

MUNICIPAL CODE
for the
TOWN OF WILLIAMS CREEK
1992

An ordinance adopting a Municipal Code for the
Town of Williams Creek, Indiana

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MUNICIPAL CODE FOR THE
TOWN OF WILLIAMS CREEK, INDIANA
1992

The Councilors of the Town of Williams Creek do hereby ordain; that the following chapters, articles and sections are hereby adopted and passed as and for the Municipal Code of the Town of Williams Creek.

CHAPTER I

IMPLEMENTARY AND GENERAL PROVISIONS

ARTICLE 1

Implementary Provisions

Section 1. Short Title; General Citation. This Ordinance shall be known and may be cited as "The Williams Creek Municipal Code", and any such citation or reference shall mean and include all supplements, supplementary ordinances, and amendments thereto.

Section 2. Legislative Intent to Exercise General Powers. It is declared to be the legislative intent of the Town Council, pursuant to the enactment of this code, to invoke and exercise all lawful powers vested in or incumbent on the Town Council of a town to enact ordinances and to provide through legislation for the governance of the municipal corporation and its governmental jurisdiction, including but not necessarily limited to the following powers:

- a. all powers vested expressly by the Constitution and laws of Indiana;
- b. all general or residual powers conferred on the governing body of a town by the laws of the State of Indiana (currently IC 36-1-3, IC 36-1-4, IC 36-7-2, IC 36-9-2, and IC 36-10-2, as amended), or by any other law;
- c. all implied powers incumbent on a municipality through the operation of common law, such as are necessary or dispensable to the purposes for which a municipal corporation is created.

Whenever any provision of this code is a provision of any ordinance enacted prior to the enactment or taking effect of this code, whether included in original or in substantially restated form, such a provision is intended and shall be construed to have been reaffirmed and re-enacted concurrently with the enactment of this code, and shall be interpreted and applied in light of the above described powers as they are now in effect and vested in the Town Council, irrespective of whether any such provision

could or might have been held invalid at the time it was originally enacted for want of then lawful authority of the Town Council to have enacted such a provision at that time.

Section 3. Continuity of Effect of Provisions. It is the legislative intent of the Town Council in adopting this code to preserve the continuity of effect of all re-enacted or restated provisions included herein; and nothing in the re-enactment of any such provisions, nor in the repeal of any original ordinance per se, in which the provision was originally incorporated, shall be construed to nullify, terminate or render unlawful any official action performed, proceeding begun, governmental or corporate entity created, transaction made, or any contractual obligation, indebtedness, or other legal obligation or liability incurred by or to the Town under proper authority or operation of any such re-enacted or restated provision prior to its inclusion in and the taking effect of this code.

Section 4. Publication of Municipal Code. This Code is declared to be a public document. Any person who desires to obtain a copy of the Code, or any part thereof, may do so by making a request to the Town Clerk/Treasurer. The Clerk/Treasurer may collect a charge for each copy of the Code, which charge shall be sufficient to recoup the printing or copy costs to the Town for the Code book. In addition, at least one copy of the printed Municipal Code shall be filed and kept in the office of the Clerk/Treasurer, and the Clerk/Treasurer shall permit any person wishing to do so to examine the Code or make copies of any part thereof as provided by the laws of the State of Indiana (currently IC 5-14-3-8 and IC 5-14-3-3, as amended).

Section 5. Code Effective Date. This code shall take effect on the 1st day of January, 1992.

ARTICLE 2 GENERAL PROVISIONS

Scope of Governmental Activity of Town. The Town of Williams Creek, a town located wholly within the boundaries of the consolidated City of Indianapolis, Indiana, has retained the following areas of governmental interest and supervision, which it exercises through its Town Council and designated agents, employees, consultants and independent contractors:

1. Public works, including street construction, repair, maintenance, lighting, snow removal and other matters relating to the streets or land within the public rights-of-way.
2. Public service relating to the health, safety and well being of its citizens, including police protection supplementing

such protection available through the principal police agencies of Marion County, Indiana, and fire protection as arranged through the Fire Department of Washington Township, Indiana or other similar governmental agency providing such service, from time to time.

Section 1. Definitions. The following terms are commonly used throughout this Code, and shall uniformly have the indicated meanings unless the particular Chapter or Article in which they are used defines a different meaning, or unless the context clearly indicates a broader, more narrow, or otherwise different meaning:

- a. **Town.** The term "Town" (or similar terms such as "municipality" or "city") when used in a governmental or corporate sense means and refers to the Town of Williams Creek, Indiana, a municipal corporation and body politic organized under the laws of Indiana; and includes, with respect to any particular matter and by representation, its Town Council or such other officials, boards, commissions, departments, agencies, or other authorities which by act of the Town Council or by general law are empowered to exercise governmental or corporate authority on behalf of the Town of Williams Creek with respect to such particular matter.

The term "town" when used in a territorial or geographic sense, means or refers to that area included within the lawful municipal boundaries of the Town of Williams Creek at that time in question, irrespective of the boundaries in existence at the time this Code or any included provision or amendment takes effect.

- b. **Town Council.** The term "Town Council" means and refers to the Town Council of the Town of Williams Creek, Indiana and shall consist of three (3) persons.
- c. **County.** The term "county" means and refers to Marion County, Indiana, in the sense analogous to those in which the term "Town" is used as described in subsection a. above.
- d. **State.** The term "State" means and refers to the State of Indiana in the senses analogous to those in which the term "Town" is used as described in subsection a. above.
- e. **Law.** The term "law" when used in reference or respect to any matter means any provision of the United States or Indiana Constitutions, federal or state statute, any

applicable and enforceable federal or state regulations or administrative law, any applicable local ordinance or enforceable regulation, and the common law.

- f. Gender. All words having a masculine, feminine, or neuter connotation shall be construed to mutually entail and include each other.

Section 2. Conflicting or Contradictory Provisions: Resolution. In the event that two provisions of this Code or any supplementary ordinance are conflicting, mutually contradictory, or cannot consistently stand together and be coherently applied, either in general or with respect to any particular matter, then the most recently enacted provision shall prevail and be applied. In the case of any two such conflicting provisions of this Code which are re-enacted or restated provisions of any prior ordinances, the most recently enacted provision is that provision which was formerly part of the most recently adopted prior ordinance, notwithstanding the fact that such prior ordinance per se may have been repealed.

Section 3. Amendment and Repeal; Procedure; Limitation of Effect. The Town Council may add, amend, or repeal any chapter, article, section, or other part of this code by adopting a supplementary ordinance setting forth the addition, amendment, or repeal and specifying the chapter, article, section, or other part of the Code to which the addition, amendment, or repeal applies. The repeal of any chapter, article, section, or other part shall be specific and not generally phrased; and any supplementary provision enacted with the intent to replace any existing provision of the Code shall include or be accompanied by a provision expressly identifying and repealing the provision intended to be replaced. The repeal of any current provision does not work to revive any prior provision which was repealed and replaced by the current provision being repealed; nor does the amendment or repeal of a provision serve to nullify, invalidate, terminate, or render unlawful any official act performed, proceeding begun, transaction made, contract or other legal obligation entered into, or liability incurred by or to the Town by virtue of the proper operation of the amended or repealed provision prior to taking effect of the amendment or repeal. A supplementary ordinance adding, amending, or repealing a provision of this Code shall be adopted in the same manner as other ordinances, except to the extent that an applicable special procedure for adoption is prescribed by this Code or statute.

Section 4. Severability. All chapters, articles, sections, or other portions of this Code are severable from each other as to matters of validity.

CHAPTER II

OFFICERS AND OFFICIALS

ARTICLE 1

PRESIDENT

Section 1. Powers. The Town President shall be chosen from the Town Council and shall be the chief executive of the Town and shall be responsible with the other Councilors for the enforcement of all laws and ordinances. The President, or the President's pro tem, shall preside at all meetings of the Town Council. The President shall be the chief administrative officer of the Town and shall be responsible to the Council for the management and shall have supervision over such other Town personnel and officials as may be created unless the management and control of such officials and personnel is expressly delegated elsewhere.

Section 2. Responsibility -- Meetings. The Town President shall be directly responsible to the Councilors for the faithful and satisfactory performance of his duties. He shall attend such meetings of the Councilors and shall give such additional reports and information to the Town Council as may be required.

Section 3. Compensation. The compensation of the Town President and Town Councilors shall be fixed by the Town Council.

ARTICLE 2

CLERK/TREASURER

Section 1. Duties. The Town Clerk/Treasurer shall serve as the business manager and Chief Fiscal Officer for the Town under the direction of the Town Council and in cooperation with the Town Attorney. The Clerk/Treasurer shall have supervision over the accounting work of the Town and the receipt and disbursement of all Town funds, subject to the approval and control of the Town Council.

Section 2. Purchases. The Clerk/Treasurer shall make all necessary purchases for the Town and Town Police Department. He is authorized to make expenditures of \$500.00 or less, without preliminary authorization from the Town Council, but all expenditures and payments shall be subject to the approval of the Councilors and to the limitations imposed by the adoption of the budget or special appropriation or other limitations imposed by the laws of the State of Indiana.

Section 3. Budget. The Clerk/Treasurer shall prepare and present to the Councilors annually a budget estimate of income and expenditures for the ensuing year. The preparation of such annual budget estimates, the consideration thereof, the publication of notice thereof and hearing thereon, as well as the adoption of ordinances fixing the rate of taxation and making appropriations for such estimated budget amounts shall be governed by the provisions of the laws of the State of Indiana (currently IC 36-5-3-3 et seq., as amended and IC 6-1.1-17-1, et seq., as amended).

Section 4. Meetings. The Town Clerk/Treasurer shall attend all meetings of the Councilors and keep proper minutes and records of the same.

Section 5. Compensation. The salary of the Clerk/Treasurer shall be fixed by the Town Council.

Section 6. General Duties. The Clerk/Treasurer shall be ex-officio Clerk of the Town Council and in addition to the duties required to be performed by the Clerk of the Town Council as set forth herein, it shall be the duty of the Clerk/Treasurer to maintain the Town's records of ordinances, resolutions, financial documents and other papers duly filed and submitted to the office of Town Clerk/Treasurer. Where appropriate, the Clerk/Treasurer shall provide transcripts of the journals and records of said office, certified by the Clerk/Treasurer under the corporate seal of the Town of Williams Creek, and shall provide such records, as public records, to other interested persons upon the payment of an appropriate fee for the production or reproduction thereof. It shall be the duty of the Clerk/Treasurer to perform such other duties as may be required by resolution of the Town Council.

Section 7. Elections. The Clerk/Treasurer shall perform those duties prescribed by the laws of the State of Indiana relative to municipal elections in small towns (currently IC 3-10-7-1 et seq., as amended), including the issuance of a certificate of election under the laws of the State of Indiana (currently IC 3-10-7-34, as amended), to the successful candidates for office.

Section 8. Warrants. The Town funds shall be deposited in the name of the Town of Williams Creek and the only checks which shall be honored against said funds shall be Town Warrants drawn upon the Town's account, signed by the Town Clerk/Treasurer or other person authorized by the Town Council. Each such warrant shall state the particular fund or appropriation to which the same is chargeable and the person to whom payable.

Section 9. Maintenance of Accounts. The Clerk/Treasurer shall receive all moneys belonging to the Town of Williams Creek, and shall keep all necessary books and accounts according to good accounting practice, and such books and accounts shall always be subject to the inspection of any member of the Town Councilors. Said books shall be kept by the Clerk/Treasurer or under his

direction, so as to show at all times the exact condition of the moneys under his control and of such accounts with the several funds or appropriations, and of all disbursements by him made, and shall be by him handed over to his successor, with the other books and accounts pertaining to his office. Said book should be balanced at least monthly.

ARTICLE 3

TOWN ATTORNEY

Section 1. Creation of Office -- Appointment. There is hereby created the office of Town Attorney. The Town Attorney shall be appointed by the President by and with the approval of the Town Council. Said Attorney shall hold office from the date of his appointment and shall serve at the pleasure of the Town Council and until his successor shall be appointed and qualified.

Section 2. Opinions. The Town Attorney shall give his legal opinion to the Town Councilors or to the Town Marshal or Clerk/Treasurer, on legal questions arising under or concerning the Town laws and ordinances, the ordinances of the City of Indianapolis and Marion County, Indiana and the laws of the State of Indiana and of the United States.

Section 3. Other Duties. In addition to the duties herein expressly set forth or impliedly pertaining to his office, the Town Attorney shall prepare and draft any proposed ordinance requested of him by any member of the Town Council; he shall give the necessary attention to other proceedings of interest to the Town before all courts or public agencies.

Section 4. Compensation. The compensation of the Town Attorney shall be fixed by the council. Additional expenditures for legal services may be made, as required, by the Town Council in such sums and for such services as the Town Council may authorize.

ARTICLE 4

TOWN MARSHAL

Section 1. Appointment and Term of Town Marshal. The President shall with the approval of the Town Council, appoint a Town Marshal, who shall hold office at the pleasure of the Town Council and until his respective successor is appointed. The Town Marshal, with the approval of the Town Council, may appoint Deputy Marshals to assist him in performing the duties of Town Marshal. A Deputy Marshal's appointment will be at the pleasure of the Town Council and Town Marshal.

Section 2. Duties. The Town Marshal and his appointed Deputies shall perform such duties as shall be prescribed by the Councilors of the Town of Williams Creek for the preservation of the public peace and safety and the observance and enforcement of the ordinances and laws of the Town of Williams Creek, Marion County, Indiana and the State of Indiana as such laws and ordinances apply to the activities of the Town of Williams Creek. The Town Marshal shall be responsible for administering Town Council approved Rules and Regulations, which further govern the activities of the Marshal and Deputy Marshals.

Section 3. Resisting an Officer. No person shall resist any member of the Williams Creek Police Department in the discharge of his duty, or in any way interfere with, hinder or prevent such discharge, or offer or endeavor so to do; nor in any manner assist any person in custody of any member of the police department to escape or attempt to escape, nor rescue or attempt to rescue any person in custody.

Section 4. Police Records. All records and reports of the Town Police Department shall be maintained in the office of the Town Marshal and shall be accessible to all members of the Town Council and the Clerk/Treasurer.

Section 5. Compensation. The salary of the Town Marshal shall be fixed by the Town Council. Additional expenditures for services provided by the Town's Marshal and Deputy Marshals may be made, as needed, by the Town Council in such sums and for such services as the Town Council may authorize.

ARTICLE 5

CONSULTANTS

Section 1. Town Consultants. The Town Council may appoint, as needed, a consultant to assist the police department, Town Council, Clerk/Treasurer, or Town Attorney with matters pertaining to the Town. Compensation for a consultant shall be approved by the Town Council.

ARTICLE 6

TOWN HALL

Section 1. The residence of the Town Clerk/Treasurer shall be the Town Hall of the Town of Williams Creek.

ARTICLE 7

OATHS OF OFFICE

Section 1. Each member of the Town Council, the Town Clerk/Treasurer, the Town Attorney, the Town Marshal and all Deputy Town Marshals shall, before entering upon the discharge of their respective duties, take and subscribe the oath required of officers of the Town to support the laws of the Town, the ordinances of Marion County, Indiana, the Constitution and laws of the State of Indiana, and the Constitution and laws of the United States.

CHAPTER III

ADMINISTRATION AND FINANCE

ARTICLE 1

Section 1. Insurance. The Town Council shall maintain and approve such liability and other insurance, as they may deem appropriate from time to time, to cover all of the activities of the Town, Town Council, Town officers and personnel. Said insurance shall be maintained in such companies and in such amounts as are approved by the Town Council.

Section 2. Fiscal Year. The fiscal year of the Town is hereby fixed and determined to be the calendar year.

Section 3. Payment of Membership Dues to Organizations Authorized. The Town Council may budget and appropriate funds from the General Fund or from other funds to provide membership for the Town and the elected and appointed officials and members of the Town's boards, departments or agencies, in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations. The Town Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs.

Section 4. Gifts and Donations; Donation Fund. The Town may accept cash gifts, donations, bequests, or endowments either for general use or for purposes limited and specified by the donor. Donations for general use may be accepted by the Clerk/Treasurer immediately; donations for limited and specified purposes must be approved by the Town Council before acceptance.

ARTICLE 2

TOWN BOUNDARIES

Section 1. **Town Boundaries.** The boundaries of the Town are hereby confirmed to be shown on the final order of the Board of Commissioners of Marion County, Indiana, dated January 4, 1932, set forth in the Appendix A hereunto and incorporated herein by reference.

CHAPTER IV

PUBLIC WORKS ACTIVITIES

ARTICLE 1

PUBLIC RIGHTS-OF-WAY -- EXCAVATION OR DISTURBANCE -- DRAINAGE

Section 1. **Notice Required.** Any person, firm or corporation wishing to make an excavation of any public street, right-of-way, or public place or easement in the Town, shall notify the Town at least 72 hours prior to the making of any excavation in the Town, except in the case of an emergency requiring less notice to meet the terms of such emergency. Such excavation and/or construction activity may proceed unless the Town determines that in the best interest of the Town such proposed excavation should be considered for a permit by the Town Council prior to proceeding with such construction. Unless otherwise directed by the Town Councilors, such excavation and construction may proceed when verification has been obtained of the location of other utilities by the Underground Pipeline Location Service.

Section 2. **Permit and Surety Bond.** If, in the opinion of the Town, a permit is required, the applicant shall also give a surety company bond, in an amount to be fixed by the Town Clerk/Treasurer, conditioned that he will suitably guard and protect any excavation or construction, and defend, save and indemnify the Town from all actions, suits, costs, damages and expenses whatsoever, including attorney fees, for, or on account of any injuries or damages received or sustained by any party or parties, by or from acts or omissions of the applicant or his or their employees, in doing such work or by or from the existence of such excavation; that he will carry out the work according to the terms and conditions of his application and permit; and that he will restore such streets, and public places to their former condition, and to complete such work as speedily as possible, and when completed, to notify the Town Clerk/Treasurer.

Section 3. Duty to Place Barriers on Excavation. It shall be the duty of every person, firm, or corporation excavating or constructing any improvement in any street, alley, right-of-way or other public place under any contract with the Town or by virtue of any permit or permission granted by the Town whereby such work if left exposed might prove to be dangerous to pedestrians or vehicles, to erect a barrier or fence at such excavation or other work in such a manner as to avoid danger to pedestrians or vehicles that may be traveling over such streets; and to continue to maintain the said barrier or fence until the work shall be completed or the obstruction or danger removed. And it also shall be the duty of such persons, firms or corporations, to place a sufficient number of warning lights at such excavations or other work at twilight and to keep the same running throughout the nighttime hours. All barriers or other safety devices placed in and around such excavations shall meet all federal, state and local laws and regulations relative to the safety of all employees related to such project, as well as the vehicular and pedestrian traffic that is exposed to any risk created by such excavation and/or construction.

ARTICLE 2

DRAINAGE DITCHES-CULVERT DRAINS-STORM SEWERS

Section 1. Obstruction Prohibited Without Permission. No person may, without permission of the Town, stop, obstruct, or attempt to obstruct the passage of water in any drainage ditch or into any culvert, catch basin or storm sewer within the Town.

Section 2. Violations-Stop Work Orders. Any persons violating the provisions of Section 1 shall be subject to the issuance of a stop work order by the Town and such stop work order may be enforced by the Town through the Town Attorney or other available resources in whatever manner the Town, in its discretion, determines to be appropriate.

Section 3. Plans and Specifications. Any person, firm or corporation wishing to install, relocate or reconstruct any driveway, drainage ditch, culvert drain or storm sewer which entails the discharging of surface water and/or storm drainage to public rights-of way shall, prior to such construction, submit plans and material specifications to the Town for approval.

Section 4. Applicability to Existing Facilities. If the Town finds that an existing drain pipe or similar facility, located on private property, is hindering or otherwise impeding the drainage of surface water, the property owner owning or abutting the property where such drain pipe is located shall be given notice by the Town to correct such deficiency within sixty (60) days

after such notice. In the completion of such corrective action, such owner shall submit plans and material specifications to the Town for approval prior to the commencement of such corrective action.

Section 5. Failure of Owner to Correct. In the event the property owner fails to correct the condition described in Section 4 above within such notice period, the Town through its Town Engineer shall cause such condition to be corrected and the costs thereof, including any costs of collection, shall be paid by the property owner. In the event the property owner fails to pay such cost within thirty (30) days written notice thereof, the Town thru the Town Attorney shall commence proceedings for the collection of such costs of the corrective action, plus court costs and reasonable attorney's fees.

ARTICLE 3

PUBLIC STREETS AND THOROUGHFARES

Section 1. Burning of Rubbish on Street Pavement Prohibited. No person may at any time build any fire or burn any trash, brush, leaves, or other combustibles upon any paved street or public sidewalk of the Town.

Section 2. Scattering of Foreign Matter Prohibited. No person shall permit any vehicle under their ownership or control to deposit on any sidewalk, street or public place within the Town, any dirt, mud, sand, gravel, cement, petroleum products, harmful chemical substances, scrap paper, garbage or any other trash or material or substance which would render the street or public place unclean, unsightly, unsafe or unusable.

Section 3. Occupation of Streets. It shall be unlawful for any person, firm or corporation to deposit or store upon the street or sidewalk abutting upon or adjacent to the lot or tract upon which any building or structure is being erected, constructed, altered or repaired, or upon any street, or sidewalk within the Town, any building materials, tools, apparatus, or structure designed or intended to be used in the erection, construction or repair of buildings.

Section 4. Restoration of Public Rights-Of-Way Following Construction Activity. The person to whom a building or construction permit is issued by any appropriate governmental authority, shall be responsible for the restoration, as approved by the Town, of all damage to the streets, curbs, shoulders and grass areas adjacent to the lot or tract upon which such construction activity has occurred. The Town Engineer, following such construction activity, shall inspect such construction site

and submit his recommendations to the Town Council as to whether such damage and/or destruction was caused by such construction activity with the appropriate notice and demand being made by the Town to such permit holder for restoration thereof.

Section 5. General Duty. It shall be the duty of every owner or occupant of a building in the Town to keep it in a safe and sanitary condition.

CHAPTER V ANIMALS

Article 1 Dangerous Animals

Section 1. Prohibited Activities. It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the Town. It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

Section 2. Fierce Dogs at Large. If any dangerous, fierce or vicious dog shall be found at large on the streets, or public ways of the Town or in any church, school, public hall or building, or upon the private premises of any person other than the owner or keeper of such dog, and shall in any manner disturb the quiet of any person or neighborhood as by howling or barking, the owner or keeper of such dog shall be deemed guilty of a violation of this article.

Article 2

Birds

Section 1. Killing of Birds Prohibited. No person shall at any time, within the corporate limits of said Town, kill, or attempt to destroy or kill, any bird.

Article 3 Cruelty Prohibited

Section 1. No person shall cruelly treat any animal in the Town, in any way; and no person shall beat, underfeed, or abandon any animal.

CHAPTER VI

Transient Merchants, Peddlers And Advertising Distributors

Section 1. Definitions; Exclusions. The words "peddler" and "peddle" as used in this chapter shall include:

- A) Generally, except as provided in subsection (b), all phases of such terms as commonly defined and understood, and shall particularly include hawkers and itinerant dealers, and shall mean any person who does not operate his business exclusively or regularly from an established fixed place or location, but who operates it principally by:
 - 1) solicitation from house to house; or
 - 2) by traveling from place to place over the public streets or places of the Town on foot or in some vehicle; carrying property, goods, publications, wares, merchandise, food or drink products or produce, or samples of some such various articles of property, which he sells, offers to sell, or for which he solicits orders for later delivery.
- B) However, the term "peddler" does not include a person selling or delivering newspapers or other property or mailing or delivery service people, either public or private.
- C) Nothing herein contained shall prohibit customary fund-raising for religious, charitable, or educational purposes by not-for-profit schools, churches and other similar institutions and organizations with which citizens of the Town are associated.

Section 2. License Required. No person, except as herein otherwise provided, shall peddle any kind of personal property at wholesale or retail without first having procured a license to do so. Separate licenses and payment of fees as hereafter provided shall be required of any person acting both as a peddler of food or drink products or produce. One person may take out in his name any number of such licenses, to be used only by persons in his employ or doing business for him.

Section 3. Application Procedure. The license to be obtained shall be issued to an applicant upon his application to the Town Council and upon payment of the fees prescribed from time to time. The applicant shall furnish the Town Clerk/Treasurer with

a written statement of his name and address, birth date, the nature of his selling plan, a description of the articles to be sold, and evidence that he is duly registered with the Indiana Department of Revenue for collection of any applicable sales taxes.

CHAPTER VII

NUISANCES

Section 1. Nuisances Defined. In addition to the nuisances elsewhere defined in this Code, it is hereby declared to be a nuisance:

- a. To conduct or use any premises so negligently as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to others.
- b. To cause or suffer the carcass of any animal, trash, garbage, filth, or decaying substance to be collected, deposited, or to remain in any place within the Town.
- c. To establish, maintain or carry on any unlawful business or activity within the limits of the Town.
- d. To own, keep or use any yard, pen, place or premise, in or upon which any animal shall be confined or kept, so as to be offensive to those residing in the vicinity, or an annoyance to others.
- e. To produce or permit to be produced, in or upon any premises, any offensive noise to the disturbance of the peace or quiet of the neighborhood or of any person residing in the vicinity of such premises. To maintain or operate or cause or permit to be operated in any building or on any premises or public right-of-way in the Town any device or mechanical musical instrument or device of any kind whereby the sound there from is projected or cast directly upon the public streets or public places or where such device is maintained and operated for advertising purposes for the purpose of attracting the attention of the passing public, or where such device is so placed and operated that the sounds coming there from can be heard to the annoyance, inconvenience or discomfort of travelers upon any street or public place or of any persons occupying or being upon neighboring premises.
- f. To allow the escape of smoke, soot, cinders, noxious acids, fumes, gases or flyash within the Town limits in

such quantities as to endanger the health or ordinary sensibilities of other persons or to threaten injury to property.

- g. To allow the accumulation of junk, rubbish, scrap metal, automotive parts, building materials, machinery, dead trees, or parts thereof, upon any premises.
- h. To allow buildings or structures to become so dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- i. To allow on any premises or any enclosure, appliance, container or other structure which attracts vermin, rodents or similar threats to the health and safety of the Town's citizens.
- j. To allow on any premises "junk" or "junk automobiles". The word "junk" used herein shall mean any articles in any form composed of or consisting of any of the following enumerated discarded, abandoned or cast off metals or materials: iron, brass, bronze, copper, tin, zinc, lead plastic, fiberglass or any other related and similar materials and compounds, unless they are fully enclosed within lawfully existing buildings on the premises. Junk shall also include wrecked, abandoned or dismantled automobiles or parts thereof.

Junk automobiles are declared a nuisance because of the danger to health by vermin, insects and fire and the attractive dangers to small children and shall mean any motor vehicle which does not bear a currently valid license plate, including special identifying plate as a classic, historic or antique vehicle, and not kept within a garage or other lawfully existing building on the premises.
- k. Abandoned motor vehicles due to the danger from fire and similar incidents are declared to be a nuisance and are defined to be any abandoned or unlicensed or inoperable or disassembled or wrecked motor vehicle on any street or public property for more than five (5) days or upon any private property, outside an enclosed lawfully constructed structure, for more than fifteen (15) days. Such vehicles shall be disposed of in accordance with the laws of the State of Indiana (currently IC 9-9-1.1-7, et seq., as amended).
- l. Open burning of rubbish, trash, brush, leaves, or other combustibles in such a manner as to create a nuisance to other Town residents or to endanger the health or

ordinary sensibilities of other persons or to threaten injury to property. In addition, open burning will be further restricted to comply with current Marion County and City of Indianapolis ordinances.

Section 2. Abatement of Nuisance. Whenever any nuisance shall be found on any premises within the Town contrary to this Code or any ordinance of the Town, members of the Town Council and the Town Marshal or his Deputies, are hereby authorized and directed to cause the same to be abated as follows:

- a. Notice to Owner: The Town Council shall direct the Town Marshal or his Deputy to serve a notice on the owner, or if the owner cannot be found, on the occupant or person causing or permitting or maintaining such nuisance, to abate or remove such nuisance within 72 hours and shall state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.
- b. Abatement by Town: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town Council shall cause the commencement of an action to abate such nuisance in the name of the Town in the appropriate court in Marion County, Indiana, which action shall be conducted by the Town Attorney pursuant to the laws of the State of Indiana (currently IC 34-1-52.5-1, as amended).
- c. Cost of Abatement: In addition to any other penalty imposed by law, the cost of abating a public nuisance, including court costs and reasonable attorney fees incurred by the Town in the prosecution of such action, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as other special tax assessments.

CHAPTER VIII

PLANTS, SHRUBS, WEEDS AND TREES

Section 1. Cutting Weeds. It shall be unlawful for any owner, lessee or occupant, or any agent, representative or employee of any such owner, lessee, or occupant having control of any lot or

parcel of land situated in the Town, to allow or maintain on any such lot or parcel of land any growth of weed or weeds to a height in excess of ten (10) inches.

Section 2. Shrubbery Required to be Trimmed. If trees, bushes or shrubbery shall be allowed by the owner thereof, or the occupant of any premises on which they are located, to grow in such a manner as to extend over or into any public street or public right-of-way obstructing the view of traffic control devices or traffic at street intersections, or in such manner as to obstruct the view or access to fire hydrants in the Town, it shall be the duty of the Town Council to notify the owner of such premises to cut or trim such weeds, trees, bushes, shrubbery or vegetation in a manner to be particularly specified in such notice so as to afford an unobstructed view to the public and fire fighting agencies on all streets, traffic control devices, rights-of-way and fire hydrants. If any person shall refuse or neglect to comply with such notice within five (5) days after the date on which such notice shall have been deposited in the United States mail, Certified mail, and directed to the owner of such premises, such obstructions shall be removed on order of the Town Council. The Clerk/Treasurer shall make a certified statement of the actual costs incurred by the Town in the removal of such weeds or other vegetation and such certification shall be delivered by certified mail or in person to the owner and the owner shall pay such sum to the Clerk/Treasurer in reimbursement of such costs. If the owner fails to pay the amount within ten (10) day after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the Auditor of Marion County. The Auditor shall place the amount claimed, on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes and shall be disbursed to the General Fund of the Town pursuant to the laws of the State of Indiana (currently IC 36-7-10-3, as amended).

CHAPTER IX

WEAPONS

Section 1. Discharge Prohibited. No person shall fire or discharge any canon, gun, rifle, revolver, pistol, or other firearm or any air gun within the corporate limits of the Town.

Section 2. Police Officers Exempt. The prohibitions of this chapter relating to the discharge of weapons shall not apply to the officers or members of the Williams Creek Police Department, nor to any officer of any law enforcement agency or court, whose duty may be to serve warrants or to make arrests, while in the performance of their duties.

CHAPTER X

MISCELLANEOUS ACTIVITIES PROHIBITED

Section 1. Advertisements. No person shall post or paste any advertisements upon any bridge, fence, building, house, electrical light or telephone pole or public building or place.

Section 2. Temporary Signs. The following signs shall be allowed on a temporary basis as prescribed hereunder, with no other temporary signs being permitted:

a. Real Estate Signs.

- (i) On Premise. Real Estate "For Sale" or "For Rent" signs advertising the premises for sale or rent up to a total of 6 square feet are permitted subject to being promptly removed upon the completion of the sale or renting of the premises. Such signs shall not be within the public right-of-way.
- (ii) Off Premises. "Open House" signs, informing the motoring public of the location of an "Open House", will be permitted within a two block radius of the premises for a period of one hour prior to the open house, and one hour thereafter.

b. Personal Property Sale Sign.

A personal property sale sign of not more than 6 square feet advertising the sale of personal property is permitted on the premises for not longer than two consecutive days subject to being removed within one hour following the completion of such sale. The placement of such sign shall not occur more than one hour prior to the commencement of such sale.

Section 3. Other Signs. Except as provided in this Chapter, no signs shall be displayed to the public view on any privately owned residential lot except one unlighted professional sign of not more than one square foot describing an allowed home occupation as that term is defined in the dwelling district zoning ordinance of Marion County, Indiana or its successor ordinances, provided, however, that one sign of not more than 6 square feet advertising a property for sale or rent may be used by an owner or his representative as further described in Section 2 of this Chapter.

Section 4. Enforcement. Enforcement of the sign provisions of this Code shall be by such legal action determined appropriate by

the Town Council and/or by the Code Enforcement Division of the Metropolitan Development Commission of Indianapolis/Marion County, Indiana.

CHAPTER XI

TRAFFIC REGULATIONS

Section 1. **Definitions.** Terms used in this chapter shall have the same meaning set forth in the laws of the State of Indiana (currently IC 9-4-1-1 et seq., as amended).

Section 2. **Town Council.** The Town Council is empowered to establish zones for no parking, limited parking, restricted parking, reserved parking, and to declare any street preferential over any intersecting street and promulgate any rule or ordinance for the use of streets within the Town not inconsistent with the laws of the State of Indiana.

Section 3. **Signs.** Upon the adoption of any traffic ordinance or rule by the Town Council, the Town Council shall cause a sign, marker or traffic control device applicable thereto, to be erected in appropriate places upon which shall be imprinted instructions which are applicable to the rule or ordinance so adopted. Said posting of signs shall comply in all respects with the laws of the State of Indiana (currently IC 9-4-1-28, et seq., as amended). The Town shall replace and maintain said signs as deemed appropriate by the Town Council.

Section 4. **Traffic Duty of Marshal.** In addition to other activities, it shall be the duty of the Town Marshal and Deputy Marshals to enforce the street traffic regulations of the Town and all state motor vehicle laws applicable to the street traffic in the Town; to make arrests for traffic violations; to investigate all traffic accidents and make reports on the appropriate accident report forms; to maintain records of all arrests and warnings; to cooperate with other officers of Marion County, Indiana and the City of Indianapolis for the improvement of traffic conditions.

Section 5. **Speed Limit Designations**

- a. **Generally.** Except as otherwise specifically provided for expressly designated areas or zones, no person shall drive a motor vehicle within the Town limits in excess of 30 miles per hour.

- b. Area and Zone Restrictions. No person shall drive a motor vehicle in excess of 20 miles per hour in the reduced designated speed zone areas set forth in the attached Appendix B, incorporated herein by reference, as amended from time to time, with appropriate signs posted declaring such reduced speed restrictions.
- c. Other Traffic Regulations. The Town Council may, from time to time, by resolution, designate certain portions of streets in the Town for special posting with signs depicting the words "slow", "children present", "no outlet" and such other signs customarily used in the promotion of the public safety on behalf of the Town's citizens and visitors. Where so designated, all motorist shall operate their vehicles in a manner consistent with the words displayed on the posted signs.

Section 6. Stop and Yield Intersections. The Town Council shall by proper ordinance have the authority to establish stop and yield intersections. The intersection described in Appendix C entitled "Designated Stop Streets as of January 1, 1992" appears at the end of this Code and shall be amended from time to time as the Town Council determines. When signs are erected giving notice thereof, drivers of motor vehicles shall obey the respective signs before entering any of the streets or portions thereof described in Appendix C, incorporated herein by reference, and as amended from time to time.

Section 7. Vehicle Weight Limits. No person shall drive any motor vehicle on a Town street that has a gross weight of more than 10,000 pounds. Section 7 restrictions shall not apply to the following:

- a. Any public or private emergency or medical services vehicle;
- b. Regular trash removal and pick up service vehicles;
- c. Mail or package delivery vehicles;
- d. Recreational vehicles owned by residents of the Town or visiting guests of the Town;
- e. Moving vans engaged in removing or delivering furnishings or similar property;
- f. Construction vehicles which are entering or leaving a construction site within the Town which cannot reasonably be accessed by another route;

g. School buses;

h. Vehicles engaged by the Town for public works and related public services.

Section 8. Except as otherwise provided in the foregoing traffic regulations, the laws of the State of Indiana and the ordinances of the consolidated City of Indianapolis/Marion County, Indiana shall govern the activities of operators of motor vehicles, including the penalties and enforcement for violations thereof.

NOW BE IT FURTHER ORDAINED that this Code shall be in full force and effect from and after January 1, 1992.

December 10, 1991

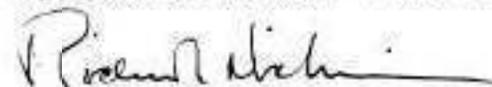
TOWN OF WILLIAMS CREEK, INDIANA



Harry A. Weaver, Jr., President,
Town Council



William C. Hurst, Town Councilor



Richard A. Dickinson, Town Councilor

ATTEST:



Peter J. Cisłak, Clerk/Treasurer

APPENDIX A

TOWN BOUNDARIES

(See Attached)

WILLIAMS CREEK MARION COUNTY INDIANA

