street	Wausau Court	North	
Hillcrest Road	Hunter Road	Main Street	North	Any Time
Hillcrest Road	Hunter Road	Main Street	South	Any Time
¹⁶⁸ Hi-Lo			West/South	Any Time
Horton Street	Scott Street	160' W of Main Street	North	Any Time
Horton Street	Main Street	Wayne Street	North	Any Time

I

Indiana Street	Wiley Avenue	South Street	West	Any Time
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J

Jefferson Street	Bond Street	Dougherty Street		Any Time
Jersey Street	Spring Street	Washington Street	East	Any Time
Johnson Street	Cherry Street	Wabash Street	West	4 AM to 6 AM Friday
Johnson Street	Wabash Street	Water Street	West	Any Time
Johnson Street	Cherry Street	Water Street	East	4 AM to 6 AM Friday
¹⁶⁹ Johnson Street	South Street	Horton Street	East	Any Time

L

Lancaster Street	Bond Street	Oak Street	North	Any Time
Lancaster Street	Bond Street	Oak Street	South	Any Time
¹⁷⁰ Lancaster Street	Bond Street	Adams Street	Both	Any Time
¹⁷¹ Lancaster Street	Marion Street	Morgan Street	South	Any Time
Liberty Street	Spring Street	Horton Street	West	Any Time
¹⁷² Liberty Street	Spring Street	Spring Wayne Apartments	East	Any Time

M

¹⁶⁵ Adopted by Ordinance 1249, 10/3/2006

¹⁶⁶ Adopted by Ordinance 1249, 10/3/2006

¹⁶⁷ Adopted by Ordinance 1230, 4/18/2006

¹⁶⁸ Adopted by Ordinance 1449, 6/6/2017

¹⁶⁹ Adopted by Ordinance 1449, 6/6/2017

¹⁷⁰ Adopted by Ordinance 1310, 9/8/2009

¹⁷¹ Adopted by Ordinance 1449, 6/6/2017

¹⁷² Adopted by Ordinance 1139, 2/19/2002

Main Street	S. City limits	N. City limits	Both	Any Time
Marion Street	Washington Street	Water Street	East	4 AM to 6 AM Friday
Marion Street	Cherry Street	Water Street	West	4AM to 6 AM Friday
Marion Street	Horton Street	South Street	West	Any Time
Marion Street	South Street	Washington Street	East	Any Time
Market Street	Bond Street	Marion Street	North	Any Time
Market Street	Marion Street	Scott Street	North	4AM to 6AM Friday
Market Street	Marion Street	Scott Street	South	4AM to 6AM Friday
¹⁷³ Memory Lane			West	Any Time
Midway Street	Washington Street	Central Avenue	East	Any Time
Midway Street	Washington Street	Central Avenue	West	Any Time
¹⁷⁴ Miller Street	Marion Street	Oak Street	South	Any Time
Morgan Street	Spring Street	Miller Street	West	Any Time
Morgan Street	34' South of Drummond Street	106' South of Drummond Street	East	Anytime
¹⁷⁵ Mulberry Street	Spring Street	Townley Street	West	Any Time

N

O

Oak Street	Drummond Street	Market Street	East	Any Time
Oak Street	South Street	Central Avenue	East	Any Time
Oak Street	Spring Street	Market Street	West	Any Time
Oak Street Ext.	Lancaster Street	Hale Street	Both	Any Time
Ohio Street	Main Street	Wayne Street	South	Any Time
Ohio Street	Indiana Street	Clark Avenue	South	Any Time
Ohio Street	Bennett Street	Mulberry Street	North	Any Time
¹⁷⁶ Ohio Street	Indiana Street	Williams Street	North	Any Time

P

Perry Street	Marion Street	Scott Street	North Friday	4AM to 6AM
Perry Street	Marion Street	Scott Street	South Friday	4AM to 6AM
¹⁷⁷ Perry Street	Morgan Street	Marion Street	Both	Any Time
Poplar Street	Johnson Street	Main Street	North	Any Time
Poplar Street	Scott Street	Bennett Street	North	Any Time
Poplar Street	Johnson Street	150' E of Johnson Street	South	Any Time
Poplar Street	Main Street	Bennett Street	South	Any Time

S

Scott Street	Ohio Street	Market Street	East	Any Time
Scott Street	Market Street	Wabash Street	East Friday	4AM to 6 AM
Scott Street	50' South of	Riley Street	West	Anytime

¹⁷³ Adopted by Ordinance 1449, 6/6/2017

¹⁷⁴ Adopted by Ordinance 1449, 6/6/2017

¹⁷⁵ Amended by Ordinance 1361, 5/28/2013

¹⁷⁶ Adopted by Ordinance 1449, 6/6/2017

¹⁷⁷ Adopted by Ordinance 1310, 9/8/2009

Scott Street	Riley Street	Market Street	West	Any Time
¹⁷⁸ Scott Street	South Street	Wabash Street	East	Any Time
¹⁷⁹ Scott Street	Perry Street	Wabash Street	West	Any Time
Scott Street	Perry Street	Wabash Street	West	4AM to 6 AM Friday
¹⁸⁰ Scott Street	Market Street	Ohio Street	East	Any Time
Silver Street	Spring Street	Main Street	North	Any Time
Silver Street	Clark Avenue	Wayne Street	South	Any Time
Silver Street	Main Street	Bond Street	South	Any Time
South Street	Main Street	Wayne Street	North	Any Time
¹⁸¹ South Street	Midway Street	Wayne Street	North	Any Time
Spring Street	Midway Street	Merchant Street	North	Any Time
Spring Street	Clark Avenue	Main Street	North	Any Time
Spring Street	Clark Avenue	Main Street	South	Any Time
Spring Street	Wayne Street	Stogdill Road	North	Any Time
Spring Street	Wayne Street	Stogdill Road	South	Any Time
Stogdill Road	S.R. 116	River Road	East	Any Time
Stogdill Road	SR. 116	River Road	West	Any Time
T				
Townley Street	Marion Street	Main Street	North	Any Time
Townley Street	Main Street	Wayne Street	South	Any Time
U				
¹⁸² Union Street	Wabash Street	Lancaster Street	West	Any Time
Union Street	Wabash Street	South Street	East	Any Time
W				
Wabash Street	Main Street	Market Street	North	Any Time
Wabash Street	Main Street	Market Street	South	Any Time
Walnut Street	Marion Street	alley between Marion Street & Johnson Street	North	Any Time
Walnut Street	Bennett Street	Mulberry Street	North	Any Time
Walnut Street	Scott Street	Alley between Marion Street & Johnson Street	North	4AM to 6AM Friday
Walnut Street	Marion Street	Scott Street	South Friday	4AM to 6AM
Walnut Street	Morgan Street	Oak Street	North & South	Any Time
Walnut Street	135' West of Marion Street	Williams Street	North	Any Time
Washington Street	Bennett Street	Wayne Street	North	Any Time
Washington Street	Columbian Avenue	Union Street	North	Any Time
¹⁸³ Washington Street	Johnson Street	Marion Street	North	Any Time

¹⁷⁸ Adopted by Ordinance 1249, 10/3/2006

¹⁷⁹ Adopted by Ordinance 1249, 10/3/2006

¹⁸⁰ Adopted by Ordinance 1449, 6/6/2017

¹⁸¹ Adopted by Ordinance 1310, 9/8/2009

¹⁸² Adopted by Ordinance 1449, 6/6/2017

Washington Street	Westgate Drive	Cherry Street	North	Any Time
¹⁸⁴ Washington Street	Marion Street	Oak Street	South	Any Time
¹⁸⁵ Washington Street	First alley west of Main Street	Main Street	North & South	Any Time
Washington Street	Marion Street	Scott Street	North	4AM to 6AM Friday
Washington Street	Marion Street	Scott Street	South	4AM to 6AM Friday
Washington Street	60 feet west of Bond Street	Bond Street	South	Any Time
Water Street	Morgan Street	Williams Street	North	Any Time
¹⁸⁶ Water Street	Marion Street	Johnson Street	North & South	Any Time
¹⁸⁷ Water Street	Marion Street	Main street	North & South	Any Time
Water Street	Marion Street	Main Street	South	
Water Street	Johnson Street	Main Street	South	4AM to 6AM Friday
Wayne Street	Spring Street	River Road	East	Any Time
Wayne Street	Spring Street	Market Street	West	Any Time
Westgate	Washington Street	Lancaster Street	East	Any Time
Wiley Avenue	Bond Street	Wayne Street	South	Any Time
¹⁸⁸ Wiley Avenue	Main Street	for (220') to the West	North	Any time
Williams Street	Spring Street	Miller Street	West	Any Time

North side and on south side from intersection of Jefferson and Dougherty to 50 feet east of said intersection; also, on south side from intersection of Jefferson and Bond to 50 feet west of said inter-section.

¹⁸³ Adopted by Ordinance 1184, 4/13/2004
¹⁸⁴ Adopted by Ordinance 1184, 4/13/2004
¹⁸⁵ Adopted by Ordinance 1184, 4/13/2004
¹⁸⁶ Amended by Ordinance 1139, 2/19/2002
¹⁸⁷ Adopted by Ordinance 1197, 10/26/2004
¹⁸⁸ Adopted by Ordinance 1139, 2/19/2002

189 SCHEDULE M

LIMITED PARKING ZONES
(A PART OF SUB-SECTION 10.10.060)

STREET	FROM	TO	SIDE OF STREET	LIMIT
¹⁹⁰ Elm Street	Main Street	Johnson Street	South	2 hr.*
Johnson Street	Wabash Street	Washington Street	East	2 hr.*
Johnson Street	Wabash Street	Elm Street	West	2 hr.*
Marion Street	1 st 3 spaces South of Market Street		West	15 min.*
Marion Street	Perry Street	Market Street	East	2 hr.*
Market Street	Marion Street	Scott Street	North	2 hr.*
Market Street	Marion Street	Scott Street	South	2 hr.*
Market Street	Marked spaces in front of City Hall		South	10 min.*
Market Street	1 st Space east of Scott St.		South	5 min.*
Market Street	1 st Space west of Main St.		North	20 min.*
Perry Street	1st Alley west of Johnson Street	Scott Street	North	2 hr.*
Perry Street	1st Alley west of Johnson Street	1st Alley east of Main Street	South	2 hr.*
Poplar Street	Main Street	Scott Street	North	2 hr.
Walnut Street	1 st Alley west of Main Street	Marion Street	North	2 hr.*
Walnut Street	Main Street	Scott Street	North	2 hr.*
¹⁹¹ Walnut Street	Scott Street	Marion Street	South	2 hr.*
Washington Street	1 st Alley west of Main Street	Johnson Street	North	2 hr.*
Washington Street	1 st Alley west of Main Street	Johnson Street	South	2 hr.*
Washington Street	Johnson Street	Marion Street	South	30 min.
Washington Street	Main Street	Approx. 110' E of Main Street	South	5 min.

*Limits are 8:00 A.M. to 5:00 P.M. Monday through Saturday (except holidays) unless otherwise specified.

**8:00 A.M. to 3:00 P.M. - Monday through Friday, except holidays.

¹⁸⁹ Amended by Ordinance 1184, 4/13/2004

¹⁹⁰ Amended by Ordinance 1409, 9/1/2015 - Amended by Ordinance 1410, 9/29/2015

¹⁹¹ Amended by Ordinance 1197, 10/26/2004

¹⁹²SCHEDULE N

LOADING ZONES
(A PART OF SECTION 10.10.070)

<u>SIDE OF STREET</u>	<u>LOCATION</u>
Johnson Street West	2 spaces approximately 30' South of Poplar Street
¹⁹³ Johnson Street West	First two spaces (as marked and counting south from Washington Street
Market Street North	2 spaces approximately 30' East of Main Street
Market Street North	1 space approximately 10' east of alley between
Perry Street South	Between Johnson Street and the Alley between Johnson and Main Streets
¹⁹⁴ Perry Street South	1 Space Approximately 35' West of Alley Between Scott and Main Street (8:00 a.m. to 5:00 p.m. only)
Perry Street South	1 space approximately 50' West of Johnson Street
Scott Street	3 spaces commencing approximately 30' North of Poplar West Street
Scott Street	Between South Street and Poplar Street
Walnut Street North	4 spaces beginning approximately 70' East of Johnson Street
¹⁹⁵ Washington Street South	The third, fourth, and fifth spaces. (as marked and counting west from Johnson Street)
Water Street South	¹⁹⁶ 2 space beginning 65' West of Main Street

¹⁹² Amended by Ordinance 1300, 1/27/2009

¹⁹³ Amended by Ordinance 1189, 8/17/2004

¹⁹⁴ Adopted by Ordinance 1213, 8/30/2005

¹⁹⁵ Amended by Ordinance 1189, 8/17/2004

¹⁹⁶ Amended by Ordinance 1197, 10/26/2004

SCHEDULE O

BUS AND TAXI ZONE

(A PART OF SUB-SECTION 10.10.080)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE OF</u>	<u>TYPE STREET</u>
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¹⁹⁷SCHEDULE P

NO PARKING - OFFICIAL VEHICLES ONLY

(A PART OF SUB-SECTION 10.09.14)

<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
Walnut Street	First 3 spaces West of Main Street For law enforcement vehicles only	North

SCHEDULE Q

RESTRICTED PARKING

(A PART OF SUB-SECTION 10.10.150)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIDE OF STREET</u>	<u>PARKING ALLOWED</u>
Ohio Street	Bennett Street	Mulberry Street	South 8 a.m.-noon	Sunday

CHAPTER 10.12

MISCELLANEOUS DRIVING RULES

Sections:

- 10.12.010 Stop When Traffic Obstructed
- 10.12.020 Driving through Funeral or Other Procession
- 10.12.030 Driver in a Procession
- 10.12.040 Funeral Procession to be Identified
- 10.12.050 Drivers to exercise Due Care
- 10.12.060 Motorized Vehicles on Walkways

¹⁹⁷ Amended by Ordinance 1051, 3/17/1998

10.12.010 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

10.12.020 DRIVING THROUGH FUNERAL OR OTHER PROCESSION

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Traffic Code. This provision shall not apply at intersections where traffic is controlled by a police officer.

10.12.030 DRIVERS IN A PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

10.12.040 FUNERAL PROCESSIONS TO IDENTIFIED

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Police Chief.

10.12.050 DRIVERS TO EXERCISE DUE CARE

Notwithstanding other provisions of this Traffic Code every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

⁵⁹10.12.060 MOTORIZED VEHICLES ON WALKWAYS

No person shall drive, park or operate a motorized vehicle on any sidewalk, pedestrian walkway, hiking, biking or jogging path (including but not necessarily limited to the Rivergreenway Trail) or on any publicly owned property on which a sign prohibiting the use of motorized vehicles is displayed.

⁵⁹ Amended by Ordinance 1183, 3/16/2004

Sections:

- 10.13.010 Declaration of Emergency and Duration
- 10.13.020 Emergency Routes
- 10.13.030 Prohibited Conduct on Emergency Routes
- 10.13.040 Right to Remove Vehicles
- 10.13.050 Discharging Snow onto Streets, Bridges and Culverts
- 10.13.060 Exceptions

10.13.010 DECLARARATION OF EMERGENCY AND DURATION

A Traffic Emergency shall be declared and shall commence by executive order, determination and proclamation by the Mayor of the City of Bluffton, Indiana when, in the Mayor's sole and absolute discretion, the Mayor determines, pursuant to a forecast of the United States Weather Service or otherwise, that vehicular traffic is or may become hazardous or congested and during which time the parking of vehicles along certain City streets could hinder, delay and obstruct emergency vehicular traffic or proper cleaning and clearing of such City streets. A declared Traffic Emergency shall continue until the Mayor determines that such a condition no longer exists and accordingly terminates the Emergency.

10.13.020 EMERGENCY ROUTES

During such time that the Mayor shall have declared a Traffic Emergency, the Mayor shall designate certain City streets to be emergency routes. Upon the designation of a street as an emergency route, signs shall be posted to indicate that the street or a portion thereof is closed and the street shall remain closed until the condition of the street is such that vehicles may safely travel, or be parked along the street without the risk of impeding emergency vehicular traffic or street clearing efforts.

10.13.030 PROHIBITED CONDUCT ON EMERGENCY ROUTES

During such time that a Traffic Emergency is in effect, no owner or operator of any vehicle shall cause or permit such vehicle to remain parked, stopped or driven along any street, which has been declared to be an emergency route.

10.13.040 RIGHT TO REMOVE VEHICLES

Any Bluffton Police Officer discovering a vehicle parked or being operated in violation of this Ordinance may cause such vehicle to be removed to any City garage or City property or other designated area and such vehicle may only be released upon the payment of the cost of the towing of such vehicle away from the place where it was found to be in violation of this Ordinance.

10.13.050 DISCHARGING SNOW ONTO STREETS, BRIDGES AND CULVERTS

In the event that a Traffic Emergency declared pursuant this Ordinance is the result of the accumulation of snow, during such time in which the Emergency is in effect, no person shall cause snow to be removed from any sidewalk, private property in such a way that it is discharged onto any street, bridge, or culvert within the city.

10.13.060 EXCEPTIONS

The restrictions set forth in this Ordinance shall not be applicable to actions directly related to and necessary for the protection or preservation of property or human life.

¹⁹⁸ Amended by Ordinance 1166, 2/17/2004

CHAPTER 10.14 ¹⁹⁹GOLF CARTS

Sections:

- 10.14.010 Definitions
- 10.14.020 Unlawful Operation of a Golf Cart
- 10.14.030 Requirement of Local Registration
- 10.14.040 Requirement of Driver's License
- 10.14.050 Requirement of Financial Responsibility
- 10.14.060 Time of Operation and Nighttime Restrictions
- 10.14.070 Requirement of High Visibility Flag
- 10.14.080 Place of Operation
- 10.14.090 Traffic Laws and Ordinances
- 10.14.100 Occupants
- 10.14.110 No Towing
- 10.14.120 Exceptions

10.14.010 DEFINITIONS

- A. "Golf Cart" shall mean a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.
- B. "Financial responsibility" shall have the meaning expressed in IC 9-25-4-1, et seq (as it now reads or may be amended in the future).
- C. "City Street" shall mean the entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel within the corporate limits of the City of Bluffton. The term includes, but is not necessarily limited to, streets, alleys, roads, highways, or thoroughfares.
- D. "High Visibility Flag" shall mean a flag, the banner of which that is at least sixty (60) square inches and which is orange, yellow, green or red in color.
- E. "Operate" shall mean to exercise any control over the function or movement of a golf cart.
- F. "State Highway" shall mean any street under the control of and maintained by the State of Indiana and shall include but not be limited to State Road 1, State Road 116 and State Road 124.

10.14.020 UNLAWFUL OPERATION OF A GOLF CART

It shall be unlawful to operate a golf cart on any city street except as specifically authorized by this chapter. Any person who operates a golf cart in violation of the regulations set forth in this chapter shall be subject to penalty as set forth in 1.08.010 of this code.

10.14.030 REQUIREMENT OF LOCAL REGISTRATION

Any golf cart to be operated on a city street shall be registered annually at the Police Department of the City. Each registrant shall provide the Vehicle Identification Number and proof of financial responsibility with respect to each golf cart to be registered and shall pay a registration fee of Thirty Dollars (\$30.00) for each golf cart to be registered. The registration certificate shall be maintained on or about the golf cart at all times that it is in operation.

²⁰⁰10.14.040 THE OPERATOR OF A GOLF CART ON A CITY STREET MUST HAVE:

- (1) a valid driver's license and must have the driver's license in his or her possession while operating a golf cart; or

¹⁹⁹ Adopted by Ordinance 1307, 6/30/2009

²⁰⁰ Amended by Ordinance 1460, on 11/21/2017

(2) be at least sixteen (16) years and one hundred eighty (180) days of age and hold:

- (A) an identification card issued under IC 9-24-16; or
- (B) a photo exempt identification card issued under IC 9-24-16.5.”

10.14.050 REQUIREMENT OF FINANCIAL RESPONSIBILITY

No person may operate a golf cart on city streets unless financial responsibility is in effect with respect to the golf cart as provided under IC 9-25-4-4 (as it now reads or may be amended in the future).

10.14.060 TIME OF OPERATION AND NIGHTTIME RESTRICTIONS

No golf cart shall be operated on a city street between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise unless the golf cart is equipped with two (2) headlamps, two (2) tail lamps, front and rear turn lamps, and rear brake lamps, all of which must be visible from a distance of at least five hundred feet (500’).

10.14.070 REQUIREMENT OF HIGH VISIBILITY FLAG

No golf cart shall be operated on city street unless the golf cart is equipped with a high visibility flag, the banner of which shall measure not less than (60) square inches. The flag shall be mounted on a pole in such a manner that the bottom of the banner of flag is not less than seven feet (7’) and no more than twelve feet (12’) above the ground when mounted.

10.14.080 PLACE OF OPERATION

No golf cart shall be operated on or at the following:

- A. Any city street or any portion of any city street where the speed limit in effect at the place of operation is greater than thirty (30) miles per hour;
- B. Any city street designated as a State Highway, except to cross any State Highway by traveling on a city street perpendicular to the State Highway at a location where the city street intersects with the state highway;
- C. Any sidewalk, trail, pedestrian bridge, or greenway path, not specifically designated for use by a motor vehicle.

10.14.090 TRAFFIC LAW AND ORDINANCES

The operator of a golf cart on a city street shall comply with all traffic laws and rules adopted by the State of Indiana and/or the City of Bluffton, including restrictions and prohibitions as set forth with the Title 10 of the Municipal Code of the City of Bluffton.

10.14.100 OCCUPANTS

The number of occupants of a golf cart shall be limited to six persons. The operator and occupants shall be properly seated at all times and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart while the golf cart is in operation; provided however, the operator shall use proper traffic hand signals when required. No one under the age of two (2) years shall be permitted to be an occupant of a golf cart.

10.14.110 TOWING

No golf cart shall be used to tow any type of trailer or other vehicle of any type.

10.14.120 EXCEPTIONS

Golf carts operated in connection with City’s annual street fair and with written permission of the Street Fair Board shall be exempted from the requirements of this ordinance when operated within the confines of that portion of the downtown in which fair activity is taking place; provided however, that the operator of a golf cart must still be a licensed driver and financial responsibility must be in effect with respect to the golf cart.

The Board of Public Works and Safety shall have the authority to specifically permit the use of golf carts by identified persons at other special events; provided however, that the operator of a golf cart must still be a licensed driver and financial responsibility must be in effect with respect

to the golf cart.

Sections:

10.19.020 Removal of Vehicle

10.19.020 REMOVAL OF VEHICLE

In addition to the foregoing penalty, any police officer, upon discovering any vehicle parked or stopped, in violation of this Traffic Code, may remove said vehicle or cause the same to be removed to any city garage or other city property or any public garage where such vehicle shall be released only upon payment for the cost of towing such vehicle away from the place where it was illegally parked or stopped, together with costs of storage.

Any person violating any of the provisions of this title and upon conviction thereunder shall be fined as allowed by the Law of Indiana. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder.

²⁰¹ Section 10.19.010 and 10.19.040 Repealed, by Ordinance 1144, 4/30/2002

Sections:

- 10.20.010 Repealer
- 10.20.020 Severability
- 10.20.030 Publication

10.20.010 REPEALER

All ordinances or parts of ordinances or resolutions in conflict with the provisions of this Traffic Code are hereby repealed.

10.20.020 SEVERABILITY

If any chapter, section or part thereof, clause or phrase of this Traffic Code shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.

10.20.030 PUBLICATION

This Ordinance shall be published in book form, and thereafter properly signed, attested and recorded. After all of the same has been accomplished and approved by the Mayor, copies of this Ordinance in such book form shall be distributed in the same manner and to the same officials and persons who receive copies of the Municipal Code of the City of Bluffton.

TITLE 11----- RAILROADS

Chapters:

11.01 Regulation the Sounding Whistles or Horns by Passing Trains

11.04 Regulations of Rail Operations in the City

CHAPTER 11.01 ²⁰²*REGULATION THE SOUNDING WHISTLES OR HORNS BY PASSING TRAINS*

Sections:

11.01.010 General Provisions

11.01.010 GENERAL PROVISIONS

All trains passing through the City of Bluffton, Indiana, are hereby prohibited from sounding whistles, horns or bells during their approach to intersections and grade crossings within said city between the hours of 9:00 p.m., and 7:00 a.m., except in such situations where an emergency exists requiring the train to give warning to avoid a clear and present danger.

²⁰² Adopted Ordinance 790, 8/31/1987

Sections

11.04.010	Compliance required
11.04.020	Illumination of grade crossings
11.04.030	Speed limits for operation
11.04.040	Blocking of intersections Limited
11.04.050	Crossing maintenance

11.04.010 COMPLIANCE REQUIRED

It shall be unlawful for the Norfolk and Western Railway Company, its permittees, licensees, agents, employees, successors and assigns, to operate in or through the City of Bluffton, Indiana any train engine, car or other rail-riding vehicle on any of its railroad tracks within the City except in a manner which is in full compliance with the provisions of this chapter.

11.04.020 ILLUMINATION OF GRADE CROSSING

The city may furnish and maintain at the various street grade crossings of said railway company within the limits of the City of Bluffton, such illumination as the city deems necessary to illuminate said crossings and said railway company shall furnish and maintain such additional lighting at the various street grade crossings of said railway company within the limits of the City of Bluffton as the railway company deems necessary to adequately illuminate said crossings for the protection of the public. The City and railway company shall mutually agree, at such times as deemed necessary by the city, on a monthly fee to be billed to the railway company by the city for the installation and maintenance of lights installed by the city at each of said crossings, and if said city is requested to maintain any lights installed by the railway company said monthly fee shall be arrived at as herein provided. In arriving at any fee to be billed to the railway company, whether for city owned or rail-way owned lights, the number of lights at any one grade crossing shall be considered in arriving at said fee.

11.04.030 ²⁰⁴SPEED LIMITS FOR OPERATION

The Norfolk and Western Railway Company shall restrict the movement of its trains, engines, cars or other rail-riding vehicles whether designated through movements, switching movements or other types of movements, between Silver Street and Oak Street on its consolidated Muncie Branch Main Line to speed which is at all times reasonable under the circumstances then existing, but in no event at a speed greater than thirty (30) miles per hour. The lead unit of any train being operated within the City of Bluffton Indiana shall not be operated in excess of thirty (30) miles per hour until such lead unit has passed over the last crossing within the city limits, after which said lead unit may accelerate to the normal speed for that particular line.

11.04.040 BLOCKING OF INTERSECTIONS LIMITED

At no time shall said Norfolk and Western Railway Company permit any train, engine, car or other rail-riding vehicle to remain in place on any railroad track within the limits of the City of Bluffton, Indiana for more than five (5) minutes within a distance of fifty (50) feet on either side of the edge of the pavement or traveled portion of any street grade crossing.

²⁰³ Adopted Ordinance 505, 3/26/1974---Section 11.04.100 Repealed, by Ordinance 1147, 5/14/2002

²⁰⁴ Adopted Ordinance 677, 9/14/1982

11.04.050 CROSSING MAINTENANCE

The Norfolk and Western Railway Company shall, at each street grade crossing within the limits of the City of Bluffton, Indiana, maintain the pavement of the street between its rails and for a distance of two (2) feet to the outside of each rail, and said crossings shall be maintained level with the existing grade of the street and as any street grade is changed from time to time appropriate repairs will be promptly made by said railway company as herein provided in order that said railway crossings will always be maintained to street grade. Said railway company shall also keep and maintain in a good state of repair and appearance its warning sign (cross bucks) at each of its street grade crossings within the limits of the City of Bluffton, Indiana, provided however, that this provision shall not require said railway company to maintain any warning signs placed, erected. Or maintained by the City, or by Wells County, or Indiana State Highway Departments.

TITLE 12-----²⁰⁵STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Streets, Sidewalks and Public Places

12.08 Skateboards, Roller Skates and Bicycles

²⁰⁵ Repealed and Replaced by Ordinance 1149, 5/28/2002

Sections:

12.04.010	Definition
12.04.020	Excavations: Permits Required
12.04.025	Access to City Street or Alley
12.04.030	Objects Overhanging a Street
12.04.040	Planting in Public Parks and other Public Places

12.04.010 DEFINITION

The following definitions shall apply within this chapter:

- A. "Applicant" shall mean any person, corporations, partnership or other entity who desires to perform work that will require the excavation of any part of any City Street within the corporate boundaries of the City of Bluffton, Indiana.
- B. "City Street" shall mean any street, alley, or right of way which has been dedicated and accepted for public use by the City of Bluffton, Indiana.
- C. "Street Cut" shall mean the excavation of any part of any City Street for the purpose of the installation, repair or maintenance of a sewer tap, utility transmission, line or for any purpose whatsoever.

12.04.020 EXCAVATIONS: PERMITS REQUIRED

No Applicant shall make or cause to be made any Street Cut of a City Street without first having applied for and received written permission of the Commissioner of the Street Department in the form of the "Street Cut Permit".

A Street Cut Permit authorizes the Applicant to excavate a part of a City Street under the terms and conditions approved by the Board of Public Works and Safety of the City of Bluffton, Indiana.

²⁰⁶12.04.025 ACCESS TO CITY STREET OR ALLEY

No applicant shall make or cause to be made any access intended to facilitate the entry of a vehicle onto a city street, (including an alley) from a private right of way (including but not necessarily limited to parking lots, driveways, private roads, platted roads intended to be dedicated to the City as part of a development plan or subdivision plat, or any other privately owned property) without first having applied for and received written permission of the Commissioner of the Street Department in the form of a Street Access Permit. A Street Access Permit authorizes the Applicant to create an access onto a city street under the terms and conditions approved by the Board of Public Works and Safety of the City of Bluffton, Indiana.

²⁰⁷12.04.030 OBJECTS OVERHANGING A STREET

No person shall cause or permit any object (not otherwise properly licensed, registered, or otherwise permitted to be operated on a City Street) to be placed on or along a City Street which shall by its location with respect to the City Street cause any part of the object to obstruct the flow of traffic or parking on the City Street or extend out over the street in such a manner that it could obstruct the flow of traffic or parking on the City street.

²⁰⁶ Adopted by Ordinance 1199, 10/26/04

²⁰⁷ Adopted by Ordinance 1183, 3/16/2004

²⁰⁸12.04.040 PLANTING IN PUBLIC PARKS AND OTHER PUBLIC PLACES

No person shall plant or cause to be planted in a public park, in land along the River Greenway, or in any other location owned by or under the control of the City of Bluffton, Indiana any type of vegetation without the prior written consent of the Board of Parks and recreation of the City of Bluffton.

²⁰⁸ Adopted by Ordinance 1187, 6/04/2004

Sections:

12.08.005	Definitions
12.08.010	Parental Responsibility
12.08.020	Obedience to Traffic Control Devices
12.08.030	Operating Skateboards, Roller Skates, or Bicycles on Roadways
12.08.040	Speed
12.08.050	When Emerging from Alley or Driveway
12.08.060	Clinging to Vehicles
12.08.070	Safe Operation
12.08.080	Business District Restrictions
12.08.090	Additional Penalties

12.08.005 DEFINITIONS

As used in this Chapter:

- A. "Roller Skates" shall mean any foot ware to which are attached wheels and shall include, but not necessarily limited to traditional roller skates, roller blades, and in-line skates.
- B. "Business District" shall mean the area falling within the following perimeter: Wabash River on the north, Bennett Street on the east, Poplar Street on the south and Williams Street on the West.

12.08.010 PARENTAL RESPONSIBILITY

The parent of any child, the guardian of any ward, or any other persons standing in loco parentis to any child shall not authorize or knowingly permit any child or ward to violate any of the provisions of the Ordinance. Authorizing or knowingly permitting a violation shall be grounds for an action for violation of this Ordinance.

12.08.020 OBEDIENCE TO TRAFFIC CONTROL DEVICES

Any person operating a skateboard, roller skates, or a bicycle shall obey the instructions of any traffic control signals, signs or other control device applicable to vehicles or pedestrians, unless otherwise directed by a police officer.

12.08.030 OPERATING SKATEBOARDS, ROLLER SKATES OR BICYCLES ON ROADWAYS

- A. Every person operating a skateboard, roller skates, or a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Persons riding skateboards, roller skates or a bicycle upon a roadway shall not ride more than two abreast except on surfaces set aside for the exclusive use of such vehicles.
- C. When a usable path for skateboards, or roller skates has been provided adjacent to a roadway, such path shall be used and the roadway shall not be used.

12.08.040 SPEED

No person shall operate a skateboard, roller skates, or a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

12.08.050 WHEN EMERGING FROM ALLEY OR DRIVEWAY

A person operating a skateboard, roller skates or a bicycle emerging from an alley, driveway or building, shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all vehicles or pedestrians approaching on said roadway or sidewalk.

12.08.060 CLINGING TO VEHICLES

No person operating a skateboard, or roller skates shall attach himself to any moving vehicle upon a roadway.

12.08.070 SAFE OPERATION

Skateboards, roller skates and bicycles shall at all times be operated in a safe manner that does not endanger the operator or others. In addition, skateboarders shall not suddenly and intentionally dismount a skateboard, thereby losing control of the board and causing a hazard to persons or property.

12.08.080 BUSINESS DISTRICT RESTRICTIONS

- A. No person shall operate a skateboard or roller blades within the business district of the City of Bluffton.
- B. Whenever any person is operating a skateboard, roller skates, or a bicycle upon a sidewalk or path outside of the business district, such person shall yield the right of way to any pedestrian and shall give an audible signal or warning before overtaking and passing a pedestrian.

12.08.090 ADDITIONAL PENALTIES

In addition to any penalty provided by this Code of Municipal Ordinances, any police officer who observes a violation of this Ordinance may seize as evidence and hold until disposition of the case, any skateboard used in the commission of the act deemed to be in violation of the Ordinance. In the event that the Ordinance violation results in the assessment of a fine and/or court cost against the alleged violator, the Court may authorize that any skateboard seized as evidence not be returned to its owner until all court costs, including fines and penalties, have been paid in full.

TITLE 13----- PUBLIC UTILITIES

Chapters:

- 13.04 Electric Rules and Rates
- 13.08 Water Rules and Rates
- 13.12 Sewage Rules and Rates

Sections:

13.04.010	Rules and regulations set by Board of Public Works
13.04.020	Emergency rules and regulations for the curtailment of electric service
13.04.030	Rate RS Electric Residential Service
13.04.040	Rate CS Electric Commercial Service
13.04.050	Rate MS Electric Municipal Service
13.04.060	Rate GS Electric General Service
13.04.080	Rate of Outdoor Lighting Service (Security Lighting)
13.04.090	Fuel Cost adjustment

13.04.010 RULES AND REGULATIONS SET BY BOARD OF PUBLIC WORKS

Rules and regulations for the use of electricity and the protection of equipment of equipment as well as the fees for non-recurring charges shall be set by the Board of Public Works.

13.04.020 EMERGENCY RULES AND REGULATIONS FOR THE CURTAILMENT OF ELECTRIC SERVICE

When an emergency exists which requires the reduction of load or curtailment of electric service, then the plan prepared by the Public Service Commission of Indiana and the Indiana Municipal Electric Association shall be used.

13.04.030 RATE RS ELECTRIC RESIDENTIAL SERVICE AVAILABILITY

Availability. Residential Services shall be available for single phase residential service including residential lighting, residential space heating, household appliances, refrigeration and cooking appliances, water heating and small motors not exceeding three (3) horsepower individual capacity.

Character of Service. Alternating current, sixty Hertz, single phase, at a voltage of approximately 120/240 volts three wire.

Rate

Customer Charge	\$3.93 per meter per month
Energy Charge	
For the first 500 KWH	\$0.063548 per KWH
For all the KWH above 500 KWH	0.053841 per KWH

Minimum Charge

The minimum monthly charge shall be the Customer Charge.

13.04.040 RATE CS ELECTRIC COMMERCIAL SERVICE

Availability. Commercial Service shall be available for any light and/or power purpose with a monthly maximum load of 149 kilowatts, or under. Customer must be located on or adjacent to a distribution line of the utility which is adequate and suitable for supplying the service required.

Character of Service. Alternating current, sixty Hertz, at any standard single phase and/or polyphase voltage supplied by Utility in locality for which the service is requested.

Rate

Customer Charge:

²¹⁰ Repealed and Replaced by ordinance 1151, 6/11/02

Single Phase	\$7.82 per meter per month
Three Phase	\$9.90 per meter per month

Energy Charge	
For the first 500 KWH	\$0.08383 per KWH
For the next 2000 KWH	0.07388 per KWH
For all KWH above 2500 KWH	0.06121 per KWH

Minimum Charge

The minimum monthly charge shall be the Customer Charge

Special Terms and Conditions

A customer which has equipment installed having intermittent or violently fluctuating characteristics such as welders, cranes, etc. and which has combined input capacity in excess of 50 KVA, service will be permitted under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.050 RATE MS ELECTRIC MUNICIPAL SERVICE

Availability. Municipal Service shall be available for any light and/or power purpose of a metered municipal customer.

Character of Service. Alternating current, sixty Hertz, at a standard single phase and/or polyphase voltage supplied by Utility in the locality for which the service is requested.

Rate

Customer Charge	\$7.38 per meter per month
Energy Charge	\$0.06241 per KWH for all KWH

Minimum Charge

The minimum monthly charge shall be the Customer Charge

13.04.060 RATE GS ELECTRIC GENERAL SERVICE

Availability. General Service shall be available through one meter to any customer having a maximum load of 150 kilowatts or more. The applicant must be adjacent to the Utility's distribution line that is adequate and suitable for supplying the service requested.

Character of Service. Alternating current having a frequency of sixty Hertz, and furnished at a voltage which is standard with the Utility in the area served.

Rate

Maximum Load Charge (monthly)	
Each kilowatt of Billing Maximum Load	\$8.44 per kilowatt
Energy Charge (in addition to the Maximum Load charge)	
For all energy used per month	\$0.033115 per KWH

Minimum Charge

The minimum monthly charge shall be the Maximum Load Charge.

Measurement of Maximum Load and Energy

Maximum Load shall be measured by suitable instruments, and, in any month, the maximum load shall be the average number of kilowatts in the 15-minute interval during which the energy

metered is greater than in any other 15-minute interval in such month. For the purpose of billing, the Billing Maximum Load shall be the greater of the maximum load for the month or 150 kilowatts.

Energy shall be measured by suitable integrating instruments.

Metering Adjustment

If service is metered at a voltage of approximately 480 volts or lower, the maximum load and energy measurements shall be increased by two percent (2%) to convert such measurements to the equivalent of metering at the Utility's primary voltage.

Equipment Adjustment

When customer furnishes and maintains the complete substation equipment, including any and all transformers, and/or switches and/or the equipment necessary to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of 0.33 per kilowatt of Billing Maximum Load will be applied to each month's net bill.

Special Terms and Conditions

A customer which has equipment installed having intermittent or violently fluctuating characteristics such as welders, cranes, etc. and which has combined input capacity in excess of 50 KVA, service will be permitted under this rate schedule, provided, however, that such service will be provided only through a separate transformer bank and with separate metering, and billed separately.

13.04.080 RATE OF OUTDOOR LIGHTING SERVICE

Availability. Outdoor Lighting Service shall be available only for continuous year-round service for outdoor lighting to any customer located adjacent to an electric distribution line of Utility that is adequate and suitable for supplying the service requested.

Character of Service. Outdoor Lighting Service using lamps available under this rate schedule.

Rate

<u>Type of Lamp</u>	<u>Rate per Lamp per Month</u>
175 watt mercury vapor	\$ 5.82
250 watt mercury vapor	12.96

Hours of Lighting

All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hour per annum.

Ownership of System

All facilities installed by Utility for service hereunder including fixtures, controls, poles, transformers, secondary lines, lamps and other equipment shall be owned and maintained by the Utility. All service and necessary maintenance will be performed only during regularly scheduled working hours of the Utility. Non-operative lamps will normally be restored to service within two working days after notification by customer.

When customer requests that a lamp be mounted on customer's building or pole, customer shall waive any claim for damages caused by such installation and/or removal of secondary lamp support.

Additional Facilities

This rate schedule is based on lighting fixtures which can be installed on an existing distribution type wood pole or other supporting device and served from existing secondary facilities, with not more than one span of secondary. If additional facilities are required to furnish service, the Utility will install, operate and maintain such facilities. The labor, materials and overhead cost of installation of such additional facilities and maintenance expense thereof shall be at the customer's expense.

²¹¹13.04.090 POWER ADJUSTMENT (APPLICABLE TO RATES RS, CS, GS, AND MS)

The energy charges set forth in the above rate schedules shall be increased or decreased, to the nearest 0.001 mil (\$0.000001) per KWH, in accordance with the following adjustment factor:

Adjustment Factor = P/S

Where:

- A. "P" is the estimated cost of power purchased or generated for the month immediately following the current calendar month stated in dollars.
- B. "S" is the estimated kilowatt-hour sales for the same estimated period set fourth in "P", consisting of the net sum in kilowatt-hours of:
 1. net generation;
 2. purchases;
 3. interchange-in; less
 4. inter-system sales; and less
 5. energy losses and company use.

The adjustment factor shall be modified each calendar month to reflect the difference between the power cost billed and the power cost actually incurred during the period.

The factor as computed above shall be further modified to allow a reasonable rate of return and the recovery revenue based tax charges occasioned by the power cost charge revenues.

The power cost adjustment shall be per kilowatt-hours.

²¹¹ Amended by ordinance 1261, 2/6/2007

Sections:

- 13.08.010 Establishment of Board
- 13.08.020 Rules
- 13.08.030 Rates
- 13.08.040 Basis for Water Rates
- 13.08.050 New Wells Prohibited

13.08.010 ESTABLISHMENT OF BOARD

The Board of Public Works and Safety of the City of Bluffton, Indiana shall be empowered to operate the municipally owned water department of the City of Bluffton, Indiana and shall be granted all authority conferred upon it in accordance with IC 8-1.5-3 as it now reads or may be amended in the future. The Board shall from time to time adopt policies consistent with this Ordinance regarding the day to day operation of Bluffton Utilities Water Department and the rates for non-recurring charges referenced in this Ordinance.

13.08.020 RULES

- A. Application for water connection and the use of water shall be made in writing at the Bluffton Utilities Business Office. The applicant shall present a picture identification at the time of the application and pay all required deposits and/or payments at the time of the application. Water connection, service, meter installation charges, and security deposits will be assessed at the time of the application in accordance with the Bluffton Utilities Schedule of Nonrecurring Charges and upon receipt thereof, the applicant shall be placed on the Water Distribution Work Schedule.
- B. The customer shall be required to keep the surroundings around the meter clean, dry and easily accessible to employees of the Bluffton Utilities Water Department; and to protect same from freezing. The cost of repair of any or all damages done to the meter by the owner, the owner's agent or occupant of the property to which the water is being supplied while the meter is in service, or by hot water being poured on or forced back through the meter, or before the next monthly payment of water rents. Failure to make such payments will result in all further services being withheld until all costs and water rents are paid in full.
- C. No connection or alteration whatever shall be made ahead of the water meter, whereby water may be released without passing through the meter. Should it become necessary, through the process of making repairs or alterations in the pipe line to which the meter is attached, to remove the meter, an application shall be made to Bluffton Utilities for such removal, and water shall not be turned into same again until after proper inspection is made by Bluffton Utilities and the work approved.
- D. No person not so authorized shall remove or attempt to remove the lid or covering of any water meter. It is expressly understood and agreed that the Bluffton Utilities personnel shall, at all reasonable hours, have access to any meter.
- E. If any meter stops registering, the consumer will be charged an amount equal to the average of the customer's three previous monthly billings, but not less than the minimum fee made for such service.
- F. Bluffton Utilities will issue special permits for the use of water for building purposes, or for such other special or transient uses as it may deem expedient, when the same shall not conflict with the prescribed rules of Bluffton Utilities.
- G. There shall be no waste of water either to prevent freezing of water lines or for any other purpose. Water will not be furnished to premises where there are leaky pipes or fixtures.

When such conditions are found, the supply will be shut off until repairs have been made. Consumers shall keep their own service pipes in repair and protect same from freezing at their own expense, and must prevent all unnecessary waste or use of water.

- H. All service pipes shall be installed and maintained at the expense of Bluffton Utilities from the main to the curb stop/or curb meter.
- I. No person, without authority from the Superintendent, shall turn on the water to any service. This rule does not prevent plumbers from testing their work, but they must not in any case leave the water turned on without a special permit from the superintendent.
- J. All meters shall be tested before being placed in service and no meter shall be so placed that shall not have tested and found to be at least 98% accurate. A record of these tests shall be made, and each meter in service shall be subject to periodic tests at which times such meter shall be thoroughly cleaned, inspected and repaired before being placed into service. In the event that any meter should be questioned as to accuracy by the customer, such meter shall be given a special test in the presence of the customer or his representative, and should such meter not prove to be at least 98% accurate, and the inaccuracy in the meter resulted in an overcharge to the customer, an adjustment of the customer's billing shall be made dating from the previous settlement and credit given for the amount over registered. Should such meter prove to be at least 98% accurate, then the customer shall be invoiced an amount for the test in accordance with the Bluffton Utilities Schedule of Nonrecurring Charges.
- K. No person shall open any fire hydrant or remove or obstruct the valve box of any hydrant, or place or deposit any dirt or other material in any valve and/or curb boxes, or meter boxes or turn any public or private valve and/or curb stop or commit any act tending to obstruct the use thereof.
- L. It shall be unlawful, except in time of fire, to draw or cause the water to be removed from any public or private hydrant, unless metered, or to open any valve on the aforesaid hydrants, or fire protection openings except in case of fire.
- M. Manufacturers having sprinkling systems or persons having charge of swimming pools shall not refill their tanks or swimming pools until after notifying Bluffton Utilities and obtaining consent to do so with the proper metering.
- N. In the event that the Superintendent of the Bluffton Utilities Water Department determines that the City's water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Superintendent shall declare a water conservation emergency and the Board shall prescribe rules for conservation of water until such times as the emergency is determined by the superintendent to have passed.
- O. For the purpose of billing and collecting the charges for water, usage, water meters shall be read monthly and the customers shall be billed monthly; provided however, that Bluffton Utilities shall have the option of estimating a customer's monthly water usage in the event that for any reason a meter reading cannot be taken for a particular month. If a customer's monthly usage is estimated, his bill shall be adjusted accordingly based upon the next actual meter reading. In the event that a customer requests termination of his or her water service, his meter shall be read on the date of the termination of the service and billed accordingly, but not less than minimum charge as provided herein.
- P. All water bills shall be paid on or before the date indicated on the invoice. Any payment not made on or before the due date shall be subject to a late fee assessed in accordance with this Ordinance or the policies adopted by the Bluffton Utilities Water Department.
- Q. Violation of any of the rules set forth herein shall, at the discretion of Bluffton Utilities Water Department, result in disconnection of water service and/or a fee being assessed in accordance with the Bluffton Utilities Schedule for Nonrecurring Charges.

21213.08.030 RATES

There shall be and there are hereby established for the use of and the service rendered by Bluffton Utility Water Department, the following rates and charges, based on the use of water supplied by said waterworks system:

- | | | <u>Rate Per</u> | |
|----|--|------------------------|------------------|
| | | <u>100 Cu. Ft.</u> | |
| 1. | <u>Metered Rates Per Month</u> | | |
| | First | 200 cu. ft. | \$ 3.70 |
| | Next | 800 cu. ft. | 2.84 |
| | Next | 5,000 cu. ft. | 2.17 |
| | Next | 14,000 cu. ft. | 1.49 |
| | Over | 20,000 cu. ft. | 1.19 |
| 2. | <u>Minimum Monthly Charge</u> | | |
| | Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out of the above schedule of rates. | | |
| | <u>Meter Size</u> | <u>cu. ft. Allowed</u> | <u>Per Month</u> |
| | 5/8 and 3/4 inch meters | 200 cu. ft. | \$ 7.41 |
| | 1 inch meters | 342 cu. ft. | 11.45 |
| | 1 1/4 and 1 1/2 inch meters | 553 cu. ft. | 17.43 |
| | 2 inch meters | 749 cu. ft. | 22.96 |
| | 3 inch meters | 1206 cu. ft. | 34.51 |
| | 4 inch meters | 1730 cu. ft. | 45.91 |
| | 6 inch meters | 2792 cu. ft. | 69.02 |
| 3. | <u>Public Fire Protection</u> | | |
| | For each hydrant per annum | | \$305.25 |
| 4. | <u>Private Fire Protection</u> | | |
| | <u>Sprinkling System</u> | | <u>Per Month</u> |
| | 1 1/2 inch line | | \$ 23.04 |
| | 2 inch line | | 30.61 |
| | 3 inch line | | 42.25 |
| | 4 inch line | | 49.94 |
| | 6 inch line | | 80.68 |
| | 8 inch line | | 100.67 |
| | 10 inch line | | 124.77 |
| | 12 inch line | | 179.64 |
| | For each hydrant per annum | | \$305.25 |
| 5. | <u>Tapping Charges, Collection Fees, Deferred Payment Charges, Bad Check Fees, and Reconnection Charges</u> | | |
| | Tapping Charges, Collection Fees, Deferred Payment Charges, Bad Check Charges, and Reconnection Fees shall be assessed in accordance with the Bluffton Utilities Schedule of Nonrecurring Charges. | | |
| 6. | <u>Temporary Users</u> | | |

²¹² Repealed and Replaced by Ordinance 1375, 11/26/2013

Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the metered cu. Ft. rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

13.08.040 BASIS FOR WATER RATES

The foregoing rates and charges are set at an amount to produce sufficient revenue to pay all the legal and other necessary expenses incident to the operation of Bluffton Utilities Water Department, including: maintenance costs, operation charges, upkeep, repairs, depreciation, and interest charges on bonds or other obligations, including leases; provide a sinking fund for the liquidation of bonds or other obligations, including leases; provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals; provide adequate money for working capital; provide adequate money for making extensions and replacements to the extent not provided for through depreciation; and provide money for the payment of any taxes that may be assessed against the utility. Bluffton Utilities Water Department shall pay to the City of Bluffton, Indiana General Fund each year a payment in lieu of taxes, calculated pursuant to the following formula; Net plant (NP) plus 2/3 material inventory (MI) divided by 3, multiplied by the corporate tax rate (CTR) less a state credit as determined by the State Board of Tax Commissioners.

13.08.050 NEW WELLS PROHIBITED

The digging and construction of water wells for private use, whether commercial or residential, shall be prohibited within the corporate boundaries of the City of Bluffton, Indiana. This shall not prohibit the use or repair of water wells that exist within the city of Bluffton at the time of the passage of this Ordinance.

Sections:

- 13.10.010 Definition of Cross Connection
- 13.10.020 Cross-Connections Prohibited
- 13.10.030 Duties of Bluffton Utilities to Inspect
- 13.10.040 Authority of Bluffton to Enter and Inspect
- 13.10.050 Discontinuation of Water Service
- 13.10.060 Emergency Discontinuation of Service
- 13.10.070 Necessity of Backflow Preventer by Certain Consumers
- 13.10.080 Supplemental Effect of Ordinance
- 13.10.090 Necessity of Backflow Preventer in Discretion of Water Superintendent

13.10.010 DEFINITION OF CROSS CONNECTION

"Cross-connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Bluffton water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

13.10.020 CROSS-CONNECTIONS PROHIBITED

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of City of Bluffton may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by Bluffton Utilities and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10

13.10.030 DUTY OF BLUFFTON UTILITIES TO INSPECT

It shall be the duty of Bluffton Utilities to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by Bluffton Utilities

13.10.040 AUTHORITY OF BLUFFTON TO ENTER AND INSPECT

That upon presentation of credentials, the representative of Bluffton Utilities shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of City of Bluffton for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

13.10.050 DISCONTINUATION OF WATER SERVICE

Bluffton Utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water services shall be discontinued only after reasonable notice is served on the owner, lessee,

²¹³ Adopted by Ordinance 1425, 2/26/2016

or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

13.10.060 EMERGENCY DISCONTINUATION OF SERVICE

If it is deemed by Bluffton Utilities that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the City of Bluffton and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing with 10 days of such emergency continuance.

13.10.070 NECESSITY OF BACKFLOW PREVENTER BY CERTAIN CONSUMERS

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users as defined in 327 IAC 8-10-4 shall install and maintain a reduced pressure principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. The reduced pressure principle backflow preventers shall not be installed below ground level.

13.10.080 SUPPLEMENTAL EFFECT OF ORDINANCE

This ordinance does not supersede the Indiana Plumbing Code, the IDEM Rule 327 IAC 8-, but is supplementary to them.

13.10.090 NECESSITY OF BACKFLOW PREVENTER IN DISCRETION OF WATER SUPERINTENDENT

If, in the discretion of the Superintendent of the Water Department, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of the Water Department will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at this own expenses, install such an approved device at a location and in a manner approved by the Superintendent of the Water Department and shall have inspections and tests made of such approved devices as required by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10.

Sections:

13.12.010	Definitions
13.12.020	General Provisions
13.12.030	Discharge to Public Sewers
13.12.040	Discharge to Private Sewers
13.12.050	Building Sewers
13.12.060	Provision for Stormwater and Drainage
13.12.070	Prohibited Discharges
13.12.071	Responsibility for Obstructing or Damaging Sewers
13.12.072	Special Agreements
13.12.075	Nuisance Ordinance
13.12.078	Back Flow Devices
13.12.080	Prior Approval for Certain Wastes
13.12.081	Pretreatment Facilities
13.12.082	Prior Approval of Pretreatment Facilities
13.12.083	Operation of Pretreatment Facilities
13.12.084	Grease and Sand Traps
13.12.090	Control of Admissible Industrial Wastes
13.12.091	Legal Authority
13.12.100	Sewage Rates – Inside City Users
13.12.105	Sewage Rates and Fees for Customers Outside the City Limits
13.12.110	Metering Regulations
13.12.120	Strength-of-waste Surcharge
13.12.130	Direct Connection Charges
13.12.140	Billing of Service Charges
13.12.150	Delinquent Accounts
13.12.160	Tampering with or Injuring Parts of System
13.12.170	Superintendent's Duties; Inspection
13.12.180	Access to Private Property
13.12.200	Penalty
13.12.210	Enforcement Responses

13.12.010 DEFINITIONS

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Method for the Examination of Water and Wastewater published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and set forth in 40CFR136. Waste constituents and characteristics shall be measured by Standard Methods unless a mutually agreed upon acceptable alternative method is adopted, or as established by state or federal regulatory agencies. Monitoring will be carried out by customarily accepted methods.

- A. "City" - The City of Bluffton, Indiana or any duly authorized officials acting on its behalf.
- B. "Board of Public Works and Safety" - The administrative governing body of the public utilities of the City of Bluffton, Indiana.

²¹⁴ Repealed and Replace by Ordinance 1445, 2/14/2017

- C. "Department" - The City of Bluffton Wastewater Treatment Plant including the sewer collection and wastewater treatment facilities.
- D. "Superintendent" - The administrative head of the department and/or the appointed representative of the Board of Public Works and Safety.
- E. "Inspector" - A person authorized by the City through the Board of Public Works and Safety or the Superintendent of the Department.
- F. "Federal Act" - The Federal water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the act.
- G. ANPDES Permit" - National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants.
- H. "POTW"- A treatment works that is owned by a state or a municipality. This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- I. "Sewage System" - The network of publicly owned sewers and appurtenances used for collecting, transporting and pumping wastewater to the wastewater treatment plant.
- J. "Sewage Works" - Sewers, wastewater treatment plant sewerage system, and any associated structures or equipment.
- K. "Wastewater Treatment Plant" - Any arrangement of devices and structures used by the City for treatment and disposing of sewage and sludge.
- L. "Sewer" - A pipe or conduit laid for carrying wastewater or other liquids.
- M. "Combined Sewer" - A sewer which carries both storm, surface, ground water runoff and wastewater.
- N. "Public Sewer" - A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- O. "Sanitary Sewer" - A sewer which carries wastewater and to which storm, surface and ground waters and unpolluted industrial wastewater are not intentionally admitted.
- P. "Storm Sewer" - A sewer which carries storm surface and ground water drainage but excludes wastewater.
- Q. "Person" - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society institution, enterprise governmental agency, the State of Indiana, the United States of America, or other entity.
- R. "Premises" - A parcel of real estate including any single improvements thereon which is determined by the City to be a single user for purposes of receiving using and paying for service. Any additional improvement on the same parcel of real estate which is determined by the City to be a user shall be separately connected to the sewage system for the purposes of receiving, using and paying for service.
- S. "User" - Any person that discharges causes or permits the discharge of wastewater into the sewage system.
- T. "User Classes" - The Industrial Class may include any user, identified in the most recent Standard Industrial Classification Manual, as amended and supplemented, under the following divisions: Division A -Agriculture, Forestry and Fishing; Division B Mining' Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary Services and Division I - Services. The Non-Industrial Class shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity.
- U. "Indirect Discharge"-The introduction of pollutants into a POTW from any non- domestic

source.

- V. "Industrial User"- Source of Indirect Discharge.
- W. "Significant Industrial User"- An Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
- X. "Nuisance" - Anything which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.
- Y. "Watercourse" - A channel in which a flow of water occurs, either continuously or intermittently.
- Z. "Waters of the State" - Any water surface or underground, within the boundaries of Indiana, except confined waters in sewers, tanks, etc.
- AA. "Receiving Stream" - The watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.
- BB. "Natural Outlet" - An outlet into a watercourse pond, lake or other body of surface or groundwater.
- CC. "Influent" - The water together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
- DD. "Outfluent" - Water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- EE. "Inflow" - The water discharged into a sewer system including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins storm waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- FF. "Infiltration" - The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints connections, or manhole walls.
- GG. "Building (or House) Drain" - The lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately four (4) feet outside the foundation wall of the building.
- HH. "Building (or House) Lateral Sewer" - The extension from the building drain to the sewerage system or other place of disposal.
- II. "Beneficial Uses" - These uses include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.
- JJ. "Pollution" - An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses.
- KK. "Garbage" - Any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sales of produce.
- LL. "Ground (shredded) Garbage" Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the

- sewerage system, with no particle being greater than one-half inch in dimension.
- MM. "Wastewater Constituents and Characteristics" - The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
- NN. "Holding Tank Waste" - Any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, etc.
- OO. "Sanitary Sewage" - The discharge from sanitary conveniences of dwelling (including apartment houses and hotels), office buildings, factories, or institutions; free from storm and surface water and industrial wastes.
- PP. "Industrial Wastes" - Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user.
- QQ. "Waste" - Includes sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.
- RR. "Wastewater" - The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground surface and storm waters as may be present.
- SS. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination together with such ground, surface and storm waters as may be present.
- TT. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40CFR, 136.
- UU. "Operation and Maintenance Expenses" shall mean all annual expenses related directly to operating and maintaining the sewage works as identified in "Uniform System of Accounts for Wastewater Utilities: or as prescribed by the State Board of Accounts under general headings Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts. Administrative and General Insurance and Taxes.
- VV. "Equipment" shall mean all movable, non-fixed items necessary to the wastewater treatment process.
- WW. "Real Property" shall mean all non-movable fixed in place items such as structures and buildings housing equipment or otherwise used in the wastewater treatment plant process.
- XX. "Service Life" shall mean the period of time during which a component of a wastewater treatment works will be capable of performing a function; and the maximum life components constructed under EPA Project No. C180533-01 are hereby set as follows
1. Real Property - 50 years commencing from June 1, 1978
 2. Process Equipment - 30 years commencing from June 1, 1978
 3. Auxiliary Equipment - 15 years commencing from June 1, 1978
- YY. "Replacement" shall mean expenditures for procuring and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain its designed capacity and performance.
- ZZ. "Biochemical Oxygen Demand" or (BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days (5) at 200 Centigrade. The

laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

AAA."Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."

13.12.020 GENERAL PROVISIONS

- A. Bylaws, Rules and Regulations. The Board of Public Works of the City of Bluffton shall in accordance with the statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Works, for the construction and use of building sewers and connections to the sewerage system, in general, for the implementation of the provisions of this chapter.
- B. Requirements for connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extensions costs lain against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.
- C. The Board of Public Works and Safety shall have the authority to require an owner of real property to disconnect from a building sewer, which drains into a sanitary sewer any downspouts, yard drains or other drains, which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements. The board of Public Works and Safety shall not authorize any tap permit, which will cause excess flow BOD and/or Suspended Solid loading of the wastewater treatment plant, force mains, lift stations or sewers.
- D. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.
- E. Connections to Sewerage System by Certain Out-of City Properties. Notwithstanding the provisions of the above paragraph, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph B.
- F. Violations and Penalties. Any person found to be violating or failing to comply with any or the provisions of this chapter shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- G. Any person who shall continue any violation beyond the stated time limit shall be subject to a fine at the discretion of the Board of Public Works upon the recommendation of the Superintendent. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable

to the City for expense; loss or damage occasioned the City by reason of such violation.

H. The City shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewage system and shall ensure that new sewers and connections to the sanitary sewers are properly designed and connected.

I. The City shall not approve any new connection into the sanitary sewers, which will cause overloading.

13.12.030 DISCHARGE TO PUBLIC SEWERS

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste. It shall be unlawful to discharge to any natural outlet within said City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. The owner of all houses, building, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line.

13.12.040 DISCHARGE TO PRIVATE SEWERS

Where a public sanitary or combined sewer is not available under the provisions of the above paragraph, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Superintendent. A permit and inspection fee of five dollars (\$5.00) shall be paid to the City at the time the application is filed. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana and the Wells County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than six thousand (6,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in the above paragraph, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

13.12.050 BUILDING SEWERS

No unauthorized person shall uncover, make any connections with or opening into, use, alter, disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

There shall be two (2) classes of building sewer permits. (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of five dollars (\$5.00) for a residential building sewer permit shall be paid to the City at the time the application is filed.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner, The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another or on interior lot and no private sewer is available or can be constructed to the to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Superintendent, to meet all requirements of this chapter,

The size, slope, alignment materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

No person shall make connection of roof downspouts exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said City.

13.12.060 PROVISION FOR STORMWATER AND DRAINAGE

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage uncontaminated cooling water, or unpolluted industrial process

waters to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the said Superintendent, to a storm sewer, combined sewer or natural outlet.

13.12.070 PROHIBITED DISCHARGES

Prohibitions and limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances wastes or waters. These prohibitions apply to both Domestic and Industrial Discharges

- A. Any liquid or vapor that exceeds forty (40) degrees Celsius or one hundred and four (104) degrees Fahrenheit at the Wastewater Treatment Plant unless the commissioner, upon request of the Wastewater Treatment Plant, approves alternate temperature limits.
- B. Any waters or wastes containing more than 50 milligrams per liter of fats, oils, greases or waxes.
- C. Petroleum, oil, nonbiogradable cutting oil, or products of mineral oil origin in an amount that could cause interference or pass through or any other flammable or explosive liquid, solid or gas. This includes a pollutant that could create a fire or explosion hazard in the Wastewater Treatment Plant including waste streams with a closed cup flashpoint of less than one hundred and forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods in 40 CFR 261.21
- D. Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- E. Any garbage that has not been properly ground.
- F. Any ashes, cinders sand, mud straw, shavings wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or fiascoes substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Wastewater Treatment Plant.
- G. Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
- H. Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the POTW
- I. Any copper in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer,
- J. Any zinc in excess of five (5.0) milligrams per liter in any wastes discharged into a public sewer.
- K. Any chromium (hexavalent) in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer,
- L. Any chromium (trivalent) in excess of two (2.0) milligrams per liter in any wastes discharged into a public sewer.
- M. Total chromium in any wastes discharged into a public sewer shall not be in excess of three (3.0) milligrams per liter.
- N. Any nickel in excess on one (1.0) milligram per liter in any wastes discharged into a public sewer.
- O. Any lead in excess of one-tenth (0.1) milligram per liter in any wastes discharged into a public sewer.
- P. Any cadmium in excess of two-hundredths (0.02) milligrams per liter in any wastes discharged into a public sewer.
- Q. Any cyanides, as CN ions, in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer

- R. Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- S. Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- T. Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Wastewater Treatment Plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority having jurisdiction. This also includes pollutant, including oxygen demanding pollutant (such as biochemical oxygen demand) released in a discharge at a flow rate or pollutant concentration that could cause interference and any waters or wastes containing iron or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Public Works and Safety, but in no event shall the limits exceed those restrictions set forth in the City of Bluffton's NPDES Permit No. IN0022411 incorporated herein by reference.
- U. Any waters or wastes that for a duration of five (5) minutes or more have concentration more than five (5) times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a twenty-four (24) hour period of normal operation.
- V. Any waters or wastes containing suspended solids of such character and quantity that unusual provision attention and expense would be required to handle such materials at the Wastewater Treatment Plant, its pumping stations or other facilities.
- W. Any trucked or hauled pollutant, except:
 1. With the permission of the Wastewater Treatment Plant
 2. When introduced to the Wastewater Treatment Plant at a point designated by the City.
- X. Any pollutant from any source of nondomestic wastewater that could pass through or cause interference with the operation or performance of the Wastewater Treatment Plant
- Y. Any waste containing a BOD or TSS higher than 1500 mg/l
- Z. Any Industrial Waste if it is determined the discharge of such waste would be contrary to the restrictions of the City's NPDES Permit

13.12.071 RESPONSIBILITY FOR OBSTRUCTING OR DAMAGING SEWERS

If any part of the POTW becomes damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer.

13.12.072 SPECIAL AGREEMENTS

No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Works by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by the person.

13.12.075 NUISANCE ORDINANCE

No User shall discharge or cause to be discharged to the City's sanitary sewer system any waste that creates a stoppage, plugging, breakage, reduction in sanitary sewage capacity, or any other damage to sanitary sewers or sanitary sewer facilities and equipment of the City. Any such condition is considered a nuisance. The entity or entities responsible for such discharge shall be

billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer, and any damaged equipment

13.12.078 BACK FLOW DEVICES

The Indiana Department of Environmental Management (IDEM) considers any discharge of wastewater from the sanitary sewer system to be a Sanitary Sewer Overflow (SSO). All such events even backups into basements are considered violations and must be reported to IDEM. In an effort to reduce the number in an effort to reduce the number of SSO events and to prevent damage to property it is recommended to make mandatory the installation of backflow devices.

Installation of a backflow prevention device shall be required for all:

1. New Construction;
2. Repair or replacement of any existing sanitary sewer lateral;
3. Building Permit applicants who are remodeling more than twenty five percent (25%) of the structure area or where plumbing fixtures are added to the property;
4. Properties that have been damaged by the blockage of the City Sanitary sewer main;
5. On all structures where a pump is used to lift sewage to the sanitary sewer lateral and City sanitary sewer main. The backflow device shall be located to protect the structure from damage in the event the pump is pumping against a closed backflow prevention device;
6. Buildings where the elevation of any floor is at or below the invert of the City sanitary sewer main or where a condition may exist where a plug in the City sanitary sewer main will cause the hydraulic grade line to rise above the lowest floor level.

Failure of the owner to install a backflow prevention device as a result of any of the above circumstances shall relieve the City of any and all responsibilities for any and all damage caused by SSO's.

For all new construction effective from the date of the adoption of this ordinance a backflow device shall be installed on each new lateral installation. Such backflow prevention device shall be installed as part of the construction of the building sewer by the developer or builder at their expense for all construction plans approved subsequent to the adoption of this ordinance.

For plans currently approved as of the adoption of this ordinance in which sewer laterals have not been installed the backflow valve shall be installed prior to connection to the City's sewer system. This will be done at the property owner's expense. Each new sewer lateral shall be inspected and approved by a designated representative of the Superintendent.

The City shall not be responsible for any loss or damage caused by improper or defective installation of sewer laterals that have not been inspected and approved. All such installations of sewer laterals shall conform to all federal, state, county and District laws, rules, regulations and ordinances.

The City shall not be responsible for failure of the backflow prevention device for any reason, including, but not limited to, manufacturer's defect, improper installation, or failure of the property owner to properly maintain the sewer lateral or the backflow prevention device.

The property owner shall perform routine maintenance on the sewer lateral including such maintenance as is necessary to prevent the failure of the backflow device due to the accumulation of debris, foliage and other foreign particles. See manufacturer's recommendation for maintenance schedule. The City suggests that the backflow device be inspected, at a minimum, on a semiannual basis.

For those property owners which have existing sewer service laterals that do not have an approved backflow device, the City shall not be liable for any damages to real or personal property of the owner or any personal injury of the owner or the occupants of such real property due to the backflow of sewage from the main City sewer lines.

13.12.080 PRIOR APPROVAL FOR CERTAIN WASTES

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:

- A. A BOD greater than 200 milligrams per liter;
- B. A suspended solids content greater than 200 milligrams per liter; or
- C. Other contaminants or characteristics which, from their nature or quantity might be harmful to the structure, processes or operations of the POTW or to health, whether by themselves or through interacting with other wastes in the public sewers.

13.12.081 PRETREATMENT FACILITIES

When, after making a review the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the POTW or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.

13.12.082 PRIOR APPROVAL OF PRETREATMENT FACILITIES

Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City, through its Board of Public Works and Safety, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired

13.12.083 OPERATION OF PRETREATMENT FACILITIES

When such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe.

13.12.084 GREASE AND SAND TRAPS

Whenever the Board of Public Works and Safety determines that interceptors or traps are needed to protect the sewerage system or the operations of the Wastewater Treatment Plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall be subject to the City's approval as to construction, location and installation

13.12.090 CONTROL OF ADMISSIBLE INDUSTRIAL WASTES

Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, fill out and file with the City within ninety (90) days an Industrial Wastes Questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person,

an extension of time not to exceed ninety (90) days, may be granted by the Board of Public Works and Safety upon presentation of a proper application.

Any person discharging industrial wastes into a public sewer either directly or indirectly may be required by the Board of Public Works and Safety, upon the recommendation of the Superintendent, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said persons expense an approved volume-measuring device. Plans for the installment of control manholes and related equipment must be approved by the Board of Public Works and Safety upon the recommendation of the Superintendent, before construction is begun.

In addition any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary (but at least once a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Sampling period shall be for a period of seven (7) consecutive days, but may be of longer duration at the discretion of the City. In periods when the sampling program extends for a greater number of consecutive days than seven (7), the City shall have the prerogative of selecting the seven (7) consecutive days of its choice. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Public Works and Safety. Access to sampling facilities shall be granted at all times to the

Superintendent or his duly authorized representative. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However alternative methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Superintendent and the User provided they meet federal requirements as set forth in 40CFR136. The City may make, without charge to the user, the initial analysis of the user's wastes as well as other initial tests the Superintendent may deem advisable. Regular periodic check analysis and analysis made by the City at the request of the user shall be charged to the user according to the standard work order billing practice. All such analysis shall be binding in determining strength of wastes surcharges and other matters dependent upon the character and concentration of wastes.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City shall, for the purpose of this chapter, make a determination of the character and concentration of the user's wastes by using data based on analysis of similar processes or data for his type of business that are available from the U. S. Environmental Protection Agency or from industry- recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

All data collected pertaining to industrial wastes including records kept by each industrial user shall be subject to audit and review by the Environmental Protection Agency.

A person who is a licensed commercial, or industrial waste hauler may discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set Out herein, to the wastewater treatment plant at a time and place and in such amounts as permitted by the City. Wastewater so received must have been generated from within Wells County.

13.12.091 LEGAL AUTHORITY

The City of Bluffton shall have the legal authority to perform the following:

- A. Develop and enforce specific limits on prohibited substances;
- B. Immediately halt or prevent any discharge of pollutants to the POTW reasonably appears

- to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;
- C. Enter the premises of any industrial user to conduct inspections, surveillance, recordreview, and/or monitoring, as necessary to determine compliance with this ordinance and, if applicable, any effective industrial wastewater pretreatment permit;
 - D. Accept or deny any new or increased discharges from any indirect discharger;
 - E. Require compliance with all applicable pretreatment standards and requirements by indirect dischargers;
 - F. Impose fees, if necessary, to offset the cost incurred by the permittee for administering the pretreatment program requirements by indirect dischargers;
 - G. Impose a fine of not more than \$2,500 per day, per violation for a first violation nor more than \$7500 per day, per violation for subsequent violation, in accordance with IC 36-1-3-8(a) (10) (B)

13.12.100 SEWAGE RATES- INSIDE CITY USERS

For the use of and the service rendered by said sewage works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building that is or could be connected to the City's sewerage system or otherwise discharges sanitary sewage, industrial wastes, water of other liquids, either directly or indirectly, into the sewerage system of the City, which sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

<u>Consumption per month</u>	<u>Monthly Sewer Charge per 100 cubic feet</u>
First 300 cubic feet	\$ 5.26
Over 300 cubic feet	4.84

The minimum monthly charge for any metered user shall be:

<u>Monthly Minimum Allowed Sewer Charges</u>
\$ 15.78

The minimum monthly sewer charge for any residential user who is not a metered water customer shall be:

<u>Monthly Minimum Allowed Sewer Charges</u>
\$ 40.32

The minimum monthly sewer charge for any commercial or industrial user who is not a water customer shall be one of the following:

<u>Estimated cubic Ft. Per month</u>	<u>Monthly Sewer Charges</u>
910	\$ 45.30
955	47.48
1084	53.73
1472	72.50
1602	78.80

1740	85.48
1860	91.28
2295	112.34
3600	175.50
7336	356.32
8257	400.90
24429	1,183.62

13.12.105 SEWAGE RATES AND FEES FOR CUSTOMERS OUTSIDE THE CITY LIMITS

For the use of and the service rendered by said Sewage Works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building outside the City that is or could be connected to the sewer system or otherwise discharges sanitary sewage, industrial wastes, water of other liquids, either directly or indirectly, into the sewer system, which sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

<u>Consumption per month</u>	<u>Monthly Sewer Charge per 100 cubic feet</u>
First 300 cubic feet	\$ 6.89
Over 300 cubic feet	6.47

The minimum monthly charge for any metered user shall be:

<u>Cubic Feet</u>	<u>Monthly Minimum Allowed Sewer Charges</u>
300	\$ 20.67

The minimum monthly sewer charge for any residential user who is not a metered water customer shall be:

<u>Monthly Minimum Allowed Sewer Charges</u>
\$ 63.24

The minimum monthly sewer charge for any commercial or industrial user who is not a water customer shall be one of the following:

<u>Estimated cubic Ft. Per month</u>	<u>Monthly Sewer Charges</u>
910	\$ 45.30
955	47.48
1084	53.73
1472	72.50
1602	78.80
1740	85.48
1860	91.28
2295	112.34
3600	175.50
7336	356.32

8257
24429

400.90
1,183.62

13.12.110 METERING REGULATIONS

In the event two (2) or more users discharging sanitary sewage, water or other liquids into the City's sewerage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewer charges shall apply to each of the users served through the single water meter.

In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the City's sanitary sewerage systems, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum charge shall be not less than the number of dwelling units times the minimum charge hereinbefore set forth. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided, Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, made adjustments in the minimum charge and in the use charge as may be equitable. For the service rendered to the City, the City shall be subject to the same sewer charges hereinabove provided or to sewer charges established in harmony therewith.

The user charges and debt service charges set forth in Section 13.12.100 shall be changed, as necessary, by the Common Council.

13.12.120 STRENGTH-OF-WASTE SURCHARGE

Each industrial or non-industrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:

- A. A biochemical oxygen demand of 200 milligrams per liter; or where BOD cannot be determined, then in lieu of BOD, a chemical oxygen demand of 400 milligrams per liter;
- B. A total suspended solids content of 200 milligrams per liter;
- C. A phosphate content of 12 milligrams per liter; or
- D. An ammonia-nitrogen content of 15 milligrams per liter;

The surcharge shall be determined as follows:

- A. The excess pounds of BOD or (COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between:
 - 1. The concentrations measured in milligrams per liter of the BOD or (COD) and of the suspended solids respectively in the customer's sewage; and
 - 2. The allowed concentrations set out in Section 13.12.120 (A). The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph C.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- A. For biochemical oxygen demand (BOD) B \$ 0.21 per pound

- B. For chemical oxygen demand (COD) where BOD cannot be determined B \$ 0.21 per pound
- C. For total suspended solids B \$ 0.32 per pound
- D. For phosphates B \$ 1.29 per pound
- E. For ammonia-nitrogen B \$ 0.97 per pound

13.12.130 DIRECT CONNECTION CHARGES

In the event of direct connection of property to any sanitary sewer, the connection charge as follows to be paid to Bluffton Utilities Office.

Single family dwelling	\$400.00
Multi-family dwelling (not over 4 units)	\$200.00 each unit
Commercial or industrial	\$600.00 to tap sanitary sewer (plus \$75.00 each unit)
Housing development	\$400.00 to tap sanitary sewer (Plus \$75.00 each lot)
Trailer Park	\$400.00 to tap sanitary sewer (plus \$75.00 each lot)

13.12.140 BILLING OF SERVICE CHARGES

Billing Period. Sewer charges for sewerage service shall be prepared and billed by the City along with the bills for water service and shall be payable at the same time as the water bills.

Liability for Payment. The sewer charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.

First Billings. The sewer charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the sewer charges for such billing shall be made in keeping with standard practice in the water utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such sewer charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

13.12.150 DELINQUENT ACCOUNTS

1. How Delinquencies Arise. Charges for sewerage service levied pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen days after the bill is rendered) shall be considered delinquent.

Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth. **2. Collection through the Tax Duplicate.** As provided by the Statutes of the State of Indiana, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of the County. In such case, the delinquent service charges, together with the mandatory penalty of ten percent (10%), shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

3. Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring civil action to recover any delinquent charges together with a penalty of ten

percent (10%) and a reasonable attorney's fee, It shall also have the right, as provided by the Statutes of the State of Indiana, to foreclose any lien established under the provisions of Section 13.12.140 B., with recovery of the charge, a penalty of ten percent (10%) and a reasonable attorney's fee.

13.12.160 TAMPERING WITH OR INJURING PARTS OF SYSTEM

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

13.12.170 SUPERINTENDENT'S DUTIES; INSPECTION

The Superintendent, Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provision of this chapter.

13.12.180 ACCESS TO PRIVATE PROPERTY

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, and sampling, testing in accordance with the provisions of this ordinance. Entry shall normally be made during daylight or operating hours or at reasonable times. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical oil, or refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment,

While performing the necessary work on private properties referred to in the above paragraph, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing Out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

The Superintendent and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13.12.200 PENALTY

Industrial Users shall notify the City immediately upon discharging wastewater in violation of this chapter to enable counter measures to be taken by the City in minimize damage to the sewerage system, wastewater treatment plant, treatment processes and the receiving stream. This notification shall be followed, within fifteen (15) days of the date of occurrence by a detailed written report describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

Such notification shall be followed, with fifteen (15) days of the date of damage to the sewerage

system, wastewater treatment plant or treatment process, or any fines imposed by the City. A notice shall be permanently posted advising designated responsible employees to call the Bluffton Wastewater Treatment Plant in case of accidental discharge in violation of this chapter.

The City shall have the following methods of recourse in event of repeated or willful failure by a user to meet the wastewater admissibility requirements of this chapter.

When the City finds that a discharge of wastewater has been taking place, in violation of the admissibility requirements prescribed in 13.12.131 of this chapter, or the provisions of an Industrial User permit, the City may require the user to submit for approval a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. When the City finds that a discharge of wastewater has taken place in violation of the admissibility requirements of this chapter, or the provisions of an Industrial User permit, the City may issue an order to cease and desist, and direct the user to do any of the following:

- A. Comply forthwith;
- B. Comply in accordance with a time schedule set forth by the City; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

When the City finds that a discharge of wastewater is in violation of the admissibility requirements of 13.12.030 of this chapter or the provisions of an Industrial User permit, or otherwise causes or threatened to cause a condition of pollution or nuisance, the City may petition for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such a discharge.

The City may terminate or cause to be terminated wastewater service if a violation of any provisions of this chapter or the Industrial User permit is found to exist or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this chapter or causes the City to violate the terms of its NPDES Permit #IN0022411. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

Any user affected by any decision, action, or determination, including Cease and Desist Orders, made by the Superintendent, interpreting or implementing the provisions of this chapter, or any permit issued herein, may file with the Superintendent a written request for reconsideration within ten (10) days of such a decision, action, or determination, setting forth in detail the facts supporting the users request for reconsideration,

If the ruling made by the Superintendent is unsatisfactory to the person requesting reconsideration, he may with ten (10) days from the notification of the Superintendent, file a written appeal to the Board of Public Works and Safety. The written appeal shall be heard by the Board within thirty (30) days from the date of filing. The Board of Public Works and Safety shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The Superintendent's decision, action or determination shall remain in effect during such period of reconsideration.

Whenever in any ordinance of the City, or rule or regulation promulgated by any officer or agency thereof, under authority invested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do an act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provisions of said ordinance, rule or regulation shall be punished by a fine. Every day any violation of any such ordinance, rule or regulation shall continue shall constitute a separate offense.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

Any person found to be violating any provision or Sections 13.12.020 through 13.12.090, inclusive, shall be served by the City with written notice stating the nature of the violations and providing a reasonable time limit for the satisfactory correction thereof. The offender shall,

within the period of time stated in such notice permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in the above Section A., herein, shall be fined for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provision of Sections 13.12.020 through 13.12.090, hereof, shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

13.12.210 ENFORCEMENT RESPONSES

I. Authority

This Ordinance shall be enforced by the City of Bluffton Board of Works and Public Safety also known as the Control Authority. The Superintendent of the wastewater Treatment plant is the duly authorized representative of the Control Authority in all enforcement activities related to this ordinance. Enforcement actions which require legal action are made by the Board of Works and Public Safety upon recommendation by the Superintendent.

II. Intent

1. To establish enforcement responses that are appropriate to the severity and nature of the violation, the overall degree of noncompliance; to protect the integrity of the treatment plant process ;and
2. To provide a uniform application of enforcement responses to comparable levels of violations; and
3. To stress the importance of the pretreatment program along with proper operation and maintenance of pretreatment facilities.

III. Categories of Violations

1. Violations of monitoring sampling and reporting
2. Violations of compliance schedules
3. Violations of discharge limits
4. Violations detected through field inspection and monitoring

IV. Types Enforcement Responses

1. VTN-Verbal Telephone Notice
2. SV-Site Visit
3. LOV-Letter of Violation
4. SCH-Show Cause Hearing
5. AO-Administrative Order
6. ECS-Enforcement Compliance Schedule
7. AF-Administrative Fine
8. LIT-Litigation
9. SNC-Significant Noncompliance
10. TRC-Technical Review Criteria

V. Description of Enforcement Responses

1. VTN-Verbal Telephone Notice- Used to notify a industrial user of a very minor type of violation, such as a report being received one or two days late
2. SV-Site Visit- A visit to the site to observe and discuss a problem with an industry. The site visit may require a written response within ten (10) days indicating the reason for noncompliance and steps taken to prevent future violations.
3. LOV-Letter of Violation- A written notification to the industrial user indicating the type of alleged violation and requiring a written response within ten (10) days indicating the reason for noncompliance and steps taken to prevent future violations
4. SCH-Show Cause Hearing- A meeting to show why a proposed enforcement

action should not be taken. Notice shall be served on each user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user indicate why the proposed enforcement should not be taken. The notice shall be served by registered or certified mail (return receipt requested) at least ten (10) days prior to the meeting. Whether or not the user appears as requested, immediate enforcement action may be pursued following the hearing date.

5. AO-Administrative Order- An administrative order can be used in cases where the City has reached agreement with the user to take corrective action to prevent future violations. The order would be used to outline minor compliance schedules, along with other conditions that might be required, such as additional monitoring and reporting etc.
6. ECS-Enforcement Compliance Schedule- This is a formal Enforcement Compliance Schedule and may be signed by both the City and the industry involved. The ECS is used when serious or long term violations of discharge limits occur that usually require design and construction of new or additional pretreatment facilities. The time frame involved may be from six (6) months to more than a year depending on the extent of the facilities to be constructed. The schedule may also contain administrative fines. Violations of the ECS can result in the next step consisting of additional administrative fines.
7. AF-Administrative Fine- Is used in the even all lower types of enforcement has failed. The next response step is court action. The administrative fine exists to avoid court activity but at the same time correct the problem. A fine of not more than \$2,500 per day, per violation for a first violation nor more than \$7500 per day, per violation for subsequent violation, in accordance with IC 36-1-3-8(a) (10) (B)
8. LIT-Litigation- May become necessary in the event that all other efforts to resolve violations of this ordinance have failed. In such an event, it may become necessary to file civil suits for injunctive relief and or civil penalties, termination of services, etc. Since actions of this type would involve the court system, the City Attorney would handle the procedures for due process.
9. SNC-Significant Noncompliance- User violations which meet one or more of the following criteria:
 - A. Violations of discharge limits:
 - a. Chronic Violations- Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.
 - b. Technical Review Criteria (TRC)- Thirty three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period. There are two groups of TRC's:
 - i. For conventional pollutants(BOD, TSS, Fats, Oils 7 Grease, Phosphorous, Ammonia, pH, and TRC 1.4 x daily maximum)
 - ii. For all other pollutants TRC = 1.2 x daily maximum limits
 - c. Any other violation or violations of an effluent limit (average or daily maximum) that the superintendent has determined has caused, alone or in combination with other discharges, interferences, slug loads or pass through or endangered the health of the treatment personnel or the general public.
 - d. Any discharge of a pollutant which has caused imminent endangerment to human health or to the environment which resulted in the superintendent exercising his emergency authority to halt or prevent such discharge.
 - B. Violations of compliance schedule milestones contained in a local enforcement order for starting construction, completing construction, and

attaining final compliance by ninety (90) days or more after the scheduled dates.

- C. Failure to provide reports for any compliance schedules, self-monitoring, data, baseline monitoring reports, and any other report due within thirty (30) from the due date.
- D. Failure to accurately report noncompliance
- E. Any other violation or group of violations that the superintendent believes to be significant.

The City of Bluffton reserves the right to follow the above actions as outlined; or to take those actions which may be more severe, in response to the nature, severity, or recurrence.

Those instances which may be found to be most egregious by the Board of Works upon the recommendation of the Superintendent will be dealt with the most severely. Examples of these types of incidents may be those incidents that put at risk the life or health of the employees of the WWTP, that cause a pollutant to pass through the plant and enter the waters of the Wabash River untreated, may kill off the naturally occurring biological processes occurring in the Bluffton WWTP, damage to the POTW and all of its parts and components, and those instances that will cause the Bluffton WWTP to be in noncompliance with NPDES permit #IN0022411. This list is for purposes of example and is not to be considered exhaustive.

The Board of Public Works and Safety shall appoint the Superintendent of the Wastewater treatment Plant to develop and adopt a guidance document outlining the procedures to enforce this ordinance.

²¹⁵ Adopted by Ordinance 1282, 4/15/2008

ENFORCEMENT RESPONSE GUIDE

I. Purpose

The Enforcement Response Guide provides a framework on how the City of Bluffton investigates and responds to instances of Industrial and/or non-residential noncompliance with discharge standards set forth in the City's Sewer Use Ordinance. (Section 13.12)

These procedures have been promulgated by the EPA, to include ranges of enforcement responses available to the City of Bluffton in the event of noncompliance. In any specific case, factors may warrant different responses than those contained in these procedures for a variety of reasons, such as, the degree of variance from pretreatment standards, duration of violation, previous enforcement actions and the deterrent effect of the response.

The enforcement response procedures address a broad range of pretreatment violations. It is not the intent of these procedures to limit the enforcement discretion of the administering agencies.

II. Enforcement Authority

This ordinance shall be enforced by the City of Bluffton Board of Works and Safety also known as the Control Authority. The Superintendent of the wastewater treatment plant is the duly authorized representative of the Control Authority in all enforcement activities related to this ordinance. Enforcement actions which require legal action are made by the Board of Works and Safety upon recommendation of the wastewater treatment plant superintendent

III. Intent

It is the intent of this ordinance:

1. To establish enforcement responses that are appropriate to the severity and nature of the violation, the overall degree of noncompliance; to protect the integrity of the treatment plant process; and
2. To provide a uniform application of enforcement responses to comparable levels of violations; and
3. To stress the importance of the pretreatment program along with proper operation and maintenance of pretreatment facilities.

IV. Categories of Violations

- Violations of monitoring, sampling and reporting.
- Violations of compliance schedules.
- Violations of discharge limits.
- Violations detected through field inspection or monitoring.

V. Types of Enforcement Responses

1. VTN – Verbal telephone notice.
2. SV - Site visit.
3. LOV – Letter of violation.
4. SCH - Show cause hearing

5. AO - Administrative order.
6. ECS - Enforcement compliance schedule
7. AF - Administrative Fine.
8. LIT - Litigation.
9. SNC - Significant noncompliance
10. TRC - Technical review Criteria.

VI. Description of Enforcement Responses

1. VTN – Verbal Telephone Notice – A verbal telephone notice is used to notify an industrial user of a very minor type of violation, such as a report being received one or two days late.
2. SV – Site visit – A visit to the site to observe and discuss a problem with an industry. The site visit may require a written response within ten (10) days indicating the reason for noncompliance and steps taken to prevent the violation in the future.
3. LOV – Letter of Violation - A written notification to the industrial user indicating the type of alleged violation and requiring a written response within ten (10) days indicating the reason for noncompliance and steps taken to prevent future violations.
4. SCH – Show Cause Hearing – A meeting to show why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user indicate why the proposed enforcement should not be taken. The notice shall be served by registered or certified mail (return receipt requested) at least ten (10) days prior to the meeting. Whether or not the user appears as requested, immediate enforcement action may be pursued following the hearing date.
5. AO – Administrative Order – An Administrative Order can be used in cases where the City has reached agreement with the user to take corrective action to prevent future violations. The order would be used to outline minor compliance schedules, along with other conditions that might be required, such as additional monitoring and reporting etc.
6. ECS – Enforcement Compliance Schedule – This is a formal Enforcement Compliance Schedule and may be signed by both the City and the industry involved. The ECS is used when serious or long term violations of discharge limits occur that usually require design and construction of new or additional pretreatment facilities. The time frame involved may be from six (6) months to more than a year depending on the extent of the facilities to be constructed. The Schedule may also contain administrative fines. Violations of the ECS can result in the next step consisting of additional administrative fines.
7. AF – Administrative Fine – An Administrative Fine would be used in the event all lower types of enforcement have failed. The next response step is court action. The administrative fine exists to avoid court activity but at the same time correct the problem. The maximum fine is \$2,500.00 per violation per day.
8. LIT – Litigation – Litigation may become necessary in the event that all other efforts to resolve violations of this ordinance have failed. In such event, it may become necessary to file civil suits for injunctive relief and/or civil penalties, termination of service, etc. Since actions of this type would involve the court system, the City Attorney would handle the procedures for due process.

The wastewater superintendent will be responsible for making a recommendation to the Board of Public Works and Safety to initiate Litigation. The superintendent will also be responsible for maintaining the records of all response procedures undertaken as well as the date of each response and any action taken by the industry.

Every three (3) months, the superintendent shall; be responsible for reviewing the files to determine if there have been any Significant Noncompliance events and if so the superintendent shall tabulate such events on an annual basis and see to it that the names of all Significant Noncompliant users are published in the local daily newspaper.

9. Significant Noncompliance – Significant Noncompliance (SNC) events are user violations which meet one or more of the following criteria:

A. Violations of discharge limits.

a. Chronic Violations – Sixty-six percent (66)% 0 or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.

b. Technical Review Criteria (TRC) – Thirty three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period. There are two groups of TRC's:

Group I – For conventional pollutants (BOD, TSS, Fats, Oil & Grease, Phosphorus, Ammonia & pH. TRC 1.4 x daily maximum limits.

Group II - For all other pollutants. TRC = 1.2 x daily maximum limits.

c. Any other violation or violations of an effluent limit (average or daily maximum) that the superintendent has determined has caused, alone or in combination with other discharges, interferences, slug loads or pass through or endangered the health of the treatment personnel or the general public.

d. Any discharge of a pollutant which has caused imminent endangerment to human health or to the environment which resulted in the superintendent exercising his emergency authority to halt or prevent such discharge.

B. Violations of compliance schedule milestones contained in a local enforcement order for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled dates.

C. Failure to provide reports for any compliance schedules, self monitoring data, baseline monitoring reports, and any other report due within 30 days from the due date.

D. Failure to accurately report noncompliance.

E. Any other violation or group of violations that the superintendent believes to be significant

VII. Time Frame for Responses

A. All violations shall be identified and documented by the superintendent within five (5) working days of receiving noncompliance information.

- B. The superintendent shall contact the industrial user within thirty (30) days of violation detection and request information on corrective or preventative action taken.
- C. When a compliance schedule is required, the superintendent shall notify the industrial user of the requirement within thirty (30) days of violation detection.
- D. Violations which threaten health, property or environmental quality shall be considered emergencies and shall receive immediate responses such as halting the discharges or terminating service if deemed necessary by the superintendent.
- E. Violations meeting the criteria for significant noncompliance (SNC) shall be addressed with an enforcement action within thirty (30) days of significant noncompliance.

VIII Enforcement Response Procedures

The following information describes the enforcement response procedures of the City of Bluffton, Indiana:

1. Data Collection — This process involves the collection of all available information from inspections, monitoring, reporting, plant upsets and private complaints.
2. Compliance Screening – This process involves the review of all available information and monitoring data to sort out noncomplying dischargers for appropriate enforcement response. This initial review will assess compliance with required schedules, compliance with reporting features, and/or compliance with applicable categorical standards and local ordinances.
3. Emergency Response - If evaluation of the data reveals an Emergency condition, the City will take whatever action required to bring the violator into compliance through immediate telephone contact with the discharger identifying the problem specifics and requesting immediate corrective measures. If required, more formal measures such as *cease and desist* orders, injunctive relief or termination of the service shall be placed into effect. in order to achieve compliance or eliminate the problem.
4. Enforcement Evaluation for Noncompliance - The violations and conditions identified during the screening process will be reviewed to make a determination relative to the nature of the violation and the type of enforcement necessary. This process is accomplished by using the criteria outlined in the attached Enforcement Response Guide.
5. Insignificant Noncompliance - This process consists of notifying the industrial user by letter of a violation (certified mail, return receipt requested). This letter outlines the specifics of the violation and seeks remedial action and response. The City will then evaluate the response and make a determination as to whether the discharger has achieved compliance. If compliance has not been achieved, the incident will return to enforcement Evaluation for further action.
6. Significant Noncompliance - This process consists of notifying the industrial user by telephone and certified mail. The letter of violation outlines the specifics of the incident and seeks remedial action and response of the industrial user.. The City will then evaluate the response, reply to the letter of violation and determine whether the discharger has achieved compliance. If compliance is not achieved, the City will initiate formal enforcement action.
7. Formal Action

a) Compliance Schedules - When the City finds that a discharge of wastewater has been taking place in violation of the requirements prescribed in the Sewer Use Ordinance (Chapter 13.12) and/or industrial pretreatment standards, the City may require the discharger through written notification (certified mail) to submit for approval a detailed compliance schedule of specific actions which the discharger shall take in order to prevent or correct a recurrence of said violations, including but not limited to milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the discharger to reach compliance. Such milestone dates would include employing an engineer, completing preliminary and final plans, executing contracts, starting construction, filing progress reports and completing construction. The discharger's response to this directive will then be evaluated to determine compliance. If compliance is not achieved, the enforcement action will proceed to Cease and Desist procedures.

b) Cease and Desist - When the City finds that the discharger has not reached compliance in a timely manner in accordance with the Compliance Schedule directive, the City following a discovery meeting with the discharger may issue an order to cease and desist and direct that the discharger:

1. Comply forthwith
2. Comply in conformance with a compliance schedule set by the City; or
3. Take appropriate remedial or preventive action in the event of a threatened violation.

The reply from the discharger to this directive will then be evaluated as to whether the discharger has achieved compliance. If compliance has not been achieved, the enforcement action will proceed to the courts requesting injunctive relief and imposition of Civil Penalties.

c) Injunction - Further, when the City finds that a discharge of wastewater has taken place in violation of the Sewer Use ordinance and/or industrial pretreatment standards, or otherwise causes or threatens to cause a condition of pollution or nuisance, the City following a discovery meeting with the industrial user may petition to the court for issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such a discharge. Such dischargers having significantly violated their industrial users permit and/or the terms of the City Sewer Use Ordinance are further subject to fines imposed by the City in amounts of not less than one thousand dollars (\$1000.00) per day for each offense cited.

d) Civil Penalties - Any discharger who is found to have significantly violated or fails to comply with any enforcement action of the ordinance, and the orders, rules, regulations and permits issued hereunder may be fined not less than one thousand dollars (1000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit of law against the discharger found to have significantly violated the Sewer Use Ordinance, orders, rules, regulations and permits issued. The dischargers response to this directive will

then be evaluated to determine whether compliance has been achieved. If compliance has not been achieved, the Enforcement action will proceed to Show Cause considerations.

e) Show Cause - Further, when a violation of the ordinance or applicable pretreatment regulations occurs and is not corrected by timely compliance, the City may order any discharger to show cause, stating why permit revocation action should not be taken. A written notice shall be served on the discharger by a personal service, certified or registered mail, specifying the time and place of said hearing to be held by the City. The hearing will consider the violation, proposed Enforcement action and reasons why the proposed Enforcement action should not be taken. The notice of the hearing shall be served not less than ten (10) days prior to the scheduled hearing.

The dischargers response to this directive will then be evaluated to determine whether the discharger has achieved compliance. If compliance is not achieved, the Enforcement action will proceed toward revocation of the industrial users discharge permit and subsequent termination of service.

F) Revoke Permit - Finally, the City for good cause can suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it becomes evident that an actual or Threatened discharge presents or threatens an imminent or substantial danger to the environment, interference with the operation of the wastewater treatment, violates any pretreatment limits imposed by the Sewer Use Ordinance or any Wastewater Discharge permit issued by the City. Any discharger notified of the suspension of the City's wastewater treatment service and/or the dischargers Wastewater Discharge Permit, shall within a reasonable period of time, as established by the City, terminate all discharges.

IX Noncompliance Categories Subject to Enforcement

The following categories of noncompliance shall be subject to enforcement procedures:

- A Failure to submit required reports (Baseline monitoring report, Self monitoring reports, Compliance reports, monthly reports)
- B Failure to meet interim or final compliance schedule dates.
- C Violations of maximum or average pollutant limits for industry specific categories (Categorical standards).
- D Violations of prohibited discharges under the National Pretreatment Standards. (40 CFR 403.5).
- E Violations of local limits outlined in the Bluffton Sewer Use Ordinance (Chapter 13.12).
- F Falsification of information submitted to the City.
- G Treatment plant upsets and interferences determined to be caused by an industrial user.

X Penalties

It is the policy of the City of Bluffton to establish an ongoing cooperative relationship with our industrial users that will result in discharge limits that will permit adequate treatment results at the wastewater treatment plant, compliance with the National pretreatment Standards and the City's NPDES permit (IN002241).

In the event of failure to bring an industrial user into compliance with applicable discharge limits, the City at their discretion may levy fines for noncompliance ranging from a minimum of One thousand dollars per day to the maximum allowed under Section 50.999 of the Bluffton Sewer Use Ordinance of twenty five hundred dollars (\$2500.00) per day. Each day the violation occurs shall be considered a separate offense.

The level of enforcement will be determined by the following factors:

- A The duration of the violation and the compliance history of the industrial user.
- B Good faith efforts by the industrial user to achieve compliance.
- C. The harm caused by the violation.

XI Discharge Permits

The superintendent may require new industrial users or existing users who plan to significantly increase their discharge volume and/or pollutant loading to apply for a discharge permit. The purpose of the permit is to determine the ability of the wastewater treatment plant to treat the discharge adequately. Wastewater discharge permits may contain but not be limited to the following:

1. Limits on the average and/or maximum rate of discharge, rate of discharge, time of discharge and requirements for flow regulation.
2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
3. Requirements for the installation of pretreatment facilities, pollution control, or construction of appropriate containment facilities designed to reduce, eliminate or prevent the introduction of flow or pollutants to the treatment plant beyond the capacity of the treatment plant.
4. Development and implementation of spill control plans, total toxic control plans or other special conditions including management practices necessary to prevent accidental or unanticipated discharges.
5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the treatment plant.
6. Change the unit charge or schedule of the industrial user charges and fees for the wastewater discharged to the treatment plant.
7. Requirements for installation and maintenance of inspection, sampling facilities and equipment.
8. A statement that compliance with the wastewater discharge permit does not relieve the industrial user from compliance with all applicable Federal and State pretreatment standards including those which become effective during the term of the discharge permit.
9. Other conditions as deemed necessary by the superintendent to ensure

compliance with this ordinance, Federal and State laws, rules and regulations.

XII Significant Industrial User.

A significant industrial user is any user subject to the Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter, 1, Subchapter N; and any other user that discharges an average of 25,000 gallons or more per day of process wastewater to the treatment plant (excluding sanitary, non-contact cooling water or boiler blow-down wastewater) or contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the superintendent on the basis that the industrial user has a reasonable potential for adversely affecting the performance of the treatment plant; or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6).

XIII Sample Collection and Analysis

Except as indicated below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the superintendent may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the wastewater being discharged. In addition, grab samples may be required to show compliance with daily maximum limits.

Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic compounds must be obtained by grab samples.

All pollutant analysis and sampling must be performed in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, the sampling and analysis may be performed in accordance with the provisions of the latest edition of Standard Methods.

XIV Table of Noncompliance Events

The following tables describe typical noncompliance events and the range of response that would generally be issued to the industrial user for noncompliance:

ENFORCEMENT RESPONSE GUIDE

COMPLIANCE SCHEDULES

(Construction phases or planning)

Whenever an LOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>
Reporting false information	Any instance – SNC	AF, LIT penalties Sewer Ban
Missed Interim Date	Will not cause late final date or other interim dates	LOV, SV
Missed Interim Date	Will result in other missed interim dates. Violation for good or valid cause	LOV, SV, or AO
Missed Interim Date	Will result in other missed interim dates. No good or valid cause - SNC	LOV, AO, AF or LIT
Missed Final Date	Violation due to strike's, act of God, etc.	Contact permittee and require documentation of good or valid cause; show cause
Missed Final Date	90 days or more outstanding. Failure or refusal to comply without good or valid cause	AO, AF or LIT including penalty
Failure to install monitoring equipment	Continued - SNC	AO, AF to begin monitoring (using outside contracts, if necessary) <u>and</u> install equipment within minimal time

ENFORCEMENT RESPONSE GUIDE

SAMPLING, MONITORING, AND REPORTING BY THE INDUSTRY

Whenever an LOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>
Failure to sample, monitor or report (routine reports), baseline monitoring report	Isolated or infrequent.	VTN, SV or LOV requiring a report within 10 days
Failure to sample, monitor, report or notify	IU does not respond to letters, does not follow through on verbal or written agreement, or frequent violation – SNC	AO, ECS, AF or LIT
Failure to notify of effluent limit violation or slug discharge	Isolated or infrequent. No known effects	VTN, SV or LOV. If no response within 10 days, issue an AO
Failure to notify of effluent limit violation or slug discharge	Frequent or continued violation – SNC	SCH, AO, AF, or LIT including penalties
Failure to notify of effluent limit violation or slug discharge	Known environmental or POTW damage results - SNC	AF, LIT and penalties
Minor sampling, monitoring or reporting deficiencies (computational or typographical errors)	Isolated or infrequent	VTN, SV or LOV. Corrections to be made on next submittal. AO if continued
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports)	Isolated or infrequent	SV, LOV, or AO. Corrections to be made on next submittal
Major or gross reporting deficiencies	Continued. Remains uncorrected 30 days or more - SNC	AO, AF or LIT

ENFORCEMENT RESPONSE GUIDE
DISCHARGE LIMITATIONS

Whenever an LOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>
Exceeding final limits (categorical, local, or prohibited)	Infrequent or isolated minor violation	VTN, SV or LOV
Exceeding Final Limits	Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit	VTN, SC, LOV, AO, AF or LIT if environmental harm resulted including penalty
Exceeding Interim Limits	Violation(s) which are SNC	AO, ECS, AF or LIT including penalty
Exceeding Interim Limits (categorical or local)	Without know damages	LOV or AO
Exceeding Interim Limits	Results in known environmental or POTW damage - SNC	AO, AF or LIT including penalty
Reported Slug Load	Isolated without known damage	LOV, SCH or AO
Reported Slug Load	Isolated with known interference, pass through or damage - SNC	AO, AF or LIT including penalty
Reported Slug Load	Recurring - SNC	LIT including penalty
Discharge without a permit or approval	One time without known environmental or POTW damage	AO
Discharge without a permit or approval	One time which results in environmental damage or continuing violation – SNC	AO, AF or LIT and penalty. Request for criminal investigation
Discharge without a permit or approval	Continuing violation with known environmental or POTW damage – SNC	LIT and penalty. Request for criminal investigation and disconnect

ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE DETECTED THROUGH INSPECTIONS OR FIELD INVESTIGATIONS BY THE CITY

Whenever an LOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

<u>NONCOMPLIANCE</u>	<u>CIRCUMSTANCES</u>	<u>RANGE OF RESPONSE</u>
Minor violation of analytical procedures	Any instance	VTN, SV
Major violation of analytical procedures	No evidence of intent	LOV or AO
Major violation of analytical procedures	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible criminal action)
Minor violation of permit condition	No evidence of negligence or intent	VTN, SV or LOV. Immediate correction required
Minor violation of permit condition	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible criminal action)
Major violation of permit condition	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible disconnect from sewer)

SNC – This denotes that the circumstances of a particular violation would generally be considered.

TRC –Technical Review Criteria

²¹⁶**TITLE 15 BUILDING AND CONSTRUCTION**

Chapters:

- 15.01 Fair Housing
- 15.02 Unsafe Building
- 15.03 Smoke Detectors in Certain Family Living Units
- 15.04 Adoption of Fire Prevention Codes
- 15.05 Minimum Standards For Rental Housing
- 15.08 Addressing Standards for the City of Bluffton
- 15.10 Building Code of Bluffton, Indiana

²¹⁶ Adopted Ordinance 1113, 7/5/2000

Sections:

- 15.01.010 Policy Statement
- 15.01.020 Definitions
- 15.01.030 Unlawful Practice
- 15.01.040 Discrimination in the Sale or Rental of Housing
- 15.01.050 Discrimination in Residential Real Estate Related Transactions
- 15.01.060 Discrimination in the Provision of Brokerage Services
- 15.01.070 Interference, Coercion, or Intimidation
- 15.01.080 Prevention of Intimidation in Fair Housing Cases
- 15.01.090 Exemptions
- 15.01.100 Administrative Enforcement of Ordinance

15.01.010 POLICY STATEMENT

It shall be the policy of the City of Bluffton to provide, within the 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 Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

15.01.020 DEFINITIONS

The definitions set forth in this section shall apply throughout:

- A. “Dwelling” means 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 (1) 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 (1) or more families.
- B. “Family” includes a single individual with the status of such family being further defined in subsection H of this Section.
- C. “Person” includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.
- D. “To Rent” includes to lease, sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- E. “Discriminatory Housing Practice” means an act that is unlawful under Sections 15.01.040, 15.01.050, 15.01.060, 15.01.070 or 15.01.081 of this Ordinance or IC 22-9.5-5.
- F. “Disabled” means, with respect to a person:
 - 1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
 - 2. a record of having such an impairment, or
 - 3. being regarded as having such an impairment,

4. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990,
 5. Any other impairment defined under IC 22-9.5-2-10.
 6. The term “handicap” shall not include current illegal use of or addiction to a controlled substance as defined in section 802 of Title 21 of the United States Code [IC 22-9.5-2-10 (b)]; nor does the term “handicap” include an individual solely because that individual is a transvestite [IC 22-9.5-2-10(c)].
- G. “Aggrieved person” includes any person who (IC 22-9.5-2-2);
1. claims to have been injured by a discriminatory housing practice; or
 2. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- H. “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
1. a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this 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.
- I. “Commission” (IC 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et. seq.
- J. “Complainant” (IC 22-9.5-2-4) means a person, including the Commission, who files a complaint under IC 22-9.5-6.

15.01.030 UNLAWFUL PRACTICE

Subject to provisions of subsection B of this section, section 15.01.090 of this Ordinance and Title 22-9.5-3, of the Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-1 of the Indiana Code and in Section 15.01.040 of this Ordinance shall apply to:

- A. All dwellings except as exempted by subsection B and Title 22-9.5-3 of the Indiana Code.
- B. Other than the provisions of subsection (c) of this section, nothing in section 15.01.040 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 who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four 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 of a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempted from application of this section only if such house is sold or rented:
 - (a) without the use in any manner of the sale 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 section 15.01.040 C of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - 2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:
- 1. he has, within the proceeding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling of any interest therein, or
 - 2. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - 3. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

15.01.040 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by section 15.01.030 and except at exempted by sections 3B and 15.01.090, 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, familial status or national origin.
- B. to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, 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 any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national

origin.

- F. to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. that buyer or renter;
 - 2. a person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - 3. any person associated with that person.
- G. to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - 1. that person; or
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - 3. any person associated with that person.
- H. for purposes of this subsection, discrimination includes:
 - 1. a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modification 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 modification, reasonable wear and tear excepted;
 - 2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to sue and enjoy a dwelling; or
 - 3. in connection with the design and construction of covered multi-family dwelling for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
 - (c) all premises within such dwellings contain the following features of adaptive design:
 - (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 bathroom walls to allow later installation of grab bars; and
 - (iv) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- I. Compliance with the appropriate requirements American With Disabilities Act of 1900, and 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 (3) (C) (iii).

- J. Nothing in this subsection requires that a dwelling be make available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

15.01.050 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 nations 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, construction, improving, repairing or maintaining a dwelling; or
 - b. secured by residential real estate.
 - 2. The Selling, brokering or appraising of residential real property.
- C. Nothing in this ordinance 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.

15.01.060 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access membership, or participation, on account of race, color, religion, sex, disability, familial status or national origin.

15.01.070 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 Sections 15.01.030, 15.01.040, 15.01.050 or 15.01.060, of this ordinance.

15.01.080 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

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

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

- B. any person because his is or has been, or in order to intimidate such 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, organization 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 an any of the activities, services, organizations or facilities described in subsection (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1000.

15.01.090 EXEMPTIONS

- A. Exemptions defined or set forth under Title 22-9.5-3 et, seq, of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organization set forth under subsections B and C of this Section.
- B. Nothing in this ordinance 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 is restricted on account of Race, color, or national origin. Nor shall anything in this ordinance 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 lodgings to its members or from giving preference to its members.
- C. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
 - 1. As used in this section, “housing for older persons” means housing
 - a. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - b. intended for, and solely occupied by, persons 62 years of age or older; or
 - c. intended and operated for occupancy by at least one person 55 years of age or older per unit.

15.01.100 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE

- A. The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (b) hereof shall be vested in the Chief Executive Officer of the City of Bluffton, Indiana.

- B. Notwithstanding the provision of IC 22-9.5-4-8, the City of Bluffton, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the City of Bluffton, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriation relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the City of Bluffton, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- D. The Chief Executive Officer of the City of Bluffton, Indiana or the Chief Executive Officer’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

CHAPTER 15.02

UNSAFE BUILDING

Sections

15.02.010	Unsafe Building
15.02.020	
15.02.030	
15.02.040	
15.02.050	Definitions
15.02.060	
15.02.070	Penalty

15.02.010 UNSAFE BUILDING

Indiana Code Statue Unsafe Building Law is hereby incorporated by reference into the City of Bluffton Unsafe Building Law. All proceedings within the City of Bluffton for the inspection, repair and removal of unsafe building shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state stature shall control.

15.02.020

All buildings or portions thereof within the City of Bluffton which are determined after inspection by he Building Inspector to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

15.02.030

The City Building Inspector shall be authorized to administer and to proceed under provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

15.02.040

Wherever in the building regulations of the County of Wells or the City of Bluffton Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector, or any other officer of the City, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or capricious manner.

15.02.050 DEFINITIONS

The description of an unsafe building contained in Indian Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the City of Bluffton, Indiana, by adding the following definition:

- A. Unsafe Building means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:
1. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location.
 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less it was before such catastrophe is and is less than the minimum requirements for new buildings of similar structure, purpose or location.
 5. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 6. Whenever any portion of a building, or any member appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.
 7. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in case of similar new construction.
 8. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
 9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 11. Whenever the building or structure, exclusive of the foundation, shows thirty three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing outside walls.
 12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, or of any law or ordinance of this state or City relation to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member or portion less than fifty percent or in any supporting part, member or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Wells County Sanitarian to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Fire Chief of the City of Bluffton to be a fire hazard.
17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public

B. Substantial Property Interest set forth in IC 36-7-9-2 is hereby incorporated by reference herein.

15.02.060

All work for the reconstruction, repair or demolition of building and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Inspector of the City of Bluffton, Indiana.

15.02.070

No person, firm or corporation, whether as owner, lessee sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Building Inspector. Any person violating the provisions of this ordinance or IC 36-7-9-25, commits a Class C infraction for each day such violation continues after being notified and ordered to take corrective action.

Sections

15.03.010 Adoption of Code Provisions

15.03.010 DEFINITIONS

The provisions of IC 22-11-18-1 through 22-11-18-6 are hereby adopted and incorporated herein by reference as if fully set forth at this Section, and shall include later amendments to that Chapter of the Indiana Code as the same are published in the Indiana Code with effective dates as fixed therein.

²¹⁷ Section 15.03.020 Repealed, by Ordinance 1144, 4/302002

Sections:

15.04.010 Adoption of Fire Prevention Codes

15.04.010 ADOPTION OF FIRE PREVENTION CODES

The fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are hereby adopted and incorporated herein by reference as if fully set forth at this Section, and shall include later amendments to that Article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed herein.

²¹⁸ Section 15.04.020 Repealed, by Ordinance 1144, 4/30/2002

- 15.05.005 Purpose
- 15.05.010 Definitions
- 15.05.020 Inspection
- 15.05.030 Enforcement
- 15.05.040 Minimum Standards For Basic Equipment And Facilities
- 15.05.050 Light, Ventilation, and Heating
- 15.05.060 Maintenance
- 15.05.070 Minimum, Use and Location
- 15.05.080 Responsibilities of Occupants and Owners
- 15.05.090 Hotels and Rooming Houses
- 15.05.100 Penalties
- 15.05.110 Other Provisions

15.05.005 PURPOSE

This chapter articulates the commitment of the city to protect, preserve and promote the physical and mental health and social well being of the people, to prevent and control in the incidence of communicable diseases, to reduce environmental hazards to health and safety and to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health by establishing legislation which provides for the administration and enforcement of, and cites minimum standards for the following:

- A. Basic equipment and facilities with respect to light, ventilation and thermal conditions;
- B. Safety from fire and accidents;
- C. The use, location and amount of space for human occupancy; and
- D. The determination of the responsibilities of owners, operators and occupants of dwellings.

15.05.010 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. "Apartment" shall mean a room or group of rooms in an apartment house designed for and occupied exclusively as a residence for only one family.
- B. "Approved" shall mean approved by the enforcement authority under the provisions of this chapter, or approved by other appropriate authority designated by law to give approval in the matter in question.
- C. "Apartment House" shall mean a building designed for and occupied exclusively by two or more families living independently of one another.
- D. "Basement" shall mean a portion of a building located partly underground, and having half or more than half of its clear floor-to-ceiling height, below the average grade of the adjoining ground.

²¹⁹ Repealed and Replaced by Ordinance 1339, 2/24/2012

- E. "Cooking" shall mean the preparation of food using an open flame or electrical device which is designed to heat food. Preparation of food using microwaves or hot beverage makers are excluded from this definition.
- F. "Dwelling" shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
 - 1. "Single-Family Dwelling" shall mean a building containing one dwelling unit.
 - 2. "Multi-Family Dwelling" shall mean a building or portion thereof containing two or more dwelling units.
- G. "Dwelling Unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- H. "Egress" shall mean an arrangement of exit facilities to assure a safe means of exit from a building to ground level.
- I. "Enforcement Authority" shall be the Board of Public Works and Safety of the City
- J. "Enforcement Officer" shall mean the official designated herein or otherwise charged with the responsibilities of administering this chapter.
- K. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Wells County Board of Health.
- L. "Family" shall mean one individual living alone or two or more individuals living together, whether related by birth or not, and having common housekeeping facilities.
- M. "Floor Area" shall mean the area included within the surrounding wall of a structure exclusive of vents, shafts and courts.
- N. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- O. "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, toilet compartments, laundries, pantries, foyers or hallways, closets and storage spaces.
- P. "Habitable Space" shall mean the space in structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas not considered habitable space.
- Q. "Hot Water" shall mean water drawn at every required bathtub or shower, sink and lavatory basin at a temperature of not less than 120° F.
- R. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- S. "Inspection Officer" or "Inspection Officers" shall mean any persons, designated by the mayor of the City of Bluffton, working separately or together, who shall enforce the provisions of this chapter.
- T. "Let" shall mean to permit possession or occupancy of a dwelling or dwelling unit by a person who shall be the legal owner of record or not be the legal owner of record

- thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
- U. "Multiple Dwelling" shall mean any dwelling containing more than two dwelling units.
 - V. "Occupant" shall mean any person, over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
 - W. "Operator" shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
 - X. "Owner" shall mean one or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to use and enjoyment of the premises and includes the person or persons who were owners of the property prior to any property going through the tax reversion process or being quit-claimed to a person or entity without the knowledge of that person or entity.
 - 1. "Owner" shall also include the person or persons who have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as personal representative, trustee or guardian of the estate of the owner.
 - 2. "Owner" shall also include the purchaser under a land contract of any dwelling or dwelling unit whether or not they occupy the same.
 - 3. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
 - 4. "Person" shall mean and include any individual, firm, corporation, association, partnership or other legal entity.
 - Y. "Plumbing" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, building drains, sewer drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
 - Z. "Plumbing Fixture" shall mean a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water there; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.
 - AA. "Premises" shall mean a lot, plot or parcel of land including the building or structures thereon.
 - BB. "Rodentproofing" shall mean a form of construction which will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and

- entered by rodents, by the use of materials impervious to rodents and other methods approved by the Board of Health.
- CC. "Refuse" shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- DD. "Rental Building" shall mean a building containing one or more rental units.
- EE. "Rental Dwelling Unit" shall mean a rented single dwelling unit in residential premises.
- FF. "Rental Unit" shall mean a unit of a hotel, motel, rooming house or apartment house, a rental dwelling unit, a dwelling unit, an apartment or other similar designation which is held for lease or rent.
- GG. "Rooming House" shall mean any dwelling, or that part of any dwelling containing one or more rooming units.
- HH. "Rooming Unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- II. "Rubbish" shall include materials other than garbage resulting from household operation including, but not limited to such items as cans, glass bottles, ashes, papers, magazines, newsprint, boxes, china, crockery and tree trimmings.
- JJ. "Safe" and "Safety" shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- KK. "Space Heater" shall mean a self-contained heating appliance of either the conventional type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
- LL. "Stairway" shall mean one or more flights of stairs and the necessary landings and plat forms connecting them to form a continuous and uninterrupted passage from one floor or level to another in a building or structure.
- MM. "Substantial Property Interest" shall mean any right in real estate susceptible of being affected in a substantial way by actions authorized by this chapter, including a fee or future interest, life estate interest, present possessory interest or equitable interest of a contract purchaser.
- NN. "Supplied" shall mean paid for, furnished or provided by or under the control of the owner or operator.
- OO. "Temporary Housing" shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) days.
- PP. "Unacceptable" shall mean any violation of this chapter or an applicable state code or statute which violation does not render the building or any portion of the building unsafe.
- QQ. "Unsafe Building" shall mean a building or structure or any part of a building or structure that is unsafe as defined in Bluffton City Code 15.02.
- RR. "Unsafe Premises" shall mean the tract of real estate on which an unsafe building is located and may include the building(s) located thereon.

- SS. "Ventilation" shall mean the proceeds of supplying and removing air by natural or mechanical means to or from any space.
- TT. "Water Closet" shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water-sealed trap.
- UU. Whenever the terms "Dwelling," "Dwelling Unit," "Rooming Unit," "Premises," or "Structures" are used in this chapter they shall be construed as though they were followed by the words or any part thereof: Words used in the singular include the plural, and the plural, singular.
- VV. Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary.

15.05.020 INSPECTION

- A. Inspection Officers shall be appointed by the Mayor and are authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the City of Bluffton in order that they may perform their duties of safeguarding the health and safety of the occupants of the dwelling and the general public. An inspection of a Rental Building or Rental Unit may occur only when an Inspection Officer has a reasonable suspicion that a violation of this chapter is occurring at such Rental Building or Rental Unit.
- B. Whenever in this chapter it is provided that anything must be done to the approval of or subject to the direction of an Inspection Officer, or any other officer of the City of Bluffton, such authority shall be construed to give such officer only the discretion of determining whether the regulations and standards of this chapter have been complied with, and no provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by this chapter, or power to enforce the provisions of this chapter in an arbitrary or capricious manner.
- C. If an Inspection Officer has reasonable suspicion that a rental unit or Rental Building is in violation of this Ordinance, the Inspection Officer shall notify the owner and those in possession of the Rental Building or Rental Unit of its intention to inspect the premises and shall make arrangements for entry and said inspection.
- D. In the event the owners or those in possession of the Rental Building or Rental Unit refuse an inspection, the Inspection Officer may obtain an inspection warrant from any court of record in Wells County, Indiana in order to determine whether a violation of this ordinance is occurring.
- E. The Court shall issue an inspection warrant subject to the following conditions:
 1. The Inspection Officer must establish that there is probable cause for believing that a violation of this Ordinance is occurring that legally justifies the inspection;
 2. An affidavit establishing that one of the conditions set fourth in the preceding paragraph must be signed under oath or affirmation by the Inspection Officer;
 3. The Court must examine the Inspection Officer under oath or affirmation to verity the accuracy of the affidavit.
- F. An inspection warrant is valid only if it:

1. Is signed by the judge of the court and bears the date and hour of its issuance above that signature, with notation that the warrant is valid for only forty-eight (48) hours after its issuance;
 2. Describes (either directly or by reference to the affidavit), the Rental Building or Rental Unit where the inspection is to occur so that the executor of the warrant and owner or the possessor of the Rental Building or Rental Unit can reasonably determine what property the warrant authorizes an inspection of;
 3. Indicates the conditions, objects, activities, or circumstances that the inspection is intended to check or reveal; and
 4. Is attached to the affidavit required to be made in order to obtain the warrant.
- G. An inspection warrant issued under this section is valid for only forty-eight (48) hours after its issuance, must be personally served upon the owner or possessor of the Rental Building or Rental Unit and must be returned within seventy-two (72) hours.
- H. An Inspection Officer shall, prior to entry, positively identify himself or herself as a person authorized pursuant to this chapter to enter upon said premises.
- I. At the time of each inspection, all pets must be controlled so that the Inspection Officer can move about the dwellings and surrounding property without interruption.
- J. The owner or the person assigned to manage the rental unit shall be entitled to seventy-two (72) hours written notice from the Inspection Officer prior to conducting the inspection as set forth in the preceding section of this chapter. The landlord shall be responsible for notifying the occupant of the rental unit of the inspection when he or she receives notice of the intent to inspect from the Inspection Officer.
- K. This provision shall not be construed to limit or restrain the right of the Inspection Officer to make an inspection pursuant to any of the provisions of IC 36-7-9-1 *et seq.*
- L. Every rental unit operated and maintained in the City shall be subject to inspection under provisions of this chapter. The inspection shall be made to ascertain that the facility conforms to all requirements of this chapter.
- M. Every occupant of the rental unit shall give the owner thereof or his/her agent or employee access to any part of such dwelling or rental unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.
- N. The Inspection Officer shall issue to the owner of every inspected rental dwelling unit an inspection certificate as proof that the unit is in compliance with this chapter.
- O. If an Inspection Officer finds that a rental unit fails to comply with any standard set forth in this chapter the Inspection Officer shall give notice of the violation to the owner and Occupant of the rental unit. The notice shall be in writing and shall describe the violation found. The notice shall be provided pursuant to the provisions of this chapter to:
1. The owner at the address as contained in the records of the Treasurer of Wells County, Indiana, and
 2. The occupant of the rental unit at the address of the unit.
- P. The person or persons responsible for correcting violations under this chapter shall correct such violations within thirty (30) days of:
1. Receipt of the notice described herein; or
 2. The date the notice is returned to the Inspection Officer as undeliverable.

- Q. If an owner has fewer than ten Rental Buildings, not more than one can be required to be brought into compliance with standards as set forth in the chapter within any thirty (30) day period. If an owner has more than ten Rental Buildings, no more than two or ten percent of the Rental Buildings, whichever is greater, shall be required to be brought into compliance with standards set forth in this code within any thirty (30) day period. A Rental Building shall not be counted in the above limits after thirty (30) days from its first inspection.

15.05.030 ENFORCEMENT

- A. If a cited violation is not corrected within the designated time and the Inspection Officer finds that the Rental Building or Rental Unit is not in compliance with this chapter, the Inspection Officer may issue an order requiring any of the following:
1. Vacating of the Rental Building or Rental Unit;
 2. Sealing of the Rental Building or Rental Unit against intrusion by unauthorized persons;
 3. Extermination of vermin in and about the premises;
 4. Removal of trash, debris or hazardous material in or about the unsafe premises;
 5. Repair of an unsafe condition to bring the Rental Building or Rental Unit into compliance with standards for building condition or maintenance prescribed by this chapter;
 6. Sealing against the effects of weather;
- B. An order issued pursuant to this section shall contain the following:
1. The name of the person to whom the order is issued;
 2. The description or address of the premises that is the subject of the order;
 3. The action required by the order;
 4. The deadline for completion of the remedial action;
 5. A statement briefly indicating what action may result if the order is not obeyed;
 6. A statement that hearing may be requested by any person affected by the Notice and that such request must be made in writing to the Hearing Authority within ten (10) days after the order is received
 7. A statement that if a hearing is requested, any person with a substantial property interest may appear with or without legal counsel, present evidence or witnesses, cross-examine opposing witnesses, and present argument.
 8. The address to which the request for hearing must be made.
- C. An order issued under provisions of this section supersedes any permit relating to the building or land use, whether that permit is obtained before or after the order is issued.
- D. Notice of the order shall be given to the violator and other known holders of a substantial property interest and shall be deemed sufficient if the notice is given pursuant to the provisions of IC 36-7-9-25.
- E. The order must allow a sufficient time of at least thirty (30) days from the time when the notice of order is given pursuant to IC 36-7-9-25 to accomplish the required action.
- F. If the Inspection Officer finds it necessary to take emergency action concerning unsafe premises in order to protect life, public safety or property, he may take the action without

issuing an order or giving notice to any person having substantial property interest. However, this emergency action must be limited to removing any immediate danger. Such action shall be taken only when it is not feasible to give notice and hold hearings as provided by this section.

- G. Any person affected by any notice or order issued under any provision of this chapter may request and shall be granted a hearing on the matter before the hearing authority, provided that such person shall file in the office of the hearing authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice or order was served.
1. The hearing shall be commenced not earlier than ten (10) days and not later than twenty (20) days after the day on which the petition was filed, provided, that upon application of the petitioner, the Hearing Authority may postpone the date of the hearing for a reasonable time beyond such period and accordingly, extend the time period for compliance with any order of the Inspection Officer, if, in its discretion, the petitioner has submitted a good and sufficient reason for such postponement.
 2. Upon receipt of such petition the hearing authority shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.
 3. At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:
 - i. Affirm the order;
 - ii. Rescind the order; or
 - iii. Modify the order.
- H. The City of Bluffton may recover the costs incurred as the result of taking emergency action, by filing a civil action in the Circuit or Superior Court of Wells County, Indiana against persons who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises at the time the Inspection Officer found it necessary to take the emergency action.

15.05.040 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

- A. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:
1. Every dwelling unit shall contain a kitchen sink in good working condition which is properly connected to a water system and sewer system.
 2. Every dwelling unit shall contain a room or space for the preparation and cooking of food which shall include space and connections for stoves or other cooking facilities and a space for refrigerated food storage.
 3. The use of gasoline stoves or other similar fuel burning appliances using high flammable liquids and the use of portable kerosene stoves or other similar fuel burning portable appliances for cooking is prohibited inside any dwelling or on any balcony.

4. Hoods and ducts over kitchen ranges shall be reasonably free of grease or other flammable residues that collect therein.
 5. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush toilet, a lavatory basin, and a bathtub (or shower) in good working condition, all of which shall be properly connected to a water and sewer system.
- B. The occupants of not more than two (2) dwelling units may share a single flush toilet, a single lavatory basin, and a single bathtub or shower if:
 1. Neither of the two (2) dwelling units contains more than two (2) rooms. For the purposes of this subsection a kitchenette or an efficiency kitchen with less than 60 square feet floor area shall not be counted as a room; and
 2. The habitable area of each of such dwelling units equal not more than 250 square feet of floor area; and
 3. Such toilet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to water and sewer systems.
 - C. Every kitchen sink, lavatory basin and bathtub or shower required by this chapter shall be properly connected with both hot and cold water lines when used for rental or lease occupancy.
 - D. Every dwelling unit shall contain water heating facilities which are properly installed, operated and maintained in safe and good working condition and are properly connected to the bathtub or shower, sink and lavatory basin. Such water heating facilities shall be capable of automatically heating water to such a temperature as to permit water to be drawn at every required bathtub or shower, sink and lavatory basin at a temperature of not less than 120⁰ F. All gas-fired water heaters shall be vented to the outside.
 - E. Every dwelling unit shall have at least one safe, unobstructed means of egress leading to a public way.
 - F. Every door available as an exit from an occupied dwelling shall be capable of being opened from the inside and without the use of a key, unless there is an alternate means of egress leading to a safe and open space at ground level in case of fire.
 - G. Every dwelling unit shall have the correct house or apartment number(s) displayed in numerals that are at least two and one-half inches high and placed in such a manner that they are reasonably visible at the ground-level entrance to the dwelling unit. The entrance to each dwelling unit shall also bear similar identification.

15.05.050 LIGHT, VENTILATION AND HEATING

- A. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
 1. Every habitable room, except the bathroom, shall have at least one (1) window or skylight facing outside.
 - i. The Inspection Officer shall approve such other devices or arrangements as will adequately light a habitable room where provision for a window or windows is not reasonably possible.
 2. Every habitable room, except the bathroom, shall have at least one window or skylight which can be opened without the use of undue force to at least 45% of the window

- area size, except where there is supplied some other device affording ventilation and approved by the enforcement authority.
3. Locking window hardware. Every window accessible within 12 feet of the adjacent ground shall be supplied with an adequate locking device except for windows that open with a cranking device.
- B. Every dwelling shall have heating facilities which are properly installed, maintained, and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet compartments in every dwelling unit located therein to a temperature of at least sixty-five (65) degrees Fahrenheit under ordinary minimum winter conditions.
1. No habitable room, dwelling or dwelling unit shall contain any flame producing device or appliance for the purpose of providing the required heat in such space or spaces unless such device or appliance shall be provided with a permanent, proper and safe means for the supplying of combustion air and for the venting to the outdoors of all products of combustion.
 2. The enforcement authority shall approve the use of unvented space heaters operated and maintained according to Underwriters' Laboratory Standards or other approved standards of operation specified for such units.
 3. No portable space heater unit shall be used as the primary source for the required heat to a habitable room.
 4. If the heat in each dwelling unit cannot be controlled by the tenant, the temperature of every occupied dwelling unit shall be maintained to a temperature of at least sixty-five (65) degrees Fahrenheit.
 5. Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate the heating facilities in order to maintain above-freezing temperature at all times in all portions of the dwelling and the premises he occupies and controls so as to prevent damage to water pipes and plumbing.
 6. Every common hall and stairway in every multiple dwelling containing three or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing less than three (3) dwelling units shall be supplied with conveniently located light switches controlling and adequate lighting system which may be turned on as needed.
 7. Between May 1 and October 31 each year, every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall have screens, provided by either or owner or occupant as set out in lease. If the entire apartment is adequately air conditioned, this requirement does not apply.

15.05.060 MAINTENANCE

- A. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.
- B. Ceilings, windows, floors, floor coverings and other walking surfaces shall be free of filth, garbage, human and animal wastes, litter, refuse and any other unsanitary matter.
 1. Walls, ceilings, windows and doorways shall be free of dirt, greasy film, soot and any other unsanitary matter;

2. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight and rodentproof and shall be kept in good repair.
 3. Every window, exterior door and basement hatchway shall be reasonably weathertight and rodentproof and shall be kept in sound working condition and good repair.
 4. Windows shall have panes without major cracks or holes.
 5. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Metal fire escapes shall be maintained in a working condition.
- C. Roofing shall be provided and maintained to prevent the entrance of moisture. All roofing, sheathing and structural components shall be maintained to render each structurally sound.
 - D. Existing gutters, leaders and downspouts shall be maintained in operable condition on all dwellings.
 - E. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.
 - F. Every toilet compartment floor and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a sanitary condition.
 - G. Ceilings, walls and floors shall be maintained free of holes, large cracks or loose and deteriorated materials so that parts which become defective do not constitute a hazard to the occupants nor a harborage for insects or vermin. Split, splintered or badly worn floor boards shall be replaced.
 - H. Doors to habitable rooms, bathrooms and water closet compartments must fit the opening in which they are hung and be properly equipped with hardware.
 - I. All equipment which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in working condition.
 - J. Except as authorized by judicial order, no owner or operator shall interrupt, reduce, shut off, or cause termination of electricity, gas, water, or other essential services to an occupied dwelling or dwelling unit unless the interruption, shutting off, or termination results from an emergency, good faith repairs, or necessary construction; provided however, nothing in this section requires an owner or operator to pay for the services described in this section if the owner or operator has not agreed by a written rental agreement to do so.
 - K. No occupant may interrupt, reduce, shut off, or cause termination of electricity, gas, water or other essential services to the dwelling or dwelling unit if the interruption, reduction, shutting off, or termination of the service will result in serious damage to the dwelling or dwelling unit.
 - L. Each dwelling unit shall have its own metering system for natural gas, water, electricity or any other utility provided in the dwelling. If separate meters are not provided, the owner of the building shall be responsible for providing utilities, but may recover the cost of such utilities from the Occupant(s) in accordance with the terms of the parties' lease.

- M. Any addition or improvement to a Rental Building or Rental Unit shall comply with the Rules of the Indiana Fire Prevention and Building Safety Commission as they now read or may be amended from time to time.

15.05.070 MINIMUM SPACE, USE AND LOCATION

- A. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.
- B. Every dwelling unit shall contain as least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof over one year of age. The floor space shall be calculated on the basis of total habitable room area.
- C. No room used for sleeping purposes shall have a floor area of less than 70 square feet. No room shall be used for sleeping purposes by two or more Occupants unless there is at least 50 square feet of floor area for each Occupant 12 years of age and over and at least 35 square feet of floor area for each Occupant over one year of age and less than 12 years of age.
- D. Kitchens and non-habitable or public spaces shall not be used for sleeping purposes.
- E. No basement space shall be used as a habitable room or dwelling unit unless the floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness
- F. A person who lets for occupancy any Dwelling or Dwelling Unit shall have no liability for a violation of this Section if that person produces a written form of lease or rental agreement in which the tenant or Occupant has represented and agreed the Dwelling or Dwelling Unit will be occupied by a number of persons not exceeding that permitted by this Section.

15.05.080 RESPONSIBILITIES OF OCCUPANTS AND OWNERS

- A. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining the shared or public areas of the dwelling and premises thereof in a sanitary condition.
- B. Every occupant of a dwelling unit shall keep that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls in a sanitary condition.
- C. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish, appliances, furniture and bulky items in a sanitary manner. This provision does not relieve the owner responsibility to maintain his/her property in a sanitary condition.
- D. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and any other organic waste which might provide food for rodents in a sanitary manner.
- E. Every occupant of a dwelling or dwelling unit shall be responsible for seasonal installation of all screens and double doors, storm doors, and window whenever the same are required under the provisions of this chapter, except where the owner has agreed in writing to supply such service.
- F. Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a

dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested.

1. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling unit in any dwelling or in the shared or public parts of any dwelling of two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
- G. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- H. The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids or gas within the dwelling or dwelling unless said liquid or gas is stored in a proper container manufactured for such purposes.

15.05.090 HOTELS AND ROOMING HOUSES

- A. At least one flush water closet, lavatory basin, and bathtub or shower properly connected to the water and sewer systems of the City and in good working condition shall be supplied for each six persons or fractions thereof residing within a hotel or rooming house including members of the operator's family whenever they share the use of such facilities. All facilities shall be so located within the building as to be reasonably accessible from the common hall or passage way to all persons sharing such facilities and provided that such facilities are not located more than one floor above or below the rooming unit(s) served.
- B. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- C. Cooking in dormitory rooms and rooming units is prohibited.
- D. No such facilities shall be located in a basement.
- E. The operator of every hotel or rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to an occupant, the operator shall be responsible for the maintenance of all supplied bedding in a sanitary manner.
- F. Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor space for each occupant thereof.
- G. Separation of rooming units. Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
- H. Access doors to rooming units and dormitory rooms shall have operating locks to ensure privacy.
- I. Every rooming unit shall have immediate access to two or more approved means of egress, with minimum head room of six feet and six inches, appropriately marked, leading to a safe and open space at ground level or as required by the appropriate statutes, ordinances and regulations of the city and the state.

- J. The operator of every hotel or rooming house shall be responsible for sanitary maintenance of all walls, floors and ceilings and the maintenance and sanitary condition of every common part of the hotel or rooming house.

15.05.100 PENALTIES

Any person who refuses to correct a violation cited in accordance with this chapter shall be subject to a fine as provided by Indiana Law. Each day that a violation of this order continues shall constitute a separate offense.

15.05.110 OTHER PROVISIONS

- A. Notices required by this chapter shall be given by:
 - 1. Sending a copy of the order or statement by United States mail (return receipt requested) to the residence, place of business or employment of the person to be notified;
 - 2. Delivering a copy of the order or statement personally to the person to be notified; or
 - 3. Leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified.
 - 4. In the event that an attempt to serve the order by the foregoing method is unsuccessful, the alternate means of service described in I.C. 36-7-9-25 may be used.
- B. If any phrase, sentence or portion hereof is declared invalid by any court of competent jurisdiction, the remainder of this chapter shall nevertheless be enforced as if the same had been passed without such invalid portion.
- C. This chapter shall be known under the name of "An Ordinance To Establish And Enforce Minimum Standards For Rental Housing In The City Of Bluffton, Indiana."
- D. All chapters and parts of chapters inconsistent with the terms of this ordinance are hereby repealed. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects said ordinances and parts of ordinances are hereby ratified, re-established and confirmed.
- E. This ordinance shall be in full force and effect from June 1, 2002.

- 15.08.01 Division of City
- 15.08.02 Use of Even and Odd Numbers; Whole Numbers
- 15.08.03 Determination of Address Number
- 15.08.04 Internal Addressing for Multi-Unit Developments or Structures
- 15.08.05 New Structures Within Existing Neighborhoods
- 15.08.06 Replacement Structures
- 15.08.07 Administration of Addressing Assignments

15.08.01 DIVISION OF CITY

The City shall be divided by designating a line through the City east to west which shall mark the beginning point for addresses to be assigned to structures erected on street which run north and south. This line shall be defined as beginning at the east corporate boundary of the City where it intersects with State Road 124 (Division Road) and extending westerly to a point where it would intersect with a line extending north from Mulberry Street; thence south along said line and on and along Mulberry Street to where Mulberry street intersects with Market Street; thence Westerly along Market Street and extending westerly beyond the termination of Market Street to a point where it would intersect with a line extending north from Merchant Street; thence northerly to a point where said line would intersect with Lancaster Street; thence westerly to the west corporate boundary of the City. Numbering on the north side of this line shall ascend south to north and numbering on the south side of this line shall ascent north to south.

The City shall further be divided by designating a line through the City north to south which shall mark the beginning point for addresses to be assigned to structures erected on street which run east to west. The line shall be defined as beginning at the north corporate boundary of the City where it intersects with State Road 1 (Main Street) and extending southerly on and along State Road 1 to a point where it intersects with the south corporate boundary of the City. Numbering on the east side of this line shall ascend west to east and numbering on the west side of this line shall ascent east to west.

15.08.02 USE OF EVEN AND ODD NUMBERS; WHOLE NUMBERS

When numbers are assigned to a new structure;

- A. Even numbers shall be used on the south and west sides of roads/street, and odd numbers shall be used on the north and east sides of roads/streets.
- B. Only whole numbers shall be used to designate a street address. Apartment or suite numbers shall use either whole numbers or letters.

15.08.03 DETERMINATION OF ADDRESS NUMBER

When determining what number shall be assigned to a new structure;

- A. Addresses shall be based on a mile grid, there being 1000 digits per mile.
- B. Every one-tenth (1/10) of a mile shall constitute a new block of 100 digits.

²²⁰ Adopted Ordinance 1161, 10/29/2002

- C. As a standard but not absolute in assigning addresses, every 5.28 feet shall represent another digit.

15.08.04 INTERNAL ADDRESSING FOR MULTI-UNIT DEVELOPMENTS OR STRUCTURES

Addresses for a property with one structure that is owned by one property owner, but that has more than one tenant shall use one designated street address. If the property is business, “suite” letters or numbers shall designate separate tenancies. If the property is residential, “apartment” letters or numbers shall designate separate tenancies. The property owner shall be responsible for designating suite or apartment assignments and reporting such designations to Area Planning Commission. The Area Planning Commission shall notify developer and/or property owner that such designations shall be submitted for approval by the Area Planning Commission and the Post Office prior to issuance of a “Improvement Location Permit.” Separate Street addresses may be used for duplexes or triplexes if the Area Planning Commission, Post Office and property owner agree such addresses are more practical.

Internal addressing for developments with only one point of ingress and egress may utilize a divergent addressing system if the Area Planning Commission, Post Office and Developer agree that it is more practical.

Addresses for a property that is owned by one property owner, consisting of more than one structure, and in which there are more multiple tenants shall be assigned as deemed appropriate by the Area Planning Commission, Post Office and property owner as most practical.

15.08.05 NEW STRUCTURES WITHIN EXISTING NEIGHBORHOODS

Addresses for new structures within existing neighborhoods established prior to 2001 shall be consistent with existing adjacent addresses and shall conform to these Addressing Standards to the extent that it is practicable.

15.08.06 REPLACEMENT STRUCTURES

When anew structure is erected in a location where a prior structure had already been assigned an address:

- A. The prior structure’s address shall be used if the new structure’s main entry opens to the street used in the prior address and if the prior address conforms to the standards set forth in this Chapter and is consistent with adjacent addresses.
- B. A prior address shall be changed when a new structure replaces and existing structure if the prior address doesn’t conform to these standards set forth in this Chapter or is deemed inconsistent with adjacent addresses.
- C. If the new structure is on a corner lot, a new address shall be assigned based upon the street onto which the new structure’s front entry opens.

15.08.07 ADMINISTRATION OF ADDRESSING ASSIGNMENTS

The City of Bluffton shall administer its addressing system. The Mayor shall designate the person who shall represent and advise on City’s interests for address assignments or issues. Any discrepancies, disputes, or disagreements shall be resolved through the Area Planning Commission.

Sections:

15.10.010	Title
15.10.020	Purpose
15.10.030	Definitions
15.10.040	Scope
15.10.050	Authority
15.10.060	Severability
15.10.070	Building Permit Required
15.10.080	Building Permit Application Process
15.10.090	Issuance of Building Permit
15.10.100	Certificate of Occupancy
15.10.110	General Authority to Make Inspections and Investigations
15.10.120	Inspections by Fire Department
15.10.130	Withholding the Issuance of Permit
15.10.140	Permit Revocation
15.10.150	Issuance of Stop-Work Order
15.10.160	Content and Manner of Service of Stop-Work Order
15.10.170	Civil Actions
15.10.180	Monetary Penalty
15.10.190	Right of Appeal
15.10.200	Adoption of Rules by Reference
15.10.210	Lifting Devices Located Within a Private Residence
15.10.220	Use of Engineered Roof Trusses and Floor Joists
15.10.230	Effective Date

15.10.010 TITLE

This Chapter and all material included herein by reference shall be known as the “Building Code of Bluffton, Indiana” and may be referenced herein as “the Building Code”.

15.10.020 PURPOSE

The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Bluffton, Indiana, and shall be construed in such a manner to effectuate this purpose.

15.10.030 DEFINITIONS

Unless otherwise clearly indicated by its context, the words and terms used in this Chapter shall have the specified meanings set forth as follows:

²²¹ Adopted by Ordinance 1383, 9/30/2014

- A. "Building Commissioner" shall mean the individual appointed to such position by the Board of Public Works and Safety and/or any persons employed by the Building Department that are authorized to represent the Building Commissioner.
- B. "Class 1 Structure" shall have the meaning set forth at IC 22-12-1-4 as it now reads or may be amended in the future.
- C. "Class 2 structure" shall have the meaning set forth at IC 22-12-1-5 as it now reads or may be amended in the future.
- D. "Commission" shall have the meaning set forth at IC 22-12-1-6 as it now reads or may be amended in the future.
- E. "Construction" shall have the meaning set forth at IC 22-12-1-7 as it now reads or may be amended in the future
- F. "Industrialized Building System" shall have the meaning set forth at IC 22-12-1-14 as it now reads or may be amended in the future.
- G. "Manufactured Home" shall have the meaning set forth at IC 22-12-1-16 as it now reads or may be amended in the future and 42 USC 5402 (as it existed on January 1, 2013).
- H. "Mobile structure", shall have the meaning set forth at IC 22-12-1-17 as it now reads or may be amended in the future.
- I. "Person" shall have the meaning set forth at IC 22-12-1-18 as it now reads or may be amended in the future.
- J. "Residential Dwelling" shall mean a structure consisting of at least one (1) but not more than five (5) units, each designed for occupancy by a single family, whether the units are occupied or unoccupied.
- K. "Structure" shall mean both Class 1 and Class 2 structures, unless specifically stated otherwise, and pursuant to IC 22-12-1-24, shall include a swimming pool.
- L. "Substantial Property Interest" shall mean any right in real estate susceptible of being affected in a substantial way by actions authorized by this chapter, including a fee or future interest, life estate interest, present possessory interest or equitable interest of a contract purchaser.
- M. "Vehicular Bridge" shall have the meaning set forth at IC 22-12-1-26 as it now reads or may be amended in the future.

15.10.040 SCOPE

All construction shall be accomplished in compliance with the provisions of this Building Code; provided however, pursuant to IC 22-13-2-6, this Building Code shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Code and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4 and pursuant to IC 22-13-2-9, this Building Code shall not apply to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

15.10.050 AUTHORITY

The Building Commissioner is hereby authorized and directed to administer and enforce the following:

- A. All provisions of this Building Code
- B. Variances granted in accordance with IC 22-13-2-11; and
- C. Orders issued under IC 22-12-7.

15.10.060 SEVERABILITY

Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

15.10.070 BUILDING PERMIT REQUIRED

A Building Permit shall be obtained prior to commencing construction with respect to any of the following:

- A. Construction of new Class 1 structures and new residential dwelling units;
- B. Construction of a new addition to a Class 1 structure or a residential dwelling unit, including but not limited to rooms, porches, decks, patios, and attached garages;
- C. The enclosure of any existing Class 1 structure or any part of an existing residential dwelling unit;
- D. The erection or placement of an accessory structure to a Class 1 or Class 2 structure, including but not limited to, garages, carports, and storage buildings in excess of one hundred (100) square feet;
- E. Construction of a new roof projection or construction which results in structural changes to an existing roof;
- F. Placement of a manufactured home outside of a licensed mobile home park;
- G. Any construction which requires the issuance of a state design release (this includes most work to be performed on a Class 1 Structure);
- H. Construction of a new swimming pool which cannot be readily disassembled for storage and reassembled to its original integrity. (See 675 IAC 20-1.8-18)
- I. The replacement of any existing structure which, if new, would require a building permit under this section.

Construction is prohibited unless performed in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.

15.10.080 BUILDING PERMIT APPLICATION PROCESS

Any person required to have a building permit shall submit a complete application to the Building Commissioner. The application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:

- A. Information that the Building Commissioner determines to be necessary to locate and contact the applicant;
- B. A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.;

- C. A plot plan drawn to scale; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks;
- D. If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3;
- E. Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.;
- F. The fee established by the Board of Public Works and Safety of the City of Bluffton.

Application for a building permit may be made by any person having a substantial property interest in the real estate where the construction is to occur, or the authorized agent or employee of such a person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

15.10.090 ISSUANCE OF BUILDING PERMIT

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

15.10.100 CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Building Code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.

15.10.110 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS

All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Code or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Code and the rules of the Fire Prevention and Building Safety Commission.

15.10.120 INSPECTIONS BY FIRE DEPARTMENT

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17).

15.10.130 WITHHOLDING THE ISSUANCE OF PERMIT

Whenever a person which is either an applicant for a building permit or the recipient of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to the Board of Public Works and Safety or inspection fees owed pursuant to the Board of Public Works and Safety) to the Building Commissioner the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied. Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

15.10.140 PERMIT REVOCATION

The Building Commissioner may revoke a building permit when any of the following are applicable:

- A. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact;
- B. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures;
- C. There is failure to comply with the Building Code;
- D. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

15.10.150 ISSUANCE OF STOP-WORK ORDER

The Building Commissioner may issue a stop-work order when any of the following are applicable:

- A. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Code or any state law pertaining to safety during construction;
- B. Construction is occurring in violation of this Building Code or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially difficult to correct the violation.
- C. Construction for which a building permit is required is proceeding without a building permit being in force.

The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Code.

15.10.160 CONTENT AND MANNER OF SERVICE OF STOP-WORK ORDER

A stop-work order issued under this Chapter shall:

- A. Be in writing;
- B. State with specificity the construction to which it is applicable and the reason for its issuance;
- C. State the conditions under which construction may be resumed;
- D. Be posted on the property in a conspicuous place; and
- E. When practicable, be delivered to:
 1. The person actually performing the construction at the site; and
 2. The owner of the property or the owner's agent.

15.10.170 CIVIL ACTIONS

Pursuant to IC 36-1-6-4, the City may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Code.

15.10.180 MONETARY PENALTY

Any person violating any provision of this Building Code may be subject to a fine in any amount provided by law for each day that the violation continues. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Code.

15.10.190 RIGHT OF APPEAL

Any person aggrieved by an order issued under this Chapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

- A. Appeal to the Fire Prevention and Building Safety Commission.
 1. A person aggrieved by an order issued under this Building Code may appeal to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7;
 2. The Commission may modify or reverse any order issued by the City that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule;
 3. The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order;
 4. The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Code;
 5. The review of an order by the Fire Prevention and Building Safety Commission does not toll the time period under any statute in which a person must petition a court for judicial review of the order.
- B. Appeal to a Court.
 1. A person aggrieved by a decision of the Building Department may appeal to a court of competent jurisdiction for judicial review of the Building Department's decision. The appellant must, by registered mail, give to the City a fifteen (15)

day written notice of his or her intent to appeal. This notice must concisely state the appellant's legal and/or factual basis for the appeal.

15.10.200 ADOPTION OF RULES BY REFERENCE

Pursuant to IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- A. Article 13 – Building Codes
 - 1. Fire and Building Safety Standards
 - 2. Indiana Building Code
- B. Article 14 – Indiana Residential Code
- C. Article 16 – Indiana Plumbing Code
- D. Article 17 – Indiana Electrical Code
- E. Article 18 – Indiana Mechanical Code
- F. Article 19 – Indiana Energy Conservation Code
- G. Article 20 – Indiana Swimming Pool Code
- H. Article 22 – Indiana Fire Code
- I. Article 25 – Indiana Fuel Gas Code
- J. Article 28 – NFPA Standards

Two copies of the above-referenced building rules incorporated by reference herein are on file in the office of the Clerk-Treasurer of the City of Bluffton for public inspection as required by IC 36-1-5-4.

The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Chapter. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

15.10.210 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE

Pursuant to IC 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

- A. Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
- B. Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
- C. Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

- D. Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
- E. Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.

15.10.220 USE OF ENGINEERED ROOF TRUSSES AND FLOOR JOISTS

- A. This Section applies only to new construction of either a Class 1 structure or a Class 2 structure in which engineered roof trusses and/or floor joists are used.
- B. As used in this Section, "Engineered Lumber Roof Trusses And/or Floor Joists" refers to a structural assembly that:
 - 1. Is fabricated from:
 - (a) Wood;
 - (b) Light gauge metal;
 - (c) Other component materials; or
 - (d) Any combination of materials described in subsections (B)(1)(a) through (B)(1)(c);
 - 2. Has less mass cross sectional area than sawn lumber members that would be used in an equivalent application;
 - 3. Is assembled from combustible or noncombustible materials, or both; and
 - 4. Is not a vertical member and supports a roof or floor, or both.
- C. As used in this Section, "Engineered Lumber Roof Trusses and/or Floor Joists" does not include a structural assembly that provides a minimum of one (1) hour fire resistance when tested in accordance with ASTM Standard E119.
- D. As used in this Section, "Owner" means a person having control or custody of any structure to which this article applies.
- E. A structure that contains engineered lumber roof trusses and/or floor joists must have a yellow placard affixed to the structure with distinctive lettering that identifies itself:
 - 1. The types of engineered lumber roof trusses and floor joists used in the structure, including truss or engineered lumber;
 - 2. The location of engineered lumber roof trusses and/or floor joists used in the structure including floor joists or truss roof systems.
- F. The placard may not be:
 - 1. Smaller than three and one-half (3 1/2) inches by four and one-half (4 1/2) inches; and
 - 2. Larger than five (5) inches by five and one-half (5 1/2) inches.
- G. The placard must be permanently affixed:
 - 1. Below the structure's electrical meter, if the structure has electrical service; or

2. On the left side of the front entrance four (4) to six (6) feet above the ground, if the structure does not have electrical service.
- H. An applicant for a building permit must indicate on the application:
1. The types of engineered lumber roof trusses and/or floor joists used in the structure;
 2. The location of the engineered lumber roof trusses and/or floor joists used in the structure.
- I. The application form for a building permit must include a place on the form for providing the information required by the preceding paragraph.
- J. An applicant for a building permit shall not be issued a building permit unless the individual at the time of the application is issued a placard by the Building Commissioner.
- K. A fee, not to exceed five dollars (\$5.00), shall be charged for each placard issued.
- L. The Building Commissioner shall not:
1. Approve a structure on final inspection; or
 2. Issue a certificate of occupancy for a structure; unless a placard is affixed to the structure that meets the requirements of this section.
- M. Not later than ten (10) business days after issuing a building permit, the Building Commissioner shall send written notification to the local fire department and the 911 telephone call center that has jurisdiction in the area where the structure is located that engineered roof trusses and/or floor joists are being used in the construction. The notification shall be sent by certified mail, return receipt requested.
- N. The notification must include the following information:
1. The street address of the property;
 2. The name of the municipality and county in which the structure is located;
 3. The types of engineered lumber roof trusses and/or floor joists used in the structure;
 4. The location of the engineered lumber roof trusses and/or floor joists by area within the structure.
- O. Upon receiving a copy of the notification under subsections M and N, the chief of the fire department or the chief's designee shall:
1. Post the information in a conspicuous place for all emergency personnel;
 2. Provide the information to any fire department providing mutual aid; and
 3. For Class 1 structures only, add the structure to the inspection file for follow up on a timely basis for inspection.
- P. Upon receiving a notification under subsection M and N, the 911 telephone call center shall maintain the information on each property, by the address of the property, that uses engineered lumber roof trusses and/or floor joists. When dispatching to the listed address, the dispatcher shall notify the responding units of the information.
- Q. An owner of a structure shall ensure that the placard remains affixed to the structure during the life of the structure.
- R. If:

1. The Building Commissioner provides written notice to an owner that the owner has failed to install or maintain a placard on the structure in violation of this Section; and
2. The owner fails to correct the violation not later than ten (10) business days after receiving the written notice; the owner is liable for a civil penalty of not more than one hundred dollars (\$100) per day during the period beginning ten (10) business days after the owner receives written notice of the violation from the unit and until the date the violation is corrected. A penalty imposed under this code may not exceed three thousand dollars (\$3,000) per structure per year.

15.10.230 EFFECTIVE DATE

This Building Code shall not be in effect until after the date on which both of the following have occurred:

- A. City Council has adopted this ordinance and
- B. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 22-13-2-5.

TITLE 16----- LAND USE AND CONTROLS

Chapters:

- 16.04 Comprehensive Zoning Ordinance
- 16.08 Subdivision Control

Sections:

16.0.010 Adoption by reference.

16.04.101 ADOPTION BY REFERENCE

The terms and provisions established in the City of Bluffton, Indiana Comprehensive Zoning Ordinance are hereby adopted by reference as if fully set out herein. Two (2) copies of said references are on file in the office of the Clerk-Treasurer for inspection.

²²² Adopted Ordinance 703, 9/13/1983

Sections:

16.08.010 Sub Division Control Ordinance of Wells County, (Adoption by reference)

16.08.010 SUBDIVISION CONTROL ORDINANCE OF WELLS COUNTY

²²³The Subdivision Control Ordinance for Wells County, Bluffton, Markle, Ossian, Poneto, Uniondale and Vera Cruz, as certified to the Common Council of the City of Bluffton, Indiana by the secretary of Wells County Area Plan Commission, is hereby adopted by the City of Bluffton, Indiana which hereby elects to be subject to all of the provisions of said Ordinance.

²²³ Amended by Ordinance 835, 6/20/1989