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CHAPTER 1

GENERAL PROVISIONS

Sec. 1-1 *Code* Citation and Designation.[1]

The ordinances contained in the following chapters, articles, divisions, and sections shall constitute and be designated as the *"Terre Haute City Code",* and may be cited as the *"City Code"* or, in the provisions which follow as "this *Code".*

Sec. 1-2 Effective Date of *Code;* Repeal of General Ordinances in Conflict; Savings Clause.[2]

All of the provisions of this *Code* shall be in full force and effect from the date of passage and the filing of two (2) copies of this *Code* in the office of the City Clerk, and all ordinances of a general and permanent nature in force at that time are repealed from and after said date.

Such repeal shall not affect any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or occurring before said effective date; nor shall it affect any ordinance accepting gifts and dedications of real estate; nor any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issue of bonds of the City; or other evidence of the City's indebtedness, or any contract or obligation assumed by the City; nor shall said repeal affect the administration's ordinances or resolutions of this *Code;* nor any salaries, appropriations, vacations of public property; nor shall it affect transfer and appropriation ordinances; nor shall it affect any ordinance concerning annexation or dis-annexation of territories to or from the City, or any ordinances changing or concerning names of streets, or opening and closing streets, or ordinances commonly known as zoning map amendments; nor shall it affect any right, easement or franchise, conferred by any person or corporation; nor shall it affect any prosecution, suit or proceeding pending on said date, except that the proceeding thereof shall conform as far as possible to the provisions of this *Code.*

Sec. 1-3 Definitions.[3]

In the construction of this *Code* and of all ordinances, the following definitions shall be applied:

And may be read **Or,** and **Or** may be read **And,** if the sense requires it.

Another or **Person.** When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

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[1] Editor's Note: During the prior recodification, § 101.01 designated the *Code* as the "Municipal Code of Terre Haute, Indiana, 1989" with it marked as being recodified as "1/94" on the same page.
[2] *I.C.* §§ 36-1-5-1 through 36-1-5-6, address the codification of ordinances by all units of government except Townships.
[3] *I.C.* §§ 36-1-2-1 through 36-1-2-24, set forth the definitions of general applicability.

Board of Health. The Vigo County Board of Health.

Board of Public Works and Safety. The Board of Public Works and Safety of Terre Haute. *(1989 Terre Haute Municipal Code*, §101.02)

City. The City of Terre Haute, Indiana, or the area within the territorial limits of the City of Terre Haute, Indiana, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

City Clerk. The Clerk of the City of Terre Haute, a second-class city.[4]

Code. The *Terre Haute City Code.*

Common Council. The City Legislative Body made up of nine (9) elected council members.

Computation of Time. The time within which an act is required to be done and is to be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday or a holiday, in which case it shall also be excluded.

Council. The Common Council of the City of Terre Haute. (*1989 Terre Haute Municipal Code*, § 101.02)

County. The County of Vigo, Indiana. (*1989 Terre Haute Municipal Code*, §101.02)

***Et Seq*.** The Latin phrase meaning "and the following".

Gender. The words used in the masculine gender shall include feminine and neuter.

I.C. shall refer to state law found in the *Indiana Code.*

Keeper or **Proprietor.** Includes all persons, whether acting by themselves or as a servant, agent or employee. (*1989 Terre Haute Municipal Code*, §101.02)

Land or **Real Estate.** Includes rights and easements of incorporeal nature. (*1989 Terre Haute Municipal Code*, § 101.02)

May is permissive.

Mayor. The Mayor of the City of Terre Haute.

Month. A calendar month.

Must and **Shall** are each mandatory.

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[4] *I.C.* § 36-4-1-1, addresses the classification of cities and notes in a footnote reference that as of the last federal census that Terre Haute is a second-class city.

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".

Ordinances. The ordinances of the City of Terre Haute and all amendments thereto.

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.

Person. Any natural individual, firm, trust, association, or corporation. Whenever the word "person" is used in any section of this *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 this section. The singular includes the plural, and the masculine gender includes the feminine and neuter genders, unless a more limited meaning is disclosed by the context.

Personal Property. Includes every kind of property except real property.

Preceding and **Following** mean next before and next after, respectively.

Premises. As applied to property, includes land and buildings. (*1989 Terre Haute Municipal Code,* § 101.02)

Property. Includes real and personal property.

Public Authority. Includes Boards of Education, the Municipal, County, State or Federal government, its officers or any agency thereof, or any duly authorized public official. (*1989 Terre Haute Municipal Code,* § 101.02)

Public Place. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement. (*1989 Terre Haute Municipal Code,* § 101.02)

Real Property. Includes lands, tenements and hereditaments.

Registered Mail includes **Certified Mail**. (*1989 Terre Haute Municipal Code,* § 101.02)

Sidewalk. That portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

State. The State of Indiana. (*1989 Terre Haute Municipal Code,* § 101.02)

Street. Includes all streets, highways, avenues, lanes, alleys, courts, squares, or other public ways in the city which have been or may hereafter be dedicated and open to public use.

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.

Written. Includes printed, typewritten, or otherwise reproduced in permanent visible form.

Year. A calendar year.

Sec. 1-4 Rules of Construction.

a. **General Rule.** All words and phrases shall be construed and understood 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.

b. **Tense; Gender; Plural.** As used in the *Terre Haute City Code,* unless the context otherwise requires:

(1) Words in the present tense include the future tense.

(2) Words in the masculine gender include the feminine and neuter genders.

(3) Words in the plural number include the singular number, and words in the singular number include the plural number.

c. **Calendar - Computation of Time.** The terms "month" and "year" mean the calendar month or year. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except the last day shall be excluded if it falls on Sunday. When such time is expressed in hours the whole of Sunday shall be excluded.

When a law is to take effect or become operative from and after a day named, no part of that day shall be included.

In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

d. **Authority.** When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

e. **Joint Authority.** All words purporting to give joint authority to three (3) or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in giving the authority or inconsistent with State Statute provisions.

f. **Exceptions.** The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or text of such law may be repugnant thereto. (*1989 Terre Haute Municipal Code,* § 101.03)

Sec. 1-5 *Code* Application.

Unless otherwise provided in this *Code*, this *Code* shall apply to all acts performed within the corporate limits of the City of Terre Haute. Provisions of this *Code* shall also apply to acts performed outside the corporate limits and up to the limits provided by law, where the law confers power on the City to regulate such particular acts outside the corporate limits.

Sec. 1-6 Interpretation of Section Numbers.

a. Each section of this *Code* shall be numbered consecutively by chapter. The number shall consist of two (2) component parts separated by a dash, the figure before the dash referring to chapter number and the figure after the dash referring to the position of the section within the chapter.

b. The decimal system shall be used for all additions or amendments to this *Code.* When a chapter or section is to be added, the new chapter or section shall be given a decimal character.

Sec. 1-7 Repeal Shall Not Revive Ordinances.

a. When a law which repealed a former law is repealed, the former law is not thereby-revived.

b. When a provision of the *Terre Haute City Code* is repealed or amended, such repeal or amendment does not affect pending actions, prosecutions or proceedings, civil or criminal. When the repeal or amendment relates to the remedy, it does not affect pending actions, prosecutions or proceedings, unless so expressed nor does any repeal or amendment affect cases of such action, prosecution or proceedings at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing law.

c. When a provision of the *Terre Haute City Code* is repealed, such repeal does not:

(1) Affect any rights or liabilities which exist, have accrued or have been incurred by virtue of such repealed provisions;

(2) Affect an action or proceeding for the enforcement of any rights or liabilities existing or arising thereunder;

(3) Relieve any person from penalties for an infraction committed in violation of such repealed provision;

(4) Affect an indictment or prosecution for a violation of such repealed provision.

For the purposes of this Section, such repealed provision shall continue in full force and effect notwithstanding such repeal, provided this does not affect the limitation of actions, prosecutions or proceedings imposed by any State Statute. (Spec. Ord. No. 10, 1978; *Terre Haute Municipal Code,* § 101.04)

Sec. 1-8 Effective Date of Ordinance.

Unless otherwise expressly provided, an ordinance shall take effect when passed according to *I.C.* § 36-4-6-14.

Sec. 1-9 Severability of *Code.*

a. If a court of competent jurisdiction should hold one (1) or more ordinance sections or a part of an ordinance section of this *Terre Haute City Code* or of an ordinance passed hereafter invalid, such holding shall not affect the remainder of the *Terre Haute City Code* or ordinance nor the context in which such section, sections, or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section, sections or part of a section so held invalid.

b. Each section of the *Terre Haute City Code* and every part of each section is an independent section and part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof. (*1989 Terre Haute Municipal Code,* §101.07)

Sec. 1-10 Conflicting Provisions.

If the provisions of different codes or chapters of the *Terre Haute City Code* conflict with or contravene each other, the provisions of each code or chapter shall prevail as to all matters and questions growing out of the subject matter of such code or chapter.

If conflicting provisions are found in different sections of the same chapter, the provisions of the section bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of such chapter taken as a whole. (*1989 Terre Haute Municipal Code,* § 101.06)

Sec. 1-11 General Penalties.

a. Any person violating any of the provisions of this *Terre Haute City Code* shall be guilty of an ordinance violation.[5]

b. Each day a violation of this *Code* is committed or permitted to continue shall constitute a separate offense.[6]

[5] *I.C.* §§ 34-4-32-1 through 34-4-32-5, address infraction and ordinance violation enforcement proceedings.

c. Except in cases where a different punishment is prescribed by a specific section of this *Code*, any person convicted of an ordinance violation shall be punished by a fine of not less than Twenty-five Dollars ($25.00) or more than Two Thousand Five Hundred Dollars ($2,500.00).[7]

d. The City may bring a civil action to enjoin any person from:

(l) Violating any ordinance regulating or prohibiting a condition or use of property; or[8]

(2) Engaging in conduct without license if an ordinance requires a license to engage in the conduct.[9]

e. The court may suspend all or any part of a penalty imposed for an ordinance violation and may require as a condition of such suspension that the defendant shall perform uncompensated work that benefits the community. (Gen. Ord. No. 10, 12-9-99)

Sec. 1-12 City Seal.

a. Under the provisions of General Ordinance No. 1, 1899 the Terre Haute Common Council adopted a design for a City Seal, which provided for a City Seal, two inches in diameter, carrying within the circle of the Seal a cut or representation of Fort Harrison, underneath it the inscription, "Fort Harrison, 1812", which for some unexplained reason never was prepared or actually used, and which, because of its historical significance, should be adopted as a design for a City Seal for the City of Terre Haute.

b. The provisions of General Ordinance No. 1, 1899, adopted July 3, 1899, which defined and adopted a Seal for the City of Terre Haute, consisting of a circle two (2) inches in diameter, in which is represented Fort Harrison, with the inscription, "Fort Harrison, 1812", is re-adopted as the design for a City Seal for the City of Terre Haute, and that the City Clerk who is directed to procure such a design for a City Seal, and that the expense for such Seal be paid out of the appropriation for 1937, "General Supplies" for the City Clerk's Office. (Res. No. 5, 1937, 3-5-37)

c. The City Clerk shall be the custodian of the City's Seal and affix it to such documents and instruments as required.

d. The official seal of the City of Terre Haute is depicted as follows:

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[6] *I.C.* § 9-4-1-217.1, addresses Class C infractions.
[7] *I.C.* § 36-1-3-8, authorizes a maximum fine of two thousand five hundred dollars ($2,500.00) for an ordinance violation.
[8] *I.C.* § 36-1-6-2, addresses ordinance violations affecting real property and the City taking expenses of compliance as a lien against the property. This also addresses the abatement of public nuisances.
[9] *I.C.* § 36-1-6-4, addresses injunctions.

Sec. 1-13 City Flag.

a. The City of Terre Haute desires to adopt a flag in honor of the National Bicentennial celebration and to be displayed at the Banks of the Wabash Festival.

b. A flag contest was held immediately prior to the opening of the first Banks of the Wabash Festival in which entries were submitted and judged and the winner of said contest was Ronald Goetz of Terre Haute.

c. The City of Terre Haute desires to adopt the flag submitted by Ronald Goetz as the official flag of the City of Terre Haute a copy of which is marked "Exhibit A" and is on file in the office of the City Clerk and available for public inspection during regular business hours.

d. The official flag is illustrated by a blue stripe in the middle representing the Wabash River and a sycamore leaf, orange and yellow in color, representing the sycamore trees located along the Wabash and also contains the symbol of a torch surrounded by stars as depicted in the official flag of the State of Indiana said flag having a white background.

e. The City of Terre Haute, wishes to commend and express its gratitude to Ronald Goetz for the design of said flag.

f. The Common Council of the City of Terre Haute, Indiana adopts the above described flag as the official flag for the City of Terre Haute. (Res. No. 22, 1976, 5-13-76)

Sec. 1-14 Official Song for the City.

a. The song "On the Banks of the Wabash, Far Away" is adopted and established as the official song of the City of Terre Haute, Indiana.

b. The form in which this song shall be sung as the official song of the City of Terre Haute shall be as follows:

i) On the Banks of the Wabash, Far Away

Round my Indiana homestead wave the cornfields
In the distance looms the woodlands clear and cool,
Often times my thoughts revert to scenes of childhood,
Where I first received my lessons – nature's school.
But one thing there is missing in the picture,
Without her face it seems so incomplete,
I long to see my mother in the door-way,

As she stood there years ago, her boy to greet.

CHORUS:

Oh the moonlight's fair tonight along the Wabash,
From the fields there comes the breath of new mown hay,
Through the sycamores the candle lights are gleaming,
On the Banks of the Wabash, far away.

Many years have passed since 1 strolled by the river,
Arm in arm, with sweetheart Mary by my side,
It was there, I tried to tell her that I loved her,
It was there I begged of her to be my bride,
Long years have passed since I strolled thro' the church-yard,
She's sleeping there, my angel, Mary dear,
I loved her, but she thought I didn't mean it,
Still I'd give my future were she only here.

(Res. No. 11B, 1922, *Journal of Common Council*, 11-2-22, pp. 234-236)

Sec. 1-15 Sister City Relationship with Tajimi, Gifu, Japan.

a. The International Cooperation Administration of the United States Department of State has urged the cities of the United States to explore and to develop a sister city program with cities that are similar, not only in size, but in industry, business and cultural life.

b. Mayor Tucker of Terre Haute, Indiana, and Mayor Aoki, of Tajimi, Japan have jointly inaugurated such a program.

c. The Common Council is desirous of furthering a people to people relationship between communities of foreign countries, thus promoting better world understanding through their common interests.

d. It is a positive expression of a peoples' friendly spirit which can be of great service to the individual citizen in his struggle to spread truth, develop mutual understanding, good will and lasting peace.

e. The Common Council of the City of Terre Haute approves officially a sister city status between the City of Terre Haute, Indiana, and the City of Tajimi, Gifu, Japan. (Res. No. 7, 1962, *Journal of Common Council*, 3-20-62, p. 63)

Sec. 1-16 Exchange Program between City of Odessa and City of Terre Haute.

a. The City of Odessa, USSR is a leading industrial and cultural port city located on the Black Sea.

b. The City of Terre Haute, Indiana, USA is the cultural, educational, industrial, and commercial center of the Wabash Valley located in west central Indiana and east central Illinois.

c. It is the mutual desire of both the City of Odessa and the City of Terre Haute to develop a better understanding and a lasting friendship between the cities.

d. The establishment of an exchange program by each city would encourage mutual understanding and goodwill between the City of Odessa and the City of Terre Haute.

e. The exchange program should include educational exchanges, cultural exchanges, industrial exchanges, and economic exchanges.

f. Mayor Chalos and the Common Council of the City of Terre Haute desire to establish an exchange program for the purpose of promoting better understanding and lasting friendship between the City of Odessa and the City of Terre Haute.

g. The Common Council of the City of Terre Haute does hereby encourage and officially approve an exchange program for the mutual and beneficial educational, cultural, industrial, and economic exchange between the City of Odessa and the City of Terre Haute. The Common Council does further request the Mayor, through the various departments of the City, to develop specific guidelines for the exchange program. (Res. No. 22A, 1991, 4-11-91)

Sec. 1-17 Founders' Day - October 25th.

a. The twenty-fifth day of October is declared to be a holiday in the City of Terre Haute, Indiana, to be known as "Founder's Day." (Gen. Ord. No. 31, 1923, § 1, *Journal of Common Council*, 2-7-24, pp. 26-27)

b. The Mayor is directed to annually issue a proclamation calling upon all citizens of Terre Haute to properly observe said day as a holiday, and shall at least sixty (60) days prior to that date, designate a committee of five (5) citizens to serve as a committee in charge of a public celebration of the day; the said committee to include representatives or organizations of union labor, fraternal, patriotic, civic and religious societies. (Gen. Ord. No. 31, 1923, § 2, *Journal of Common Council*, 2-7-24, pp. 26-27)

Sec. 1-18 Material Incorporated by Reference.[10]

Two (2) copies of all material incorporated by reference into this *Code* are on file and shall be kept on file for public inspection in the Office of the City Clerk.

Sec. 1-19 Effect of Historical Note.[11]

The presence of historical note, such as (*1989 Terre Haute Municipal Code*) or (Ord. No. 81-38, § 9, 12-22-81), at the end of any section of this *Code* shall denote the derivation of the

[10] *I.C.* § 36-1-5-4, requires two (2) copies to be on file for public inspection.
[11] *I.C.* § 36-1-5-6, addresses restate or renacted provisions of original ordinances.

Code Section; in addition, the presence of such a historical note, or of one similar to it, shall be a declaration and determination by the Common Council that said section is a restatement or reenactment of a previously enacted ordinance, and that each such section shall be deemed reordained by the passage of this *Code.*

Sec. 1-20 Official Time.

The official time for all municipal governmental agencies in the City and for the City generally is declared to be Eastern Standard Time. (Gen. Ord. No. 6, 1970, *1989 Terre Haute Municipal Code,* § 103.02)

Sec. 1-21 Supplementation of the *Code.*

a. By contract or by City personnel, supplements to this *Code* shall be prepared and printed whenever authorized or directed by the Common Council. A supplement to the *Code* shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the *Code.* The pages of a supplement shall be so numbered that they will fit properly into the *Code* and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the *Code* will be current through the date of the adoption of the latest ordinance included in the supplement.

b. In preparing a supplement to this *Code,* all portions of the *Code* which have been repealed shall be excluded from the *Code* by the omission thereof from reprinted pages.

c. When preparing a supplement of this *Code,* the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the *Code* printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the *Code* and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this Ordinance" or words of the same meaning to "this Chapter," "this Article," "this Division," "this Title", etc., as the case may be, or to "Sections ____ to ____" (inserting section numbers to indicate the sections of this *Code* which embody the substantive sections of the ordinance incorporated into the *Code);* and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the *Code;* but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the *Code.* (Gen. Ord. No. 10, 12-9-99)

Sec. 1-22 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, or 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 the provisions shall have the same affect 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 the error.

Sec. 1-23 *Codes* - Property of the City.

All copies of the *Terre Haute City Code* except those sold by the City to private individuals or given or sold to the public library shall be the property of the City of Terre Haute. Any *Terre Haute City Codes* delivered to elected or appointed officials shall not be retained by said individuals after the expiration of their term(s) of office or appointment.

Sec. 1-24 Codification and Its Effect.[12]

a. The following codification and revision of ordinances consisting of Chapter 1 through 11, inclusive, entitled *"Terre Haute City Code,"* two (2) copies of which shall be kept on file in the Office of the City Clerk, is adopted and enacted as the *Terre Haute City Code.*

b. The format of the *Terre Haute City Code* is as follows:

Title Page
Preface Page
Table of Contents Page
Certification Page
History of Terre Haute Pages

Chapter 1 - General Provisions
Chapter 2 - City Administration
Chapter 3 - City Legislative & Judicial Branches
Chapter 4 - Fees, Licenses, Permits, & Franchises
Chapter 5 - Parks & Recreation & Cemeteries
Chapter 6 - Public Health & Safety
Chapter 7 - Building & Construction Regulations
Chapter 8 - Traffic & Parking Regulations
Chapter 9 – Utilities
Chapter 10 - Zoning & Subdivisions
Chapter 11 – General Index

[12] *I.C.* § 36-1-5-1, *et seq.*, address the codification of ordinances.

c. It shall be treated and considered as a new and original codification and revision of ordinances of the City of Terre Haute which shall supersede all other general and permanent ordinances passed and adopted by the Common Council before February 11, 1999, the date when General Ordinance No. 1, 1999 was passed, the last ordinance included therein, except those exceptionally saved from repeal or continued as restatements or re-enactments or original ordinances and amendments thereto which are in force and effect for any purpose.

d. All provisions of the *Terre Haute City Code* shall be in full force and effect following publication of this ordinance, and all ordinances of a general and permanent nature of the City of Terre Haute, Indiana enacted on final passage on or before February 1, 1999 are not incorporated in this *Code* or recognized and continued in force by reference therein are repealed from and after the effective date of this ordinance, except as herein provided.

e. The repeal provided for in paragraph d. shall not affect any offense or act committed or done or any penalty or forfeiture incurred or imposed before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the Council, not in conflict or inconsistent with the provisions of such *Code;* nor shall such repeal affect any right of franchise granted by any ordinance or resolution of the Council of any person, firm or corporation; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, closing , paving, widening or establishing grades of any street or public way in the City; nor shall such repeal affect any ordinance levying or imposing taxes not included herein; nor shall such repeal affect any ordinance or resolution relating to salaries of City employees; nor shall such repeal affect any ordinance providing for local improvements and levying special assessments therefor; nor shall such repeal affect any ordinance dedicating or accepting any plat or ordinance extending the boundaries of the City; nor shall such repeal affect any ordinance or resolution establishing, or modifying the boundaries or zoning districts, or changing the zoning classification of any lot or parcel of land. Each of the above-mentioned ordinances shall in no way be repealed by this ordinance except as the same may be in conflict with the provisions of such *Code.*

f. Any and all additions or amendments to such *Code,* when passed in such form as to indicate the intention of the Council to make the same a part thereof, shall be deemed to be incorporated in such *Code,* so that reference to the *Terre Haute City Code* shall be understood and intended to include such additions and amendments. (Gen. Ord. No. 10, 12-9-99)

Sec. 1-25 Role of the City Clerk Regarding the *City Code*.

a. Two (2) copies of the *Terre Haute City Code* shall be kept on file in the Office of the City Clerk, or someone authorized by the City Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the Council to make the same a part of such *Code* when the same shall have been printed or reprinted in page form, and to extract from such *Code* all provisions which may be from time to time repealed by the Council. These copies

of such *Code* shall be available to all persons desiring to examine the same and shall be considered the official *Code* of the City of Terre Haute, Indiana.

b. It shall be unlawful for any persons, firm or corporation to change by additions or deletions, any part or portion of such *Code*, or to insert or delete pages or portions thereof, or to alter or tamper with such *Code*, or to insert or delete pages or portions thereof, or to alter or tamper with such *Code* in any manner whatsoever which will cause the *Code*, any ordinance, or the law of the City of Terre Haute, Indiana, to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Sec. 1-11 of such *Code*.

CHAPTER 2. CITY ADMINISTRATION

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CHAPTER 2

CITY ADMINISTRATION

ARTICLE 1. ARTICLE 1. ESTABLISHMENT OF THE EXECUTIVE, LEGISLATIVE ANDADMINISTRATIVE ORGANIZATION OF THE CITY OF TERRE HAUTE.

Sec. (2-1) Sec. 2-1 Organization.

The government of the City of Terre Haute shall consist of four (4) branches, those being:

a. Executive Branch (*I.C.* § 36-4-5);

b. Legislative Branch (*I.C.* § 36-4-6);

c. Fiscal Branch (*I.C.* § 36-4-10); and

d. Judicial Branch (*I.C.* § 33-10.1-1).

Sec. 2-2 through Sec. 2-5 Reserved for Future Use.

Sec. 2-6 The Mayor as Executive.[13]

The Mayor is the City Executive and head of the Executive Branch. He shall faithfully perform the duties and responsibilities contained in *I.C.* § 36-4-5 and other statutes of the State of Indiana.[14]

Sec. 2-7 Election of Mayor.

The Mayor shall be elected pursuant to *I.C.* § 3-2-7-1, as it may be amended from time to time.

Sec. 2-8 Term of Office.

[13] *I.C.*, §§ 36-4-5-1 through 36-4-5-9, set forth the general powers of the Mayor.

[14] *I.C.*, § 36-4-9-6, sets forth the Mayor's authority to appoint officers, employees, boards and commissions in second-class cities.

The Mayor shall take office at twelve noon (12:00 o'clock) on the first day of January following his election and shall serve for four (4) years and until a successor is elected and qualified pursuant to *I.C.* § 3-2-7-5.

Sec. 2-9 Deputy Mayor.

A position of Deputy Mayor may be established by prior ordinance of the Common Council pursuant to *I.C.* § 36-4-9-7. He or she shall have all the powers of the Mayor in the absence of the Mayor.

Sec. 2-10 Executive Duties of the Mayor.[15]

The Mayor shall be the chief executive officer and as such shall make all appointments to all offices and positions of employment authorized by the laws of the State or by ordinances of Council and, except as may otherwise be provided by Council or the General Assembly. Pursuant to *I.C.* § 36-4-7-3, the Mayor shall fix the compensation of all officers and employees of the City subject to the approval of the Common Council. All officers and employees of the City, unless otherwise provided by the laws of the State, shall serve at the pleasure of the Mayor. (*1989 Terre Haute Municipal Code*, § 110.01)

Sec. 2-11 Supervision.[16]

The Mayor shall supervise the conduct of all officers of the City, shall investigate all reasonable complaints made against any officer of the City and shall take appropriate action.

Sec. 2-12 Ordinance Enforcement.

The Mayor shall have the authority to act or to designate the officer who shall act, in the enforcement of any section of this *Terre Haute City Code* in all cases where it fails to specify or designate the officer who shall be charged with the duty of enforcement. (*1989 Terre Haute Municipal Code*, § 111.03)

Sec. 2-13 Secretary to the Mayor.

The Mayor may appoint a secretary or secretaries whose duty it shall be to perform such secretarial duties and such other duties as may be required by the Mayor. (*1989 Terre Haute Municipal Code*, § 111.04)

Sec. 2-14 Miscellaneous Duties.

The Mayor shall have the authority to cause the display of flags or decorations on, in or about the City Hall or other public buildings of the City on such occasions as he may deem

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[15] *I.C.*, § 36-4-11-2, addresses the appointment of officers and employees; and *I.C.*, § 36-4-7-2 addresses the Mayor's salary.

[16] *I.C.*, § 36-4-5-3 sets forth the Mayor's powers and duties.

proper, to determine the manner of observance of national holidays by offices and departments of the City, and, as chief executive of the City, to issue such proclamations from time to time as he may deem proper. (*1989 Terre Haute Municipal Code*, § 110.05)

Sec. 2-15 through Sec. 2-19 Reserved for Future Use.

ARTICLE 3. THE CLERK.

Sec. 2-20 Position of City Clerk Established.

Under provisions of Chapter 233, Acts of 1993, As Amended *I.C.* § 36-4-10-2, the position of City Clerk is established. The City Clerk shall have such powers and duties as are provided in State law, City ordinance or by the Mayor. (*1989 Terre Haute Municipal Code*, § 113.01)

Sec. 2-21 Election and Term of Office of the City Clerk.[17]

a. The City Clerk shall be elected in the same manner as the Mayor.

b. The City Clerk shall take office at twelve noon (12:00 o'clock) on the first day of January following his or her election, and shall serve for four (4) years and until a successor is elected and qualified pursuant to *I.C.* § 3-2-7-5.

c. The City Clerk shall be elected by the voters of the whole City.

Sec. 2-22 Powers and Duties of the City Clerk.[18]

a. The City Clerk may administer oaths, take depositions, and take acknowledgments of instruments as required by law.

b. The City Clerk may perform all duties prescribed by law, which include but are not limited to the following:

(1) Serve as Clerk of the Common Council pursuant to *I.C.* § 36-4-6-9;

(2) Maintain records which are open for inspection by the Common Council;

(3) Keep the City Seal;

(4) Appoint deputies and employees pursuant to *I.C.* § 36-4-11-4;

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[17] *I.C.*, § 36-4-10-2, addresses the election of the City Clerk; and *I.C.*, § 36-4-10-3, addresses residency requirements of the City Clerk.

[18] *I.C.*, § 36-4-10-4, addresses the City Clerk's powers and duties.

(5) Fix salaries of deputies and employees pursuant to *I.C.* § 36-4-7-3(d); and

(6) Perform all other duties prescribed by statute.

Sec. 2-23 Compensation of the City Clerk.[19]

a. The compensation for the services of the person holding the office of City Clerk shall be fixed by the Common Council. The ordinance must be published under *I.C.* § 5-3-1, with the first publication at least thirty (30) days before final passage by the legislative body.

b. The compensation may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed if in the previous year.[20]

Sec. 2-24 through Sec. 2-27 Reserved for Future Use.

ARTICLE 4. THE BOARD OF PUBLIC WORKS AND SAFETY.[21]

Sec. 2-28 Board of Public Works and Safety Established.

a. The Board of Public Works and Safety is established by *I.C.* § 36-4-9-5. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

b. The Board shall consist of five (5) persons appointed by and serving at the pleasure of the Mayor pursuant to *I.C.* § 36-4-9-6. (Gen. Ord. No. 2, 1985 §1, 10-10-85). The civilian members of the Board shall be paid Fifty Dollars ($50.00) for each meeting attended. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-29 Departments under the Control of the Board of Public Works and Safety.

a. Engineering Department;

b. Street Department;

c. Sewage Disposal Department (*1989 Terre Haute Municipal Code*, §119.02);

d. Sewage Billing Department (Gen. Ord. No. 3, 2000, 4-13-00);

e. Police Department;

f. Fire Department; and

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[19] *I.C.*, § 36-4-7-4, addresses the fixing of annual compensation of elected City officers.

[20] *I.C.*, § 36-4-10-5.5, permits the City Clerk to hire an attorney.

[21] *I.C.*, § 36-4-9-5, addresses the establishment of a Board of Public Works and a Board of Public Safety.

g. Building Department. (Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-30 Clerk of the Board.

A person appointed by the Mayor shall serve as Clerk of the Board of Public Works and Safety with a compensation as established by proper ordinance. A member of the Board of Public Works and Safety may be a civilian or may hold other appointive positions in the City during the member's tenure. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-31 Meetings of the Board.

The Board of Public Works and Safety shall make rules governing the time and place for holding regular and special meetings and the procedure to be used for calling and giving notice thereof. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-32 Duties and Powers of the Board.

The Board of Public Works and Safety shall have any and all powers given to it by Ordinance and as set forth in the applicable *Indiana Code*, including oversight of the Police and Fire Departments. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-33 and Sec. 2-34 Reserved for Future Use.

ARTICLE 5. EXECUTIVE DEPARTMENTS.

Sec. 2-35 Establishment.

The executive departments are established with the full authority and power to undertake administrative acts as provided by ordinance and Indiana law. The Executive Departments operate under the jurisdiction of the Mayor except as ordinance or Indiana law otherwise provides for a board or commission to render advice or oversight. (Gen Ord. No. 3, 2000, 4-13-00)

Sec. 2-36 Department of Finance.[22]

a. Under the provisions of *I.C.* § 36-4-9-4, a Department of Finance is established to be headed by the City Controller, who shall be appointed by the Mayor. (Gen. Ord. No. 4, 1983, 8-29-83; *1989 Terre Haute Municipal Code*, § 117.01)[23]

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[22] *I.C.*, § 36-4-10-5 and *I.C.*, § 36-4-10-6, address powers and duties of this department.

[23] Editor's Note: Gen Ord. No. 4, 1983, replaced Ord. No. 3, 1966, which established a City Controller's Department and defined the powers and duties of the purchasing agent.

b. The department maintains the City budget and financial records; pays department claims, collects fees and issues certain licenses and permits; and manages the City payroll.

Sec. 2-37 Department of Law.[24]

a. Under the provisions *I.C.* § 36-4-9-4, a Department of Law is established to be headed by the City Attorney, who shall be appointed by the Mayor. (Gen. Ord. No. 4, 1983, 8-29-83; *1989 Terre Haute Municipal Code*, § 115.01)

b. The Legal Department advises the Mayor and the Common Council on legal issues; prosecutes City ordinance violations and handles lawsuits on behalf of the City.

c. The Legal Department includes the Human Resources (HR) Office which shall fill positions within the City's non-public safety departments, shall provide advice and assistance to the Mayor, Common Council and City departments on employment, employee discipline, hiring and firing issues and activities, and shall administer city employee benefits. (Gen. Ord. No. 35, 2003, 1-12-04)

Sec. 2-38 Department of Public Works and Safety.

Under the provisions of *I.C.* § 36-4-9-4, a Department of Public Works and Safety is established for the City. The Department shall consist of a Clerk and such other staff as may be funded by the City Council and appointed by the Mayor to provide clerical services to the Board of Public Works and Safety. (Gen. Ord. No. 3, 2000, 4-13-00; Gen. Ord. No. 19, 2003, 7-10-03)

Sec. 2-39 Department of Redevelopment.[25]

Under the provisions of Chapter 173, Acts of 1957 *I.C.* § 36-7-14-4, a Department of Redevelopment is established with full power and authority to act as provided by law. (*1989 Terre Haute Municipal Code*, § 125.01)

Sec. 2-40 Area Planning Department.

a. The provisions of Chapter 138, Acts of 1957 are adopted. (Gen. Ord. No. 2, 1958, § 1, 3-4-85; *1989 Terre Haute Municipal Code*, § 127.01)

b. The Board of County Commissioners of Vigo County is authorized to establish an Area Planning Department in which the City of Terre Haute will participate, with an effective date of its establishment on May 1, 1958. (Gen. Ord. No. 2, 1958, § 2, 3-4-58)

Sec. 2-41 Cemetery Department.

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[24] *I.C.*. § 36-4-9-12, sets forth the powers and duties of the Department of Law.

[25] *I.C.*, § 36-7-14-1, *et seq*., addresses the powers in this area.

a. The Cemetery Department maintains and supervises Highland Lawn and Woodlawn Municipal Cemeteries.

b. Specific regulations are set forth in Chapter 5 of this *Terre Haute City Code*.

Sec. 2-42 City Hall Maintenance Department.

a. The City Hall Maintenance Department is headed by a Superintendent.

b. The department is responsible for maintenance of the City Hall and its grounds.

Sec. 2-43 Engineering Department.

a. The Engineering Department is headed by a City Engineer.

b. The department plans, designs, constructs and maintains public infrastructure including but not limited to streets, sewers, traffic and drainage facilities.

c. The department inclides inspectors and examiners through which the City issues building, plumbing, and electrical permits, issues selected licenses and conducts examinations therefore; and has such additional powers and duties as are set forth in Chapter 7 and 10 of this *Terre Haute City Code*. (Gen. Ord. No. 35, 2003, 1-12-04)

Sec. 2-44 Fire Department.[26]

a. The Fire Department is headed by a Fire Chief.

b. It is established to protect the citizens.

c. An emergency service is established for the citizens of the City of Terre Haute and the County of Vigo, Indiana, operated and maintained by and through the facilities of the Fire Department of the City of Terre Haute, and administered by the Board of Public Safety of the City of Terre Haute. (Special Ord. No. 93, *Journal of Common Council*, p. 21)

d. The Fire Department inspects and rejects hazardous environmental conditions and maintains automatic traffic signals.

e. Additional powers and duties are set forth in Chapter 6 of this *Terre Haute City Code.*

Sec. 2-45 Reserved.[27]

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[26] *I.C.*, § 36-8-2-3, pertains to establishing a firefighter system.

[27] Editor's Note: The Building Inspection Department was eliminated by the passage of Gen. Ord. No. 35, 2004, which passed on January 12, 2004.

Sec. 2-46 Mass Transit Department.

a. The Mass Transit Department is headed by a Transportation Director, who also manages the downtown parking garage and the Street Department. (Gen. Ord. No. 35, 2003, 1-14-04)

b. The department oversees the planning and operation of the Mass Transit system.

Sec. 2-47 Department of Parks and Recreation.[28]

a. Under the provisions of *I.C.* § 36-10-3-39 as enacted in the Acts of the Indiana General Assembly of 1981, there is established and created a Department of Parks and Recreation of the City of Terre Haute, Indiana, composed of a Board of Parks and Recreation, a superintendent and other personnel that the Board determines. (*1989 Terre Haute Municipal Code*, § 137.01)

b. Additional powers and regulations are set forth in Chapter 5 of this *Terre Haute City Code*.

Sec. 2-48 Police Department.[29]

a. The Police Department is headed by a Police Chief.

b. It is established to protect the citizens.

c. The department cites and/or arrests law violators; maintains arrest records; conducts criminal investigations; conducts vehicle record checks; and assists in issuing gun permits.

d. The department houses the Civilian Environmental Protection Department which enforces the Terre Haute City Code and reports directly to the Police Chief. (Gen. Ord. No. 35, 2003, 1-12-04)

e. Additional powers and duties are set forth in Chapter 6 of this *Terre Haute City Code*.[30]

f. The Police Department may hire a legal advisor as a salaried position subject to approval of the Mayor and funding by the Common Council of the City of Terre Haute on an annual basis. If the Police Department elects to employ a legal advisor, the Police Department shall comply with the following requirements:

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[28] *I.C.*, § 36-10-3-1, *et seq.*, addresses the establishment of the Department.

[29] *I.C.*, § 36-8-2-2, pertains to establishing a police and law enforcement system.

[30] *I.C.*, § 36-8-3-3, addresses the Board of Public Works and Safety and its role regarding police and fire departments and the Council's role of setting their salaries before August 20th.

(1) At the March, June, September and December regular meetings of the Terre Haute City Council, the Terre Haute Police Department will provide to the Common Council of the City of Terre Haute, a report detailing the activities of the legal advisor during the quarter.

(2) A report submitted to the City Council as provided in Subsection (1) above, shall contain the following information: An itemization of the legal advisor's activities, including but not limited to, training, giving advice, attention to Police Merit Commission matters, development of policies and procedures, court appearances, telephone calls, research, preparation of training materials, and time spent meeting with members of the Terre Haute Police Department. In addition, the report shall include copies of training session syllabi and training attendance sheets. (Gen. Ord. No. 3, 2003, 2-13-03; Gen. Ord. No. 35, 2003, 1-12-04))

(3) If the Police Department does not employe a legal advisor, any funds approved by the Common Council for legal services shall be paid to the Legal Department for legal services to the Police Department. (Gen. Ord. No. 35, 2003, 1-12-04)

Sec. 2-49 Sewage Billing Department.

a. A manager oversees this department.

b. It prepares bills for users of the city sewage system and collects sewer bills and tap-on fees.

c. Additional powers and duties are set forth in Chapter 9 of this *Terre Haute City Code*.

Sec. 2-50 Street Department.

a. The Street Department is headed by the Transportation Director. (Gen. Ord. No. 35, 2003, 1-14-04)

b. The Street Department maintains the City's streets and alleys, and conducts the city cleanup and leaf collections.

Sec. 2-51 Sewage Disposal Department.

a. The Sewage Disposal Department oversees the Wastewater Treatment Plant and is headed by a Superintendent.

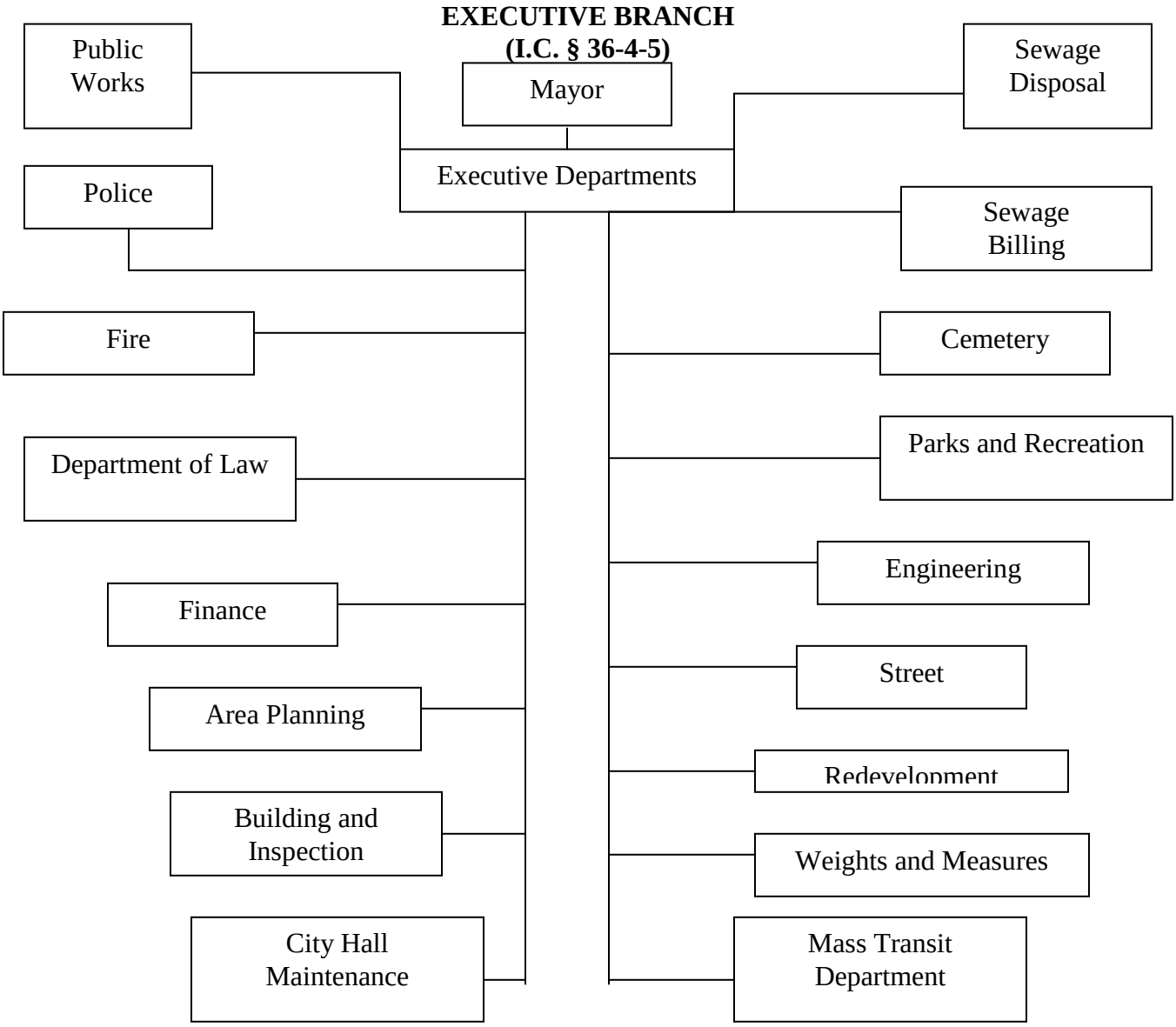
b. The Plant maintains and oversees the disposal of sewage and waste.

c. Additional regulations and duties are set forth in Chapter 9 of this *Terre Haute City Code*.

Sec. 2-52 Organizational Charts.

The following pages set forth the Elected Officials Organization Chart and the Executive Departments of the City.

CITY OF TERRE HAUTE



Sec. 2-53 through Sec. 2-55 Reserved for Future Use.

ARTICLE 6. BOARDS, COMMISSIONS AND OTHER ENTITIES.[31]

Sec. 2-56 Board of Aviation Commissioners.[32]

The Department of Aviation shall be under the control of four (4) members to be known as the Board of Aviation Commissioners, to be appointed by the Mayor, with such powers and subject to such qualifications and limitations as provided in such act. (*1989 Terre Haute Municipal Code*, § 123.01)

Sec. 2-57 Area Board of Zoning Appeals.[33]

a. The Mayor shall appoint three (3) members of the Area Board of Zoning Appeals, to serve on such Board after its establishment.

b. Additional duties and regulations of the Area Board of Zoning Appeals are set forth in Chapter 10 of this *Terre Haute City Code*.

Sec. 2-58 Economic Development Commission.[34]

a. The Terre Haute Economic Development Commission is created and shall have the powers granted by the laws of the State of Indiana as described in Chapter 402 of the Acts of 1965 and the acts amendatory thereof and supplemental thereto. (Special Ord. No. 68, 1966, § 1, 1-18-67)

b. There shall be five (5) members of the Terre Haute Economic Development Commission. Such members shall be selected and appointed according to Senate Enrolled Act No. 325 passed by the 1973 General Assembly of the State of Indiana, and serve according to said Senate Enrolled Act. No. 325. (Special Ord. No. 623, 1973, § 2, *Journal of Common Council*, 7-12-73, pp. 218-219)

Sec. 2-59 Housing Authority.

a. Under the provisions of Chapter 207, Acts of 1937, *I.C.* § 36-7-18-1, *et seq*., a housing authority known as the Housing Authority of Terre Haute, is established with full power and authority pursuant to the Housing Authorities Act of 1937.

b. Any local regulations in this area may be set forth in Chapter 6 of this *Terre Haute City Code*.

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[31] Editor's Note: Gen. Ord. No. 1, 1995 repealed Chapter 134 addressing the Human Relations Commission.

[32] *I.C.*, § 36-9-2-3, authorizes a city to establish, aid, maintain, and operate airports.

[33] *I.C.*, § 36-7-4-900 series address powers and duties of the Board of Zoning Appeals.

[34] *I.C.*, § 36-7-12-4, *et seq*., addresses economic development commissions.

Sec. 2-60 Crossroads of America Youth Orchestra and Board of Manager.[35]

a. **Establishment.** There is established a Municipal Youth Symphony Orchestra to be known and designated as Crossroads of America Youth Orchestra, Terre Haute, Indiana. (Special Ord. No. 13, § 1, 4-18-61, *Journal of Common Council*, p. 55)

b. **Board of Managers; Appointment; Term.** The Municipal Youth Symphony Orchestra shall be under the control of a Board of Managers who shall be known and designated as the Board of Managers of the Crossroads of America Youth Orchestra, Terre Haute, Indiana. There shall be seven (7) members of such Board. The Mayor shall appoint three (3) of the members, whose terms shall be: one (1) for the term of one (1) year, one (1) for the term of two (2) years and one (1) for the term of three (3) years. The City Council shall appoint two (2) of the members whose terms shall be one (1) for the term of one (1) year, and one (1) for the term of two (2) years. The Board of Managers shall appoint two (2) members, whose terms shall be one (1) for one (1) year and one (1) for two (2) years. (Gen. Ord. No. 6, 2005, 5-12-05)

Upon the expiration of the terms of the respective original appointees, their successors shall be appointed by the appointing authority, each for the term of three (3) years. (Special Ord. No. 13, § 2, 4-18-61, *Journal of Common Council*, pp. 55-56; Special Ord. No. 16, 2003. 5-9-02)

c. **Requirements for Board Members.** Each member of the Board of Managers shall be a resident of the City throughout his term of office, shall be freeholder therein, and shall serve without compensation. (Special Ord. No. 13, § 3, 4-18-61, *Journal of Common Council*, p. 56)

d. **Orchestra Membership Requirements.** To be eligible for membership in the Crossroads of America Youth Orchestra, an applicant must be a student between grades five (5) and twelve (12), both inclusive. (Special Ord. No. 13, § 4, 4-18-61, *Journal of Common Council*, p. 56; Gen. Ord. No. 20, 2011, 1-12-12)

e. **Board Powers and Duties.** The Board of Managers shall hold regular meetings, at least quarterly, and three (3) members thereof shall constitute a quorum; they shall appoint a conductor and a business manager, and prescribe the duties and fix the compensation of each. Such Board of Managers may adopt such additional rules and regulations as they may deem expedient, not inconsistent with the provisions of this Section. (Special Ord. No. 13, § 5, 4-18-61, *Journal of Common Council*, p. 56)

f. **Annual Report.** The Board of Managers shall prepare a detailed report to be submitted to the Mayor and City Council annually during the month of June, covering all of the activities of the Crossroads of America Youth Orchestra for the preceding twelve (12) months, including financial statements and such other statements as are necessary or useful in presenting

[35] Editor's Note: Special Ord. No. 16, 2002, 5-9-02, changed the name of the Terre Haute Municipal Youth Symphony Orchestra to the Crossroads of America Youth Orchestra and changed the Board from three (3) members to five (5) members with the Mayor appointing three (3) members and the City Council appointing two (2) members.

an accurate accounting of the activities of the Crossroads of America Youth Orchestra. (Special Ord. No. 13, § 6, 4-18-61, *Journal of Common Council,* p. 56)

Sec. 2-61 Redevelopment Commission.

a. There is created and established a Department of Redevelopment controlled by a board of five (5) members known as the Redevelopment Commission.

b. The members of the Redevelopment Commission shall have the authority and power, and shall conduct themselves in accordance with *I.C.* § 36-7-14-1, *et seq.*, as added by Acts 1981, Public Law 309, Section 33, As Amended, and as supplemented from time to time.

c. The Mayor shall appoint three (3) persons to the Commission and the Common Council shall appoint two (2) persons, pursuant to applicable state law.

Sec. 2-62 Fire Pension Board.

The Fire Pension Board of Trustees shall discharge its duties and responsibilities pursuant to the 1937 Firefighters Pension Fund addressed in *I.C.* § 36-8-7-1, *et seq.*, and the 1977 Police Officers' and Firefighters' Pension and Disability Fund addressed in *I.C.* § 36-8-8-4.

Sec. 2-63 Police Pension Board.

The Police Pension Board of Trustees shall discharge its duties and responsibilities pursuant to the 1977 Police Officers' and Firefighters' Pension and Disability Fund addressed in *I.C.* § 36-8-8-4.

Sec. 2-64 Information Technology Advisory Board.

a. An Information Technology Advisory Board is established to provide technical expertise, advice and guidance to the City administration. (Gen. Ord. No. 22, 2003, 9-11-03)

b. The Terre Haute Information Technology Advisory Board shall consist of the following representatives:

(1)	Mayor	3 Voting
(2)	City Council	2 Voting

The appointments of the Mayor and the Council may be laypersons or City employees but must be based on the individual's computer skills, knowledge and experience. The appointments must be residents of Vigo County. Such appointments shall be for a term of one (1) year. (Gen. Ord. No. 22, 2003, 9-11-03) (Gen. Ord. No. 25, 2007, 1-10-08)

c. All matters pertaining to the selection of computer personnel, purchasing of computer hardware and software, and policy making relative to data processing will come before

this Board. The Board will make personnel, software and hardware recommendations to the Mayor, and fiscal recommendations to the City Council. (Gen. Ord. No. 22, 2002, 12-13-01)

d. The City Attorney shall provide legal services for the Terre Haute Information technology Advisory Board which shall establish rules and procedures for the time and conduct of its meetings. (Gen. Ord. No. 22, 2001, 12-13-01; Gen. Ord. No. 22, 2003, 9-11-03)

Sec. 2-65 Human Relations Commission.

The Common Council of the City of Terre Haute finds that prejudice and the practice of invidious discrimination in employment, housing, public accommodations, education, and financing practices against any individual or group based on race, color, religion, national origin, age, gender, sexual orientation, gender identity, status, or physical or mental disability are a menace to the public peace and welfare, inimical to democracy, and harmful to the health and welfare of our citizens. The Common Council of the City of Terre Haute desires to better serve the residents of the City of Terre Haute and in an attempt to better meet the purpose of eradicating prejudice and the practice of invidious discrimination. The Common Council of the City of Terre Haute deems that it is necessary and appropriate and in the best interest of the residents of the City of Terre Haute to establish the Human Relations Commission. (Gen. Ord. No. 7, 2015, 7-16-15)

a. Definitions. For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Discrimination" means any difference in treatment based upon race, color, religion, national origin, age, gender, sexual orientation, gender identity, marital status, or physical or mental disability. Discrimination also shall mean the exclusion of a person from or failure or refusal to extend to a person equal opportunities because of race, color, religion, national origin, age, gender, sexual orientation, gender identity, marital status, or physical or mental disability.

(2) "Gender Identity" means a person's actual or perceived gender or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.

(3) "Sexual Orientation" means male or female sexuality, real or perceived, by orientation or practice. (Gen. Ord. No. 7, 2015, 7-16-15)

b. **Establishment; Membership; Vacancies.**

(1) To assist in the elimination of discrimination in Terre Haute, there is hereby created a Commission to be known as the Terre Haute Human Relations Commission.

(2) The Commission shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party.. Three (3) of whom shall be appointed by

the Common Council and four (4) of whom shall be appointed by the Mayor. (Gen. Ord. No. 7, 2006, 5-11-06)

(3) Terms shall be for a period of three (3) years and until a successor has been appointed and qualified, except for one (1) Commissioner appointed by each the Common Council and the Mayor for an original term of (2) years, and until a successor has been appointed and qualified. The effect of this original appointment is to establish a staggering of terms such that there will never be a complete turnover of Commissioners at the end of any given three (3) year term. All Commissioners appointed shall be limited to not more than two (2) consecutive terms.

(4) As of the time of the establishment of this Commission, all seven (7) commission positions are vacant and therefore Common Council shall appoint members to fill three (3) of the vacancies, and thereafter shall be responsible for appointing their successors, and the Mayor shall appoint members to fill the remaining four (4) vacancies, and shall thereafter be responsible for appointing their successors.

c. **Qualifications of Members.**

(1) All members shall be residents of the City of Terre Haute or a property owner within the City of Terre Haute and who also resides within Vigo County. The Mayor and Common Council shall make only those appointments which ensure: (Gen. Ord. No. 6, 2006, 5-11-06)

(A) That members are persons who have demonstrated a commitment to the purpose for which the Commission is created; and

(B) That the Commission is broadly representative of the community in regard to race, religion, national origin, gender, sexual orientation, gender identity, and abilities (Gen. Ord. No. 7, 2015, 7-16-15); and

(2) It shall be the duty of the Mayor and the Common Council publicly to solicit suggestions for Commission appointments from organizations having an interest in the improvement of inter-group relations in the community, and to give thoughtful consideration to the appointment of persons so suggested.

d. **Officers.**

(1) At the first meeting of the Commission, which shall be called by the Mayor, the Commissioners shall elect one of their number to serve as chairman, and also shall elect such other officers as the Commission shall desire from among its members.

(2) If the Commission employs an Executive Director as permitted herein, the Commission may appoint the Executive Director to serve as Secretary to the Commission. In such an event, the Executive Director/Commission Secretary shall not be required to meet the

qualifications for membership on the Commission, and shall not be compensated for the services as Commission Secretary other than the salary established for the position of Executive Director.

e. **Death, Incapacity or Resignation of Member; Removal.**

(1) In the event of a death, incapacity, or resignation of any member, his or her successor shall be appointed by the one who appointed such member and the newly appointed member shall serve for the unexpired period of the term of the one replaced.

(2) Either the Mayor or the Common Council shall have the right to remove, at any time for cause, any member of the Commission appointed by that person or body.

f. **Powers and Duties.**

(1) The Commission shall have only those powers which are conferred herein and which are permitted to be exercised by a Human Relations Commission under the applicable provisions of Indiana law, including the power to:

(A) Investigate and conciliate complaints of prejudice or invidious discrimination in employment, housing, public accommodations, education and financing practices;

(B) Refer to the appropriate governmental entity those complaints which cannot be conciliated by the Commission;

(C) Employ an Executive Director and other staff personnel as determined appropriate by the Commission and funded by the Common Council;

(D) Adopt rules and regulations to conduct its business and its meetings;

(E) Conduct programs and activities to carry out the purposes of the Terre Haute Human Relations Commission provided for in this Chapter within the territorial boundaries of the City.

(2) The Commission shall hold regular meetings and as called by the elected Commission President or two (2) Commissioners. All meetings and notices thereof shall be conducted in conformity with *I.C.* § 5-14-1.5-1, *et seq.*

(3) The Commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices falling within the Commission's purpose.

(4) The Commission shall render an annual report of its activities to the Mayor and to the Common Council, and shall render such other additional reports as the Mayor or the Common Council may from time to time request. The reports shall describe in detail the investigations and conciliation proceedings it has conducted, the outcome of such proceedings,

the progress made and any other work performed and achievement toward the elimination of discrimination.

g. **Responsibilities.**

(1) Study the relationship between persons of various races, sexes, creeds, abilities and nationalities within the City and to advise and assist the various City departments in matters involving relationships between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be eliminated in Terre Haute;

(2) Identify and recommend ways to eliminate discrimination based upon gender, race, sexual orientation, gender identity, religion, handicap, ancestry, national origin or place of birth in education, employment, public accommodations and housing (Gen. Ord. No. 7, 2015, 7-16-15);

(3) Study, investigate and recommend action in regard to any condition having an adverse effect upon relations between persons of various races, genders, sexual orientation, gender identities, creeds, abilities and nationalities (Gen. Ord. No. 7, 2015, 7-15-16);

(4) Institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons;

(5) Solicit the cooperation of the various racial, ethnic, disability, women's rights, and religious groups within the community in order to improve the quality of communications and understanding within the community; and

(6) Stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Terre Haute Human Relations Commission. (Gen. Ord. No. 4, 1999, 4-12-99)

Sec. 2-66 Other Boards, Commissions and Entities.

a. The following Boards, Commissions and Entities are continued in effect and are to discharge duties specifically provided to each by applicable federal, state, or local law:

Air Pollution Board
Alcoholic Beverage Commission
Area Planning Commission
Board of Aviation Commissioners
Board of Health
Board of Public Works
Board of Public Safety
Board of Zoning Appeals
Cemetery Board
Economic Development Commission
Electrical Examiners Board
Housing Authority Board
Housing Authority Development Corporation
Hulman Links Commission
Parks and Recreation Board
Plumbers Advisory Board
Police Merit Board
Police Pension Board
Redevelopment Commission
Sanitary District Commission
State of Indiana River Marina Board
Swope Gallery Board

Engravers Examining Board Sycamore Trails Board
Fire Department Pension Board

b. The Organization Charts on the following pages address various Boards.

Sec. 2-67 Industrial Development Advisory Council (IDAC).

a. Establishment.

(1) Pursuant to I.C. 36-7-13 there is established an Industrial Development Advisory Commission (IDAC) for the City of Terre Haute, Indiana.

(2) The IDAC shall consist of six (6) members, all of which shall be appointed by the Mayor of the City of Terre Haute as follows:

At least one (1) member shall represent city government; at least one (1) member shall represent the "local industrial development committee"; at least one (1) member shall represent a local banking institution; at least one (1) member shall represent a local utility company; and at least one (1) member shall represent organized labor from the building trades. A member may represent more than one (1) of the organizations enumerated.

b. Purpose.

The IDAC shall coordinate the efforts of officials of the City of Terre Haute and any private industrial development committee(s) in the community. The charge to the IDAC is to evaluate and establish consistent with the Indiana Code a Community Revitalization Enhancement District (CRED) within the City of Terre Haute to facilitate the retention and expansion of business enterprises to the benefit of the citizens of the city, county and state through the promotion of economic development in the form of job growth, business retention and expansion and wage enhancement; and to help offset obstacles to redevelopment such as obsolete or inefficient buildings, lack of development or cessation of growth, need to relocate or upgrade utilities, environmental contamination, transportation or access problems, and the need for additional parking infrastructure.

c. Powers and Duties.

The IDAC shall have the powers and duties, and shall conduct itself in accordance with I.C. 36-7-13-1, et seq. as added by Acts 1981, Public Law 309, Section 32, as amended, and as supplemented from time to time. (Gen. Ord. No. 36, 2004, 12-09-04)

Sec. 2-68 through Sec. 2-70 Reserved for Future Use.

ARTICLE 7. PERSONNEL POLICIES AND PROCEDURES.[36]

[36] *I.C.*, § 36-1-4-14, authorizes the City to hire and discharge employees and establish system of employment based on merit and qualifications.

Sec. 2-71 Compensation of Officers and Employees.

a. Pursuant to *I.C.* § 36-1-4-15, the Common Council shall by ordinance fix the level of compensation for officers and employees.

b. Pursuant to *I.C.* § 36-8-3-3, the annual compensation of all members of the Fire and Police Departments shall be fixed by ordinance of the Common Council before September 20th.[37]

c. That collective bargaining negotiations with the respective unions to establish salaries and benefits for members of the Fire and Police Departments shall be undertaken by the City Legal Department with the Controller's Office acting as an advisor. At least thirty (30) days prior to the commencement of negotiations, the City Council shall be advised by the Legal Department of the intent to negotiate. Prior to the first scheduled negotiations, the Council as a whole or through its Finance Committee and the Executive shall provide to the Legal Department advice and/or parameters for fiscal matters with the Fire and Police Departments. After each negotiation session, the Legal Department shall provide a written summary of negotiation progress and positions to the Council and the Executive. All negotiations regarding fiscal matters must be concluded no later than June 30 of the year and shall include at least the following representatives: one member of the Finance Committee, appointed by the Chairman of the Finance Committee, to serve in an observer status for the sole purpose of reporting back to the Finance Committee information as to the status and details of the negotiations. (Gen. Ord. No. 23, 2002, As Amended, 1-9-03; Gen. Ord. No. 2, 2005, 2-10-05)

d. When the negotiations are essentially completed, the Legal Department shall prepare the Fire and Police Department salary ordinances and provide them to the Council Finance Committee for review. The Chairman of the Finance Committee shall file with the City Clerk's Office the salary ordinances for the Police and Fire Departments prepared by the Legal Department no later than July 1st of each year for the ensuing budget year. (Gen. Ord. No. 23, 2002, As Amended, 1-9-03)

e. The City Executive shall establish through collective bargaining negotiation with the respective unions the salaries and benefits for employees of the Wastewater Treatment Plant, the Cemetery Department and the Street Department. The City Executive shall prepare and present salary ordinances detailing the salaries and benefits for the employees of the Wastewater Treatment Plant, Cemetery Department, and Street Department to the Common Council for the City of Terre Haute for its consideration. (Gen. Ord. No. 23, 2002, As Amended, 1-9-03)

f. The administration shall file with the City Clerk's Office the salary ordinances for non-police and non-fire City employees, including but not limited to the Wastewater Treatment Plant, the Cemetery Department and the Street Department by no later than July 30 of each year for the ensuing budget year. (Gen. Ord. No. 23, 2002, As Amended, 1-9-03)

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[37] Editor's Note: *I.C.* § 36-8-3-3 was amended in 2003 to change the deadline for the passage of police and fire salary ordinances from August 20th to September 20th.

g. In the event of the negotiation of multi-year collective bargaining contracts, the contract shall provide that all fiscal matters are subject to the funding by the fiscal body on an annual basis, and the salary ordinance brought before the fiscal body each year of the multi-year contract shall include as an attachment, the fiscal terms for all years covered by the collective bargaining contract. The purpose of this Section is to provide complete information to the fiscal body when seeking the annual funding of a multi-year contract, and shall not provide a basis to assert the fiscal body has obligated itself to any funding beyond the salary ordinance for the current budget year. (Gen. Ord. No. 23, 2002, As Amended, 1-9-03)

Sec. 2-72 Other Employee Benefits.[38]

The City may establish other employee benefits pursuant to applicable state law.

Sec. 2-73 Compensation for Employees – Military Duty.

a. The City of Terre Haute complies with *I.C.* § 10-2-4-3 providing full compensation and benefits to employees called to military duty or training for fifteen (15) days in any calendar year. (Gen. Ord. No. 4, 2002, 2-14-02; Gen. Ord. No. 18, 2002, 9-12-02; Gen. Ord. No. 21, 2003, 7-10-03)

b. The City wishes to establish a policy to prevent loss to City employees and their families when an employee is called to active military duty. Active military duty does not include training or voluntary service, but is limited to a call to active service by State or Federal authorities in time of war or other crisis. (Gen. Ord. No. 21, 2003, 7-10-03)

c. If a City employee is called to active military duty during a budget year for which the employee's position is funded, and if the employee's position is not filled, the City will pay to the employee the difference between the active military pay and the budgeted City compensation during the period of involuntary active military duty within that budgeted year. (Gen. Ord. No. 4, 2002, 2-14-02; Gen. Ord. No. 18, 2002, 9-12-02; Gen. Ord. No. 21, 2003, 7-10-03)

Sec. 2-74 City of Terre Haute Nepotism Policy.

a. Purpose. Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the City of Terre Haute in a position in which a relative, as defined in this Section, provides

[38] Editor's Note: The Americans with Disabilities Act is set forth at 28CFR part 35; *I.C.*, § 5-10-6-1 and *I.C.*, § 36-5-4-7 addresses vacations; *I.C.*, § 22-3-1-1, *et seq*., set forth the Workers' Compensation Program; and *I.C.*, § 5-10.1-3-5 addresses the Public Employees Retirement Fund.

direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the City of Terre Haute for goods, services, and public works projects.

b. Definitions.

(1) **Break in Employment.** Termination, retirement, or resignation of an employee from the City. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the City without loss of payroll time.

(2) **City.** The City of Terre Haute and its boards and departments.

(3) **Direct Line of Supervision.** An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Mayor or City Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.

(4) **Elected Official.** The Mayor, City Judge, City Clerk, and members of the Terre Haute City Council.

(5) **Employed.** An individual who works for or is appointed to any department or board of the City on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

(6) **Member of the Fire Department.** The fire chief and any firefighter appointed to the Terre Haute Fire Department.

(7) **Member of the Police Department.** The police chief and any police officer appointed to the Terre Haute Police Department.

(8) **Relative.** For the purposes of this Section, the term includes any of the following:

(a) Spouse;

(b) Parent or step-parent;

(c) Child or step-child (includes an adopted child);

(d) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);

(e) Niece or nephew;

(f) Aunt or uncle;

(g) Daughter-in-law or son-in-law; and

(h) Sister-in-law or brother-in-law.

c. Employment Policy.

(1) Individuals who are relatives, as defined in subsection b. above, of existing employees may not be employed by the City in a position that results in one (1) relative being in the direct line of supervision of the other relative.

(2) An individual who is employed by the City on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein, with the City.

(3) If an individual is employed by the City and the individual's relative begins serving a term of elected office, the individual may continue his/her employment with the City and retain his/her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

(4) While an individual who is employed by the City and the individual's relative begins serving a term of elected office may continue his/her employment with the City, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

d. Contracting Policy. The City may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(1) The elected official files with the City a full disclosure which must be:

(a) In writing; and

(b) Describe the contract or purchase to be made by the City; and

(c) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects.

(2) The appropriate City board or department:

(a) Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or

(b) Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

(3) City satisfies all other requirements of Indiana's public purchasing (I.C. § 5-22) or public works projects (I.C. § 36-1-12) statutes.

(4) The elected official complies with disclosure provisions of I.C. § 35-44-1-3.

e. Submission of Compliance Statements. In addition to any other disclosures or certifications required by this Section, the following actions must be taken:

(1) The annual report filed by the City with the State Board of Accounts under I.C. § 5-11-13-1 must include a Mayor's statement that the City has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(2) Prior to December 31st of each year, each elected officer shall submit to the Mayor a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the City's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services. (Gen. Ord. No. 6, 2012, 7-19-12)

ARTICLE 8. Reserved for Future Use.[39]

Sec. 2-106 through Sec. 2-109 Reserved for Future Use.

ARTICLE 9. FUNDS AND FISCAL PROCEDURES.

Sec. 2-110 Payment for City Memberships.

a. The City of Terre Haute, Indiana, by and through its Common Council, is authorized to appropriate necessary funds to provide membership of the City of Terre Haute, employees and departments of the City of Terre Haute, and the elected and appointed officials and members of their respective boards and councils, in local, regional, state and national associations of a civic, educational or governmental nature which have as their purpose the betterment or improvement of municipal operations.

b. The City of Terre Haute may participate through duly designated representatives in the meetings and the activities of such associations and the Common Council of the City of Terre Haute may appropriate necessary funds to defray the expenses of such representative in connection therewith.[40] (Gen. Ord. No. 3, 1983, §§ 1 & 2, 8-12-83; *Journal of Common Council*, pp. 262-263)

Sec. 2-111 Fireman's Pension Fund.[41]

a. The City of Terre Haute, Indiana, which maintains a regularly organized and paid Fire Department, elects to establish a Fireman's Pension Fund in said City.

b. A Board of Trustees to manage said Pension Fund under the terms and provisions of Chapter 31 of the Acts of the General Assembly of the State of Indiana of 1937 is created. (Special Ord. No. 2, 1945, 5-8-45; *Journal of Common Council*, p. 104)

c. The Board of Trustees is addressed in Sec. 2-62 of this *Terre Haute City Code*.

Sec. 2-112 Special Parks Non-Reverting Operating Account - Hulman Links Golf Course.[42]

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[39] Editor's Note: Gen. Ord. No. 1, 1995 repealed the provisions of Special Ord. No. 49, 1981, providing for equal employment opportunity and an affirmative action plan; and repealed Special Ord. No. 14, 1968, as amended, codified in Chapter 134 of the *Municipal Code for the City of Terre Haute*, establishing a Human Rights Commission. In the 1999 recodification of the *Code*, the provisions of Special Ord. No. 49, 1981 were inadvertently codified as Article 8. It was discovered in July of 2005 that those provisions relating to the Nondiscrimination in Employment Policy had been codified in 1999 and are now removed and Article 8 is reserved for future use.

[40] Editor's Note: Gen. Ord. No. 3 was made retroactive to September 1, 1982.

[41] *I.C.*, § 36-8-7-1, *et seq.*, and *I.C.*, § 36-8-8-14, address the fire pension funds.

[42] Editor's Note: Special Ord. No. 16, 1981 amended Special Ord. No. 9, 1978, which was passed on 4-13-78.

a. A special non-reverting operating account is established in the Park and Recreation Department for monies received from the pro shop at Hulman Links Golf Course and for monies paid for daily user fees. (Gen. Ord. No. 33, 2000, 1-11-01)

b. These monies will be used for golf course related activities. (Special Ord. No. 16, 1981, 3-12-81, *Journal of Common Council*, pp. 88-89)

c. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 33, 2000, 1-1-01)

Sec. 2-113 Special Parks Non-Reverting Operating Account - Rea Park Golf Course.[43]

a. A special non-reverting operation account is established in the Parks and Recreation Department for monies received from the driving range, from rental fees from municipally owned golf carts and the monies paid for daily user fees at Rea Park Golf Course. (Special Ord. No. 63, 1984, 12-13-84, *Journal of Common Council*, p. 634; Gen. Ord. No. 33, 2000, 1-11-01)

b. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 33, 2000, 1-11-01)

[43] Editor's Note: Special Ord. No. 16, 1981 amended Special Ord. No. 9, 1978, which was passed on 4-13-78.

Sec. 2-114 Roadway Transfer Non-Reverting Fund.[44]

a. A special non-reverting operating account, entitled Roadway Transfer Non-Reverting Fund, is established for receipt and deposit of funds received from the State of Indiana for the acceptance by the City of a transferred roadway.

b. Such funds shall be used for the operation, construction, maintenance, regulation, and other expenses incurred specifically related to the transferred roadway. Authorized expenditures from this fund shall include, but not be limited to: reconstruction, repairs, design, paving, painting, signalization, landscaping, and beautification.

c. Expenditure of any monies from this fund shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 20, 2010, 1-13-11)

Sec. 2-115 Terre Haute Police Department Drug Training, Prevent, & Education Non-Reverting Fund.[45]

a. A special non-reverting operating account, entitled Terre Haute Police Department Drug Training, Prevention, and Education Non-Reverting Fund, is established in the Terre Haute Police Department for proceeds from sale of permits to Drug and/or Tobacco Paraphernalia/Accessories Establishments (See: Sec. 4-362) and from the fines imposed for violations of such provisions (See: Sec. 4-366). (Gen. Ord. No. 7, 2014; 12-11-14)

b. Such funds shall be used for costs associated with the production of promotional materials to be used for drug training, education and prevention, including but not limited to: handouts, brochures, pamphlets, booklets, posters, stickers, or shirts. Such funds may also be used for costs associated with the purchase, usage, or lease of any equipment or facility used in conjunction with such programs, including but not limited to: presentation equipment and/or facilities used to host training or education events; travel for officers assigned to narcotic-type investigative units to attend narcotic relevant training; or contractual services for drug training, education or prevention events.

c. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

Sec. 2-116 Parks & Recreation Department Non-Reverting Capital Project & Equipment Purchase Fund.[46]

a. A special non-reverting operating account, entitled Terre Haute Parks and Recreation Department Non-Reverting Capital Projects & Equipment Purchase Fund, is

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[44] Editor's Note: Sec. 2-114 Recreation Non-Reverting Account for Parks Municipal Softball League, as created by Special Ordinance No. 8, 1978 on April 13, 1978, was terminated and deleted by General Ordinance No. 20, 2006, passed on January 11, 2007.

[45] Editor's Note: Sec. 2-115 Recreation Non-Reverting Account, as created by Special Ordinance No. 58, 1983 on October 13, 1983, was terminated and deleted by General Ordinance No. 20, 2006, passed on January 11, 2007.

[46] Editor's Note: Sec. 2-116 Park Non-Reverting Operating Account, as created by Special Ordinance No. 19, 1982 on June 10, 1982, was terminated and deleted by General Ordinance No. 20, 2006, passed on January 11, 2007

established in the Terre Haute Parks and Recreation Department. This account shall be initially funded by the proceeds from the January 2013 DuPont settlement in the amount of $1,002,486.05. This account shall also be funded by donations and special bequests to the Terre Haute Parks and Recreation Department.

b. Funds shall be used for the purchase and/or maintenance of capital projects within the Terre Haute Parks and Recreation Department and for the purchase of equipment. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

c. Funds shall be used, in compliance with the restrictions set forth in subsection b., at the discretion of the Park Board.

d. Monies remaining in the fund at the end of the year shall not revert to any other fund and shall remain in the Parks & Recreation Department Non-Reverting Capital Projects Equipment Purchase Fund from year to year. (Gen. Ord. No. 8, 2013, 8-8-13)

Sec. 2-117 Police Pension Fund.

a. There is established a Police Pension Fund, for the use and benefit of the City of Terre Haute and the members of the Police Department.

b. A Police Pension Fund Board of Trustees of the City of Terre Haute, Indiana, is established in accordance with the law, which shall administer the Police Pension Fund. (See Sec. 2-63 of this *Terre Haute City Code*)

Sec. 2-118 Police Continuing Education Fund.[47]

a. There is established a fund known as the Law Enforcement Continuing Education Fund for the purpose of purchases made by the Terre Haute City Police Department for equipment, supplies, continuing education, and law enforcement training for the Police Department.

b. This fund shall be comprised of fees collected by the Terre Haute City Police Department from the following activities:

1. Vehicle inspections;

2. Accident reports;

3. Hand gun licenses and transfer; and

4. Law Enforcement Education (LEE) fees from city court cases. (Gen. Ord. No. 2, 1996, 8-8-96)

5. Moped Registration Fees. See: Sec. 8-101. (Gen. Ord. No. 9, 2011, 6-9-11)

6. Tow Release Fees. See: Sec. 6-184 (Gen. Ord. No. 2, 2012)

7. Fine(s) resulting from violation(s) of Chapter 4, Article 23, Non-consensual tow business. (Gen. Ord. 22, 2012; 1-10-13)

8. Parking ticket fees. See: Sec. 8-110 (Gen. Ord. No. 5, 2014)

Sec. 2-119 Local Road and Street Fund (LRS).

The Local Road and Street Fund (LRS) is established for the purpose of receiving applicable State funds and for expenditures permitted by statute. (*I.C.* § 8-14-2-1, *et seq.*)

Sec. 2-120 Motor Vehicle Highway Fund (MVH).

The Motor Vehicle Highway (MVH) Fund is continued for the purposes of receiving applicable State funds and for expenditures permitted by statute. (*I.C.* § 8-14-2-1, *et seq.*)

Sec. 2-121 Cumulative Capital Improvement Fund.[48]

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[47] *I.C.*, §§ 9-29-4-2, 9-29-11-1, 35-47-2-3, 33-19-8-4 and 33-6-3-4, address deposits into a Continuing Education Fund effective July 1, 1993. This fund replaces the Firearms Training Fund and the Accident Report Account.

[48] *I.C.*, § 36-9-16-1, *et seq.*, set forth the applicable State laws in this area.

a. In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is created a special fund to be known as the Cumulative Capital Improvement Fund, into which the cigarette taxes allotted to the City by reason of Subsection C(1) of Section 27C and Section 27D of the Indiana Cigarette Tax Law, being Chapter 222 of the Acts of 1947, As Amended, shall be deposited. Such fund shall be a cumulative fund, and all of the monies deposited into such fund shall be appropriated and used solely for capital improvements as hereinafter defined, and none of such monies shall revert to the General Fund or be used for any purposes other than capital improvements. (*1989 Terre Haute Municipal Code*, § 118.01)

b. "Capital Improvement" means the construction or improvements of any property owned by the City, including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the City issued and the proceeds used for the purpose of constructing capital improvement. Capital improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement. (*1989 Terre Haute Municipal Code*, § 118.02)

Sec. 2-122 Fire Department Non-Reverting Equipment Fund.

a. A special non-reverting operating account, entitled Terre Haute Fire Department Non-Reverting Equipment Fund, is established in the Terre Haute Fire Department for proceeds from the sale of used and excess Terre Haute Fire Department equipment and monies received from donations intended for the purchase and/or maintenance of equipment. (Gen. Ord. No. 24, 2003, 9-11-03)

b. Such funds shall be used for the purchase of new equipment or the repair of existing equipment for the Terre Haute Fire Department and shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 4, 2000, 4-13-00)

Sec. 2-123 Reserved for Future Use.[49]

Sec. 2-124 Fire Department Non-Reverting Contractual Firefighting/Emergency Response Services Fund.

a. A special non-reverting operating account, entitled Terre Haute Fire Department Non-Reverting Contractual Firefighting/Emergency Response Services Fund, is established in the Terre Haute Fire Department for proceeds from contractual firefighting and/or emergency response services.

b. Such funds shall be used for the purchase, repair, maintenance and other expenses incurred for real and personal property of the City of Terre Haute, the City of Terre Haute Board of Public Works and Safety, or the Terre Haute Fire Department, which real or personal property is used by or for the benefit of the Terre Haute Fire Department.

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[49] Editor's Note: Sec. 2-123 Fire Department Non Reverting Real Property Fund was eliminated by Gen. Ord. No. 14, 2012, 11-8-12.

c. In addition, funds received from contracts for special events emergency response services shall be used to pay for overtime of personnel required to fulfill the obligations of the contract.

d. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 19, 2000, 9-14-00)

Sec. 2-125 Non-Reverting Emergency Medical Service (E.M.S.) Capital Fund.

a. The revenues generated by the fees set forth in Sec. 4-282 shall be collected and deposited as follows: Ninety-five percent (95%) of the revenues shall be deposited in the dedicated Non-Reverting E.M.S. Capital Fund for Terre Haute Fire Department usage and Five percent (5%) of the revenues shall be desposited in the Terre Haute Fire Department Training Academy Non-Reverting Fund for capital and operational expenses of the Terre Haute Fire Department Training Academy. These funds shall be used for the purchase and repair of ambulance, fire, safety, and paramedic equipment, advanced life support equipment, ambulance personnel training, and expenses for administrative personnel to implement this ordinance, and capital and operational costs for a Terre Haute Fire Department Training Academy. (Gen. Ord. No. 8, 2000, 5-11-00; Gen. Ord. No. 10, 2006, As Amended, 6-8-06; Gen. Ord. No. 6, 2009, 8-13-09)

b. Funds in the Non-Reverting E.M.S. Capital Fund shall be subject to appropriation by the Terre Haute City Council. (Gen. Ord. No. 8, 2000, 5-11-00)

c. Billing and record keeping shall be maintained by the City Controller's Office. (Gen. Ord. No. 2, 2000, 2-10-00)

d. The ambulance/medical user fees established in Sec. 4-282 shall be effective and shall be charged for the specified services on the later of June 1, 2000, or the date when all administrative procedures necessary to implement the billing and collection of such ambulance/medical user fees have been implemented within the Terre Haute Fire Department or have otherwise been implemented through consulting contracts.

e. The administrative procedures for this provision shall be defined to include, but may not be limited to, the providing of administrative personnel for tracking, billing and collecting the charged fees, a billing system for charges and payments, and the structure for providing collected fees to the Controller's Office for deposit into the appropriate accounts as provided herein. (Gen. Ord. No. 2, 2000, 2-10-00)

Sec. 2-126 Police Department Non-Reverting Fund.

a. A special non-reverting operating account, entitled Terre Haute Police Department Non-Reverting Fund, is established in the Terre Haute Police Department for deposit of donations to the Terre Haute Police Department and the proceeds from the sale of Terre Haute Police Department equipment.

b. Such funds shall be used for the purchase, repair, maintenance and other expenses incurred for real and personal property of the City of Terre Haute, the City of Terre Haute Board of Public Works and Safety, or the Terre Haute Police Department, which real or personal property is used by or for the benefit of the Terre Haute Police Department. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana. (Gen. Ord. No. 20, 2000, 9-14-00)

Sec. 2-127 Special Non-Reverting Employee Health Benefit Fund.

a. A special non-reverting fund is created for the City's partially self-funded employee health insurance plan, which fund shall be known as the "Special Non-Reverting Employee Health Benefit Fund."

b. The City Controller is hereby directed to begin a transfer from the various department budgets in an amount equal to the claim level for prescriptions and employee deductibles for November, 2000, and thereafter.

c. Upon completion of such transfer, the Common Council further authorizes the payment of the claim level for November, 2000 and thereafter from the special non-reverting fund established for purposes of administering this partially self-funded plan.

d. It is further understood that the City Controller is not adjudicating claims, but only paying the portion of the City's partially self-funded employee health insurance plan to the third party administrator and paying deductibles to employees in accordance with this Section. (Gen. Ord. No. 27, 2000, 12-14-00)

Sec. 2-128 Reserved for Future Use.[50]

Sec. 2-129 Abandoned Vehicle Non-Reverting Fund.

a. The Abandoned Vehicle Non-reverting Fund is created pursuant to *I.C.* § 9-22-1-30 which requires that the fiscal body establish an abandoned vehicle fund to receive those proceeds from the sale of abandoned vehicles including charges for bills of sale, and money received from persons who own or hold liens on vehicles for the cost of removal or storage of the vehicle.

b. Pursuant to *I.C.* § 9-22-1-27, such proceeds shall be deposited with the City Controller in the Abandoned Vehicle Non-reverting Fund, and the costs incurred for the removal, storage and disposal of abandoned vehicles shall be paid out of this Fund.

[50] Editor's Note: Sec. 2-128 Park Department Skate Park Non-Reverting Fund, created by General Ordinance No. 20, 2000 and passed on January 11, 2002, was terminated and deleted by General Ordinance No. 20, 2006, passed on January 11, 2007.

c. The fiscal body shall annually appropriate sufficient monies to carry out these services and the money remaining in the fund at the end of the year shall remain in the Fund and not to revert to the General Fund. (Gen. Ord. No. 35, 2000, 1-11-01)

Sec. 2-130 Reserved for Future Use. (Deleted by Gen. Ord. No. 15, 2005, 11-10-05)

Sec. 2-131 City Clerk's Records Perpetuation Fund.

a. A special non-reverting operating account, entitled City Clerk's Records Perpetuation Fund, is established in the City Clerk's Office for proceeds from court records perpetuation fees and fax fees.

b. Such funds shall be used for the development, maintenance, and support of document storage and retrieval.

c. The funds in the City Clerk's Records Perpetuation Fund shall be subject to the appropriation by the City Council prior to expenditure. (Gen. Ord. No. 16, 2001, 6-14-01)

Sec. 2-132 Animal Care Non-Reverting Fund.

a. A special non-reverting operating account, entitled Animal Care Non-Reverting Fund, is established for all monies collected from licensing and sale of permits, any donations, gifts, bequests or devises and all monies generated, received or collected in response to any Animal Control Commission or City special fund raising projects.

b. Such funds shall be used as designated by the donor or fund raising, or if undesignated, to promote the safe and humane treatment of animals in the City, to pay for any reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and educating the public regarding the same.

c. Expenditure of funds in the Animal Care Non-Reverting Fund in excess of One Thousand Dollars ($1,000.00) per quarter shall be subject to prior approval by the Animal Control Commission and subject to appropriation by the City Council prior to expenditure. (Gen. Ord. No. 2, 2002, 3-14-02)

Sec. 2-133 Reserved for Future Use. (Deleted by Gen. Ord. No. 15, 2005, 11-10-05)

Sec. 2-134 Reserved for Future Use.[51]

Sec. 2-135 *Terre Haute City Code* Non-Reverting Fund.

[51] Editor's Note: Sec. 2-134 Telecommunications Non-Reverting Fund was eliminated by Gen. Ord. No. 15, 2012, 11-8-12.

a. A special non-reverting account, entitled Terre Haute City Code Non-Reverting Fund, is established in the Legal Department and shall be funded by monies collected from the sale of the *Terre Haute City Code*.

b. Such funds shall be used for the purchase of supplies and postage necessary for the preparation of and updates to the *Terre Haute City Code*.

c. Expenditure of funds shall be subject to appropriation by the City Council prior to expenditure. (Gen. Ord. No. 8, 2003, 3-14-03)

Sec. 2-136 Rainy Day Fund.

a. There is hereby established a Rainy Day Fund consistent with the provisions of *I.C.* § 36-1-8-5.1.

b. The Rainy Day Fund shall be funded in the following manner:

(1) The unused and unencumbered funds raised by a general or special tax levy on the taxable property within the City of Terre Haute, and which remain after the purposes of the tax levy have been fulfilled; a supplemental distribution of CAGIT under *I.C.* § 6-3.5-1.1-21.1; supplemental distribution of COIT under I.C. 6-3.5-6-17.3; or a supplemental distribution of EDIT under 6-3.5-7.17.3, which are transferred to the Rainy Day Fund by the fiscal body consistent with the provisions of *I.C.* § 36-1-8-5. (Gen. Ord. No. 9, 2003, As Amended, 4-10-03; Gen. Ord. No. 16, 2004, 8-12-04)

(2) Transfers to the fund must be made after December 31, of any year and before March 1 of the subsequent year. (Gen. Ord. No 16, 1004, 8-12-04)

(3) In any fiscal year, the fiscal body of the City may transfer not more than ten percent (10%) of the City's total budget for that fiscal year into the Rainy Day Fund as provided in *I.C.* § 36-1-8-5.1. (Gen. Ord. No. 10, 2015, 8-13-15)

c. The City may, at any time, by ordinance or resolution, transfer to:

(1) its general fund; or

(2) any other appropriated funds of the City;

money that has been deposited in the Rainy Day Fund.

d. All funds to be used from the Rainy Day Fund must be appropriated by a simple majority vote of the fiscal body for the City of Terre Haute. (Gen. Ord. No. 9, 2003, As Amended, 4-10-03; Gen. Ord. No. 10, 2015, 8-13-15)

Sec. 2-137 Police Department Cash Change Fund.

There is hereby established in the Terre Haute Police Department a Cash Change Fund pursuant to I.C. § 36-1-8-2 which fund shall be established by warrant drawn on the general fund in the amount of $590.25 in favor of Police Chief George Ralston which warrant shall be converted to cash and shall be used to make change when collecting the fees for police reports, to prevent the necessity of persons going to the Controller's Office for payment before receiving a report from the Police Department. The Cash Change Fund shall be returned to the General Fund when it is no longer needed or when there is a change in the custodian. (Gen. Ord. No. 5, 2004, 3-11-04)

Sec. 2-138 Police Department Petty Cash Fund.

There is hereby established in the Terre Haute Police Department Chief's Office a Petty Cash Fund pursuant to I.C. § 36-1-8-3 which shall be used to pay for small or emergency items of operating expense. The Office of the Chief of Police shall maintain records of receipts to the fund and expenditures therefrom and shall make a periodic report to the Office of the Controller on the balance of the fund and seeking any required reimbursement for expenditures. (Gen. Ord. No. 5, 2004, 3-11-04)

Sec. 2-138-1 Terre Haute Police Department Federal Equitable Sharing Fund.

a. There is hereby created a "Terre Haute Police Department Federal Equitable Sharing Fund." The Fund shall consist of deposits of Federal Equitable Sharing monies received from the U.S. Department of Justice and from the U.S. Department of Treasury and payable to the Terre Haute Police Department and interest earned on such monies.

b. All monies collected or received under subsection a. shall be transferred to the City Controller who shall deposit said funds. Any such monies collected shall be maintained in a separate, interest bearing revenue account. Such account shall consist solely of deposits of Federal Equitable Sharing monies and interest earned thereon.

c. Monies received by the Terre Haute Police Department as a result of equitable sharing may be expended only with the approval of the City Executive upon a claim submitted by the Police Chief for the City of Terre Haute.

d. Shared funds may be expended only for law enforcement purposes in compliance with t regulations of the U.S. Department of Justice.

e. Monies remaining in the fund at the end of the year shall not revert to any other fund and shall continue in the Terre Haute Police Department Federal Equitable Sharing Fund.

Sec. 2-138-2 Waste Water Treatment Plant Petty Cash Fund.

There is hereby established in the Terre Haute Waste Water Treatment Plant a Petty Cash Fund pursuant to I.C. § 36-1-8-3 which shall be established in the amount of $150.00 and used to pay for small or emergency items of operating expense. The Office of the Superintendent of the

Waste Water Treatment Plant shall maintain records of receipts to the fund and expenditures therefrom and shall make a periodic report to the Office of the Controller on the balance of the fund and seeking any required reimbursement for expenditures. (Gen. Ord. No. 32, 2004, 12-09-04)

Sec. 2-138-3 Reserved for Future Use.[52]

Sec. 2-138-4 Hazardous Materials Cost Recovery Fund.

a. A special non-reverting account, entitled Hazardous Materials Cost Recovery Non-Reverting Fund is established in the Fire Department. Proceeds shall include those monies derived from costs incurred in hazardous materials incidents.

b. Such funds shall be used only for expenditures authorized by *I.C.* § 36-6-12.2-8:

(1) Purchase of supplies and equipment used in providing hazardous materials emergency assistance under this chapter.

(2) Training for members of the fire department in skills necessary for providing hazardous materials emergency assistance under *I.C.* § 36-8-12.2.

(3) Payments to persons with which the fire department contracts to provide services related to the hazardous materials emergency assistance provided by the fire department under *I.C.* § 36-8-12.2.

c. The funds in the Hazardous Materials Cost Recovery Non-Reverting Fund shall be subject to appropriation by the City Council prior to expenditure. (Gen. Ord. No. 13, 2005, 10-13-05)

Sec. 2-138-5 Electronic Map Generation Non-Reverting Fund.

a. A special non-reverting fund, entitled Electronic Map Generation Non-Reverting Fund, is established in the Engineering Department and shall be funded by monies paid to the Engineering Department for funds collected for duplication of electronic data as provided in *I.C.* § 5-14-3-8(j).

b. Such funds shall be used for the following purposes:

(1) The maintenance, upgrading, and enhancement of the electronic map; and

(2) The reimbursement of expenses incurred by the City in supplying an electronic map in the form requested by a purchaser.

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[52] Editor's Note: The Lead Awareness Fund established by General Ordinance No. 4, 2005 on April 14, 2005 was terminated and removed from the *City Code* by General Ordinance No. 7, 2007 on April 12, 2007.

c. Expenditure of funds shall be subject to appropriation by the City Council prior to expenditure. (Gen. Ord. No. 20, 2005, 12-15-05)

Sec. 2-138-6 Fire Training Academy Non-Reverting Fund.

a. A special non-reverting account, entitled Fire Training Academy Non-Reverting Fund is established in the Fire Department for revenues from EMS Non-Reverting Fund, donations, grants, and other revenue sources for capital and operational expenses incurred by the Fire Training Academy.

d. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute. (Gen. Ord. No. 11, 2006, 6-8-06)

Sec. 2-139 Other Funds Continued.

The following funds are continued in effect. Each fund shall be funded and operated in accordance with all statutory requirements.

FUND NO.	**DESCRIPTION**	***CODE* §**
0101	General Fund	
0200	Rainy Day Fund	2-136
0201	Motor Vehicle Highway (MVH)	2-120
0202	Local Road & Street	2-119
0204	Parks & Recreation	2-116
0205	Cemetery	
~~0211~~	~~Recreation Non-Reverting~~ (Deleted by GO 20, 2006, 1-11-07)	2-115
0226	Public Parking Garage	
0228	Abandoned Vehicle Fee Non-Reverting	2-129
0233	TH Police Continuing Education	2-118
0236	City Clerk's Record Perpetuation Non-Reverting Fund	2-131
0270	EMS Non-Reverting	2-125
0271	TH Fire Contractual Services Non-Reverting	2-124
~~0272~~	~~Arson Investigation Non-Reverting~~ (Deleted by Gen. Ord. No. 13, 2012, 11-8-12)	
0273	TH Police Big City/County	
0274	TH Police Non Reverting	
0275	TH Police DUI Task Force	
0276	TH Police Meth Lab State Grant	
0279	TH Police Street Crimes	
0280	TH Police Staying Right	
0284	TH Police Operation Pullover	
~~0287~~	~~Skate Park~~ (Deleted by Gen. Ord. No. 20, 2006, 1-11-07)	2-128
0288	Hulman Links Non-Reverting	2-112

0289	Hulman Trust	
0290	Rea Park Non-Reverting	2-113
0291	Animal Control	2-132
0292	Engineering Non-Reverting	
0293	CSO Study	
0294	TH Youth Center	
0295	Non Federal Income	
0296	Home Program	
0297	District Capital	
0298	Sanitary District General	
0330	Sanitary District Bond	
0401	Cumulative Capital Improvement	2-121
0402	Cumulative Capital Development	
0406	CDBG	
0471	Tax Allocation	
0474	Sanitary District Project #17	
0475	Sanitary District Project #18	
0476	North Central Terre	
0477	Fire Dept. Non-Reverting Equipment	2-122
~~0478~~	~~Fire Dept. Non-Reverting Property~~ (Deleted by Gen. Ord. No. 14, 2012, 11-8-12)	~~2-123~~
0504	Self Insured Property & Casualty	
0606	Sewage Operation	
0620	Wastewater Treatment Plant	
0621	Transit	
0702	Fire Pension	2-111
0703	Police Pension	2-117
0712	Payroll	
0713	Marble Hill Settlement	
~~0714~~	~~Cemetery Donations~~ (Deleted by GO 3, 2005, 3-10-05)	
0715	TH Police Donations/Auctions	
~~0716~~	~~Park Donations~~ (Deleted by GO 20, 2006, 1-117-07)	5-20
~~0717~~	~~Spirit of Terre Haute~~ (Deleted by GO 20, 2006, 1-11-07	
0718	Group Health Non-Reverting	2-127
0719	Spencer Ball Park	
~~0720~~	~~Cemetery Non-Reverting~~ (Deleted by Go. 3, 2005, 3-10-05)	
0721	Levi Music Trust	
0722	Brittlebank Trust	
~~0723~~	~~Municipal Softball Non-Reverting~~ (Deleted by GO 20, 2006, 1-11-07)	2-114
0724	TH Police Drug Forfeiture	
~~0725~~	~~Inspection Mowing Non-Reverting (Deleted by GO 15, 2005, 11-10-05)~~	~~2-130~~
0726	Cherry Street Project	
~~0727~~	~~Inspection General Contractor Non-Reverting~~ (Deleted by Gen. Ord. No. 15, 2005, 11-10-05)	~~2-133~~

0728	Cemetery Trust	
0729	Sanitary District Project #19	
0730	TH Police Block Grant	
0731	Sanitary District Project #16	
0732	Telecommunications Non-Reverting	2-134
	Terre Haute City Code Non-Reverting Fund	2-135

ARTICLE 10. ORDINANCE VIOLATIONS BUREAU.

Sec. 2-140 Ordinance Violations Bureau Created.[53]

There is created an Ordinance Violations Bureau for the City of Terre Haute which shall have the powers as granted by the laws of the State of Indiana described in *I.C.* § 33-36-2-1, *et seq.* (*1989 Terre Haute Municipal Code*)

Sec. 2-141 Purpose.

It shall be the purpose of the Ordinance Violations Bureau to accept appearances, waivers of trial, admissions of certain ordinance violations, and payment of civil penalties of Fifty Dollars ($50.00) or less, as set forth by ordinances. (Special Ord. No. 84, 1994, § 1, (142.02), 12-8-94)

Sec. 2-142 Administration.

The Clerk of the City of Terre Haute, Indiana shall be the appropriate person to administer the said Ordinance Violations Bureau. (*1989 Terre Haute Municipal Code*, § 142.03)

Sec. 2-143 Schedule of *Code* Provisions and Penalties.

a. The following *Code* provisions and respective civil penalties are designed for enforcement through the Ordinance Violations Bureau: (Special Ord. No. 84, 1994, § 1, (142.04), 12-8-94)

CHART OF VIOLATIONS AND PENALTIES

***TERRE HAUTE CITY CODE* §**	**SUBJECT MATTER**	**CIVIL PENALTIES**	**FIRST OFFENSE**
6-183	Abandoned Vehicles		$50.00 (Gen. Ord. No. 3, 1969, § 10, 7-16-69)
4-262 4-256 4-258	Alarm Systems Alarm Business License False Alarms	$25.00 - $50.00	$25.00 – 1st offense $50.00 – 2nd offense (Gen. Ord. No. 5, 1996, §

[53] *I.C.*, § 33-36-2-1, *et seq.*, address the ordinance violations bureau.

261	Auto Telephone Dialing		527.17, 10-11-96)
8-112	Bicycles		$25.00 (Gen. Ord. No. 1, 1984, § 15.3, 5-10-84)
7-21	Building Code	$25.00 - $2,500.00	$25.00 (Gen. Ord. No. 1, 1988, § 20, 2-18-88)
6-101	Burning		$25.00 (Spec. Ord. No. 84, 1994, § 1, 12-8-94)
5-101	Cemetery No Parking Areas	$25.00	
6-122	Curfew (Trick-or-Treating)	$300.00	(Special Ord. No. 67, 1980, § 2, 10-8-90)
6-83	Dogs and Other Animals		$50.00 (Gen. Ord. No. 25, 2001, 3-14-02)
6-123, 6-165	Noise Nuisance		$25.00 (Spec. Ord. No. 84, 1994, § 1, 12-8-94)
~~8-110~~	~~Parking~~	~~$10.00 ($15.00 if unpaid within 5 business days)~~	~~(Gen. Ord. No. 16, 2000, 9-14-00)~~
6-84	Pet Restraint		$50.00 (Gen. Ord. 25, 2001; 3-14-02)
6-159	Property Damage	$300.00 - $2,500.00	(Spec. Ord. No. 85, 1994, § 1, 12-8-94)
9-93	Septic Tank		$25.00 (Spec. Ord. No. 50, 1964, 12-23-64)
6-52	Smoke Free Facility	$25.00	$25.00 (Gen. Ord. No. 10, 1999, 12-9-99)
6-207	Trees	$500.00 - $2,500.00	(Gen. Ord. No. 5, 1998, As Amended, § 933.19, 4-17-98)
6-166	Vehicle Noise	$25.00	$25.00 (Gen. Ord. No. 14, 1998, § 509.05, 9-10-98)

b. This schedule shall establish civil penalties to be assessed a violator who elects to admit to an ordinance or code violation, but shall in no way impair the ability of the City to bring suit to seek the imposition of any fine greater than that provided for by the schedule that is otherwise allowed by the *Terre Haute City Code* and/or state law.

c. Civil penalties shall be paid to, receipted, and accounted for by the Violations Clerk under procedures provided by the State Board of Accounts.

d. Payment of civil penalties may be made in person or by mail to the Violations Clerk.

e. Upon a person waiving the right to trial and entering an admission of a violation with the Violations Clerk, the Clerk shall assess and receive from the violator the amount prescribed by the schedule set forth in Subsection a. herein.

f. The provisions of *I.C.* §§ 33-6-3-1 through 33-6-3-5, as they may be amended from time to time, shall govern the operation of the Ordinance Violations Bureau and collection of all civil penalties.

Sec. 2-144 through 2-149 Reserved for Future Use.

ARTICLE 11. COLLECTIVE BARGAINING/BINDING ARBITRATION.

Sec. 2-150 Employees' Right to Collective Bargaining.

In accordance with *I.C.* § 22-7-1-2, all employees of the City of Terre Haute that are members in good standing with a labor union, as defined in *I.C.* § 22-7-1-1 and have a recognized bargaining agent shall have the right, pursuant to *I.C.* § 22-7-1-2, to organize, select a bargaining representative and to bargain collectively with the City of Terre Haute for wages, benefits, and working conditions. (Gen. Ord. No. 6, 1998, § 143.01, 6-12-98)

Sec. 2-151 Binding Arbitration.

All employees of the City of Terre Haute that are members in good standing with a labor union shall have the right to have included in their working agreement with the City a clause providing for binding arbitration of disputes or grievances concerning the meaning or application of any provision of the contract. The specific provisions of the pertinent contract with regard to the scope and procedure of the arbitration shall govern arbitration. (Gen. Ord. No. 6, 1998, § 143.02, 6-12-98)

Sec. 2-152 Alternative Dispute Resolution.

Pursuant to *I.C.* § 22-1-1-8(4), the City of Terre Haute encourages the inclusion of alternative dispute resolution such as mediation and arbitration into working agreements as viable alternatives to litigation. (Gen. Ord. No. 6, 1998, § 143.03, 6-12-98)

Sec. 2-153 Arbitration Regulations.

Arbitration between the City of Terre Haute and the union in question shall comply with the following regulations:

a. All of the procedures for resolution of grievances or disputes concerning the meaning or application of a specific contract in question must be strictly followed prior to any mediation or arbitration.

b. The City of Terre Haute and the union in question shall share the cost of mediation or arbitration equally.

c. Once the arbitration process is complete, the decision made by the arbitrator shall be binding for the life of the specific contract in question, unless reversed by a court of competent jurisdiction. (Gen. Ord. No. 6, 1998, § 143.04, 6-12-98)

Sec. 2-154 Exclusive Jurisdiction of Police Merit Commission/Board of Public Works and Safety.

Nothing in this Article shall conflict with the provisions of *I.C.* § 36-8-3.5-1, *et seq.*, defining the powers and authority of the Police Merit Commission with respect to police officers and *I.C.* § 36-3-3-1, *et seq.*, defining the powers and authority of the Board of Public Works and Safety with respect to firefighters. (Gen. Ord. No. 6, 1998, § 143.05, 6-12-98)

Sec. 2-155 through Sec. 2-159 Reserved for Future Use.

ARTICLE 12. PURCHASING REGULATIONS.

Sec. 2-160 Designating Purchasing Agency.

The Board of Public Works and Safety is hereby designated as the Purchasing Agency for the City of Terre Haute, Indiana, with all of the powers and duties authorized under *I.C.* § 5-22. The Purchasing Agency shall designate in writing the Purchasing Agent. The Purchasing Agency may also designate in writing additional purchasing agents as necessary. (Gen. Ord. No. 23, 1998, § 143.01, 12-10-98)

Sec. 2-161 Purchase of Supplies under $25,000.

The Purchasing Agency may purchase supplies with an estimated cost of less than Twenty Five Thousand Dollars ($25,000.00) on the open market without inviting or receiving quotes or bids. (Gen. Ord. No. 23, 1998, § 143.02, 12-10-98)

Sec. 2-162 Purchase of Services.

It is hereby determined that each agency and/or department may purchase services in whatever manner the purchaser determines to be reasonable. (Gen. Ord. No. 23, 1998, § 143.03, 12-10-98)

Sec. 2-163 Purchase of Supplies Manufactured in the United States.

Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the City of Terre Haute Board of Public Works and Safety determines:

a. The supplies are not manufactured in the United States in reasonably available quantities;

b. The price of the supplies manufactured in the United States exceeds by an unreasonable amount the comparable supplies manufactured elsewhere;

c. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

d. The purchase of supplies manufactured in the United States is not in the public interest. (Gen. Ord. No. 23, 1998, § 143.04, 12-10-98)

Sec. 2-164 Purchasing Agency Procedures for Solicitation and Receipt of Bids and Proposals.

The Purchasing Agency for the City of Terre Haute shall adopt written procedures for the solicitation and receipt of bids and proposals for goods and services consistent with the provisions of *I.C.* § 5-22, *et seq.*, which shall include procedures for electronic transmission of material as provided in *I.C.* § 5-22-3-4. (Gen. Ord. No. 6, 2002, 3-14-02)

Sec. 2-165 through Sec. 2-169 Reserved for Future Use.

ARTICLE 13. FIRE DEPARTMENT MERIT SYSTEM.

Sec. 2-170 Chief.

a. The Executive shall appoint a Chief of the Terre Haute Fire Department who shall serve at the pleasure of the Executive.

b. The Chief shall have general charge of the daily operations of the department and may, with the approval of the Executive and funding by the fiscal body, appoint any number of executive assistants who shall hold the temporary rank and title of ASSISTANT CHIEF and/or BATTALION CHIEF, TRAINING CHIEF, CHIEF MECHANIC, SAFETY DIRECTOR AND EMS/HAZMAT COORDINATOR, as the Chief deems necessary to allow for the efficient discharge of executive duties. The Chief shall select "BATTALION CHIEFS" from among those holding the permanent merit rank of no lower than Captain in the department and meeting the standards determined by the Fire Merit Commission which shall be established and enforced no later than June 30, 2006. All executive assistants shall be temporary, and each executive assistant shall retain their former rank, unless promoted in accordance with this personnel system. (Gen. Ord. No. 19, 2002, As Amended, 9-12-02; Gen. Ord. No. 17, 2004, 8-12-04)

c. The Chief, with the approval of the Merit Board, shall establish a classification of ranks, grades and positions in the Fire Department and shall designate the authority and responsibilities of each rank, grade and position.

d. The Chief shall have the authority to assign or reassign any member of the Fire Department to serve at any station or headquarters, and to perform such duties as he shall designate, provided such grade and assignment results in no decrease in the firefighters rank and provided, the firefighter's minimum salary is commensurate with his/her rank.

e. The Chief has exclusive control of the Fire Department, subject to the rules and orders of the Merit Board. (Gen. Ord. No. 19, 2002, As Amended, 9-12-02)

Sec. 2-171 Merit Board.

There shall be established a civilian Fire Merit Board which shall consist of five (5) members who shall be appointed as follows: two (2) members who shall be elected by the active members of the Fire Department, the Union being delegated the responsibility of conducting the election and certifying the results to the Merit Board, in accordance with *I.C.* § 36-8-3.5-1, two (2) members shall be appointed by the Executive and one (1) member shall be appointed by the legislative body. Each member of the Merit Board shall be at least twenty-one (21) years of age, be of good moral character, be a legal resident of the City of Terre Haute for three (3) consecutive years preceding the term, and no member appointed or elected to the Merit Board shall be a member of the police or fire department, no more than two (2) board members may be past members of the police or fire department, and no board members may receive renumeration

as salary from the City, or of any other fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government.

a. Members of the Merit Board, called Board Members, shall serve for a term of four (4) years, however one (1) of the Executive's initial appointments and one (1) of the department's initial selections are for a term of two (2) years. All members, either elected or appointed shall serve during their respective terms and until their respective successors shall be appointed or elected, and qualified. A vacancy shall be filled by the appointing or electing authority within thirty (30) days for the remainder of the unexpired term.

An appointed member of the Merit Board may be removed by the appointing authority with or without cause and without right of hearing. If a vacancy occurs among the appointed members of the Merit Board, the appointing authority shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the Merit Board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with *I.C.* § 36-8-3.5-8 to serve the unexpired term. A member of the Merit Board may be reappointed or elected for successive terms.

b. Three (3) members of the Board shall constitute a quorum for the purpose of taking official action; and a majority vote of all the Board Members is necessary to transact the business of the Board.

c. The Merit Board shall submit a proposed annual budget to the City Council. The legislative body shall include in the budget sufficient amounts to cover the necessary expenses of the Merit Board and only provide each member of the Merit Board a monthly stipend of Fifty Dollars ($50.00).

d. The Merit Board shall administer and supervise a merit system established by this Article.

Within one hundred and eighty (180) days after the board is elected, it shall adopt rules to govern:

(1) The time and place for holding regular and special meetings, the selection of officers, the maintenance of a record of meetings, and the procedures to be followed in conducting business;

(2) The selection and appointment of persons to be employed as members of the department, subject to the applicable pension statutes;

(3) Promotions and demotions of members of the department;

(4) Disciplinary action or dismissal of members of the department;

except for upper level policy making positions for which authority is conferred on the City Executive by statute. Such rules shall be consistent with all statutory requirements for the

selection, appointment, promotion, demotion, discipline and dismissal of members of the department. The Board shall comply with statutory provisions for adoption of rules. (Gen. Ord. 19, 2002, As Amended, 9-12-02)

Sec. 2-172 through Sec. 2-179 Reserved For Future Use.

ARTICLE 14. DISCONTINUANCE OF CITY HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES.

Sec. 2-180 Discontinuance of City Health Insurance Benefits for City Employees.

a. The City of Terre Haute presently offers its full-time employees health insurance benefits during their employment with the City.

b. *I.C.* § 5-10-8-2.2 requires and in the collective bargaining contracts and salary ordinances, the administration and the Common Council for the City of Terre Haute has provided City health insurance benefits for retired Police Officers and Firefighters (hereinafter "Retired Public Safety Employees"), their Spouses, Surviving Spouses and Dependents.

c. The provisions of *I.C.* § 5-10-8-2.2 provide for the discontinuance of City health insurance benefits for Retired Public Safety Employees, their Spouses, Surviving Spouses and Dependents upon the occurrence of certain events.

d. The Common Council for the City of Terre Haute wishes to provide for the discontinuance of health insurance benefits for Retired Public Safety Employees, their Spouses, Surviving Spouses and Dependents consistent with the provisions of *I.C.* § 5-10-8-2.2 upon the occurrence of specified events. (Gen. Ord. No. 20, 2003, 7-10-03)

Sec. 2-181 Definitions.

a. **City.** The incorporated City of Terre Haute, Indiana.

b. **Public Safety Employee.** A full-time Police Officer or Firefighter of the City.

c. **Retired Public Safety Employee.** A Police Officer or Firefighter who:

(1) leaves employment with the City after June 30, 1986; and

(2) has completed twenty (20) years of full-time employment with a City Public Safety Department; and

(3) has reached the age of fifty-two (52) years on or before the retirement date, but is not eligible on the retirement date for Medicare coverage; and

(4) files a written request with the Personnel Department requesting retiree insurance benefits within ninety (90) days after the retirement date or the enactment of this Article.

d. **City Insurance.** Individual or family group medical insurance benefits made available by the City to all full-time City employees.

e. **Surviving Spouse.** The spouse of a Public Safety Employee at the time of the Public Safety Employee's death while in active service or after retirement.

f. **Child or Dependant.** A natural child, stepchild or adopted child of a Public Safety Employee who is less than eighteen (18) years of age and not emancipated; eighteen (18) years of age or older and physically or mentally disabled as established by Social Security Administration disability guidelines; at least eighteen (18) and less than twenty-one (21) years of age, enrolled in and regularly attending a secondary school or is a full-time student in an accredited university or college. (Gen. Ord. No. 20, 2003, 7-10-03)

Sec. 2-182 Benefits.

a. Until a Retired Public Safety Employee, his or her Spouse, Dependent(s), or Surviving Spouse is eligible for Medicare coverage, the City shall make available a group health insurance program for such persons, and shall pay the percentage listed in the then-current salary ordinance of the premium for such group health insurance. When a Retired Public Safety Employee, his/her Spouse, Dependant or Surviving Spouse becomes eligible for Medicare coverage, the Retired Public Safety Employee, his/her Spouse's, Dependent's or Surviving Spouse's eligibility for participation in the City Insurance shall automatically terminate.

b. When a Surviving Spouse and/or Dependant becomes eligible for other health insurance, the eligibility for participation in the City Insurance shall automatically terminate.

c. The obligation of the City to pay the designated percentage of the City Insurance premium is conditioned upon the Retired City Employee, his/her Spouse, Dependent or Surviving Spouse making payment of any balance of his/her monthly City Insurance premium. (Gen. Ord. No. 20, 2003, 7-10-03)

Sec. 2-183 Benefits for Other Employees.

For City employees who are not public safety employees and are not covered by any other union contract/agreement, the City will continue to pay its portion of the monthly premium of a retiree's single employee group health and hospitalization insurance plan for retirees until they reach their 65th birthday in consideration of the following:

a. Retiree is at least sixty-two (62) years old;

b. Retiree is currently and has been a full-time employee of the City for at least twenty (20) years;

c. Retiree is currently enrolled in the group health and hospitalization insurance plan provided by the City and has been enrolled for at least ten (10) years, five (5) years of which have occurred continuously up to the time of retirement;

d. Retiree informs the City Controller in writing of his request for such coverage at least thirty (30) days prior to retirement;

e. Retiree may choose another city offered insurance plan (i.e., employee/spouse, employee/children, family, etc.), but the retiree will be responsible for paying the difference between the employee only plan and the selected plan.

ARTICLE 15. FAIR HOUSING.

Sec. 2-190 Purpose.

The purposes of this Article are the following:

a. To adopt an ordinance pursuant to I.C. 22-9-1-12.1 to effectuate the public policy set forth in I.C. 22-9-1-2 within the City of Terre Haute, Indiana;

b. To provide fair housing rights and remedies; and

c. To provide fair housing law that is substantially equivalent to federal law (Title VIII of the Civil Rights Acts of 1988).

Sec. 2-191 Definitions.

The definitions in this Section apply throughout this Article.

a. **Aggrieved Person.** Includes any person who:

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that the person will be injured by a discriminatory housing practice that is about to occur.

b. **Commission.** Refers to the Terre Haute Human Relations Commission designated by General Ordinance No. 4, 1999, as amended now or hereafter amended.

c. **Complainant.** A person, including the Commission, who files a complaint under this Article.

d. **Conciliation.** The attempted resolution of issues raised by a Complainant or by the investigation of a complaint, through informal negotiations involving the Aggrieved Person, the respondent, and the Commission.

e. **Conciliation Agreement.** A written agreement setting forth the resolution of the issues in Conciliation.

f. **Director.** Refers to the Executive Director hired by the Commission pursuant to G.O. No. 4, 1999, as now or hereafter amended.

g. **Discriminatory Housing Practice.** An act prohibited by I.C. 22-9.5-5 or this Article.

h. **Dwelling.** Shall mean:

(1) any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or

(2) any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure described by subsection (1).

i. **Family.** Includes a single individual.

j. **Disabled.**

(1) Shall mean, with respect to a person:

(a) a physical or mental impairment that substantially limits one (1) or more of the person's major life activities.

(b) a record of having an impairment described in subsection (1); or

(c) being regarded as having an impairment described in subsection (1).

(2) The term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) The term does not include an individual solely because that individual is a transvestite.

k. **Person.** One or more individuals, corporations, limited liability companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

l. **Respondent.** Shall mean:

(1) the person accused of a violation of this Article in a complaint of discriminatory housing practice; or

(2) any person identified as an additional or a substitute respondent under this Article or an agent of an additional or a substitute respondent.

m. **To Rent**. Includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 2-192 Exemptions - Sale or Rental of Single-Family Homes, Rooms or Units in Certain Dwellings.

a. Subject to Subsection b. of this Section, Sections 2-206 through 2-214 do not apply to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(a) the owner does not:

1. Own more than three single-family houses at any one time, or

2. Own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time, and

(b) The house was sold or rented without:

1. The use of the sale or rental facilities or services of a real estate broker, an agent or a salesman licensed under I.C. 25-34.1; or of an employee or agent of a licensed broker, or agent or a salesman; or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families, or

2. The publication, posting or mailing of a notice, a statement or an advertisement prohibited by Sec. 2-207.

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

b. The exemption in Subsection a.(1) of this Section applies to only one sale or rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

Sec. 2-193 Exemptions – Religious Organizations.

This Article does not 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:

a. Limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

b. Giving preference to persons of the same religion, unless membership in such religion is restricted because of race, color or national origin.

Sec. 2-194 Exemptions – Private Club.

This Article does not prohibit a private club, not in fact open to the public, which as an incident to the club's primary purpose, provides lodging which the club owns or operate for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members, unless membership in such club is restricted because of race, color or national origin.

Sec. 2-195 Exemptions – Housing for Older Persons.

a. As used in this Article, "Housing for Older Persons" means housing that the Commission determines is:

(1) Specifically designed and operated to assist elderly persons under a federal or state program;

(2) Intended for, and solely occupied by, persons at least sixty-two (62) years of age; or

(3) Intended and operated for occupancy by at least one person at least fifty-five (55) years of age in each unit.

b. Housing that includes units that are unoccupied or that are occupied by person who do not meet the age requirements of Subsection a.(2) or a.(3) of this Section does not fail to meet the requirements for housing for older persons if:

(1) The unoccupied units are reserved for persons who meet the age requirements of Subsection a.(2) or a.(3) of this Section;

(2) The occupants who do not meet the age requirements of said Subsection a.(2) or a.(3) have resided in the housing since September 13, 1988, or an earlier date, and the persons who became occupants after September 13, 1988, meet the age requirements of said Subsection a.(2) or a.(3).

c. The Commission shall adopt rules to establish criteria for making determinations under Subsection a. of this Section. These rules must include at least the following provisions:

(1) Except as provided in Subsection c.(2) of this Section, the housing must provide significant facilities and services specifically designed to meet the physical or social needs of older persons.

(2) If the provision of the facilities and services described in Subsection c.(1) of this Section is not practicable, the housing must be necessary to provide important housing opportunities for older persons.

(3) At least eight percent (80%) of the units must be occupied by at least one person who is at least fifty-five (55) years of age.

(4) The owner or manager of the housing must publish and adhere to policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons who are at least fifty-five (55) years of age.

d. The provisions of Sections 2-206 through 2-214 relating to familial status do not apply to housing for older persons.

Sec. 2-196 Exemptions – Appraisals of Property.

This Article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, familial status or national origin.

Sec. 2-197 Health or Safety Restrictions – Other Laws Not Affected.

a. This Article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling, or a restriction relating to health or safety standards.

b. This Article does not affect a requirement of nondiscrimination in any other state or federal law.

Sec. 2-198 Administration of Article.

The Commission shall administer this Article.

Sec. 2-199 Adoption of Rules.

The Commission may adopt rules necessary to implement this Article.

Sec. 2-200 Action on Complaints Alleging Violations.

As provided by Sec. 2-219, the Commission shall receive, investigate, conciliate and act on complaints alleging violations of this Article.

Sec. 2-201 Delegation of Powers and Duties to Director.

The Commission may, by rule, authorize the Director hired by the Commission to exercise the Commission's powers or perform the Commission's duties under this Article.

Sec. 2-202 Cooperation with Other Entities.

The Commission shall cooperate with and, as appropriate, may seek or provide technical and other assistance to federal, state, local and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

Sec. 2-203 Subpoenas and Discovery Provisions.

a. The Commission may issue subpoenas and order discovery as provided by this Article in aid of investigations and hearing under this Article.

b. Subpoenas and discovery in aid of investigations may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in a circuit court. Subpoenas and discovery in aid of hearings are subject to I.C. 4-21.5.

Sec. 2-204 Deferral and Transfer of Complaints.

a. The Commission may defer proceedings under this Article and transfer a complaint to the Indiana Civil Rights Commission if the Indiana Civil Rights Commission has been recognized by the United State Department of Housing and Urban Development as having adopted statutes providing fair housing rights and remedies that are substantially equivalent to the rights and remedies granted under federal law.

b. The Commission may defer proceedings under this Article and transfer a complaint to the Department of Housing and Urban Development pursuant to the rules and regulations of the Commission and of the Department of Housing and Urban Development.

Sec. 2-205 Acceptance of Gifts and Grants.

The Commission may accept gifts and grants from any public or private source for the purpose of administering this Article.

Sec. 2-206 Discrimination in Connection with Sale or Rental of Dwellings Prohibited – Exception.

a. A person may not refuse to sell or to rent after the making of a bona fide offer, 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, disability, or national origin.

b. A person may not discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, disability or national origin.

c. This Article does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

Sec. 2-207 Discriminatory Notices, Statements or Advertising Prohibited.

A person may not 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, disability, familial status or national origin, or an intention to make such a preference, limitation or discrimination.

Sec. 2-208 Representations Regarding Availability of Dwelling for Inspection.

A person may not represent to any person because of race, color, religion, sex, disability, familial status or national origin that a dwelling is not available for inspection, for sale or rental when the dwelling is so available.

Sec. 2-209 Representations Regarding Entry of Certain Persons into Neighborhood.

A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status or national origin.

Sec. 2-210 Persons with a Disability – Discrimination Prohibited.

a. A person may not discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a disability of:

(1) The buyer or renter;

(2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or

(3) Any person associated with the buyer or renter.

b. A person may not 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 the dwelling because of a disability of:

(1) The person;

(2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented or made available; or

(3) Any person associated with the person.

c. For purposes of this Section only, "discrimination" includes the following:

(1) A refusal to permit, at the expense of or on behalf of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability if the modifications may be necessary to afford the person full enjoyment of the premises.

(a) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a manner that is consistent with the quality of the existing premises and that any required building permits will be obtained.

(b) A landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the premises, at the end of the tenancy, to the condition that existed before the modification, reasonable wear and tear excepted.

(c) The landlord may not increase for persons with a disability any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the estimated cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

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

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

(a) The public use and common use parts of the dwellings are readily accessible to and usable by persons with a disability.

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

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

1. An accessible route into and through the dwelling;

2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

3. Reinforcements in bathroom walls to allow later installation of grab bars; and

4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

d. As used in Subsection c. of this Section, "covered multifamily dwellings" means:

(1) Buildings consisting of four (4) or more units if the buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units.

e. Compliance with the rules of a fire prevention and/or building safety authority that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI A117.1) satisfies the requirements of Subsection c.(3)(c) of this Section.

f. This Section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 2-211 Residential Real Estate Related Transaction Defined.

As used in Sections 2-206 through 2-214, "residential real estate transaction" means the following: Making or purchasing loans or providing other financial assistance:

a. To purchase, construct, improve, repair or maintain a dwelling.

b. To secure residential real estate.

Sec. 2-212 Discrimination Prohibited – Selling, Brokering or Appraising Residential Real Property.

A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status or national origin.

Sec. 2-213 Discrimination Prohibited; Brokers' Organizations, Services or Facilities.

A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership or participation in such an organization, service or facility because of race, color, religion, sex, disability, familial status or national origin.

Sec. 2-214 Coercion, Intimidation, Threats or Interference.

A person may not coerce, intimidate, threaten or interfere with any other person:

a. In the exercise or enjoyment of any right granted or protected by this Article; or

b. Because the person has exercised or enjoyed, or has encouraged another person in the exercise or enjoyment of, any right granted or protected by this Article.

Sec. 2-215 Administrative Enforcement; Investigation of Discriminatory Housing Practices; Filing of Complaint; Amendment; Notice.

The Commission shall investigate alleged discriminatory housing practices.

a. A complaint concerning an alleged discriminatory housing practice as defined in this Article must be filed not later than ninety (90) days after an alleged discriminatory housing practice has occurred or terminated, whichever is later.

b. A complaint under this Article may be reasonably and fairly amended at any time.

c. When a complaint is filed under this Article, the Commission shall do the following:

(1) Give the aggrieved person notice that the complaint has been received;

(2) Advise the aggrieved person of the time limits and choice of forums under this Article;

(3) Not later than twenty (20) days after the filing of the complaint or the identification of an additional respondent under Sec. 2-218, serve on each respondent:

(a) A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this

Article.

(b) A copy of the original complaint.

Sec. 2-216 Administrative Enforcement; Complaint Response.

a. Not later than ten (10) days after receipt of the notice and copy under Sec. 2-215 c.(3), a respondent may file an answer to the complaint.

b. An answer must be:

(1) In writing;

(2) Under oath; and

(2) In the form prescribed by the Commission.

c. An answer may be reasonably and fairly amended at any time with the consent of the Director.

d. An answer does not inhibit the investigation of a complaint.

Sec. 2-217 Administrative Enforcement; Investigation of Complaints Referred by Federal Government.

a. If the federal government or the state has referred a complaint to the Commission or has deferred jurisdiction over the subject matter of the complaint to the Commission, the Commission shall promptly investigate the allegations set forth in the complaint.

b. The Commission shall investigate all complaints, except as provided by Subsection c. of this Section, shall complete an investigation not later than one hundred (100) days after the date the complaint is filed, or if the Commission is unable to complete the investigation within the one hundred (100) day period, shall dispose of all administrative proceedings related to the investigation not later than one (1) year after the date the complaint is filed.

c. If the Commission is unable to complete the investigation within the time periods prescribed by Subsection b. of this Section, the Commission shall notify the complainant and the respondent in writing of the reasons for the delay.

Sec. 2-218 Administrative Enforcement; Joinder of Additional or Substitute Respondents.

a. The Commission may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the Commission determines that the person should be accused of a discriminatory housing practice.

b. In addition to the information required in the notice under Sec. 2-215c.(3), the Commission shall include in a notice to a respondent joined under this Section an explanation of the basis for the determination that the person is properly joined as a respondent.

Sec. 2-219 Administrative Enforcement; Conciliation Agreements.

a. The Commission shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the Commission, to the extent feasible, engage in conciliation with respect to the complaint.

b. A conciliation agreement is an agreement between a respondent and the complainant and is subject to Commission approval.

c. A conciliation agreement may provide for binding arbitration or other methods of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

d. A conciliation agreement shall be made public unless the complainant and respondent agree otherwise and the Commission determines that disclosure is not necessary to further the purposes of this Article.

e. Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this Article without the written consent of the persons concerned.

f. After completion of the Commission's investigation, the Commission shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final investigation report relating to that investigation.

Sec. 2-220 Administrative Enforcement; Action for Temporary Relief or Preliminary Relief.

a. If the Commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this Article, the Commission may file a civil action for appropriate temporary relief or preliminary relief pending final disposition of the complaint in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice occurred.

b. A temporary restraining order or other order granting preliminary or temporary relief under this Section is governed by the Indiana Rules of Trial Procedure.

c. The filing of a civil action under this Section does not affect the initiation or continuation of administrative proceedings under Sec. 2-228.

Sec. 2-221 Administrative Enforcement; Final Investigative Report.

a. The Commission shall prepare a final investigative report showing the following:

(1) The names and dates of contacts with witnesses;

(2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;

(3) A summary description of other pertinent records;

(4) A summary of witness statements;

(5) Answers to interrogatories.

b. A final report under this Article may be amended if additional evidence is discovered.

Sec. 2-222 Administrative Enforcement; Determination of Probable Cause.

a. The Commission shall determine based on the facts whether probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

b. The Commission shall make the determination under Subsection a. of this Section not later than one hundred (100) days after the date a complaint is filed unless:

(1) It is impracticable to make the determination; or

(2) The Commission has approved a conciliation agreement relating to the complaint.

c. If it is impracticable to make the determination within the time period provided by Subsection b. of this Section, the Commission shall notify the complainant and respondent in writing of the reasons for the delay.

d. If the Commission determines that probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Commission shall immediately issue a finding of probable cause on behalf of the aggrieved person.

Sec. 2-223 Administrative Enforcement; Finding of Probable Cause; Contents; Copies.

a. A finding of probable cause issued under Sec. 2-222:

(1) Must consist of a short and plain statement of the facts on which the Commission has found probable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(2) Must be based on the final investigative report; and

Need not be limited to the facts or grounds alleged in the complaint.

b. Not later than twenty (20) days after the Commission issues a finding of probable cause, the Commission shall send a copy of the finding of probable cause with the information concerning the election under Sec. 2-226 to the following:

(1) Each respondent, together with a notice of the opportunity for a hearing provided by Sec. 2-228;

(2) Each aggrieved person on whose behalf the complaint was filed.

Sec. 2-224 Administrative Enforcement; Dismissal of Complaint.

a. If the Commission determines that no probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Commission shall promptly dismiss the complaint.

b. The Commission shall make public disclosure of each dismissal under this Section.

Sec. 2-225 Administrative Enforcement; Finding of Probable Cause Precluded after Commencement of Civil Actions.

The Commission may not issue a finding of probable cause under this Article regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

Sec. 2-226 Administrative Enforcement; Election To Have Claims Decided in Civil Action.

a. A complainant, a respondent or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of probable cause decided in a civil action as provided in Sec. 2-227.

b. The election must be made not later than twenty (20) days after the date of receipt by the electing person of service under Sec. 2-223b. or, in the case of the Commission, not later than twenty (20) days after the date the finding of probable cause was issued.

c. The person making the election shall give notice to the Commission and to all other complainants and respondents to whom the finding of probable cause relates.

Sec. 2-227 Administrative Enforcement; Filing of Civil Action; Intervention by Aggrieved Persons; Granting Relief.

a. If timely election is made under Sec. 2-226, the Commission shall, not later than thirty (30) days after the election is made, file a civil action on behalf of the aggrieved person seeking relief under this Section in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice occurred.

b. An aggrieved person may intervene in the action, as permitted by the court.

c. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under I.C. 22-9.5-7.

d. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

Sec. 2-228 Administrative Enforcement; Hearing.

a. If a timely election is not made under Sec. 2-226, the Commission shall provide for a hearing on the finding of probable cause.

b. Except as provided by Subsection c. of this Section, I.C. 4-21.5 governs a hearing and an appeal of a hearing under this Section.

c. A hearing under this Section may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing practice.

Sec. 2-229 Administrative Enforcement; Order for Appropriate Relief; Penalties.

a. If the Commission determines at a hearing under Sec. 2-228 that a respondent has engaged in or is about to engage in a discriminatory housing practice, the Commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs and other injunctive or equitable relief.

b. To vindicate the public interest, the Commission may assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Ten Thousand Dollars ($10,000.00) if the respondent has not been adjudged by order of the Commission or a court to have committed a prior discriminatory housing practice.

(2) Except as provided by Subsection c. of this Section, Twenty Five Thousand Dollars ($25,000.00) if the respondent has been adjudged by order of the Commission or a court to have committed one other discriminatory housing practice during the five (5) year period ending on the date of the filing of the finding of probable cause.

(3) Except as provided by Subsection c. of this Section, Fifty Thousand Dollars ($50,000.00) if the respondent has been adjudged by order of the Commission or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the finding of probable cause.

c. If the acts constituting the discriminatory housing practice that is the object of the finding of probable cause are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in Subsections b.(2) and (3) of this Section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

d. The Commission may sue to recover a civil penalty due under this Section.

Sec. 2-230 Administrative Enforcement; Certain Contracts, Sales, Encumbrances or Leases Unaffected by Order.

A Commission order under Sec. 2-229 does not affect a contract, a sale, an encumbrance or a lease that:

a. Was consummated before the Commission issued the order; and

b. Involved a bona fide purchaser, an encumbrancer, or a tenant who did not have actual notice of the finding of probable cause filed under this Article.

Sec. 2-231 Administrative Enforcement; Respondents Subject to Licensing or Regulation by Governmental Agencies.

If the Commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a governmental agency, the Commission shall, not later than thirty (30) days after the date of the issuance of the order:

a. Send copies of the findings and the order to the governmental agency; and

b. Recommend to the governmental agency appropriate disciplinary action.

Sec. 2-232 Administrative Enforcement; Issuance of Subsequent Orders to Same Respondent.

If the Commission issues an order against a respondent against whom another order was issued within the preceding five (5) years under Sec. 2-229, the Commission shall send a copy of each order issued under that section to the Attorney General.

Sec. 2-233 Enforcement by Private Persons; Filing of Action by Aggrieved Person.

a. Pursuant to I.C. 22-9.5-7-1, an aggrieved person may file a civil action in the circuit or superior court located in the county in which the alleged discriminatory practice

occurred not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this Article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

b. The one (1) year period does not include any time during which an administrative hearing under this Article is pending with respect to a complaint or finding of probable cause under this Article based on the discriminatory housing practice. This Subsection does not apply to actions arising from a breach of a conciliation agreement.

c. An aggrieved person may file an action under this Section whether or not a complaint has been filed under this Article and without regard to the status of any complaint filed under this Article.

d. If the Commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this Section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.

e. An aggrieved person may not file an action under this Section with respect to an alleged discriminatory housing practice that forms the basis of a finding of probable cause issued by the Commission if the Commission has begun a hearing on the record under this Article with respect to the finding of probable cause.

Sec. 2-234 Enforcement by Private Persons; Award of Relief.

If the court finds that a discriminatory housing practice has occurred or is about to occur in a civil action under this Article, pursuant to I.C. 22-9.5-7-2, the court may award to the prevailing party the following:

a. Actual and punitive damages;

b. Reasonable attorney's fee;

c. Court costs;

d. Subject to I.C. 22-9.5-7-3, any permanent or temporary injunction, temporary restraining order or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

Sec. 2-235 Enforcement by Private Persons; Certain Contracts, Sales, Encumbrances or Leases Unaffected by Relief Granted.

Relief granted under this Article does not affect a contract, a sale, an encumbrance or a lease that:

a. Was consummated before the granting of the relief; and

b. Involved a bona fide purchaser, an encumbrancer or a tenant who did not have actual notice of the filing of a complaint or a civil action under this Article.

Sec. 2-236 Intervention by Commission.

a. The Commission may intervene in a civil action in the circuit or superior court under this Article if the Commission determines that the case is of general public importance.

b. The Commission may obtain the same relief available to the Commission under Sec. 2-238.

Sec. 2-237 Enforcement by the Commission; Filing of Civil Action.

a. Pursuant to I.C. 22-9.5-8.1-1, the Commission may file a civil action for appropriate relief if the Commission has probable cause to believe that:

(1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Article; or

(2) A person has been denied any right granted by this Article and that denial raises an issue of general public importance.

b. An action under this Section may be filed in a circuit or superior court located in the county in which the alleged pattern, practice or denial occurred.

Sec. 2-238 Enforcement by the Commission; Award of Relief.

In a civil action filed under Sections 2-237 through 2-240, the court may do the following:

a. Award preventative relief, including a permanent or temporary injunction, restraining order or other order against the person responsible for a violation of this Article as necessary to assure the full enjoyment of the rights granted by this Article.

b. Award other appropriate relief, including monetary damages, reasonable attorney's fees and court costs;

c. To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

(1) Fifty Thousand Dollars ($50,000.00) for a first violation;

One Hundred Thousand Dollars ($100,000.00) for a second or subsequent violation.

Sec. 2-239 Enforcement by the Commission; Intervention in Civil Action.

A person may intervene in a civil action under Sections 2-237 through 2-240 if the person is:

a. An aggrieved person to the discriminatory housing practice; or

b. A party to a conciliation agreement concerning the discriminatory housing practice.

Sec. 2-240 Enforcement of Subpoena.

The Commission attorney, on behalf of the Commission or other party at whose request a subpoena is issued under this Article, may enforce the subpoena in appropriate proceedings in the circuit or superior court.

Sec. 2-241 Attorney's Fees and Court Costs.

A court in a civil action brought under this Article, or the Commission in an administrative hearing under Sec. 2-228, may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

CHAPTER 3. CITY LEGISLATIVE & JUDICIAL BRANCHES

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CHAPTER 3

CITY LEGISLATIVE & JUDICIAL BRANCHES

ARTICLE 1. THE LEGISLATIVE BRANCH.

Sec. 3-1 The Common Council.[54]

a. The legislative branch of the City of Terre Haute is the Common Council. The 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.[55]

b. The City Clerk shall be the Clerk of the Council and shall perform the duties prescribed by *I.C.* § 36-4-6-9, and such others as the Council may direct.

Sec. 3-2 Six (6) Districts.[56]

a. The Common Council shall be composed of nine (9) members, six (6) of whom are elected from districts and three (3) of whom are elected-at-large.

The City of Terre Haute is divided into six (6) councilmanic districts bounded as follows:

FIRST DISTRICT.

The First Councilmanic District shall be as follows: Starting at the Wabash River and Hulman Street; thence east along the center line of Hulman Street to the center line of 6th Street; thence south along the center line of 6th Street to the center line of Voorhees Street; thence east along the center line of Voorhees Street to the center line of 13th Street; thence north along the center line of 13th Street to the center line of Hulman Street; thence east along the center line of Hulman Street to the center line of 19th Street; thence north along the center line of 19th Street to the center line of Crawford Street; thence east along the center line of Crawford Street to the center line of 25th Street; thence south along the center line of 25th Street to the center line of College Avenue; thence east along the center line of College Avenue to the centerline of Brown Avenue; thence south along the center line of Brown Avenue to the center line of Hulman Street; thence west along the center line of Hulman Street to the center line of 25th Street; thence south along the center line of 25th Street to the center line of Margaret Avenue; thence east along the centerline of Margaret Avenue to the eastern boundary of Precinct 9-C; thence following the meandering east and south boundary of Precinct 9-C to the southernmost corporate limits of the City of Terre Haute; thence following the meandering southern boundary of the corporate limits of the City of Terre Haute to

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[54] *I.C.* § 36-4-6-2, addresses the eligibility of members of the Common Council.

[55] Editor's Note: Gen. Ord. No. 29, 2002, passed on January 9, 2003 deleted Sections 3-5 through 3-29 from the 1999 City Code. These Sections contained the Rules and Regulations for the Common Council of the City of Terre Haute.

[56] *I.C.* § 36-4-6-3, addresses the establishment of Councilmanic Districts.

the meandering southwestern boundary of the corporate limits of the City of Terre Haute; thence meandering along the western boundary of the corporate limits of the City of Terre Haute to the center of the Wabash River; thence meandering northerly along the center of the Wabash River to the point of beginning.

The First Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and now known as precincts 1-B, 2-D, 3-A, 3-D, 8-B, 8-D, 8-E, Honey Creek 9-A, Honey Creek 9-B, and Riley 9-C. (Gen. Ord. No. 12, 2012; 11-8-12)

SECOND DISTRICT.

The Second Councilmanic District shall be as follows: Starting at the intersection of Brown Avenue and Wabash Avenue; thence east along the center line of Wabash Avenue to the center line of Keane Avenue; thence north along the center line of Keane Avenue to the northernmost boundary of Precinct 9-E; thence east along the northernmost boundary of Precinct 9-E and following the meandering easternmost boundary of the corporate limits of the City of Terre Haute to include those portions of Precincts 9-E and 9-D which are not contiguous to the corporate limits; following the easternmost boundary of the corporate limits of the City of Terre Haute in a southerly direction to the center line of Margaret Avenue; thence west along the center line of Margaret Avenue to the center line of 25th Street; thence north along the center line of 25th Street to the center line of Hulman Street; thence east along the center line of Hulman Street to the center line of Brown Avenue; thence north along the center line of Brown Avenue to the center line of College Avenue; thence west along the center line of College Avenue to the center line of 25th Street; thence north along the center line of 25th Street to the center line of Poplar Street; thence east along the center line of Poplar Street to the center line of Brown Avenue; thence north along the center line of Brown Avenue to the point of beginning.

The Second Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and now known as precincts 8-A, 8-C, 8-F, 8-G, Lost Creek 9-D, Lost Creek 9-E, Lost Creek 9-F, and Lost Creek 9-G. (Gen. Ord. No. 12, 2012; 11-8-12)

THIRD DISTRICT.

The Third Councilmanic District shall be as follows: Starting at Haythorne Avenue and 13th Street; east along the center line of Haythorne Avenue to the center line of Alexander; thence south along the center line of Alexander to the center line of Wabash Avenue; thence westerly along the center line of Wabash Avenue to the center line of 25th Street; thence north along the center line of 25th Street to the center line of 3rd Avenue; thence west along the center line of 3rd Avenue to the center line of 19th Street; thence north along the center line of 19th Street to the center line of Maple Avenue; thence west along the center line of Maple Avenue following the northern boundary of Precinct 7-C to the center line of 16th Street; thence north along the center line of 16th Street to the center line of Woodley; thence west along the center line of Woodley to the center line of Lafayette Avenue; thence northeasterly along the center line of Lafayette Avenue to the center line of 13 ½ Street; thence north along the center line of 13 ½ Street to the center line of Delaware; thence west along the center line of Delaware to the center line of 13th Street; thence north along the center line of 13th Street to the point of beginning.

The Third Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and known as 4-C, 6-B, 6-C, 7-E, 7-F, 7-G, and Lost Creek 9-H. (Gen. Ord. No. 12, 2012; 11-8-12)

FOURTH DISTRICT.

The Fourth Councilmanic District shall be as follows: Starting at the Wabash River and 8th Avenue; thence east along the center line of 8th Avenue to the center line of 6th Street; thence south along the center line of 6th Street to the center line of 6th Avenue; thence east along the center line of 6th Avenue to the center line of 7th Street; thence north along the center line of 7th Street to the center line of 6th Avenue; thence east along the center line of 6th Avenue to the center line of 8th Street; thence south along the center line of 8th Street to the center line of Locust Street; thence east along the center line of Locust Street to the center line of 13th Street; thence south along the center line of 13th Street to the center line of Wabash Avenue; thence west along the center line of Wabash Avenue to the center line of 10th Street; thence north along the railroad tracks to the southern boundary of Precinct 4-A; thence west along the southern boundary of Precinct 4-A to the center line of 9th Street; thence north along the center line of 9th Street to the center line of Eagle Street; thence west along the center line of Eagle Street to the center line of 8th Street; thence south along the centerline of 8th Street to the center line of Swan Street; thence east along the center line of Swan Street to the center line of 9th Street; thence south along the center line of 9th Street to the center line of Hulman Street; thence west along the center line of Hulman Street to the center of the Wabash River; thence meandering northerly along the center of the Wabash River to the place of beginning.

The Fourth Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and known as precincts 1-A, 1-C, 1-D, 2-C, 2-E, 4-A, 5-B, and 5-C. (Gen. Ord. No. 12, 2012; 11-8-12)

FIFTH DISTRICT.

The Fifth Councilmanic District shall be as follows: Starting at the Wabash River and Haythorne Avenue; thence east along the center line of Haythorne Avenue to the center line of 13th Street; thence south along the center line of 13th Street to the center line of Delaware Street; thence east along the center line of Delaware Street to the center line of 13 ½ Street; then south along the centerline of 13 ½ Street to the center line of Lafayette Avenue; thence southwesterly along the centerline of Lafayette Avenue to the to the center line of Woodley Avenue; thence east along the center line of Woodley Avenue to the centerline of 16th Street; thence east following the northern boundary of Precinct 7-C to the center line of the center line of Maple Avenue; thence east along the center line of Maple Avenue to the center line of 19th Street; thence south along the center line of 19th Street to the center line of 3rd Avenue; thence east along the center line of 3rd Avenue to the center line of 25th Street; thence south along the center line of 25th Street to the center line of Sycamore Street; thence west along the center line of Sycamore Street to the center line of 24th Street; thence south along the center line of 24th Street to the center line of Sycamore Street; thence west along the center line of Sycamore Street to the center line of 22nd Street; thence South along the center line of 22nd Street to the center line of Chestnut Street; thence west along the centerline of Chestnut Street to the center line of 21st Street; thence north along the center line of 21st Street to the

centerline of Locust Street; thence west along the center line of Locust Street to the center line of 8th Street; thence north along the center line of 8th Street to the center line of 6th Avenue; thence west along the center line of 6th Avenue to the center line of 7th Street; thence south along the center line of 7th Street to the center line of 6th Avenue; thence west along the center line of 6th Avenue to the centerline of 6th Street; thence north along the center line of 6th Street to the center line of 8th Avenue; thence west along the center line of 8th Avenue to the center line of the Wabash River; thence meandering northerly along the center of the Wabash River to the point of beginning.

The Fifth Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and known as precincts 4-D, 5-A, 5-D, 5-E, 6-A, 7-A, 7-B, 7-C, and 7-D. (Gen. Ord. No. 12, 2012; 11-8-12)

SIXTH DISTRICT.

The Sixth Councilmanic District shall be as follows: Starting at Locust Street and 13th Street; east along the center line of Locust Street to the center line of 21st Street; thence south along the center line of 21st Street to the center line of Chestnut Street; thence east along the center line of Chestnut Street to the center line of 22nd Street; thence north along the center line of 22nd Street to the center line of Sycamore Street; thence east along the center line of Sycamore Street to the center line of 24th Street; thence north along the center line of 24th Street to the center line of Sycamore Street; thence east along the center line of Sycamore Street to the center line of 25th Street; thence south along the center line of 25th Street to the center line of Wabash Avenue; thence northeast along the center line of Wabash Avenue to the center line of Brown Avenue; thence south along the center line of Brown Avenue to the center line of Poplar Street; thence west along the center line of Poplar Street to the center line of 25th Street; thence south along the center line of 25th Street to the center line of Crawford Street; thence west along the center line of Crawford Street to the center line of 19th Street; thence south along the center line of 19th Street to the center line of Hulman Street; thence west along the center line of Hulman Street to the center line of 13th Street; thence south along the center line of 13th Street to the center line of Voorhees Street; thence west along the center line of Voorhees Street to the center line of 6th Street; thence north along the center line of 6th Street to the center line of Hulman Street; thence east along the center line of Hulman Street to the center line of 9th Street; thence north along the center line of 9th Street to the center line of Swan Street; thence west along the center line of Swan Street to the center line of 8th Street; thence north along the center line of 8th Street to the center line of Eagle Street; thence east along the center line of Eagle Street to the center line of 9th Street; thence south along the center line of 9th Street to the southern border of Precinct 4-A; thence east along the southern border of Precinct 4-A to the railroad tracks, thence south along the railroad tracks to center line of Wabash Avenue; thence east along the center line of Wabash Avenue to the center line of 13th Street; thence north along the center line of 13th Street to the point of beginning.

The Sixth Councilmanic District contains within its boundaries the precincts which have heretofore been laid out and known as precincts 2-A, 2-B, 2-F, 3-B, 3-C, 3-E, 3-F, 3-G, 3-H, and 4-B. (Gen. Ord. No. 12, 2012; 11-8-12)

b. A map depicting the six (6) Councilmanic districts is on file in the Office of the City Clerk.

c. Redistricting of Councilmanic districts shall be done at least every ten (10) years hereafter in accordance with *I.C.* § 36-4-6-4 and 5.

d. Any territory annexed into the City of Terre Haute shall be assigned to the appropriate Councilmanic District as a part of the Annexation Ordinance.

Sec. 3-3 Council Meetings.[57]

The members elect of the Common Council shall hold their first regular meeting on the first Monday in January, at 7:30 p.m. At this meeting the members of the Council shall elect, by a majority of the Council, from its members a President and a Vice-president to serve for one (1) year. At this meeting the Council shall set the date and time of its regular meetings and its non-voting public hearings (also known as the "Sunshine Session"). (Res. No. 16, 1992, § IA, 5-14-92)

Sec. 3-4 Quorum.[58]

A quorum shall consist of the majority of all members elected to the Common Council. (Res. No. 16, 1992, § IB, 5-14-92)

Sec. 3-5 Form of Ordinances and Amending the *City Code.*

All ordinances which are of a general and permanent nature, and which would amend the *Terre Haute City Code* shall be in the following form set forth on the next page.

[57] *I.C.* § 5-14-1.5-1, *et seq.*, is the Indiana Open Door Law commonly known as the "Sunshine Law"; *I.C.* § 36-4-6-7, addresses regular and special meetings of the Common Council.

[58] *I.C.* § 36-4-6-10, addresses quorum requirements.

Sec. (1-1) GENERAL ORDINANCE NO. ___, 20____

(*Include the chronological number of the ordinance followed by the calendar year: Example: GENERAL ORDINANCE NO. 1, 2003*

(Short Title)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA, AMENDING CHAPTER ____, ARTICLE _____, SECTION(S) _____, OF THE *TERRE HAUTE CITY CODE* BY THE INCLUSION/DELETION OF SECTION(S) ENTITLED _____.

WHEREAS, *(background statement setting forth the purpose or background of the Ordinance where appropriate.)*

WHEREAS,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

Section I. Chapter ___, Article ____, Section(s) ____ of the *Terre Haute City Code*, is/are hereby amended to read as follows: (*set forth specific amendatory language)*

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Presented by: _____, Council Member

Passed in open Council this _____ day of _____, 20____.

_____
PRESIDENT, _____

ATTEST: _____, City Clerk, _____

Presented by me to the Mayor this _____ day of _____, 20____.

_____
CITY CLERK, _____

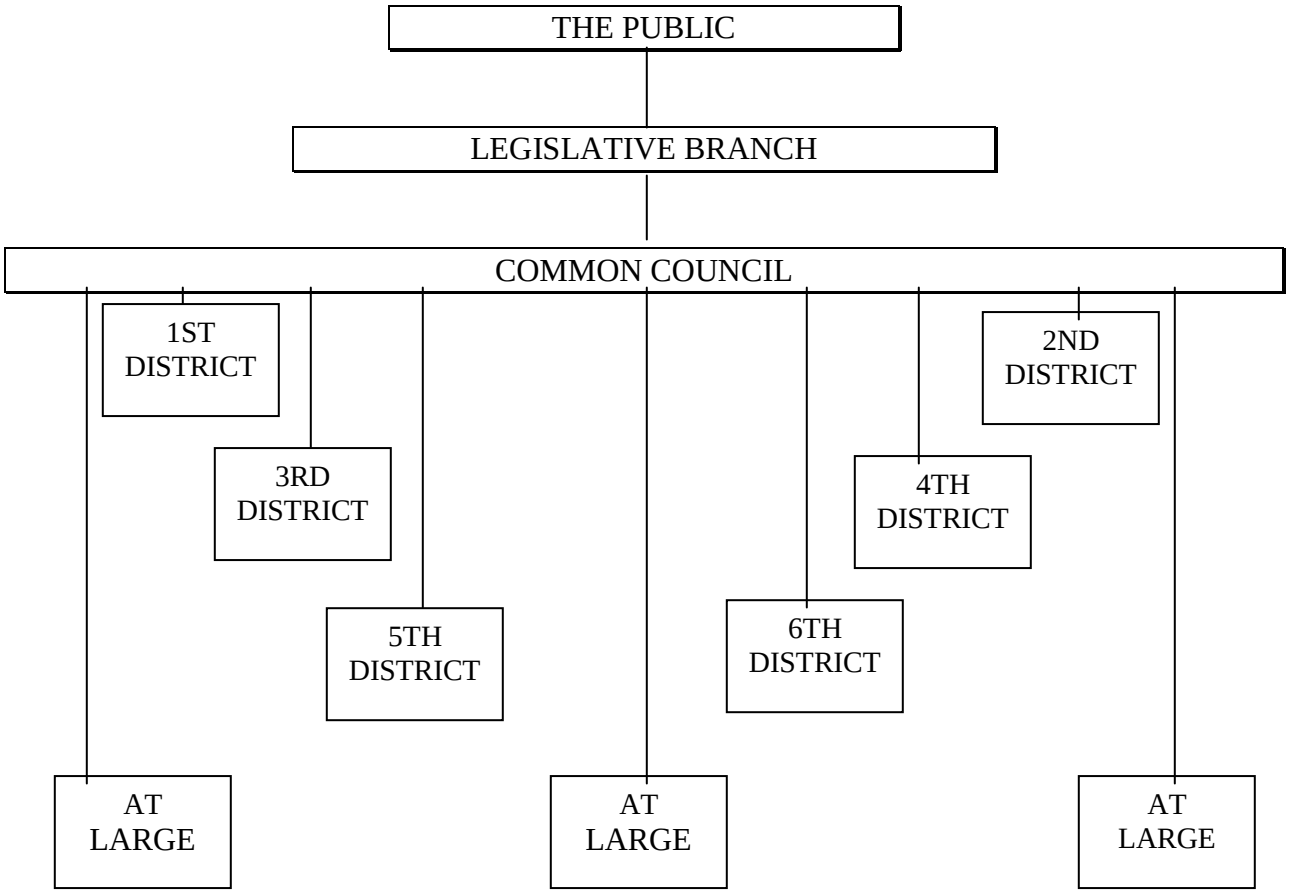
Approved by me, the Mayor, this _____ day of _____, 20____.

_____
MAYOR, _____

ATTEST: _____, City Clerk, _____

Sec. 3-6 Legislative Organization Chart.

CITY OF TERRE HAUTE



Sec. 3-7 through Sec. 3-39 Reserved for Future Use.

ARTICLE 2. THE JUDICIAL BRANCH.[59]

Sec. 3-40 City Court Continued.[60]

City Court of the City of Terre Haute is continued. The City Court shall be known as the Terre Haute City Court. (*1989 Terre Haute Municipal Code,* § 151.01)

Sec. 3-41 City Court Sessions.

City Court convenes at 8:30 a.m., Monday through Friday.

Sec. 3-42 Judge's Compensation.[61]

The City Court Judge shall receive compensation as may be prescribed from time to time by the Common Council.

Sec. 3-43 Jurisdiction and Powers of the City Court.[62]

The Terre Haute City Court shall have all powers provided by applicable state law.

Sec. 3-44 Clerk of Court.

a. Pursuant to *I.C.* § 33-10.1-6-2, the City Clerk is the Clerk of the City Court.

b. The Clerk of Court shall have all powers set forth by applicable state law.

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[59] *I.C.* § 33-10.1-1-3, addresses City Courts.

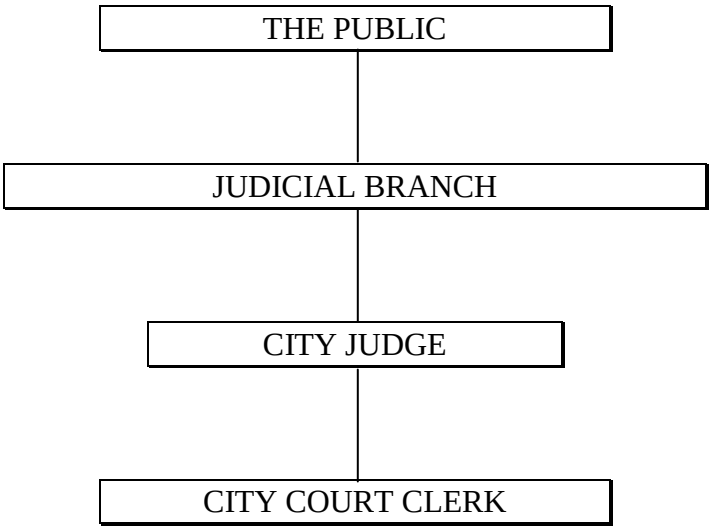
[60] *I.C.* § 33-10.1-1-3, authorizes the establishment of a City Court during 1986 and every fourth year thereafter.

[61] *I.C.* § 33-10.1-4-2, addresses the compensation of judges.

[62] *I.C.* § 33-10.2-2-2, addresses jurisdiction over crimes, infractions and ordinance violations.

Sec. 3-45 Judicial Organization Chart.

CITY OF TERRE HAUTE



Page 3-12 Reserved for Future Use.

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CHAPTER 4

FEES, LICENSES, PERMITS & FRANCHISES

ARTICLE 1. GENERAL PROVISIONS.

Sec. 4-1 Authority to License.

The City has the authority to impose a license fee reasonably related to the administrative cost of exercising such powers.[63]

Sec. 4-2 Licenses and Permits.[64]

Unless otherwise provided in the *Terre Haute City Code* all applications for permits and licenses shall be made to the City Controller, who shall issue such permits or licenses after payment of the required fee. Unless otherwise provided, all licenses shall be issued on an annual basis renewable during January of each year. (*1989 Terre Haute Municipal Code,* § 701.01)

Sec. 4-3 Transfer of Licenses and Permits.

Licenses and permits issued under provisions of the *Terre Haute City Code* shall not be transferable unless authorized by Council or by the Board of Public Works and Safety. (*1989 Terre Haute Municipal Code,* § 701.02)

Sec. 4-4 Revocation of Licenses and Permits.

Unless otherwise provided in the *Terre Haute City Code,* all permits and licenses may be suspended or revoked for cause by the Board of Public Works and Safety, after due notice and hearing. (*1989 Terre Haute Municipal Code,* § 701.03)

Sec. 4-5 Appeals.[65]

Any person aggrieved by the refusal of the City Controller or the Board of Public Works and Safety either to issue a permit or license or by the suspension of his permit or license, may appeal from the decision of the City Controller or the Board to Council. The decision of Council shall be final.

Sec. 4-6 Penalty.

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[63] *I.C.* § 36-1-3-8(5), provides for such authority in Cities.

[64] *I.C.* § 36-4-10-5(1), provides for such authority for Fiscal Officer.

[65] *I.C.* § 36-4-5-5, sets forth the governing state law.

Unless otherwise provided, any person violating any of the provisions of this Chapter shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (*1989 Terre Haute Municipal Code,* § 701.99)

Sec. 4-7 through Sec. 4-9 Reserved for Future Use.

ARTICLE 2. TRANSIENT MERCHANTS.[66]

Sec. 4-10 Definitions.[67]

Transient Merchant. When used in this Article, includes all persons, including individuals, firms, associations, partnerships, limited liability companies and companies, both as principals and agents or their agents, who engage in, do or transact any business within the City of selling goods, wares, merchandise, contracts for construction, alteration or repair or services, and who, for the purpose of carrying on, doing or transacting any such business, do not maintain offices within the City on a bona fide, continuous and regular business. (Special Ord. No. 87, 1994, §1, 12-8-94)

Sec. 4-11 License Required.

It shall be unlawful for any person to transact business as a transient merchant in this City without first obtaining a license as required by this Article thirty (30) days prior to the sale or offer of sale of said goods wares and merchandise. The following persons are exempt from this requirement:

a. A person who grows the goods, wares, or merchandise that is sold or offered for sale;

b. A person who makes crafts or items by hand and sells them or offers them for sale;

c. An auctioneer who is licensed under *I.C.* § 25-6-1;

d. A resident of the city in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;

e. An organization that is exempt from the Indiana Gross Retail Tax under *I.C.* § 6-2.5-5-26;

f. A person who:

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[66] *I.C.* § 25-37-1-1, *et seq.*, address the regulation of transient merchants by local government.

[67] Editor's Note: Gen. Ord. No. 2, 1969, passed on July 16, 1969 and Gen. Ord. No. 7, 1931 passed on ____, 1931, was repealed by Special Ord. No. 87, 1995.

(1) Sells merchandise;

(2) Offers to sell merchandise; and

(3) Provides proof that the sale is being conducted as part of an activity sponsored by an organization that is exempt from the Indiana Gross Retail Tax under *I.C.* § 6-2.5-5-26;

g. A person who:

(1) Organizes; or

(2) Offers merchandise at; or

(3) Offers to sell merchandise at; or

(4) Exhibits at a trade show or convention. (Special Ord. No. 87, 1994, § 1 (727.02), 12-8-94)

Sec. 4-12 Application.

Any person desiring to transact business as a transient merchant shall file a verified application with the Controller. The application shall include the following information:

a. The name, residence and mailing address of the person, firm or corporation making the application and if a firm or corporation, the names and addresses of any persons owning directly or indirectly five percent (5%) or more of the ownership in said business;

b. The kind of business to be conducted, the length of time for which the application proposes to transact business and if any permanent or mobile building, structure or real estate is to be used for the exhibition or sale of merchandise, the location of such proposed place of business; and

c. The type of merchandise to be sold, a detailed inventory and description including title numbers, goods, wares and merchandise to be offered for sale or to be sold and the proof of ownership of goods, wares and merchandise;

d. Attached to the application, the receipt showing that personal property taxes on the goods, wares and merchandise to be offered for sale to be sold have been paid;

e. The name under which the business is to be conducted;

f. Proof that the applicant holds or has applied for a county transient license in accordance with *I.C.* § 25-37-1-1, *et seq.*, if applicable;

g. Proof that the applicant has a property interest in or has permission from the owner or occupant of any real estate sought to be used in the conduct of business.

It shall be unlawful for any applicant to omit required information from the application or to provide false information on any application submitted. Failure to provide required information or to provide false information shall be grounds for denial or revocation of a license under this Article. (Special Ord. No. 87, 1994, § 1, & 727.03), 12-8-94)

Sec. 4-13 Separate Licenses Required.

Separate licenses and the payment of fees therefore shall be required for each location at which an applicant seeks to transact business under this Article. (Special Ord. No. 87, 1994, § 1, (727.04), 12-8-94)

Sec. 4-14 Zoning Required.

It shall be unlawful for any person to transact business as a transient merchant at any place which will not be in compliance with Terre Haute zoning regulations regardless of any permission to use such premises. (Special Ord. No. 87, 1994, § 1, (727.05), 12-8-94)

Sec. 4-15 Transferability.

No license issued pursuant to this Article shall be transferable. (Special Ord. No. 87, 1994, § 1, (727.06), 12-8-94)

Sec. 4-16 License Fees.

Any applicant for a transient merchant license shall pay to the Controller a non-refundable license fee of Fifty Dollars ($50.00) for each day or part of a day in which he proposes to transact business. (Special Ord. No. 87, 1994, § 1, (727.07), 12-8-94)

Sec. 4-17 Compliance with Law.

Each licensee under this Article shall comply at all times with all statutes, ordinances and regulations relating to the licensed business and the conduct thereof and to the use of the property where the business is conducted. (Special Ord. No. 87, 1994, § 1, (727.08), 12-8-94)

Sec. 4-18 Investigation of Applicant.

a. The Controller shall inform the Chief of Police of the receipt of any application for license under the provisions of this Article, and the Chief of Police shall within fourteen (14) days thereafter, cause an investigation of the person's business responsibility and moral character to be made as he deems necessary for protection of the public good and welfare.

b. If, as a result of the investigation, the applicant's character and business responsibility are found to be such as to endanger or be detrimental to the public and its good and welfare, the license shall be denied.

c. If, as a result of an investigation, the character and business reputation of the person applying appear to be such that the carrying on of the business will not be detrimental to the public good and welfare and the welfare and good of the public will not be endangered by the granting of the license, the Chief of Police shall so inform the Controller and, upon the applicant's complying with all other provisions of this Article in regard thereto, a license may be issued by the Controller to the applicant. (Special Ord. No. 87. 1994, § 1, (727.09), 12-8-94)

Sec. 4-19 Right To Appeal.

Any person aggrieved by the decision of the Controller in regard to the denial of a license as provided for in this Article shall have the right to appeal to the Board of Public Works and Safety. Appeal shall be taken by filing with the Board, within fourteen (14) days after notice of the decision by the Chief of Police has been mailed to the person's last known address, a written statement setting forth the grounds for the appeal. The Board shall set the time and place for a hearing on the appeal and notice of the hearing shall be given to the person by first class mail at least seven (7) days prior to the hearing. (Special Ord. No. 87, 1994, § 1, (727.01), 12-8-94)

Sec. 4-20 Display of License.

a. A transient merchant license shall be conspicuously posted at each specific location of his business.

b. It is the responsibility of the licensee to assure that the approval of the City for each specific location to be used in the business is clearly listed on any license issued under this Article. (Special Ord. No. 87, 1994, § 1, (727.11), 12-8-94)

Sec. 4-21 Exceptions.

The provisions of this Article shall not apply to sales made to dealers by commercial agents in the usual course of business, not to bona fide sale of goods, wares or merchandise by sample for future delivery or to sheriffs, constables or other public officers selling merchandise according to the law, to bona fide assignees or receivers appointed in the State of Indiana selling goods, wares and merchandise for the benefit of creditors. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

Sec. 4-22 Prohibited Practices.

a. It shall be unlawful for any transient merchant to make exclusive use of any location on any street, alley, sidewalk, or right of way for the purpose of selling or displaying any goods, wares or merchandise.

b. It shall be unlawful for any transient merchant to operate in a congested area where such operation may impede or inconvenience the public use of any street, alley, sidewalk or right of way. For the purpose of this Article, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.

c. It shall be unlawful for any transient merchant to display signs except in accordance with Terre Haute zoning and signage regulations. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

Sec. 4-23 Violations and Penalties.

a. Any sworn police officer of the City shall require any person operating as a transient merchant and who is not known by such officer to be duly licensed to produce such license and shall enforce the provisions of this Article against any person found to be violating the provisions of this Article.

b. Any sworn police officer may prohibit the sale or offer of sale of any property by any person who is in violation of this Article.

c. Any sworn police officer may confiscate any property sold or offered for sale in violation of this Article.

d. Any person violating the provisions of this Article shall be guilty of any infraction and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars ($500.00) for each violation. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

Sec. 4-24 through Sec. 4-29 Reserved for Future Use.

ARTICLE 3. PEDDLERS.[68]

Sec. 4-30 Definition.

a. **Peddler.** Any person who sells or offers for sale manufactured goods, wares or merchandise directly to a consumer, either by going from house to house for the purpose of selling and delivering such goods, or for the purpose of taking orders for the future delivery of such goods, or by selling and delivering such goods from a pack or a vehicle in any street or other public place.

b. Excepted from this definition of peddler are the following:

(1) Persons selling by sample only;

[68] Editor's Note: The peddler code provisions were omitted from the 1999 recodification. Gen. Ord. No. 2, 2004, passed on March 11, 2004, reinserted the original peddler provisions into the 2004 recodification.

(2) Persons selling agricultural products raised or produced by such person;

(3) Persons selling as authorized by State law;

(4) Persons under eighteen (18) years of age;

(5) Persons selling newspapers direct to the homeowner.

Sec. 4-31 License Required; Application.

All persons peddling goods or merchandise upon and along the streets, alleys, avenues or public grounds of the City, either in a vehicle or on foot, shall first make application to the City Controller for a Peddler's License. However, one (1) person may take out any number of licenses in his name to be used by persons only in his employ; the use of the license by any person other than the employee shall render the license null and void.

Sec. 4-32 License Fees.

Licenses shall be issued upon payment of fees for the following periods of time:

a.	One (1) day	$5.00
b.	One (1) month	$10.00
c.	Six (6) months	$25.00
d.	One (1) year	$50.00

Sec. 4-33 License.

Where the applicant uses a vehicle, stand, or booth for the purpose of peddling, the City Controller shall provide and issue a license bearing the words: Peddler's License; the assigned number; City of Terre Haute, Indiana; and the year of issue.

Sec. 4-34 Exhibition of License on Demand.

Any person licensed as a peddler shall, upon demand of any police officer, exhibit such license. Where the peddler is using a vehicle, stand, or booth for the purpose of peddling, the license referred to in Sec. 4-33 shall be firmly fixed to the right hand side near the front of the vehicle, stand, or booth as the case may be. The license shall be and remain at all times in full view.

Sec. 4-35 Gratis Licenses; Exceptions.

Gratis licenses shall be issued by the City Controller as provided in *I.C.* § 25-25-2-1 and *I.C.* § 10-5-13-1.

Sec. 4-36 Penalty.

Any person violating the provisions of this Article shall be guilty of an infraction and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars ($500.00).

Sec. 4-37 through Sec. 4-39 Reserved for Future Use.

ARTICLE 4. TELEPHONE INSTALLER REGULATIONS.[69]

Sec. 4-40 Purpose of Telephone Installer Regulations.

The installation repair or maintenance of telephones or telephone systems within private homes, private business and other agencies or establishments, private or public, is a matter closely affecting the public interest and welfare. The health, safely and welfare of the people of the City of Terre Haute require that persons installing, repairing or maintaining telephones or telephone systems who are not regularly employed by a regulated telephone company be persons of good moral character and be trained and qualified to install, repair and maintain telephones or telephone systems. (Special Ord. No. 68, 1984, § 705.01, 10-11-84; *Journal of Common Council*, p. 539)

Sec. 4-41 License Required.

No person, either as owner, agent or otherwise, shall operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business of the installation, repair or maintenance of telephones or telephone systems unless he holds a current valid license for a telephone installer issued pursuant to this Article. Installation, repair or maintenance of telephones or telephone systems by a regulated telephone company, an agency of the United States or the State of Indiana, or an employee of a licensed telephone installer, shall not be required to be licensed hereunder. Any license issued hereunder shall expire thirty (30) days after the close of the calendar year in which the license is issued. (Special Ord. No. 68, 1984, § 705.02, 10-11-84; *Journal of Common Council*, p. 539)

Sec. 4-42 Applications.

Application for a telephone installer license hereunder shall be made upon such forms as may be prepared or prescribed by the license office and shall contain;

a. The name and address of the applicant;

b. The trade or other fictitious name, if any, which the applicant does business and/or purposes to do business;

[69] Special Ord. No. 68, 1984, amended Gen. Ord. No. 6, 1983, as amended, which had been passed on January 12, 1984.

c. The training experience of the applicant in the installation repair and maintenance of telephones and telephone systems;

d. The location and description of the place or places from which it intends to do business;

e. Such other information as the license officers shall deem necessary to a fair determination of compliance with this Chapter; and

f. An accompanying license fee of Twenty Five Dollars ($25.00) plus Five Dollars ($5.00) for each installer. (Special Ord. No. 68, 1984, § 705.03, 10-11-84; *Journal of Common Council*, pp. 539 - 540)

Sec. 4-43 Insurance Required.

a. No telephone installer license shall be issued under this Article, nor shall such license be valid after issuance, unless there is at all times force and effect insurance coverage, at the expense of the licensee by an insurance company licensed to do business in the State of Indiana, providing:

(1) For injury to or death of individuals and accidents resulting from any cause for which such telephone installer would be liable on account of liability being imposed upon him by law in connection with the installation, repair, or maintenance of telephones or telephone systems in the amount of One Hundred Thousand Dollars ($100,000.00) with respect to one (1) person and the amount of Three Hundred Thousand Dollars ($300,000.00) with respect to one (1) occurrence or accident.

(2) Against damage to the property of another including personal property in the amount of Fifty Thousand Dollars ($50,000.00) in respect to one (1) person and One Hundred Thousand Dollars ($100,000.00) in respect to one (1) occurrence or accident.

b. Such insurance policy or certificate of insurance shall be submitted to license officer for approval prior to the issuance of each telephone installer license. Satisfactory evidence that such insurance at all times in full force and effect shall be furnished to the officer in such forms as he may specify.

c. Every insurance policy required hereunder shall extend for a period to be covered by license applied therefore and the insured shall be obligated to give not less than ten (10) days written notice to the license officer and to the assured before any cancellation or determination of the policy other than its expiration date and the cancellation or other termination of such policy shall automatically revoke and terminate the license issued, unless another insurance policy, complying with the provisions of this Section, shall be provided and be in effect at the time of such cancellation or termination. (Special Ord. No. 68, 1984, § 705.04, 10-11-84; *Journal of Common Council*, p. 540-541)

Sec. 4-44 Duties of License Officer.

a. The license officer shall, within ten (10) days after receipt of such application for telephone installers license, call such investigation as he deems necessary to be made of the applicant and his proposed operations.

b. The license officer shall issue a license to telephone installer, to be valid for a period of one (1) calendar year, when he finds that:

(1) The applicant is a responsible and proper person to conduct or work in the proposed business; and

(2) That applicant possesses the requisite training and skill and experience necessary to perform installation, repair maintenance of telephones and telephone systems.

(3) Any applicant who has filed with the license officer a bond in the penal sum of Twenty Five Thousand Dollars ($25,000.00) executed by a surety company licensed to do business in the State of Indiana conditioned that the applicant will perform the terms of any contract or agreement entered into by said applicant to install, repair or maintain telephones or telephone systems. Any person aggrieved by applicant's voidance of or failure to perform such contractual obligations may bring an action on the bond for the recovery of money or damages or both,

c. The Chief of the Terre Haute Police Department or his designee, that he has made a reasonable investigation into the identity of the proposed licensee and that said licensee has not, heretofore been convicted of a crime involving felonious or assaultive conduct.

d. All requirements of this Article and other applicable laws and ordinances have been met.

e. The license officer will mail to the licensee's insurance company, a form that should be returned to the license officer at such time that the insurance is terminated. (Special Ord. No. 68, 1984, § 705.05, 10-11-84; *Journal of Common Council*, pp. 541-542)

Sec. 4-45 Revocation of License.

Telephone installers licensed pursuant to this Chapter together with their employees must during the course of the installation, repair or maintenance of any telephones or telephone systems wear on their outer garment an identification tag bearing the name of the licensee, the employee's name together with said employee's portrait. The term of the license and the date of the certification with the Terre Haute Police Department with respect to said licensee or employee. (Special Ord. No. 68, 1984, § 705.06, 10-11-84; *Journal of Common Council*, p. 542)

Sec. 4-46 Investigation by Police.

No person shall be employed by said licensed telephone installer for the purpose of the installation, repair or maintenance of any telephones telephone systems, unless, there shall have

previously been completed an investigation by the Terre Haute Police Department relating to the identification of said employee and certification that said employee has not previously been convicted of a crime involving felonious or assaultive conduct. (Special Ord. No. 68, 1984, § 705.07, 10-11-84; *Journal of Common Council,* p. 542)

Sec. 4-47 Penalty.

Whoever violates or fails to comply with any provision of this Article shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (Special Ord. No. 68, 1984, § 705.08. 10-11-84; *Journal of Common Council,* p. 542)

Sec. 4-48 and Sec. 4-49 Reserved for Future Use.

ARTICLE 5. AMBULANCE REGULATIONS.[70]

Sec. 4-50 Purpose of Ambulance Regulations.[71]

The transportation of sick or otherwise injured persons by public or private ambulance is a matter closely affecting the public interest and welfare. The health, safety and welfare of the people of the City of Terre Haute, Indiana require that ambulances be in sound and safe condition and adequately equipped to provide emergency first-aid, and that ambulance personnel be trained and qualified to administer emergency first aid attention to sick or injured persons. (Special Ord. No. 53, 1968, As Amended, § 1, 12-18-68, *Journal of Common Council,* p. 234)

Sec. 4-51 Definitions.

a. Unless otherwise specified, the term **Ambulance** means any privately or publicly-owned motor vehicle that is specially designed or constructed and equipped, and is intended to be used for, and is maintained or operated for, the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this Article.

b. **Attendant.** A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients, whether or not the attendant also serves as driver.

c. **Attendant-Driver.** An individual who is qualified as an attendant and a driver.

d. **Driver.** An individual who drives an ambulance.

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[70] *I.C.* § 16-31-1-1, *et seq.*, address emergency medical services.

[71] *I.C.* § 16-31-1-2, states that emergency medical service is an essential purpose of political subdivisions in the State.

e. **Dual Purpose Police Patrol Car.** A vehicle, operated by a police department which is equipped as an ambulance, even though it is also used for patrol or other police purposes.

f. **Health Officer.** The Vigo County Health Director.

g. **License Officer.** The Board of Public Works and Safety of the City of Terre Haute, Indiana,

h. **Patient.** An individual who is sick, injured, wounded or otherwise incapacitated or helpless.

i. **Person.** Any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States. (Special Ord. No. 53, 1968, As Amended, § 2, 12-18-68, *Journal of Common Council,* p. 235)

Sec. 4-52 License Required.[72]

a. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys, or any public way or place of the City of Terre Haute, Indiana, unless he holds a current valid license for an ambulance, issued pursuant to this Article. An ambulance operated by an agency of the United States or the State of Indiana shall not be required to be licensed hereunder.

b. No ambulance shall be operated, and no individual shall drive, attend or permit it to be operated as such on the streets, alleys or any public way or place of the City of Terre Haute, Indiana, unless it shall be under the immediate supervision and direction of a person who is holding a currently valid license as an attendant-driver or attendant.

c. Provided however, that no such licenses shall be required for an ambulance, or for the driver, attendant or attendant-driver of an ambulance which:

(1) Is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of the City of Terre Haute, Indiana are insufficient or unable to cope;

(2) Is operated from a location or headquarters outside of the City of Terre Haute in order to transport patients who are picked up beyond the limits of the City of Terre Haute to locations within the City of Terre Haute or to transport patients who are picked up within the City of Terre Haute to locations beyond the limits of the City of Terre Haute, but no outside ambulance shall be used to pick up patients within the City of Terre Haute for transportation to

[72] *I.C.* § 16-31-5-2, sets forth conditions where a City may not adopt an ordinance which restricts a person from providing emergency ambulance service in the City.

locations within the City of Terre Haute, unless the driver, attendant and attendant-driver and the person subject to the provisions of Sec. 4-52 a. of this Article in respect of such ambulance, hold currently valid licenses issued pursuant to this Article. (Special Ord, No. 53, 1968, As Amended, § 3, 12-18-68, *Journal of Common Council,* p. 235)

Sec. 4-53 Application for Ambulance License - Fees.

Application for ambulance licenses hereunder shall be made upon such forms as may be prepared or prescribed by the License Officer and shall contain:

a. The name and address of the applicant and the owner of the ambulance.

b. The trade or other fictitious name, if any, under which the applicant does business and/or proposes to do business.

c. The training and experience of the applicant in the transportation and care of patients.

d. A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.

e. The location and description of the place or places from which it is intended to operate.

f. Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Article.

g. An accompanying license fee of Twenty Five Dollars ($25.00) for each ambulance. (Special Ord. No. 53, 1968, As Amended, § 4, 12-18-68, *Journal of Common Council,* p. 236)

Sec. 4-54 Standards for Ambulance License - Fees.

a. Each ambulance shall, at all times when used as such:

(1) Conform with the standards, requirements and regulations provided for in this Article for the transportation of patients, from the standpoint of health, sanitation, and safety, and the nature of the premises in which it is maintained;

(2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;

(3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety; and

(4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the License Officer.

b. Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of this Article as upon original licensing.

c. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this Article as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the License Officer and a finding of conformance with all the requirements of this Article as upon original licensing. A fee of Five Dollars ($5.00) shall accompany each application for a transfer of an ambulance license.

d. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the License Officer or his designated representative during usual hours of operation.

e. No official entry made upon a license may be defaced, removed or obliterated. (Special Ord. No. 53, 1968, As Amended, § 5, 12-18-68, *Journal of Common* Council, pp. 236-237*)*

Sec. 4-55 Standards for Ambulance License - Liability Insurance.

a. No ambulance license shall be issued under this Article, nor shall such license be valid after issuance, nor shall any ambulance be operated in the City of Terre Haute, unless there is at all times in force and effect insurance coverage, at the expense of the licensee and with the City of Terre Haute as a named insured, issued by an insurance company licensed to do business in the State of Indiana, for each and every ambulance owned by and/or operated by or for the applicant or licensee, providing:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said ambulance would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, in the amount of One Hundred Thousand Dollars ($100,000.00) with respect to one (1) person, and Three Hundred Thousand Dollars ($300,000.00) with respect to one (1) occurrence or accident, and

(2) Against damage to the property of another, including personal property in the amount of Fifty Thousand Dollars ($50,000.00) in respect to one (1) person, and One Hundred Thousand Dollars ($100,000.00) in respect to one (1) occurrence or accident.

b. Said insurance policies shall be submitted to the License Officer for approval by the City Attorney prior to the issuance of each ambulance license. Satisfactory evidence that

such insurance is at all times in force and effect shall be furnished to the License Officer in such form as he may specify.

c. Every insurance policy required hereunder shall extend for the period to be covered by the license applied for, and the insurer shall be obliged to give not less than ten (10) days written notice to the License Officer and to the assured before any cancellation or termination of the policy earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the license issued for the ambulance covered by such policy, unless another insurance policy, complying with the provisions of this Section, shall be provided and be in effect at the time of such cancellation or termination. (Special Ord. No. 53, 1968, As Amended, § 6, 12-18-68, *Journal of Common Council*, pp. 237-238)

Sec. 4-56 Duties of License Officer.

a. The License Officer shall, within ten (10) days after receipt of an application for an ambulance license, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

b. The License Officer shall issue a license for a specified ambulance, to be valid for a period of one (1) year, when he finds that:

(1) The ambulance, its required equipment and the premises designated in the application, comply with the standards prescribed in Sections 4-54 a., 4-57 and 4-58 of this Article;

(2) The applicant is a responsible and proper person to conduct or work in the proposed business;

(3) Only duly licensed drivers, attendants and attendant-drivers are employed in such capacities; and

(4) All of the requirements of this Article and all other applicable laws and ordinances have been met.

c. Prior to the issuance of any ambulance license, the License Officer shall cause to be inspected the vehicles, equipment and premises estimated in each application hereunder, to determine compliance with the standards prescribed in Sec. 4-54 a. and in Sections 4-57 and 4-58 of this Article.

d. Subsequent to issuance of any ambulance license hereunder, the License Officer shall cause to be inspected each licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary, but, in any event, no less frequently than twice a year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made under general law or ordinances, and shall not excuse

compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval, nor excuse compliance with the requirements of any other applicable general law or ordinance.

e. A copy of each initial, semi-annual or other ambulance, equipment and premises inspection report by the License Officer under the provisions of this Section be promptly transmitted to the applicant or licensee to whom it refers. (Special Ord. No. 53, 1968, As Amended. § 7, 12-18-68, *Journal of Common Council,* p. 238)

Sec. 4-57 Standards for Ambulance Equipment; Duties of License Officer and Licensees.

a. The License Officer shall promulgate and apply the standards for ambulance equipment as certified by the Health Officer pursuant to the provisions of Sec. 4-58 of this Article.

b. Each licensee of an ambulance shall at all times comply with the standards established by the License Officer under the provisions of Sec. 4-57 a. of this Article. (Special Ord. No. 53, 1968, As Amended, § 8, 12-18-68, *Journal of Common Council,* p. 239)

Sec. 4-58 Standards of Ambulance Equipment; Duties of Health Office.[73]

a. Required equipment in each ambulance shall include equipment adequate in the judgment of the Health Officer for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.

b. The Health Officer is authorized and directed, after public notice and opportunity for public hearing, to certify to the License Officer standards for ambulance equipment to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the Health Officer shall take into consideration the current list of minimal equipment for ambulances adopted by the American College of Surgeons, or its duly authorized committee on trauma, or applicable federal legislation. (Special Ord. No. 53, 1968, As Amended, § 9, 12-18-68, *Journal of Common Council,* p. 239)

Sec. 4-59 Applications for Drivers, Attendants and Attendant-Drivers License - Fees.

Applications for drivers, attendants and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or purchased by the License Officer and shall contain:

a. The applicant's full name, current address, places of residence for three (3) years previous to moving to present residence, and length of time he has resided in the City of Terre Haute, Indiana.

b. The applicant's age, marital status, height, color of eyes and hair.

[73] *I.C.* § 9-19-14.5-1, *et seq.*, address special equipment for private emergency vehicles.

c. Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.

d. The applicant's training and experience in the transportation and cam of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.

e. Affidavits of good character from two reputable citizens of the United States and residents of the City of Terre Haute who have personally known such applicant and have observed his conduct during one (1) year next preceding the date of this application.

f. Two (2) photographs of the applicant to be furnished by the applicant, one of which shall be attached to the license, and applicant shall be fingerprinted by the Terre Haute Police Department.

g. Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Article.

h. An accompanying license fee of Five Dollars ($5.00). (Special Ord. No. 53, 1968, As Amended, § 10, 12-18-68, *Journal of Common Council*, pp. 239-240)

Sec. 4-60 Standards for Drivers, Attendants and Attendant-Drivers License.

a. The License Officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a driver's, attendant's or attendant-driver's license.

b. The License Officer shall issue a license to a driver, attendant or attendant-driver hereunder, valid for a period of one (1) year, when he finds that:

(1) The applicant is not addicted to the use of intoxicating liquors or narcotics, has a satisfactory driving record, and is morally fit for the position;

(2) The applicant is able to speak, read and write the English language;

(3) The applicant has been found by a duly licensed physician, upon examination attested to on a form provided by the Health Officer, to be of sound physique, possessing eyesight corrected to at least 20-40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and

(4) For each applicant for attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first-aid given by the American Red Cross or the United States Bureau of Mines.

Provided however, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid permit to drive an ambulance.

c. A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.

d. No official entry made upon a license may be defaced, removed or obliterated. (Special Ord. No. 53, 1968, As Amended, § 11, 12-18-68, *Journal of Common Council*, p. 240)

Sec. 4-61 Renewal of License.

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Article as upon original licensing. (Special Ord. No. 53, 1968, As Amended, § 12, 12-18-68, *Journal of Common Council*, pp. 240-241)

Sec. 4-62 Revocation of License.

a. The License Officer may, and is authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of any applicable provisions, standards or requirements of this Article, or of regulations promulgated hereunder, but only after warning and such reasonable time for compliance as may be set by the License Officer.

A licensee shall be entitled to a hearing before the City Commission, or a body designated by the City Commission, on a license, revocation or suspension by filing petition for a hearing with the City Commission within thirty (30) days after said revocation or suspension.

The hearing body shall, within ten (10) days after the hearing, issue a written decision as to the suspension or revocation of the license.

b. The initial, semi-annual or other ambulance, equipment and premises inspection reports of the License Officer herein provided for shall be *prima facie* evidence of compliance or non-compliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

Sec. 4-63 Reports.

a. Each licensee of an ambulance hereunder shall maintain accurate records, upon such forms as may be provided or prescribed by, and containing such information as may be required by the License Officer of the City of Terre Haute concerning the transportation of each patient within the City of Terre Haute, or from one place herein to another place within or beyond its limits. Such records shall be available for inspection by the License Officer at any reasonable time, and copies thereof shall be filed by the licensee within twenty-four (24) hours upon request by the License Officer.

b. The provisions of Subsection a. of this Section shall apply with equal force in case the patient shall die before being so transported in such ambulance, or dies while being transported therein or at any time prior to the acceptance of the patient into the responsibility of the hospital or medical or other authority if the patient is still under the care or responsibility of the ambulance licensee. (Special Ord. No. 53, 1968, As Amended, § 14, 12-18-68, *Journal of Common Council*, p. 241)

Sec. 4-64 Obedience to Traffic Laws, Ordinances and Regulations.

The driver of an ambulance shall at all times obey the traffic laws of the City of Terre Haute and of the State of Indiana, except as hereinafter provided.

a. The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this Section, but subject to the conditions herein stated, and only when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

b. Subject to the provisions of Subsection a. herein, the driver of an ambulance may:

(1) Park or stand, irrespective of the otherwise applicable provisions of law, ordinance or regulation;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits permitted by law ordinance or regulation, so long as he does not endanger life or property; and

(4) Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.

c. The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance or regulation.

d. The foregoing provisions shall not relieve the driver of an ambulance 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.

e. Every driver and company licensed hereunder shall comply with all regulations promulgated by the Chief of Police regarding responding to accidents or emergencies, actions taken as a result of monitoring police radio, rotating agreements or other regulations of city officials. (Special Ord. No. 53, 1968, As Amended, § 15, 12-18-68, *Journal of Common Council*, p. 242)

Sec. 4-65 Penalties.

a. Any person violating or failing to comply with any of the provisions of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not exceeding One Hundred Dollars ($100.00) for each offense.

b. Each day that any violation of, or failure to comply with, this Article is committed or permitted to continue shall constitute a separate and distinct offense under this Section and shall be punishable as such hereunder. (Special Ord. No. 53, 1968, As Amended, § 16, 12-18-68, *Journal of Common Council*, p. 242)

Sec. 4-66 Emergency Ambulance Service for City.

An emergency service is established for the citizens of the City of Terre Haute and the County of Vigo, Indiana, said service shall be operated, maintained, and regulated through the facilities of the Fire Department of the City of Terre Haute, and administered by the Board of Public Works and Safety of the City of Terre Haute. (Special Ord. No. 93, 1972, 1-11-73)

Sec. 4-67 through Sec. 4-69 Reserved for Future Use.

ARTICLE 6. CITY ADMINISTRATION FEES.

Sec. 4-70 Fee Charge for Copy of Terre Haute Police Department Accident Report.[74]

A fee of Five Dollars ($5.00) will be charged for each copy of a Terre Haute Police Department Accident Report pursuant to applicable State law. (Gen. Ord. No. 1, 1982, § 303.14, 4-8-82; *Journal of Common Council*, pp. 144-145; Gen. Ord. No. 2, 1996, § 1, 8-8-96)

Sec. 4-71 Fee Charge for Copy of *Terre Haute City Code.*[75]

The Clerk of the City of Terre Haute, Indiana, shall promptly cause the foregoing *Terre Haute City Code* to be published in sufficient copies for sale to the public for the cost of publication. Within sixty (60) days after the close of subsequent calendar years, the Clerk shall cause a compilation of amendments to the *Code* to be published in sufficient copies for sale to the public for the cost of publication. Funds received for such sale shall be deposited in compliance with Sec. 2-135. (Gen. Ord. No. 6, 1995, 8-10-95; Gen. Ord. No. 8, 2003, 3-14-03)

Sec. 4-72 Charge for Presentment of a Returned Check or Draft.

The City Controller's Office is authorized to accept fees for service charges in the amount of Twenty Five Dollars ($25.00) for insufficient fund checks received by the City of Terre Haute, Indiana. (Spec. Ord. No. 45, 1993, § 1, 7-8-93; Gen. Ord. No. 14, 2010, 8-12-10)

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[74] *I.C.* § 9-26-2-1, *et seq.*, address accident reports. The fee of $5.00 was established during the recodification process.

[75] Editor's Note: Gen. Ord. No. 5, 1995 amended Gen. Ord. No. 1, 1989, as amended.

Sec. 4-73 Document Fee.[76]

a. Any person requesting a copy of a public record shall pay in advance to the City Clerk One Dollar ($1.00) per page. (Gen. Ord. No. 5, 2006, 4-11-06)

b. If the City does not have mechanical means for copying a requested record, the person requesting such record shall be entitled to inspect and manually transcribe the record. The City shall not charge to inspect a public record or to search for, examine, or review a record to determine whether the record may be disclosed.

c. Court Fees. The Clerk should be contacted for fees related to operation of the Terre Haute City Court. (Gen. Ord. No. 10, 12-9-99)

Sec. 4-74 Fee Schedule - Copy of Records.

Unless otherwise provided by local ordinance or Indiana statute, the following fees shall be charged for the copying of records:

a. For a machine copy of a standard sized or oversized document, a fee of Ten Cents (10¢) per page. (Gen. Ord. No. 5, 2006, 4-11-06)

b. For a local facsimile machine transmission of a document a fee of Twenty Cents (20¢) per page.

c. For a long distance facsimile machine transmission of a document a fee of Twenty Five Cents (25¢) per page.

Sec. 4-75 Terre Haute Police Department Service Fees.

a. Pursuant to *I.C.* §§ 5-2-5-7, 9-26-2-3, and 5-14-3-8(h), the City Council and the State of Indiana may establish and collect fees for vehicle checks, accident reports, theft reports and gun permits.

b. The fees listed below are established and are to be collected by the Terre Haute Police Department upon providing a requested report:

(1)	VIN Check	$5.00
(2)	Crime/Incident Report	$5.00 *
(3)	Criminal History	$7.00 *

[76] *I.C.* § 5-14-3-8, authorizes public agencies to establish a copy fee schedule. The editor's note that Res. No. 13, 1976, as amended, adopted 4-8-76 addresses reasonable expenses.

(4) Gun Permit $10.00

* If these reports have multiple pages, the rate will be Five Dollars ($5.00) for the first three (3) pages and an additional Five Dollars ($5.00) for every one (1) to three (3) additional pages.

c. All fees collected from the reports referenced in Subsection b. shall be deposited in the Continuing Education Fund of the Terre Haute Police Department.

d. In addition to vehicles towed pursuant to Sec. 6-184, all owners or lien holders of vehicles involved in a criminal investigation which are towed by the THPD pursuant to the towing contract awarded through the Board of Public Works & Safety, shall be responsible for payment of the Thirty Dollar ($30.00) release of vehicle fee. The Terre Haute Police Department will provide a "Tow Release" receipt to be provided to the authorized towing service. Ninety percent (90%) of such fees shall be deposited in the Police Continuing Education Fund (See Sec. 2-118). Ten percent (10%) of such fees shall be deposited in the Fire Training Academy Non-Reverting Fund (See Sec. 2-138-6). (Gen. Ord. No. 1, 2012, 2-10-12)

Sec. 4-76 Electronic Maps and GIS Data – Copying and Fees.

a. Definitions. The following terms shall be defined as follows:

(1) **Copy.** Either transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means; and,

(2) **Electronic Map.** Any copyrighted data provided by a public agency from an electronic geographic information system.

b. Fee Schedule.

Unless otherwise provided by local ordinance or Indiana Statue and as permitted by I.C. § 5-14-3-8(j), the following fees shall be charged for the copying of electronic maps and GIS data:

Regular Bond Paper

8.5 X 11	$.50
8.5 X 14	$.50
11 X 17	$.75

Photo Quality Paper

8.5 X 11	$1.00
8.5 X 14	$1.00
11 X 17	$1.75

***Larger Scale Prints are available upon request (materials based)**
***Larger Scale Prints will be limited by what paper sizes in stock**

Media Costs

144MB 3.5" Floppy Disk	$.50
720MB Compact Disc (CD)	$1.00
4.7 GB Digital Video Disc (DVD)	$1.50

c. Monies collected shall be deposited in the Electronic Map Generation Non-Reverting Fund as established in the Engineering Department at Sec. 2-138-5.

d. Said fees may be waived by the City if the electronic map for which the fee is to be charged will be used for a noncommercial purpose, including the following:

(1) Public Agency;

(2) Nonprofit Activities;

(3) Journalism;

(4) Academic Research. (Gen. Ord. No. 20, 2005, 12-15-05)

Sec. 4-77 through Sec. 4-79 Reserved for Future Use.

ARTICLE 7. AMUSEMENT DEVICES.

Sec. 4-80 License Required for Pinball Machines, Electronic-Games, Arcade – Commercial.

No person shall keep or maintain any table, machine, device including pinball machines, electronic games, and arcade games or place for the playing of any sport or game, whether or not such sport or game is played for any wager, without first obtaining a license from the City Controller. The provision of this Article shall not apply in any case where a table, machine, device, including pinball machines, electronic games, and arcade games or place for playing of any sport or game is kept or maintained for use in a private family, or for philanthropic, religious, benevolent or educational purposes. (Special Ord. No. 84, 198 1, § 703.01, 10-8-81; *Journal of Common Council,* p. 402)

Sec. 4-81 Application; Issuance.

a. Any person desiring a license under the provisions of this Article shall submit application to the Board of Public Works and Safety containing such information as the Board may desire.

b. Licenses may be issued to any person over twenty-one (21) years age who is of good moral character. No license shall be issued or renewed for any person who has been convicted of any offense against State Law or City Ordinance within two (2) years of such application.

c. If the Board shall find the applicant is entitled to a license, it shall so certify to the City Controller who shall issue the license upon payment of the required fee.

d. The City Controller shall issue a license for the operation of any table, machine, device, including pinball machines, electronic games, and arcade games upon application therefor, for a period of one (1) year, beginning January 1, 1982, and the permit shall be in full force and effect for said period, provided, however, that said license shall be at all times comply with the provisions of this Article. (Special Ord. No. 84, 1981, § 703.02, 10-8-81; *Journal of Common Council,* p. 402)

Sec. 4-82 Fee.

The applicant shall pay the City Controller Twenty Five Dollars ($25.00) for each billiard table or pool table, card table, machine, or device, including pinball machine, electronic games, and arcade games. (Special Ord. No. 84, 1981, § 703.03, 10-8-81; *Journal of Common Council,* p. 402)

Sec. 4-83 Affixing License to Machine.

All licenses issued under the provisions of this Article shall bear an expiration date, and each license certificate shall be numbered, and shall be placed in a conspicuous place on each machine operated in the City. No machine shall be operated without current license affixed in a prominent position thereon. The City Controller shall keep a register of each person or firm or corporation owning or operating a machine licensed under this Article, together with the license number of this machine. Such records shall be open to inspection at reasonable hours, and shall be a public record. (Special Ord. No. 84, 1981, § 703.05, 10-8-81; *Journal of Common Council,* pp. 402 - 403)

Sec. 4-84 For Amusement Only.[77]

No mechanical device excepting a machine for amusement only, shall be registered under the provisions of this Article and the operation of any other type of mechanical play device within the City shall constitute a violation of this Article. (Special Ord. No. 84, 1981, § 703.05, 10-8-81; *Journal of Common Council,* p. 403)

Sec. 4-85 through Sec. 4-89 Reserved for Future Use.

ARTICLE 8. CARNIVALS.

Sec. 4-90 Definitions.

[77] Editor's Note: Special Ord. No. 84, 1981 replaced Gen. Ord. No. 1, 1920 which had been passed on April 7, 1920 and Gen. Ord. No. 1, 1943, passed March 2, 1943, addressing the same topic.

Carnival. Any amusement enterprise consisting mainly of sideshows, vaudeville games of chance, amusement rides or other like mechanical amusements for which a charge or admission fee is made. (Ord. No. 3, 1928)

Sec. 4-91 Notice Required.

Any person desiring to obtain a license as herein provided shall give notice to the City Controller of his intention to apply for such a license at least thirty (30) days before the planned opening date of the carnival. (Ord. No. 3, 1928)

Sec. 4-92 License and Fee.

Any person desiring to operate a carnival in the City shall submit application for a license to the City Controller containing such information as the Controller may desire. The applicant shall agree to hold the City free and harmless from any liability to any person on account of injury or damages incurring from the operation of the carnival and shall further agree to reimburse the City for any expenses incurred by the City in connection with the carnival.

The license shall be issued by the City Controller upon payment of a fee of One Thousand Dollars ($1,000.00) per week or Two Hundred Dollars ($200.00) per day for each day or part thereof, of operation of the carnival. (Ord. No. 3, 1928)

Sec. 4-93 Exceptions for Children's Amusement Devices.

Any person desiring to operate mechanical rides or similar devices used particularly for the amusement of children may apply for a license as provided in Sec. 4-92. Such license may be issued by the City Controller upon payment of a fee of Five Dollars ($5.00) per day of operation or Fifty Dollars ($50.00) per year. (Ord. No. 3, 1928)

Sec. 4-84 Revocation.

The Board of Public Works and Safety may revoke any license issued under provisions of this Article upon complaint being made that the carnival or any exhibit thereof, is being operated in an indecent or improper manner, or in violation of State or Federal law, or of the provisions of this Article. (Ord. No. 3, 1928)

Sec. 4-95 through Sec. 4-99 Reserved for Future Use.

ARTICLE 9. CIRCUSES AND OTHER COMMERCIAL AMUSEMENTS.

Sec. 4-100 License and Fees.

a. **License Required**. No person shall allow a circus or exhibition of animals for which money or other reward is in any manner demanded or received, without a license issued by the City Controller. (Gen. Ord. No. 19, 2005, 12-15-05)

b. **Fees.** The following license fees shall be paid to the City Controller:

(1) Any circus, show, menagerie or combination thereof, employing twenty-five (25) cars or trucks or less for transit: One Hundred Dollars ($100.00) per day.

(2) Any circus, show, menagerie or combination thereof, employing fifty (50) cars or trucks or less for transit: Two Hundred Dollars ($200.00) per day.

(3) Any circus, show, menagerie or combination thereof, employing more than fifty (50) cars or trucks for transit: Three Hundred Dollars ($300.00) per day. (Gen. Ord. No. 19, 2005, 12-15-05)

c. **Annual Fee for Certain Public Halls and Amusements.** The owner or operator of any public hall or building used for any circus, show, menagerie or combination thereof shall be issued an annual license by the City Controller. Such license shall exempt the licensee from all other fees or charges in this Section. The license fee shall be Two Hundred Dollars ($200.00). (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2005, 12-15-05)

Sec. 4-101 Issuance; Contents; Record To Be Kept.

a. It shall be the duty of the City Controller, upon payment of the required license fee to issue a license for any of the purposes named in this Article. Each license shall express upon its face the time and purpose for which it was issued and the name of the person to whom issued. If it is issued for the use of a hall or building, the person to whom it is issued shall be designated as owner, lessee or manager, as the case may be.

b. Each license shall be signed by the City Controller, who shall keep a record of all licenses issued by him, which record shall state the name of the person to whom such license is granted, the purpose, date and length of time for which it is issued and the amount of money received therefor. (Gen. Ord. No. 10, 1999, 12-9-99)

Sec. 4-102 Indecent or Obscene Exhibitions.[78]

No person shall act, exhibit, show or perform or cause to be acted, exhibited, shown or performed, or be in any manner concerned in the acting, exhibiting, showing or performing of any indecent, immoral, vulgar or obscene play, farce, opera, public exhibition, show, entertainment or performance of any kind whatever. The City Controller shall cancel and revoke any license issued to any person who may in any manner obtain a license and use it for exhibitions or performances of the character prohibited by this Section. (Gen. Ord. No. 10, 1999, 12-9-99)

ARTICLE 10. CONTRACTORS AND SKILLED TRADES.

[78] *I.C.* § 34-1-52.5-1, *et seq.*, address actions for indecent nuisances.

Division I. Contractors.

Sec. 4-103 License or Registration Required.

a. Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership, or corporation which holds a property interest in the real estate on which the construction activity is occurring must be a registered or licensed contractor under this Chapter.

b. All contractors meeting the requirements of Sec. 4-105, but not meeting the additional requirements of Divisions II, III and IV, shall be deemed "registered." Those contractors meeting the additional requirements of Divisions II, III, and IV shall be deemed "licensed" for those skilled trades for which the additional requirements are met.

c. Contractors performing work within the public right-of-way shall meet the additional requirements of Chapter 8, Article 5 of this *Code*.

d. Registration as a contractor shall not be required to perform work if all of the following conditions are met:

(1) Work does not require licensure under Divisions II, III, or IV of this Article; and

(2) The structure is owned by the person or persons performing the work; and

(3) No major structural changes are being made to the structure, or the structure is an outbuilding that is not currently and will not be inhabited, does not contain active utilities, and is a single story structure without a basement. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04; Gen. Ord. No. 15, 2006, 12-14-06)

Sec. 4-104 License or Registration Fees.

a. Upon the making of an application for the license or registration described herein, the contractor shall pay to the City Controller a fee in the sum of Three Hundred and Fifty Dollars ($350.00) for the first year of the license and One Hundred Seventy-five Dollars ($175.00) for each annual renew.

b. Licenses shall be valid from January 1 through December 31 of the year in which they are purchased, except that a contractor may renew an existing license for the upcoming year beginning December 1 of the current year.

c. A contractor shall only be eligible to pay the reduced renewal fee if their current license or registration has not been suspended in the preceding three hundred and sixty-five (365) calendar days. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

d. For license or registration purchased after June 30, the Contractor, at his option, may purchase such license or registration for a period extending through the following calendar year. If the contractor chooses this option, the fee for licensure shall be prorated according to the

month in which the license or registration is purchased, and shall be according to the following schedule: (Gen. Ord. No. 15, 2006, 12-14-06)

	New License	Renewal License
July	$438.00	$263.00
August	$423.00	$248.00
September	$408.00	$233.00
October	$394.00	$219.00
November	$379.00	$204.00
December	$365.00	$190.00

Sec. 4-105 Qualifications for Person, Partnership or Corporation To Be Registered as a Contractor.

a. A person, partnership or corporation shall be entitled to receive a registration as a contractor if the following requirements are met:

(1) An application form indicating the name, address and legal business status of the contractor has been submitted to the Department of Engineering; and

(2) The registration fee specified in Sec. 4-104 of this *Code* has been paid; and

(3) A surety bond meeting the requirements of Sec. 4-106 (Sec. 4-119c for plumbers) has been posted and certificates of insurance meeting the requirements of Sec. 4-107 have been submitted; and

(4) The person, partnership or corporation does not presently have a registration or license issued under this article currently suspended, nor has it had such a registration or license revoked within a period of the preceding three hundred sixty-five (365) days; and

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this article currently suspended or who has had such a license revoked within the preceding three hundred sixty-five (365) days; and

(6) The partnership does not presently have a partner or the corporation does not have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration of the partnership or corporation was revoked.

b. Unless these requirements are met, a person, partnership or corporation shall not be entitled to receive a registration as a contractor. No prerequisites other than the six (6) listed in this Section shall be imposed in determining which persons, partnerships and corporations may be registered contractors.

c. Additional requirements must be met in accordance with Divisions II, III, and IV

of this Article to be licensed to perform work described in those Divisions. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-106 Bond.

a. Beginning December 1, 2005, before a registration is issued by the Department of Engineering to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of Ten Thousand Dollars ($10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license or registration. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be: (Gen. Ord. No. 2, 2006, 3-9-06)

(1) Issued by a surety authorized to do business in Indiana;

(2) Payable to the City of Terre Haute or an unknown third party as obligee;

(3) Conditioned upon:

(a) Compliance with requirements set forth in this Article which must be met to retain registration and licensure; and

(b) Prompt payment of all fees owed the City of Terre Haute as set forth in this Article and Chapter 7 of this *Code*; and

(c) Prompt payment to the City of Terre Haute for any loss or expense for damages to property of the City of Terre Haute caused by any action of the contractors, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity while engaged in any construction activity; and

(d) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations;

2. Expenses necessary to correct violations; and

3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity. However, the surety is

not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this *Code*, which requirement must be met to properly carry out construction activity.

b. The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of Ten Thousand Dollars ($10,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit affording the same protections to the City of Terre Haute and an unknown third party as the protections afforded by the surety bond.

c. The obligation of the surety and financial institution relative to this bond or letter of credit is limited to Ten Thousand Dollars ($10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-107 Insurance.

a. Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the registered contractor or under permits obtained by the registered contractor and thereafter maintains such insurance in full force and effect throughout the license period:

(1) A public liability and property damage insurance policy assuring the registered contractor and naming the City of Terre Haute as an "additional insured," providing for the payment of any liability imposed by law on such registered contractor or the City of Terre Haute arising out of operations being performed by or on behalf of the registered contractor in the minimum amounts of Five Hundred Thousand Dollars ($500,000.00) for combined bodily injury and property damage, coverage of Five Hundred Thousand Dollars ($500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and One Hundred Thousand Dollars ($100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the Department of Engineering upon application for licensure or registration.

(2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the registered contractor. A certificate of such insurance shall be delivered to the Department of Engineering upon application for licensure or registration. This provision shall not apply if the registered contractor has no employees and gives appropriate notice to the Department of Engineering.

b. The insurance carrier shall give notice both to the registered contractor and the Department of Engineering at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-108 Suspension or Revocation of Registration or License for a Person, Partnership, or Corporation.

The City may suspend the registration or license of a contractor for a period of up to three hundred sixty five (365) days or revoke the license of a person if one (1) of the following is shown:

a. The registered or licensed contractor made any materially false statement of fact on his application for registration or licensure;

b. The registered or licensed contractor failed to post and maintain the surety bond and insurance required by Sec. 4-106 and Sec. 4-107;

c. The registered or licensed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity;

d. Construction activity for which the registered or licensed contractor was responsible as obtainer of the permit was performed either incompetently or in such a manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code*;

e. The registered or licensed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity for which the registered or licensed contractor was responsible as permit obtainer after an authorized official or employee of the City of Terre Haute issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the registered or licensed contractor received notice of the code violation, revocation of permit or stop-work, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

f. The registered or licensed contractor has consistently failed to apply for or obtain required permits for construction activity accomplished by the registered or licensed contractor;

g. The registered or licensed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity as required by this *Code*;

h. The registered or licensed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity;

i. The registered or licensed contractor has not properly paid the fee specified by Sec. 4-104 of this *Code* for a registration or license which has been issued or is delinquent in other fees owed pursuant to this Article, or Chapter 7 of this *Code*;

j. The partnership presently has a partner or the corporation presently has an officer who has a registration or license under this Article currently suspended or who has had such a registration or license revoked within the preceding three hundred sixty-five (365) days; or

k. The partnership has a partner or the corporation has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered or licensed under this Article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration or license of the partnership or corporation was revoked. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-109 Hearing and Appeal.

a. The date and place for a revocation or suspension hearing shall be fixed by the Board of Public Works and Safety. At least ten (10) days before such date, a written copy of the charges, prepared by the City of Terre Haute, and notice of the time and place of the hearing thereon shall be served upon the registered or licensed contractor, either by hand delivery to the charged registered person or licensed contractor, or by certified mail with return receipt addressed to the registered or licensed contractor at its main place of business as shown by the registered or licensed contractor's application for registration or licensure. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

b. The registered or licensed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The City of Terre Haute shall have the same right. The Board of Public Works and Safety may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Board of Public Works and Safety shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the registered or licensed contractor, in the same manner required for notice of the hearing.

c. On or before ten (10) days after service of such order, the registered or licensed contractor may appeal therefrom to the City Engineer by serving a notice of appeal upon the City Engineer either in person or by filing it at his office, with a copy thereof delivered to the Board of Public Works and Safety. Unless such appeal is so taken, the order of the Board of Public Works and Safety shall be final.

d. If so appealed, the order of the Board of Public Works and Safety shall be stayed until the appeal is heard and determined by the City Engineer under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The City Engineer shall thereupon render such decision as he or she finds justified and sustained by the evidence, either

affirming, reversing or modifying the terms of the order of the Board of Public Works and Safety. The City Engineer's order shall be final and conclusive and be binding upon both the registered contractor and the Board of Public Works and Safety. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-110 Improper Display.

It shall be unlawful for any person, partnership or corporation accomplishing construction activity, land alteration, sewer work or driveway work to use the word "registered" or "licensed" in connection with its business if such person, partnership or corporation is not a registered or licensed contractor. Such a person, partnership or corporation shall not, for example, use the word "licensed" on any display used for advertising or identification or on any of its business forms. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-111 Penalties.

Any person violating the provisions of this Article shall be guilty of an ordinance violation and, upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars ($500.00). (Special Ord. No. 31, 1972, as amended, § 4, 5-31-72; 10-8-81, *Journal of Common Council*, p. 112; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division II. Licensing and Regulation of Electrical Contractors.

Sec. 4-112 General Application; Exceptions and Definition.

The provisions of this Division shall apply to all installations of electrical conductors fittings, devices, appliances and fixtures, herein after referred to as "electrical equipment" within or on private or public buildings and premises, with exceptions as provided in Sec. 4-113 and with the following general exceptions: (Gen. Ord. No. 3, 1988, § I, 6-9-88)

a. Any public utility engaged in the business of supplying electrical energy to the City and its inhabitants and any employee of such public utility while engaged in any of the work or business of such public utility shall be exempt from the provisions of this Article.

b. Factories and manufacturing concerns shall be exempt from licensure for maintenance or alteration on existing systems and repair of existing systems. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-113 License Required.

Licensure as an electrical contractor is required to accomplish the connection of electrical power for on-site construction activity, to install, alter, replace, service or repair a system distributing electrical power.

No license shall be required to execute or perform any of the following work:

a. The installation, alteration, or repair of electrical equipment rated at less than fifty (50) volts;

b. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment, or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes;

c. The assembly, erection, and connection of electrical equipment in the plant of the manufacture of such equipment, but not including any electrical wiring other than that involved in making electrical connections on the equipment itself or between two (2) or more parts of such equipment;

d. Work performed by the owner of any residence in which the owner resides, and for which such effort requires a permit by any other section of this *Code*, if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a sworn statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own electrical wiring if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year; (Gen. Ord. No. 3, 1988, § 21, 6-9-88)

e. Ordinary maintenance and repair if such work is accomplished by the person in the regular course of his full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this Article. (Gen. Ord. No. 29, 2004, As Amended 12-09-04)

Sec. 4-114 Classes of Licensure for Individuals.

a. The City shall issue licenses to individuals in the following categories:

(1) Master Electrician. May perform electrical work without limitation. Must pass the master electrician examination.

(2) Journeyman Electrician. May perform electrical work without limitation. Must pass the journeyman electrical examination.

(3) Residential Electrician. May perform electrical work only on single and two-family residences with a single meter and a maximum 400 amp service. Must pass the journeyman residential electrical examination or the master residential electrical examination.

(4) Electric Sign Mechanic. May perform work in the manufacture, installation, maintenance or erection of signs. Must pass the master sign electrical examination or the journeyman sign electrical examination.

b. To receive any of the licenses stated above, the individual must have passed the Experior Assessments test or equivalent for that particular area of expertise. (Gen. Ord. No. 29,

2004, As Amended, 12-09-04)

Sec. 4-115 Classes of Licensure for Business.

a. The City shall issue licenses to businesses to engage in electrical work in the following categories:

(1) Commercial Electrical Contractor's License. A commercial electrical contractor may engage in electrical work without limitation. The contractor must employ at least one (1) full-time licensed Master Electrician, and must have an established place of business that is open during regular business hours.

(2) Residential Electrical Contractor's License. A residential electrical contractor may engage in electrical work only on single and two-family residences with a single meter and a maximum 400 amp serive. The contractor must employ at least one (1) licensed master, journeyman or residential electrician.

(3) Sign Erection License. A sign erection contractor may engage in the manufacture, installation, repair, maintenance, or erection of signs. The contractor must employ at least one (1) licensed electrical sign mechanic and must have an established place of business that is open during regular business hours.

b. For each of the above-listed categories, the contractor's license shall specify the individual licensee responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as supervisor for more than one (1) electrical contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division, Sec. 4-103 through Sec. 4-111 of this Article. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division III. Licensing and Regulation of Heating and Cooling Contractors.

Sec. 4-116 License Required.

a. Licensure as a heating and cooling contractor is required to install, modernize, replace, service or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment or refrigeration equipment.

b. Construction activity which this Article allows licensed heating and cooling contractors to carry out is hereafter referred to in this Article as "heating and cooling work."

c. A person not licensed under this Article who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in

the heating and cooling work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

d. A person not licensed under this Article may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this Article.

e. A person not licensed under this Article may accomplish heating and cooling work as the owner of any residence in which he or she resides and for which such effort requires a permit by any other section of this *Code* if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a sworn statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own heating and cooling work if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year; (Gen. Ord. No. 3, 1988, § 21, 6-9-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-117 Licensure of Heating and Cooling Contractors.

a. In order to obtain licensure as a heating and cooling contractor, the contractor must employ at least one (1) full-time employee who is certified for heating and cooling work by North American Technician Excellence (NATE). The applicant for licensure shall present a copy of NATE certification at the time of application.

b. The contractor's license shall specify the certified individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) heating and cooling contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article.

d. For the period of January 1, 2005 through March 31, 2005, temporary licensure shall be allowed for contractors not able to meet the certification requirements of this Section. The term of the temporary license shall be until March 31, 2005, and shall be terminated at that time unless the certification requirements have been met. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division IV. Licensing and Regulation of Plumbing Contractors.

Sec. 4-118 License Required.

a. Licensure as a plumbing contractor is required to install, modernize, replace, service, or repair all or any part of a plumbing system.

b. A person not licensed as a plumber who is employed by a licensed plumbing contractor may accomplish plumbing work under the direction and control of a person who is a licensed plumber, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in plumbing work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

c. A person not licensed may accomplish plumbing work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his or her full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnership or corporations engaged in the business of service and repair, however, must be licensed under this Article.

d. The provisions of this Article shall be superceded by the provisions of the Indiana Plumbing Commission if and when the requirements of the Indiana Plumbing Commission exceed the requirements of the City. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 4-119 Licensure of Plumbing Contractors.

a. Licensure as a plumbing contractor within the City shall correspond with the licensure requirements of the Indiana Plumbing Commission. The applicant for licensure shall present a copy of his or her state license at the time of application.

b. The City contractor's license shall state the name of the licensed individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article, with the exception that a bond shall not be required when the contractor performs only plumbing work. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

ARTICLE 11. PAWN BROKER AND SECOND HAND DEALER REGULATIONS.

Sec. 4-120 Registration and Fee.

Each owner or operator of pawnbrokers, as defined by *I.C.* § 28-7-5-2, or secondhand dealers, as defined herein shall register with the City Controller and pay a fee of Twenty Five Dollars ($25.00) for each registration. If such owner or operator shall relocate his place of business, he shall re-register with the City Controller and pay the fee as herein provided. (Special Ord. No. 31, 1981, § 717.01, 3-12-81; *Journal of Common Council,* p. 94; Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-121 Definitions.

a. **Secondhand Dealer.** A person, firm, or corporation engaged in the purchasing or exchanging of second hand property for the purposes of selling said second hand property for a profit. Second hand property to include the following items:

1. **Jewelry and Precious Metals.** Watches, bracelets, rings, necklaces and other articles that have real value and are generally used for personal adornment. Metals that in and of themselves, have a high intrinsic value such as gold, silver, and platinum are also included. Common metals such as iron, aluminum, and copper are not included for the purpose of this definition.

2. **Clothing and Furs.** All items of wearing apparel for human use, including pelts or skins to be used as wearing apparel. Accessories such as purses, hand bags, belts, wallets, shoes, scarves, and ties are also included.

3. **Office Equipment.** Typewriters, calculators, cash registers; copying machines, facsimile machines; computer hardware or software; computers, computer peripherals, e.g., tape and disk drives and printers; and storage media.

4. **Household Goods.** Beds, sofas, chairs, washers, dryers, furnaces, desks, tables, bookcases, air conditioners, and other furniture.

5. **Televisions, Radios, Stereos.** All items for the specific purpose or reproducing photographic images or sound. Television cameras and receivers, still picture cameras, motion picture cameras and projectors, radios (receiving and sending), digital video disc players, camcorders, tape recorders, cassettes, videotape recorder, stereo equipment, compact disc players, and compact discs.

6. **Tools.** A device used to facilitate manual or mechanical work. Cutting tools, garden tools, hand tools, machine tools, and power tools.

7. **Coins.** A small piece of metal, usually flat and circular, authorized by a government for use as money.

b. The following are not "secondhand dealers" for the purpose of this Article:

1. Private residential sales commonly known as "garage sales" or "yard sales" as long as such sales take place at a residentially zoned property.

2. Any bona fide charity possessing a valid exemption under Section 501(c)(3) of the Internal Revenue Code.

3. Persons solely engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of motor vehicles and used parts of motor vehicles, and shall not apply to wreckers or dismantlers of motor vehicles who are licensed.

4. Auctioneers and auction houses are not considered secondhand dealers. The definition of each shall be the same as the definition in I.C. 25-6.1-1-3.

5. Those individuals, firms, corporations, limited liability companies, or partnerships defined by Indiana Code 25-37.5-1-1 as valuable metal dealers.

6. Individuals making an incidental purchase that may be sold at a later date, but is not a regular or foreseen means of income. (Gen. Ord. No. 19, 2009, 2-11-10)

7. Consignment stores ad the booth operators therein. (Gen. Ord. No. 3, 2010, 4-15-10)

c. **Consignment Store/Shop.** A retail establishment whose primary business is to accept and offer for sale goods or items that are owned by others for the purpose of selling such goods or items on behalf of others. Such shop earns a profit by retaining a portion of the purchase price of the goods or items that are sold; the remaining portion of the sale price is remitted to the individual who placed the good or item with the shop for sale. (Gen. Ord. No. 3, 2010, 4-16-10)

Sec. 4-122 Unlawful Transactions.

No pawnshop, pawnbroker, secondhand dealer or dealer in precious metals or coins shall:

a. Pledge or purchase any article or anything from a person under eighteen (18) years of age;

b. Receive any pledge or purchase any article from any person who is known by him to be a thief, or associate of a thief, a receiver of stolen property or from any person whom he has reason to believe to be any of the foregoing. (Special Ord. No. 31, 1981, § 717.03, 3-12-81; *Journal of Common Council,* p. 95)

Sec. 4-123 Transient Dealers in Precious Metals or Coins - Definition.

A transient dealer in precious metals or coins means a person, partnership, association or corporation engaged in the buying or selling of gold, silver or other precious metals or coins who does not maintain an established place of business with the City of Terre Haute on a bona fide, continuous and regular basis. (Special Ord. No. 31, 1981, § 717.04, 3-12-81; *Journal of Common Council,* p. 95)

Sec. 4-124 Transient Dealer in Precious Metals and Coins - License Required.

No transient dealer in precious metals and coins shall engage in, do or transact any business in the City of Terre Haute without having first obtained a license as provided by this Article. (Special Ord. No. 31, 1981, § 717.05, 3-12-81; 3-12-81 *Journal of Common Council,* p. 95)

Sec. 4-125 Record of Transactions.

a. Every pawnbroker, and secondhand dealer as defined in this article shall record the following information either electronically or in written form. The following information shall be made available to any law enforcement officer at anytime.

1. The date and time of each purchase;

2. An accurate account and description of the item(s) purchased or pledged from any person, to include make, model number and serial numbers;

3. The price paid for the item(s);

4. The name, address, physical description, and date of birth of the seller/pledger.

5. Require that the seller/pledger be properly identified with one verifiable piece of current identification, which shall be government issued photographic identification. The type of government identification and the government identification number shall be reported.

b. Every pawnbroker and secondhand dealer who deals in Jewelry and Precious Metals, Office Equipment, Televisions, Radios, Stereos, and Tools as defined in Sec. 4-121 subsections a1, a3, a5, and a6, shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting dealer a fee for such reporting service. The information required shall include the items listed above in Sec. 4-125 a1 thru a5. (Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-126 through See. 4-144 Reserved for Future Use.

ARTICLE 12. VALUABLE METAL DEALER REGULATIONS.[79]

Sec. 4-145 Definitions.

a. **Valuable Metal Dealer.** Shall have the same meaning and definition as provided in *I.C.* § 25-37.5-1-1(b).

b. **Valuable Metal.** Shall have the same meaning and definition as provided in *I.C.* § 25-37.5-1-1(a).

c. **Valuable Metal/Junk Yard.** Real estate on which there are facilities for processing or sorting valuable metal/junk and on which valuable metal/junk is kept, processed or

[79] *I.C.* § 28-7-5-1, *et seq*., address pawn brokers. *I.C.* § 25-37.5-1-1, *et seq.*, address valuable metal dealer regulations.

dealt in, in any way, by a person who is engaged in the business of acquiring and disposing of valuable metal/junk. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-146 License Required.

No person shall engage in business as a valuable metal dealer at any particular valuable metal/junk yard without first procuring and having a license to do so. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-147 License Application and Fee.

Any person who desires to engage in business as a valuable metal/junk dealer at any particular valuable metal/junk yard shall file an application in writing with the City Controller for a license to do so, which application shall specify the street address of the valuable metal/junk yard. A separate application for the separate license shall be filed for each valuable metal/junk yard at which any person desires to do business as a valuable metal/junk dealer. Each application shall also be accompanied by payment of a license fee of Twenty Five Dollars ($25.00). (Gen. Ord. No. 7, 1958, § 4, 6-19-58; *Journal of Common Council*, pp. 147-148; Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-148 Change of Business Address.

Notwithstanding anything to the contrary in Sections 4-146 through 4-147, any person possessing a license to engage in business as a valuable metal/junk dealer at a valuable metal/particular junk yard may remove his place of business from such valuable metal/junk yard to another valuable metal/junk yard and engage in business under such license upon notifying the City Controller in writing of the change of his business address. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-149 Records of Transaction.

a. Every holder of a license authorizing him/her to do a business as a valuable metal/junk dealer at any valuable metal/junk yard shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting Valuable Metal Dealer a fee for such reporting service. The information required shall include the following:

1. The date and time of each purchase;

2. An accurate account and "industry standard" description of the article purchased or pledged from any person; (Gen. Ord. No. 3, 2010, 4-16-10)

3. The name, address, date of birth of the seller/pledger;

4. A copy of one (1) verifiable piece of current identification of the seller/pledger. Such identification must be government issued and include a photograph of the seller/pledger.

All information required by I.C. 25-37.5-1 and not listed in items 1 through 4 above are not required to be sent electronically. However, pursuant to I.C. 25-37.5-1-2 they must be retained for a period of two (2) years. These records shall be made available for inspection by any law enforcement official at any time.

b. The following shall be exempt transactions for the purpose of electronic filing as described above:

1. Purchases by a licensed valuable metal dealer from a licensed valuable metal dealer.

2. Purchases by a licensed valuable metal dealer from persons, firms or companies regularly engaged in the commercial or industrial business of manufacturing valuable metals or the business of selling valuable metals at retail or wholesale; and

3. Purchases by a licensed valuable metal dealer from persons, firms, or companies that produce valuable metals as a by-product of their primary operations, which purchases are for the sole purpose of recycling such valuable metals. (Gen. Ord. No. 19, 2009, 2-11-10)

Sec. 4-150 through Sec. 4-169 Reserved for Future Use.

ARTICLE 13. TAXICAB REGULATIONS.[80]

Sec. 4-170 Definition.[81]

Taxicab. Any vehicle driven by mechanical power, designed for operation and use on streets or highways as a motor vehicle, and operated thereon for the purpose of conveying passengers for hire. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-171 License Required; Certificate of Public Convenience.

a. No person shall operate for hire upon the streets of the City any taxicab without first having obtained a license therefor as provided in this Article.

b. No license for the operation of any taxicab shall be granted until the person applying for such license shall have secured from the Board of Public Works and Safety a certificate certifying that public convenience and necessity require the operation of the taxicab for hire. In determining such public convenience and necessity, the Board shall consider the

[80] *I.C.* § 36-9-2-4, permits cities to regulate the services offered by persons who hold out for public hire the use of vehicles.

[81] *I.C.* § 9-18-28-1, *et seq.*, address rental vehicles and common carriers.

number of taxicabs now operating in the City and shall, in the issuance of license, prefer those now owning and operating such taxicabs. In the issuance of licenses, in addition to the number now operating, the Board shall consider whether the demands of the public require the additional taxicab service, the financial responsibility of the applicant, the number, kind, type, equipment, traffic conditions on the streets of the City, whether the additional taxicab service will result in a greater hazard to the public, and such other relative facts as the Board may deem advisable or necessary. The decision and judgment of the Board on the question of public necessity and convenience shall be conclusive. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-172 Transfer of Ownership.

Upon the transfer of ownership of any taxicab, the Board of Public Works and Safety may, where the transferor requests, validate by appropriate endorsement thereon such license for use on another taxicab to be designated by such transfer. This provision shall likewise apply where the licensee shall produce satisfactory evidence that such taxicab, through destruction or otherwise, has ceased to be used as a taxicab.

Upon any transfer of ownership of any taxicab where the transferor indicated that such vehicle is to continue in use as a taxicab, the Board may, by appropriate endorsement thereon, validate such license in the hands of the transferee. Upon the death of any person owning a taxicab license hereunder, upon proof of such death, the Board, at the request of the deceased's personal representative, may validate by appropriate endorsement thereon such license in the hands of the person in whose name title to such person shall have vested by reason of such death. In no case, however, shall any transfer be made as herein provided unless and until the transferee in all other respects complies with the terms and provisions of this Chapter. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-173 Inspections; License Fee.

All applications for licenses for taxicabs for hire shall be made by the Board of Public Works and Safety upon blanks to be furnished by the Board of Public Works and Safety and on an annual basis to be reviewed prior to January 1 of the license year. Such application shall contain the full name and address of the owner, the length of time the vehicle has been in use, the number of persons it is capable of carrying and the model, serial number and motor number of the vehicle. No taxicab for hire shall be licensed until it has been thoroughly and carefully inspected and found to comply with minimum standards. Such minimum safety standards shall be developed by the Board of Public Works and Safety and put in written form. Such form shall also contain space in which the applicant specifies the means of taxicab maintenance.

The Traffic Bureau of the Police Department is authorized and empowered to make such inspections, and shall certify in writing to the Board the results of such inspections. If, upon such inspection, the taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this Article, when so licensed there shall be delivered to the owner, in addition to the license, a card of such size and form as may be prescribed by the Board, which card shall contain the official City license number of the taxicab together with the date of inspection of the same. Such card shall be signed by the Clerk of the Board, and shall contain

blank spaces upon which an entry may be made of the date of every inspection of the vehicle by the inspector designated by the Police Department. Such license card shall be of a distinctly different color each year and shall contain the name of the person owning such cab and the State and City license number issued thereon.

At the time of issuance of the license and card, the person owning such taxicab shall pay to the City Controller, the sum of Fifty Dollars ($50.00) as a license fee. Upon the payment of the sum of Five Dollars ($5.00) to the City Controller and furnishing proof by affidavit of loss or destruction of such license or such card, a duplicate thereof shall immediately be issued to the licensee with the notation thereon that it is a duplicate.

The Police Department shall keep a complete and public record of the issuance of each license and all removals, suspensions and revocations thereof. It shall be the duty of the Police Department to maintain a constant vigilance over all taxicabs for hire and to see that the same are kept in condition of continued fitness for public use. From time to time, or on complaint of any citizen or at such time as the Police Department may deem necessary such taxicab shall be inspected or caused to be inspected by the Police Department. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-174 Display and Expiration of License.

When such license shall have been granted, the license shall attach to the taxicab so licensed a small plate which shall bear the City license number of the vehicle. The registration of such license number shall be under the control of the City Controller, and the design of such license plates shall be changed annually. All licenses issued by the Board, unless sooner revoked as herein provided, shall expire on December 31 of each year. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-175 Identification.

It shall be required that the owner or licensee of every taxicab have the name and address of the cab company for which the taxicab is operating and the cab number and telephone number of the cab company prominently and conspicuously displayed on the sides of every taxicab. (Special Ord. No. 15, 1960, § 2D, 4-19-60; *Journal of Common Council*, p. 77)

Sec. 4-176 Insurance.

Before the Board of Public Works and Safety shall issue a license to operate a taxicab for hire, the licensee shall file with the Board of Public Works and Safety a certificate executed by a duly authorized officer of an insurance company authorized to write insurance in the State of Indiana to the effect that a policy of insurance has been issued to the licensee for such taxicab and is in full force and effect and that the premium has been paid as required thereon, together with a true copy of the policy contract or certificate of insurance.

The policy of insurance for each licensed taxicab shall be in the sum of Twenty-five Thousand Dollars ($25,000.00) conditioned for the payment of any final judgment recovered against such person for the death or injury of persons caused in the operation, maintenance, use or defective condition of such taxicab and may be limited to the sum of Three Hundred

Thousand Dollars ($300,000.00) to more than one (1) person, and may limit the liability of the insurer to Fifty Thousand Dollars ($50,000.00) for damages to or destruction of property.

In the event the maximum liability of the insurance company under the policy shall be reduced by any recovery in any amount, the licensee before thereafter operating such taxicab shall recomply with the provision of this Article with respect to insurance on such taxicabs the same as if no policy of insurance thereon had been issued. Any insurance company whose policy has been so filed pursuant to this Section may file a notice in the Office of the Board of Public Works and Safety of its intention to terminate and cancel such policy of insurance and give notice thereof to the named licensee, whereupon after ten (10) days of such filing, unless such licensee or owner shall recomply with the provisions of this Article with respect to insurance, such licensee or owner shall cease to operate or cause to be operated within the City such taxicab for hire, and the license issued therefor shall be automatically revoked and liability on such policy of insurance shall cease and terminate. However, the liability of the insurance company under such canceled or revoked policy for any act or omission of the licensee or owner occurring prior to the effective date of cancellation shall not be discharged or impaired thereby. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-177 Bond.

In lieu of the policies of insurance, the licensee may furnish a bond with good and sufficient surety to be approved by the City Attorney in the penal sum of One Hundred Thousand Dollars ($100,000.00) for each licensed taxicab, executed by a surety company authorized to transact business as such in the State of Indiana, which surety bond shall hold and bind the principal and sureties to the same conditions as are required in the policies of insurance. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-178 Cash Deposit.

In lieu of the policies of insurance or the surety company bonds, any licensee may deposit with the City Controller the sum of sum of One Hundred Thousand Dollars ($100,000.00) in cash or bonds or securities issued by the United States, which deposits shall be for the purpose of securing the payment of any final judgments obtained by any person against such licensee and shall be subject to the same conditions as are required in policies of insurance or surety company bonds as herein provided. However, any interest earned by such cash deposit or bonds or securities shall be paid to the licensee making such deposit, and in the event of the election of any licensee to make such deposit of cash or United States securities as herein provided, the principal amount thereof shall at all times be maintained in the sum of not less than One Hundred Thousand Dollars ($100,000.00). (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-179 License for Taxicab Drivers.

No person shall act as driver of a taxicab licensed hereunder without first having obtained a license therefor as provided herein. Each applicant for a drivers license must have attained the age of eighteen (18) years; shall have sound physique and good eyesight and not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him

unfit for the safe operation of a public vehicle; shall be able to read and write the English language; shall be clean in dress and person and not addicted to the use of intoxicating liquors or narcotics, and shall produce, on forms provided by the City Controller, affidavits establishing his good reputation from four (4) reputable citizens of the City.

The applicant shall fill out upon a blank form, to be provided by the Police Department a statement giving his full name, residence, place of residence for five (5) years prior to the date of his application, his age, color, height, color of eyes and hair, place of birth, length of time he has resided in the City, whether a citizen of the United States, the place of his previous employment, whether married or single, whether he has ever been convicted of a felony or a misdemeanor and, if convicted, the nature of the crime or offense and the date when and the place of the conviction, whether he has previously been licensed as a taxicab driver and, if so, when and whether his license has ever been revoked and for what cause, which statement shall be signed and sworn to by the applicant and filed with the Police Department as a permanent record. The investigation of all applications for license as taxicab drivers under the provisions of this Article shall be conducted by the Police Department.

When such investigations are completed, the application shall be forwarded by the Chief of Police, with his recommendation endorsed thereon, to the Board of Public Works and Safety.

No license shall be issued, and a license previously granted may be revoked, upon any of the following grounds:

a. Applicant has not attained the age of eighteen (18) years.

b. Applicant does not hold valid license required by State of Indiana for transportation of public.

c. Applicant has been convicted of driving while intoxicated within five (5) years.

d. Applicant has been convicted of a felony within five (5) years.

e. Applicant has been convicted of any felony, misdemeanor or violation of this Article within three (3) years.

f. Applicant has falsified or has failed to provided complete and accurate information requested on application. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-180 Examination of Drivers.

Each applicant for a taxicab drivers license shall be examined, within ten (10) days after filing his application, by the person designated by the Chief of Police, as to his knowledge of the provision of this Article, traffic regulations and the geography of the City. If the result of the examination is unsatisfactory, such applicant shall be refused a license. Each such applicant must, if required by the Police Department, demonstrate his skill and ability to safely handle the

vehicle by driving it through a crowded section of the City accompanied by an inspector designated by the Chief of Police. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-181 Personal Photographs.

Each applicant for taxicab driver license must file with his application two (2) recent photographs of himself of a size which may be easily attached to the license, one (1) of which shall be attached to the license when issued. The second shall be filed, together with the application, with the Police Department. Each applicant shall also be required to have his or her fingerprints taken, which shall be kept on file in the Police Department. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-182 Working Hours.

No taxicab driver issued a license as herein provided shall drive and operate a taxicab for a longer period than ten (10) hours in any twenty-four (24) hour period nor more than sixty (60) hours in any consecutive period of seven of days. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-183 Issuance; Renewal of Driver's License; Fee.

Upon satisfactory fulfillment of the foregoing requirements and upon the approval of the Board of Public Works and Safety, and upon the payment of Five Dollars ($5.00) by the applicant, the City Controller shall issue to the applicant a license in such form as to contain the photograph and signature of the licensee. Driver's licenses shall be issued as of January 1 of each and every year and shall be valid to and including December 31 next succeeding.

No person shall permit any employee to operate a public taxicab for hire within the City without first having obtained a license as a taxicab driver. Every licensed taxicab driver shall have his license together with his photograph conspicuously displayed on the inside of his taxicab so that it may be easily seen by occupants of the taxicab.

The renewal of a taxicab driver's license from year to year may be obtained upon the application of the licensee by appropriate endorsement by the Chief of Police recommending such renewal. A taxicab driver, in applying for renewal license, shall make such application upon a form to be furnished by the City Controller entitled APPLICATION FOR RENEWAL OF TAXICAB DRIVER LICENSE, which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which his original license was granted and the number thereof. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-184 Suspension or Revocation of Driver's License.

It shall be the duty of every person driving or operating a taxicab to be courteous, to refrain from swearing, loud or boisterous talk or conduct, to drive his vehicle carefully and in full compliance with all traffic laws and ordinances and regulations or orders of the Police Department and the Board of Public Works and Safety and to deal honestly with the public and with his employer. Upon the violation of any of the provisions of this Article, upon the

recommendation of the Chief of Police, the Board may suspend or revoke the license of any offending taxicab driver herein provided. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-185 Suspension or Revocation of Taxi License.

Any taxicab license granted under the terms and provisions of this Article may be suspended or revoked by the Board of Public Works and Safety if the taxicab shall, with the knowledge and consent of the owner, be used for, or the driver shall, with the knowledge and consent of the owner, be engaged in immoral or illegal business in violation of any ordinance, State or Federal law. Any person being aggrieved by reason of the conduct or action of any taxicab driver or owner in the operation of such taxicab, may present a complaint to any police officer of the City, and it shall be the duty of the Police Department to promptly investigate such complaint and take appropriate action in the premises. No owner or taxicab operator shall permit any unlicensed driver or any driver whose license has been suspended or revoked to operate any taxicab within the City. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-186 Controller's Duties.

It shall be the duty of the City Controller to provide all forms and license plates required by this Article. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-187 Reserved for Future Use. (Taxistands; Fees - deleted by Gen. Ord. No. 19, 2005, 12-15-05)

Sec. 4-188 Radio Contact with Main Office.

All taxis in the City shall have installed in a permanent manner a two-way radio in each taxicab, and a two-way base station at the taxicab's main office on their own private frequency, designated by the Federal Communication Commission. No taxicab operator shall utilize or listen to the frequency of another taxicab operator for the purpose of responding to calls for taxicab operators other than for his own taxi. If any taxicab operator shall violate this provision, he shall be liable for treble damages for all fares so collected, together with attorneys' fees and costs. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-189 Hours for Service.

All persons, firms, or corporations desiring to operate taxicabs or taxicab service in or upon or along any of the streets, avenues or highways of the City, shall guarantee the City a twenty-four (24) hour day, seven (7) day per week service so as to provide an efficient and effective means of transportation for the riding public. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-190 Taximeter Required; Regulations.

All persons, firms or corporations who have licenses to operate a taxicab or taxicabs within the incorporated limits of the City, on or after January 1, 1969, shall equip such taxi, or taxicabs with a fare registering meter commonly known and called a taxicab meter, for the

purpose of charging a fare to patrons using such taxicab, and such taxicab shall not be operated upon the streets of the City at any time when such taxicab or taxicabs shall have more than the driver occupying the same without the meter operating.

a. Every taximeter in use shall be placed on the front dash in such a position that the amount of fare to be charged shall, at all times, be plainly visible to and readily ascertainable by all the occupants of the taxicab. Between the hours of sunset and sunrise, the dial of the taximeter shall be illuminated whenever it is in use.

b. When a taxicab is not in service, the taximeter shall show no fare. When a taxicab is in service and the taximeter rate is used, the flag or indicator on the taximeter shall be lowered and the taximeter shall be in the calculating position. Upon the completion of the service by a taxicab, the flag or indicator on the taximeter shall be raised, the taximeter shall be returned to the non-calculating position and its dials cleared.

c. No person owning or operating any taxicab equipment with a taximeter shall offer or let the same for hire unless that taximeter affixed thereto has been inspected and tested by the Sealer of Weights and Measures or one of his deputies, and has been found to calculate and register the fare correctly in accordance with the rates filed with the Board of Public Works and Safety.

d. Said inspection shall be conducted and fare schedules filed with the Board of Public Works and Safety on an annual basis prior to January 1 of the license year or the date the taxicab is placed in operation. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-191 Payment of Fares; Regulations.[82]

No person who shall employ the use of a taxicab and who has been conveyed therein shall refuse or fail to pay for such passage, or any violation of this Section shall be punishable by a fine of not less than Five Dollars ($5.00) nor more than Seventy-five Dollars ($75.00).

a. No driver or other person in control of a taxicab shall charge any fare or fees for the use of a taxicab except in accordance with the schedule of rates. Following conviction for knowingly making an incorrect charge, it shall be mandatory for the Board of Public Works and Safety to revoke the license of the taxicab driver concerned.

b. No driver of a taxicab shall demand prepayment of the legal fare if the driver has reasonable cause to believe that the passenger may fail or refuse to pay the fare.

c. The driver of a taxicab shall, if requested, deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefor. Upon this receipt shall be legibly printed or written the name of the owner, a method of identifying the taxicab and its driver, all items for which a charge is made, the total amount paid and the date of payment.

[82] *I.C.* § 36-9-2-4, authorizes cities the power to fix the price to be charged for vehicles for public hire.

d. In all cases where there are S*hare the Ride* cab patrons, all fares collected, other than the last amount recorded by the meter at the final destination of the cab, shall be considered as fares and shall be checked in accurately on trip sheets provided by the cab owner for the use of the cab driver.

e. In every case where there are S*hare the Ride* passengers, the fare charged the first passenger hiring the cab shall be determined solely by the continuous meter operation, which fare shall include the original One Dollar and Sixty Cents ($1.60) meter flip charge. In each instance, the cab driver shall leave the meter in continuous operation and each *Share the Ride* passenger, upon entering the cab, shall note the charge appearing on the meter and shall pay the difference between such charges together with the sum of One Dollar and Sixty Cents ($1.60) in lieu of the original meter flip charge. However, in all cases there shall be a minimum charge of One Dollar and Sixty Cents ($1.60).

f. Every driver of such taxicab, upon being requested to do so by any person who is or has been or is about to become a passenger in such vehicle, shall give to such person his name, his taxicab driver's license number, his state chauffeur's number and the license number of such vehicle. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-192 Condition of Motor Vehicle for Operation.

No motor vehicle having less than four (4) doors shall be operated as a taxicab in the City. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-193 Right to Inspection.

The City and/or Council reserves the right to inspect any and all equipment used by the applicant for the purpose of operating a taxicab business in the City. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-194 Penalty.

Unless otherwise provided, whoever violates any provision of this Article shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 7, 1970, 4-15-70)

Sec. 4-195 through Sec. 4-199 Reserved for Future Use.

ARTICLE 14. FRANCHISE AGREEMENTS.[83]

Sec. 4-200 Common Council Approval Required.

[83] The Cable Communications Policy Act of 1984 (P.L. 98-549 (47 *U.S.C.* Sec. 521, *et seq*.) governs cable television.

a. Because the operation of cable television systems or other utilities in enterprises require the permission of the City to use the public ways, the Council has determined that it is proper and expedient to franchise such systems.

b. All such business must seek the approval of the Common Council by the appropriate ordinance or resolution prior to initiating business in the City of Terre Haute.

c. All fees paid to the City shall be properly accounted for by the City Controller to applicable State Board of Accounts regulations.

Sec. 4-201 through Sec. 4-224 Reserved for Future Use.

ARTICLE 15. TAX ABATEMENT PROCEDURES.[84]

Sec. 4-225 Requirements for Tax Abatements Filings.

a. In addition to satisfying the requirements of *I.C.* § 6-1.1-12.1, *et. seq*., applicants for real and/or personal property tax abatements shall complete and submit at the time of filing the abatement resolution a "City of Terre Haute, Indiana Property Tax Abatement Program Application" and applicable Scoring Sheet at the time of filing the Abatement Resolution with the City Clerk's Office. (Gen. Ord. No. 2, 2009, 5-14-09)

b. If Applicant is seeking both a real and a personal property tax abatement, a separate Abatement Resolution, Tax Abatement Program Application and Scoring Sheet must be filed for each type of abatement.

c. The City of Terre Haute Indiana Property Tax Abatement Program Application, attached hereto as Exhibit A, shall be kept on file in the Office of the City Clerk and shall be available on the City's website.

d. Applicants must utilize and submit the completed Real Property Scoring Sheet and the Personal Property Scoring Sheet, attached hereto as Exhibits B and C respectively. Copies of each scoring sheet shall be available in the Office of the City Clerk and on the City's website. Any and all previous versions of scoring sheets are hereby repealed effective upon passage of this ordinance.

e. Resolutions received that do not include the approved Tax Abatement Application and appropriate Scoring Sheet or that combine both a real property tax abatement and a personal property tax abatement in the same resolution will be refused. (Gen. Ord. No. 4, 2015, 4-16-15)

Sec. 4-226 Instructions for Filing Tax Abatement Resolutions.[85]

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[84] *I.C.* §§ 6-1.1-12.1-1 through 6-1.1-12.1-5.7, address real and personal property tax abatement procedures.

[85] Editor's Note: Tax abatement policies are on file in the Office of the City Clerk and available for public inspection during regular business hours.

Tax abatements require these items to be completed:

a. The resolution on 8½" x 11" paper.

b. The final action statement on 8½" x 11" paper.

c. The petition on 8½" x 11" paper.

d. The statement of benefits.

Eleven (11) copies plus the originals are needed for each item. The material should be stapled together in the above order. The resolution, final action, and petition must contain the following statement and information: THIS INSTRUMENT PREPARED BY: (NAME), (ADDRESS). See the signature format below.

After the packets have been prepared, they should be brought directly to the City Clerk's Office; there are no filing fees and no recording fees. The City Clerk's Office will arrange a notice for posting and publication. You will be billed for publication costs as soon as the newspaper has billed the City Clerk's Office.

Sunshine meetings of the Council are the first Thursday of the month; regular meetings are the second Thursday. To be considered for adoption, tax abatements need to be filed with the City Clerk by 2:00 P.M. on the first Thursday of the month. If adopted, final action will be taken at the regular meeting the following month.

Sec. 4-227 through Sec. 4-234 Reserved for Future Use.

ARTICLE 16. FINGERPRINTING FEES.

Sec. 4-235 Purpose.

The City of Terre Haute finds that costs are incurred by the City of Terre Haute Police Department in response to individual requests for certain fingerprinting services performed for non-governmental and non-criminal justice agencies and individuals. The costs of these services should be absorbed by those agencies requesting the services rather than the City of Terre Haute Police Department. (Gen. Ord. No. 3, 1998, § 931.01, 3-13-98)

Sec. 4-236 Definitions.

a. **Governmental Agency.** As used in this Article, Governmental Agency is defined as any agency, board, commission, department, bureau, or other entity of local, state, or federal government.

b. **Criminal Justice Agency.** As used in this Article, Criminal Justice Agency is defined as any court or any government agency or sub-unit thereof which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. Included in this definition are law enforcement officers, prosecutors, probation officers, and correctional officers. (Gen. Ord. No. 3, 1998, § 931.02, 3-13-98)

Sec. 4-237 Fee.

The Terre Haute Police Department is authorized to charge the fee of Five Dollars ($5.00) for fingerprinting per fingerprint card to any persons or agencies which are not a governmental agency or criminal justice agency. (Gen. Ord. No. 3, 1998, § 931.03, 3-13-98)

Sec. 4-238 Fee Distribution.

All fees collected for this service shall be deposited in the Continuing Education Fund of the Terre Haute Police Department. (Gen. Ord. No. 3, 1998, § 931.04, 3-13-98)

Sec. 4-239 through Sec. 4-241 Reserved for Future Use.

ARTICLE 17. ALARM SYSTEM REGULATIONS.

Division I. Purpose and Definitions.

Sec. 4-242 Purpose.

It is hereby declared to be the purpose of this Article to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the City's commitment of law enforcement resources required to answer these false alarms. (Gen. Ord. No. 5, 1996, § 527.01, 10-11-96)

Sec. 4-243 Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this Section:

Alarm Agent. Any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.

Alarm Business. Any individual, partnership, corporation or other entity which does any of the following: monitors, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

Alarm System. Any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Terre Haute Police Department.

For the purposes of this Article, alarm system shall not include:

1. An alarm installed on a motor vehicle;

2. An alarm designed so that the Terre Haute Police Department is not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business has checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice;

3. An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is an external sounding alarm that automatically stops within fifteen (15) minutes after activation; or

4. An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

Automatic Telephone Dialing Device. Any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.

False Alarm. An alarm eliciting a police response when the situation does not require police services. For the purpose of this Article, this does not include alarms triggered by severe weather or atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer, or maintainer.

Monitor or Monitoring. The detection from a remote location of the activation of an alarm system subject to this Article.

Permit Holder. The individual, corporation, partnership or other legal entity who is required by this Article to apply for an alarm system permit. (Gen. Ord. No. 5, 1996, § 527.02, 10-11-96)

Sec. 4-244 Reserved for Future Use.

Division II. Alarm System Permits.

Sec. 4-245 Application for Alarm System Permit.

a. Application for a permit for the operation of an alarm system shall be made by a person or legal entity having ownership or control over the property on which the alarm system is to be installed. Such applications shall be made in writing to the City Controller on a form designed by the City for that purpose.

b. The application shall include the following information:

(1) The name, address, and telephone number of each person in control of the property;

(2) The street address of the property on which the alarm system is to be installed and operated;

(3) Any business name used for the premises on which the alarm system is to be installed and operated;

(4) Whether the alarm system or systems are or not local alarms and whether the alarm system or systems are designed to give notice of a burglary, holdup, or other type of emergency;

(5) The name of the person or alarm system business who will install the alarm system; and

(6) The names and telephone numbers of two (2) persons or of an alarm system business which are able to and have agreed:

(a) To receive notification at any time;

(b) To come to the alarm site within thirty (30) minutes after receiving a request from the Terre Haute Police Department to do so; and

(c) To grant access to the alarm site and to deactivate the alarm system if such becomes necessary. (Gen. Ord. No. 5, 1996, § 527.03, 10-11-96)

Sec. 4-246 Issuance of Alarm System Permit; Notification to Police Department.

a. The City Controller's Office shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application in accordance with this Article and payment of the permit fee, unless the Controller finds any statement made in the application was incomplete or false.

b. The City Controller shall assign to each alarm system permit a unique identification number supplied by the Terre Haute Police Department.

c. No later than forty-eight (48) hours after issuance of an alarm system permit, or after receiving updated information on an existing permit, the City Controller shall forward a

copy of the application or updated information along with the identification number to the Terre Haute Police Department. All information on such application shall be protected as confidential information; provided, however, nothing in this Article shall prohibit the use of such information for legitimate law enforcement purposes and for the enforcement of this Article.

d. Throughout the term of the permit, the permit holder shall promptly notify the Controller in writing of any change in the information contained in the permit application. (Gen. Ord. No. 5, 1996, § 527.04, 10-11-96)

Sec. 4-247 Permit Fee and Term.

a. The fee for an alarm system permit shall be Ten Dollars ($10.00).

b. An alarm system permit issued pursuant to this Article shall be valid for a term of two (2) years commencing from the date of issuance for those alarms which continue to be monitored.

c. An alarm system permit issued pursuant to this Article shall be personal to the permit holder for a specific location and shall not be transferred. (Gen. Ord. No. 5, 1996, § 527.05, 10-11-96)

Sec. 4-248 Display of Alarm System Permit Number.

The permit holder for an alarm system shall post the alarm system permit at the alarm site in a location from which the identification number clearly is visible to any law enforcement official who responds to an alarm. (Gen. Ord. No. 5, 1996, § 527.06, 10-11-96)

Sec. 4-249 Violations.

a. The following shall constitute violations of this Article by the owner or person in control of property upon which there is an alarm system:

(1) To operate, cause to be operated, or permit the operation of an alarm system unless a current alarm system permit has been obtained therefor from the City Controller;

(2) To fail to notify the City Controller of any change in the information on an alarm system permit application; or

(3) To fail to post the alarm system identification number as provided by this Article.

b. A violation of this Article shall be enforced as provided in Sec. 4-262 of this *Code*. Each day a violation of this Article continues shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.07, 10-11-96)

Sec. 4-250 Reserved for Future Use.

Division III. Alarm Business License.

Sec. 4-251 Licensing of Alarm Business and Alarm Monitoring Business.

a. Prior to doing business, including monitoring an alarm located within the Consolidated City of Terre Haute, an alarm business shall obtain a license from the City Controller's Office.

b. An alarm business doing business at the time this amended Article becomes effective shall have thirty (30) days to apply for a license as required above. (Gen. Ord. No. 5, 1996, § 527.08, 10-11-96)

Sec. 4-252 Application for License.

a. All applications for a license required by this Article shall be made on forms designated by the City Controller and shall include the following information:

(1) The full name and address of the alarm business;

(2) The full name, business address and home address of the manager;

(3) A telephone number at which the Terre Haute Police Department can notify personnel of the alarm business of a need for assistance at any time; and

(4) The names, addresses and dates of birth of all alarm agents employed by the alarm business.

b. An alarm business shall promptly notify the City Controller in writing of any change in the information contained in the application form. (Gen. Ord. No. 5, 1996, § 527.09, 10-11-96)

Sec. 4-253 License Fee and Term.

a. An alarm business license shall be valid for one (1) year and shall be renewable on the first day of January of each year.

b. The annual license fee for each alarm business shall be Two Hundred Fifty Dollars ($250.00).

c. An alarm business license shall be personal to the holder and is not transferrable. (Gen. Ord. No. 5, 1996, § 527.10, 10-11-96)

Sec. 4-254 Identification Cards Required.

Every alarm agent shall carry on his person at all times while engaged in the alarm business an identification card which shall be displayed to any law enforcement officer upon request. (Gen. Ord. No. 5, 1996, § 527.11, 10-11-96)

Sec. 4-255 Installation of Alarm Systems.

Any alarm business which installs an alarm system within the Consolidated City of Terre Haute shall provide the following information on a form designated by the City:

a. The address where such system is installed;

b. The name and address of the person having control over the property; and

c. The type of alarm system.

Such form shall be submitted to the Terre Haute Police Department not earlier than twenty (20) days prior to the installation of such system and not later than forty-eight (48) hours after such system is installed. Such information shall be protected as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this Article. (Gen. Ord. No. 5, 1996, § 527.12, 10-11-96)

Sec. 4-256 Violations.

The following shall constitute violations of this Article by an alarm business:

a. Failure to purchase an annual license pursuant to Sec. 4-253;

b. Failure of an alarm agent to carry on his person at all times a "proper" identification card pursuant to Sec. 4-254;

c. Failure of an alarm business to provide the City with information outlined in Sec. 4-255.

A violation of this Article shall be enforced as provided in Sec. 4-262 of this *Code*. Each day a violation of this Article continues shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.13, 10-11-96)

Sec. 4-257 Reserved for Future Use.

Division IV. False Alarms.

Sec. 4-258 Prohibited Activity.

a. A person who owns or controls property on which an alarm system is installed shall receive a warning from the appropriate law enforcement agency for the first five (5) false

alarms issued by such alarm system during the twelve-month period following the last false alarm or the installation of the alarm, whichever is more recent.

b. All alarms will have an automatic reset system which silences the externally sounding alarm within fifteen (15) minutes after activation. (Gen. Ord. No. 5, 1996, § 527.14, 10-11-96)

Sec. 4-259 Enforcement.

a. If an alarm system issues one (1), two (2), three (3), four (4), or five (5) false alarms in a twelve-month period, the person who owns or controls the property shall receive notice of violation by the police officer who actually issues the citation within twenty-four (24) hours. Provided, however, this Section shall not apply to an alarm system which emits a false alarm within thirty (30) days after installation of the alarm system.

b. The sixth and each subsequent false alarm within a twelve-month period and other violations shall be subject to the general penalties of this *Code* contained in Sec. 4-262. (Gen. Ord. No. 5, 1996, § 527.15, 10-11-96)

Sec. 4-260 Reserved for Future Use.

Division V. Automatic Telephone Dialing Devices.

Sec. 4-261 Automatic Telephone Dialing Device Prohibited.

a. It shall be unlawful to use or permit the use of any automatic telephone dialing device or attachment which automatically selects any telephone line leading into the communication center of the Terre Haute Police Department and then transmits any prerecorded message or signal.

b. It shall be unlawful to sell or install any automatic telephone dialing device which automatically selects any telephone line leading into the communication center of the Terre Haute Police Department and then transmits a prerecorded message or signal.

c. Any person who operates or uses an automatic telephone dialing device at the time this Article becomes effective shall have until December 1, 1996 to comply with the requirements of this Section.

d. Any person who violates this Section shall be subject to the general penalties for violating this *Code* as contained in Sec. 4-262. Each violation of this Section shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.16, 10-11-96)

Sec. 4-262 Violation Fee Schedule.

For any person violating the provisions of this Article, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (see Chapter 2 of this *Code).*

a. Failure to comply with Division II "Alarm System Permits" as specified in Sec. 4-249 shall result in the following civil penalties:

Subject Matter	Civil Penalty
First Violation	$25.00
Second and Subsequent Violations	$50.00

b. Failure to comply with Division III "Alarm Business License" as specified in Sec. 4-256 shall result in the following civil penalties:

Subject Matter	Civil Penalty
First Violation	$25.00
Second and Subsequent Violations	$50.00

c. Failure to comply with Division IV "False Alarms" as specified in Sec. 4-258 shall result in the following civil penalties:

Subject Matter	Civil Penalty
First Citation in a Calendar Year	$25.00
Any Subsequent Citation in a Calendar Year	$50.00

d. Failure to comply with Division V "Automatic Telephone Dialing Devices" as specified in Sec. 4-261 shall result in the following civil penalties:

Subject Matter	Civil Penalty
First Violation	$25.00
Second and Subsequent Violations	$50.00

(Gen. Ord. No. 5, 1996, § 527.17, 10-11-96)

Sec. 4-263 through Sec. 4-269 Reserved for Future Use.

ARTICLE 18. OFF-PREMISE SALES OF MOTOR VEHICLES.

Sec. 4-270 Off-Premise Sales of Motor Vehicles.

No dealer or Person may sell or exhibit for sale any Motor Vehicle at any Temporary Location within the incorporated area of the City of Terre Haute unless such Dealer or Person has an Established Place of Business located in Terre Haute. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-271 Definitions.

As used in this Article, the following terms shall have the meanings stated below:

a. **Dealer.** Dealer means a person licensed as a dealer pursuant to *I.C.* § 9-13-2-42.

b. **Person.** Person means an individual, a firm, a partnership, an association, a fiduciary, an executor or administration, a governmental entity, a limited liability company, or a corporation pursuant to *I.C.* § 9-13-2-124.

c. **Established Place of Business.** Established Place of Business means a permanent enclosed building or structure owned or leased for the purpose of bartering, trading, and selling Motor Vehicles. The term "Established Place of Business" does not include any residence, tent, temporary stand, or permanent quarters temporarily occupied. See *I.C.* § 9-13-2-50.

d. **Motor Vehicle.** Motor Vehicle means any self-propelled vehicle, other than a semi-trailer, for which the owner would be required to obtain a certificate of title pursuant to *I.C.* § 9-13-2-105.

e. **Temporary Location.** Temporary Location means a site, other than an Established Place of Business, at which a Dealer or Person exhibits for sale more than six (6) Motor Vehicles. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-272 Sales of Motor Vehicles in Residential or Agricultural Areas.

A person may list for sale, or sell, in a residential or agricultural area no more than one (1) motor vehicle titled in the Person's name at any given time. Motor Vehicles that are not titled in the Person's name shall not be listed for sale or sold in a residential or agricultural area. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-273 Inspections.

It shall be the duty of the Terre Haute Police Department, including its Environmental Protection Division, and Inspection Officers within the Office of the City Engineer to inspect from time to time the various lots or parcels of lots or parcels of real estate lying within the boundaries of the incorporated areas of the City of Terre Haute and if it is found that a Dealer or Person is violating the terms of this Article, it shall be the duty of the officer to ascertain the names of the Dealer or Person and to notify such Dealer or Person of such violation. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-274 Penalty.

Any Dealer or Person who violates the prohibition of Sec. 4-270 or Sec. 4-272 above shall be subject to a fine of One Thousand Dollars ($1,000.00) for each day he is in violation of this Article. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-275 Enforcement; Injunction.

If any Dealer or Person shall fail to cease and desist after receiving notice of the violation of this Article, the enforcement authority identified herein or a representative of the City, may cause to be brought and prosecuted a civil action to enjoin the Dealer or Person from violating this Article as provided in *I.C.* § 36-1-6-4. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-276 Cumulative Enforcement.

The enforcement provisions provided herein shall be cumulative and may be employed singularly or jointly at the discretion of the City. (Gen. Ord. No. 10, 2004, 5-13-04)

Sec. 4-277 through Sec. 4-279 Reserved for Future Use.

ARTICLE 19. E.M.S. USER FEES.

Sec. 4-280 Authority.

I.C. § 16-31-5-1(1) grants the governing body of a city the authority to establish, operate and maintain emergency medical services. Special Ordinance No. 93, passed January 11, 1973, (*Terre Haute Municipal Code* Sec. 4-66) created the emergency ambulance service to be operated and maintained by and through the facilities of the City of Terre Haute Fire Department and administered by the City of Terre Haute Board of Public Works and Safety. *I.C.* § 16-31-5-1(5) grants the governing body the authority to establish and provide for the collection of reasonable fees for the emergency ambulance services provided. *I.C.* § 36-1-3 grants the municipality all powers necessary or desirable to conduct its affairs, even if not specifically granted by statute, thus granting the authority to establish the non-reverting E.M.S. Fund. (Gen. Ord. No. 2, 2000, 2-10-00)

Sec. 4-281 Purpose.

The City of Terre Haute wishes to establish ambulance user fees to offset the expenses of the Terre Haute Fire Department for providing ambulance, emergency medical services, and advanced life support to the citizens of Terre Haute. These collected fees shall be used by the Terre Haute Fire Department for the purchase and repair of ambulance, fire, safety, and paramedic equipment, advanced life support equipment, ambulance personnel training, expenses for administrative personnel to implement this Article and capital and operational costs for a Terre Haute Fire Department training academy. (Gen. Ord. No. 2, 2000, 2-10-00; Gen. Ord. No. 10, 2006, As Amended, 6-8-06)

Sec. 4-282 Ambulance/Medical User Fees Established.

a. The following user fee schedule shall be charged for all ambulance/medical services provided:

(1)	Basic Life Support Fee	$450.00 (Gen. Ord. No. 2, 2013, 3-14-13)
(2)	Advanced Life Support Fee: Level I	$550.00 (Gen. Ord. No. 2, 2013, 3-14-13)
(3)	Advanced Life Support Fee: Level II	$750.00 (Gen. Ord. No. 2, 2013, 3-14-13)
(4)	Non-Transport Medical Call	$200.00 (Gen. Ord. No. 2, 2013, 3-14-13)
(5)	All Non-resident Calls	$100.00 fee in addition to any support fee billed in (1), (2), (3), or (4) above (Gen. Ord. No. 6, 2009, 8-13-09)

b. **Non-resident.** A person who resides outside of the corporate boundaries of the City of Terre Haute, Indiana.

c. Charges for mileage shall be made at the rate of $12.00 per mile. (Gen. Ord. No. 36, 2000, 1-11-01; Gen. Ord. No. 6, 2009, 8-13-09; Gen. Ord. No. 2. 2013, 3-14-13)

d. The fees set forth in Sec. 4-282 a. shall be charged per patient, per occurrence. However, when more than two (2) members of an immediate family residing at the same address are patients and in a single occurrence, transported, the basic fee and emergency fee shall only be billed for two (2) patients.

ARTICLE 20. MISCELLANEOUS PERMIT AND FEE REGULATIONS.

Sec. 4-290 Chart on Fees.

ACTIVITY REGULATED	**FEE AMOUNT**	***CODE* §**
Abandoned Vehicle Storage	Not to exceed rate approved by the Board of Public Works & Safety	6-184
Accident Reports	$5.00	4-70
Alarm Business License	$250.00	4-253
Alarm System Permit	$10.00	4-247
Ambulance Attendants/Drivers	$5.00	4-59
Ambulance License	$25.00	4-53
Ambulance Transfer of License	$5.00	4-54
Ambulance Transportation Fees	Varying fees	4-282

Animal Grooming Shop License	$25.00	6-75 c.
Animal Licensing: Spayed/neutered dog or cat Unaltered dog or cat	 $5.00 $20.00	6-75 a.
Animal Licenses – Misc.	$150.00 - $250.00	6-75
Breeder's License	$40.00 - $100.00 plus add'l fees	6-75 d. and 6-75 e.
Building Permits	$15.00 plus add'l charges	7-10
Building Reinspection Fee	$20.00	7-10
Carnivals	$200.00 - $1,000.00	4-92
Cemetery Lots	Based on Section Location	5-102
Children's Amusement Devices	$5.00 - $50.00	4-93
Circus	$100.00 - $300.00 per day	4-100
Class I, II, III, IV, V, VI Electrical Examinations & License	$20.00 plus other fees	7-64
Close Road Permit	$10.00 per day	8-122
Commercial Loading Zone	$75.00	8-54
Copies of City *Code*	Cost of Publication	4-71
Copying Fee – Public Records	10¢ per page 20¢ per page - Fax Transmission 25¢ per page Long Distance Fax	4-74
Criminal History	$7.00	4-75
Demolition Permit	$15.00 plus add'l charges	7-10
Document Fee – City Clerk	$1.00 each page	4-73
Electrical Permit	$15.00 plus add'l charges	7-10
Fingerprinting	$5.00	4-237
General Contractor	$350.00 first year $175.00 annual renewal	§ 4-107
Gun Permits	$10.00	4-75
Handicapped/Reserved Parking	$40.00 first year $25.00 annual renewal	8-61

Improvement Location Permit	$2.00	10-265
Incident Report - Criminal	$1.00 - $10.00	4-75
Junk Dealers	$25.00	4-147
Junk Yard	$25.00	4-147
Kennel License: Non-commercial Commercial	 $50.00 - $100.00 $50.00 - $250.00	6-75 b.
Massage Establishment	$250.00	6-230
Massage Establishment Employees	$25.00	6-230
Motor Vehicles, Off-Premise Sale of	$1,000.00	4-270, *et seq.*
Park & Recreation Facilities Programs	Reasonable Amounts	5-24
Pawn Shop	$25.00	4-120
Peddler's License	$5.00 - $50.00	4-32
Pet Shop License	$150.00	6-75 f.
Plumbing Permit	$15.00 plus add'l charges	7-10
Police Criminal/Incident Report	$5.00	4-75
Precious Metals/Coins	$25.00	4-120
Record Check: VIN Criminal History	 $5.00 $7.00	4-75
Second Hand Merchants	$25.00	4-120
Septic Tank Service & Cleaning	$25.00	9-90
Septic Tank	$25.00 - $600.00	9-92
Service Type Business	$350.00 first year $175.00 annual renewal	4-107
Sewage Rates	$3.75 and up	9-99
Sewer Connection Fees	Varying fees	9-105
Sewer Discharge Permit Fee	$500.00	9-41a.

Sewer Inspection & Connection Permit	$10.00	9-106
Sewer Monitoring Charges	Varying fees	9-41b.
Taxicab Driver's License	$5.00	4-183
Taxicab Fares	See Section	4-191
Taxicab License	$50.00	4-173
Transient Merchant Permit	$50.00 per day	4-16
Tree License	$350.00 first year $175.00 annual renewal	6-195
Work within public right-of-way	$25.00 plus add'l fees	8-122

Sec. 4-291 through Sec. 4-299 Reserved for Future Use.

ARTICLE 21. EMERGENCY RESPONDER TRAINING ACADEMY (ERTA).

Sec. 4-300 Authority.

I.C. § 36-1-3 *et seq.* grants a municipality all powers necessary or desirable to conduct its affairs, even if not specifically granted by statute, thus granting the authority to establish fee

Sec. 4-301 Purpose.

The City of Terre Haute Emergency Responder Training Academy (ERTA) serves to provide members of fire, police, and emergency response service providers, whether public or private, up to date required emergency response education and training opportunities. The fees charged for training services shall serve to defray the expenses incurred by the City of Terre Haute ERTA.

Sec. 4-302 ERTA Fees Established.

a. The following user fee schedule shall be charged for all ERTA services provided:

(1) Burn Building – four (4) hour session $400.00

(2) Class A Burn Chamber – four (4) hour session $200.00

(3) Flash Burn Chamber – four (4) hour session $200.00

(4) Confined Space Facility – eight (8) hours minimum $100.00

(5) Trench Rescue Facility – eight (8) hours minimum $100.00

(6)	Haz-Mat Training Course – four (4) hours minimum	$100.00
(7)	Classroom – four (4) hours Classroom – eight (8) hours	$25.00 $50.00
(8)	Training Tower – four (4) hour minimum *Includes use of all floors, maze, standpipe	$350.00
(9)	Obstacle Course	$50.00

b. All fees scheduled above in subsection a. shall be subject to adjustment or discounting upon petition to the ERTA staff and the showing of either:

(1) entity residing within Vigo County; or

(2) financial hardship upon the unit.

c. Upon approval of each contract for training and instruction services by the Board of Public Works and Safety, the ERTA staff will submit a fee schedule to the Board of Public Works and Safety detailing the fees to be charged participants for instruction related services. Such fee schedule will consider costs associated with instructor fees, text books, materials, and other necessary training supplies.

Sec. 4-303 Deposit of Fees.

All fees received for the services set forth in Sec. 4-302 shall be deposited in the Fire Training Academy Non-reverting Fund as established at Sec. 2-138-6 and may only be expended as authorized therein.

ARTICLE 22. (Reserved – Dance Permit Regulations).

ARTICLE 23. NON-CONSENSUAL TOW BUSINESSES.

Sec. 4-340 Purpose.

The purpose of this Article is to protect the public from unconscionable practices associated with non-consensual towing of vehicles from parking lots, by means of the licensure of businesses engaged in this activity together with restrictions and requirements on the manner in which non-consensual towing may be performed.

Sec. 4-341 Authority To Promulgate Regulations.

The Board is authorized to make and promulgate additional reasonable and necessary regulations to carry out the provisions of this Article.

Sec. 4-342 Application.

The provisions of this Article apply only to non-consensual tows that originate within the City limits.

Sec. 4-343 Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this Section unless otherwise indicated clearly by text.

a. Board. City of Terre Haute Board of Public Works and Safety.

b. Non-consensual Tow. The towing, by a tow business or tow truck operator, of a vehicle trespassing on a parking lot, made at the request of the property owner or the owner's authorized agent, without prior consent or authorization by the vehicle's owner. Notwithstanding the foregoing, the following are not included within the definition of a non-consensual tow:

(1) A tow initiated from a parking lot, as a result of a vehicular accident or law enforcement investigation, by a representative of the City or by any law enforcement officer; or

(2) A tow initiated from a parking lot by a college or university, provided that the college or university is accredited by the North Central Association, and further provided that the governing board of the college or university has adopted regulations applicable to vehicular parking on its parking lots.

c. Parking Lot. Includes:

(1) A vehicular parking lot built for, or provided to, patrons or staff of a business or other organization;

(2) A parking area as defined in Sec.10-92 of this *Code*, also to include non-surfaced areas designated for emergency or overflow parking;

(3) A vehicular parking lot provided for tenants of multi-family dwellings; or

(4) Vehicular parking provided by the property owner of a vacant or undeveloped lot.

d. Property Owner. A person who exercises dominion and control over real property, including, but not limited to, the legal title holder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

e. Tow or Towing. The act of attaching, lifting, pulling, or dragging any vehicle behind or on a tow truck that is doing such attaching, lifting, pulling, or dragging.

f. Tow Business. A person or commercial entity that is engaged in, or offers, the service of towing or otherwise removing vehicles from one place to another by the use of a tow truck.

g. Tow Business License. A license issued by the Board to a business engaged in non-consensual towing of vehicles which originate within the City limits.

h. Tow Truck or Tow Vehicle. Any motor vehicle used for the purpose of towing or removal of vehicles.

i. Tow Truck Operator. The driver or operator of any tow truck.

j. Vehicle. A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, and watercraft of any type designed to transport one or more persons.

k. Vehicle Owner. The vehicle's registered owner, an authorized agent of the registered owner, or the driver of the vehicle.

Sec. 4-344 License Required; Exception; Transfer; Fee.

a. It shall be unlawful for a tow business that performs non-consensual towing to perform a towing service originating within the City limits without first having been issued a license by the Board. The requirement for this license is made without regard to whether or not the towing business is physically headquartered within the corporate limits of the City.

b. Notwithstanding the provisions of subsection a. of this Section, a tow truck business that merely transports a vehicle through the City is exempt from this licensing requirement, provided that the tow does not originate within the City limits.

c. A tow business license issued pursuant to this Article is not transferable.

d. The annual fee for a tow business license shall be $150.00 plus an annual fee of $25.00 for every two (2) two operators over two (2) employed or contracted by the tow business.

Sec. 4-345 Emergency Waiver.

In the event of an emergency that requires the utilization of a greater number of tow businesses than are licensed, the Mayor by executive order may waive all tow business license requirements for a period of time not to exceed seven (7) days during which such emergency exists.

Sec. 4-346 License Application.

a. *In general*. Upon application for a tow business license, a tow business shall provide the following information to the Board:

(1) The name of the applicant, address, social security number, and all aliases and business names used by the applicant to conduct business;

(2) The tow business's taxpayer identification number;

(3) The telephone number, address, and e-mail address of the primary place of business;

(4) The address, telephone number, and hours of operation of any vehicle storage facility where towed vehicles will be towed and stored;

(5) A telephone number where the principal owner(s) of the tow business can be reached in the event of an emergency;

(6) A copy of the vehicle registration for all tow vehicles owned, operated or otherwise controlled by the tow business; and

(7) The name of each person employed or contracted by the tow business as a tow truck operator.

b. *Insurance*. Upon application for the tow business license, a tow business shall provide proof of insurance, as evidenced by a certificate of insurance that shows the following insurance coverage:

(1) General liability insurance ("occurrence" based policy): Coverage shall not be less than Seven Hundred Thousand Dollars ($700,000) for injury or death for each person per incident and Two Million Dollars ($2,000,000) for injury or death to more than one (1) person per incident;

(2) Automotive liability: Coverage shall not be less than Seven Hundred Thousand Dollars ($700,000) for injury or death for each person per incident and Two Million Dollars ($2,000,000) for injury or death to more than one (1) person per incident;

(3) Garage keeper's insurance: Fifty Thousand Dollars ($50,000) for damage to vehicles or loss of personal property from vehicles towed or stored; and

(4) Worker's compensation insurance that meets Indiana statutory requirements.

c. The Board must be provided notice in the event of cancellation or non-renewal of any of the above policies of insurance. The Board must also be provided notice regarding any changes, amendments, or endorsements in the above policies. A copy of all new or amended

policies must be provided to the Board within fifteen (15) days of the issuance of any new policies or amendments to any existing policies.

d. *Tow truck operators.* Upon application for the tow business license, a tow business shall provide a copy of the state-issued valid driver's license of each person employed or contracted by the tow business to work as a tow truck operator. No tow truck operator may commence non-consensual towing of vehicle until such operator has made application to and received a license from the Board.

e. *Vehicle storage facilities.* The issuance of a tow business license is contingent upon the Board approval of any proof submitted by the tow business that its vehicle storage facilities are secure and compliant with any and all zoning regulations. All towed vehicles must be stored within the confines of the licensed storage facility. The parking of towed vehicles on public streets or alleys or on private parking lots not identified as the tow operator business storage lot is strictly prohibited.

f. *Amendment.* In the event that information provided to the Board under this Article changes during the term of the license, the tow business shall give written notice of such changes to the Board within fifteen (15) days of the occurrence of the change.

Sec. 4-347 Tow Truck Operator Identification.

Upon the issuance of a tow business license, the Board shall issue identification to each of the licensee's tow truck operators that have been approved by the Board. Such identification shall be in a form approved by the Board, and must be in the possession of the tow truck operator at all times while operating a tow truck, in addition to any required identification issued by state or federal rules and regulations. In the event that a tow truck operator's state-issued driver's license is suspended or revoked, the Board issued identification must be surrendered immediately to the Board.

Sec. 4-348 Tow Business Fees & Schedule.

a. It shall be unlawful to charge any fee associated in any way with the towing and storage of a vehicle under this Article, except as follows:

(1) For the towing of a vehicle, the maximum fee shall be limited to no more than twenty five percent (25%) more than the fee permitted for tow rotation contractors;

(2) For the storage of a towed vehicle, the maximum fee for each twenty-four (24) hour period of storage shall be limited to no more than twenty five percent (25%) more than the fee permitted for City tow rotation contractors; provided, however, that a storage fee shall be accrued on a twenty-four (24) hour basis from the time the towed vehicle is delivered to the tow storage facility; or

(3) A tow business is permitted to require proof of insurance for the vehicle if the owner wishes to drive the vehicle from the storage facility. Tow business is prohibited from denying release of the vehicle based on proof of insurance but may charge a set out fee not to exceed Twenty Five Dollars ($25.00) for removing the vehicle from the storage facility.

b. This fee limitation does not restrict fees being charged for other services that may be requested by the vehicle's owner. Upon request, a tow truck operator shall present a comprehensive schedule of fees for examination by the vehicle owner, including the fees associated with the services requested.

c. The Board may review and adjust the fee limitations in this Section by the promulgation of a regulation.

d. Notwithstanding the provisions of Subsection a. of this Section, the fee limitation does not apply to a towed vehicle having a gross weight of 11,000 lbs. or greater.

e. If it is determined that a vehicle is towed in violation of this Article, towing and storage fees which have been paid may be recovered by the vehicle's owner. Liability for damage to a towed vehicle is not limited by the provisions of this Article.

f. It is unlawful for a person, including a tow business or tow truck operator to offer, pay, or rebate money or other valuable consideration to the owner of a parking lot for the authority to tow vehicles from that owner's parking lot.

g. When the vehicle's owner is present and desires to remove the vehicle from a parking lot before it is towed, the vehicle shall not be towed nor a fee charged; however, if a tow truck is attached to the offending vehicle and at least two (2) tires have been lifted off the ground at the time the vehicle's owner arrives, the vehicle shall not be towed but shall be released to the owner upon receipted payment of a reasonable fee set forth in the schedule of fees submitted to the Board, not to exceed one half of the regular towing fee in lieu of towing the vehicle.

Sec. 4-349 Display of Business Name and Proof of Licensure.

A tow business licensee shall clearly display the name, address, and telephone number of the business on each of its tow trucks. Each tow truck must also clearly display, in a size and manner equivalent to the DOT marking requirements, the tow operator business' City-issued permit number on each vehicle authorized to conduct non-consensual tows. Tow business operator must comply with any and all Federal DOT or State of Indiana requirements relating to display of information on the tow truck vehicle.

Sec. 4-350 Tows from a Parking Lot.

a. It shall be unlawful for a licensed tow business or tow truck operator to tow a vehicle from a parking lot unless the parking lot owner or the owner's authorized agent, present

at the time of the tow, signs a contemporaneous specific written authorization for the tow of a vehicle.

b. The written authorization shall include the following information:

(1) The make, model, year, vehicle identification number, and license plate number of the vehicle to be towed;

(2) The address of the parking lot from which the vehicle is to be towed;

(3) The signature and printed name of the person authorizing the tow;

(4) A written statement indicating the date and time of the authorization, that the person authorizing the tow is the owner of the parking lot or the owner's authorized agent;

(5) A written statement describing why the vehicle was subject to tow; the statement shall describe how the vehicle was parked in a manner inconsistent with posted instructions; how the vehicle interfered physically with the conduct of normal business operations of the person who owns or controls the parking lot; or how the vehicle posed a threat to the safety or security of persons or property; and

(6) Any other information deemed necessary by the Board.

c. For purposes of subsection a. of this Section, a tow business owner or employee, or tow truck operator, may not act as the parking lot owner's authorized agent.

d. Notwithstanding the provisions of subsection c. of this Section, a tow business owner or employee, or tow truck operator, may act as the parking lot owner's authorized agent if:

(1) The parking lot is for multi-family rental dwelling which provides permit parking twenty-four (24) hours a day, seven (7) days a week for its tenants or guests;

(2) Parking permits, to be placed in vehicles, are provided to tenants at lease signing; a tow business shall obtain an affidavit from the property owner so stating, and it shall be kept pursuant to the provisions of Sec. 4-355.

(3) The parking permits are made to be easily identifiable and observable from outside the vehicle and;

(4) Video or photographic documentation to attest to the propriety of the tow is made and kept as part of the authorization required under subsection b. above. Such documentation shall include time and date stamped photographs of the vehicle depicting the manner in which it is illegally parked. A photograph shall be taken and maintained depicting the license plate. Such documentation must be stored

and maintained in a digital format that is accessible upon demand of law enforcement tasked with enforcement of this Article.

Sec. 4-351 Signs Required To Be Posted on Parking Lot; Exception.

a. It shall be unlawful for any tow business or tow truck operator to tow a vehicle unless the parking lot in which the vehicle is parked has signage, posted in plain view at each entrance and exit, and that such sign has been permanently installed for a minimum of twenty-four (24) hours prior to any vehicle being removed. The Board shall prepare and prescribe, and if necessary amend from time to time, additional specifications for the construction, size, placement, content, lettering, and number of required signs.

b. Notwithstanding the provisions of Subsection a., a vehicle may be lawfully towed if:

(1) The vehicle's owner is notified that the vehicle is unauthorized to park and is subject to being towed at the expense of vehicle's owner;

(2) A vehicle is parked in such a manner that it restricts normal operations of a business during its business hours; or

(3) A vehicle is otherwise unlawfully parked pursuant to this Code, state statute, or other law.

Sec. 4-352 Additional Requirements.

a. A tow business and a tow truck operator must comply with all applicable federal, state, and local law. It shall be unlawful to commit an act in violation of the provisions of this Section.

b. The practice of booting a vehicle to hold it for towing is prohibited.

c. All vehicles that are towed under this Article shall be towed directly and continuously to a vehicle storage facility leased or owned by the tow business, and shall not be placed or kept in any temporary holding area.

d. All vehicles towed must be stored within the county or within a fifteen (15) mile radius of where the tow originated.

e. The vehicle shall be released promptly upon payment of fees.

f. A tow business and tow truck operator shall allow the vehicle's owner a reasonable amount of time to remove or retrieve personal property or possessions that are not affixed, from a vehicle. The retrieval of possessions may be at the scene of the tow or at the vehicle storage facility prior to payment. A tow business or tow truck operator is prohibited from charging a fee for this retrieval or to refuse to allow retrieval of such possessions. The retrieval of personal items not retrieved at the time of the tow may be limited to normal business

hours with the exception of emergencies in which items must be immediately retrieved (i.e. medications). Tow business may charge a fee, in compliance with the fee schedule provided to the Board, for such retrievals that occur outside normal business hours.

g. A release or waiver of liability of any kind is prohibited as a condition of release of the vehicle. A tow business may require proof of identification of the person retrieving a vehicle. The person retrieving the vehicle is not required to be the owner of the vehicle.

h. Upon completion of a non-consensual tow, tow operator must notify Vigo County Central Dispatch, within sixty (60) minutes of removal of the vehicle, and provide the following information regarding the non-consensual tow:

(1) Exact location of vehicle at time of tow;
(2) Specific reason for tow;
(3) Name of Company/Business requesting tow;
(4) Name and telephone number of individual authorizing tow;
(5) Vehicle make, model, color, & Vehicle Identification Number; and
(6) License plate number and state.

Sec. 4-353 Vehicle Storage Facility Requirements; Method of Payment; Receipt.

a. It shall be a violation of this Code to commit any act within the City limits that is not in compliance with the provisions of this Section.

b. A tow business that tows a vehicle under this Article shall provide:

(1) At the vehicle storage facility either an attendant who is on site twenty-four (24) hours per day, seven (7) days per week excluding holidays, to return any vehicle claimed by the vehicle's owner, upon the payment of towing and storage charges; or

(2) A conspicuously located and well lighted sign at the vehicle storage facility that states the telephone number where the owner, manager, or attendant of the vehicle storage facility may be reached at any time twenty-four (24) hours per day, seven (7) days per week, excluding holidays, so that a towed vehicle may be claimed in a minimum amount of time, not to exceed sixty (60) minutes, except between the hours of 12:00 a.m. and 7:00 a.m.

c. A tow business that tows a vehicle twenty-four (24) hours before a holiday or during a holiday must adhere to the provisions of this section to allow a vehicle to be retrieved on a holiday.

d. Storage fees shall not accrue for any day in which a storage facility is not open for vehicle redemption.

e. A tow business that tows a vehicle under this Article shall accept payment for towing and storage fees by any of the following forms of payment:

(1) Cash in United States currency;

(2) Traveler's checks or money orders payable in United States currency; or

(3) Debit cards and all major credit cards including Visa, MasterCard, and Discover. An additional charge shall not be imposed for the use of a debit or credit card.

f. Upon payment of authorized towing and storage fees, a tow business that tows a vehicle under this Article shall provide a receipt to the vehicle's owner that contains the following information:

(1) The name and address of the tow service business;

(2) The address from which the vehicle was towed;

(3) The date and time that the vehicle was towed;

(4) The date and time that the vehicle entered the facility at which it was placed for storage; and

(5) An itemized listing of all fees that are being charged.

Sec. 4-354 Records Required To Be Kept.

a. A tow business shall be required to submit information, in a format acceptable to Board, pertaining to towed vehicles pursuant to regulations established under this Article.

b. A tow business shall maintain a copy of any agreement with a parking lot owner that authorizes the towing of vehicles.

c. A tow business shall maintain a legible record, in a written or electronic form approved by the Board, including the photographs required by Sec. 4-350 d.(4) which shall show the following information for each vehicle that it towed under the provisions of this Article:

(1) The written authorization for the tow described in Sec. 4-350;

(2) The date and time that the vehicle was towed;

(3) The date and time that the vehicle entered the facility at which it was placed for storage; and

(4) The towing and storage fees actually charged.

d. Records under Subsection b. and c. above shall be maintained for a period of two (2) years from the date of each tow, and shall be made available for inspection by the City during normal business hours. Such records must be maintained in a computer format readily accessible upon request from designated enforcement agents.

Sec. 4-355 Suspension or Revocation of License.

a. The City may suspend or revoke an issued license for any violation of the provisions of this Article. In addition, the City may suspend or revoke an issued license if any of the following conditions are determined or found:

(1) The tow business owner or a tow truck operator made any materially false statement of fact on his application;

(2) The tow truck business or tow truck operator acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations;

b. In the event a license is suspended or revoked for a violation stated herein, no refund of license fee shall be made to tow truck business owner.

c. If a tow business license or tow operator license is revoked by the Board, the applicant must wait one (1) year before reapplication for said license.

Sec. 4-356 Appeal; Denial, Revocation or Suspension of License.

a. Any person who is denied a license or whose license is suspended or revoked may seek reconsideration of the denial, suspension, or revocation by the full Board within ten (10) days of the date of the denial, suspension, or revocation of the license.

b. All requests for appeals must be in writing and addressed to the Board. The Board shall set the appeal for hearing within thirty (30) days of the receipt of the written request.

Sec. 4-357 Enforcement and Penalties.

a. The Board designates officers of the City of Terre Haute Police Department and City Code Enforcement Officers to inspect and enforce the provisions of this Article.

b. Each licensed tow business, tow business records related to non-consensual tows, and each licensed operator's vehicle is subject to random law enforcement inspection to ensure compliance with the provisions contained within this Article and any other applicable federal, state, or local regulations

c. Any license holder found to be in violation of any provision of this Article shall, in addition to the possible suspension or revocation of the license, be subject to a fine not to exceed Two Thousand Five Hundred Dollars ($2,500.00) for each separate violation.

d. The fine(s) imposed for violation(s) of the provisions of this Article, shall be deposited in the Police Continuing Education Fund (See: *Terre Haute City Code* Sec. 2-118).

ARTICLE 24. DRUG AND TOBACCO PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS

Sec. 4-360 Purpose and Intent.

a. The Common Council finds that establishments which offer for sale drug and tobacco related paraphernalia and/or accessories represent an age-restrictive business in that paraphernalia and/or accessories used for, with or to aide in the ingestion of drugs is illegal under *I.C.* § 35-48-8 *et seq*. and paraphernalia used for, with, or to aide in the ingestion of tobacco is restricted to persons of age eighteen (18) years or older.

b. It is the intent of this Article to regulate this type of age-restrictive business to promote the health, safety, and general welfare of the citizens of the City.

c. The Common Council finds that regulation of this type of business is within its authority and is a reasonable, legal, and legitimate use of its police powers to minimize adverse effects while not unreasonably denying access by adults to age-restricted products or the distribution of such products. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-361 Definitions. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. **Drug and Tobacco Paraphernalia/Accessories** shall mean:

(1) Any device designed primarily for use by individuals for the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other "controlled substance" as defined by Indiana *I.C.* § 35-48-2 *et seq.*;

(2) Any device designed primarily for the smoking or ingestion of those items set forth in subsection (1) above, or any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other "controlled substance," and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with tobacco or drug paraphernalia and/or accessories, notwithstanding that it might also be possible to use the device for some other purpose;

(3) Drug and tobacco paraphernalia/accessories shall include, but not be limited to the following described items:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens or filters, permanent or otherwise, heads of punctured metal bowls;

(B) A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke that would otherwise be possible, whether the device is commonly known as a "bong" or otherwise;

(C) A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.

(D) A smokable pipe that contains a heating unit, whether the device is known as an "electric pipe," or otherwise;

(E) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb," or otherwise;

(F) A device constructed so as to permit the inhalation and/or ingestion of nitrous oxide (N02), whether known as "whippets," or otherwise;

(G) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user's lungs under pressure;

(H) A device for holding burning material, such as a cigarette that has become too small or too short to be held in hand, whether the device is known as a "roach clip," or otherwise:

(I) Lighters and matches are specifically excluded from the definition of tobacco and drug paraphernalia/accessories.

(J) A device commonly known as an e-cigarette, “vape pen,” “vape stick,” or any other vaporizing device, which is reloadable/refillable, defined as a device used to simulate the experience of smoking, having a cartridge and heater or cooler that causes or assists in vaporizing or atomizing liquid nicotine or any illicit liquid substance (Gen. Ord. No. 8, 2015, 10-9-15).

b. **Drug and Tobacco Paraphernalia/Accessories Establishment.** Any establishment where Drug and Tobacco Paraphernalia and/or Accessories are sold, offered for sale, displayed for sale, or delivered.

c. **Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which refuses entry into its establishment by, and does not conduct business with, patrons under the age of eighteen (18).

d. **Non-Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which allows entry into its establishment by, and conducts business with, patrons under the age of eighteen (18), for the purpose of conducting sales of non-age restrictive products.

e. **Synthetic Drugs.** Any item defined by I.C. § 35-31.5-2-321 and/or I.C. § 35-31.5-2-321.5 or any product, herbal or powdered in form, which is sold, offered for sale, or displayed for sale by weight, which is labeled, marked, or marketed as "Incense", "Spice", "K2", or any other trade name, or which is specifically labeled or marked to indicate that the product does not contain synthetic drugs as defined by Indiana *I.C.* § 35-31.5-2-321 by specific chemical compound name. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-362 Permit Required; Fee; Regulation.

a. Any business that offers for sale drug and tobacco related paraphernalia and/or accessories shall be required to obtain an annual permit through the Board of Public Works and Safety.

b. Fee. Upon the making of an application for the permit described herein, the applicant shall pay to the City Controller an annual fee in the sum of Sixty Dollars ($60.00). This permit fee may be pro-rated using a monthly calculation. Permits shall be valid from January 1 through December 31 of the year in which they are purchased.

c. Permit Application. All applications for such permit shall be on forms designated by the Board of Public Works and Safety and shall include the following information:

(1) The full name and address of business;

(2) The full name, business address and home address of business owner and business manager;

(3) A telephone number at which the City of Terre Haute can reach the manager and/or owner during business hours of operation.

(4) Statement of the manager and or owner that the business is in full compliance with all federal, state and local laws, including zoning regulations.

(5) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.

(6) Authorization for the City, its agents, and employees to enter the business during any normal business hours to conduct an inspection of the premises to determine compliance with all applicable regulations.

d. Change of Information. Business shall promptly notify the Board of Public Works and Safety in writing of any change of information contained in the application form.

e. Permit Non-transferable. Permit shall be for the specific business location and is not transferable to another business or business location.

f. Violation To Operate without a Permit. It shall be a violation of this Article to operate, or permit to operate said business unless a permit has been obtained therefore from the Board of Public Works and Safety.

g. Denial of Permit. A permit to operate such business may be denied based on any of the following:

(1) Applicant omitted required information on application;

(2) Applicant made any materially false statement on his application for permit;

(3) The premises sought to be permitted fails to comply in any manner with any applicable laws or ordinances, including zoning laws or ordinances;

(4) Applicant has been previously denied a permit for violation of federal, state or local laws; or

(5) A permit has been previously suspended or revoked from the business owner and or manager for violations of federal, state or local laws. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-364 Denial, Suspension, or Revocation of Permit.

a. The Board of Public Works and Safety may deny, suspend, or revoke any permit issued under the provisions of this Article upon complaint being made by a federal, state, or local law enforcement officer or an authorized representative of the City that the business is being operated in violation of State or Federal law or of the provisions of this Article.

b. Upon notification by the Board of Public Works and Safety of a denial, suspension, or revocation of a permit, the applicant or permittee may, within ten (10) days, request a hearing by written notice to the Board of Public Works and Safety. During those ten (10) days, a currently permitted business may remain open. If no hearing is requested, the permit shall stand denied or revoked.

c. When a hearing is set by the Board of Public Works and Safety the applicant or permittee shall receive, with not less than twenty (20) days written notice, a notice of the allegation of non-compliance, as well as the time and place where the hearing will be held. A current permitted business may remain open until notified of the hearing results or thirty (30) days whichever is less.

d. At a hearing conducted pursuant to this Section, the applicant or permittee shall have the right to be represented by counsel, to present witnesses, to testify and cross examine any other witness and to subpoena witnesses. All proceedings shall be conducted under oath.

e. The President of the Board of Public Works shall preside at the hearing and the Board shall make the final decision.

f. If any decision adverse to the applicant or permittee is made by the Board of Public Works and Safety after a hearing as provided above, the Board shall provide to the applicant or permittee a written reason for such decision, as well as a notice that the applicant or permittee has the right to pursue any legal remedies available under Indiana law. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-365 Sale of Tobacco and/or Drug and Tobacco Paraphernalia and/or Accessories.

a. All Drug and Tobacco Paraphernalia/Accessories Establishments permitted by the under this Article, which sells, offers for sale or displays for sale, any Drug or Tobacco Paraphernalia and/or Accessories shall require the purchaser of said items be at least eighteen (18) years of age and shall require the purchaser to provide valid government issued photo identification prior to conducting said transaction.

b. Any Drug and Tobacco Paraphernalia/Accessories Establishment permitted under this Article, which is a Non-Absolute Age-Restrictive Business as defined in Sec. 4-361 d. of this Article, shall not display or offer for sale, any tobacco or tobacco paraphernalia and/or accessories in any manner or location which may be readily accessible to a minor under the age of eighteen (18).

c. Any Drug and Tobacco Paraphernalia/Accessories Establishment permitted under this Article, shall not sell, offer for sale, or display for sale, any "synthetic drug" as defined in Sec. 4-361 e. of this Article. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-366 Enforcement & Penalty.

a. It shall be the duty of the Terre Haute Police Department to enforce this Article.

b. The City of Terre Haute, the Board of Public Works and Safety or any designated enforcement official may institute a suit for injunction in the circuit court to restrain an individual or business from violating the provisions of this Article.

c. If the City of Terre Haute or the Board of Public Works and Safety is successful in its suit, the respondent shall bear the cost of the action.

d. Each day of non-compliance with the provisions of this Division constitutes a separate and distinct ordinance violation. Judgment of up to Two Thousand Five Hundred Dollars ($2,500.00) per day may be entered for a violation of any provision of this Article. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

e. Permit fees collected and fines resulting from violations of this Section shall be deposited into the Terre Haute Police Department Drug Training, Prevention, & Education Non-Reverting Fund (See: Sec. 2-115) (Gen. Ord. No. 7, 2014; 12-11-14).

CHAPTER 5. PARKS, RECREATION & CEMETERIES

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CHAPTER 5

PARK, RECREATION AND CEMETERIES

ARTICLE 1. IN GENERAL.

Sec. 5-1 Authority To Operate.[86]

The City may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

Sec. 5-2 and Sec. 5-3 Reserved for Future Use.

ARTICLE 2. ADMINISTRATION.

Sec. 5-4 Department of Parks and Recreation.

a. Under the provisions of *I.C.* § 36-10-3-1 through *I.C.* § 36-10-3-39 as enacted in the Acts of the Indiana General Assembly of 1981, there is established and created a Department of Parks and Recreation of the City of Terre Haute, Indiana, composed of a Board of Parks and Recreation, a Superintendent, and other personnel that the Board determines. (Gen. Ord. No. 6, 1982, § 1, 6-10-82, *Journal of Common Council*, p. 210)

b. Sec. 2-47 of this *Terre Haute City Code* also addresses the Department of Parks and Recreation.

[86] *I.C.* § 36-10-2-2, authorizes cities to establish and maintain park facilities.

Sec. 5-5 Definitions.

As used in this Chapter:

City. The City of Terre Haute, Indiana.

Council. The Common Council of the City of Terre Haute, Indiana.

Board. The Terre Haute City Parks and Recreation Board.

Superintendent. The administrative head of the Department of Parks and Recreation of the City of Terre Haute, Indiana.

Department. The Department of Parks and Recreation of the City of Terre Haute, Indiana.

District. The area within the jurisdiction of a department. (Gen. Ord. No. 6, 1982, § 2, 6-10-82, *Journal of Common Council*, p. 211)

Sec. 5-6 Appointment of Park Board Members.

a. The Mayor of the City shall appoint the members of the Board. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party.

b. Neither the Mayor nor a member of the Vigo County Council, Vigo County Board of Commissioners or Common Council of the City of Terre Haute may serve on the Board. (Gen. Ord. No. 6, 1982, § 3, 6-10-82, *Journal of Common Council*, p. 211)

Sec. 5-7 Terms of Park Board Members.[87]

a. Initial appointments to the Board are as follows:

(1) One (1) member for a term of one (1) year.

(2) One (1) member for a term of two (2) years.

(3) One (1) member for a term of three (3) years.

(4) One (1) member for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

[87] *I.C.* § 36-10-4-1, *et seq*., addresses Board terms and appointment procedures.

b. The Mayor shall make initial appointments within ninety (90) days after the creation of the department.

c. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another four (4) year term.

d. In making initial appointments under Subsection a., the Mayor, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

e. If a vacancy on the Board occurs, the Mayor shall appoint a person to serve for the remainder of the unexpired term. (Gen. Ord. No. 6, 1982, § 4, 6-10-82, *Journal of Common Council,* pp. 211-212)

Sec. 5-8 Removal Procedures of Park Board Members.

A member of the Board may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the Mayor, unless the Mayor is bringing the charges. If the Mayor is bringing the charges, the Council shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Gen. Ord. No. 6, 1982, § 6, 6-10-82, *Journal of Common Council,* p. 212)

Sec. 5-9 Advisory Park Board Member.[88]

One member of the Vigo County Park and Recreation Board shall be permitted to sit as an advisory member of the Board. An advisory member shall have all of the privileges of membership except the right to vote. The Board shall select one of its members to sit as an advisory member of the Vigo County Park and Recreation Board. (Gen. Ord. No. 6, 1982, § 6, 6-10-82, *Journal of Common Council,* p. 212)

Sec. 5-10 Meetings and Quorum.[89]

a. All meetings of the Board are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

b. Special meetings of the Board may be called by the president or by any two (2) members by written request to the secretary. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting.

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[88] Editor's Note: At the time of the 1998 recodification, this position was vacant.

[89] Editor's Note: Regular Meetings of the Park Board are held on the 4th Tuesday of each month at 3:00 p.m. at the Torner Community Center in Deming Park.

c. At its first regular meeting each year the Board shall elect a president and a vice-president. The vice-president may act as president during the absence or disability of the president. The Board may select a secretary either from within or outside its membership.

d. A majority of the members constitute a quorum. Action of the Board is not official unless it is authorized by at least three (3) members present and acting, (Gen. Ord. No. 6, 1982, § 7, 6-10-82, *Journal of Common Council*, p. 212)

Sec. 5-11 Park Board Members' Salaries and Related Benefits.

a. The members of the Board shall receive a salary of Three Hundred Dollars ($300.00) per year.

b. If the Board determines that members or employees should attend a state, regional, or national conference dealing with park and recreation problems, it may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the Board's appropriation.

c. The City shall provide suitable quarters for holding meetings and conducting the work of the Board. (Gen. Ord. No. 6, 1982, § 8, 6-10-82, *Journal of Common Council*, p. 213)

Sec. 5-12 Powers and Duties of the Park Board.[90]

a. The Board shall:

(1) Exercise general supervision of and make rules for the department;

(2) Establish rules governing the use of the park and recreation facilities by the public;

(3) Provide police protection for its property and activities either by requesting assistance from state, municipal, or county police authorities, or by having specified, employees deputized as police officers, the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;

(4) Appoint the necessary administrative officers of the department and fix their duties;

(5) Establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;

(6) Make recommendations and an annual report to the Council concerning the operation of the Board and the status of park and recreation programs in the district;

[90] *I.C.* § 36-10-3-11 and *I.C.* § 36-10-3-14 address powers and duties of the Park Board.

(7) Prepare and submit an annual budget in the same manner as other executive departments of the City; and

(8) Appoint a member of the Board to serve on another kind of board or commission, whenever a statute allows a Park Board to do this.

b. The Board shall fix the compensation of officers and personnel appointed under Subsections a.(4) and a.(5), subject to *I.C.* § 36-4-7-5 and *I.C.* § 36-4-7-6. (Gen. Ord. No. 6, 1982, § 9, 6-10-82, *Journal of Common Council*, pp. 213-214)

Sec. 5-13 Leasing and Contractual Authority of Park Board.

a. The Board may:

(1) Enter into contracts and leases for facilities and services;

(2) Contract with persons for joint use of facilities for the operation of park and recreation programs and related services;

(3) Contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the Board for the use of park and recreation facilities or services;

(4) Acquire and dispose of real and personal property, either within or outside Indiana;

(5) Exercise the power of eminent domain under statutes available to municipalities;

(6) Sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the Board;

(7) Engage in self-supporting activities as prescribed by this Chapter;

(8) Contract for special and temporary services and for professional assistance;

(9) Delegate authority to perform ministerial acts in all cases except where final action of the Board is necessary;

(10) Prepare, publish, and distribute reports and other materials relating to activities authorized by this Section;

(11) Sue and be sued collectively by its legal name as the "City of Terre Haute Parks and Recreation Board" with service of process being had upon the president of the Board, but costs may not be taxed against the Board or its members in any action;

(12) Invoke any legal, equitable, or special remedy for the enforcement of a park or recreation ordinance, or the Board's own action taken under either; and

(13) Release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

b. The Board may also lease any buildings or grounds belonging to the City and located within a park to a person for a period not to exceed twenty-five (25) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, a bathhouse, skating facilities, dancing, rides, or amusement rides generally found in amusement parks. A lease may be made for more than one year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with *I.C.* § 5-3-1 (5-3-1-1 - 5-3-l-9) (Gen. Ord. No. 6, 1982, § 10, 6-10-82, *Journal of Common Council*, pp. 214-215)

Sec. 5-14 Park Board Sale Procedures.

The Board may sell, or order sold through a designated representative, by public or private sale, any personal property that the Board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of Five Thousand Dollars ($5,000.00) or less. Whenever the Board decides to sell at a private sale the Board must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in the manner provided in *I.C.* § 5-3-1 (5-3-1 - 5-3-1-9):

a. The fact that a private sale will be held;

b. The location of the sale;

c. The dates of the beginning and end of the sale;

d. The time of day during which the sale will take place;

e. The kind of items to be sold at the sale; and

f. The price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the Board decides to sell at a public sale, the Board shall conduct the sale in the manner provided by law for the City. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, p. 215)

Sec. 5-15 Superintendent of Parks and Recreation.[91]

a. The Board may appoint a superintendent of parks and recreation. If a superintendent of parks and recreation is appointed, he shall be appointed under *I.C.* § 36-4-9-2 without considering political affiliation.

b. If there is more than one superintendent of any park or recreation department involved at the time this ordinance is adopted the Board may appoint only one (1) superintendent for the new department.

c. The superintendent must:

(1) Be qualified by training or experience in the field of parks and recreation; or

(2) Have a certification or an advanced degree in the field of parks and recreation.

d. An incumbent performing park and recreation functions in a supervisory capacity at the time a City adopts this ordinance is eligible for appointment as superintendent or as an assistant, but he must have the required training, experience, or certification. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council*, pp. 315-216)

Sec. 5-16 Duties of the Superintendent.[92]

Under the direction of the Board, the Superintendent shall:

a. Propose annually a plan for the operation of the department;

b. Administer the plan as approved by the Board;

c. Supervise the general administration of the department;

d. Keep the records of the department and preserve all papers and documents of the department;

e. Recommend persons for appointment as assistants if the Board determines there is a need;

f. Appoint the employees of the department, subject to the approval of the Board, according to the standards and qualifications fixed by the Board and without regard to political affiliation;

g. Prepare and present to the Board an annual report; and

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[91] *I.C.* § 36-10-3-13, addresses the Board appointment of a Park Superintendent.

[92] *I.C.* § 36-10-3-14, addresses Park Superintendent duties.

h. Perform other duties that the Board directs. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council,* p. 216)

Sec. 5-17 Park Superintendent Assistants.

a. If the Board determines that the size of the department's operation requires assistants for the superintendent, the Board may appoint, upon the recommendation of the superintendent, one or more assistants. The Board shall determine their qualifications on a basis similar to that prescribed for the superintendent.

b. Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent. (Gen. Ord. No. 6, 1982, 6-10-82, *Journal of Common Council,* p. 216)

Sec. 5-18 Bond Requirements.

a. Each officer and employee who handles money in the performance of his duties as prescribed by this Chapter shall execute an official bond for the term of his office or employment before entering upon the duties of his office or employment. If his tenure is indeterminate, then the bond must be for a term of one (1) year and renewed each year as the employment continues.

b. All bonds must be individual surety company public official bonds conditioned on the faithful performance of duties. The penal amounts of the bonds shall be fixed by the Council of the City and approved by the Mayor.

c. All bonds shall be filed and recorded in the office of the county recorder in which the department is located. (Gen. Ord. No. 6, 1982, § 15, 6-10-82, *Journal of Common Council,* p. 217)

Sec. 5-19 Advisory Council of Special Committees.

a. The Board may create an advisory council and special committees composed of citizens interested in parks and recreation.

b. In selecting an advisory council or special committees, the Board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the Board shall specify the terms of its members and the purposes for which it is created.

c. The advisory council or a special committee shall:

(1) Study the subjects and problems specified by the Board and recommend to the Board additional problems in need of study;

(2) Advise the Board concerning these subjects, particularly as they relate to different areas and groups in the community; and

(3) Upon the invitation of the Board, sit with and participate in the deliberations of the Board, but without the right to vote.

d. The advisory council or a special committee shall report only to the Board and shall make inquiries and reports only in those areas specified by the Board's resolution creating the council or committee. (Gen. Ord. No. 6, 1982, § 16, 6-10-82, *Journal of Common Council,* p. 217)

Sec. 5-20 Board Policies on Gifts and Donations.

a. The Board may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the Board may not be made without its approval.

b. A gift or grant of money shall be deposited in Fund #204 in the Park and Recreation General Fund to be available for expenditure by the Board for purposes specified by the grantor. The disbursing officer of the City may draw warrants against the fund only upon vouchers signed by the president and secretary. (Gen. Ord. No. 6, 1982, § 17, 6-10-82, *Journal of Common Council,* p. 217; amended by Gen. Ord. No. 20, 2006, 1-11-07)

Sec. 5-21 Special Taxing District.[93]

a. The territory within the boundaries of the City comprises a special taxing district for the purpose of levying special benefit taxes for park and recreational purposes as provided in Sec. 5-22 of this Chapter.

b. The Common Council of the City shall determine and provide the revenues necessary for the operation of the department or for capital expenditures not covered by the issuance of bonds by:

(1) A specific levy to be used exclusively for these purposes;

(2) A special appropriation; or

(3) Both of these methods. (Gen. Ord. No. 6, 1982, § 18, 6-10-82, *Journal of Common Council,* p. 218)

Sec. 5-22 Authority To Establish Special Nonreverting Capital Funds.

a. Upon the request of the Board, the Council of the City shall establish, by ordinance, a special nonreverting capital fund for the purposes of acquiring land or making

[93] *I.C.* § 36-10-3-19, addresses special taxing districts.

specific capital improvements. The Council may include in the Board's annual budget an item and an appropriation for these specific purposes.

b. Money placed in the nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the Council repeals the ordinance. The Council may not repeal the ordinance under suspension of the rules. (Gen. Ord. No. 6, 1982, § 19, 6-10-82, *Journal of Common Council*, p. 218)

Sec. 5-23 Authority To Establish a Cumulative Building Fund.[94]

a. The Board may establish a cumulative building fund to provide money for:

(1) Building, remodeling, and repair of park and recreation facilities; or

(2) Purchase of land for park and recreation purposes. Before a fund may be established, the proposed action must be approved by the State Board of Tax Commissioners.

b. If the Board decides to establish a cumulative building fund, it shall give notice and hold a public hearing for the taxpayers affected before the proposed action is presented to the State Board of Tax Commissioners for approval. Notice of the proposal and of the public hearing must be given by publication in accordance with *I.C.* § 5-3-1.

c. If, after the public hearing, the proposed action is submitted for approval to the State Board of Tax Commissioners, the State Board of Tax Commissioners shall require notice of that submission to be given to the taxpayers of the City by the publication in accordance with *I.C.* § 5-3-1. If thirty (30) or more taxpayers of the City file a petition with the County Auditor not later than thirty (30) days after the publication, setting forth their objections to the proposed fund, the county auditor shall immediately certify the petition to the State Board of Tax Commissioners.

d. Whether or not a petition of objection is received, the State Board of Tax Commissioners shall, within a reasonable time, fix a date for a hearing on the proposal to establish a fund. The hearing shall be held in the affected City. Notice of the hearing shall be given to the county auditor, who shall publish it in accordance with *I.C.* § 5-3-1. If a petition of objection was filed, notice shall also be given to the first ten (10) taxpayers whose names appear upon the petition by a letter signed by the secretary or any member of the Board and sent by mail with full prepaid postage to the auditor and to those taxpayers at their usual place of residence at least five (5) days before the date fixed for the hearing. After the hearing upon the proposal, the State Board of Tax Commissioners shall certify their approval, disapproval, or modification of the proposal to the County Auditor. The action of the State Board of Tax Commissioners with respect to the proposed levy is final and conclusive.

e. To provide for the cumulative building fund, the City Council may levy a tax not to exceed Five Cents (5¢) on each One Hundred Dollars ($100.00) of assessed valuation of

[94] *I.C.* § 36-10-3-21, addresses Cumulative Building Funds.

taxable property within the City. The tax may be levied annually beginning with the first annual tax levy after approval by the State Board of Tax Commissioners and may continue for a period not exceeding ten (10) years. The tax shall be advertised annually as are other tax levies. After the levy has been approved, the Council may reduce or rescind the annual levy.

f. Before August 2 of a year a petition for reduction or revision of the levy may be filed with the County Auditor by at least fifty (50) taxpayers of the City that sets forth their objection to the levy. The petition shall be certified to the State Board of Tax Commissioners, with notice and hearing given as prescribed by Subsection d. After the hearing the State Board of Tax Commissioners may reduce or rescind the levy, and this action is final and conclusive.

g. The tax shall be collected and held in a special fund known as the City's Park and Recreation Cumulative Building Fund. The Fund may not be expended for a purpose other than the purpose for which it was levied. Expenditures may be made from the Fund only after an appropriation has been made in the manner provided by statute for making other appropriations. (Gen. Ord. No. 6, 1982, § 20, 6-10-82, *Journal of Common Council*, pp. 218-219)

Sec. 5-24 Authority To Charge Fees.[95]

a. Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the Board may charge a reasonable fee.

b. Money procured from fees or received from the sale of surplus property under Sec. 5-14 shall be deposited at least once each month with the City Controller. The City Controller shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund, as directed by the Board. However, if neither fund has been established, money received from the sale of surplus property under Sec. 5-14 of this Chapter shall be deposited in the City's general fund. In addition, money in the form of fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may be deposited in the special nonreverting operating fund. (Gen. Ord. No. 16, 2006, 12-14-06)

c. The City Council may provide by ordinance that expenditures be made from the special nonreverting operating fund without appropriation. Money from either fund may be disbursed only on approved claims allowed and signed by the president and secretary of the Board. (Gen. Ord. No. 6, 1982, § 21, 6-10-82, *Journal of Common Council*, p. 220)

Sec. 5-25 Acquisition and Improvement Policies.

a. This Section applies only to:

(1) The acquisition of real property; or

[95] *I.C.* § 36-10-3-22, addresses fees for activity.

(2) A work of improvement that will be financed by the issuance of bonds.

b. If the Board decides to:

(1) Acquire land for any of the purposes in this Chapter, either by purchase or by appropriation, and in conjunction with the acquisition to proceed with a work of improvement authorized by this Chapter;

(2) Acquire real property without proceeding at the time with a work of improvement; or

(3) Proceed with a work of improvement where the real property has been already secured; it shall adopt a resolution stating the purpose, describing the land to be acquired, the manner of acquisition, and, in the case of an appropriation, the other land that may be injuriously affected, or describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

c. If a work of improvement is provided for in the resolution, the Board shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The Board shall have notice of the resolution and its contents published in accordance with *I.C.* § 5-3-1. The notice must state a date on which the Board will receive or hear remonstrances from persons interested in or affected by the proceedings and on which it will determine the public utility and benefit.

d. Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with *I.C.* § 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the Board by the original notice by publication.

e. In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one or more lots or parcels and whether it is owned by one or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost.

f. The Board may, at any time before the adoption of the resolutions:

(1) Obtain from the owner or owners of the land an option for its purchase; or

(2) Enter into a contract for its purchase upon the terms and conditions that the Board considers best. The option or contract is subject to the final action of the Board confirming,

modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this Chapter.

g. If the Board decides to acquire any lots or parcels of land by purchase, the Board shall appoint three (3) qualified appraisers to appraise its value. The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. They shall then view the land, determine the true market value of it at that time, and report the appraisal in writing. The report shall be filed with and becomes a part of the record of the proceeding.

h. The Board may not take an option on the land or enter into a contract to purchase it at a higher price than the value named in the report. The title to land to be acquired under the resolution, whether by purchase or appropriation, does not vest until the land is paid for out of the special fund established by the sale of bonds as provided in this ordinance. Any indebtedness or obligation of any kind incurred by the Board due to the acquisition of land or to construction work shall be paid out of the funds under the control of the Board and is not an indebtedness or obligation of the City.

i. At the time fixed for the hearing, or at any time before the hearing, an owner of land to be appropriated under the resolution or injuriously affected or a person owning real or personal property located in the district may file a written remonstrance with the secretary of the Board.

j. At the hearing, which may be adjourned from time to time, the Board shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering the evidence, the Board shall take final action determining the public utility and benefit of the proposed project by confirming, modifying, or rescinding the resolution. The final action shall be recorded and is final and conclusive upon all persons. (Gen. Ord. No. 6, 1982, § 22, 6-10-82, *Journal of Common Council*, pp. 220-223)

Sec. 5-26 Bonding Procedures.

a. In order to raise money to pay for land to be acquired for any of the purposes named in this Chapter, to pay for an improvement authorized by *I.C.* § 36-10-3-24, or both, and in anticipation of the special benefit tax to be levied as provided in this Section, the Board shall cause to be issued, in the name of City, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and/or the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one resolution or proceeding of the Board under Section of this Chapter is confirmed whereby different parcels of land are to be acquired, or more than

one contract for work is let by the Board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

b. The bonds may be issued in any denomination not less than One Thousand Dollars ($1,000.00) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the Board shall certify a copy of the resolution to the City Controller. The City Controller shall prepare the bonds and the Mayor shall execute them, attested by the City Controller.

c. The bonds and the interest on them are exempt from taxation as prescribed by *I.C.* § 6-8-5-1. Bonds issued under this Section are subject to the provisions of *I.C.* § 5-1 (5 -1-1-1 - 5-1-14-2) and *I.C.* § 6-1.1-20 (6-1.1-20-1-6-1.1-20-9) relating to the filing of a petition requesting the issuance of bonds, the right of taxpayers to remonstrate against the issuance of bonds, the appropriation of the proceeds of the bonds and approval by the State Board of Tax Commissioners, and the sale of bonds at public sale for not less than their par value.

d. The Board may not have bonds of the district issued under this Section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total assessed valuation of the property in the district. All bonds or obligations issued in violation of this Subsection are void. The bonds are not obligations or indebtedness of the City, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this Section. The bonds must recite the terms upon their face, together with the purposes for which they are issued. (Gen. Ord. No. 6, 1982, § 23, 6-10-82, *Journal of Common Council,* pp. 223-224)

Sec. 5-27 Notice Requirements.

a. Before bonds may be issued under Sec. 5-26 of this Chapter, the Board shall give notice of a public hearing to disclose the purposes for which the bond issue is proposed, the amount of the proposed issue, and all other pertinent data.

b. The Board shall have published in accordance with *I.C.* § 5-3-1 a notice of the time, place, and purposes of the hearing.

c. After the public hearing and before additional proceedings on the bond issues, the Board must obtain an ordinance approving the bond issue from the City Council. (Gen. Ord. No. 6, 1982, § 24, 6-10-82, *Journal of Common Council,* p. 224)

Sec. 5-28 Separate Bond Fund.

All proceeds from the sale of bonds issued under Sec. 5-26 of this Chapter, shall be kept in a separate fund. The fund shall be used to pay for land and other property acquired and for the

construction of a work under the resolution, including all costs and expenses incurred in connection with the project. The fund may not be used for any other purpose. The fund shall be deposited as provided in this Section. A surplus remaining from the proceeds of the bonds after all costs and expenses are paid shall be paid into and becomes a part of the Park District Bond Fund. (Gen. Ord. No. 6, 1982, § 25, 6-10-82, *Journal of Common Council*, pp. 224-225)

Sec. 5-29 Special Tax Levy.

a. In order to raise money to pay all bonds issued under Sec. 5-26, the Board shall levy annually a special tax upon all of the real and personal property located in the district sufficient to pay the principal of the bonds as they mature, including accrued interest. The Board shall have the tax to be levied each year certified to the auditor of the county in which the district is located at the time for certification of tax levies. The tax shall be collected and enforced by the county treasurer in the same manner as other taxes are collected and enforced.

b. As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the Park District Bond Fund. The tax shall be applied to the payment of the district bonds and interest as they mature and may not be used for another purpose. (Gen. Ord. No. 6, 1982, § 26, 6-10-82, *Journal of Common Council*, p. 225)

Sec. 5-30 Special Circumstances - Bonds.

If a Board is discontinued under *I.C.* § 36-10-3-3, the primary obligation on its bond is not affected, and the City assumes liability for the payment of the bonds according to their terms. (Gen. Ord. No. 6, 1982, § 27, 6-10-82, *Journal of Common Council*, p. 225)

Sec. 5-31 Joint Department of Parks and Recreation. [96]

a. Two (2) or more units may create a joint department of parks and recreation.

b. Only a unit that has by ordinance created a department under this Section is eligible to participate in the creation of a joint department.

c. The boards of the units that desire to create a joint department must agree upon the use of facilities, personnel, the distribution and raising of financial support, and other matters. The agreement may provide:

(1) For a joint district and joint board to supersede the separate districts and boards; or

(2) That the separate districts and boards be maintained.

[96] *I.C.* § 36-10-3-29. addresses joint Department of Parks and Recreation.

After the agreement has been reached, the fiscal body of each unit must adopt an ordinance approving the terms of the agreement before the agreement becomes final. The ordinances may not be passed under suspension of the rules.

d. Failure of one (1) of the units to adopt the ordinance within ninety (90) days after the agreement has been reached voids the arrangement for all parties. However, the remaining parties may proceed with a new agreement.

e. Amendments to an agreement may be made by adoption of an ordinance by the fiscal body of each unit. (Gen. Ord. No. 6, 1982, § 28, 6-10-82, *Journal of Common Council*, pp. 225-226)

Sec. 5-32 Powers of Joint Board if Established.

a. A joint Board shall be organized and shall function in the same manner as a separate Board. The joint Board consists of all the members of the separate Boards. Two-thirds (2/3) of the members constitute a quorum, and official action must be authorized by two-thirds (2/3) of the members. The joint Board has all of the powers and duties of a separate Board under this ordinance, including the authority to issue bonds of the joint district.

b. The joint Board may create an executive committee composed of an equal number of members from each participating unit. The executive committee has all of the authority and limitations of the joint Board, except that official action by the executive committee must be authorized by each member of the committee. In addition, an executive committee member may demand that an issue be submitted to the joint Board. (Gen. Ord. No. 6, 1982, § 29, 6-10-82, *Journal of Common Council*, p. 226)

Sec. 5-33 Budgets and Appropriations.

a. The joint Board shall determine its total budget request. The members of each participating unit shall present to their fiscal body the total budget and shall state the amount chargeable to their unit by the terms of the agreement and ordinance. If their fiscal body does not appropriate an amount sufficient to meet the unit's proportionate share, the joint Board may:

(1) Reduce the expenditures attributable to that unit; or

(2) Treat the reduced appropriation as a repudiation of the agreement and terminate the relationship according to Sec. 5-34 of this Chapter.

b. Money appropriated by the participating units shall be deposited in a joint park and recreation board fund in the custody of the fiscal officer of the participating unit making the largest appropriation to the fund. Money may be withdrawn from the fund only upon vouchers signed by the president and secretary of the joint Board. (Gen. Ord. No. 6, 1982, § 29, 6-10-82, *Journal of Common Council*, pp. 226- 227)

Sec. 5-34 Withdrawal Procedures.

a. A participating unit may withdraw from a joint department at the end of a fiscal year by repealing its adopting ordinance and filing a copy of the repealing ordinance with the other participating units.

b. The joint Board may by resolution terminate the participation of a unit when the unit does not contribute its proportion of the total budget agreed upon in the original agreement and ordinance. The termination occurs at the end of the fiscal year in which the joint Board makes its finding.

c. At the conclusion of the fiscal year in which a withdrawal or termination occurs, the joint Board shall equitably distribute to participating units all money remaining in the fund.

d. A withdrawal does not alter the obligation of the units and the joint Board to continue to levy and collect special benefit taxes to provide debt service on all outstanding bonds of the joint district.

e. If a unit has appropriated money for payment to a joint Board that has been discontinued, the money shall be placed in the fund of the Board of that unit. If the separate Board no longer exists, the money shall be deposited in the general fund of the unit. (Gen. Ord. No. 6, 1982, § 31, 6-10-82, *Journal of Common Council,* p. 227)

Sec. 5-35 Park Services to Unincorporated Areas.

a. A request to a municipality to extend park and recreation service to the unincorporated area of a township in which the municipality is located or in a township adjacent to the township in which the municipality is located may be made by twenty-five (25) persons who reside in that area or township, unless the area is already located within another park district.

b. The request must be made by petition to the Board of the municipality and must:

(1) State the reasons for the need of service;

(2) Specify the unincorporated area or township to be served; and

(3) Include the signatures and addresses of the petitioners. (Gen. Ord. No. 6, 1982, § 32, 6-10-82, *Journal of Common Council,* p. 228)

Sec. 5-36 Public Hearings.

a. The Board shall fix a date for a public hearing on each petition filed under Sec. 5-33 of this Chapter. The Board shall publish in accordance with *I.C.* § 5-3-1 (5-3-1-1 - 5-3-1-9) a notice of time, place, and purpose of the hearing. The cost of the notice shall be paid by the petitioners.

b. After the public hearing has been held, the Board may by resolution approve the petition and recommend an ordinance accomplishing its objectives to the municipal Council. The secretary or a member of the Board shall present the petition and ordinance to the Council at its first meeting after approval of the petition. However, if the Board rejects the petition, it may not be presented to the Council.

c. If the Board involved is a joint Board, the petition must also be approved by the members from the municipality involved, and then the petition and ordinance shall be presented to the Council of the municipality involved. (Gen. Ord. No. 6, 1982, § 33, 6-10-82, *Journal of Common Council,* p. 228)

Sec. 5-37 Special Election Procedures.

a. If the Council approves the petition and adopts the ordinance presented under Sec. 5-36 of this Chapter, the ordinance takes effect.

b. After the adoption of the ordinance, the Council shall fix a date for a special election to be held not later than ninety (90) days after adoption. The election shall be held in the area described in the petition. General election statutes apply to the special election. Any person who is qualified to vote at a primary, general, or municipal election and who lives in the affected area may vote in the election.

c. The Council shall give public notice of the special election by publication in accordance with *I.C.* § 5-3-1 (5-3-1-1 - 5-3-1-9). The notice must state the time, place, and purpose of the election.

d. The ballot must be in substantially the following form:

***YES* -** for the extension of park and recreation services.

***NO* -** against the extension of park and recreation services.

e. Officers and personnel charged with the conduct of a general election in the area requesting extended services are in charge of the special election.

f. The Council shall appropriate a sum sufficient to defray the cost of the ballots and to pay the expense of the election at the rates prescribed by general election statutes. The appropriation may be from the general fund or by transfer from the operating budget of the department. (Gen. Ord. No. 6, 1982, § 34, 6-10-82, *Journal of Common Council,* pp. 228-229)

Sec. 5-38 Extension of Park and Recreation Services.

a. If a majority of those voting in a special election vote under Sec. 5-37 of this Chapter for the extension of park and recreation services, then at the beginning of the next fiscal year the area becomes part of the district of the department.

b. At the time the area becomes part of the district, the circuit judge of the county shall appoint a member from the area to the Board. The member shall be appointed with the qualifications and for the same term as other members and has the same powers and duties. If the petition of more than one area is approved, the circuit judge shall make the selection of members so as to maintain the bipartisan character of the Board as far as possible. As each additional member is appointed, the quorum of the Board is increased by one (1).

c. The Board has the same powers and duties to provide park and recreation service to the area as it has for the municipality and this Section applies as fully to the area to which service is extended as it applies to a municipality. However, the Board need not provide service to the area before revenues from the area are available. (Gen. Ord. No. 6, 1982, § 34, 6-10-82, *Journal of Common Council*, pp. 228-229)

Sec. 5-39 Certification of Rate.

a. After a favorable special election under Sec. 5-37 of this Chapter, all property in the area to which service is extended is subject to the same levy for park and recreational purposes as other property within the district. After determining the levy for park and recreational purposes, the Council shall certify the rate to be applied to the area in the same manner as all other municipal levies are certified. In reviewing the park and recreation levy, all reviewing authorities shall treat the levy on the district property as a single levy so that the ultimate rate of tax for park and recreation purposes on all property in the district is identical.

b. The authority of the Board to issue bonds under Sections 5-22 through 5-27 of this Chapter includes all property in the area to which service is extended, but bonds may not be issued upon property in the area to which service is extended that do not obligate other property in the district to the same degree. After determining the levy for the Park District Bond Fund, the Board shall certify the rate to be applied to the area in the same manner as the rate to be applied to property in the municipality. (Gen. Ord. No. 6, 1982, § 36, 6-10-82, *Journal of Common Council*, p. 230)

Sec. 5-40 through Sec. 5-49 Reserved for Future Use.

ARTICLE 3. PROMOTION PROCEDURES.[97]

Sec. 5-50 Promoting the City.

The Terre Haute Parks and Recreation Department, by and through its Common Council, is authorized to budget and appropriate funds from the Parks and Recreation Department General Fund to pay the expenses of or to reimburse city officials for expenses incurred in promoting the best interest of the City of Terre Haute. (Gen. Ord. No. 5, 1984, § 1, 7-12-84)

Sec. 5-51 Role of Park Superintendent.

[97] Ord. No. 5 passed on July 12, 1984 was made retroactive to 9-1-82.

Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, and other expenses of a civic nature deemed by the Terre Haute Parks and Recreation Department Superintendent to be in the interest of the City of Terre Haute. (Gen. Ord. No. 5, 1984, § 2, 7-12-84)

Sec. 5-52 Through Sec. 5-54 Reserved for Future Use.

ARTICLE 4. PARK FACILITIES.

Sec. 5-55 Memorial Park.

a. There is established and laid out a public park from and out of the following lands located within the corporate limits of the City:

All that territory lying between North Third Street of said City on the west, and North Sixth Street of said City on the east, and between Seventh Avenue on the south and Eighth Avenue on the north, except that portion of North Fourth Street in said City, which lies within the territory above described. (Special Ord. No. 114, 1907, § 1, 6-12-07, *Journal of Common Council,* p. 477)

b. This park shall be named and known as Memorial Park. (Special Ord. No. 114, 1907, § 2, 6-12-07, *Journal of Common Council,* p. 477)

Sec. 5-56 Dobbs Park and Nature Center.

Dobbs Park is located on East Poplar Street, 1/4 mile west of the intersection of State Roads 46 and 42. It contains 105 acres of natural area with a 1.5 acre lake.

Sec. 5-57 Fairbanks Park.

On the banks of the Wabash River, Fairbanks Park lies near downtown Terre Haute. There are 107 acres in the Park. The Chauncey Rose Memorial, a part of the original Terre Haute Post Office, and Paul Dresser's "On the Banks of the Wabash" home are located in the park.

Sec. 5-58 Collett Park.

On Terre Haute's north side, Collett Park is located between Maple Avenue, 7th Street and 9th Street. The City's oldest park has 21.1 acres. The entire park was included in the National Registry of Historical Places in 1983.

See. 5-59 Deming Park.

Deming Park, located on the east side of the City, is 177 acres of rolling hills, mature trees and two (2) stocked ponds.

Sec. 5-60 Rea Park Golf Course.

Rea Park, located on the south edge of Terre Haute contains the oldest city-owned golf course.

Sec. 5-61 Hulman Links Golf Course.

Hulman Links is the newest golf course owned by the City Park System. It is located on the far east side of Terre Haute, between U.S. 40 and State Road 46. The course was developed with monies donated by the Anton Hulman Family and contains 230 acres.

Sec. 5-62 Neighborhood Parks.

The City operates eight (8) Neighborhood Parks, namely:

Brittlebank Park located at 20th & Grant Street

Curtis Gilbert Park located at 14th & Wabash

City Park located at 16th & Barbour

Herz-Rose Park located at 15th & Locust

Sheridan Park located at 28th & Beech Street

Spencer F. Ball Park located at 15th & 8th Avenue

Thompson Park located at 17th & Oak Street

Voorhees Park located at Voorhees & State Road 63.

Sec. 5-63 Block Parks.

The City operates eight (8) Block Parks, namely:

12 Point Park

Anaconda located at 14th & Elizabeth

Boy Scout located at Lafayette & Barbour Avenues

Dresser located on U.S. 40

West Graham located at 1400 South 17th Street

John M. Hanley, Jr. Memorial Park located at Hulman & First Streets

Oakley located at College & 8th Streets

Vi Cottrell Park located at Lafayette Avenue & First Avenue.

Sec. 5-64 Nature Centers, Museums, and Recreation Centers.

a. The City operates the following Nature Centers and Museums:

Dobbs Nature Center located at State Roads 42 and 46.

Native American Museum located at Dobbs Park at State Roads 42 & 46.

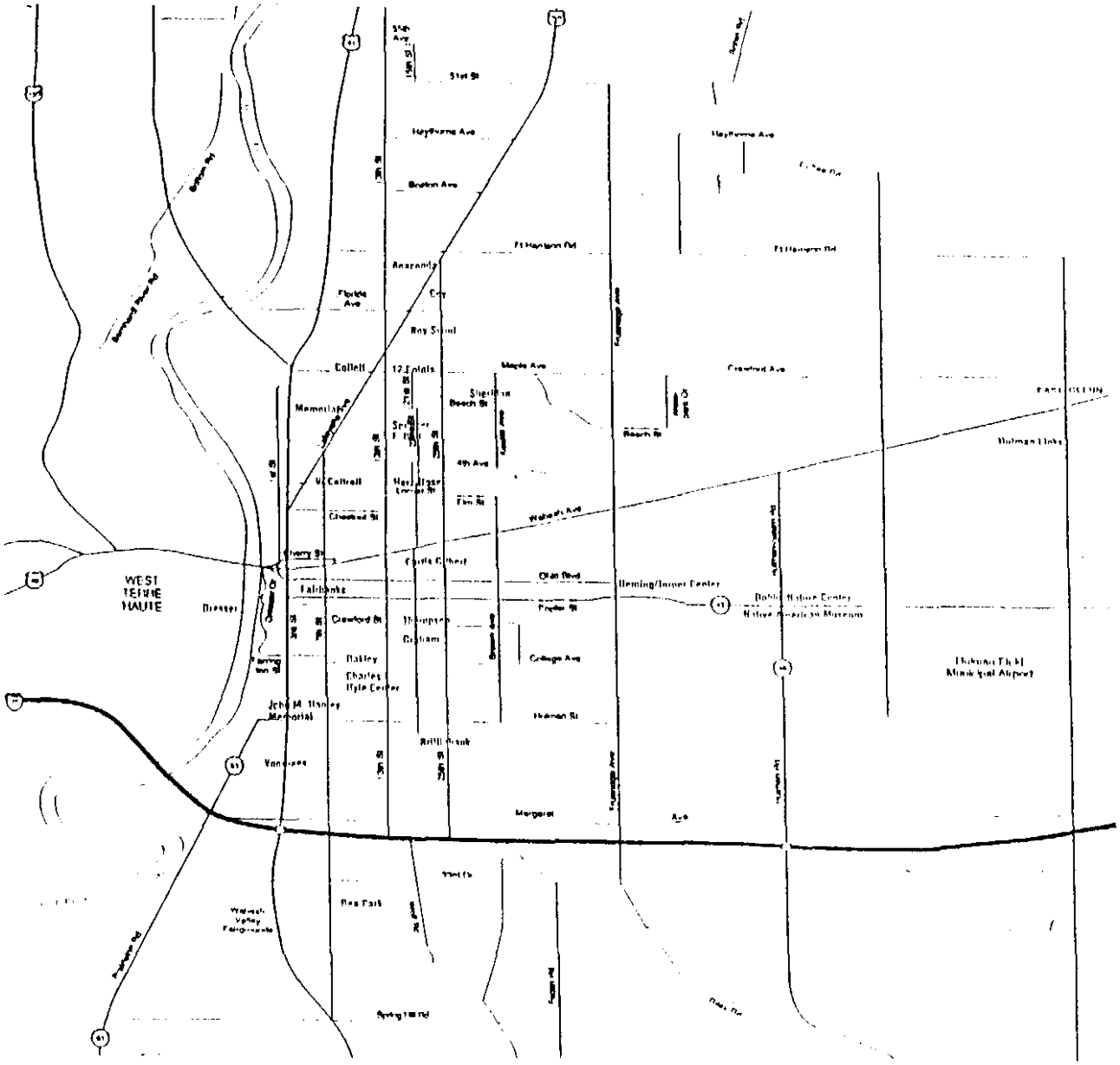
b. The City operates the following Recreation Centers:

Hyte Center located at 13th & College

Torner Center located in Deming Park.

Sec. 5-65 City Parks Map.

The map on the following page sets forth the locations of the various parks located in the City of Terre Haute, Indiana.



Sec. 5-66 through Sec. 5-69 Reserved for Future Use.

ARTICLE 5. PARK RULES AND REGULATIONS.

Sec. 5-70 Disorderly Conduct in Parks.

No person shall purposely annoy another, or speak or shout in a loud tone, or utter any profane, threatening, abusive or indecent language, or be guilty of any immoral or indecent conduct or action, or canvass for or solicit any subscription or purchase, or play any game of chance, or be under the influence of any intoxicating liquor in any public park, public parkway or public boulevard of the City. *(1989 Terre Haute Municipal Code,* § 917.01)

Sec. 5-71 Public Meetings, Speeches Prohibited Without Permission.

No person shall publicly hold any meeting or preach, pray or make any speech of any sort in any public park, public parkway or public boulevard of the City or play any music therein, except upon written permission of the Board of Park Commissioners. *(1989 Terre Haute Municipal Code,* § 917.02)

Sec. 5-72 Property Damage; Use of Firearms; Alcohol Prohibited - Exceptions.

No person shall break, injure or damage any tree, shrub, plant or flower, or break, pull off or remove any flower, or damage in any way any building, structure or fixture, article or thing connected with or in any public park, public parkway or public boulevard of the City, or have or bring therein any firearm, fireworks, intoxicating liquor or any instrument of or for gambling of any kind or nature whatever except that upon proper resolution of the Terre Haute Parks and Recreation Board with the following exceptions:

a. Alcoholic beverage may be sold and consumed at the Hulman Links Clubhouse; and (Gen. Ord. No. 5, 2002, 3-14-02)

b. Alcoholic beverages may be served and used at William S. Rea Golf Course when the golf course is not open for daily play; is reserved for use for a private golf outing; and the sponsor of the golf outing complies with the rules and policies established by resolution of the Terre Haute Parks and Recreation Board. The rules and policies of the Terre Haute Parks and Recreation Board shall include, but not be limited to, requirements for obtaining and providing evidence of compliance with alcoholic beverage commission permit requirements; server licensure; insurance coverage; indemnification and hold harmless commitments and geographic restrictions on use; and, (Gen. Ord. No. 5, 2002, 3-14-02)

c. Alcoholic beverages may be served and used at Fairbanks Park by permit only. Permits may be granted by the Terre Haute Parks and Recreation Department to organizations which will be holding a special event at the park. The organization shall comply with the rules and policies established by resolution of the Terre Haute Parks and Recreation Board. The rules and policies of the Terre Haute Parks and Recreation Board shall include but not be limited to requirements for obtaining and providing evidence of compliance with alcoholic beverage commission permit requirements; server licensure; insurance coverage; indemnification; executing an agreement holding the City of Terre Haute, the Terre Haute Parks and Recreation Department, and the Terre Haute Parks and Recreation Board harmless in the event of damage to life or property; and agreeing to geographic restrictions on use. (Gen. Ord. No. 1, 2008,

Sec. 5-73 Littering Prohibited.

No person shall throw, place or allow to remain in any public park, public parkway or public boulevard of the City any box, paper, stale or broken food, food remnants, melon rinds or other waste or rubbish of any kind, or display for sale or for advertising purposes in any public park, public parkway or public boulevard of the City any goods, article, thing, placard, sign or

circular, except upon written permission from the Board of Park Commissioners. Any person violating any provision of this Article shall upon conviction thereof be fined in an amount not to exceed Three Hundred Dollars ($300.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 16, 2002, 8-8-02)

Sec. 5-74 Billposting Prohibited - Exceptions.

No person shall post or fix any bill, placard, notice or sign upon any tree, fence or other thing or structure in or around any public park, public parkway or public boulevard of the City. This shall not be held to forbid the posting of signs and notices by the Board of Park Commissioners or by its agents or employees under its authority and direction. *(1989 Terre Haute Municipal Code,* § 917.05)

Sec. 5-75 Vehicles Prohibited on Walks - Exceptions.

No horse, bicycle or other vehicle, except ordinary baby carriages and baby carts, shall be permitted on any footwalk, sidewalk, grass plat or grass in any public park, public parkway or public boulevard of the City. *(1989 Terre Haute Municipal Code,* § 917.06)

Sec. 5-76 Trespassing Prohibited.

No person, unless authorized to do so by the Board of Park Commissioners, shall enter any building or enclosure in any public park, public parkway or public boulevard of the City on which a notice of "no admittance" or similar sign is posted. *(1989 Terre Haute Municipal Code,* § 917.07)

Sec. 5-77 Walking in Certain Places Prohibited.

No person shall walk or be upon any plat laid out and appropriated for shrubbery or grass in any public park, public parkway or public boulevard of the City, when there shall have been placed thereon a sign or notice forbidding the same, except when authorized by the Board of Park Commissioners. *(1989 Terre Haute Municipal Code,* § 917.08)

Sec. 5-78 Picnics.

Picnics and picnicking in the public parks, public parkways and public boulevards of the City shall be held only on and in such places therein as the Board of Park Commissioners may designate. *(1989 Terre Haute Municipal Code,* § 917.09)

Sec. 5-79 Hitching Animals.

No person shall hitch any animal to any tree, seat or post in any public park, public parkway or public boulevard of the City, except such as are designated for that purpose by the Board of Park Commissioners. *(1989 Terre Haute Municipal Code,* § 917.10)

Sec. 5-80 Animals Prohibited in Parks - Exceptions.

No poultry or animal except those placed therein by authority of the Board of Park Commissioners, and excepting dogs accompanied by their owners or other person having charge thereof, and then only when controlled by a leash, and except horses and other animals used for riding or driving and which are then being used for such purposes, shall be permitted in any public park, public parkway or public boulevard of the City. (*1989 Terre Haute Municipal Code,* § 917.11)

Sec. 5-81 Impounding of Animals Running at Large.[98]

Pounds for impounding poultry and animals may be established by the Board of Park Commissioners in and at such places as to such Board may seem proper. Poultry or animals found running at large in any such public park, public parkway or public boulevard may be taken up and impounded by the Board. The owners, after paying all the expenses of impounding and keeping the same, may take them away. *(1989 Terre Haute Municipal Code,* § 917.12)

See. 5-82 Vehicular Speed Limits

No vehicle of any kind shall be driven or run on any drive, road or elsewhere in any public park or public parkway of the City at a greater speed than fifteen (15) miles per hour. *(1989 Terre Haute Municipal Code,* § 917.15)

Sec. 5-83 Hours for Park Operation.

The public parks and public parkways of the City shall be open to the use of the public from such date in the spring until such date in the fall of each year as the Terre Haute Parks and Recreation Board may fix and order. Said public parks and public parkways shall not be open earlier than 6:00 a.m. and shall be closed at dark each day, except for special permission for organized sports events and family gatherings. Such events shall be arranged through the Parks and Recreation Department of the City of Terre Haute, Indiana. Every person, except those in the employ of the Board, shall leave said public parks and public parkways by not later than the closing of the park at dark each day. For purposes of this Section, dark is defined to include the time period beginning sixty (60) minutes after sunset. (Gen. Ord. No. 12, 1993, § 917.16, 11-10-93)

Sec. 5-84 Board of Park Commissioners To Enforce.

The Board of Park Commissioners may make and enforce such orders, rules and regulations for the conduct of their business and the conduct of their appointees and employees, and generally for the management and control of the public parks, public parkways and public boulevards of the City, as in the judgment and discretion of such Board may be necessary and proper. (*1989 Terre Haute Municipal Code,* § 917.17)

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[98] *I.C.* § 36-10-3-1. *et seq.*, addresses animals at large.

Sec. 5-85 Animals Prohibited on Playground Equipment.

No person shall allow or permit an animal owned by them or under the control or supervision of said person to touch, climb, defecate on, urinate on, or in any manner come in contact with playground equipment located in any public park. (Gen. Ord. No. 9, 1982, 11-11-82; *1989 Terre Haute Municipal Code*, § 917.24)

Sec. 5-86 Heavy Vehicles Prohibited on Roadways - Exceptions.

No truck weighing more than one (1) ton (except for delivery purposes) shall be permitted on any roadway within the City parks of the City of Terre Haute, Indiana. (*1989 Terre Haute Municipal Code*, § 917.25)

Sec. 5-87 Penalty.

Unless otherwise provided, any person violating any provisions of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of public facilities. Any person violating any of the provisions of this Article shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 16, 1997, 12-11-97)

Sec. 5-88 through Sec. 5-99 Reserved for Future Use.

ARTICLE 6. CEMETERIES.[99]

Sec. 5-100 Board of Cemetery Regents.[100]

a. The Board of Cemetery Regents operates Highland Lawn and Woodlawn Cemeteries.

b. The Board of Cemetery Regents has four (4) members and the Mayor as an Ex-officio member. (Organizational meeting of the Board of Cemetery Regents, 1-26-43)

Sec. 5-101 General Cemetery Rules.

a. The proper burial certificate required by the state and municipal authorities must be delivered at the office before any interment is made or any body is placed in any vault, crypt or grave.

b. The speed limit within the cemeteries is ten (10) miles per hour.

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[99] *I.C.* § 23-10-2-1, *et seq*., address cemeteries.

[100] Editor's Note: The Board of Cemetery Regents was established on February 1, 1943, under the laws of the State of Indiana, Chapter 84 of the 1933 Acts of the General Assembly.

c. Anyone caught parking on the lawn will be issued a citation and subject to a Twenty Five Dollar ($25.00) fine. (Gen. Ord. No. 10, 1999, 12-9-99)

d. The cemetery gates will open at 7:30 a.m. and close at sunset, with Woodlawn Cemetery being an exception to this provision.

e. All persons are prohibited from plucking flowers, whether wild or cultivated.

f. Children under ten (10) years of age must be accompanied by parents or guardian, who will be held responsible for their conduct while on the grounds.

g. Writing upon or otherwise defacing any mausoleum, monument, marker or memorial structure of any kind will be prosecuted.

h. All persons are prohibited from discharging firearms in the cemetery, except in case of military funerals, or by special permission of the Superintendent.

i. Dogs will not be allowed on the cemetery grounds.

j. Fishing and hunting will not be allowed at any time.

k. All persons are urged not to place artificial flowers on graves during the summer months, as the Cemetery cannot be responsible should they be stolen, removed or damaged in any way.

l. Any persons found littering or dumping trash will be prosecuted.

m. Fences or enclosures will not be allowed on any lot or part of lot.

n. Unfilled vases and urns and unpainted and rusty chairs and settees will not be allowed to remain on lots after May 1st of each year, but will be removed from the lot and held subject to the order of the lot owner for one (1) month, after which all responsibility of the cemetery ceases and disposal will be made as the management deems best.

o. Floral designs or other decorations will be removed from lots or graves as soon as the flowers become wilted or unsightly, and persons wishing to retain the same must remove them within forty-eight (48) hours after the funeral. Floral grave blankets will not be allowed on graves at any time. No glass containers of any kind are allowed. (1993 Board of Cemetery Regents Rules & Regulations)

Sec. 5-102 Cemetery Lots - Purchases, Deeds, and Regulations.

a. As prices of graves and lots in different sections of the cemeteries vary, the management only will be able to quote prices in the different sections.

b. Lots and single graves may be purchased on contract. However, no title to or interest in said lot or any burial rights therein shall become effective until full payment of the purchase price has been received.

c. If any of said installments be not paid when due, then the Board of Cemetery Regents of the City of Terre Haute, Indiana, shall have the right after thirty (30) days notice to the purchaser, to take possession of said lot.

d. All deeds when executed shall grant the grantee the right to use said lot for the interment of himself, his family, relations and decedents.

e. Lots owners will not be permitted to transfer their right to the unused portion of said lot except by a written permit. The original grantees or heirs have the right to transfer the lot or any part of the lot for burial purposes.

f. Proper transfer forms can be secured at the Office of the Board of Cemetery Regents. Such permits must be notarized and signed by the Superintendent or Assistant Superintendent. (1993 Board of Cemetery Regents Rules & Regulations).

Sec. 5-103 Other Cemetery Regulations Incorporated by Reference.

All other rules and regulations of the Board of Cemetery Regents governing the operations of the city-owned cemeteries of Highland Lawn and Woodlawn Cemeteries are incorporated by reference with copies on file in the Office of the Board of Cemetery Regents, 4520 Wabash Avenue, Terre Haute, Indiana, and are available for public inspection during regular business hours.

Sec. 5-104 Penalty..

Unless otherwise provided, any person violating any provisions of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of public facilities. Any person violating any of the provisions of this Article shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 16, 1997, 12-11-97)

Sec. 5-105 through Sec. 5-109 Reserved for Future Use.

ARTICLE 7. RULES AND REGULATIONS FOR TRAILS SYSTEM.

Sec. 5-110 Rules and Regulations for Trails System.

a. The following rules and regulations shall be effective for individuals using the City of Terre Haute, Indiana, Park and Recreation Department's Trail System and will be posted along the trails:

(1) **Hours of Operation.** Trails shall be open to the use of the public during daylight hours only, except for special permission for organized events arranged through the City of Terre Haute, Parks and Recreation Board. Every person, except those in the employ of the Parks and Recreation Department, shall leave said Trails no later than the closing of the Trails at dark each day. For purposes of this Section, dark is defined to include the time periods beginning sixty (60) minutes after sunset, and sixty (60) minutes prior to sunrise. Trails of the City shall not be used during hazardous weather conditions including, but not limited to, snow, ice, sleet, extreme heat. The Parks and Recreation Board has the right to close sections or entire trails at their discretion.

(2) **Acceptable Uses of Trails System.** Use of any trails of the City shall be for the purpose of recreation and leisure including, but not limited to, walking, jogging, bicycling, skating, skateboarding and cross country skiing.

(3) **Trespassing.** No person shall leave a trail and trespass on private property. All persons using the trail shall respect the rights of trail neighbors and stay on the trails. Access to the trails shall be at street intersections or designated public access points only.

(4) **Disorderly Conduct on Trails.** No person shall purposely annoy another, or speak or shout in a loud tone, or utter any profane, threatening, abusive, or indecent language, or engage in any immoral or indecent conduct or action, including but not limited to fighting or un-permitted touching, canvass for or solicit any subscription or purchase, or play any game of chance, or be under the influence of any intoxicating liquor or other controlled substance on any Trail.

(5) **Property Damage; Use of Firearms; Alcohol Prohibited.** No person shall break, injure or damage any tree, shrub, plant or flower, or break, or pull off or remove any flower, or damage in any way, including but not limited to graffiti, any building, structure or fixture, article or thing connected with or on any trail of the City, or have or bring therein any firearm, fireworks, intoxicating liquor, controlled substance or any instrument of or for gambling of any kind or nature whatever, except upon proper resolution of the Terre Haute Parks and Recreation Board.

(6) **Littering Prohibited.** No person shall throw, place or allow to remain on any trail of the City any box, paper, food remnants, or other waste or rubbish of any kind, or display for sale or for advertising purposes on any trail of the City any goods, article, thing, placard, sign or circular, except upon written permission from the Parks and Recreation Board.

(7) **Billposting Prohibited-Exceptions.** No person shall post or affix any bill, placard, notice or sign upon any tree, fence, or other thing or structure on any trail of the City of Terre Haute. This shall not prohibit the posting of signs and notices by the Parks and Recreation Board or by its agents or employees under its authority or direction.

(8) **Animals Prohibited –Exceptions.** No animal shall be permitted on any trail of the City of Terre Haute, except those placed thereon by the authority of the Parks and Recreation Board, and excepting dogs accompanied by their owners or other persons having charge thereof

who are physically capable of restraining the dog, and then only controlled by a leash no longer than six (6) feet in length. Pet waste must be removed from the trail and properly disposed.

(9) **Public Meetings, Speeches, Events Prohibited Without Permission.** No person shall publicly hold any meeting or event or preach, pray or make a speech of any sort on any trail of the City or play music thereon, except upon written permission of the Parks and Recreation Board.

(10) **Vehicles Prohibited on Trails-Exception.** It is unlawful for any person, except duly authorized security, law enforcement, fire, paramedic and emergency medical personnel and Park Department supervisory and maintenance personnel acting within the scope of their official duties, to operate a motorized vehicle on the trails of the City. For purposes of this Section, motorized vehicles defined includes, but is not limited to, automobiles, trucks, recreational vehicles, motorcycles, motorbikes, snowmobiles, go-carts, off-road vehicles, golf carts and mopeds. (Gen. Ord. No. 31, 2002, 1-9-03)

(11) **Sales of Products and Services-Exception.** No person, organization, business shall provide any article, product, service or entertainment for sale on any trail of the City, or offer the same to any person while such person is on any trail of the City, except with written permission of the Parks and Recreation Board.

(12) **Trail Etiquette and Safety.** To promote safety on the trails of the City the following rules of etiquette must be observed: (a) travel in the right lane, pass on the left, (b) yield the right-of-way of pedestrians, (c) use appropriate warnings or signals when passing others (d) move off the paved portion when stopping, and (e) when using bicycles, skates or skateboards, maintain control and travel at speeds that are appropriate for current conditions. Trail users shall stop at all cross traffic intersections and obey signage. It is recommended bicyclists, skate and skateboard users wear proper safety equipment while on any trail of the City. Children under 12 years of age must be accompanied by an adult while using any trail of the City. No person shall have or bring therein any glass bottle or container.

(13) **Obstacles.** No person or persons shall assemble, create, construct, or erect any obstacles including, but not limited to, ramps or jumps, or groups of people blocking passage along trails.

(14) **Use of the Trails is at Your Own Risk.** Trails of the City of Terre Haute are unsupervised. Use of the trails of the City of Terre Haute could result in injury, including death, and/or property damage. The City of Terre Haute does not assume any responsibility for injuries or property damage.

b. Violation of any rule or regulation herein shall be an ordinance violation.

c. Penalties.

(1) Violation of any of the rules and regulations provided herein, except the use of motorized vehicles, shall be an ordinance violation which shall subject the violator to a fine of not more than Three Hundred Dollars ($300.00) for each violation.

(2) The use of motorized vehicles on any trail of the City shall be an ordinance violation which shall subject the violator to a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation.

c. Enforcement. This Section may be enforced by the issuance of a citation by the Terre Haute Police Department or the Terre Haute Building Inspector's Office. (Gen. Ord. No. 24, 2002, 11-14-02)

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Sec. 6-200 Topping Trees.
Sec. 6-201 Interference with City Forester.
Sec. 6-202 Protection of Trees.
Sec. 6-203 Avoiding Injury by Utility Pipes and Wires.
Sec. 6-204 Illegally Planted Trees.
Sec. 6-205 Violation Notification; Stop Work Order.
Sec. 6-206 Emergencies.
Sec. 6-207 Penalties.
Sec. 6-208 through Sec. 6-214 Reserved for Future Use.

ARTICLE 14. EMERGENCY DISASTER PLANS.

Sec. 6-215 Local Emergencies.
Sec. 6-216 through Sec. 6-224 Reserved for Future Use.

ARTICLE 15. MASSAGE THERAPY PRACTICES AND MASSAGE ESTABLISHMENTS.

Sec. 6-225 Definitions.
Sec. 6-226 Permit Requirements.
Sec. 6-227 Operator's Application for Massage Establishment Permit.
Sec. 6-228 Application for Massage Establishment Employee/Independent Contractor Permit.
Sec. 6-229 Rejection of Application.
Sec. 6-230 Fees.
Sec. 6-231 Renewal.
Sec. 6-232 Compliance Requirements for Facilities.
Sec. 6-233 Inspection Required.
Sec. 6-234 Operation.
Sec. 6-235 Revocation or Suspension of Permit.
Sec. 6-236 Display of Permit.
Sec. 6-237 Enforcement and Penalties.

Sec. 6-238 and Sec. 6-239 Reserved for Future Use.

ARTICLE 16. LIMITS ON THE SALE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE.

Sec. 6-240 Definitions.
Sec. 6-241 Limitations on the Sale or Purchase of Ephedrine Products.
Sec. 6-242 Penalty.

ARTICLE 17. HAZARDOUS MATERIAL INCIDENT COST RECOVERY.

Sec. 6-245 Hazardous Material Cost Recovery.
Sec. 6-246 Authority.
Sec. 6-247 Intent and Purpose.
Sec. 6-248 Rules of Construction.
Sec. 6-249 Definitions.
Sec. 6-250 Hazardous Materials Incidents – Liability for Costs.
Sec. 6-251 Service Charges Billed to Responsible Party.
Sec. 6-252 Collection and Disbursement of Funds for Cost Recovery.
Sec. 6-253 Allowable Expenditures from Fund.
Sec. 6-254 Supervision.
Sec. 6-255 Conflict with Other Laws.

Page 6-8 Reserved for Future Use.

CHAPTER 6

PUBLIC HEALTH & SAFETY

ARTICLE 1. GENERAL PROVISIONS.

Sec. 6-1 City's Authority To Regulate.[101]

The City may regulate the conduct, or use or possession of property which might endanger the public health, safety, or welfare of its citizens.

Sec. 6-2 Authority To Regulate Air and Sound.[102]

The City may regulate the introduction of any substance or odor into the air, or any generation of sound.

Sec. 6-3 Authority To Regulate Public Gatherings.[103]

The City may regulate public gatherings, such as shows, demonstrations, fairs, conventions, sporting events, and exhibitions.

Sec. 6-4 Authority To Establish Police and Law Enforcement Systems.[104]

The City may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.

Sec. 6-5 Authority to Establish Firefighter and Fire Prevention System.[105]

The City may establish, maintain, and operate a fire fighting and fire prevention system and may provide facilities and equipment for that system.

Sec. 6-6 Offenses Against Public Health, Order, and Decency.[106]

a. All offenses against public health, order, or decency not addressed by this *Code* shall be governed by applicable state statute.

b. Except as specifically set forth herein, any violation of any provision of this Chapter shall be subject to the penalties provided by Sec. 1-11 of *Terre Haute City Code.*

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[101] *I.C.* § 36-8-2-4, authorizes the regulation of conduct and property for reasons of public health, safety and welfare.

[102] *I.C.* § 36-8-2-8, authorizes the regulation of air and sound.

[103] *I.C.* § 36-8-2-9, authorizes the regulation of public gatherings.

[104] *I.C.* § 36-8-2-2, sets forth the authority to establish a police and law enforcement system.

[105] *I.C.* § 36-8-2-3, sets forth the authority to establish a fire fighting system.

[106] *I.C.* § 35-45-1-1, *et seq*., address such offenses.

Sec. 6-7 through Sec. 6-10 Reserved for Future Use.

ARTICLE 2. POLICE DEPARTMENT.[107]

Division I. In General.

Sec. 6-11 Police Department.[108]

As addressed in Sec. 2-48 of this *Terre Haute City Code*, the Police Department is an Executive Department of the City.

Sec. 6-12 through Sec. 6-14 Reserved for Future Use.

Division II. Police Merit Plan.

Sec. 6-15 Merit Plan Incorporated by Reference.

The designated provisions of the higher statute designated *I.C.* § 19-1-29.5-1 through § 19-1-29.5-29, which is the present Merit System for the Terre Haute Police Department, are hereby amended as attached hereto as Exhibit "A," a twelve (12) page document, pursuant to *I.C.* § 19-1-29.5-25, as incorporated hereto, it is hereby stipulated that all active employees of the Terre Haute Police Department age sixty five (65) or older, on or before December 31, 2015, shall remain eligible for employment until age seventy (70). Additionally, all individuals actively employed by the Terre Haute Police Department on or before December 31, 2015, who have not or will not complete his or her thirty second (32nd) year of service by the age of sixty five (65), shall continue to be eligible for employment, on the basis of his or her age, to complete thirty two (32) total years of employment. Any subsequent amendment of Title 19 will require a referendum of the active membership of the Terre Haute Police Department. Said referendum will require a majority vote of the active membership of the police department in favor of any proposed further amendment prior to final action by City Council (Gen. Ord. No. 14, 2015 As Amended, 12-10-15).

[107] *I.C.* § 36-8-3-1, *et seq.*, address safety boards in second and third class cities.

[108] *I.C.* § 36-8-4-1, *et seq.*, address police and fire employment policies in cities.

Exhibit "A"

I.C. 19-1-29.5 ET SEQ. (TITLE 19)
AS AMENDED PURSUANT TO GENERAL ORDINANCE

Amended Provisions are in Italics

Title 19 Code Provision	**Amendment**
I.C. 19-1-29.5-2 (*Terre Haute Rev. 2015)*	**Civil Service Commission – Membership – Qualifications – Selection – Terms.** Within thirty (30) days after this chapter (19-1-29.5-1 - 19-1-25.5-29) becomes effective (July 1, 1972), a civil service commission for the police department shall be appointed, as hereinafter provide, in such cities of the second class. The civil service commission for the police department, hereinafter referred to as the commission shall consist of three (3) members. The members shall be resident voters of the city and persons of good moral character, and shall be known and designated as the civilian members of said commission. The civilian members of the commission shall serve for a term of three (3) years and until their successors shall have been appointed and qualified: Provided, however, That in the first instance, one (1) of the civilian members of the commission shall be appointed for a term of one (1) year by the mayor; one (1) of such civilian members shall be appointed for a term of two (2) years by the common council; one of such civilian members shall be appointed for a term of three (3) years upon nomination by the active membership of the police department and he shall be appointed by the mayor of the city after nominated. In the event any official or body fails to name his/*her* or its appointment or nominee within the time provided herein, such appointment of nomination to the commission shall be made by the circuit judge of the county involved. The appointment by the common council shall be the person receiving the highest number of votes of the councilmen present and voting at the meeting when the appointment . . . .
I.C. 19-1-29.5-3 (*Terre Haute Rev. 2015)*	**Procedure for selection of Commission Member by Members of Police Department.** The Nomination to be made by the membership of the police department shall be made at a meeting specifically called for the purpose by the board of public works and safety, hereinafter referred to in this chapter (19.1-29.5.1 – 19-1-29.5-29) as the board. The board shall give at least one (1) week's notice of said meeting to all active members of the police

time, place and purpose of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he is an active member of the police department. Active members who are unable to attend any such meeting may vote by written proxy: Provided, That no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one (1) absent member. An active member of the police department shall be selected to act as *chairperson* of the meeting. Voting shall be by secret ballot; and the person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the police department.

I.C. 19-1-29.5-4
(*Terre Haute*
Rev. 2015)

I.C. 19-1-29.5-4 Commission Members - Oath of Office - Compensation.

(a) Each commissioner must have been a legal resident of the unit (City of Terre Haute, Indiana) for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The legislative body may, upon the recommendation of the Board of Public Works, determine a per diem to be paid to each commissioner for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit (City of Terre Haute, Indiana).

(b) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the Board of Public Works.

I.C. 19-1-29.5-5
(*Terre Haute*
Rev. 2015)

Commission Members – Vacancies – Removal – Quorum. Civilian membership vacancies, for any cause, shall be filed by appointment in the same manner as the appointment of any member of the commission. The *Board of Public Works* may remove any member of the commission at any time for malfeasance, nonfeasance, removal from such city, or inability to serve, which removal shall be under the same rules of procedures that apply to removal of members of the police department of such city. Two (2) civilian members of the commission shall constitute a quorum for the transaction of business.

I.C. 19-1-29.5-6
(*Terre Haute*
Rev. 2015)

Meetings – Majority Vote Required – Officers – Records of Proceedings. The commission shall establish rules for the government of the commission and included in said rules shall be the time and place for the holding of regular monthly meetings and such special meetings throughout the year as may be deemed necessary for it to transact the business of the commission. A lawful transaction of the business of the commission requires a majority vote of the civilian members. Each year the commission shall select, from its civilian members, a president, a vice-president and a secretary. The commission shall make and keep a permanent record of its proceedings.

I.C. 19-1-29.5-7
(*Terre Haute*
Rev. 2015)

Rules and Regulations – Police Appointments – Promotions – Demotions – Ratings for Promotion – Examinations – Performance Ratings – Review. Such commission shall be authorized and directed to prepare, adopt, promulgate, supervise and enforce, rules and regulations as follows:

(1) To govern the selection, appointment, reappointment and reinstatement of persons to be employed as members of the police department.

(2) To govern promotions and demotions of members of the police department. Such rules and regulations shall provide that the following three (3) factors shall be the basic considerations of rating a member of the police department for the purpose of promotion: the grade received by a member on a written competitive examination; the past performance record of a member as a member of the police department; the rights acquired by the length of service or tenure; Provide, that the grade received on the written competitive examination shall be considered as fifty percent (50%) of the rating; the past performance record shall be considered as forty percent (40%) of the rating; the seniority rights based on the number of years of service as a member of the police department at the rate of one-half of one percent (1/2%) for each year of service shall be considered as ten percent (10%) of the rating; Provided further that the name or any means of identification of any member taking the competitive or qualifying examination under the provision of this chapter (19-1-29.51 – 19-1-29.5-29) shall be withheld and made unavailable to the person or persons who grade such examinations and all written competitive examinations shall be treated and field as confidential; provided further, that said examination papers shall be made a part of the permanent file of the individual officer taking the examination and they shall be retained in the chief's office or police

headquarters and shall be maintained under the supervision of the chief of police and the individual officer shall have access to this file to examine same at any time. The chief of the police department shall notify each member, in writing, of the grade which such member received on the examination. Such rules and regulations shall further provide that is any member is aggrieved with the grade received on the written competitive examination he shall have the right to appeal in writing to the commission for a review of the grade within then (10) days after the notice of the grade has been sent to him, and the commission, after reviewing the grade and examination papers, shall have the authority to affirm the grade or to correct the grade according to the findings of the review.

(3) To prescribe the manner of determining a rating for the past performance; provided, that such rules and regulations shall contain a provision requiring that performance rating shall be made every sic (6) months for each member of the police department by a superior office, as designated by the commission, which ratings shall be submitted to the chief of the police department and kept on file in his/*her* office or in police headquarters under *his/her* supervision. The chief of the police department shall notify each member, in writing, of the rating which such member received. Such rules and regulations shall further provide that if any member is aggrieved with the performance rating given to him by his/*her* superior office he shall have the right to appeal to the commission for a review of the rating within then (10 days after the notice of the rating has been sent to him; and the commission, after reviewing the rating, shall have the authority to affirm eth rating or to correct the same.

I.C. 19-1-29.5-8
(*Terre Haute Rev. 2015)*

Promotion Probation period – Evaluation – Review – Appeal. All promotions provided for herein shall be probationary for the first year. At the end of such year, the superior officer shall review the performance of the probationary officer and recommend to the commission whether the promotion shall be made permanent, whether the probationary period should be extended for an additional period not to exceed six (6) months, or whether the promotion should be revoked. The commission shall prepare an appropriate rating chart for the superior officer's use in making his/*her* report. The commission shall review the report and make its determination as to the disposition to be made. The probationary officer may appear before the commission and be heard on any matter detrimental to him in the superior officer's report. He shall have the right to be represented by counsel. Any action of the commission, other than the making of the promotion permanent may be appealed to the circuit or superior court of the county. In the event the promotion is finally revoked the officer shall not be returned to a rank

lower than he held prior to the time of the probationary promotion. The commission shall prepare and publish appeal procedures to be followed for appeals to the commission from the report of the superior officer. Appeals to a court shall be de novo and the appellant may submit new and additional evidence.

I.C. 19-1-29.5-9
(*Terre Haute Rev. 2015)*

Initial Promotions made from any rank – Exceptions. Initially, upon the effective date (July 1, 1972) of this chapter, the promotion to any rank, except that of chief of police, and assistant chief of police, shall be open to any member of the department who has passed the competitive examination: Provided, That any such member shall have had two (2) years of service in the department at the time of promotion to the ranks of detective or corporal; five (5) years service at the time of promotion to sergeant; seven (7) years service at the time of promotion to the rank of lieutenant; nine (9) years service at the time of promotion to the rank of captain; and twelve (12) years service at the time of promotion to the rank of inspector.

I.C. 19-1-29.5-10
(*Terre Haute Rev. 2015)*

Promotion from next immediate lower rank – Time-in-service requirements for rank – Acting rank – Rules and Regulations furnished to *Police Officers*. Thereafter, all promotions to any rank shall be from the next immediate lower rank and Provided that the person to be promoted shall have qualified in time of service required by this chapter (19-1-29.5-1 – 19-1-29.5-20): Provided, further, that rank of detective and corporal shall be considered as equal rank, but shall not be considered as a required rank before taking a written competitive test for the rank of sergeant; that to be qualified in time of service herein, a member of the police department shall have been a patrolman for a minimum of two (2) years before he shall be eligible for the rank of detective or corporal; that a patrolman, detective or corporal shall have been a member of the police department for a period of not less than five (5) years before he shall be eligible for the rank of sergeant; that a sergeant shall been a member of the police department for a period of not less than seven (7) years before he shall be eligible for the rank of lieutenant; that a lieutenant shall be been a member of the police department for a period of not less than nine (9) years before he shall be eligible for the rank of captain; and that a captain shall have been a member of the police department for a period of not less than twelve (12) years before he shall be eligible for the rank of inspector. Provided, further, that no acting rank shall exceed ninety (90) days; except where an acting rank is created to fill a vacancy because of the illness or military leave of an officer who holds permanent rank or by a vacancy in rank which must be held open because of appointment from such rank to the rank of chief or assistant chief of police.

In any event any acting rank shall be filled from the existing eligibility list for such rank to be filled.

Such rules and regulations shall be printed and a copy of said rules and regulations shall be furnished each member of said police department. Any amendments to these rules and regulations shall be printed and furnished to all members of said police department.

I.C. 19-1-29.5-11
(*Terre Haute Rev. 2015)*

Promotional Schools – Grading of Graduates – Eligibility Lists – Schools held Biennially. There shall be a promotional school conducted by the commission and written competitive examinations given for the purpose of filling any existing vacancies in the ranks that may occur from time to time. Any member of said police department shall have the right to attend such promotional school: Provided, however, that only those members who are qualified in rank and length of service as by this chapter (19.1-29.5-1 – 19.1-29.5-29) shall be given a written final examination covering topics taught in the school and placed on the eligibility list by the grade received.

The eligibility list shall be maintained for a period of two (2) years, at which time there shall be another promotional school, for the purpose of establishing a new eligibility list, conducted by the commission, and a promotional school conducted by the commission every two (2) years thereafter.

I.C. 19-1-29.5-12
(*Terre Haute Rev. 2015)*

Outside Instructors – Materials – Equipment. The commission may employ instructors who are not members of the police department of such city and the commission is authorized to purchase materials and equipment and allow other necessary expenditures for the purpose of instructing applicants and members of the police department.

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I.C. 19-1-29.5-13
(*Terre Haute Rev. 2015)*

I.C. 19-1-29.5-13 Authority for Appointment or Removal of Police Officers - Removal of Chief or Assistant Chief – Rank of Chief and Assistant After Term.

The commission shall have the power and authority to appoint or remove any member of the police department, but the mayor of such city shall have the sole power of appointing and removing any member of the department as chief of police and assistant chief of

police of the department in accordance with the law pertaining to such cities: Provided that an applicant for appointment as police chief or assistant chief must have at least five (5) years of continuous service with the police department of that city immediately before the appointment, and remain compliant with applicable age requirements for employment, and that the removal of any member of the police department as chief or assistant chief of said department shall be deemed as removal from rank only, and not from the police department: Provided further, That the office of superintendent of police and the office of chief of police shall be considered as one and the same office. Provided further, That upon expiration of the term of any chief of police and assistant chief of police department in any city, such person shall be appointed by the commission to the rank in the police department which he held at the time of his appointment as chief or assistant chief of the department, Provided, That in the event (of) the chief or assistant chief of the department during his/her tenure of office has qualified in accordance with the promotional procedure as prescribed by the commission in its rules and regulations for any rank in the police department which is higher than the rank which he held at the time of his/her appointment as chief or assistant chief of the department, he shall, upon expiration of his/her term as chief, be appointed by the commission to the rank for which he has qualified under the promotion procedure.

I.C. 19-1-29.5-14
(*Terre Haute Rev. 2015*)

I.C. 19-1-29.5-14 Qualifications of Applicants.

(a) To be appointed to the department, an applicant must be:

(1) a citizen of the United States;

(2) a high school graduate or equivalent; and

(3) at least twenty-one (21) years of age, but under thirty-six (36) years of age.

Provided, That the age requirement shall not apply to those members of the police department who have been previously employed in said department.

I.C. 19-1-29.5-15
(*Terre Haute Rev. 2015)*

Convicted Felon Ineligible. An applicant for an appointment, reappointment or reinstatement shall be ineligible if he has been found guilty of a felony in any court without the same having been reversed by a court of appeals.

I.C. 19-1-29.5-16
(*Terre Haute*
Rev. 2015)

Applications – Filing – Evidence of Birth – Eligibility for Pension Fund Required.
All applications for an appointment, reappointment or reinstatement to such department are required to be filed with the commission and accompanying said application shall be a duly authenticated birth certificate of the applicant, or the applicant shall produce satisfactory evidence of the date and place of his/*her* birth. The applicant is further required to file with said application a certificate from a physician appointed by the board of trustees of the police pension fund for such city, certifying that the applicant is eligible for pension benefits.

I.C. 19-1-29.5-17
(*Terre Haute*
Rev. 2015)

Preliminary Physical Examination Required.

All applicants for appointment, reappointment or reinstatement to the police department shall be required to pass a preliminary examination for the purpose of determining their physical condition and general aptitude for service as a police officer. This preliminary examination shall be conducted in the manner and form as may be provided in the rules and regulations adopted by the commission. The examination to determine the physical condition (agility) of a candidate shall not discriminate on the basis of sex. Upon the conclusion of such preliminary examination, the results thereof shall be reduced to writing and filed of record with the commission. If the commission shall find from such preliminary examination that the applicant does not possess the qualifications which in the opinion of the commission fit the applicant for appointment, reappointment, or reinstatement, the applicant shall be rejected by the commission.

I.C. 19-1-29.5-18
(*Terre Haute*
Rev. 2015)

I.C. 19-1-29.5-18 regarding Policemen's Schools is stricken in its entirety.

I.C. 19-1-29.5-19
(*Terre Haute*
Rev. 2015)

Grading for Appointment, Reappointment or Reinstatement.

The applicants shall then be rated on the selection criteria and testing

methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the applicants, including the establishment or a passing score. The commission shall place the name of applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.

I.C. 19-1-29.5-20
(*Terre Haute Rev. 2015)*

Duration of Eligible List – Eligible Age Limit.

If an applicant for original appointment reaches his thirty-sixth birthday, his/her name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an applicant.

I.C. 19-1-29.5-21
(*Terre Haute Rev. 2015)*

Vacancies Filled from eligible List – Physical Condition - Character. Whenever a vacancy occurs in the police department, the commission upon written request of the chief of such department, shall appoint the person having the highest grade on the eligible list of that particular department to fill such vacancy; the person appointed shall be enrolled as a member of such police department: Provided, however, that before such person is enrolled as a member of such department he shall be required to pass such physical examination as may now or hereafter be required by law or required by pension fund law, and he must still be of good character.

I.C. 19-1-29.5-22
(*Terre Haute Rev. 2015)*

Initial Probationary Period.

All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify him/her in writing that he/she is being reprimanded, that he/she is being suspended, or that he/she will not receive a permanent appointment. If a member is notified that he/she will not receive a permanent appointment, his/her employment immediately ceases. Otherwise, at the expiration of the probationary period the member is considered regularly employed.

I.C. 19-1-29.5-23
(*Terre Haute*

Rev. 2015)

Solicitation of Favor for Appointment Renders Applicant Ineligible. Any applicant who personally or through any other person solicits any member of the commission to favor his/*her* appointment or reinstatement to such force, shall be thereby rendered ineligible for all time to any such appointment to the police department.

I.C. 19-1-29.5-24
(*Terre Haute*
Rev. 2015)

19-1-29.5-24. Dismissals, Suspensions and Punishments.

Dismissals, suspensions for more than ten (10) days and punishments of members of the police department shall be by the commission and shall be for the causes, except as herein otherwise provided, and under the same rules of procedure including the right of appeal as are now or may hereafter be provided by laws pertaining to a municipality of the size of the City of Terre Haute, including I.C. 36-8-3.5-17.

I.C. 19-1-29.5-25
(*Terre Haute*
Rev. 2015)

Retirement Age. Upon arriving at the age of sixty-five (65), it shall be mandatory for a member of the police department to retire from said department, Providing, however, that any member of the police department that is of the age of sixty-five (65) or over at the time of the taking effect of this chapter (July 1, 1972) shall be permitted to serve to end of the calendar year.

I.C. 19-1-29.5-26
(*Terre Haute*
Rev. 2015)

19-1-29.5-26. Reprimands and Suspensions by Chief - Notice to Commission - Dismissals, Suspensions, and Punishments by Commission.

The Chief of Police may impose reprimands and suspensions from duty without pay for a period not exceeding ten (10) days. If such action is taken by the Chief of Police, such Chief shall within forty-eight (48) hours thereafter notify the Commission in writing of such action. An officer which is the subject of a suspension from duty without pay for a period not exceeding ten (10) days may request an appeal of such suspension by the Commission, which request must be in compliance with all requirements of the Manual of Rules of the Terre Haute Police Department Merit Commission. A decision to consider a requested appeal of a suspension without pay for a period not exceeding ten (10) days is purely discretionary by the Commission. All other dismissals,

suspensions and punishments greater than a suspension without pay exceeding ten (10) days shall be for cause in accordance with the provisions of this chapter, as amended.

I.C. 19-1-29.5-27
(*Terre Haute Rev. 2015)*

Reduction in Force – Temporary Leave without pay – Reinstatement – Physical Examination. If, after the taking effect of this chapter (July 1, 1972) and for reasons of economy, it shall be deemed necessary by the common council or the board of any such city, to reduce the number of police officers of the police department, then such reduction shall be made by granting temporary leave of absence without pay or financial obligation to such city, to the last person or persons, including probationers, that have been appointed to such department in numerical order, commencing with the last person appointed and continuing in such order until desired reduction is effected. In the event that the department affected by such reduction shall again be increased in number, the members of such department, who have been granted such leave of absence without pay, under the terms of this section, shall be reinstated before any person on the eligible list is appointed to such department. Said reinstatements shall commence with the last person granted a leave without pay: Provided, however, that such former member, who shall have been granted leave of absence as in this section provided, shall be reinstated upon passing only a physical examination, satisfactory to the commission and the trustees of the pension fund of such department, anything in this chapter to the contrary notwithstanding.

I.C. 19-1-29.5-28
(*Terre Haute Rev. 2015)*

Existing Members and Rank Retained Temporarily – Examinations to Determine Permanent Rank. All persons who are members of any police department of any such city of the second class at the time of the effective date (July 1, 1972) of this chapter shall hold their respective ranks temporarily. The commission members shall, within a reasonable time not to exceed six (6) months after their appointment, hold open competitive examinations for all members of the police department for the purpose of determining whether or not the person so examined shall either retain his/*her* rank, be reduced in rank, or advanced in rank.

I.C. 19-1-29.5-29
(*Terre Haute Rev. 2015)*

Funds for Necessary Commission Expenses. From the time such cities of second class commence operating under the provisions of this chapter (19-1-29.5-1 – 19-1-29.5-29) to the end of the current fiscal year, there shall be

paid out of the general fund of such cities, on claims properly filed, all the necessary expenses of said commission, including salaries and operating costs.

Sec. 6-16 through Sec. 6-19 Reserved for Future Use.

Division III. Powers and Duties of the Police Department.

Sec. 6-20 Role of the Board of Public Works and Safety.

a. The Police Department is under the jurisdiction of the Board of Public Works and Safety as addressed in Sec. 2-29 of this *Terre Haute City Code.*

b. The Merit Commission shall have jurisdiction on such issues as discipline, demotion, and dismissal of the Police Department matters pursuant to *I.C.* § 36-8-3-4.

Sec. 6-21 Powers and Duties of Police Officers.

a. Sworn members of the Terre Haute Police Department shall have the powers and duties set forth in *I.C.* § 36-8-3-6 and *I.C.* § 36-8-3-10, *et seq.*

b. Sworn members shall conduct themselves pursuant to the Department's Duty Manual and all General and Special Orders issued by the Chief of Police.

Sec. 6-22 Police Reserve Unit.

There is hereby created a police reserve unit which shall be known and designated as the Police Reserve Unit of the City of Terre Haute and hereinafter referred to as "the Unit."

a. The Unit shall consist of no more than twenty percent (20%) of the number of budgeted officers, each of whom shall be subject to the same physical, mental, age and residential requirements as members of the regularly constituted police department of the said City.

b. Members of the Unit shall be appointed by the Police Merit Commission for the City of Terre Haute (Board) and shall serve at the pleasure of that Board. Any reserve police officer may at any time, with or without cause and with or without a hearing, be discharged by the Board.

c. To the extent that funds for the following are appropriated, members of the Unit may receive a uniform allowance, receive compensation for time lost from other employment because of court appearances, and be insured for life, accident and sickness coverage. This shall not imply any duty by the City to appropriate any funds for the above.

d. The members of the Unit, upon the completion of required training and maintenance of qualifications required for all members of the regularly constituted police department, shall have the same police powers as members of the regularly constituted police department of the City; provided however, that the members of the Unit shall have such powers only when on duty pursuant to the call of the Chief of Police. The call may be either by arrangement of normal duty hours which may be assigned by the Chief of Police or by the activation of the Unit or any member thereof by the Chief of Police in an emergency.

e. The Chief of Police shall determine the program for training members of the Unit. Final implementation of the Unit is predicated on the final approval of the City Council.

f. Members of the Unit may not participate in the Police Pension Fund. Members of the Unit shall be provided medical treatment and burial expenses under the workers' compensation law, *I.C.* §§ 22-3-2 through *I.C.* 22-3-6, as provided therein.

g. Promptly after being appointed and prior to taking the oath of office, each member of the Unit shall execute and deliver to the Controller of the City an instrument in a form approved by the City Attorney releasing the City from all liability for any injury to or death of the member in the line of duty as a member of the Unit. (Gen. Ord. No. 14, 2000, 6-8-00)

Sec. 6-23 Police Employment Policies.

Residency requirements, use of departmental vehicles, uniform and equipment allowances, care of injured police officers, promotion, work hours, and probationary appointments shall be governed by *I.C.* § 36-8-4-1, *et seq.*

Sec. 6-24 Police Leaves of Absence.

I.C. § 36-8-5-1, *et seq.*, shall govern leaves of absence.

Sec. 6-25 Police Pension Funds.

I.C. § 36-8-6-1, *et seq.*, address the 1925 Police Pension Fund and *I.C.* § 36-8-8-1 addresses the 1977 Police Officers' Pension and Disability Fund.

Sec. 6-26 through Sec. 6-34 Reserved for Future Use.

ARTICLE 3. FIRE DEPARTMENT.

Division I. In General.

Sec. 6-35 Fire Department.

As addressed in Sec. 2-48 of this *Terre Haute City Code*, the Fire Department is an Executive Department of the City.

Sec. 6-36 Role of Board of Public Works and Safety.

a. The Fire Department is under the jurisdiction of the Board of Public Works and Safety as addressed in Sec. 2-29 of this *Terre Haute City Code.*

b. The Board shall have jurisdiction on such issues as discipline, demotion, and dismissal of Fire Department members pursuant to *I.C.* § 36-8-34.

Sec. 6-37 Employment Standards for Firefighters and Standard Operating Procedures (SOP).

a. *I.C.* § 36-8-3.2-1, *et seq.*, shall govern employment standards for firefighters.

b. The Department's Standard Operation Procedures (SOP) shall govern all of the day-to-day activities of the Department.

Sec. 6-38 Firefighters' Employment Policies.

Residency requirements, use of departmental vehicles, uniform and equipment allowances, care of injured firefighters, promotion, work hours, and probationary appointments shall be governed by *I.C.* § 36-8-4-1, *et seq.*

Sec. 6-39 Firefighters' Pension Funds.

I.C. § 36-8-7-1 *et seq.*, address the 1937 Firefighters' Pension Fund, and *I.C.* 1 36-8-8-1, *et seq.*, address the 1977 Firefighters' Pension and Disability Fund.

Sec. 6-40 Preserving Fire Station No. 9.[109]

The Board of Public Works and Safety is mandated to continue to assume responsibility of maintaining the building, utilities, and insurance, and to permit the Retired Policemen and Firemen Association of Terre Haute, Indiana, to use on loan any and all materials and equipment of the Police and Fire Departments that are considered to be surplus or of no value for displaying the same for the citizens of Terre Haute and in all other respects shall be used as a fire station when the protection of the citizens so demands. (Special Ord. No. 11, 1980, 3-13-80, *Journal of Common Council*, pp. 60-61)

Sec. 6-41 Protecting Certain Historical Fire Apparatuses.[110]

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[109] Editor's Note: The Common Council of the City of Terre Haute, Vigo County, Indiana deemed that Fire Station No. 9, located on lots 32 and 33 in Idaho Place has certain intrinsic value as a historical site as well as an auxiliary fire house and should be maintain as such for the well being and protection of the citizens of this City. It voted that it is desirous of operating and maintaining the Old Fire Station No. 9 with the assistance of the Retired Policemen and Firemen Association, Chapter 8, Terre Haute, Indiana.

[110] Editor's Note: The Council noted that the Fire Department of the City of Terre Haute, Indiana has had in its

The Board of Public Works and Safety is mandated to provide adequate inside storage and protection for the 1910 Oldsmobile Fire Apparatus and 1918-1947 International KB7 Fire Apparatuses and to prevent any destruction of these apparatuses, to retain at all times the title and ownership of the aforesaid Fire Apparatus and to permit the Firefighters Local 758 Organization to maintain said Apparatus. (Special Ord. No. 70, 1974, 12-12-74, *Journal of Common Council*, pp. 392-393)

See. 6-42 through Sec. 6-47 Reserved for Future Use.

Division II. Specific Fire Safety Regulations.

Sec. 6-48 Fire Prevention Code.

The City of Terre Haute has adopted a Fire Prevention Code which is set forth in Chapter 7 of this *Terre Haute City Code*.

Sec. 6-49 False Fire Alarms.

a. It shall be unlawful for any person or persons, knowingly or with the intent to deceive, to give or cause to be given a False Alarm of Fire, audibly, or by means or use of the Fire Alarm Telegraph System of the City of Terre Haute, or by means or use of the Telephone or Telegraph Systems, or by the use of any other means or appliances. (Gen. Ord. No. 12, 1936, § 1, 10-2-36, *Journal of Common Council*, pp. 307-308)

b. Anyone violating this Section shall be fined any sum not to exceed One Hundred Dollars ($100.00). (Gen. Ord. No. 12, 1936, § 2, 10-2-36, *Journal of Common Council*, pp. 307-308)

Sec. 6-50 Smoke Detectors Required in Rental Properties.[111]

a. No person shall rent or lease any room, apartment, or house to another for occupancy, which occupancy exceeds thirty (30) days, except in compliance with the provisions of this Division. (Gen. Ord. No. 1, 1985, § 1, 9-12-85)

b. Any person who rents or leases any room, apartment, or house to another for occupancy which occupancy exceeds thirty (30) days, shall provide such tenant smoke detectors approved by a testing agency approved by the Consumer Product Safety Commission, which smoke detectors shall be in good working order and installed outside of each separate sleeping

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possession since their purchase two (2) pieces of Fire Apparatus, namely; a 1910 Oldsmobile Fire Apparatus, which was the first motorized Fire Apparatus on the Fire Department and the first to go into service in the State of Indiana, and a 1918-1947 International Fire Apparatus, which was the first fire apparatus made in the fire engine repair shop by the Terre Haute Fire Department; and these two (2) apparatus are unique and are of considerable historical value for present and future generations and should be protected by the City.

[111] Editor's Note: Gen. Ord. No. 1, 1985, became effective on July 1, 1986, pursuant to § 5 of that ordinance.

area in the immediate vicinity of the bedrooms and on each additional story of the family unit including basements and excluding crawl spaces and unfinished attics. (Gen. Ord. No. 1, 1985, § 2, 9-12-85)

If said smoke detectors require an AC power supply, such power supply shall be from a circuit not used for any other purpose; and there shall not be a switch or switching device in this circuit, other than a fuse or circuit breaker at the main power supply.

c. Prior to occupancy of any such room, apartment, or house, the owner of said property shall obtain a signed receipt in duplicate, from the tenant showing compliance with this Division. The original signed receipt shall be retained by the owner and the duplicate shall be given to the tenant. (Gen. Ord. No. 1, 1985, § 3, 9-12-85)

d. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises unless said smoke detector requires AC power supply, then the responsibility for maintaining such smoke detector shall be the responsibility of the owner of the property. (Gen. Ord. No. 1, 1985, § 4, 9-12-85)

Sec. 6-51 Smoking on City Buses Prohibited.

a. Many patrons have notified the Bus Department that they find smoking on buses offensive and the Terre Haute Bus Department believes if smoking is prohibited on buses it will increase the number of passengers who ride city buses. Smoking presents a potential hazard and there is considerable damage done to city buses due to smoking on buses. (Special Ord. No. 84, 1980, § 1, 12-11-80, *Journal of Common Council*, pp. 466-467)

b. *Penalty.* Any person violating this Division shall be fined not more than Three Hundred Dollars ($300.00). Each continued violation shall constitute a separate offense. (Special Ord. No. 84, 1980, § 2, 12-11-80, *Journal of Common Council*, pp. 466-467)

c. Smoking is prohibited on City Buses, and to accomplish this objective the Terre Haute Bus Department shall post **NO SMOKING** signs in all City Buses of the City of Terre Haute. (Special Ord. No. 84, 1980, § 3, 12-11-80, *Journal of Common Council*, pp. 466-467)

Sec. 6-52 City Hall Designated as Smoke-Free Facility.

City Hall is designated as a smoke-free facility. Violators shall be issued a citation and be subject to a fine of Twenty Five Dollars ($25.00). (See also § 2-140 of this *Code*.) (Gen. Ord. No. 10, 1999, 12-9-99)

Sec. 6-53 Prohibition on Use of Pyrotechnic Displays in Buildings.

a. Pyrotechnic displays used within enclosed buildings pose a threat and danger to the health, safety and welfare of the citizens of the City of Terre Haute.

b. It shall be a violation of this Division for any person, owner, occupant, lessee, or tenant to use pyrotechnic displays in any building within the City of Terre Haute, without prior approval by the State Fire Marshal and Terre Haute Fire Department.

c. *Penalty.* Any person violating this Section shall be fined not more than Three Hundred Dollars ($300.00). Each event of violation shall constitute a separate offense. (Gen. Ord. No. 12, 2003, 4-10-03)

ARTICLE 4. ANIMAL REGULATIONS.

Division I. Baby Chicks, Rabbits, Ducklings and Other Fowl Regulations.

Sec. 6-60 Selling and Bartering of Baby Chicks Restricted.

It shall be unlawful for any person, firm, or corporation to sell, or offer for sale, barter, or give away living baby chicks, rabbits, ducklings or other fowl under two (2) months of age in any quantity less than six (6). (Special Ord. No. 5, 1961, § 1, 2-21-61, *Journal of Common Council,* pp. 24-25)

Sec. 6-61 Artificial Coloring Prohibited.

It shall be unlawful for any person, firm, or corporation, to sell, or offer for sale, barter, or give away, or display living baby chicks, rabbits, ducklings, or other fowl which have been dyed, colored, or otherwise treated so as to impart to them an artificial color. (Special Ord. No. 5, 1961, § 2, 2-21-61, *Journal of Common Council,* pp. 24-25)

Sec. 6-62 Business Not Affected.

This Division shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes. (Special Ord. No. 5, 1961, § 3, 2-21-61, *Journal of Common Council,* pp. 24-25)

Sec. 6-63 Penalties.

Any person, firm, or corporation violating any of the provisions of this Division shall be subject to a fine not exceeding the sum of One Hundred Dollars ($100.00). (Special Ord. No. 5, 1961, § 4, 2-21-61, *Journal of Common Council,* pp. 24-25)

Sec. 6-64 through Sec. 6-67 Reserved for Future Use.

Division II. Animal Control Regulations.

Sec. 6-68 Purpose.

It is the purpose of this Division to regulate licensing and animal control standards, encourage the spaying/neutering of pets to minimize potential for pet overpopulation, and to establish an Animal Control Commission to oversee the enactment and enforcement of this Division.

The terms and provisions of this Division shall not apply to any publicly or privately owned zoological park or other facility that is licensed or registered prior to the enactment of this Division, and which remains so licensed or registered by the United States Department of Agriculture under the Federal Animal Welfare Act of 1970, 7 *U.S.C.* 2131, *et seq.*, As Amended. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-69 Definitions.

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

a. **Altered Animal.** Any animal, which has been spayed or neutered.

b. **Animal.** Any live nonhuman vertebrate animal (domestic or wild).

c. **Animal Control Commission.** The advisory commission with regard to policy and fiscal decisions affecting the terms and enforcement of this Division.

d. **Animal Control Officer.** The animal control division of the Terre Haute Police Department and any other division or employee designated as Animal Control Officer by the Board of Public Works and Safety.

e. **At Large.** An animal that is not under restraint.

f. **Animal Welfare Organization.** Any not-for-profit organization for the prevention of cruelty to animals incorporated under state laws.

g. **Animal Shelter.** Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Division or State statute.

h. **Attack.** An unprovoked attack in an aggressive manner on a human that includes a bite or causes a scratch, abrasion or bruising, or on a domestic animal, that causes death or injury that requires veterinary treatment.

i. **Auction.** Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Division.

j. **Breeder.** Any person who intentionally or unintentionally causes the breeding of any cat or dog, makes any cat or dog available for breeding, or offers for sale, sells, trades,

receives any compensation, or gives away any cats or dogs. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(k) Colony. A group of one (1) or more free-roaming cats, whether unmanaged or managed. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(l) **Colony Caretaker.** A person who provides food, water and shelter for free-roaming cats in a managed colony. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(m.) **Commercial Animal Establishment.** Any grooming shop, pet shop, auction, riding school or stable, zoological park, circus, animal exhibition or other business that engages in the breeding, care, sale or display of animals for profit. It does not include fish displayed or sold for profit.

(n.) **Companion Animal.** Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, gerbil, chinchilla, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this Division. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(o.) **Dangerous Dog.** Any dog which, when unprovoked, commits in an aggressive manner an attack on any person, or domesticated animal. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(p.) **Dog-Fighting, Baiting.**

(q.) **Domestic Animal.** Any animal that is a member of one of the following species:

Dog (Canis familiaris)
Cat (Felis cattus or Felis domesticus)
Cattle (Bos domesticus or Bos taurus or Bos indicus)
Horse (Equus caballus)
Donkey (Equus asinus)
Pig/Swine (Sus Scrofa)
Sheep (Ovis aries)
Goat (Capra hircus)
Rabbit (Oryctolagus cuniculus)
Mouse (Mus musculus)
Rat (Rattus rattus)
Reptile (Reptilis) as defined herein
Guinea pig (Cavis porcellus)
Chinchilla (Chinchilla laniger)
Hamster (Mesocricetus auratus)
Gerbil (Gerbillus gerbillus)

Ferret (Mustela putorius furu)

(r) **Feral.** A companion animal, dog or cat, who is unsocialized to humans, whose temperament is one of extreme fear, and who avoids contact with humans. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(s) **Fighting Dog.** A dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(t) **Free-roaming Cat.** Any homeless, stray, wild or untamed cat. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(u.) **Grooming Shop.** A commercial establishment where animals are bathed, clipped or otherwise groomed.

(v.) **Harboring.** The actions of any person that permits any animal habitually to remain or lodge or be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. Any animal shall be presumed harbored if it is fed or sheltered for five (5) business days. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(w.) **Humane Shelter/Humane Society.** Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of Indiana.

(x.) **Kennel.** Anyone owning or harboring more than six (6) animals six (6) months of age or older.

(y.) **Kennel - Non-Commercial.** Anyone owning or harboring a total of more than six (6) dogs and/or cats six (6) months of age or older, all of which are altered, in which case the owner or harborer shall be deemed non-commercial and must purchase a non-commercial kennel license.

(z.) **Kennel – Commercial.** An establishment wherein any person, group of persons, partnerships or corporations engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, grooming, or selling dogs and/or cats. A commercial license is required.

aa. **Managed Colony.** A colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(bb.) **Microchip Implant.** A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

(cc.) **Microchip Reader.** An electronic device (passive transponder) that detects any implanted microchip.

(dd.) **Pet Shop.** Any retail establishment engaging in the purchase and/or sale of cats and dogs, either solely or in addition to the purchase and/or sale of any other species of animal excluding fish. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeder, that buys, sells or offers for sale any species of animal.

(ee.) **Ordinance Enforcement Authority.** Any person designated as officers by the City of Terre Haute for the primary enforcement of ordinances regulating animals and owners of animals.

(ff.) **Owner.** One who keeps, harbors or has custody, charge or control of an animal for a period of longer than five (5) business days. Those who temporarily keep animals, such as pet shops, veterinarians, kennels, shelters or stables shall not be deemed to be owners. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(gg.) **Pet.** Any animal kept for pleasure rather than utility owned or harbored by any person, group of persons, partnership or corporation. Exceptions: fish, guide or service dogs engaged in working or training to work for the assistance for hearing or sight impaired, or physically handicapped or disabled persons; or police or canine governmental dogs.

(hh.) **Public Nuisance.** Any animal or animals that:

(1) Molest passersby or passing vehicles;

(2) Attack or threaten other animals;

(3) Damage public or private property;

(4) Bark, whine, howl, or make other sounds common to its species in an annoying, excessive or continuous manner;

(5) Are repeatedly "at large" or unrestrained; or

(6) Constitute a nuisance due to odor deemed offensive.

(ii.) **Reptile.** Any air-breathing vertebrate of the class Reptilia, with the exception of:

(1) Any reptile on the Federal Endangered or Threatened Species List or is on the Convention or International Trade in Endangered Species List, Appendix 1, As Amended;

(2) Any venomous reptile, including front or rear-fanged reptiles;

(3) Any python or a species which naturally exceeds twelve feet (12') in length;

(4) All crocodilians, including alligators, caimans, and crocodiles;

(5) Monitor lizards; and

(6) Anacondas.

(jj.) **Research Laboratory.** Any animal research facility operated in compliance with the United States Department of Agriculture under the authority of the Federal Laboratory Animal Welfare Act, 7 *USCA* 2131, *et seq*.

(kk.) **Restraint.** The securing of an animal by a leash or lead or confining it within the real property limits of its owner.

(ll.) **Riding School/Stable.** Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

(mm.) **Stray.** Any animal that does not appear, after reasonable inquiry, to have an ascertainable owner.

(nn.) **Veterinary Hospital.** Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

(oo.) **Vicious, Fierce or Dangerous Animal.** Any animal that by its behavior constitutes a serious physical threat to human beings or animals.

(pp.) **Wild Animal.** As defined by *I.C.* § 14-8-2-318, is an animal whose species generally lives in the wild or is not domesticated, with the exception of snakes.

(qq.) **Wildlife Rehabilitator.** Any individual or individuals that acquire the necessary state and federal permit to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

(rr.) **Zoological Park.** Any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one or more species of undomesticated animals, operated by a person or a government agency. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-70 Enforcement.

The provisions of this Division shall be enforced by the Board of Public Works and Safety of the City of Terre Haute and/or any ordinance enforcement authority. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-71 Pet Licensing Requirements, Wearing of Tags and Microchip Implants.

All owners residing within the corporate limits of the City of Terre Haute are required to license their dogs and cats as provided in this Division of the *Terre Haute City Code*.

a. Any person owning, keeping, harboring or having custody of any cat or dog over six (6) months of age must provide proof of spay/neuter when applying for city license. A person owning, keeping, harboring or having custody of any cat or dog may purchase an unaltered animal license in lieu of this requirement. No license shall be required of any animal welfare organization, municipal animal control facility or government agency, or certified guide/service dog. Consideration will be given with a health waiver from a veterinarian.

b. A durable tag stamped with number and year of issuance will be provided to pet license holders for each license granted. Dogs and cats must be microchipped or wear their permanent tag or tags (rabies, license, personal ID, microchip *if applicable*) at all times, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

c. Any person owning any dog or cat may obtain, in addition to the animal's tags, a microchip implant for the dog or cat. In no case shall the microchip implant replace the requirement for the annual licensure of a dog or cat with the Board of Public Works and Safety.

d. Any person owning any dog or cat, which has been implanted with a microchip, shall keep the microchip registration up to date with the microchip company before a move, sale, trade, barter, gift or transfer of the animal. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-72 Application for Pet License.

a. Application for pet licenses may be made at the Board of Public Works and Safety or its designated facility, or by mail, and shall include the name, address of applicant, type of license applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee. Persons applying for breeder licenses shall apply in advance of planned breeding.

b. Pet licenses are to be issued for a term of one (1) year, commencing with the date of issuance. Microchip implants do not preclude yearly licensure.

c. The Board of Public Works and Safety shall maintain records of the identifying license number. The ordinance and its officers shall have access to these records.

d. It shall be unlawful for any pet owner to fail to provide any dog or cat six (6) months of age or older with a current pet license as provided in this Section. The owner of any dog or cat must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in Sec. 6-89.3. No license shall be issued unless proof of vaccination against rabies is shown at the time of application for the license. Any owner of such animal who moves into the City for purposes of establishing a residence or residing, or who becomes a resident as a result of annexation shall have thirty (30)

days in which to obtain the license required by this Division. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-73 Identification.

a. A person who owns a dog or cat in the City shall ensure that each dog or cat owned by the person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

b. The means of identification required by this Section shall be in addition to any tags required to be worn by dogs or cats by State law or provision of this *Code*, and shall include either:

(1) A microchip implanted in the dog or cat which bears a registered identification number with tag on collar bearing company phone number, and which can be read by a standard microchip scanner; or

(2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(3) It shall be unlawful for a person to own a dog or cat six (6) months of age or older which is kept in the City, and which does not bear a permanent means of identification as provided in this Section. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-74 Kennel Licenses.

a. Any person owning or harboring more than six (6) dogs or cats or any combination thereof totaling more than six (6), six (6) months of age or older must obtain a kennel license.

b. Any person engaging in boarding dogs or cats for compensation or maintaining a Commercial Animal Establishment as defined herein, must obtain a kennel license.

c. Any property to be used as a kennel site must be in compliance with the City zoning laws. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-75 Fees.

The following licenses are required and shall be issued upon payment of the stated fees and compliance with any other requirements herein:

a. **Animal License.**

Spayed or neutered cat or dog, per animal	$ 5.00
Unaltered License	$100.00

b. Kennel License.

With proper zoning $100.00

(3) No fee shall be required of any veterinary hospital, excepting those that do grooming/and or boarding for a fee not connected to medical care or hospitalization; animal shelter; research laboratory or government operated zoological park.

(4) **Reclassification.** Any individual or business that has a change in class under which the commercial and/or non-commercial kennel license was issued shall report the change to the City and apply for a new license within thirty (30) days of any such change.

c. **Grooming Shop License.**

Fee $ 25.00

(d.) **Pet Shop License.**

Fee $100.00

(e.) **Commercial Animal Establishment Licenses.**

(1) Fee $100.00

(2) Licenses are to be issued for a term of one (1) year, commencing with the date of issuance.

(3) Prior to engagements, license holders will furnish the Board of Public Works and Safety with a schedule of dates and times of exhibits or performances so the ordinance enforcement authorities can perform periodic inspections.

(f.) **Omnibus License.**

(1) Fee $200.00

(2) This license shall allow the holder to operate a kennel, grooming shop, pet shop, and to be a breeder.

(3) The license holder does not need to obtain individual licenses in the aforementioned areas, but all requirements for each of the aforementioned licenses shall be met before the Omnibus License may be granted.

(4) All licenses will be issued after inspection and approval by ordinance enforcement authorities, provided all requirements of this Division are met.

(5) License holder must be in compliance with the City zoning laws.

(g.) **Miscellaneous Licenses.**

(1)	Riding School	$150.00
(2)	Stable	$150.00
(3)	Animal Auction	$250.00
(4)	Zoological Park	$250.00

(5) All license holders must be in compliance with City zoning laws.

(6) Exception: No fee shall be required of any animal shelter, research laboratory or government operated zoological park. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-76 Appeal, Denial or Revocation of License.

a. Any person who is denied a license or whose license is revoked may seek reconsideration of the denial or revocation by the full Board of Public Works and Safety within ten (10) days of the date of the denial or revocation of the license.

b. All requests for appeals must be in writing and addressed to the Board of Public Works and Safety. The Board shall set the appeal for hearing within thirty (30) days of the receipt of the written request. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-77 Obtaining Kennel Licenses.

Applications for kennel licenses shall be made to the Board of Public Works and Safety. The application for a non-commercial kennel shall include the address of kennel, the name, address, and telephone number of the applicant as well as the description (species, breed, sex, age and coloration) of each animal housed in the kennel and a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.

If the applicant withholds or falsifies any information on the application, no license shall be issued and any license previously issued on false or withheld information shall be revoked. No person previously convicted of cruelty to animals, animal neglect or animal abandonment shall be issued a kennel license without prior review by the Board of Public Works and Safety and Animal Control Commission.

Applications for commercial kennel licenses must also contain a statement of the total capacity of the kennels.

If the proposed or existing site of a kennel is not located in an area zoned for kennels, the application shall be denied. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-78 Inspection of Animals and Premises Authorized.

It shall be a condition to the issuance of any license required by this Division that the ordinance enforcement authorities of the City shall be permitted to inspect at any time the premises and all animals located thereon where such animals are harbored. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-79 Standards for Commercial Animal Establishments.

In order to be eligible to obtain a license, a commercial animal establishment must:

a. Be operated in such a manner as not to constitute a public nuisance;

b. Be in compliance with the City zoning laws;

c. Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;

d. Keep all animals within a secure enclosure or under the control of the owner or operator at all times;

e. With respect to all animals kept on the premises, comply with all of the provisions of this Division providing for the general care of animals;

f. Not sell animals under eight (8) weeks of age or diseased;

g. Provide the USDA Animal Dealer license number (if applicable) or the Commercial Animal Establishment, Pet Shop or Kennel or Breeder license number, or the individual dog/cat license number of the female dog/cat that produced the litter or individual animal; and

h. All advertisements for the sale, adoption or free placement of these animals within the City must contain the license number whether Commercial Animal Establishment, Pet Shop, Kennel, breeder or individual dog/cat license number. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

i. Be in compliance with *I.C.* 15-21, provisions regulating commercial dog breeders. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-80 Commercial Animal Establishment License Period.

The Commercial Animal Establishment license period shall begin on January 1st and shall run for one (1) year. Applicants requiring a license during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made at least ten (10) days before the opening of a Commercial Animal Establishment. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-81 Breeder Licenses.

a. Any person who intentionally or unintentionally causes the breeding of any cat or dog, or allows any cat or dog available for breeding purposes,

b. Any person who offers for sale, sells, trades, receives other compensation for or gives away any cat or dog,

c. And such person shall:

(1) Be in compliance with the City zoning laws.

(2) Not allow the birthing of more than one (1) litter per animal per year; and

(3) Furnish the Board of Public Works and Safety with information on the birth of each litter of dogs or cats as may be required to register that litter of dogs or cats with the Board of Public Works and Safety, and to be assigned a litter number for each litter; and to use this litter number for all advertisements regarding sale, giveaway or relinquishment of animal(s); and

(4) Be required to register with the Board of Public Works and Safety the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer; and

(5) Transmit to the new owner or buyer the litter number of the animal acquired, and the breeder's license number in order that the new owner has assurance and proof that the animal was legally bred (bred by a licensed breeder); and

(6) Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the Humane Shelter) against common disease; in the case of dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, coronavirus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleucopenia; and

(7) Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or for free giveaway, except a puppy or kitten or litters of them taken by ordinance enforcement authorities. Any fees incurred by ordinance enforcement authorities for animals taken to the Humane Shelter will be charged to the pet owner for all animal(s) taken; and

(8) Breeder must furnish warrant of health for each animal sold, traded or given away free for a period of not less than fifteen (15) days with recommendation to have animal examined

by a licensed veterinarian. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-83 Violations.

a. Any employee of an authority charged with ordinance enforcement may issue any individual or business in violation of any of the provisions regarding payment of fees and licensing in this Division a notice of ordinance violation called a Citation. Upon issuance of a Citation, the individual or business has twenty-four (24) hours to bring itself into compliance with this Division. Each day thereafter is a separate violation subject to the penalty established in Subsection b. The penalty established in Subsection b. shall be paid to the City within twenty-four (24) hours of the notice of ordinance violation. In the event the individual or business does not bring itself into compliance and/or such payment is not made within twenty-four (24) hours, the City may file a proceeding in any court of competent jurisdiction to collect the applicable penalty and/or enforce compliance.

b. Individuals or businesses who violate any provisions of this Division shall be subject to a fine of double the applicable license fee for the first offense, with the fine for each subsequent offense of this Division increasing by an increment of double the license fee. In the event that the individual or business has no additional violations of this Division for a period of twelve (12) consecutive months, the fine for any violation of the Division after that period shall be double the applicable license fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable license fee.

c. The Board of Public Works and Safety may bring any action permitted by State law to enforce this Division including, but not limited to, an action seeking an injunction. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-84 Restraint and Nuisance.

a. All animals shall be under restraint as defined in this Division.

b. **Animal in Heat.** Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come in contact with a male animal of the same species except for planned breeding.

c. **Vicious, Fierce or Dangerous Animal.** Every vicious, fierce or dangerous animal, as defined in Sec. 6-69(hh), shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged when off the premises of the owner. If no secure area can be located, ordinance enforcement authorities shall impound said animal at the owner's expense until a suitable facility is located. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

d. No owner shall fail to exercise due care and control of his animal's excrement to prevent them from becoming a public nuisance. (Gen. Ord. No. 28, 2003, 10-9-03)

e. No owner or responsible person shall fail to remove an animal's excrement from public land or from his own property, or from the property of another, except a person working with a service dog. (Gen. Ord. No. 28, 2003, 10-9-03)

Sec. 6-85 Impoundment; Reclamation.

a. **Animals To Be Impounded.**

(1) At-large animals; unlicensed animals; nuisance animals; vicious, fierce or dangerous animals; and animals which have attacked or bitten persons or other animals shall be impounded. Bruising or scratching of the person or animal is evidence of an attack. Such animals may be taken by ordinance enforcement authorities and impounded in the animal shelter or other appropriate facility and there confined in a humane manner.

(2) In lieu of impounding an animal which may be impounded, according to this Division, the ordinance enforcement authorities may issue to the known owner or harborer of such animal a notice of ordinance violation.

(3) Animals found in cruel, abusive or neglectful situations; animals trained, bred or kept for the purpose of animal fighting; or animals that have been abandoned as defined in this Division or under State law may be promptly seized if no immediate contact with a responsible person can be made; provided, however, that the ordinance enforcement authorities shall leave written notice saying the location of the animal and the reason for impoundment.

(4) An animal found confined or abandoned on private property in violation of this Division shall be impounded.

b. **Jurisdiction of Ordinance Enforcement Authorities for Impoundment**. The jurisdiction of the ordinance enforcement authorities for enforcing this Division shall include the municipality of Terre Haute.

c. **Notice of Impoundment.** If by a license tag or other means the owner of an impounded animal can be identified, ordinance enforcement authorities shall immediately upon impoundment notify the owner by telephone or other means. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five (5) days from impoundment before becoming the property of the City. Animals that are property of the City may be placed for adoption or humanely euthanized.

d. **Impounded Animals – Reclamation.**

(1) An owner reclaiming an impounded dog or cat shall reimburse the Board of Public Works and Safety and/or the Humane Shelter for all the costs associated with the impoundment. An owner reclaiming an impounded animal other than a dog or cat shall pay a boarding fee in keeping with the size and needed care of the animal as determined by the facility holding the animal. This boarding fee shall be paid in addition to any fines or costs levied for violations of this Division.

(2) An owner reclaiming an impounded animal that is not under the jurisdiction of the City shall pay all costs associated with the impoundment.

(3) The Humane Shelter and/or ordinance enforcement authorities shall have the right to determine the length of time to board animals being impounded due to a case of neglect or animal cruelty. Animals being housed beyond the set time limit must be surrendered to the Humane Shelter for adoption or euthanasia as determined by the Humane Shelter and/or ordinance enforcement authorities. Severe Neglect or abuse cases should be housed at a medical or boarding facility at the expense of the owner. Persons convicted of animal cruelty or neglect shall reimburse the Humane Shelter for any costs, including medical care and/or cost of euthanasia, incurred by the Humane Shelter or ordinance enforcement authorities for care or destruction of the animal in the case.

(4) No impounded animal may be released if the animal's return presents a danger to the public, or the animal, or otherwise results in a violation of this Division.

e. Notwithstanding any provision of this Division to the contrary, an injured or diseased animal need not be retained five (5) days, but may be disposed of at any time when in the reasonable discretion of the ordinance enforcement authority and after the assessment of a veterinarian, it is determined to be more humane and reasonable to do so, rather than provide additional veterinary care, and after reasonable efforts to find the animal's owner have been unsuccessful. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

f. Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by Sec. 6-73, the ordinance enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such a service shall be ($35.00) or as determined by the animal shelter or facility. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-86 Animal Care.

a. **Poisoning.** No persons shall expose any known poisonous substance, whether mixed with food or not, so that it shall be reasonably likely to be eaten by any animals; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances. Persons who violate this Section shall be subject to a fine of a minimum of One Hundred Fifty Dollars ($150.00) for each offense.

b. **Motor Vehicle Accidents Involving Animals.** Any person, who, as the operator of a motor vehicle, strikes an animal, shall report the accident to the appropriate law enforcement agency.

c. It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, or highways and/or rights-of way unless the animal is securely caged or under restraint in a proper harness. Animals must be protected from adverse environmental conditions.

Persons who violate this Section shall be subject to a fine of a minimum of Fifty Dollars ($50.00) for each offense.

d. **Use of Devices To Induce Performance.** No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Persons who violate this Section shall be subject to a fine of a minimum of Five Hundred Dollars ($500.00) for each offense.

e. It shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the City; provided, however, this Section shall not apply to nonmigratory pigeons, starlings or any birds declared or defined by 115

f. subject to a fine of a minimum of Twenty Five Dollars ($25.00) for each offense.

f. **General Animal Care.** Every owner of an animal within the City shall see that the animal:

(1) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in excrement; and

(2) Has proper and adequate food, water, shelter, and protection from the weather; and

(3) If diseased or injured, receives care as necessary to prevent suffering. If the animal is diseased, it must be segregated from other animals so as to prevent the transmittal of the disease to other animals. Owners may be given twelve (12) hours notice to provide veterinary care for a sick or injured animal before being cited by the ordinance enforcement authorities.

(4) Trapped animals must be humanely treated and released within twenty-four (24) hours to appropriate law enforcement authority or to the shelter. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(5) Persons who violate this Section shall be subject to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense.

g. **Abandonment** No owner of an animal shall abandon such animal. Persons who violate this Section shall be subject to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense.

h. **Cruelty to an Animal.**

(1) Cruelty to an animal is considered to exist whether “active” as in torture, torment, deprivation of necessary sustenance, use of physical blows (beating), mutilation (destruction of any body part), killing for any reason other than self-protection or to protect another human or

animal from injury, or in some way acting as a causative agent in the infliction of cruelty. "Passive" cruelty is considered to exist when there is any omission resulting in the occurrence of pain, suffering (from any cause), or death.

(2) It shall be unlawful to be responsible or to permit an act of cruelty toward a vertebrate animal resulting in serious injury or death to the animal; or

(3) Kill a vertebrate animal without the authority of the owner of the animal (*I.C.* § 35-46-3-12), except as permitted by Indiana statute.

(4) It shall be unlawful for anyone not a veterinarian to be responsible for or permit the physical altering of any animal in any procedure that normally requires a veterinarian, such as ear cropping, tail docking, declawing, or neutering of either a male or female dog or cat.

(5) It shall be unlawful to negligently or willfully fail to provide food, potable drinking water, shelter, or reasonable protection from the weather thereby inflicting unnecessary cruelty on any animal. "Shelter" should afford protection from the sun as well as cold, rain, dampness, etc. and should be suited to the size and breed of the animal being housed. Cardboard, fiberboard, or any other structure that fails to protect an animal from adverse atmospheric conditions shall not be considered proper shelter under this Section.

(6) Any act, omission or neglect contributing to, or causing unjustifiable pain and/ or suffering shall be considered cruelty to an animal.

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

(8) Animals kept in wire pens/cages, whether above ground or not must have a resting area available so that the animal is not made to sit/lie/stand only on a wire surface area. Protection from the elements applies the same as above (5).

(9) It shall be unlawful and is hereby declared to be a public nuisance for any person to use, place, set or cause to be set within the City or upon lands owned by the City any traps except cage-type live traps approved by the Board of Public Works and Safety and used for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers or moles so long as the owner of the property is aware of the location where the trap(s) are set and monitors said trap(s) at least once every twenty-four (24) hours.

Any traps that have been unlawfully set in the City may be seized and used as prima facie evidence that a violation has been committed. Upon conviction, said trap(s) shall be forfeited to and disposed of by order of the court.

(10) Any person live-trapping a cat or dog must surrender the animal to the humane shelter or ordinance enforcement authority within twenty-four (24) hours or sooner, or if part of a TNR -Trap/Neuter/Release Program within seventy-two (72) hours. It shall be unlawful for any trapped animal to be killed, injured, dumped or abandoned.

In the case of a TNR program, there must be a designated caregiver before an animal may be released. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(11) **Lost or Stray Animals.**

(A) Persons finding a stray animal are to notify the appropriate law enforcement authority and the Terre Haute Humane Society within forty-eight (48) hours. At the discretion of the ordinance enforcement authorities, the animal may be kept by the finder and a found report must be left with the ordinance enforcement authorities and the Humane Society, to enable the finder an opportunity to return the animal to its rightful owner.

(B) Upon demand by ordinance enforcement authorities, any found animal will be surrendered to the ordinance enforcement authorities and held for five (5) days, before a disposition is made.

(C) Persons finding an animal are obligated to comply with all rules and regulations of this Division pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(D) With the exception of the Humane Shelter the finder will be considered the found animal's owner for the purposes of this Division only after the animal is in the finder's custody for ten (10) continuous days.

(12) No animal may be euthanized by any method other than those approved by The American Veterinary Medical Association. No animal's body shall be disposed of until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.

(13) No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

(14) No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter.

(15) No person shall engage or cause or allow any other person to engage in a sexual act with any animal.

(16) Any animal observed by a police officer or other ordinance enforcement authorities to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

i. Tethering. (Gen. Ord. No. 16, 2007, 10-11-07)

(1) It shall be unlawful for any person to tether, fasten, chain, tie, or restrain or cause an animal to be fastened, chained, tied, or restrained to (but not limited to) houses, trees, fences, garages, or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

(a) The tethering shall not be for more time than is necessary for the animal owner or custodian to complete a temporary task that requires the animal to be physically restrained for a reasonable period.

(b) The animal must be tethered by a non-choke type and properly fitted collar made of leather, nylon or other non-abrasive material or a body harness to a tether, that is at least five (5) times the body length of the animal, measured from the animal's nose to the base of the tail and which the chain and tether is free from entanglement, so as to as to allow the animal to move about freely. No chain or tether shall weigh more than one-eighth (1/8) of the animal's weight.

(2) The animal must have access to food, water and shelter at all times.

(3) The animal shall be monitored periodically.

j. **Managed Free-roaming Cats.** The ordinance enforcement authority or its designee, in order to encourage the stabilization of the free-roaming cat population in the City, may:

(1) Trap any free-roaming cat in a humane manner;

(2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and

(3) Obtain a colony license at no charge from the Board of Public Works and Safety after approval from the Animal Control Commission. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

k. **Care for Unmanaged Colonies Prohibited.** It shall be unlawful for a person to provide food, water or shelter to a colony of free-roaming cats, unless:

(1) The colony is a Managed Colony, registered with the ordinance enforcement authority or its designee; or

(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in this Division. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

l. Violation of Section h. through k. shall subject the violator to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-87 Specific Animal Care Provisions for Carriage Horses.

a. In addition to the provisions set out in general animal care above, every owner of an animal used to draw a vehicle for hire within the City shall see that:

(1) The animal has adequate flesh and muscle tone;

(2) The hooves of the animal are properly trimmed and shod within every eight (8) weeks of work. Acceptable horseshoes for this work are limited to Borium studded type or polyurethane (plastic) studs optional. Records must be kept by the owner of the dates and the name of the blacksmith who shod the animal;

(3) The animal is groomed daily, and shall be kept clean while at work and in the stable;

(4) The animal is not overdriven, or kept, to result in over-heating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather the driver shall park in the shade. Animals shall not be worked more than two hours without being given a fifteen (15) minute rest period. Maximum working period for any one animal shall be eight (8) hours out of every twenty-four (24) hours, and any five (5) out of seven (7) consecutive days. During rest periods, the person in charge of such horse shall make fresh water available to the horse.

(5) No animal may be whipped in front of the shoulder area of the horse, in accordance with Quarter horse association rules;

(6) The speed at which any animal is driven shall not exceed a trot;

(7) The animals shall not be left unattended on a street or public way;

(8) The harness, bridle, and any other equipment required or in use is properly fitted, in a good working order, free of makeshift design, and used so as not to cause pain or injury to the animal. Twisted wire snaffles are not permitted.

(9) Horses shall not be worked in temperatures below negative ten degrees (–10º) Fahrenheit, with wind chill factor applied. At no time shall a horse be at work when the sum of the relative humidity and ambient temperature exceeds one hundred and sixty degrees (160º) Fahrenheit. Horses should not be worked at temperatures above ninety five degrees (95°) Fahrenheit. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the

point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.

(10) Horses shall not work on a public highway, street or path during adverse weather or other conditions, which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.

(11) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.

(12) All such carriages shall adhere to state law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 a.m. through 9:30 a.m. and 3:30 p.m. through 6:00 p.m., Monday through Friday.

(13) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, ordinance enforcement authorities shall be notified immediately.

(14) A horse covered by this Section which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by ordinance enforcement authorities. In the event of a dispute regarding such physical condition or illness, ordinance enforcement authorities may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this Section shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this Section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to ordinance enforcement authorities upon request.

(15) Animals not on the real property of its handler shall be secured by a leash or lead.

b. Any ordinance enforcement authority may issue to any person in violation of this Section a notice of ordinance violation. The penalty established in Subsection c. may, at the discretion of the animal owner, be paid to the authorized agency within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction. In

addition, to protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; such order may be appealed within forty-eight (48) hours to the Board of Public Works and Safety which shall, upon hearing all evidence, confirm or deny the order of the ordinance enforcement authority.

c. Persons who violate any provision of this Section shall be subject to a fine of Fifty Dollars ($50.00) for each violation and each day shall be considered a separate violation.

d. As used in this Section, the term horse shall also refer to a mule, donkey, or other similar hooved animal. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-88 Wild Animals; Swine; Hooved Animals.

a. No person shall keep or permit to be kept on his premises any wild, carnivorous animals except as provided in this Section.

b. **Exceptions.**

(1) This Section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions or research laboratories.

(2) Any person owning a large, carnivorous animal prior to the enactment of this Section shall be permitted to continue ownership of that animal, provided that the animal is registered after enactment of this Section. A copy of the registrations must be kept by the owner as evidence of possession of the animal prior to the enactment of this Section.

(3) Any person owning or keeping a large, carnivorous animal not indigenous to the locality must have their property properly zoned to accommodate the maintenance of such animals.

(4) It shall be unlawful for a person to keep swine, with the exception of Asian Pot-Bellied Pigs, unless such premises are stockyards, slaughterhouses, or other premises where the keeping or raising of livestock is permitted by county zoning ordinances.

(5) It shall be unlawful for a person to own, keep, or breed a horse, pony, mule, donkey, jackass, or llama in the City on premises which measure less than eight thousand (8,000) square feet in a lot area per animal, unless such premises are registered as a stable under Sec. 6-75i. of the *Code*. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89 Reptiles.

a. **Registration – Pet Shops.**

(1) Any pet shop intending to harbor, sell, trade, or in any way distribute reptiles within the City must register with the Board of Public Works and Safety, in writing, of such intention before any reptile may be harbored, sold, traded, or distributed.

(2) Any pet shop harboring, selling, trading, or in any way distributing reptiles within the City shall make available for inspection by the ordinance enforcement authorities an inventory of the number and type of reptiles received, the number and type distributed by sale, trade, death, or in any other manner, and the number and type on hand.

b. **Lost or Impounded Reptiles.** Lost reptiles shall be impounded and released to the owner or disposed of, provided, however, that any nonpoisonous reptiles native to Indiana shall be presumed wild and released to a natural habitat. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.1 Dangerous Animals Prohibited.

a. **Ownership/Possession Prohibited**. This Section shall not apply to animals under the control of a law enforcement or military agency. It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous animal to cause, suffer, or allow it to go unconfined and unrestrained on the owner's or keeper's premises, or to run at large, in the City.

b. It shall be the duty of any person with the authority to impound an animal forthwith to impound any vicious, fierce or dangerous animal found unconfined or running at large. For the purpose of this Section, an animal may be declared dangerous by an ordinance enforcement authority if the animal exhibits vicious behavior in present or past conduct, including but not limited to:

(1) Evidence that the animal has, without provocation, bitten or attacked a person and/or animal; or

(2) Did bite or attack, once causing wounds or injuries creating a potential danger to the health or life of the victim; or

(3) Could not be controlled or restrained at the time of a bite or attack upon an animal or person; or

(4) The animal has been microchipped by a licensed veterinarian for the purpose of determining a positive occurrence of a prior bite or attack; and

(5) Caused a need for veterinarian care of an animal after an attack.

c. Such vicious, fierce or dangerous animal may be destroyed by ordinance enforcement authorities if such destruction is necessary to preserve the public health, safety and welfare of the community.

d. **Costs.** The owner of any animal, which is impounded and/or euthanized under this Section, shall be held responsible for payment of any expenses so incurred by the Humane Shelter and the ordinance enforcement authority. Failure to pay such fee within fifteen (15) days after destruction of such animal shall constitute a violation of this Division and may subject the owner to a court judgment in the amount of the costs incurred for impounding and/or euthanasia in addition to court costs. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.2 Biting Animals; Report; Procedure.

a. The person responsible for any animal, which has bitten a person or another animal must report the incident to the County Board of Health/local health officer or ordinance enforcement authority. Upon receiving the report of a bite, the animal will be quarantined for ten (10) days with the place of confinement to be at the discretion of the County Board of Health/local health officer or ordinance enforcement authority. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

b. During the quarantine period, the owner must provide a current rabies vaccination certificate for the cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release.

c. No person other than the County Board of Health/local health officer or ordinance enforcement authority or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If that occurs the person will retain the body and immediately notify the County Board of Health/local health officer.

d. Violations of these provisions shall be punishable by a fine of a minimum of Three Hundred Dollars ($300.00) per violation plus court costs and responsibility for payment for any injections required to be given because of the violation of these provisions. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.3 Rabies.

a. **Rabies Vaccination Required.** It is unlawful to own or harbor a dog or cat six (6) months of age or older without a valid rabies vaccination.

b. **Animals Biting Person.** If an owned animal has bitten a person, the animal shall be impounded at a secure location, veterinary hospital, or kennel of the owner's choice at the owner's expense. This impoundment shall be for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid.

c. **Disposition of Exposed Animals.** Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six (6) months at the owner's expense or be destroyed.

d. **Duties of the Owner of a Suspect Animal.** It is unlawful for any person who owns or harbors an animal known to be infected with rabies to allow such animal to leave the owner's premises, except for the purpose of transporting the animal to the animal shelter or veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the Terre Haute Police Department and the County Board of Health/local health officer.

e. **Euthanization of Stray Animals.** If a stray animal has bitten a person, it shall be confined in the animal shelter for a minimum of five (5) days. At the end of the (5) day period, if unclaimed and deemed to be a vicious, fierce or dangerous animal as defined herein, the animal may be euthanized and its brain sent to the Indiana Department of Health Rabies laboratory for a diagnostic test or held in quarantine; the outcome will be determined by the ordinance enforcement authority and the Humane Shelter.

f. Violation of these provisions shall result in the same penalty stated in the quarantine provisions. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.4 Adopted Animals.

Any dog or cat adopted from a humane shelter or any animal welfare organization incorporated under state laws shall be spayed or neutered by a veterinarian within one (1) month of adoption or by six (6) months of age whichever is later. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.5 General Provisions.

a. **Animal Census.** Upon enactment of this Division, the City of Terre Haute, at the direction of the Mayor and with approval of the Common Council, may instigate and carry out a City-wide census for the purpose of carrying out the provisions of this Division. A census may be held once every two (2) years thereafter at the request of the Mayor or the Common Council. The Board of Public Works and Safety shall administer the census.

b. **Interference with Animal Control Officer – Penalty.** Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes, or interferes with any ordinance enforcement authority while that officer is engaged in the execution of the duties required of ordinance enforcement authorities under this Division shall be subject to penalties under Indiana Code for resisting, obstructing, or interfering with law enforcement (*I.C.* § 35-44-3-3).

c. **Animal Burial.** Animals may not be buried within the City limits at a depth less than three feet (3') and within fifty feet (50') from a water source.

d. **Disposition of Funds.**

(1) All fees or monies collected, any donations, gifts, bequests or devises shall be paid to the City Controller. Money so paid shall be transmitted to the City Controller and shall be placed in a dedicated animal care fund that shall be used to promote the safe and humane

treatment of animals in the City, to pay for any reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and educating the public regarding the same. No expenditure may be made from the dedicated animal care fund unless first approved by a majority of the Animal Control Commissioners. The expenditure of funds from the dedicated animal care fund shall be subject to all state and local appropriation and purchasing requirements. Any funds donated for a specific purpose shall be used consistent with the donor's specific request.

(2) All money generated, received or collected in response to any Animal Control Commissioner or City special fund raising projects shall be payable to the City Controller and deposited in a dedicated animal control special projects fund to be used in a manner consistent with the announced purpose of any fund raising project. No expenditure may be made from the dedicated animal control special projects fund unless first approved by the Animal Control Commission or the Board of Public Works and Safety subject to all state and local appropriation and purchasing requirements. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.6 Penalties.

Except as otherwise specifically provided, these penalties shall apply to a violation of any Section of this Division.

a. Any ordinance enforcement authority shall issue to any person in violation of this Division a notice of ordinance violation. The penalty established in Subsection b. shall be paid in the City Clerk's Office.

b. Unless otherwise specific herein, persons who violate any provision of this Division shall be subject to a fine in the following amounts:

First Offense	$ 50.00
Second Offense	$ 75.00
Third and subsequent	$100.00

c. Each offense shall be considered a separate offense and subject to a fine.

d. Each twenty-four (24) hour period that a violation occurs will be considered a separate offense and can be cited as such.

e. Violations of this Division may result in the immediate impoundment of the animal(s). (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.7 Animal Control Commission – Establishment; Duties.

a. There is created and established an Animal Control Commission of the City of Terre Haute which shall have the authority and responsibility to make recommendations to the Common Council and the Board of Public Works and Safety as to the necessary ordinances concerning control of dogs, cats and other animals.

b. **Animal Control Commission – Membership, Terms, and Meetings.** The Animal Control Commission shall consist of five (5) members as follows:

(1) Two (2) members shall be residents of the City of Terre Haute selected by the Common Council who are knowledgeable of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same.

(2) The Director of the Terre Haute Humane Society shall serve as a non-voting member of the Commission in an ex-officio capacity. (Gen. Ord. No. 15, 2009, 7-8-10)

(3) Three (3) members shall be residents of the City of Terre Haute selected by the Mayor of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same. (Gen. Ord. No. 15, 2009, 7-8-10)

c. Each member shall serve a three (3) year term. Appointment shall be made on or before January 1st of each year. A member continues to serve until a successor is appointed and qualified. This selection shall not be based on political affiliations, but on interest in animal care and control and knowledge of same.

d. The Commission shall meet at least once every other month and at other times as determined by the Chair, or upon written request to the Chair by any three (3) members. It shall adopt rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of the ordinances and laws under which it exists and performs its functions. The Chair shall notify the appointing authority and seek removal and replacement of any member who misses two (2) consecutive meetings without a reasonable excuse.

e. The Commission shall elect a Chair, Vice-Chair, and a Secretary from among its members.

f. Three (3) members of the Animal Control Commission shall constitute a quorum to do business.

g. In the case of vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only and shall be subject to the provisions stated in Subsection c. above. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.8 Animal Control Commission - Pet Licensing Review, Neglect, & Cruelty Cases.

a. Any person with a past conviction for animal abandonment, abuse, neglect, or cruelty must have permission from the Animal Control Commission before any license may be issued.

b. No license shall be issued to any household/address wherein a person convicted of animal cruelty/neglect resides, regardless of animal ownership claims. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

ARTICLE 5. SPECIFIC PUBLIC SAFETY REGULATIONS.

Division I. Littering Regulations.

Sec. 6-90 Littering Prohibited.

No person shall throw, discharge, deposit, place or leave or cause to be thrown, discharged, dumped, deposited, placed or left on any of the streets, parkways, roadways, thoroughfares, alleys, sidewalks, vacant lots, front yards or porches, in or on the grounds of the public parks, swimming pools, playgrounds, recreation areas, public buildings, streams, water or banks of such streams or rivers, any waste paper, ashes, glass, cans, dirt, rubbish, waste, garbage, refuse or any other trash. Any person violating any provision of this Division shall upon conviction thereof be fined in an amount not to exceed Three Hundred Dollars ($300.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 16, 2002, 8-8-02)

Sec. 6-91 Causing Litter on Property.

It shall be a violation of this Article for any person to place on, throw onto, cast onto or permit any litter, debris, junk, refuse or thing causing litter, junk or debris onto property of any person, firm, association, corporation, the State of Indiana, and it shall further be a violation of this Article for any parent, guardian, or person charged with, or having custody of, any minor child under the age of eighteen (18) years to cause to permit such minor child under the age of eighteen (18) years to place on, throw onto, cast onto or permit any litter, debris, junk, refuse or thing causing litter, junk or debris onto the property of any person, firm, association, corporation, the State of Indiana and its political subdivisions, including but without being limited to the City of Terre Haute, Indiana. For any person violating the provisions of this Article, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See § 2-140 of this *Code*). All second and subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by State statute and local ordinance. (Special Ord. No. 85, 1994, § 1, (525.04), 12-8-94)

Sec. 6-92 Littering Prohibited in Public Parks.

a. No person shall throw, place or allow to remain in any public park, public parkway or public boulevard of the City any box, paper, stale or broken food, food remnants, melon rinds, or other waste or rubbish of any kind, or display for sale or for advertising purposes in any public parks, parkway or public boulevard of the City any good, article, thing, placard, sign or circular, except upon written permission from the Board of Park Commissioners. Any person violating any provision of this Article shall upon conviction thereof be fined in an amount not to exceed Three Hundred Dollars ($300.00). Each day such violation is committed or is

permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 16, 2002, 8-8-02)

b. Additional park regulations are set forth in Chapter 5 of this *Terre Haute City Code.*

Sec. 6-93 Handbill Regulations.

a. **Handbill.** As used in this section, means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by the United States mail. Such definition does not include a newspaper.

b. **Commercial Handbill.** Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which:

(1) Advertises for sale any merchandise, product, commodity, thing, good or service; or

(2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of directly promoting the interest thereof by sales; or

(3) Directs attention to or advertises any meeting, performance, function, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

c. **Newspaper.** A daily, weekly, semi-weekly, or tri-weekly publication or periodical of general circulation that has been published for at least three (3) consecutive years in the same city or town that has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class and has at least fifty percent (50%) of all copies circulated paid for by the subscribers or other purchasers at a rate that is not nominal.[112]

d. No person shall distribute or cause to be distributed any handbill or commercial handbill to pedestrians upon the public streets or sidewalks of the City of Terre Haute.

e. No person shall throw or deposit any handbill or commercial handbill in or upon any public sidewalk or street or other public place within the City of Terre Haute.

f. No person shall place or cause to be placed in or upon any parked motor vehicle upon the public streets, parking lots, parking garages or any other public place where a motor vehicle is parked within the City, any handbill or commercial handbill, except where express permission is given by the owner of the motor vehicle.

[112] I.C. sec. 5-3-1-0.4 gives definition of "newspaper."

g. No person shall post, paste, tack or in any way attach or affix to any tree, telegraph, telephone, electric light or power pole or other pole, any handbill, commercial handbill, card bill, notice, announcement or other advertisement. This Section shall not apply to legal notices posted by persons acting under authority of an order of court, or in pursuance of law. (Gen. Ord. No. 19, 2004, As Amended, 8-12-04)

Sec. 6-94 Reserved for Future Use.

Division II. Garbage and Trash Regulations.

Sec. 6-95 Definitions.[113]

As used in this Division:

a. **Lot** or **Parcel Lot** or **Parcel of Real Estate.** Shall include, in addition to those grounds within their respective boundaries, all of the grounds lying to the center of the street or alley or alleys where said street or alley is not improved.

b. **Garbage.** All organic household waste, offal, animal and vegetable matter prepared or intended for use as food, condemned foodstuffs and materials and substance materials and things ordinarily disposed of in containers and incinerators by hotels, restaurants, stores, hospitals, apartment houses, and private dwellings.

c. **Trash.** Rubbish and refuse including, but not limited to, glass bottles and containers, broken glass, rubber products, metals, rags, weeds, tree toppings, grass, leaves, discarded furniture, and appliances.

d. **Rank Vegetation.** Any and all junk, rubbish, or debris which is harmful to the general public health and welfare or may detract from the appearance of the neighborhood.

e. **Other Waste Substance.** Any and all junk, rubbish, or debris which is harmful to the general public health and welfare or may detract from the appearance of the neighborhood. (Special Ord. No. 85, 1994, § 1, 1305.01 (a), 12-8-94)

Sec. 6-96 Garbage and Trash Regulations.

a. It shall be unlawful for the owner, occupant, or lessee of any lot or parcel of lot or parcel of real estate within the corporate limits of the city to allow, suffer, or permit any garbage, trash, rank vegetation, or other waste substance to be deposited on, grown on, or remain on any said lot, parcel of lot or parcel of real estate. (See § 2-140 of this *Code*) (Special Ord. No. 85, 1994, § 1, 1305.01 (b), 12-8-94)

b. It shall be the responsibility of the owner, occupant, or lessee of any building, structure, or property in the City, where garbage or trash is generated or exists to provide or

[113] *I.C.* § 13-7-1-11 defines "garbage" and *I.C.* § 13-7-1-9, defines "disposal."

cause to be provided, and at all times to keep or cause to be kept portable containers, receptacles or dumpsters for holding garbage and trash.

All residential garbage and trash to be deposited in such containers, receptacles or dumpsters shall be sacked in a plastic type bags or boxes. Each such container shall have handles and lids of such size, type, and construction as to be secure and readily and conveniently emptied and handled by collectors. There shall be an appropriate number of containers to hold all garbage and trash plastic type bags or boxes. In the alternative garbage and trash but not held in a container as provided herein shall be limited to being set out for pick up no earlier than the night before the scheduled pick up and shall be sacked in plastic type bags or boxes closed and tightly secured.

All commercial and industrial garbage and trash shall be deposited in a dumpster of such size, type, and construction to be secure and readily and conveniently emptied and handled by collectors. There shall be an appropriate number of dumpsters having properly fitted lids or coverings to hold all garbage and trash. (Gen. Ord. No. 3, 2002, 3-14-02).

c. The provisions of this Section shall apply to all single and multiple residential units and commercial and industrial properties. (Gen. Ord. No. 3, 2002, 3-14-02)

Sec. 6-97 Nuisances.

Whenever and wherever garbage, trash, rank vegetation, or other waste substances shall exist, covering or partly covering the surface of any lot or parcel of lot or parcel of real estate within the corporate City, the same shall be deemed a nuisance and a violation. (Special Ord. No. 85, 1994, § 1, 1305.01 (c), 12-8-94)

Sec. 6-98 Enforcement.

It shall be the duty of the Department of Building and Inspections to enforce this Division. (Special Ord. No. 85, 1994, § 1, 1305.01 (d), 12-8-94)

Sec. 6-99 Penalties.

a. Any person violating any provision of this Article shall upon conviction thereof be fined in an amount not to exceed Three Hundred Dollars ($300.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 16, 2002, 8-8-02)

b. For any person failing to abate weeds or rank vegetation, see Sec. 6-168 through Sec. 6-174. (Gen. Ord. No. 24, 2001, 12-13-01)

Sec. 6-100 Notice To Abate, Warning Citations.

It shall be the duty of the Department of Building and Inspections to inspect from time to time the various lots or parcels of real estate lying within the corporate limits of the City, and if it

is found that garbage, trash, rank vegetation or other waste substances are permitted to be deposited on, grown on, or remain on such lots or parcels of lots or parcels of real estate, it shall be its duty to ascertain the names of the owners, occupants, or lessee of said property. Upon investigation and evaluation of the severity of the violation by the Department of Building and Inspections, the Department of Building and Inspections may do one of the following:

a. Issue a warning citation to the owner, occupant, or lessee of said property that is in violation of local ordinance provisions. The warning will allow the owner, occupant, or lessee of the property in violation seven (7) days to bring the property into compliance with local ordinance provisions. If after the seven (7) day period the property is still not in compliance with local provisions, the Department of Building and Inspection may then issue a citation to the owner, occupant, or lessee of said property in violation.

b. Immediately issue a citation to the owner, occupant, or lessee of said property that is in violation of local ordinance provisions. (Special Ord. No. 85, 1994, § 1, (1305.02), 12-8-94)

Sec. 6-101 Burning Garbage, Trash, Leaves Prohibited.

a. The burning of trash, garbage, refuse or waste materials or waste substance within the City of Terre Haute, Indiana is declared to be a nuisance and is prohibited.

b. The burning of leaves in the City of Terre Haute, Indiana is declared to be a nuisance and is prohibited.

c. It shall be the duty of the Terre Haute Police Department to enforce this Section.

d. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See § 2-140 of this *Code*). All second and subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by State statute and local ordinance. (Special Ord. No. 85, 1994, § 1, 1305.04, 12-8-94)

Sec. 6-102 Prohibited Acts Regarding Garbage.

No person shall throw, cast or deposit any garbage in or about any building structure or premises or upon any public street, alley or public place within the City. No person shall deposit any substance or thing other than garbage into any garbage receptacle. Violation of this act shall be an infraction. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period is subject to enforcement through the judicial system as provided by State statute and local ordinance. (Special Ord. No. 85, 1994, § 1, (907.04), 12-8-94)

Sec. 6-103 Illegal Dumping.

a. It shall be a violation of this Division for any person to throw, cast, discharge, dump, place, deposit, place, leave, cause to be thrown, discharged, dumped, deposited, placed or left on any City-owned or maintained property any waste, paper, ashes, glass, cans, dirt, tree

toppings, leaves, weeds, grass, discarded furniture, appliances, organic household waste, animal remains, rubbish, waste, garbage, refuse, and trash.

b. Anyone found to be in violation of this provision shall be subject to the penalties contained in Sec. 6-99 and be responsible for any charges associated with the clean-up of the illegally dumped items. (Gen. Ord. No. 8, 1998, § 525.08, 5-15-98)

Division III. Smoking in Public Places.

Sec. 6-104 Definitions.

As used in this Chapter, the following have the following meanings unless otherwise designated:

a. **Bar.** Any establishment used primarily for the sale of alcoholic beverages for consumption by guests on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages, including but not limited to taverns, nightclubs, and cocktail lounges.

b. **Person.** Any individual, firm, partnership, association, corporation, company or organization of any kind.

c. **Restaurant.** Any establishment used as or held out to the public as having food available for payment to be consumed on the premises, including coffee shops, cafeterias, cafes, luncheonettes sandwich stands and soda fountains. The term "restaurant" shall include a bar area within the restaurant.

d. **Theater.** Any enclosed facility, open to the public, which is primarily used for or designed for the purpose of exhibiting any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

e. **Smoke** or **Smoking.** The act of lighting, carrying, inhaling from, or leaving a lighted or smoldering cigar, cigarette, or pipe of any kind.

f. **Public Place.** Any enclosed area used by the general public, including, but not limited to, retail stores and financial institutions, department stores, banks, laundromats and beauty and barber shops, retail food production and marketing establishments, retail service establishments, and other commercial establishments, regardless of whether a fee is charged for admission to the place.

g. **Enclosed Area.** All space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

h. **Place of Employment.** Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but

not limited to, work areas, private offices, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways.

i. **Retail Tobacco Store.** Retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term does not include retail stores where food or beverages are sold for consumption on the premises or where an area has been set-aside on the premises for customers to consume food or beverages.

j. **Health Care Facility.** An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill.

k. **Service Line.** An indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

l. **Shopping Mall.** An enclosed public walkway or hall area that serves to connect retail or professional establishments.

m. **Sports Arena.** Sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-105 Application to City-Owned Facilities

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Terre Haute, shall be subject to the provisions of this Chapter. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-106 Smoking Prohibited in Public Places.

Smoking shall be prohibited in all enclosed public places within the City of Terre Haute, including but not limited to, the following places:

a. Aquariums, galleries, libraries, and museums.

b. Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.

c. Bars.

d. Bingo facilities.

e. Convention facilities.

f. Elevators.

g. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.

h. Health care facilities.

i. Licensed childcare and adult day care facilities.

j. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

k. Polling places.

l. Public transportation facilities, including buses and taxicabs, under the authority of the City of Terre Haute, and ticket, boarding, and waiting areas of public transit depots.

m. Restaurants.

n. Restrooms, lobbies, reception areas, hallways, and other common-use areas.

o. Retail stores.

p. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Terre Haute or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the City of Terre Haute.

q. Schools.

r. Service lines.

s. Shopping malls.

t. Sports arenas, including enclosed places in outdoor arenas. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-107 Prohibition of Smoking in Places of Employment.

Smoking shall be prohibited in all enclosed areas within places of employment. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-108 Reasonable Distance.

Smoking shall be prohibited within a reasonable distance from an enclosed area where smoking is prohibited by this Chapter, so as to ensure tobacco smoke does not enter into establishments designated as smokefree under this Chapter through entrances, windows, ventilation intakes or other means. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-109 Where Smoking Is Not Regulated.

The prohibitions of Sec. 6-106 shall not apply to the following:

a. Private residences, except when used as a licensed childcare, adult day care, or health care facility.

b. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

c. Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Chapter.

d. Outdoor areas of places of employment. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-110 Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Sec. 6-111 is posted. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-111 Posting of Signs.

Every public place and place of employment where smoking is prohibited by this Chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-112 Enforcement.

a. This Chapter shall be enforced by the City of Terre Haute Police Department and City of Terre Haute Code Enforcement or an authorized designee.

b. Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the City of Terre Haute Police Department.

c. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Chapter.

d. An owner, manager, operator, or employee of an establishment regulated by this Chapter shall inform persons violating this Article of the appropriate provisions thereof. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-113 Violations and Penalties.

a. A person who smokes in an area where smoking is prohibited by the provisions of this Chapter shall be guilty of an ordinance violation, punishable by a fine not exceeding Fifty Dollars ($50.00).

b. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Chapter shall be guilty of an ordinance violation, punishable by:

(1) A fine not to exceed One Hundred Dollars ($100.00) for a first violation in a calendar year.

(2) A fine not to exceed Two Hundred Dollars ($200.00) for a second violation within a calendar year.

(3) A fine not to exceed Five Hundred Dollars ($500.00) for each additional subsequent violation within a calendar year.

c. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-114 Non-retaliation.

No person or employers shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to a smoke-free environment afforded by this Chapter. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-115 Other Applicable Laws.

This Chapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws or to supersede any local laws which are more restrictive. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Sec. 6-116 Chapter To Be Broadly Interpreted.

This Chapter shall be construed broadly to effectuate the purposes described in the preamble of the creating ordinance. (Gen. Ord. No. 19, 2010, 1-13-11; Effective 7-1-12)

Division IV. Miscellaneous Public Safety Regulations.

Sec. 6-120 Spitting in Public Places.

No person shall spit upon any sidewalk within the City, or upon the floors, step, or entrance of any car or public conveyance, or upon the floor, steps, entrance or platform of any theater, hall, place of amusement, church, office, club, store, hotel or other public place or public building within the City. (*1989 Terre Municipal Code,* § 1305.05)

Sec. 6-121 Reserved for Future Use. (Deleted by Gen. Ord. No. 19, 2004, As Amended, 8-12-04)

Sec. 6-122 Trick-or-Treating Curfew Regulations.[114]

a. Door-to-door trick-or-treating in residential or neighborhood areas within the city limits of Terre Haute, Indiana, shall be two (2) days only; the day before Halloween and Halloween day. Trick-or-Treating will end with a curfew at 9 o'clock p.m. both days. (Special Ord. No. 67, 1980, § 1, 10-9-80, *Journal of Common Council*, pp. 373-374)

b. Any person violating any provision of this Section shall be fined not more than Three Hundred Dollars ($300.00). (Special Ord. No. 67, 1980, § 2, 10-9-80, *Journal of Common Council,* pp. 373-374)

Sec. 6-123 Light and Noise Nuisance.[115]

a. It shall be a violation of this Section for any person to cause or permit any nuisance or annoyance to any person in the City of Terre Haute, Indiana by use of noise or light, or any sound or light emitting device, mechanism or thing.

b. It shall be a violation of this Section for any parent of any person under the age of eighteen (18) years, or the guardian or person charged with, or having custody of, any such person under the age of eighteen (18) years to cause or permit a nuisance or annoyance to any person in the City of Terre Haute, Indiana, by means of noise or lights and the use of any device, mechanism or thing emitting annoying and nuisance sounds or lights.

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[114] *I.C.* § 31-6-4-2, authorizes curfew regulations.

[115] *I.C.* § 36-8-2-8, authorizes the regulation of sound.

c. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See Sec. 2-140 *et seq.).* All second and subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by state statute and local ordinance. (Special Ord. No. 85, 1994, § 1, (525.07), 12-8-94)

Sec. 6-124 Abandoned Refrigerators.

a. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned or unattended icebox, refrigerator or any other container of any kind which has a door or lock which may not be released for opening from the inside of the icebox, refrigerator or container.

b. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned or unattended icebox, refrigerator or any other container of any kind which has a snap-lock or other device thereon without first removing the snap-lock or door from the icebox, refrigerator or container. Any such icebox, refrigerator or other container so found shall be impounded by any police officer, pending trial of the person last in possession thereof. (Gen. Ord. No. 2, 2004, 3-11-04)

Sec. 6-125 through Sec. 6-129 Reserved for Future Use.

ARTICLE 6. DISTURBING THE PEACE.

Sec. 6-130 Obstruction of Traffic.

a. No person shall without good cause obstruct vehicular or pedestrian traffic and the same is declared a public nuisance.

b. A violation of this Section shall subject the violator to a fine of not more than Three Hundred Dollars ($300.00) per incident. (Gen. Ord. No. 27, 2001, 1-10-02)

Sec. 6-131 Amplifying Devices in Vehicles.

a. The operation or use of amplifying or broadcasting devices for advertising purposes in vehicles upon or over the streets within the City is declared unlawful, and the same is declared to be a public nuisance.

b. No operator of any vehicle shall operate the same upon or over the streets when such vehicle is being used in broadcasting, amplifying or calling attention to advertising matter.

c. A violation of this Section shall subject the violator to a fine of not more than Three Hundred Dollars ($300.00) per incident. (Gen. Ord. No. 27, 2001, 1-10-02)

Sec. 6-132 through Sec. 6-137 Reserved for Future Use.

ARTICLE 7. OBSTRUCTIONS TO STREETS AND SIDEWALKS.

Sec. 6-138 Obstructing Streets or Sidewalks Prohibited.[116]

a. The owner of a restaurant or dining service establishment may not utilize the sidewalk area immediately abutting the retail business for the purpose of engaging in the sale of food or beverage unless a permit is first obtained from the Board of Public Works and Safety. The applicant shall submit to the Board of Public Works and Safety an application, to include a written request specifying the intended use, a diagram of the sidewalk area and such other information requested by the Board of Public Works and Safety. The Board of Public Works and Safety may issue a permit approving such use of the sidewalk area if the Board of Public Works and Safety finds that the proposed use is consistent with standards established by the Board of Public Works and Safety.

b. No person shall obstruct any part of a street, sidewalk or alley within the City by placing thereon:

(1) Any stand or other structure for the display or sale of goods, wares, or merchandise, except with approval of the Board of the Works and Safety;

(2) Any machine used to vend any goods, wares, or merchandise or to provide amusement or music;

(3) Any goods, wares, or merchandise for the purpose of display or sale;

(4) Any building materials, unless a permit is obtained from the Board of Public Works and Safety;

(5) Any rubbish, garbage, trash, glass, or litter of any kind or description;

(6) Any barrels, crates, or boxes, except when loading or unloading a vehicle;

(7) Any coal, wood, or other fuel except when delivering same to any building. (Gen. Ord. No. 8, 1995, § 1, 10-12-95)

Sec. 6-139 Damaging Streets and Sidewalks Prohibited.

No person shall intentionally destroy, injure, damage, or deface any street, sidewalk, or alley. (*1989 Terre Haute Municipal Code*, § 517.02)

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[116] *I.C.* § 36-1-3-2, grants cities all powers that are needed for the effective operation of government as to local affairs.

Sec. 6-140 Excavations and Obstructions; Barriers Required.

No person shall leave any excavation or any obstruction of any kind or nature within or upon any part of any sidewalk, street, alley or public place, unless the same shall be surrounded by sufficient barriers, and the location thereof distinctly marked by lights placed and maintained through the night, in such a way and in such manner as to effectually prevent any accident. (*1989 Terre Haute Municipal Code,* § 517.03)

Sec. 6-141 Removal of Barricades.

a. Whenever the Street Department of Terre Haute is in the process of repaving or repairing or otherwise performing maintenance tasks on streets and alleys in the City of Terre Haute, they shall be empowered to place distinctly marked barricades to direct or restrict the flow of traffic around the working area.

b. It shall be unlawful for any person to move such a barricade and for any person to operate a motor vehicle on any area of a street or alley protected by such a barricade.

c. The Terre Haute City Police Department is empowered to issue summonses or notices to appear in Court upon observing said violations. Violators are subject to the penalties enunciated in Sec. 2-140. (Gen. Ord. No. 2, 1979, *1989 Terre Haute Municipal Code,* § 517.09)

Sec. 6-142 Removal of Snow and Ice from Sidewalks Required.

It shall be the duty of the owner of each and every retail commercial or industrial business establishment or enterprise in the City abutting upon any sidewalk to keep such sidewalk abutting his premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which time will ordinarily not exceed twelve (12) hours after the abatement of any storm during which the snow and ice may have accumulated. (*1989 Terre Haute Municipal Code,* § 517.04)

Sec. 6-143 Downspouts Not To Be Obstructions; Abatement.

a. No person shall erect, build, have, or maintain any downspout, or any other device for the purpose of carrying off or discharging rain water or any other fluids, which will discharge such rain water or other fluids on, over, upon, or across any sidewalk or pavement in the City.

b. Any such downspout or other device now built or maintained contrary to the provisions of this Section shall be removed within thirty (30) days after the owner or maintainer thereof shall have written notice from the Board of Public Works and Safety of the City to remove the same. The failure of any such person to so make such removal shall constitute an ordinance violation. (*1989 Terre Haute Municipal Code,* § 517.06)

Sec. 6-144 Overhanging Trees and Stumps Near Sidewalks.

a. No owner or occupant of any lot or tract of land fronting on any street shall allow the branches or foliage of any trees growing upon such lot or tract of land or upon the sidewalk in front thereof or adjacent thereto to hang down below a distance of eight feet (8') above the surface of the sidewalk.

b. No owner or occupant of any lot or tract of land fronting on any street shall allow the stump of any tree to project above the surface of the ground between the property line and the curb line within that part of the sidewalk abutting upon such lot or tract of land. (*1989 Terre Haute Municipal Code,* § 517.07)

Sec. 6-145 Conveyance of Loose Materials on Public Place..

a. **Public Place.** Shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, spaces, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

b. Any person who transports in any vehicle or in any other manner upon any public place any loose materials or articles likely to sift, fall, spill, or be blown upon the public place shall not overload the vehicle and shall cover the contents or shall convey the contents in tightly secured or covered boxes or containers. In case any of the contents thereof shall be blown, be spilled, fall, or become scattered in any public place, such person shall cause all fallen substances to be immediately gathered up and removed. It shall be a violation of this Section to cause or allow such loose material or articles to be blown, be spilled, fall or become scattered upon the public place. (*1989 Terre Haute Municipal Code,* § 517.08)

Sec. 6-146 and Sec. 6-147 Reserved for Future Use.

ARTICLE 8. WEAPONS.[117]

Sec. 6-148 Definitions.

a. **Air Gun.** Any gun or device, by whatever name known, which is designed to expel or propel a projectile, pellet or missile, leaden or otherwise, by the action of compressed air, gas, or by the action of a spring or elastic, but shall not mean a firearm.

b. **Slingshot.** Any device, by whatever name known, which is designed to support stones, pellets, or missiles, and by hand, hurling, throwing and flinging the same by stretching and releasing elastic. (*1989 Terre Haute Municipal Code,* § 519.01)

Sec. 6-149 Shooting Prohibited.

a. No person, regardless of age, shall shoot within the City any gun commonly known as an airgun or any type of mechanical gun that shoots, expels or propels pellets, missiles

[117] *I.C.* § 36-47-11-1, *et seq*., address the local regulation of firearms.

or projectiles, leaden or otherwise. No person shall hurl, throw or fling missiles, pellets or stones by means of a slingshot. (*1989 Terre Haute Municipal Code,* § 519.02)

b. The Board of Public Works and Safety may permit the discharge of certain weapons within the Airport Operations Area for the protection of the public good and welfare upon appropriate application and compliance with the following conditions:

1. Request for permit must be in writing and submitted to the Board of Public Works and Safety.

2. A request for a permit to discharge a weapon within the Airport Operations Area shall:

a. State the date(s) for which the permission is requested;

b. Identify the type of weapon(s) to be used;

c. Identify the specific location for which the authorization is requested;

d. State the name, address and date of birth of each individual requesting permission;

e. State the purpose of the request; and

f. Supply copies of any applicable federal, state or local agency permits or licenses.

3. Failure to provide required information or to provide false information shall be grounds for immediate denial of permit.

4. The Chief of Police shall within fourteen (14) days after written request for permit, provide a copy of a criminal history check of each individual who will be authorized to discharge a weapon within the Airport Operations Area for the protection of the public good and welfare. The Board reserves the right to deny a permit for specific individuals based on the results of the criminal history check.

5. After proper request has been made pursuant to this Section, the Board in its sole discretion, shall vote to approve, modify or deny such request at a public meeting. If the request is denied, the applicant must wait one (1) year from the date of denial to reapply for the permit.

6. No permit granted pursuant to this Section shall be transferable.

7. Each permitted individual shall comply at all times with all statutes, ordinances and regulations relating to the discharge and ownership of weapons.

8. The Board may, and is authorized to, suspend or revoke a permit issued hereunder for failure of permittee or its authorized individuals to comply and to maintain compliance with the requirements of this Section, or of regulations promulgated hereunder.

g. The provisions of this Section shall in no way prohibit persons authorized or required by their employment or office to discharge blank ammunition for signal purposes at athletic or sporting events, or as part of a military or law enforcement ceremony. (Gen. Ord. No. 23, 2007, As Amended, 1-10-08)

h. Authorized, active and retired law enforcement officers, as defined by I.C. § 9-13-2-92, participating in training exercises at the City of Terre Haute Emergency Responder Training Academy (ERTA) firing range, shall be permitted to discharge firearms approved by ERTA staff. Such training exercise shall only be conducted in accordance with rules and regulations and during hours designated by the ERTA. (Gen. Ord. No. 10, As Amended, 7-8-10)

Sec. 6-150 Weapons Prohibited for Minors.

No person under the age of sixteen (16) years shall carry any air gun or slingshot on the streets, alleys, public roads or public places within the City unless accompanied by an adult, parent or guardian. (*1989 Terre Haute Municipal Code,* § 519.03)

Sec. 6-151 Parental Responsibility.

No parent or guardian of any child under the age of sixteen (16) years shall knowingly permit any such child to violate this Article. (*1989 Terre Haute Municipal Code,* § 519.04)

Sec. 6-152 Exceptions.

Any person under sixteen (16) years of age may have in his possession any of the articles mentioned in Sec. 6-149 of this Article if:

a. Kept within his domicile;

b. Used by the person under sixteen (16) years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor target range under the supervision, guidance and instruction of a responsible adult;

c. Used in or on any private grounds or residence under circumstances when such an article designated in Sec. 6-149 can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile transversing any grounds or space outside the limits of such grounds or residence;

d. Carried unloaded and in a suitable case or securely wrapped. (*1989 Terre Haute Municipal Code,* § 519.05)

Sec. 6-153 through Sec. 6-155 Reserved for Future Use.

ARTICLE 9. PROPERTY REGULATIONS.

Sec. 6-156 Inflict Damage upon Property.

It shall be a violation of this Article for any person within the City of Terre Haute, Indiana to intentionally, willfully or maliciously inflict damage upon any real, personal or mixed property within the City of Terre Haute of any person, firm, association, corporation, the State of Indiana and its political subdivisions, including but without being limited to the City of Terre Haute, Indiana. (Special Ord. No. 36, 1970, *1989 Terre Haute Municipal Code,* § 525.01)

Sec. 6-157 Cause Damage to Property.

It shall be a violation of this Article for any person to cause damage or destruction of any real, personal or mixed property within the City of Terre Haute, Indiana of any person, firm, association, corporation, the State of Indiana and its political subdivision, including but without being limited to the City of Terre Haute, Indiana. (*1989 Terre Haute Municipal Code,* § 525.02)

Sec. 6-158 Enter onto Property To Inflict Damage.

It shall be a violation of this Article for any person to enter onto the property of any person, firm, association, corporation, or the State of Indiana and its political subdivisions, including but without being limited to the property of the City of Terre Haute, Indiana, for the purpose of inflicting any damage to or causing the destruction of such property, or personal or mixed property thereon, or placing on such property any litter, debris, junk, refuse or material which causes such property to be and become littered or in any way defaced, or which causes such property, or property thereon, to be made unsightly. (*1989 Terre Haute Municipal Code,* § 525.03)

Sec. 6-159 Penalty.

Unless otherwise provided any person violating any of the provisions of this Article shall be fined not less than Three Hundred Dollars ($300.00) for each offense thereunder and not more than Two Thousand Five Hundred Dollars ($2,500.00). (Special Ord. No. 85, 1994, § 1, (525.99), 12-8-94)

Sec. 6-160 Maintenance of Right-of-Way

The Owner of each lot abutting a City street shall maintain the surface area from the edge of the Owner's property to the edge of the roadway. (Edge of the roadway in this instance shall mean the lotside face of curb and gutter or the lotside edge of shoulder.) The maintenance shall be limited to normal lot or yard maintenance which includes maintenance or removal of vegetation, garbage, trash and waste substances and the undertaking of protective measures to prevent or check erosion. This does not give lot owners authority to alter or block drainage

elements. Also, Owners shall maintain the surface area from the property line to the center of any alley abutting the property. The alley maintenance shall be limited to normal lot or yard maintenance which includes maintenance or removal of vegetation, garbage, trash and waste substances. (Gen. Ord. No. 20, 2001, 11-8-01)

Sec. 6-161 Reserved for Future Use.

ARTICLE 10. SPECIFIC NOISE REGULATIONS.

Sec. 6-162 Public Purpose Declared.

It is found and declared that:

a. The making and creation of loud, unnecessary or unusual noises within the limits of the City of Terre Haute is a condition which has existed for some time and the extent and volume of such noises is increasing;

b. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Terre Haute; and

c. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Terre Haute and its inhabitants. (Gen. Ord. No. 8, 1948, § 1, 1-3-49, *Journal of Common Council,* pp. 7-10)

Sec. 6-163 Unnecessary Noises Prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noises or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City of Terre Haute. (Gen. Ord. No. 8, 1948, § 2, 1-3-49, *Journal of Common Council,* pp. 7-10)

Sec. 6-164 Violations Declared.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Article, but said enumeration shall not be deemed to be exclusive, namely:

a. **Horns, Signaling Devices, etc**. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any

unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b. **Radios, Phonographs, etc.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this Article.

c. **Loud Speakers, Amplifiers for Advertising.** The using, operating or permitting to be played/used, or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

d. **Yelling, Shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

e. **Animals, Birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

f. **Steam Whistles.** The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request prevent loud or explosive noises therefrom.

g. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

h. **Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

i. **Schools, Courts, Churches, Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such

institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court, street.

j. **Hawkers, Peddlers.** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

k. **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

l. **Metal Rails, Pillars, and Columns, Transportation Thereof.** The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

m. **Pile Drivers, Hammers, etc.** The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. (Gen. Ord. No. 8, 1948, 1-3-49, *Journal of Common Council*, pp. 7-10)

Sec. 6-165 Penalties.

Any person who violates any provision of this Article shall be fined as set forth in the chart subject to payment through the Ordinance Violation Bureau. (Gen. Ord. No. 8, 1948, § 4, 1-3-49; *Journal of Common Council*, pp. 7-10)

Sec. 6-166 Noise from Vehicles.

a. It shall be a violation of this Article for any person to cause, allow or permit noise, music, and sounds from radios, stereos, and amplifiers, to be audible from ten feet (10') of a moving or stationary vehicle.

b. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See § 2-140 of this *Code*). All second and subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by state statute and local ordinance. (Gen. Ord. No. 13, 1998, § 1, 9-10-98)

Sec. 6-167 Reserved for Future Use.

ARTICLE 11. WEEDS, GRASS AND RANK VEGETATION CONTROL.[118]

Sec. 6-168 Title.

[118] *I.C.* § 36-7-10.1-3, authorizes the City to remove weeds and rank vegetation and to collect monies for the same.

This Article shall be known and may be cited as the "Terre Haute Weed, Grass and Rank Vegetation Control Ordinance". (Gen. Ord. No. 24, 2001, 12-13-01)

Sec. 6-169 Definitions.

Lot or **Parcel of Lot** or **Parcel of Real Estate.** Shall be included in addition to those grounds within their respective boundaries of all of the grounds lying to the center of the street or alley or alleys where said street or alley is not improved. The word weed as herein used shall include specifically the following rank and uncultivated growth or matter:

amaranthus retoflexus (rough green pigweed)
ambrosia elatior (common ragweed)
ambrosia trifida (giant ragweed)
arctium minus (burdock)
bidens grondosa (beggarticks)
cannabis cativa (marijuana)
chenopodium album (lambs quarter)
cirsium arvense (common thistle)
concoluvuls, all species (bindweed)
remex, all species (docks)
rhus radicans (poison ivy)
solanum carolinese (horse nettle)
sonchus arvensis (saw thistle)
xamthium pennsuvanicum (cocklebur)

Removing grass and/or weeds. The elimination of said grass and/or weeds by cutting, spraying or other effective means.

Rank Vegetation. Shall have the meaning set out in Sec. 6-95 d. (Gen. Ord. No. 24, 2001, 12-13-01).

Sec. 6-170 Weeds, Grass and Rank Vegetation; Nuisance.

a. It shall be unlawful for the owner, occupant or lessee of any lot or parcel of lot of real estate within the corporate limits of the City to allow, suffer or permit grass and/or any weeds of any kind to grow or mature upon any such premises to a height of over eight inches (8"). (Gen. Ord. No. 14, 2001, 6-14-01)

b. It shall be the duty of the owner, occupant or lessee of any lot or parcel of lot or parcel of real estate within the corporate limits of the City, to cut grass and/or weeds on such property at least four (4) times between May 1 and October 31 of each calendar year. (Gen. Ord. No. 24, 2001, 12-13-01)

c. Whenever and wherever grass and weeds shall exist of a height of over eight inches (8"), covering or partly covering the surface of any lot or parcel of lot or parcel of real

estate within the corporate limits of the city, the same shall be deemed a nuisance and a violation. (Gen. Ord. No. 24, 2001, 12-13-01)

d. It shall be unlawful for the owner, occupant or lessee of any lot or parcel of lot or parcel of real estate within the corporate limits of the City to allow, suffer or permit rank vegetation of any kind to collect or remain upon such premises. (Gen. Ord. No. 24, 2001, 12-13-01)

e. Whenever and wherever rank vegetation shall collect or remain covering or partially covering the surface of any lot or parcel of lot or parcel of real estate within the corporate limits of the City, the same shall be deemed a nuisance and a violation of this Article. (Gen. Ord. No. 24, 2001, 12-13-01)

Sec. 6-171 Notice to Owners.

a. Ten (10) days to abate nuisance - It shall be the duty of the Building Inspector's Office, Environmental Protection Office (or any designated City Department) to inspect from time to time the various lots or parcels of lots or parcels of real estate lying within the corporate limits of the City, and if it shall find that weeds and/or grass are permitted to grow in violation of this Article, or rank vegetation is permitted to collect or remain on any such lots or parcel of lots or parcel of real estate, it shall be his duty to ascertain the names of the owners, occupants or lessees of said property and to notify such owners, occupants or lessees in writing, that such weeds and/or grass shall be cut and removed or otherwise destroyed, or such rank vegetation shall be removed, within ten (10) days from the date of such notice.

b. Notice shall be sent to the owner of record as the name and address appears on the tax statement from the Treasurer's Office of Vigo County, by certified mail. If any lot or parcel of lot or parcel of real estate is not occupied or leased, and the owner is a non-resident of the City, or his residence is unknown, or if notice is returned by Postal Department because of its inability to make delivery thereof, the Board of Public Works and Safety shall cause a notice to cut, remove or otherwise destroy the weeds and/or grass and/or rank vegetation to be published in some daily newspaper of general circulation in such city at least one each week for two (2) successive weeks. (Gen. Ord. No. 24, 2001, 12-13-01)

c. Continuous Abatement. If an initial notice of violation and abatement has been issued to the owner of record as provided in Subsection b. above, a continuous notice of abatement may be posted at the property at the time of abatement. This continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of violation was provided may be abated by the City or its contractors and the costs and fees associated with the abatement shall be assessed against the property as provided in Section 6-172 b. (I.C. § 36-7-10.1-3(d)). (Gen. Ord. No. 17, 2012, 11-8-12)

Sec. 6-172 Failure of Owner To Abate Nuisance.

a. If any owner, occupant or lessee of any lot or parcel of lot or parcel of real estate shall fail to cut or remove or otherwise destroy or abate such weeds and/or grass and/or rank vegetation after receiving notice as provided in Sec. 6-171, it shall be the duty of the Board of Public Works and Safety to cause the same to be cut or removed or otherwise destroyed or abated. When the Board of Public Works and Safety has effected the cutting, removal or destruction or abatement of such nuisance the Board of Public Works and Safety or Department of Redevelopment shall prepare a sworn statement showing the cost of the work performed and it shall bill the owner of record. Such bill shall be due and payable at the time of receiving the statement.

b. Failure of Owner to Pay - If the full amount due the City is not paid by such owner within thirty (30) days after such invoice for the work has been issued, as provided in Sec. 6-172 a., the Board of Public Works and Safety shall certify to the County Auditor a sworn statement showing the cost and expense incurred for the work, date the work was done and the location of the property on which said work was done. The certification of such sworn statement shall constitute a lien and privilege on the property. The amount of the bill shall include any additional administrative costs incurred in the certification. As provided in I.C. § 36-7-10.1-4, the auditor shall place the total amount certified on the tax duplicate for the property affected and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected, all as provided in *I.C.* § 36-7-10.1. (Gen. Ord. No. 24, 2001, 12-13-01; Gen. Ord. No. 1, 2011, 2-10-11)

Sec. 6-173 Penalties.

Any person violating any of the provisions of this Article shall upon conviction thereof be fined in an amount not exceeding Three Hundred Dollars ($300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 1, 1978, As Amended, § 2, 2-9-78, *Journal of Common Council*, pp. 26-29)

Sec. 6-174 Separability.

If any section, subsection, sentence, clause, phrase, or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. (Gen. Ord. No. 1, 1978, As Amended, § 7, 2-9-78, *Journal of Common Council*, pp. 26-29)

Sec. 6-175 through Sec. 6-177 Reserved for Future Use.

ARTICLE 12. ABANDONED AND JUNKED VEHICLES.[119]

Sec. 6-178 Definitions.

[119] *I.C.* § 9-22-1-1, *et seq*., address abandoned motor vehicles.

The following definitions shall apply in the interpretation and enforcement of this Article:

a. **Person.** Any person, firm, partnership, association, corporation, company or organization of any kind.

b. **Motor Vehicle.** A machine propelled by mechanical power designed to travel along the ground by use or wheels, treads, runners, or slides, and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, and tractors.

c. **Street or Highway.** Shall include alleys, and shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of general travel, both ambulatory and vehicular.

d. **Enforcement Officer.** That employee of the City who shall be appointed by the Mayor of the City to be responsible for the enforcement of this Article.

e. **Inoperative Motor Vehicle.** Any motor vehicle not within an enclosed building, in a non-operating condition, or in a wrecked, damaged, deteriorated, or in a wrecked, damaged, deteriorated, or partially dismantled condition. (Gen. Ord. No. 8, 2001, 4-12-01)

f. **Abandoned and Junked Motor Vehicle.** Any motor vehicle which shall either be in such a deteriorated or destroyed condition as to be unable to be operated safely with due regard to standards set by the State of Indiana for motor vehicle equipment, or shall be permitted to remain unmoved for a longer period than five (5) days on either public or private property so as to permit of the conclusion that the owner or owners thereof have relinquished all right, title and interest in such vehicle, and no longer intend that such vehicle be operated and maintained in operable condition for use as such vehicles are generally employed.

g. **Partially Exempt Real Estate.** Real estate upon which is operated a motor vehicle body shop, repair garage, or service station in an area not in violation of the Zoning Ordinance of the City.

h. **Totally Exempt Real Estate.** Real estate upon which is operated a motor vehicle wrecking yard, salvage yard, or junk yard in an area not in violation of the Zoning Ordinance of the City.

i. **Non-Exempt Real Estate.** All real estate in the City of Terre Haute which is not partially or totally exempt real estate, as defined herein, except streets and highways.

j. **City.** The City of Terre Haute, Indiana. (Gen. Ord. No. 4, 1969, § 1, 7-16-69, *Journal of Common Council,* pp. 145-149)

Sec. 6-179 Abandoned Vehicles Prohibited.

a. It shall be unlawful for any person to abandon any motor vehicle within the City, and no person shall leave any motor vehicle at any place within the City for such time and under such circumstances as to cause such vehicle to reasonably appear to have been abandoned, junked and inoperable, and in no event, in such condition, for a period exceeding seventy-two (72) hours as is provided herein. (Gen. Ord. No. 8, 2001, 4-12-01)

b. It shall be unlawful for any person to leave, keep, park, store or place any inoperative motor vehicle, or abandoned or junked motor vehicle on any street or highway within the City for more than seventy-two (72) hours. (Gen. Ord. No. 4, 1969, § 3, 7-16-69, *Journal of Common Council*, pp. 145-149; Gen. Ord. No. 8, 2001, 4-12-01)

c. It shall be unlawful for any person being the owner or custodian of an inoperative, abandoned or junk motor vehicle to leave, keep parked, store or place an inoperative, abandoned or junk motor vehicle on any non-exempt real estate in the City for more than seventy-two (72) hours after being properly served with a removal notice. (Gen. Ord. No. 10, 2000, 5-11-00; Gen. Ord. No. 8, 2001, 4-12-01)

d. It shall be unlawful for any person being the owner of non-exempt real estate, or having control of or being in charge of such real estate, to have, permit, or allow an inoperative, abandoned or junk motor vehicle to be, or remain, on said real estate for more than seventy-two (72) hours after being properly served with a removal notice. (Gen. Ord. No. 10, 2000, 5-11-00; Gen. Ord. No. 8, 2001, 4-12-01)

e. It shall be unlawful for the owner, operator, lessee, or manager of a business on partially exempt real estate to place, park, keep, store or cause or permit to be placed, parked, kept, or stored any inoperative, abandoned or junk motor vehicle, or part thereof, on such partially exempt real estate, except and unless said vehicle is awaiting repair parts or service, and then, in that event, the said vehicle shall not be permitted on said real estate for a period of more than sixty (60) days. (Gen. Ord. No. 4, 1969, § 5, 7-16-69, *Journal of Common Council*, pp. 145-149)

Sec. 6-180 Enforcement Procedure.

Whenever the enforcement officer determines that an inoperable, abandoned or junked motor vehicle is upon non-exempt real estate in the City, has been upon a street or highway for more than seventy-two (72) hours, or is unlawfully upon partially exempt real estate he shall prepare and cause to be served a written removal notice directing that said vehicle be removed. (Gen. Ord. No. 8, 2001, 4-12-01)

a. If said vehicle is upon a street or highway, and is not removed within seventy-two (72) hours after service of this notice, then the enforcement officer may cause said vehicle to be removed and disposed of. (Gen. Ord. No. 8, 2001, 4-12-01)

b. If said vehicle is upon non-exempt real estate, or is unlawfully upon partially exempt real estate, and said vehicle is not removed within seventy-two (72) hours after service of said removal notice, the enforcement officer may cause said vehicle to be removed and disposed

of for scrap. The proceeds from such disposition, if any, shall first be applied to the expense of said removal and disposition, and any overplus remaining thereafter shall be paid to the owner of said vehicle. The owner of the real estate upon which said vehicle is located shall be responsible for and pay for any and all expenses pertaining to the removal and disposition of said vehicle, and such expense shall be and constitute a lien upon said real estate. If said expense shall not be paid within thirty (30) days after the removal of said vehicle, the Controller of the City shall certify such a lien to the Auditor and the Treasurer of Vigo County, Indiana, so that the same may be entered on the record by such officials as a lien upon said real estate. (Gen. Ord. No. 10, 2000, 5-11-00; Gen. Ord. No. 8, 2001, 4-12-01)

Sec. 6-181 Service of Notices.

a. Service of a removal notice relating to an inoperable, abandoned or junked motor vehicle located upon a street or highway shall be sufficient if a copy be affixed to said vehicle and a copy mailed by ordinary United States mail to the owner of said vehicle, if said owner be known.

b. Service of a removal notice relating to an inoperable, abandoned or junked motor vehicle on non-exempt property, or unlawfully, on partially exempt property shall be sufficient if:

(1) A copy be affixed to the subject vehicle, and

(2) A copy be left with any responsible person found upon the real estate upon which the subject vehicle is located, or, if no such person be found or if such real estate is unoccupied, then if a copy be posted upon said real estate in a conspicuous place, and

(3) A copy be mailed by ordinary United States mail to each of the following persons, if said persons be known:

(A) The owner of the real estate upon which the subject vehicle is located.

(B) The owner of the subject vehicle.

(C) Any lienholder claiming a security interest in said vehicle. (Gen. Ord. No. 4, 1969, § 8, 7-16-69, *Journal of Common Council*, pp. 145-149)

Sec. 6-182 Enforcement Officers.

The enforcement officer shall be authorized to enter upon real estate within the City to inspect motor vehicles and to deliver notices under this Article, so long as the enforcement officer has reasonable cause to believe that a violation is being committed, and, furthermore, he shall be authorized to enter upon said real estate for the purpose of removing motor vehicles as hereinbefore provided in this Article; provided, further, that the enforcement officer shall not be authorized to enter an enclosed building in any event. (Gen. Ord. No. 4, 1969, § 9, 7-16-69, *Journal of Common Council*, pp. 145-149)

Sec. 6-183 Penalties.

Any person violating any of the provisions of this Article shall be deemed guilty of an ordinance violation, and upon judgment thereof, shall be fined in an amount not exceeding Three Hundred Dollars ($300.00) and each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Gen. Ord. No. 10, 2000, 5-11-00; Gen. Ord. No. 15, 2010, 9-9-10)

Sec. 6-184 Towing Contracts.

The officer may enter into towing contracts pursuant to state law and approved by the Board of Public Works and Safety of the City of Terre Haute, Indiana, as necessary for the purpose of removal, storage, and disposition of abandoned vehicles and parts.

(1) The charge payable by the owner or lien holder for towing or removing an abandoned vehicle may not exceed the rate charged by the contract towing service as approved by the Board of Public Works and Safety. (Gen. Ord. No. 10, 2000, 5-11-00)

(2) The charge payable by the owner or lien holder for storing an abandoned vehicle or parts may not exceed the rate charged by the contract towing service as approved by the Board of Public Works and Safety. (Gen. Ord. No. 10. 2000, 5-11-00)

(3) The owner or lien holder of the towed vehicle must provide to the Terre Haute Police Department proof of ownership of said vehicle. Upon appropriate proof of ownership, licensed driver, proof of current insurance, and payment of the Thirty Dollar ($30.00) release of vehicle fee, the Terre Haute Police Department will provide a "Tow Release" receipt to be provided to the authorized towing service. Ninety percent (90%) of such fees shall be deposited in the Police Continuing Education Fund (See Sec. 2-118). Ten percent (10%) of such fees shall be deposited in the Fire Training Academy Non-Reverting Fund (See Sec. 2-138-6). (Gen. Ord. No. 1, 2012, 2-10-12)

Sec. 6-185 through Sec. 6-188 Reserved for Future Use.

ARTICLE 13. TREE REGULATIONS.

Sec. 6-189 Purpose.

It is the purpose of this Article to assure that existing trees and trees to be planted upon public grounds and public right-of-ways are maintained and preserved to protect their economic, aesthetic, and ecological benefit to the City of Terre Haute and its residents. (Gen. Ord. No. 9, 2002; 5-9-02)

Sec. 6-190 Definitions.

a. **Municipality/City.** The City of Terre Haute, Indiana, and all of its departments.

b. **City Forester** The city employee assigned to carry out the enforcement of this Article. (Gen. Ord. No. 9, 2002, 5-9-02)

c. **Tree Advisory Board.** That group of residents of the City who are appointed by the Mayor and the City Council to make suggestions and recommendations to the Mayor, City Forester, and other City officials in carrying out the urban forestry program. (Gen. Ord. No. 9, 2002, 5-9-02)

d. **Tree Row.** That ground in the public right-of-way between a curb or a road and a sidewalk, or, where no sidewalk exists, between a curb or road and privately-owned property.

e. **Tree.** A deciduous or conifer woody plant that is characteristically more than twelve feet (12') in height when it reaches full growth and has fewer than six (6) main stems, most often one main stem. (Gen. Ord. No. 9, 2002, 5-9-02)

Sec. 6-191 Appointment and Qualifications of the City Forester.

The City Forester shall:

a. Be employed by the City of Terre Haute;

b. Be a person skilled and trained in the arts and science of landscape architecture, urban forestry, municipal arboriculture, or a related field;

c. Hold a college degree in urban forestry, landscape architecture, horticulture, arboriculture, or other closely related field; and

d. Have passed the Indiana State Arborist Examining Board examination within two (2) years from the date of appointment. (Gen. Ord. No. 5, 1998, As Amended, § 933.01, 4-17-98)

Sec. 6-192 Authority and Duties of City Forester.

The City Forester shall:

a. Have the authority to promulgate the rules and regulations of the City Forestry Specifications and Standards governing the planting, maintenance, removal, and pruning of trees, shrubs, and plants upon public grounds and public right-of-ways of the City; and

b. Regulate and control the planting, care and maintenance, pruning, and removal of all trees in any public area of the City; and

c. Supervise or inspect as needed all work done under a license issued in accordance with the terms of this Article; and (Gen. Ord. No. 9, 2002, 5-9-02)

d. Affix reasonable conditions to the granting of a license/permit in accordance with the terms of this Article; and

e. Cause the provisions of this Article to be enforced. In the event that the position of the City Forester becomes vacant, these duties shall be the responsibility of a qualified alternate that shall be designated by the Mayor within a reasonable time not to exceed ninety (90) days. (Gen. Ord. No. 5, 1998, As Amended, 4-17-98; Gen. Ord. No. 9, 2002, 5-9-02)

Sec. 6-193 Urban Forestry Plan.

a. The City Forester shall formulate an Urban Forestry Plan with the advice, hearing, and approval of the Tree Advisory Board.

b. The Urban Forestry Plan shall outline urban forestry program activities for a minimum of the next five (5) years. The plan shall describe:

(1) The urban forestry activities to be undertaken by the City;

(2) The reasons for those activities;

(3) The possible funding sources;

(4) The means of accomplishing the activities; and

(5) The alternatives available to the City to fund or accomplish the activities. Activities may include but are not limited to street tree inventory, planting, tree removal, tree pruning, beautification projects, and educational projects. (Gen. Ord. No. 5, 1998, As Amended, § 933.04, 4-17-98)

Sec. 6-194 City Forestry Specifications and Standards.

The City Forester, with the assistance of the Tree Advisory Board, shall develop and periodically review and revise, as necessary, the City Forestry Specifications and Standards in accordance with the International Society of Arboricultural Standards. This document shall contain regulations and standards for the planting, maintenance, pruning, and removal of trees planted along and upon public grounds and public right-of-ways. Any changes to the City Forestry Specifications and Standards shall be done by written approval of the City Forester and a majority of the members of the Tree Advisory Board. This document will be made available to the public at the Office of the City Forester. (Gen. Ord. No. 5, 1998, As Amended, § 933.05,4-17-98)

Sec. 6-195 License.

Any person or entity who derives a principal source of income from the planting, care, maintenance, or removal of trees, directly or indirectly, within the City of Terre Haute, is required to annually secure a license to do so from the City Forester. The license applicant shall:

a. File with the Board of Public Works and Safety evidence of liability insurance in the minimum amount of $1,000,000.00 for bodily injury or death and $100,000.00 for property damage; and

b. Pay an annual license fee as outlined in Chapter 4, Article 9 of this *Code*; and

c. Meet the requirements of Chapter 8, Article 5 of this *Code* when working within the public right-of-way; and

d. Shall provide proof of competences in the practice of tree care.

Failure to comply with any of these requirements may result in the denial or revocation of said license. A copy of the license required herein must be maintained at the location where the licensed activity is performed. (Gen. Ord. No. 9, 2002, 5-9-02)

Sec. 6-196 Permitting.

a. A permit shall be required of any person or entity wishing to remove a tree within the City right-of-way.

b. A permit shall be required of any person or entity who derives income from the planting, care, removal of trees, directly or indirectly, whenever tree planting and/or maintenance is to be performed within the City right-of-way.

c. Applications for permits must be made through the Office of the City Forester before any work is performed. Upon written approval by the City Forester for such work, a right-of-way permit shall be secured in accordance with Chapter 8, Article 5 of this *Code*.

d. The City Forester shall review each application made and approve or reject said application based upon his or her professional knowledge, the provisions of this Article, and the City Forestry Specifications and Standards. Conditions may be placed upon approval as deemed necessary by the City Forester. Requests for removal of reasonably safe and healthy trees may be denied or may be approved only under the condition that such trees be replaced at the same location or another location as specified by the City Forester.

e. Whenever it is necessary to remove a tree or trees by the City, the City shall, when reasonably possible, replant such trees or replace them pursuant to the said specifications and standards.

f. An annual permit shall be issued to public utility companies for pruning or removing any tree located on City-owned property or City right-of-way for the purpose of maintaining safe line clearance. The permit shall be issued upon submission of a pruning and tree removal schedule by the public utility company. All such work shall be carried out in accordance with the adopted City Forestry Specifications and Standards. If adopted City Forestry Specifications and Standards are not followed, the City Forester shall have the right to file a

formal complaint with the state utility regulatory agency. Some emergency situations may exempt public utilities from compliance with the City Forestry Specifications and Standards. (Gen. Ord. No. 9, 2002, 5-9-02))

Sec. 6-197 Prohibited Species.

There are certain species of trees that are detrimental to the City because they have qualities that cause destruction of property and require high maintenance and pose danger to the public safety. For this reason, the species enumerated in the City Forestry Specifications and Standards shall not be planted in public ground or in public right-of-way. (Gen. Ord. No. 5, 1998, As Amended, 4-17-98)

Sec. 6-198 Tree Advisory Board.

a. **Establishment.** There is hereby established and created a City of Terre Haute Tree Advisory Board. Within thirty (30) days after the appointment of the Tree Advisory Board, the same shall meet, organize, and elect a chairperson and appoint the City Forester as secretary.

b. **Membership.**

(1) The City of Terre Haute Tree Advisory Board shall consist of seven (7) members. (Gen. Ord. No. 9, 2002, 5-9-02)

(2) The Mayor shall appoint two (2) members. (Gen. Ord. No. 9, 2002, 5-9-02)

(3) The City Council shall appoint one (1) member. (Gen. Ord. No. 9, 2002, 5-9-02)

(4) The three (3) members, appointed to the Tree Advisory Board by the Mayor of the City of Terre Haute and the City Council, of the board shall be residents of the City. (Gen. Ord. No. 9, 2002, 5-9-02)

(5) The three (3) members, appointed to the Tree Advisory Board by the Mayor and by the City Council shall be persons who have a general knowledge of trees and urban forestry and who have demonstrated concern regarding urban forestry. (Gen. Ord. No. 9, 2002, 5-9-02)

(6) The following shall serve by reason of their office as members of the Tree Advisory Board: the City Forester, the City Engineer, the Superintendent of the Parks and Recreation Department, and the Superintendent of the Street Department. (Gen. Ord. No. 9, 2002, 5-9-02)

c. **Terms of Appointments.** Of the three (3) initially appointed members who are not ex officio, one (1) appointed by the Mayor shall serve for two years, one (1) appointed by the Council shall serve for three (3) years, and one (1) appointed by the Mayor shall serve for four (4) years. When their terms expire, their replacements shall serve four-year terms. Vacancies caused by death, resignation, or other reasons shall be filled for the unexpired term in the same manner as the original appointments were made. (Gen. Ord. No. 9, 2002, 5-9-02)

d. **Duties.** The duties of the Tree Advisory Board, whose members shall serve without fees or salary, shall be:

(1) To study the problems and determine the needs of the City in connection with its tree management plan and to make recommendations concerning the same;

(2) To assist the properly constituted officials of the City and the citizens and residents of the City in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the City, whether the same be on private or public property;

(3) To make such recommendations from time to time to the City Council as to desirable ordinances concerning the tree program and activities for the City;

(4) To provide regular and special meetings at which the subject of trees insofar as it relates to the City may be discussed by members of the Tree Advisory Board, officers and personnel of the City, and others interested in the management plan;

(5) To review, approve or reject, by a majority of the members in writing after discussion with the City Forester, any changes to the City Forestry Specifications and Standards. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-199 Abuse or Mutilation of Public Trees.

Unless specifically authorized by the City Forester, no person shall intentionally damage, mutilate, transplant or remove any tree planted upon public grounds and public right-of-ways. The insertion into trees of metal objects such as nails and spikes shall constitute mutilation. Chaining an animal or object to a tree shall constitute abuse. Any person in violation of this provision shall be subject to the penalties as established in this Article. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-200 Topping Trees.

It shall be unlawful for any person to top any tree located upon public grounds and public right-of-ways. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3”) in diameter within a tree crown so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees near or under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Article at the determination of the City Forester. Any person in violation of this provision shall be subject to the penalties as established in this Article. (Gen. Ord. No. 5, 1998, As Amended, § 933-10, 4-17-98)

Sec. 6-201 Interference with City Forester.

No person shall hinder, prevent, delay, or interfere with the City Forester while the City Forester is engaged in carrying out the execution or enforcement of this Article; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy in any court of competent jurisdiction. Any person in violation of this provision shall be subject to the penalties as established in this Article. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-202 Protection of Trees.

All trees planted upon public grounds and public right-of-ways near any excavation or construction or new development or street work shall be protected against unnecessary damage and destruction in accordance with the City Forestry Specifications and Standards. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-203 Avoiding Injury by Utility Pipes and Wires.

Any person or company maintaining any private, public, or municipal utility in the City shall, in the absence of provision in its franchise otherwise, maintain the utility in a manner to avoid injury to any tree on public ground or in public right-of-way. However, nothing in this Section shall be construed to apply to the removal of any tree by a utility when permit for such work has been granted by the City Forester or in the event of an emergency. (Gen. Ord. No. 9, 2002, 5-9-02)

Sec. 6-204 Illegally Planted Trees.

Any and all trees hereafter planted on public ground or in public right-of-way of the City, in violation of the terms of this Article, are expressly declared a public nuisance and subject to treatment and abatement as such. Any tree so raised contrary to law shall be abated as a common nuisance. All costs of such abatement, including cost of removal of any such trees, shall be paid by the violator to the City of Terre Haute, Indiana. Shrubs and plants are subject to the same regulations as trees under this Section. Such costs incurred by the City for the removal of such tree may be reduced to judgment and become a lien against the property of the violator. (Gen. Ord. No. 9, 2002, 5-9-02)

Sec. 6-205 Violation Notification; Stop Work Order.

a. **Stop Work Order.** The City Forester shall have authority to immediately issue a Stop Work Order in the event that the work under way is in violation of any of the provisions of this Article.

b. **Preliminary Notice of Violation**. Once a Stop Work Order is issued, the City Forester shall notify the violator with a written Preliminary Notice detailing the violation. The violator will be given five (5) working days to respond to the City Forester.

c. **Formal Notice of Violation.** If the violator does not respond to the Preliminary Notice of Violation within five (5) working days, the violator shall be given formal notice by the City Legal Department of the violation and subject to the penalties established in this Article.

d. In the event that a violation or nuisance is not abated by the day specified in any notice given by the City or any person on behalf of the City, the City Forester is authorized to cause the abatement of said violation or nuisance at the cost of the violator. Any decision made in this connection under this Article is appealable to the Circuit Court of Vigo County, Indiana. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-206 Emergencies.

a. In emergencies, when a tree or trees have been severely damaged by storms or other causes, the Mayor or the Urban Forester may waive the requirements for a permit. All removal of public trees under those conditions shall be reported to the Urban Forester.

b. The City of Terre Haute Street Department, public utilities, or the State Highway Department may act to trim or remove trees in emergency situations. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-207 Penalties.

a. Any person who violates any provision of this Article shall appear in City Court and be subject to a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00) and not less than Five Hundred Dollars ($500.00) in addition to all other fines provided in this Article if the violator is a person who derives income from the planting, care, maintenance, and removal of trees or if the violator is an owner of commercial property.

b. Any person who violates any provision of this Article who does not derive income from the planting, care, maintenance, and removal of trees shall appear in City Court and be subject to a fine of not more than Three Hundred Dollars ($300.00) and not less than One Hundred Dollars ($100.00), and shall be required to replace any tree so removed with a tree or trees of equal value to the one removed as specified by the City Forester.

c. A separate offense shall be deemed committed on each day that a violation occurs or continues.

d. If, as a result of the violation of any provision of this Article, the injury, mutilation, or death of a tree is caused, the cost of repair or replacement or the appraised dollar value of such tree shall be borne and paid to the City by the party in violation. The value of trees shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture. Such costs incurred by the City for the repair or replacement of such a tree may be recorded with the Vigo County Recorder's Office as a lien against the property. (Gen. Ord. No. 5, 1998, As Amended, § 933.10, 4-17-98)

Sec. 6-208 through Sec. 6-214 Reserved for Future Use

ARTICLE 14. EMERGENCY DISASTER PLANS.

Sec. 6-215 Local Emergencies.

Reserved for Future Use.

Sec. 6-216 through Sec. 6-224 Reserved for Future Use.

ARTICLE 15. MASSAGE THERAPY PRACTICES AND MASSAGE ESTABLISHMENTS.

Sec. 6-225 Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this Section:

Massage. Manual soft tissue manipulation, and includes holding, causing movement, and/or applying pressure to the body for therapeutic purposes, and does not include the diagnosis or treatment of illness or disease.

Massage Establishment. Any building, room, place or establishment, other than:

a. A massage therapy school certified by the state;

b. A regularly licensed hospital or dispensary; or

c. A facility wherein each person who administers a massage is exempt from the permit requirement under this Article, where massages nonmedical, and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by someone not a physician, osteopath, chiropractor, podiatrist or physical therapist duly registered with and licensed by the state.

A Massage Establishment must be located within a C-l zoning classification as a special use or a C-2 as a permitted use.

Masseuse, Masseur. A person who practices massage but does not meet any of the criteria for permit exemption in this Article.

Massage Therapist. A person who practices, administers or teaches all or any of the subjects or methods of treatment defined herein as massage therapy and meets the criteria for permit exemption in this Article.

Massage Therapy. A profession in which the practitioner applies manual techniques of massage, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the recipient.

Massage Therapy Practice. A building, room, place or establishment that employs only Massage Therapists to perform Massage Therapy and is not included in the term Massage Establishment.

Person Employed. Any person who performs for any value received any function at an establishment required to be permitted under this Article, including but not limited to a Masseuse, Masseur or Massage Attendant, either:

a. As an employee or independent contractor; or

b. Otherwise, with the knowledge and consent of the owner or operator of the establishment.

Sexual and/or Genital Area. Means and includes genitals, pubic area, anus or perineum, and breast. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-226 Permit Requirements.

a. A person may operate without obtaining a City permit a Massage Therapy Practice or practice as a Massage Therapist if he/she:

(1) Has been awarded the National Certification for Therapeutic Massage and Body Work, with certification displayed in a prominent location; or

(2) Has graduated from an educational institute of professional massage therapy instruction accredited by the state in which it is located, with diploma displayed in a prominent location; or

(3) Is a licensed LPN, RN, physician, chiropractor, osteopath, cosmetologist, esthetician, physical therapist, or assistant physical therapist with license displayed in a prominent location; or

(4) Is a student enrolled in an educational institute of professional massage therapy instruction accredited by the state of Indiana, performing massage therapy as part of his/her training requirements.

b. All other persons or entities and businesses owned, operating or engaging in the practice of performing Massage and Persons Employed, must obtain a City permit. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-227 Operator's Application for Massage Establishment Permit.

a. The application for a permit to operate a Massage Establishment under this Article shall be made with the City Controller on forms provided by the City Controller, and shall contain the following information:

(1) The name of the applicant, social security number, and all aliases and business names used by the applicant to conduct business;

(2) The residence address of the applicant, and the applicant's residence address for the past three (3) years;

(3) A picture of the applicant;

(4) The business address of the applicant;

(5) The number of massage tables, showers, stalls or other such individual units in the establishment;

(6) Applicant information:

(A) In the case of an individual: age, social security number, date of birth and citizenship of the applicant;

(B) In the case of a corporation or partnership: date of incorporation or partnership, federal identification number and name, address and citizenship of each director, stockholder, owner, manager, officer or partner.

(7) In the case of a corporation, the state in which it is incorporated and a certificate showing current status;

(8) In the case of a limited liability company (LLC), the state in which it is registered and a certificate showing current status;

(9) Information regarding persons employed by the applicant's establishment or who have a financial interest in the applicant's establishment: names, addresses, date of birth, social security numbers, and citizenship;

(10) Whether any applicant, or in the case of a corporation or LLC, its managers, officers, directors, members or stockholders, have ever been previously engaged in operating a Massage Establishment;

(11) Whether any applicant, or in the case of a corporation or LLC, its managers, officers, directors, members, or stockholders, have ever been convicted of any act of violence, moral turpitude, sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner, or prior violation of this Article;

(12) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application and to permit inspection.

b. The Massage Establishment must provide all information requested and permit inspection to verify that the facility meets the requirements for facilities set forth in this Article.

c. If there is any change in the permitted business during the term of the permit such that the information provided in the application form is no longer complete or accurate, then the permittee shall notify the City Controller in writing within thirty (30) days after such change occurs. Failure to comply with this Subsection shall be a violation of the *Code*.

d. The City Controller shall process the application in a reasonable amount of time, but not greater than thirty (30) days. In cases where inadequate information has been provided or problems are found with the facilities, the City Controller may extend the time to process the application by making written notice to the applicant. A Massage Establishment may not be open for business if it does not have a current permit.

e. The Vigo County Board of Health may establish restrictions and/or standards for the Massage Establishment permitted under this Article with respect to public health and safety and failure to comply shall be a basis for denial of a permit or revocation of a permit issued. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-228 Application for Massage Establishment Employee/Independent Contractor Permit.

a. Along with the operator's application for a permit, there shall be filed a verified application by each person employed in the establishment who is required by this Article to be permitted. The application shall contain the following information regarding the person:

(1) Name and aliases;

(2) Age and date of birth;

(3) Social Security number;

(4) Current residence address and former address for past three (3) years;

(5) A copy of the applicant's driver's license;

(6) A 3x5 photo of the applicant;

(7) Citizenship;

(8) Whether convicted of any public offense concerning an act of violence, moral turpitude, sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner, or prior violation of this Article;

(9) Nature of work performed;

(10) Name of Massage Establishment where employed;

(11) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.

b. The Vigo County Board of Health may establish restrictions on the activity of persons under this Article with respect to communicable diseases.

c. The City Controller shall process the application in a reasonable amount of time, but not greater than fifteen (15) days. In cases where inadequate information has been provided, the City Controller may extend the time to process the application by making written notice to the applicant. The applicant cannot be employed at a Massage Establishment if he/she does not have a permit. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-229 Rejection of Application.

a. **Massage Establishment.** Before a permit under this Article is issued, the City Controller shall investigate the character of the applicant or the owners, officers, directors, members, partners, stockholders and managers of the business if the applicant is a business. No permit shall be issued if the City Controller determines that:

(1) Any of such persons previously have been connected with any Massage Establishment where the permit therefore has been revoked, or where any law applicable to such establishments has been violated; or

(2) The premises sought to be permitted fail to comply in any manner with any applicable laws or ordinances including zoning laws or ordinances.

b. **Masseuse, Masseur or Person Employed.** No person who has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense including but not limited to prostitution, voyeuristic practices or public indecency involving the act of touching oneself or another in a sexual manner, and no business who employs such a person, shall be permitted under this Article. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-230 Fees.

a. There are no annual fees for a person who operates, conducts or maintains a Massage Therapy Practice.

b. There are no annual fees for a person employed as a Massage Therapist at a Massage Therapy Practice.

c. The nonrefundable fee for a person who operates a Massage Establishment is Two Hundred Fifty Dollars ($250.00) per year for each location. The permit is transferable to a new location upon written notice to the City Controller and compliance with this Article for the new location.

d. The nonrefundable fee for a Masseuse, Masseur, or Person Employed in a Massage Establishment is Twenty Five Dollars ($25.00) per year. The permit is transferable to a new location upon written notice to the City Controller. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-231 Renewal.

a. Permits are effective for one (1) year from the date of issue.

b. Permits may be renewed by following the application process outlined in this Article.

c. Applications for renewal may be submitted not more than sixty (60) days nor less than thirty (30) days prior to expiration of the permit. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-232 Compliance Requirements for Facilities.

The Massage Establishment permitted must comply with each of the following minimum requirements:

a. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials, and shall be installed in accordance with the local building code. Plumbing fixtures shall be installed in accordance with the local plumbing code:

(1) Steam rooms and shower components shall have waterproof floors, walls and ceilings approved by local building code;

(2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer (Exception: dry heat rooms with wooden floors need not be provided with pitched floors and flood drains.);

(3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

b. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages, and must comply with all requirements of the Vigo County Board of Health. Such non-disposable instruments and materials shall be disinfected after use on each person.

c. Closed cabinets shall be provided and used for the storage of clean linens, towels, and other materials also used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

d. Toilet facilities shall be provided in convenient locations and must comply in number and structure with the local building codes.

e. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels, and must otherwise comply with all requirements of the Vigo County Board of Health.

f. All electrical equipment shall be installed in accordance with the requirements of the local electrical code.

g. Proof of permit must be displayed in a prominent location in each Massage Establishment location. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-233 Inspection Required.

a. It shall be the duty of the City Controller, through duly authorized representatives, to inspect Massage Establishment locations at the time of application for permit and from time to time to determine compliance with this Article.

b. Inspections are to be made at reasonable times, with due regard to the nature of the business to be inspected.

c. Upon showing the proper credentials, the representatives of the City Controller, including police officers, building inspectors and/or County Board of Health inspectors, shall be entitled to inspect portions of the Massage Establishment open to the public to determine compliance with this Article. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-234 Operation.

a. No Massage Establishment shall provide Massage services to a person under eighteen (18) years of age unless the parent or guardian of such minor person has signed a consent to the services and remains in the room with the minor during the time services are being provided.

b. No Massage Establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 6:00 a.m.

c. No Massage Establishment shall be operated or conducted in living quarters, and no one shall use such business premises for a place of habitation. No Massage Establishment

shall have a separate entrance or opening to living quarters, and the entrances to such business premises must be separate from the entrances to any places of habitation.

d. No Person Employed by any permit holder under this Article to provide any of the services rendered by a Massage Establishment shall be under the age of eighteen (18) years.

e. Each Person Employed in a Massage Establishment permitted under this Article shall wear clean outer garments with a fully opaque covering of such person's sexual and/or genital areas.

f. The sexual and/or genital areas of patrons of establishments required to be permitted under this Article must be covered with towels, clothes or undergarments when in the presence of a person employed or other patrons.

g. No Person Employed in any Massage Establishment under this Article shall engage in or allow another to engage in any of the following acts: place his or her hand upon, touch with any part of his or her body, fondle in any manner. Massage a sexual and/or genital area of any other person, or practice voyeuristic activities.

h. No Person Employed in a Massage Establishment under this Article shall perform, offer or agree to perform, any act which shall require the touching of the patron's sexual and/or genital area.

i. Every Massage Establishment shall be open for inspection during all business hours and at other reasonable times by police officers, health, building and fire inspectors, and duly authorized representatives of the City upon the showing of proper credentials by such persons.

j. Any Massage Establishment is prohibited from installing or maintaining any lock or similar devise on the inside of any door to an area where Massage is provided. There shall be available access to exits at all times during business hours.

k. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

l. No Massage Establishment 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 massage services. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-235 Revocation or Suspension of Permit.

a. Any Massage Establishment shall be subject to being closed by an authorized representative of the City or the City Controller for failure to comply with this Article.

b. Upon notification by the City Controller of a denial or revocation of a permit, the applicant or permittee may, within ten (10) days, request a hearing by written notice to the City Controller. During those ten (10) days, a currently permitted Massage Establishment may remain open. If no hearing is requested, the Massage Establishment Permit will stand denied or revoked.

c. When a hearing is set by the City Controller the applicant or permittee shall receive, with not less than twenty (20) days written notice, a notice of the allegation of non-compliance, as well as the time and place where the hearing will be held. A current permitted Massage Establishment may remain open until notified of the hearing results or thirty (30) days whichever is less.

d. At a hearing conducted pursuant to this Section, the applicant or permittee 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.

e. The City Controller shall preside at the hearing and shall make the final termination.

f. If any decision adverse to the applicant or permittee is made by the City Controller after a hearing as provided above, the City Controller shall provide the applicant or permittee with a written reason for such decision, as well as a notice that the applicant or, permitee has the right to pursue any legal remedies available under Indiana law. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-236 Display of Permit.

All Massage Establishments permitted under this Article shall display in a visible location in the Massage Establishment for which the permit was issued. Persons employed must display their permit in a visible location within their work area. (Gen. Ord. No. 6, 2001, 4-12-01)

Sec. 6-237 Enforcement and Penalties.

A person who violates any provision of this Article shall be punishable as provided in this Section of the *Code*.

a. In addition to or in lieu of revocation or suspension of a permit as provided in Sec. 6-235, any Massage Establishment or permitted Person Employed including an Independent Contractor shall be subject to a fine for each day of violation or noncompliance with the provisions of this Article.

b. Provided, however, the fine imposed for such violations shall not be less than Two Hundred Dollars ($200.00) and not more than Twenty Five Hundred Dollars ($2,500.00) per violation and each day shall be a separate violation.

Sec. 6-238 and Sec. 6-239 Reserved for Future use

ARTICLE 16. LIMITS ON THE SALE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE.

Sec. 6-240 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

a. **Customer.** Any person who purchases or acquires products from any retail store.

b. **Ephedrine.** Any drug, substance or compound, whether legal or illegal, that contains ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, pseudoephedrine sulfate, or phenylpropanolamine.

c. **Package.** Any bottle, box, blister pack or other container in which products containing Ephedrine are sold.

d. **Person.** Any person, firm, partnership, association, corporation, company or organization of any kind.

e. **Retail Store.** Any single geographic location of any business, company, corporation, person, employee or associate, that sells Ephedrine to any customer. It does not include any wholesaler engaged in a wholesale transaction.

f. **Sell.** To furnish, give away, exchange, transfer, deliver, surrender, distribute, or supply, whether or not for monetary gain or other consideration.

g. **Wholesaler.** One whose business is the selling of goods in gross to retail stores for purposes of resale.

Sec. 6-241 Limitations on the Sale or Purchase of Ephedrine Products.

a. Each Retail Store or Wholesaler shall require from its Customer identification showing he/she is of legal age (18), a picture form of identification and current address. All information obtained from the Customer shall be recorded in an appropriate manner and a copy of the report shall be forwarded to the Vigo County Prosecutor's Office at the end of each calendar month.

b. It is unlawful for any Person, Retail Store or Wholesaler during a single transaction to sell to a Customer more than two (2) packages of products containing Ephedrine.

c. It is unlawful for any Customer to purchase or acquire more than two (2) packages of products containing Ephedrine within a seven (7) day period.

d. A retailer or wholesaler must store/sell drugs containing ephedrine or pseudoephedrine behind a counter or in a locked case making them inaccessible to the customer without the assistance of a store employee.

e. This Article excludes any prescription written by a licensed physician and a pharmacist providing the drugs for a prescription.

Sec. 6-242. Penalty.

Whoever violates any provisions of this Article shall be fined not more than Two Thousand Five Hundred Dollars ($2,500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense..

ARTICLE 17. HAZARDOUS MATERIAL INCIDENT COST RECOVERY.

Sec. 6-245 Hazardous Material Cost Recovery.

This ordinance shall be known as and may be cited as the "Hazardous Material Incident Cost Recovery Ordinance."

Sec. 6-246 Authority.

The City of Terre Haute has the authority to adopt this ordinance pursuant to and in accordance with the provisions of *I.C.* § 13-25-6 and *I.C.* § 36-8-12.2.

Sec. 6-247 Intent and Purpose.

This ordinance is intended to provide for recovery by the City of Terre Haute of costs incurred in the response and recovery efforts related to hazardous material incidents.

Sec. 6-248 Rules of Construction.

The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare of the citizens and residents of the City of Terre Haute.

Sec. 6-249 Definitions.

a. **Cost(s)**. Shall mean and include, but are not limited to:

(1) All costs incurred by the City of Terre Haute for response, containment and/or removal and disposal of hazardous materials or initial remedial action;

(2) Costs of any health assessment or health effects study and related treatment carried out for responding personnel as a necessity resulting from a hazardous material incident;

(3) Labor, including benefits, overtime, and administrative overhead, exclusive of normal departmental operations;

(4) The cost of operating, leasing, maintaining, repairing, extensive decontamination, and replacement where necessary of any equipment or apparatus;

(5) Contract labor and equipment;

(6) Materials, including but not limited to, absorbents, foam, dispersants, overpack drums, or containers;

(7) Supervision of clean up and abatement; and

(8) Labor and equipment obtained directly by the City of Terre Haute, their agencies or agents, and other agencies.

b. **Fire Chief.** The chief of the fire department or fire district that responded to a hazardous material incident.

c. **Hazardous Material.** Any substance or material in any form or quantity that poses an unreasonable risk to safety, health, or property.

d. **Hazardous Substance.** Any material which when discharged may be harmful to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public or private property.

e. **Hazardous Material Incident.** Actual or threatened release of hazardous substances or materials that pose an immediate threat to the health, safety or welfare of the population, including hazardous waste.

f. **Incident Commander.** The senior fire official at the site of the hazardous material incident; or the initial senior on-scene response official in the absence of the senior fire official; or a unified command structure which delegates control to officials from more than one agency.

g. **Release.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant.

h. **Response.** A phase of emergency management that occurs during and immediately following an incident. Provides emergency assistance to victims of the event and reduces the likelihood of secondary damage.

i. **Responsible Party.** The person(s) whose negligent or intentional or accidental act or omission caused a release; or, the person(s) who owned or had custody or control of, the hazardous substance or waste at the time of such release without regard to fault or proximate cause; or, the person(s) who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such release without regard to fault or

proximate cause. "Responsible Party" may also include a corporation or partnership, facility, or other type of business entity.

Sec. 6-250 Hazardous Materials Incidents - Liability for Costs.

The Incident Commander or Fire Chief is hereby duly authorized to take all reasonable measures to respond to and stabilize the hazardous material incidents. Any Responsible Party who causes a Hazardous Material Incident shall be liable to the City of Terre Haute for the payment of all reasonable direct costs incurred in response to, stabilization of, and any necessary monitoring of such an incident including cost recovery for damages to government own properties.

The City of Terre Haute will seek all available remedies at law including the provisions of this ordinance, against any parties responsible for any Hazardous Material Incident, to include those actions and remedies available under the United States Bankruptcy Code relating to such matters.

Sec. 6-251 Service Charges Billed to Responsible Party

Sec. 6-252 Collection and Disbursement of Funds for Cost Recovery.

The Terre Haute Fire Department shall serve as the City's agent for collecting invoices for costs. Agencies of the City of Terre Haute or organizations responding to a hazardous material incident at the request of the City of Terre Haute will be eligible to submit bills.

Invoices that identify eligible costs under this Article shall be submitted to the Fire Chief or designee within ten (10) working days after incident is terminated and the costs were incurred or identified. Itemized invoices will be made readily available upon request and should include sufficient documentation for cost reimbursement (i.e., copies of time sheets for specific personnel, copies of bills for materials, equipment, and supplies procured or used, etc.). Accepting invoices from agencies outside the City of Terre Haute shall not incur liability to the City to pay costs from such agencies until payment has been received by the City of Terre Haute from the Responsible Party. If the Terre Haute Fire Department or other Terre Haute agency responds under a Mutual-Aid agreement outside the boundaries of the City, an invoice for services shall be submitted to the host agency or municipality within seven (7) working days from the termination of the incident. If the Terre Haute Fire Department or other Terre Haute agency responds under the activation of the "Indiana Regional Response Team" (Task Force 7), an invoice for services shall be submitted to the State of Indiana within seven (7) working days from the termination of the incident.

The Fire Chief or his designee shall submit one or a series of consolidated invoice(s) identifying agencies or agents and their specific costs for reimbursement to the City Controller who will forward these invoices to the responsible party. The Responsible Party shall issue payment to the City of Terre Haute within sixty (60) calendar days of receiving any invoice; if no payment or a partial payment is made after the due date, a penalty of ten percent (10%) will be added to the balance due. After a period of ninety (90) calendar days after the due date, legal

action shall be taken to collect the balance due with penalty and the cost of all legal actions including attorney fees. All funds received under the authority of this ordinance shall be disbursed according to the claims submitted. Where the reimbursement is less than the requested amount, each agency shall receive a pro rata share of such reimbursement. The City of Terre Haute shall not be liable to any agency for any deficiency. The City of Terre Haute must deposit one hundred percent (100%) of their amount received into a non-reverting Hazardous Material Response Fund established and maintained in accordance with *I.C.* § 36-8-12.2-8 and *I.C.* § 36-8-12.2-8.1.

Sec 6-253 Allowable Expenditures from Fund

In accord with *I.C.* § 36-6-12.2-8, money collected under this article may be used only for the following:

a. Purchase of supplies and equipment used in providing hazardous materials emergency assistance under this article.

b. Training for members of the fire department in skills necessary for providing hazardous materials emergency assistance under this article.

c. Payment to persons with which the fire department contracts to provide services related to the hazardous materials emergency assistance provided by the fire department under this article.

Sec. 6-254 Supervision.

In the event that any person(s) undertakes, upon order or direction of the Incident Commander or Fire Chief, to clean up or abate the effects of any hazardous material unlawfully released into the environment, the Incident Commander or Fire Chief may take any action necessary to supervise such cleanup or abatement. The person(s) described in Section 6-250 of this Article shall be liable to the City for all costs incurred as a result of such supervision, except when a federal, state or other governmental agency is supervising or abating any such release, unless the Incident Commander or Fire Chief is requested by any such agency to take action.

Sec. 6-255 Conflict with Other Laws.

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply.

Further, this ordinance shall not restrict or replace cost recovery from funding sources available under state and federal regulations such as the Revolving Fund established under Section 311 (K) of the Federal Water Pollution Control Act {33 USC 1321 k}; the Hazardous Substance Response Trust Fund established under Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9611).

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Sec. 7-142 Study of Plat by Area Plan Commission.
Sec. 7-143 Approval and Posting of Numbers and Names.

Sec. 7-144 Authority of Council To Change Street Names.
Sec. 7-145 True Grid System Established.
Sec. 7-146 Use of Exhibits.
Sec. 7-147 Penalty.

CHAPTER 7

BUILDING & CONSTRUCTION REGULATIONS

ARTICLE 1. BUILDING CODE.

Sec. 7-1 Title.[120]

This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Terre Haute, Indiana", and may be cited as such, and will be referred to herein as "this Code". (Gen. Ord. No. 1, 1988, § 1, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-2 Purpose.

The purpose of this Code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures. (Gen. Ord. No. 1, 1988, § 2, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-3 Authority.

The Department of Engineering of the City of Terre Haute, hereinafter referred to as the Department of Engineering, is authorized and directed to administer and enforce all of the provisions of this *Code*. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Department of Engineering or any other officer of the City of Terre Haute 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 so such provisions shall not be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner. (Gen. Ord. No. 1, 1988, § 3, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-4 Advisory Board.

a. There is hereby created a Construction and Building Advisory Board to aid and assist the Department of Engineering in the orderly administration of the provisions in the Municipal Code regarding fees, permits, registration and guidelines related to the construction and building of residential and commercial properties. The Construction and Building Advisory Board shall consist of:

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[120] Editor's Note: Gen. Ord. No. 1, 1998 replaced Gen. Ord. No. 7, 1961 as amended which had been passed October 23, 1961.

(1) One representative selected and appointed by and from the Associated Building Contractors of Terre Haute, Inc.

(2) One representative selected and appointed by and from the Home Builders Association.

(3) One representative selected and appointed by and from the Terre Haute Building Trade Council.

(4) One representative selected and appointed by electrical contractors.

(5) One representative selected and appointed by plumbing/mechanical contractors.

(6) One representative selected and appointed by and from the City Council which representative shall be a member of the City Council.

(7) Two representatives of the City Administration selected and appointed by the Mayor.

(8) The City Engineer shall serve as the President of the Advisory Board and shall vote only in the event of a tie among the other members of the Advisory Board.

b. The Construction and Building Advisory Board shall meet quarterly and at such other times as requested by the City Engineer or three (3) other members of the Construction and Building Advisory Board. A majority of all members, excluding the City Engineer, shall constitute a quorum to conduct business. The affirmative vote of a majority of members of the Construction and Building Advisory Board, excluding the City Engineer, at a meeting at which a quorum is present is required to pass a recommendation to the City Engineer. All decisions of the Construction and Building Advisory Board passed as provided herein shall go to the City Engineer as a recommendation. All Construction and Building Advisory Board members shall serve for a period of one (1) year and/or until his/her successor has been selected and appointed by the selecting entity.

c. The purpose of this Construction and Building Advisory Board shall be to advise the City Engineer on matters relating to the construction and building of single-family dwellings and commercial development, to include, but not limited to, fees, permits, registration and guidelines. (Gen. Ord. No. 2, 2001, 3-8-01; Gen, Ord. No. 29. 2004, As Amended, 12-09-04)

Sec. 7-5 Scope.

The provisions of this *Code* apply to the construction, demolition, alteration, repair, use, occupancy, maintenance and additions to all buildings and structures, in the City of Terre Haute. (Gen. Ord. No. 1, 1988, § 4, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-6 Minimum Standards for Structures and Building Equipment Not Regulated by Administrative Building Council.

a. Building rules of the state 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 Chapter and shall include later amendments to those articles as the same are published in the *Indiana Register* or the *Indiana Administrative Code* with effective dates as fixed therein:

(1) Article 13 – Building Codes.

(a.) Fire and Building Safety Standards (675 *IAC* 13-1);
(b.) Indiana Building Code (675 *IAC* 13-2.4);
(c.) Indiana Handicapped Accessibility Code (675 *IAC* 13-2.4-110).

(2) Article 14 – One and Two Dwelling Codes.

(a) Council of American Building Officials One- and Two-Family Dwelling Code (675 *IAC* 14-4.2);
(b) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16 – Plumbing Codes (675 *IAC* 16-1.3).

(4) Article 17 – Electrical Codes.

(a.) Indiana Electrical Code (675 *IAC* 17-1.6) and

(5) Article 18 – Mechanical Codes.

(a.) Indiana Mechanical Code (675 *IAC* 18-4).

(6) Article 19 – Energy Conservation Codes.

(a.) Indiana Energy Conservation Code (675 *IAC* 19-3); and
(b.) Modifications to the Model Energy Code (675 *IAC* 19-2).

(7) Article 20 – Swimming Pool Codes.

(a.) Indiana Swimming Pool Code (675 *IAC* 20-1).

(8) Accessibility Codes.

(a) Americans with Disability Act Standards for Accessible Design; and

(b) Guidelines for Accessible Public Rights-of-Way. (Gen. Ord. No. 21, 2011, 12-28-11)

b. Copies of adopted building rules, codes and standards are on file in the Office of the Department of Engineering for the City of Terre Haute.

c. The appeal of any decision concerning the rules incorporated under Subsection a. of this Section shall lie first with the City Engineer and to the fire prevention and building safety commission as provided by *I.C.* 22-13-2-7. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-7 Removing Structures.

Any person, partnership or corporation carrying out construction activity limited to demolishing, dismantling, dismembering, razing or removing a structure shall in addition to the requirements of Sec. 7-8 comply with the following requirements:

a. The Department of Engineering may, if reasonably necessary to ensure public safety, require the registered contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedule are approved by the Department of Engineering.

b. Blasting and use of explosives shall be accomplished only by special permission of and under the supervision of the Department of Engineering, the fire and prevention bureau of the appropriate jurisdiction, and the division of air pollution control.

c. No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure which is being wrecked, or in close proximity to flammable materials located outside of the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.

d. Suitable provisions shall be made for the disposal of materials which are accumulated during the wrecking of a structure.

e. The buildings, foundations, curbs, sidewalks, concrete or asphalt drives and all appurtenances shall be removed to one foot (1') below the ground line or one foot (1') below subgrade elevation, whichever of the two is lower. Such removal shall also include the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well, or cistern exists, shall be broken and removed.

f. All rubbish and debris including any goods, merchandise, commodities, products or materials of any kind which may have been stored within the structure being wrecked or on such property shall be removed or cleaned away, the ground leveled off, and the premises put in a clean and sanitary condition; provided, however, that if such property is properly fenced and the erection of a new structure is to be commenced within ninety (90) days, the ground need not be leveled until all such work on the premises is completed.

g. Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of filled-in earth or the structure erected over such fill. No pieces of stone, lumber, boards or other material which due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.

h. Where a structure is wrecked and an excavation which at any point is eight (8) or more feet below grade level is left unfilled, the fence required by Sec. 7-7(f) shall remain at the site; provided, however, that the Department of Engineering may approve a fence that does not meet the standards of Sec. 7-7(f) so long as it is sufficient to prevent persons, especially children, from falling into the excavation. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-8 Public Property; Walkways; Dust Control.

Any person, partnership or corporation carrying out construction activity shall comply with the following requirements:

a. The use of public property shall meet the requirements of the Board of Public Works and Safety. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box or utility device which might be damaged by construction activity. Bridges or covers shall be provided for sidewalks and manholes which might be damaged by construction activity.

b. A walkway shall be maintained around the site of construction activity or demolition at a minimum of four feet (4') in width. The walkway shall provide safe and handicap accessible means of passage along the site. Such walkway shall be maintained in place and kept in good condition for the duration of construction activities, after which it shall be removed within thirty (30) days.

c. Emission of excessive dust or particulate matter shall not occur in the course of construction activity. A sufficient supply of water shall be available at the site of construction activity in case it may be needed to put out a small fire or settle dust.

d. The Board of Public Works and Safety may set limitations on the time or manner in which any public right-of-way is obstructed. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-9 Temporary Sign at Site of Construction of New Structure.

At any location where a structure, not part of or attached to any other structure, is being erected in the City, the person obtaining the building permit for said structure shall be responsible for placing and maintaining a temporary sign on the premises during construction. The sign shall state the street name and address of the premises as reflected in the building permit and all building permit numbers pertaining to the construction activity accomplished on the premises shall be placed on the sign. The address information on the sign shall be clearly

visible from the street. The sign required by this Section shall conform to all zoning requirements.

Sec. 7-10 Certificate of Occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance. 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 Department of Engineering. (Gen. Ord. No. 1, 1988, § 15, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-11 Workmanship.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Gen. Ord. No. 1, 1988, § 16, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-12 Licensed Persons Present During Construction.

Whenever construction work is being performed where licensure as a skilled trade is required under Chapter 4, Article 10, Divisions II, III, or IV, the contractor shall have at least one (1) licensed or certified individual at the construction site for each of the skilled trades being performed. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-13 through Sec. 7-29 Reserved for Future Use.

Division II. Permit Regulations.

Sec. 7-30 When Building Permits Required; Enforcement.

a. *Permit required*. Except for construction activity specified in subsections b., c., and d. of this Section, it shall be unlawful for a person, partnership or corporation to engage in any construction activity in the City, including excavation or any other site work, unless a written building permit issued by the Department of Engineering describing the activity has been obtained by and is in force relative to the person, partnership, or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit. A violation of this Section is subject to the enforcement procedures and penalties provided in Sec. 7-74 of the *Code*; provided, however, the fine imposed for such violation shall not be less than One Hundred Dollars ($100.00), and each day that an offense continues shall constitute a separate violation. The City Controller shall cause any fines collected under this Section to be deposited into an account for the use and benefit of the Department of Engineering.

b. The permit specified in subsection a. above shall not be required for work which does not exceed Five Hundred Dollars ($500.00).

c. *Exemptions for one- and two-family dwellings*. With respect to one- or two-family residential structures, their appurtenances, and accessory structures, the permit specified in subsection a. above shall not be required for:

(1) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or

(2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or

(3) Installation of thermal insulation; or

(4) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan; or

(5) Painting, papering or similar finish work; or

(6) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or

(7) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers, and trash compactors when such installation does not include the installation of an electrical circuit; or

(8) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty percent (20%) of all piping in the structure is replaced; or

(9) Replacement of appliances, fixtures, traps and valves in a plumbing system; or

(10) Replacement of a water heater with one (1) that is identical as to venting arrangement and type of fuel or energy input; or

(11) Extension of heating or cooling duct work; or

(12) The installation, alteration, or repair of electrical equipment rated at less than 50 volts; or

(13) Erection of real estate signs advertising real estate for sale or for rent in conformance with the size limitations of the zoning ordinance governing signs.

d. *Exemptions for commercial construction*. With respect to structures other than one- or two-family residential structures, their appurtenances, and accessory structures, permits specified in subsection a. shall not be required for:

(1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks; or

(2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or

(3) Painting, papering and similar finish work; or

(4) Construction or installation of temporary motion picture, television, and theater stage sets and scenery; or

(5) Installation of thermal insulation; or

(6) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or

(7) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, microwave ovens, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or

(8) Replacement in kind of piping in a plumbing system when the replacement piping meets the same performance specifications and has the same capacity as the piping being replaced and not more than twenty percent (20%) of the piping in an area occupied by a single tenant in the structure is replaced; or

(9) Replacement of appliances, fixtures, traps and valves in a plumbing system; or

(10) The installation, alteration, or repair of electrical equipment rated at less than 50 volts; or

(11) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-31 Eligibility To Obtain and Apply for a Building Permit.

a. To obtain a building permit, a person or entity must meet the requirements of the applicable paragraph below and must be the person or entity that will actually accomplish or be contractually responsible for accomplishment of the construction activity allowed by the building permit:

(1) Any person or entity which is a registered contractor under Article 10 of Chapter 4 may:

(a) Obtain a building permit to accomplish any construction activity except work for which Article 10, Divisions II, III, and IV of Chapter 4 require licensure; or

(b) Obtain a master building permit under Sec. 7-32 and Sec. 7-33.

(2) Any person or entity licensed under Article 10, Divisions II, III, and IV of Chapter 4 may:

(a) Obtain a building permit solely to accomplish construction activity allowed by the type of license held by the person or entity; or

(b) Obtain a master building permit under Sec. 7-32 and Sec. 7-33.

(3) Any person who owns, is a contract purchaser, or is a long-term lessee of an improved or unimproved parcel of land which the person intends to utilize for its own residence, may obtain a building permit to accomplish construction activity on such a parcel carried out through direct efforts of:

(a.) The person or entity; or

(b.) Persons who volunteer to work and who are not compensated for their services.

In addition, no person or entity may obtain a permit for construction activity relative to Article 10, Divisions II, III, and IV of Chapter 4 which require licensure without the approval of the inspector responsible for the inspection of such work. The inspector will grant this approval only after determination that the person or entity is capable of carrying out the work in a proper manner. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-32 Master Permit.

A person, partnership or corporation registered or licensed as a contractor under Article 10 of Chapter 4 may elect to obtain a master permit for all construction activity occurring at a structure. The master permit shall identify all construction activity to occur at the structure and shall be the sole permit needed to accomplish all work identified on the permit at the structure. The person, partnership or corporation obtaining the master permit shall be responsible for all construction activity occurring at the structure, including code compliance for all construction activity for which Article 10, Divisions II, III, and IV of Chapter 4 of this *Code* require licensure. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-33 Procedure for Obtaining a Master Permit.

In order to obtain a master permit, the person, partnership or corporation must either be licensed for all the types of construction activity that will occur at the structure or identify, at the

time of application, a licensed subcontractor for every type of construction activity that will occur at the structure. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-34 Building Permits Obtained by Written Application.

a. Application for a building permit shall be made to the Department of Engineering. The application shall be made in accordance with this Section, unless each and every requirement of Sec. 7-35 is met and the administrator decides to issue a building permit on the basis of that Section.

b. The application shall be in writing on a form prescribed by the Department of Engineering and shall be supported with:

(1) Detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the Department of Engineering to accept a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.

(2) A site plan which meets all the requirements of the Standards and Specifications of the City of Terre Haute; provided, however, that such plan shall not be required in the instance where all the construction activity is to occur inside an existing structure.

(3) Written approval from the Indiana department of fire and building services division of plan review, if required by Indiana law or any rule of the fire prevention and building safety commission.

c. In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.

d. A building permit shall be issued if:

(1) The application and supporting information required by this Section have been properly prepared and submitted; and

(2) The application and supporting information filed in accordance with this Section reflect compliance with building standards and procedures; and

(3) The fee has been paid in compliance with Division IV of this Article; and

(4) The person or entity obtaining the building permit complies with the requirements of Sec. 7-31.

e. By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-35 Permits Obtained by Electronic Communication.

a. The Department of Engineering may, but is not required to, issue a permit based on information received by e-mail or facsimile.

b. To receive a permit on the basis of an e-mail or facsimile communication, all of the following requirements must be met:

(1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to Sec. 7-31; and

(a.) Have accomplished construction activity in the City for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to Sec. 7-71; issuance of a stop-work order pursuant to Sec. 7-75; refusal of Department of Engineering to issue a certificate of occupancy pursuant to Sec. 7-10; initiation of a civil action filed pursuant to Sec. 7-72; forfeiture of a licensing bond pursuant to Sec. 7-72; or a judicially imposed fine or imprisonment pursuant to Sec. 7-74; and

(b.) Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this Chapter.

(2) The construction activity is being accomplished in or on an existing structure;

(3) The construction activity does not require the issuance of a design release by the Indiana department of fire and building services, division of plan review;

(4) The construction activity does not require site plan submittal; and

(5) The construction activity is susceptible to being accurately described without the aid of detailed plans and specifications.

c. The following information shall be supplied in order to obtain a building permit under this Sec. 7-35:

(1) The name and address of the applicant;

(2) The name, address (and e-mail address) and telephone number of the contractor in whose name the requested building permit is being issued (obtainer);

(3) The address of the construction activity;

(4) The precise description of the construction activity to be accomplished; and

(5) The value of the construction activity.

d. The obtainer of the building permit shall remit fees for the permit along with an original written application (as provided for in Sec. 7-34) to the Department of Engineering within five (5) business days following the date of the permit's issuance by check or money order made payable to the Controller of the City of Terre Haute. The permit number(s) shall be clearly marked on the application(s). Payment shall be made in the Office of the Department of Engineering or through the United States Postal Service. If mailed, the postmark on the envelope shall be evidence of compliance with the five (5)-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the Department of Engineering. If a permit issued under this Section is voided, no further construction activity shall be accomplished under the permit.

e. The building permit obtained in accordance with this Section shall be in full force and effect at the time a building permit number is furnished by the Department of Engineering to the applicant. Following the issuance of the building permit in accordance with this Section, the Department of Engineering shall, as soon as conveniently possible after the payment of the permit fee, provide a copy of the building permit document to the applicant for the building permit.

f. By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the Department of Engineering any additions or corrections to that information. (Gen. Ord. No. 29. 2004, As Amended, 12-09-04)

Sec. 7-36 Structure Requiring Professional Services of Architects or Engineers.

Except for those structures for which the rules of the fire prevention and building safety commission do not require filing of plans for approval by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the State of Indiana. Such professionally prepared plans and specifications shall bear the stamp or seal and registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the fire prevention and building safety commission. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-37 Examination of Detailed Plans and Specifications.

The purpose of any examination of detailed plans and specifications and site plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any

examination of detailed plans and specifications and site plans. Issuance of a building permit relative to plans which do not comply with building standards and procedures shall not relieve the person, partnership or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-38 Permit and File-Marked Plans To Be Available.

Any person, partnership or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the Department of Engineering which evidences permit issuance, or, in the instance of a permit obtained by telephone or facsimile communication, a paper bearing the authorization number, at the job site during construction activity. If required to submit detailed plans and specifications in order to obtain a building permit, such person, partnership or corporation shall have available for inspection at all times a copy of the detailed plans and specifications on site. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed with and approved by the Department of Engineering prior to the time construction involving the change occurs. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-39 Expiration of Building Permits by Operation of Law; Extensions.

a. If construction activity has not commenced within ninety (90) days from the date of issuance of the building permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

b. If the construction activity has been commenced by only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

c. If construction activity involving removal of a structure or part of a structure has not been completed within the following time periods, the building permit shall expire by operation of law and shall no longer be of any force or effect:

(1) Removal of all or part of a one- or two-family residential structure, thirty (30) days after issuance.

(2) Removal of all or part of a structure other than one- or two-family residential structure, sixty (60) days after issuance.

Provided, however, the Department of Engineering may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances up to forty-five (45) days in length.

d. An extension granted under this Section shall be confirmed in writing. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-40 Defacing Permit.

It shall be unlawful for any person, other than an employee of the Department of Engineering to intentionally remove, deface, obscure, mutilate, mark or sign a posted building permit or document bearing the permit number provided by the Department of Engineering which evidences permit issuance without authorization from the Department of Engineering. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-41 Notice of Change in Permit Information; Amendment of Permits and Plans.

a. After a permit has been issued, the permittee shall give prompt written notice to the Department of Engineering of any addition to or change in the information contained in the permit application.

b. After a permit has been issued, any material deviation or change in the information contained in the permit application, the plans and specifications, or the plat plans shall be considered an amendment subject to approval by the Department of Engineering. Prior to the time construction activity involving the change occurs, the permittee shall file with the Department of Engineering a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

c. The Department of Engineering shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. Reinspection fees or other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-41 through Sec. 7-49 Reserved for Future Use.

Division III. Investigations and Inspections of Construction Activities.

Sec. 7-50 General Authority To Make Investigations and Inspections.

The Department of Engineering may at any reasonable time go in, upon, around or about the premises where any structure or building equipment subject to the provisions of this Chapter or to the rules of the fire prevention and building safety commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and inspection may be made either before or after construction activity on the project is completed and it may be

made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction activity and procedures have been accomplished in conformance with the requirements of this Code. Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the Department of Engineering shall be made by persons working on or having control of the construction activity. However, nothing in this Section shall be construed to require the administrator to make inspections and investigations.

Sec. 7-51 Inspection of Existing Public, Institutional, Commercial and Industrial Structures and Building Equipment Contained therein.

The Department of Engineering may inspect public school buildings, public assembly halls, churches, theaters, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or amusement, and all other structures which are used, occupied or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with applicable building standards and procedures. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-52 Notice of Availability for Inspection as a Condition to the Accomplishment of Further Work.

a. Whenever a stage of construction activity is reached which is designated below, the person, partnership or corporation which obtained the permit shall be under a duty to give appropriate notice to the Department of Engineering that the construction activity is available for inspection.

b. Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:

(1) A “foundation inspection” after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete; and

(2) A “frame and masonry inspection” after the roof, masonry, all framing, firestopping and bracings are in place and all electrical wiring, pipes, chimneys, and vents are complete, but prior to the interior covering of walls; and

(3) A “final inspection” once all work on the structure and site is complete.

c. Relative to installation, modernization or replacement of building equipment (including but not limited to plumbing work for which licensure is required by the Indiana Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems or space cooling equipment), notice of availability for a separate “rough inspection” is required, as applicable, for each of the three (3) crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.

d. Relative to demolition or removal of a structure, notice of availability for a "fill inspection" is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.

e. The Department of Engineering may, relative to any construction activity, add a reasonable number of other construction stages by communicating the additional stage requirements to the person or entity obtaining the building permit for that construction activity. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-53 Requirement that Construction Activity Remain Available for Inspection.

Whenever a stage of construction activity designated in Sec. 7-52 is reached, no person shall take any action or accomplish any additional construction activity which would substantially impede the opportunity of the inspector to inspect that stage of construction until the end of the following business day after notice of the availability for inspection has been received during business hours in the Department of Engineering, or until after an inspection is made, whichever first occurs. The period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the Department of Engineering is unsuccessful because the work is not accessible. In the event that inclement weather requires additional construction activity in order to protect work already completed, the contractor shall notify the Department of Engineering prior to concealing any uninspected construction. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-54 Connection, Provision, or Use of Electrical Power.

a. No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power, natural gas, or water relative to a distribution system in or on a structure where construction activity (for which a building permit has been or is required to be obtained pursuant to this Chapter) has been accomplished, until after an inspection has been made and a distinctive sticker or tag (signifying the distribution system may be used) has been attached to the service equipment by the inspector. It shall be unlawful for any person other than the inspector to use, complete, apply or alter such sticker or tag.

b. Nothing stated in this Section shall be construed to deny the right of the Department of Engineering to inspect the distribution system to which electrical power, natural gas, or water is connected either before or after such connection is made or before or after the electrical power, natural gas, or water distribution system is used. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04; Gen. Ord. No. 15, 2006, 12-14-06)

Sec. 7-55 Inspection Assistance.

The Chief of the Fire Department, or his designated representative, shall have responsibility for inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Department of Engineering. (Gen. Ord. No. 1, 1988, § 12, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-56 through Sec. 7-59 Reserved for Future Use.

Division IV. Permit Fees.

Sec. 7-60 Fees.

All permits required by Sec. 7-30 shall be issued upon prior payment of inspection fees according to the following schedule:

Fifteen Dollars ($15.00) per first One Thousand Dollars ($1,000.00) of construction costs or part thereof, plus One Dollar ($1.00) each additional One Thousand Dollars ($1,000.00) or part thereof, as evidenced by the supporting documentation in the application for a permit.

Permit fees shall be waived for all buildings owned by local, state, and federal government entities. All other requirements of this *Code* shall be met for construction work on government buildings. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-61 Reinspection Fees.

a. A reinspection fee of Twenty Dollars ($20.00) may be assessed at the discretion of the Department of Engineering against a contractor relative to construction activity for which the contractor has obtained a building permit when an additional inspection visit to a construction address is needed because:

(1) Notice was not given that construction activity was available for inspection within the time period required by Sec. 7-52 and the construction activity is no longer available for inspection; or

(2) Notice was given pursuant to Sec. 7-52 that construction activity was available for inspection; and:

a. The construction activity could not be found because the construction address provided on the permit application was incorrect; or

b. The construction activity was not accessible when the inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8:00 a.m. and 4:00 p.m., Monday through Friday on a day that is not a holiday); or

c. The construction activity was not yet sufficiently completed for an inspection to be made; or

d. The construction activity was covered or otherwise concealed and therefore not available for inspection.

Reinspection fees shall be paid to the City Controller prior to the issuance of a certificate of occupancy or final approval of work. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-62 Fee for Renewal After Expiration.

Fee for renewal of a building permit that has expired shall be Twenty Dollars ($20.00). (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-63 Refund of Fees.

A permit fee paid under this Chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-64 through Sec. 7-69 Reserved for Future Use.

Division V. Penalties, Violations, and Remedies.

Sec. 7-70 Authority To Withhold Issuance of Permits.

Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to Sec. 7-35 or reinspection fees owed pursuant to Sec. 7-61) to the Department of Engineering pursuant to this Chapter or has failed to maintain the bond and insurance requirements of Chapter 4, Article 10, the Department of Engineering is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-71 Revocation of Permits.

The inspector may revoke a building permit when:

a. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or

b. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures; or

c. There is a failure to comply with the requirements of Sec. 7-31, Sec. 7-34 or Sec. 7-35; or

d. The contractor has failed to maintain the surety bond or insurance required as a condition to his licensure or registration; or

This sanction shall in no way limit the operation of penalties provides elsewhere in this Chapter. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-72 Securing Payment of Bonds and Drawing Against Letters of Credit.

a. Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.

(1) A claim may be asserted by providing written notice of the claim to the surety or financial institution. The written notice must be provided within one (1) year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing.

(2) Court actions may be initiated as follows:

(a.) The City Legal Department for the City of Terre Haute may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:

1. To declare a forfeiture on the bond or letter of credit in an amount to be determined by the court up to Ten Thousand Dollars ($10,000.00) whenever any registration or license issued pursuant to Chapter 4, Article 10 is suspended or revoked; or

2. To indemnify the City of Terre Haute against any loss, damage, or expense for damages to property of the city caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen, or suppliers in violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity.

3. To secure payment of any fees owed to the City of Terre Haute pursuant to this Chapter, Chapter 4, Article 10, which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.

(b.) A person, partnership or corporation which holds a property interest in the real estate on which construction activity has occurred or may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state statute, city regulation or this *Code* which must be met to properly carry out construction activity caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers after written notice of the *Code* deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct the performance. If such a person, partnership or corporation prevails in any action brought under this Section, he may also recover, as part of the judgment, court costs and attorneys' fees based on actual time expended determined

by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

b. A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity.

c. A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one (1) year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one (1) year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

d. If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of Sec. 4-106. In order to meet the requirements of Sec. 4-106, the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for registration or licensure by Sec. 4-106. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-73 Violations.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, covert, demolish, equip, use, occupy or maintain any building or structure, in the City of Terre Haute or cause to permit the same to be done, contrary to or in violation of the provisions of this *Code*. (Gen. Ord. No. 1, 1988, § 17, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-74 General Penalty.

a. Any person, partnership or corporation that violates any provision of this Chapter, Chapter 4, Article 10, or any building standard or procedure, or commits any act prohibited herein, or fails to perform any duty lawfully enjoined, within the time prescribed by the Department of Engineering, or fails, neglects or refuses to obey any lawful order given by the Department of Engineering in connection with the provisions of this Chapter, may be subject to a fine in any sum not exceeding Two Thousand Five Hundred Dollars ($2,500.00) for each such violation, failure or refusal. Each day of such unlawful activity as is prohibited by the first sentence of this Section shall constitute a separate offense. Actions seeking penalties for violation of this Chapter may be brought in any court which has jurisdiction pursuant to Indiana law. (Gen. Ord. No. 1. 1988, § 20, 2-18-88) This penalty shall in no way limit the operation of

special penalties for specific provisions of this Chapter, nor shall such special penalties in any way limit the operation of this general penalty.

b. The minimum fine for engaging in construction activity without a license or registration, when required by Chapter 4, is One Thousand Dollars ($1,000.00). (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-75 Stop Order.

Whenever any work is being done contrary to the provisions of this *Code*, the Department of Engineering may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Department of Engineering to proceed with the work. (Gen. Ord. No. 1, 1988, § 14, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-76 Right of Appeal.

All persons shall have the right to appeal the Department of Engineering's decision first through the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.* § 22-13-2-7 and *I.C.* § 4-21.5-3-7. (Gen. Ord. No. 1, 1988, § 18, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-77 Remedies.

The Department of Engineering shall in the name of the City of Terre Haute bring actions in the City Court of the City of Terre Haute or Superior and Circuit Courts of Vigo County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Department of Engineering, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance. (Gen. Ord. No. 1, 1988, § 19, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-78 through Sec. 7-79 Reserved for Future Use.

ARTICLE 2. RESPONSIBLE BIDDER.

Sec. 7-80 Purpose.

The Responsible Bidder Ordinance shall serve to define the term "responsive and responsible" as used in Indiana Code § 36-1-12-4, regarding competitive bidding.

Sec. 7-81 Applicability.

This Article of the *Terre Haute City Code* shall apply when:

a. The City is seeking a contract or service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the City under a lease containing an option to purchase; and

b. The cost of the contract or service will be at least one-hundred fifty thousand dollars ($150,000).

Sec. 7-82 Criteria.

A "responsive and responsible bidder" shall meet all the bid and contract specifications, and shall:

a. Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;

b. Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);

c. Confirm that bidder shall not discriminate against an employee or applicant for employment because of race, color, religion, sex, national origin, gender identity, sexual orientation or disability and that the bidder shall ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, religion, sex or national origin, gender identity, sexual orientation or disability.

d. Confirm that bidder has not been found in violation of any federal, state or local law, ordinance or regulation with regard to an employee or applicant for employment because of race, color, religion, sex, national origin, gender identity, sexual orientation or disability within the last three (3) years.

e. Provide the City with certificates of insurance indicating the coverage, when such is required in the bid or contract specifications.

f. Affirm, where worker's compensation insurance is required under the bid specifications, that all employees are (1) covered under a current worker's compensation insurance policy and (2) properly classified under such policy; and also, where worker's compensation insurance is required under the bid specification, submit a copy of the "declarations page(s)" of the contractor's worker's compensation insurance policy if the contractor is insured with a carrier, and any continuation of the worker's compensation insurance "declaragions page(s)" which includes the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class

code; and, upon the City's request, submit a copy of any worker's compensation insurance annual premium audit documents.

g. Indicate whether the bidder has been found in violation of any Indiana or federal laws regarding wage rates and wage payments including, but not limited to, the federal Davis-Bacon Act, by the U.S. Department of Labor, the Indiana Department of Labor, an Indiana State Court or a U.S. District Court within the three (3) years preceding the submission of its bid on the public works project;

h. Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer, or manager employed by bidder;

i. At the time of submitting the bid, disclose the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project, and disclose the amount of each subcontractor's bid to the general contractor; each subcontractor who will perform work valued in excess of the threshold set forth in Section 7-81 b. of this Article shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the City of Terre Haute, and must file the appropriate required documents at least five (5) days prior to commencement of work by the subcontractor;

j. Upon bid opening by the Board of Public Works and Safety, the bid recipient shall supply the following information relative to subcontractors:

1. Business name and address;

2. Type of work to be performed and bids submitted; and

3. Statement of acknowledgment that subcontractor will comply with all applicable federal, state and local laws.

4. Subcontractor's answers to all of the information sought in subsection (a) through (k) of this section.

k. State that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;

l. Provide a copy of the bidder's written plan for employee drug testing that: (1) covers all employees of the bidder who will perform work on the public work project; and (2) meets, or exceeds, the requirements set forth in Indiana Code § 4-13-18-5 or Indiana Code § 4-13-18-6;

m. Shall provide evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with

the United States Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence includes a copy of all applicable apprenticeship certificates or standards for these training programs. (Gen. Ord. No. 11, 2015 As Amended, 12-10-15)

Sec. 7-83 Certified Payroll.

All contractors and subcontractors are required to submit to the awarding agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract. Approved certified payroll forms include federal form WH-347.

Sec. 7-84 Additional Criteria.

The City may also request evidence of and/or consider the following factors when identifying responsive and responsible bidders for the purpose of awarding contracts under this Article:

a. The ability, capacity, and skill of the bidder to perform the contract;

b. The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;

c. The character, integrity, reputation, and experience of the bidder;

d. The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the City;

e. The bidder's default under previous contracts, whether or not such contract was with the City;

f. The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the City;

g. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

h. The financial ability of the bidder to perform the contract;

i. A statement regarding and/or disclosure of:

1. Any determination by a court or government agency for violations of federal, state or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;

2. Any findings of "non-responsibility" by federal, state, or local departments;

j. Any additional factors the City determines relevant for the contract.

Sec. 7-85 Lowest Bidder Not Chosen.

When a contract is awarded to a bidder other than the lowest bidder, a statement of the reasons for such award shall be prepared by the City board or entity awarding the contract.

Sec. 7-86 Multiple Low Bids.

When two (2) or more responsive and responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the City of Terre Haute's corporation boundary; but if both low bidders are headquartered within the City of Terre Haute's corporation boundary, then the winning bid shall be determined by drawing lots in public at a meeting of the Board of Public Works & Safety.

Sec. 7-87 Access to Public Records Act.

All requests made by the public for submissions tendered under this Article by a contractor or sub-contractor shall be subject to disclosure pursuant to Indiana Code § 5-14-3-1 *et seq.*, the Indiana Access to Public Records Law.

Sec. 7-88 through Sec. 7-95 Reserved for Future Use.

ARTICLE 3. FIRE PREVENTION CODE.

Sec. 7-95 Adoption of Fire Prevention Code by Reference.

There is adopted by Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain *Code* known as the *Fire Prevention Code* recommended by the National Board of Fire Underwriters, being particularly the 1965 edition, and any amendments thereto, and the whole thereof, save and accept such portions as are hereinafter deleted, modified or amended (by Sec. 1501.07) of which Code not less than three (3) copies have been and now are filed in the Office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Article shall take effect, the provisions thereof shall be controlling within the City. (Gen. Ord. No. 2, 1970, § 3, 2-18-70, *Journal of Common Council*, pp. 24-25)

Sec. 7-96 Establishment and Duties of Bureau of Fire Prevention.

a. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Terre Haute, Indiana which is established and which shall be operated, under the supervision of the Chief of the Fire Department.

b. The Chief Inspector, Terre Haute Fire Department shall be in charge of the Bureau of Fire Prevention and shall be appointed by the Board of Public Works and Safety. The Bureau of Fire Prevention shall be composed of the following additional members:

(1) Commissioner of Buildings;

(2) City Engineer;

(3) City Electrical Inspector; and

(4) *One resident freeholder* nominated by the Mayor and appointed by the Board of Public Works and Safety, who shall serve an indefinite term.

c. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the Board of Public Works and Safety the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The Examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

d. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this Code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend to the Corporation Counsel for drafting and presentation to the Common Council of the municipality any amendments to the Code which, in his judgment, shall be desirable. (Gen. Ord. No. 6, 1962, As Amended, § 2, 7-16-63, *Journal of Common Council*, pp. 93-97)

Sec. 7-97 Definitions.

a. Wherever the word Municipality is used in the Fire Prevention Code, it shall be held to mean the City of Terre Haute, Indiana.

b. Wherever the term Corporation Counsel is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Terre Haute, Indiana. (Gen. Ord. No. 6, 1962, As Amended, § 3, 7-16-63, *Journal of Common Council*, pp. 93-97)

Sec. 7-98 Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks Is To Be Prohibited.

a. The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows:

(1) The area bounded by Poplar Street, Chestnut Street, First Street and Fourteenth Street.

(2) The area bounded by Twelfth Street, Fourteenth Street, Barbour Avenue and Buckeye Street.

(3) The area bounded by Center Street, Eighth Street, Seabury Avenue and Idaho Street.

b. The Limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are established as follows: All areas other than those zoned for industrial use. (Gen. Ord. No. 6, 1962, As Amended, § 4, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-99 Establishment of Limits in which Bulk Storage of Liquified Petroleum Gasses Is To Be Restricted.

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: Areas zoned for industrial use only. (Gen. Ord. No. 6, 1962, As Amended, § 5, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-100 Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents Are To Be Prohibited.

The limits referred to in Section 12.Gb of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are established as follows: All areas other than those zoned for industrial uses. (Gen. Ord. No. 6, 1962, As Amended, § 6, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-101 Amendments Made in the Fire Prevention Code.

The National Fire Prevention Code herein adopted is amended in the following respects:

a. Section 1.10 Permits by adding thereto sub-section (f) reading as follows:

"(f) There shall be an annual permit."

b. By adding new Section 1.15, reading as follows, to wit:

"1.15 False Fire Alarms. No Person shall knowingly or with intent to deceive give any false fire alarm by any means whatever."

c. By adding new Section 24.25, reading as follows, to wit:

"24.25 Further Smoking Restrictions. The provisions of Section 1, 2, 3, 5 and 6 of Special Ordinance No. 7, 1953, are specifically readopted. Section 4 thereof is specifically repealed."

d. The following articles of the National Fire Prevention Code are deleted. Article 17 and Article 23. (Gen. Ord. No. 6, 1962, As Amended, § 7, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-102 Modifications.

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed thereon, shall be entered upon the records of the Department and assigned copy shall be furnished to the applicant. (Special Ord. No. 10, 1978; *1989 Terre Haute Municipal Code,* § 1501.09)

Sec. 7-103 Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Public Works and Safety within thirty (30) days from the date of the decision appealed. (Gen. Ord. No. 6, 1962, As Amended, § 9, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-104 New Materials, Processes or Occupancies which May Require Permits.

The Board of Public Works and Safety, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard any new materials, processes or occupancies which shall require permits, in addition to those enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested person. (Gen. Ord. No. 6, 1962, As Amended, § 10, 7-16-63, *Journal of Common Council,* pp. 93-97)

Sec. 7-105 Penalties.

a. Any person who shall violate any of the provisions of the Code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Public Works and Safety or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of an infraction, punishable by a fine of not more than Three Hundred Dollars ($300.00). The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (*1989 Terre Haute Municipal Code,* § 16, 1501.99)

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Gen. Ord. No. 6, 1962, As Amended, § 11 b, 7-16-63)

Sec. 7-106 through Sec. 7-109 Reserved for Future Use.

ARTICLE 4. UNSAFE BUILDING CODE.

Sec. 7-110 Unsafe Building Law Adopted.

Under the provisions of *I.C.* § 36-7-9, there is established the Terre Haute Unsafe Building Law. (Gen. Ord. No. 2, 1988, As Amended, § 1, 2-18-88)

Sec. 7-111 State Law Incorporated by Reference.

I.C. § 36-7-9-1 through § 36-7-9-28 is incorporated by reference in the Terre Haute Unsafe Building Law. All proceedings within the City of Terre Haute for the inspection, repair, and removal of unsafe buildings 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 *I.C.* § 36-7-9-1 through § 36-7-9-28, then the provisions of the state statute shall control. (Gen. Ord. No. 2, 1988, As Amended, § 2, 2-18-88)

Sec. 7-112 Public Nuisances.

All buildings or portions thereof within the City of Terre Haute which are determined after inspection by the Building Commissioner to be unsafe as defined in this Article are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. (Gen. Ord. No. 2, 1988, As Amended, § 3, 2-18-88)

Sec. 7-113 Role of Building Commissioner.

The Building Inspector of the City of Terre Haute, as chief administrative officer of the Department of Building and Inspection, hereinafter referred to as the Building Commissioner, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. (Gen. Ord. No. 2, 1988, As Amended, § 4, 2-18-88)

Sec. 7-114 Powers and Duties.

Wherever in the building regulations of the City of Terre Haute or the Terre Haute Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the City of Terre Haute, 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 discretionary manner. (Gen. Ord. No. 2, 1988, As Amended, § 5, 2-18-88)

Sec. 7-115 Unsafe Building Declared.

The description of an unsafe building contained in *I.C.* § 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the City of Terre Haute, Indiana, by adding the following definition:

Unsafe Building. 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:

a. 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.

b. 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.

c. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1 ½) times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

d. 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 than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

e. 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.

f. 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 (½) of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

g. Whenever any portion thereof has wrecked, 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 the case of similar new construction.

h. 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.

i. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

j. 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 (1/3) of the base.

k. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

l. 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.

m. 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 the City of Terre Haute, or of any law or ordinance of this state or the City of Terre Haute relating to the condition, location, or structure of buildings.

n. 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 (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) 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 locations.

o. 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 Vigo County Health

Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

p. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Terre Haute Fire Department to be a fire hazard.

q. 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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Gen. Ord. No. 2, 1988, As Amended, § 6, 2-18-88)

Sec. 7-116 Substantial Property Interest.

The definition of SUBSTANTIAL PROPERTY INTEREST set forth in *I.C.* § 36-7-9-2 is incorporated by reference herein as copied in full. (Gen. Ord. No. 2, 1988, As Amended, § 7, 2-18-88)

Sec. 7-117 Standards.

All work for the reconstruction, repair, or demolition of buildings 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 *I.C.* § 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 Article or orders issued pursuant to this Article by the Building Commissioner of the City of Terre Haute, Indiana. (Gen. Ord. No. 2, 1988, As Amended, § 8, 2-18-88)

Sec. 7-118 Unsafe Building Fund.

An Unsafe Building Fund is established in the operating budget of the City of Terre Haute in accordance with the provisions of *I.C.* § 36-7-9-14. (Gen. Ord. No. 2, 1988, As Amended, § 9, 2-18-88)

Sec. 7-119 Penalties.

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 Article or any order issued by the Building Commissioner. Any person violating the provisions of this Article or *I.C.* § 36-7-9-28 shall commit a Class C infraction for each day such violation continues. (Gen. Ord. No. 2, 1988, As Amended, § 10, 2-18-88)

Sec. 7-120 through Sec. 7-124 Reserved for Future Use.

ARTICLE 5. NUMBERING BUILDINGS AND NAMING STREETS.

Sec. 7-125 Definitions.

a. **Street** is used for two (2) separate purposes in this Article.

(1) **Street.** All roadways, regardless of the name designation scheme assigned. It is used to infer all roadways such as avenues, streets, courts, lanes, drives, and places, etc. It is used to title drawings and in general reference within the text.

(2) Street designation differentiates between streets, avenues, places, drives, courts, and lanes since each of these differentiates a specific orientation to the base lines.

b. **Wabash Avenue Extended.** The extension through the City and County of that part of Wabash Avenue that lies between the Wabash River and Eighth Street. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.01)

Sec. 7-126 Uniform System of Numbering Established – Compliance Required.

There is established a uniform system for numbering buildings and lots fronting on all streets, avenues, and public ways in the City, and all new houses and new buildings shall be numbered in accordance with the provisions of this Article. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.02)

Sec. 7-127 Base Lines Established.

Wabash Avenue as extended shall constitute the base line for numbering buildings along all streets running northerly and southerly and Water Street as extended shall constitute the base line for numbering buildings along all streets running easterly and westerly. (See EXHIBIT 1 which is on file in the Office of the City Clerk).

a. Each building north of Wabash Avenue extended and facing a street running in a northerly direction shall carry a number and address indicating its location north of such base street.

b. Each building south of Wabash Avenue extended and facing a street running in a southerly direction shall carry a number and address indicating its location south of such base street.

c. Each building east of Water Street extended and facing a street running in an easterly direction shall carry a number and address indicating its location east of such base street.

d. Each building west of Water Street extended and facing a street running in a westerly direction shall carry a number and address indicating its location west of such base street.

e. All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of exactly forty-five degrees (45°)

shall be numbered the same as buildings on northerly and southerly streets. (See EXHIBIT 4 which is on file in the Office of the City Clerk). (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.03)

Sec. 7-128 Numbering Begins at Base Line.

The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand two hundred (1,200) numbers to each mile, or one thousand two hundred (1,200) numbers between established section lines or the streets located practicable, one odd and one even number shall be assigned to each eight and eight tenths feet (8-8/10') of street frontage. (See EXHIBITS 2 and 12 which are on file in the Office of the City Clerk) (*1989 Terre Haute Municipal Code*, § 923.04)

Sec. 7-129 Odd and Even Numbers for Buildings.

In the outbound direction from the origin, all buildings on the left hand side of each street running from the base street shall bear even numbers. All buildings on the right hand side of each street running from the base street shall bear odd numbers. (See EXHIBIT 3 which is on file in the Office of the City Clerk). (*1989 Terre Haute Municipal Code*, § 923.05)

Sec. 7-130 Separate Numbers for More than One Entrance.

Where any building has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant, providing such building occupies a lot, parcel or tract having a frontage equal to eight and eight tenths feet (8 8/10') for each such entrance. If the building is not located on a lot, parcel or tract which would permit the assignment of one (1) number to each such entrance, numerals and letters shall be used as set forth in Sec. 7-136. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.06)

Sec. 7-131 Streets Not Extending to the Base Line.

All buildings facing streets not extending through to the base line (a street segment) shall be assigned the same relative numbers as if the street had extended to the base line. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.07)

Sec. 7-132 Numbers and Directional Symbols for Streets.

a. In addition to the numbers placed on each house or other building as heretofore provided, all streets, drives, places, avenues, and other public ways within the City are hereby given numbers and directional symbols according to their distance and direction from the two (2) base streets set forth in Sec. 7-127.

(1) All streets approximately parallel to Water Street extended and north of Wabash Avenue extended are given the direction "North."

(2) All streets approximately parallel to Water Street extended and south of Wabash Avenue extended are given the direction "South."

(3) All streets approximately parallel to Wabash Avenue extended and east of Water Street extended are given the direction "East."

(4) All streets approximately parallel to Wabash Avenue extended and west of Water Street extended are given the direction "West."

b. All streets shall be numbered sequentially from the base line (which is numbered zero (0) with which they are parallel. If a slight deviation from parallel exists but the major orientation of the street is parallel to the base line, it shall be designated as a numbered street.

c. Each street parallel to a base line shall bear a number corresponding to its location from such base line in increments of one twelfth (1/12) of a mile where the length or width of a legal section is exactly five thousand two hundred eighty feet (5,280'). This provides a sequential numbering of four hundred forty foot (440') increments (one twelfth (1/12) mile) from the base line. Where legal sections are encountered with lengths or widths less than or more than a mile, each side of the section shall be divided into twelve (12) equal segments for street numbering purposes. Section lines along with the two (2) base lines shall become the major control features of the street numbering system. (See EXHIBIT 11 which is on file in the Office of the City Clerk).

d. All non-grid streets (diagonal and curvilinear) shall be appropriately named and indicate the primary compass direction of N., S., E., or W. according to EXHIBIT 4. Each house, building, or lot shall bear the proper number (house number) in accordance with Sec. 7-127e. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.08)

Sec. 7-133 Survey Required – Numbering.

The Area Plan Commission of Vigo County shall cause the necessary survey to be made and completed within six (6) months from the date of the adoption of this Article, and thereafter there shall be assigned to each new house, new lot, or new building located on any street, avenue, or public way in the City, its respective number under the uniform system provided in this Article according to such survey. (See EXHIBIT 12 which is on file in the Office of the City Clerk). (*1989 Terre Haute Municipal Code*, § 923.09)

Sec. 7-134 Numbers To Be Furnished by Property Owner.

The cost of the house or building number or numbers shall be paid for by the owner and may be procured from any source. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall not be less than three inches (3") in height and shall be made of a durable and clearly visible material. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § *923.* 10)

Sec. 7-135 Placement of Numbers.

The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet (50') from the street line, the numbers shall be placed near the wait driveway, or common entrance to such building and upon a gate post, fence, tree, post, or other appropriate place so as to be easily discernible from the public sidewalk or street. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.11)

Sec. 7-136 More than One Entrance; One Number.

Where only one (1) number can be assigned to any house or building, the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building or for any part of any such house or building fronting on any street shall use the suffix (A), (B), (C), etc., as may be required.

Sec. 7-137 Records; Location Map.

For the purpose of facilitating a correct numbering, a record of all streets, avenues and public ways within the City showing the proper block numbers shall be kept on file in the Office of the Area Planning Department. These records shall be open to inspection of all persons during the office hours of the Department. A location map shall be prepared and made available to all citizens of the City for the purpose of locating streets and addresses. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code,* § 923.13)

Sec. 7-138 Assigning Numbers.

It shall be the duty of the Area Planning Department to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any such lot or property, as provided in this Article. In case of conflict as to the proper number to be assigned to any building, the Department shall determine the number of such building. It shall be the duty of the Building Inspector, Zoning Administrator, or any other public official involved in building permit review or issuance to inform such applicant of his requirement to obtain the appropriate address from the Area Planning Department. (*1989 Terre Haute Municipal Code*, § 923.14)

Sec. 7-139 Affixing Numbers to Structures Required.

Whenever any house, building, or structure shall be erected or located in the City after the establishment of a uniform system of house and building numbering has been completed in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers, as designated by the Area Planning Department for the property and to immediately fasten the number or numbers so assigned upon such building, as provided by this Article. No building permit shall be issued for any house, building or structure until the owner has procured from the Area Planning Department the official number of the premises. Final approval of any structure shall be withheld by the Building Commissioner until permanent and proper numbers have been affixed to such structure. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.15)

Sec. 7-140 Uniform System of Street Naming Established.

There is established a uniform system of street naming in the City and all streets, avenues, and other dedicated public ways shall be named in accordance with the provisions of this Article.

a. All east and west streets parallel to the north of the east-west base line (Wabash Avenue extended) shall be designated as numbered "avenues" and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

b. All east and west streets parallel to and south of the east-west base line (Wabash Avenue extended) shall be designed as numbered "drives" and sequentially numbered from the base line (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

c. All north and south streets parallel to and east of the north-south base line (Water Street extended) shall be designated as numbered "streets" and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

d. All north and south streets parallel to the west of the north-south base line (Water Street extended) shall be designated as numbered "places" and sequentially numbered from the base line. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

e. All streets and other public ways running in the same direction and parallel to a base line, (other than alleys) having a deviation of not more than one hundred thirty feet (130') shall carry the appropriate last name unless special circumstances make such a plan impracticable or not feasible.

f. That part of any street ending in a cul-de-sac or any "dead-end" street arrangement serving a cul-de-sac function shall carry the designation "court." For short stem cul-de-sacs, the stem shall be numbered consecutively along with the court even if a different named street lines up with the stem. For long stem cul-de-sacs, the stem shall be regarded as a separate street segment and appropriately named. The stem shall be called "street", "avenue", "place", "drive", "road", or "lane", as applicable to the overall system. The court is named and consecutively addressed separately. (See EXHIBIT 1 which is on file in the Office of the City Clerk.)

g. All diagonal streets and segments thereof shall be designated as a named "road." (See EXHIBIT 5 which is on file in the Office of the City Clerk.) The addressing shall be established as previously provided for in this Article. The N, S, E, or W designation for the bearing of the "road" shall be determined as shown in EXHIBIT 4 (which is on file in the Office of the City Clerk).

h. All streets that curve in an irregular pattern (also called curvilinear streets) to an extent that its east-west or north-south direction is changed, shall be designated as "lane." (See EXHIBITS 5, 6, and 7 which are on file in the Office of the City Clerk.) The addressing shall be established in a manner similar to that for diagonal streets. Street naming and consequently the

corresponding may be required to carry more than one (1) proper name. Streets that curve back upon themselves such as large loops (circular streets) and large "S" curved streets, will require more than one (1) name in order to properly address the abutting properties. (See EXHIBITS ON CURVILINEAR STREETS which are on file in the Office of the City Clerk.) Because of the unique nature of the problems that may be encountered in this category of street configurations, the Commission shall have full authority to designate proper segments for a curvilinear road, each requiring a separate name and for designating the property address.

i. All short street segments shall be designated in accordance with the scheme for the designation of through streets.

j. No street established or named after the adoption of this Article shall bear a name in a language in conflict with the scheme for its orientation.

k. No street shall be named so as to be confused with any compass bearing such as West Street or West Place. These names shall be reserved for compass orientation as a part of the address or for future base line name designations.

1. Every address hereafter governed by this Article shall consist of four (4) parts as follows: building address, compass bearing of street, name or number of street, and street type. An example of this system is 1230 S. Broadway Avenue.

m. The legislative body of any participating local government unit may request changes in any or all designations by resolution with approval of the Area Plan Commission. Approval of changes or additions to these rules and regulations shall only be approved where all participating legislative local units of government are in agreement. Such unanimity or disagreement shall be ascertained by the Commission. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.16)

Sec. 7-141 Authority of Area Plan Commission Regarding Street Names.

For the purpose of clarifying and systematizing the present street naming pattern in the local units of government and to implement the application of the provisions set forth in Sec. 7-140 there is adopted the following plan:

a. The Area Plan Commission of Vigo County is authorized to prepare and present to the administrators and legislative bodies of any participating local unit of government, a complete plan for the naming of all streets, avenues, and public ways within such unit of local government.

b. The Commission shall follow the general plan set forth in Sec. 7-140, and other rules as are herein set forth.

c. If the Commission shall find an existing road, lane or court now carrying more than one (1) name, it shall recommend that such street shall bear the name under which it currently travels the longest distance both inside and outside the City limits, unless

circumstances indicate that another and different name would be desirable. The Commission, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code,* § 923.17)

Sec. 7-142 Study of Plat by Area Plan Commission.

Every subdivision plat or replat in the City shall be submitted to the Area Plan Commission for the purposes of determining compliance with this Article. The Commission shall check all proper names against an official list of named streets already in use. No duplication shall be permitted, nor shall a new proper name be acceptable that sounds similar to a street already in use, such as "Kurd" or "Curd" Street. The numbering of all other streets shall be assigned by the Commission. For this purpose, the plat or replat must contain the following information:

a. The description must begin at section or quarter section intersection points (preferably at the intersection of section lines);

b. The distance and bearings to a point of beginning in the subdivision shall be properly identified;

c. The bearings of all center fines of proposed streets and the tangent lengths shown (chord lengths may also be required at the discretion of the Area Planning Department);

d. The address for each lot shall be designated by the Commission.

If a building is subsequently built that crosses one or more lot lines, the owner shall be responsible for obtaining the new address from the Department. It shall be considered a violation of this Article for any firm, organization, or individual to name and post a name or number or symbol contrary to this Article upon a public right-of-way. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code,* § 923.18)

Sec. 7-143 Approval and Posting of Numbers and Names.

This Article and all house and building numbers assigned under the provisions thereof and all street numbers and names established by this Article shall become effective immediately upon approval of the Area Plan Commission and proper posting for public use. If public posting has not been accomplished after occupancy of the building, the Commission may order posting in a proper manner by sending such order by certified or registered mail to the owner or to the address of the building in question. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code,* § 923.19)

Sec. 7-144 Authority of Council To Change Street Names.

The Council may, by resolution, rename or name an existing or newly established street within the limits of the City any time after the adoption of this Article only upon the review and

recommendation of the Area Plan Commission. The expense of making the physical change of signs and posts, etc., shall be borne by the local government requesting the change, naming or renaming. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.20)

Sec. 7-145 True Grid System Established.

a. The general concept for naming streets and addressing property and buildings is based upon a true grid system with north-south base line and an east-west base line dividing the area into four (4) quadrants.

b. All streets parallel to the base lines shall be named and addresses established in conformity to the base lines.

c. Every diagonal street segment shall be regarded for addressing, as a segment parallel to one or the other base lines, dependent upon the angularity to the base lines. It is assigned to that base line which has the smallest angle between it and the diagonal segment. Curvilinear and loop streets are considered as chords of a circular arc segment, and these chords are assigned to a base line in the same manner as diagonal segments, except that the overall orientation of curvilinear and loop streets shall be the determining factor, and minor deviations in angularity of the chords or short tangents shall be disregarded.

d. Cul-de-sacs with short stem access roads shall be treated as dead-end short road segments, and they shall be numbered and addressed, both the stem segment and the court as one road.

e. Cul-de-sacs with long stems may be treated as a grid road segment, a diagonal road segment, etc. or a part of the court itself, (the same as short stem cul-de-sacs) depending on the best fit into the street system in the immediate area.

f. The court, however, shall be regarded as a dead-end street segment attached to the stem.

g. Any other street alignment shall be named and addressed in conformity to the spirit and intent of this Section. (See EXHIBITS 9, 10 and 12 which are on file in the Office of the City Clerk.) (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.21)

Sec. 7-146 Use of Exhibits.

All exhibits referred to herein are incorporated by reference herein and for the purposes of identification, marked as referred to in the body of this Article, as the same are now on file as permanent records in the Office of the City Clerk, Room 102, City Hall. (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.22)

Sec. 7-147 Penalty.

Whoever violates any provision of this Article or of an ordinance or regulation enacted under its authority shall be fined not less than Ten Dollars ($10.00) and not more than Three Hundred Dollars ($300.00). (Gen. Ord. No. 4, 1970; *1989 Terre Haute Municipal Code*, § 923.99)

CHAPTER 8. TRAFFIC & PARKING REGULATIONS

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CHAPTER 8

TRAFFIC & PARKING REGULATIONS

ARTICLE 1. TERRE HAUTE TRAFFIC CODE.

Division I. General Provisions.

Sec. 8-1 Definitions.[121]

Terms used in this Traffic Code shall have the meanings prescribed for such terms by the Motor Vehicle Laws of Indiana, unless otherwise specifically defined as a part of this Section.

City. The City of Terre Haute, Indiana.

County. The County of Vigo, Indiana.

State. The State of Indiana.

Council. The Common Council of the City of Terre Haute, Indiana.

Board of Public Works and Safety. The Board of Public Works and Safety of the City of Terre Haute, Indiana.

Person.[122] 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.

Ordinances. The ordinances of the City of Terre Haute and all amendments thereto.

Traffic Code. The Terre Haute Traffic Code.

Police Officer.[123] Every officer of the City of Terre Haute 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. For the purposes of issuing parking tickets under the Terre Haute Traffic Code, reference to Police Officer or Police Department shall include the Environmental Protection Officers (EPO) and the Environmental Protection Division (EPD) of the Terre Haute Police Department. (Gen. Ord. No. 6, 2004, 3-11-04)

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[121] *I.C.* § 9-13-2-1, *et seq*., sets forth definitions addressing traffic and motor vehicles terms.

[122] *I.C.* § 9-13-2-124, defines "person".

[123] *I.C.* § 9-13-2-127, defines "police officer".

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.

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.

Truck.[124] A commercial vehicle that has more than two (2) rear wheels, or more than one (1) rear axle, or has an empty vehicle weight of more than five thousand (5,000) pounds. The word truck does include recreational vehicles and house cars.

Alley.[125] A public street in the City which:

a. Is used primarily for the convenience of the owner of property abutting thereon and of the persons dealing with him;

b. Is abutted on both sides by property which is not customarily designated by an official property number; or

c. Has been declared an "alley" by Council. (Gen. Ord. No. 1, 1984, Chapter 1, § 1.1-1.4, 5-10-84)

Pedestrian. Any person afoot. (*1989 Terre Haute Municipal Code*, § 301.15)

Sec. 8-2 and Sec. 8-3 Reserved for Future Use.

Division II. Administration.[126]

Sec. 8-4 Traffic Engineer.

The Office of City Traffic Engineer is established. The City Engineer shall serve as City Traffic Engineer in addition to his other functions and duties and shall exercise the powers and duties with respect to traffic as provided in this Traffic Code.

It shall be the general duty of the Traffic Engineer to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by this Traffic Code. (Gen. Ord. No. 1, 1984, Chapter 2, § 2.1, 5-10-84)

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[124] *I.C.* § 9-13-2-188, defines "truck".

[125] *I.C.* § 9-13-2-2.5, defines "alley".

[126] *I.C.* § 9-21-1-1, addresses "traffic regulations".

Sec. 8-5 Authority of Board of Public Works and Safety.

a. Whenever Council by ordinance designates any of the following types of traffic control regulations, it shall be the duty of the Board of Public Works and Safety to place and maintain signs or signals giving notice thereof, and no regulations shall be effective unless such signs or signals are in place:

(1) Traffic control signals, including flashers;

(2) One-way streets;

(3) Stop or yield streets;

(4) Prohibited, limited or meter parking;

(5) Loading zones; and

(6) School zones;

b. The Board of Public Works and Safety is authorized without ordinance action to:

(1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in its opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary;

(2) Establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians;

(3) Mark lanes for traffic or street pavements at such places as it may deem advisable. (Gen. Ord. No. 1, 1984, Chapter 2, § 2.2, 5-10-84)

Sec. 8-6 Authority of the Police Department.

a. The members of the Police Department may remove a vehicle from a public street, sidewalk or other public place within the City to a garage or other place of safety or to a garage designated by the Police Department when said vehicle is:

(1) Left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) Upon a street and is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such extent as to be unable to provide for its custody or removal, or when a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of such vehicle or other

owner of such vehicle allows and permits such vehicle to remain standing or parked upon the street for a period of time in excess of seventy-two (72) hours.

(3) Left unattended upon a public street, public alley, municipal parking lot owned and operated by the City, or a public sidewalk, and is parked illegally in such a manner as to constitute a definite hazard or obstruction to the normal and safe movement of traffic, or in the case of a vehicle improperly parked upon a municipal parking lot where such vehicle is parked in such a manner as to obstruct the normal and safe movement and parking of vehicles on such municipal parking lot.

(4) Parked in violation of official signs other than parking meters regulating the standing of vehicles.

(5) Left standing or parked upon a public street because the operator of the vehicle has been arrested and taken into custody by a member of the Police Department or other law enforcement body.

b. Whenever an officer removes a vehicle as authorized under this Section, he shall enter such fact upon the records of the Police Department maintained for such purpose, and such record shall be kept to show the type of vehicle, name of the registered owner thereof, license number thereof, and the name and address of the operator of such vehicle at the time it became impounded, if such information is available to such officer. Thereafter, upon the request of the owner of such vehicle for the return of his vehicle, the Police Department shall issue its order directing the owner of the garage to which such vehicle had been removed to forthwith return such vehicle to its owner or his agents or representatives upon payment of the charges incurred as a result of such vehicle being towed to a place of safety.

c. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner thereof, or for any other reason is unable to give notice to the owner of its being impounded, and in the event the vehicle is not returned to the owner within a period of three (3) days, the Police Department shall send a written report of such removal by mail to the State Bureau of Motor Vehicles, and shall file a copy of such notice with the proprietor of the garage in which the vehicle is stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal, and name of the garage or place where the vehicle is stored. (Gen. Ord. No. 1, 1984, Chapter 2, § 2.3, 5-10-84)

Sec. 8-7 Permits from Police Chief for Parades and Processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this State and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply. (Gen. Ord. No. 1, 1984, Chapter 2, § 2.4, 5-10-84)

Sec. 8-8 and Sec. 8-9 Reserved for Future Use.

Division III. Stop, Yield and Signalized Intersections.

Sec. 8-10 Stop Intersections – Schedule A.[127]

a. The intersections described in Schedule A, attached hereto and made a part hereof, [and set forth in Sec. 8-10], 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. (Gen. Ord. No. 1, 1984, Chapter 3, § 3.1, 5-10-84)

b. An alphabetical listing of streets, followed by numbered streets, is as follows:

SCHEDULE A

STOP INTERSECTIONS

	TRAFFIC ON	SHALL STOP FOR TRAFFIC ON	
5	Aberdeen St.	3rd Parkway	(Gen. Ord. No. 9, 1990, 9-13-90)
10	Adams Blvd.	Hudson Ave.	(Special Ord. No. 11, 1981, 3-13-81)
15	Adams Blvd.	Ohio Blvd.	
20	Aikman Pl.	Fruitridge Ave.	
25	Arcadia	Woodbine	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
30	Arleth St.	Demorest Ave.	
33	Arleth St.	Greenwood St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
35	Arleth St.	Margaret Ave.	
40	Arleth St.	Preston St.	
45	Arleth St.	Turner St.	
50	Arleth St.	Voorhees St.	(Special Ord. No. 55, 1971, 11-17-71)
55	Arleth St.	Wheeler Ave.	
60	Ash St.	Kester Ave.	
65	Ash St.	Lafayette Ave.	
70	Ash St.	6th St.	
75	Ash St.	6½ St.	
80	Ash St.	7th St.	
85	Ash St.	8th St.	
90	Ash St.	9th St.	
95	Ash St.	13th St.	
100	Ash St.	19th St.	

[127] Editor's Note: Unless otherwise indicated in the historical reference, the streets listed are from Schedule A of Gen. Ord. No. 1, 1984, passed on May 10, 1984.

105	Ash St.	21st St.	
110	Ash St.	23rd St.	
115	Ash St.	31st St.	
120	Ashland Ave.	Fenwood Ave.	
125	Ashland Ave.	1st Alley N. of Fenwood Ave.	
130	Ashland Ave.	Schaal Ave.	(Special Ord. No. 62, 1965, As Amended, 10-28-65)
135	Avalon Dr.	Helen Ave.	
140	Avalon Dr.	Margaret Ave.	(Special Ord. No. 33, 1970, 10-21-70)
145	Barbour Ave.	Hendricks Ave.	
150	Barbour Ave.	Lafayette Ave.	
155	Barbour Ave.	7th St.	
160	Barbour Ave.	9th St.	(Special Ord. No. 75, 1980, 11-13-80)
165	~~Barbour Ave.~~	~~11th St.~~	(Gen. Ord. No. 4, 2007, §1, 2-8-07)
170	Barbour Ave.	16th St.	(Special Ord. No. 6, 1981, 3-13-81)
175	Barbour Ave.	25th St.	
180	Barbour Ave.	27th St.	
185	Barbour Ave.	28th St.	
190	Barbour Ave.	30th St.	
195	Barton Ave.	College Ave.	
200	Barton Ave.	Hulman St.	
205	Barton Ave.	Lincoln St.	
210	Barton Ave.	Morton St.	
215	Barton Ave.	Ohio Blvd.	
220	Barton Ave.	Park St.	
225	Barton Ave.	Poplar St.	
230	Barton Ave.	Putnam St.	
235	Barton Ave.	1st Alley N. of Putnam St.	
240	Barton Ave.	Seabury Ave.	
245	Barton Ave.	Wallace Ave.	
246	Barton Ave.	Warren St.	(Gen. Ord. No. 33, 2004, § 2, 12-09-04)
250	Baybreeze Ct.	Watertree Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
253	Beech St.	Brown Blvd.	(Gen. Ord. No. 17, 2010, 12-9-10)
255	Beech St.	Garfield Ave.	
~~260~~	~~Beech St.~~	~~Kester Ave.~~	(Deleted by Gen. Ord. No. 17, 2010, 12-9-10)
265	Beech St.	Lafayette Ave.	
270	Beech St.	6th St.	(Special Ord. No. 44, 1975, 10-9-75)
275	Beech St.	7th St.	
280	Beech St.	9th St.	
285	Beech St.	13th St.	
290	Beech St.	15th St.	
295	Beech St.	19th St.	
300	Beech St.	25th St.	
305	Beechwood Ct.	S. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)

310	Berkley (eastbound)	Woodridge	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
315	Berkley (westbound)	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
320	Berne Ave.	19th St.	(Special Ord. No. 52, 1986, 12-11-86)
325	Berne Ave.	25th St.	
330	Berne Ave.	35th St.	
335	Blackfriars Ct.	Tottenham Cr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
340	Blaine Ave.	Beech St.	
345	Blaine Ave.	Buckeye St.	
350	Blaine Ave.	Grand Ave.	
355	Blaine Ave.	Maple Ave.	
360	Blaine Ave.	8th Ave.	
365	Blankenbaker Ave.	Plum St.	
370	Bluebird Hill	Chickadee Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
375	Bluebird Hill	Robinwood Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
380	Bluebird Ln.	Bluebird Hill	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
385	Bluebird Ln.	Robinwood Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
390	Bogart Dr.	Nitche Dr.	
395	Bogart Dr.	Poplar St.	
400	Boring St.	Arleth St.	
405	Boring St.	Dillman St.	
410	Boring St.	1st St.	
415	Boston Ave.	Lafayette Ave.	
420	Boston Ave.	13th St.	
425	Bourne Ave.	Locust St.	
430	Briarwood	Woodbine	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
435	Briarwood	Briarwood Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
440	Briarwood Ln.	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
445	Briarwood Ln. (Southbound)	Briarwood	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
450	Brooks Ave.	College Ave.	
455	Brooks Ave.	Washington Ave.	
460	Brown Ave.	Margaret Ave.	
462	Buckeye St.	Brown Blvd.	(Gen. Ord. No. 17, 2010, 12-9-10)
463	Buckeye St.	Hendricks Ave,	(Gen. Ord. No. 17, § 2, 1-11-07)
~~465~~	~~Buckeye St.~~	~~Kester Ave.~~	(Deleted by Gen. Ord. No. 17, 2010, 12-9-10)
470	Buckeye St.	Lafayette Ave.	
475	Buckeye St.	Woodlawn Ave.	
480	Buckeye St.	1st St.	
485	Buckeye St.	4th St.	
490	Buckeye St.	5th St.	
495	Buckeye St.	6th St.	
500	Buckeye St.	6½ St.	(Special Ord. No. 5, 1973, 11-8-73)
505	Buckeye St.	7th St.	
510	Buckeye St.	8th St.	

515	~~Buckeye St.~~	~~9th St.~~	(Gen. Ord. No. 9, 2009, 8-13-09)
520	Buckeye St.	10th St.	
525	Buckeye St.	11th St.	
535	Buckeye St.	19th St.	
539	Buckeye St.	24th St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
540	Buckeye St.	25th St.	
545	Buckeye St.	30th St.	
550	Buckeye St.	31st St.	(Special Ord. No. 68, 1979, 11-8-79)
555	Bush Ln.	7th St.	
560	Butternut Ave.	Blakely Ave.	
565	Butternut Ave.	Bourne Ave.	
570	Butternut Ave.	Fruitridge Ave.	
575	Canal St.	Margaret Ave.	
580	Canal St.	1st St.	
585	Canal St.	2nd St.	
590	Carl Ave.	Lafayette Ave.	
595	Carl Ave.	11th St.	(Special Ord. No. 23, 1985, 6-13-85)
600	Carl Ave.	13th St.	
605	Carl Ave.	13½ St.	
610	Carl Ave.	14th St.	
615	Carl Ave.	14½ St.	
620	Carl Ave.	15th St.	
625	Carl Ave.	15½ St.	
630	Cedar Ridge Ct.	Ridge Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
635	Cedar St.	13th St.	
636	Cedar St.	14½ St.	(Gen. Ord. No. 2, 2003, § 2, 3-14-03)
640	Center St.	College Ave.	
644	Center St.	Greenwood St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
645	Center St.	Helen Ave.	
650	Center St.	Hulman St.	
655	Center St.	Margaret Ave.	
660	Center St.	Swan St.	
665	Center St.	Turner St.	
670	Center St.	Voorhees St.	
675	~~Center St.~~	~~Washington Ave.~~	(Deleted by Gen. Ord. No. 6, 2010, 6-10-10)
680	Center St.	Wheeler Ave.	
685	Central Ave.	Ash St.	(Special Ord. No. 4, 1985, 2-14-85)
690	Central Ave.	Beech St.	
695	Central Ave.	Buckeye St.	
700	Central Ave.	Linden St.	
705	Central Ave.	Maple Ave.	
710	Charing Cross Rd. (NW intersection)	Tottenham Cr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
715	Chase St.	13th St.	

720	Chase St.	14th St.	
725	Chase St.	16th St.	
730	Chase St.	22nd St.	
735	Chase St.	23rd St.	
740	Chase St.	24th St.	
745	Chase St.	25th St.	
750	Cherry Ave.	Fenwood Ave.	
755	Cherry Ave.	1st Alley N. of Fenwood Ave.	
760	Cherry Ave.	Schaal Ave.	
765	Chestnut St.	1st St.	
770	Chestnut St.	21st St.	
775	Chestnut St.	22nd St.	
780	Church St.	Ferndale Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
785	Church St.	Mayflower Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
790	Circle	Wabash Ave.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
795	Circle	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
800	Circle Turn	Arcadia	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
805	Circle Turn	Circle	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
810	Clay Ave.	13th St.	
815	Clay Ave.	16th St.	
820	Clay Ave.	35th St.	
825	Clay Ave.	36th St.	
830	Cleveland Ave.	23rd St.	
835	Cleveland Ave.	25th St.	
840	College Ave.	Fruitridge Ave.	
845	Collett Ave.	7th St.	
850	Collett Ave.	13½ St.	
855	Collett Ave.	25th St.	
860	Collett Ave.	27th St.	(Special Ord. No. 89, 1972, 1-11-73)
865	Collett Ave.	28th St.	
870	Collett Ave.	29th St.	
875	Collett Ave.	30th St.	
880	Country Club Rd.	Wabash Ave.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
885	Crawford St.	Brown Ave.	
890	Crawford St.	1st St.	
895	Crawford St.	4th St.	
900	Crawford St.	5th St.	
905	Crawford St.	6th St.	
910	Crawford St.	7th St.	
915	Crawford St.	8th St.	
920	Crawford St.	25th St.	
925	Cross Ln.	Lafayette Ave.	
930	Cross Ln.	19th St.	

935	Cruft St.	Monterey Ave.	
937	Cruft St.	1st St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
940	Cruft St.	7th St.	
945	Cruft St.	8th St.	
950	Cruft St.	9th St.	
955	Cruft St.	10th St.	(Gen. Ord. No. 12, 1998, 8-13-98)
960	Cruft St.	11th St.	(Special Ord. No. 66, 1973, 12-13-73)
965	Cruft St.	11½ St.	
970	Cruft St.	13th St.	
975	Cruft St.	13½ St.	
980	Cruft St.	14th St.	
985	Cruft St.	15th St.	
990	Cruft St.	16th St.	
995	Cruft St.	17th St.	
1000	Cruft St.	18th St.	
1005	Cruft St.	23rd St.	
1010	Cruft St.	25th St.	
1015	Cruft St.	29th St.	
1020	Cruft St.	31st St.	
1023	Cullen St.	Brown Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1025	Dahlen Ave.	13th St.	
1026	Dahlen Ave.	17th St.	(Gen. Ord. No. 34, 2004, 12-09-04)
1030	Dahlen Ave.	22nd St.	
1035	Dahlen Ave.	25th St.	
1040	Dean Ave.	Brown Ave.	
1045	Dean Ave.	13th St.	
1050	Dean Ave.	13½ St.	
1055	Dean Ave.	14th St.	
1060	Dean Ave.	15th St.	
1065	Dean Ave.	16th St.	
1070	Dean Ave.	17th St.	
1075	Dean Ave.	18th St.	
1080	Dean Ave.	19th St.	
1085	Dean Ave.	25th St.	
1090	Dean Ave.	29th St.	
1095	Delaware Ave.	Garfield Ave.	
1100	Delaware Ave.	Lafayette Ave.	
1105	Delaware Ave.	7th St.	
1110	Delaware Ave.	8th St.	
1115	Delaware Ave.	9th St.	
1120	Delaware Ave.	10th St.	
1125	Delaware Ave.	13th St.	
1130	Delaware Ave.	18th St.	(Special Ord. No. 7, 1981, 3-13-81)

1135	Delaware Ave.	25th St.	
1140	Deming Ln.	Park Lane Ct.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1145	Deming St.	Barton Ave.	
1150	Deming St.	Brown Ave.	
1155	Deming St.	Gilbert Ave.	
1160	Deming St.	Monterey Ave.	
1165	Deming St.	4th St.	
1170	Deming St.	5th St.	
1175	Deming St.	6th St.	
1180	Deming St.	9th St.	
1185	Deming St.	15th St.	(Special Ord. No. 133, 1981, 1-14-82)
1190	Deming St.	16th St.	(Special Ord. No. 132, 1981, 1-14-82)
1195	Deming St.	17th St.	
1200	Deming St.	18th St.	
1205	Deming St.	19th St.	
1210	Deming St.	24th St.	
1215	Deming St.	25th St.	
1220	Deming St.	29th St.	
1225	Deming St.	32nd St.	
1230	Demorest St.	1st St.	
1232	Detroit Ave.	2nd Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1233	Detroit Ave.	3rd Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1234	Detroit Ave.	4th Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1235	Dillman St.	Demorest St.	
1240	Dillman St.	Margaret Ave.	
1245	Dillman St.	Preston St.	
1248	Dillman St.	Turner St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1250	Dillman St.	Voorhees St.	(Special Ord. No. 35, 1968, 8-21-68)
1255	Dimmick Ave.	25th St.	
1260	S. Dobbs Glen St.	Poplar St.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1265	S. Dobbs Glen St.	Hollowbrook Ct.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1270	S. Dobbsdell St. (SE intersection)	S. Dobbs Glen St.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1275	S. Dobbsdell St. (NW intersection)	S. Dobbs Glen St.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1280	Dreiser Dr.	Cruft St.	
1285	Drexmore Rd.	Avalon Dr.	
1290	Drexmore Rd.	Brown Ave.	
1295	Douglas Pl.	E. Lawrin Blvd.	(Special Ord. No. 78, 1980, 11-13-80)
1300	Douglas Pl.	W. Lawrin Blvd.	(Special Ord. No. 60, 1966, 10-19-66)
1305	Duane Ave.	25th St.	
1310	Eagle St.	Water St.	
1315	Eagle St.	1st St.	

1320	Eagle St.	2nd St.	
1325	Eagle St.	7th St.	
1330	Eagle St.	8th St.	
1335	Eagle St.	9th St.	
1340	Eagle St.	11th St.	(Special Ord. No. 6, 1966, 3-16-66)
1345	Eagle St.	13th St.	
1350	Eagle St.	14th St.	
1355	Eagle St.	14½ St.	
1360	Eagle St.	15th St.	
1365	Eagle St.	16th St.	
1370	Eagle St.	17th St.	
1375	Eddie Dr.	Joyce Dr.	
1380	Edgebrook Ave.	Linden St.	(Special Ord. No. 40, 1981, 5-14-81)
1385	Edgebrook Ave.	Sheridan Dr.	(Special Ord. No. 37, 1965, As Amended, 7-21-65)
1390	Elizabeth Ave.	Lafayette Ave.	
1395	Elizabeth Ave.	4th St.	
1400	Elizabeth Ave.	5th St.	
1405	Elizabeth Ave.	6½ St.	
1410	Elizabeth Ave.	13th St.	
1415	Elizabeth Ave.	18th St.	
1420	Elm St.	Brown Ave.	
1425	Elm St.	Fruitridge Ave.	
1430	Elm St.	Lafayette Ave.	
1435	Elm St.	1st St.	
1440	Elm St.	4th St.	
1445	Elm St.	6th St.	
1450	Elm St.	6½ St.	
1455	Elm St.	7th St.	
1460	Elm St.	8th St.	
1465	Elm St.	9th St.	
1470	Elm St.	11th St.	
1475	Elm St.	12th St.	
1480	Elm St.	13th St.	
1485	Elm St.	13½ St.	
1490	Elm St.	14th St.	
1495	Elm St.	14½ St.	
1500	Elm St.	15th St.	
1505	Elm St.	16th St.	
1510	Elm St.	19th St.	
1515	Elm St.	21st St.	
1520	Elm St.	25th St.	
1525	Elm St.	34th St.	
1530	Elm St.	35th St.	

1535	Elm St.	36th St.	
1540	Elm St.	37th St.	(Special Ord. No. 18, 1983, 5-12-83)
1545	Farrington St.	Center St.	
1550	Farrington St.	6th St.	
1555	Farrington St.	7th St.	
1560	Farrington St.	8th St.	
1565	Farrington St.	9th St.	
1570	Farrington St.	10th St.	
1575	Farrington St.	14th St.	(Special Ord. No. 129, 1981, 1-14-82)
1580	Farrington St.	15th St.	(Special Ord. No. 131, 1981, 1-14-82)
1585	Farrington St.	17th St.	
1590	Farrington St.	18th St.	(Special Ord. No. 22, 1977, 7-14-77)
1595	Farrington St.	19th St.	
1600	Farrington St.	25th St.	
1605	Farrington St.	29th St.	
1610	Farrington St.	38th St.	
1615	Fenwood Ave.	Brown Ave.	
1620	Fenwood Ave.	25th St.	
1625	Ferndale Ct.	Ferndale Dr.	
1630	Ferndale Dr.	Poplar St.	
1635	Florida Ave.	Lafayette Ave.	
1640	Florida Ave.	7th St.	
1645	Florida Ave.	11th St.	
1650	Florida Ave.	12th St.	
1655	Florida Ave.	13th St.	
1660	Florida Ave.	18th St.	(Special Ord. No. 10, 1981, 3-13-81)
1665	Florida Ave.	25th St.	
1670	N. Forest Dr.	Wood Lawn Ct./S. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1675	S. Forest Dr.	N. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1678	Ft. Harrison Rd. Ft. Harrison Industrial Park	Aberdeen St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
1680	Ft. Harrison Rd. (Eastbound)	7th St.	
1685	Foulkes Dr.	Lockport Ave.	
1690	Foulkes Dr.	12th St.	
1695	Franklin St.	Brown Ave.	
1700	Franklin St.	7th St.	
1705	Franklin St.	8th St.	
1710	Franklin St.	9th St.	
1715	Franklin St.	10th St.	
1720	Franklin St.	11th St.	(Special Ord. No. 66, 1973, 12-13-73)
1725	Franklin St.	11½ St.	(Special Ord. No. 67, 1976, 11-11-76)
1730	Franklin St.	12th St.	
1735	Franklin St.	13th St.	
1740	Franklin St.	13½ St.	

1745	Franklin St.	14th St.	
1750	Franklin St.	15th St.	
1755	Franklin St.	16th St.	
1760	Franklin St.	17th St.	
1765	Franklin St.	18th St.	
1770	Franklin St.	19th St.	
1775	Franklin St.	20th St.	
1780	Franklin St.	25th St.	
1785	Franklin St.	29th St.	
1790	Frisco Ave.	Lafayette Ave.	
1795	Frisco Ave.	19th St.	
1800	Frisco Ave.	22nd St.	
1805	Fruitridge Ave.	Margaret Ave.	
1810	Gardendale Rd.	Berkley	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1815	Gardendale Rd.	State Road 46	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
1820	Garfield Ave.	Carl Ave.	(Special Ord. No. 40, 1975, 10-9-75)
1825	Garfield Ave.	Collett Ave.	
1830	Garfield Ave.	Florida Ave.	(Special Ord. No. 39, 1981, 5-14-81)
1835	Garfield Ave.	Indiana Ave.	
1840	Garfield Ave.	Lafayette Ave.	
1845	Garfield Ave.	Maple Ave.	
1850	Garfield Ave.	8th Ave.	
1855	Gilbert Ave.	College Ave.	
1860	Gilbert Ave.	Crawford St.	
1865	Gilbert Ave.	Farrington St.	(Special Ord. No. 134, 1981, 1-14-82)
1870	Gilbert Ave.	Oak St.	
1875	Gilbert Ave.	Ohio St.	
1880	Gilbert Ave.	Poplar St.	
1885	Gilbert Ave.	Walnut St.	
1890	Grand Ave.	Hendricks Ave.	
1895	Grand Ave.	Lafayette Ave.	
1900	Grand Ave.	6½ St.	
1905	Grand Ave.	7th St.	
1910	Grand Ave.	9th St.	(Special Ord. No. 77, 1980, 11-13-80)
1915	Grand Ave.	10th St.	
1920	Grand Ave.	11th St.	(Special Ord. No. 27, 1966, As Amended, 6-15-66)
1925	Grand Ave.	12th St.	
1930	Grand Ave.	14th St.	
1935	Grand Ave.	15th St.	
1940	Grand Ave.	16th St.	
1945	Grand Ave.	24th St.	
1950	Grand Ave.	25th St.	
1955	Grand Ave.	27th St.	(Special Ord. No. 38, 1985, 7-11-85)

1960	Grand Ave.	28th St.	
1965	Grand Ave.	30th St.	
1970	Grant St.	6th St.	
1975	Grant St.	7th St.	
1980	Grant St.	8th St.	
1985	Grant St.	9th St.	(Special Ord. No. 18, 1973, 7-12-73)
1990	Grant St.	10½ St.	
1995	Grant St.	1st Alley E. of 10½ St.	
2000	Grant St.	19th St.	(Special Ord. No. 25, 1975, 8-14-75)
2005	Greenwood St.	Harding Ave.	
2010	Greenwood St.	Jefferson St.	(Special Ord. No. 6, 1978, 3-9-78)
2015	Greenwood St.	1st St.	
2020	Greenwood St.	4th St.	
2025	Greenwood St.	6th St.	
2030	Greenwood St.	7th St.	
2035	Hamilton Dr.	Poplar St.	
2040	Hampton Ave.	College Ave.	
2045	Hancock St.	1st St.	
2050	Hancock St.	4th St.	(Special Ord. No. 47, 1975, 11-13-75)
2055	Hancock St.	6th St.	
2060	Harbor Point Rd. (North intersection)	Watertree Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2065	Harbor Point Rd. (South intersection)	Watertree Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2070	Harding Ave.	Helen Ave.	
2075	Harding Ave.	Margaret Ave.	
2080	Harding Ave.	Poplar St.	
2085	Harding Ave.	Preston St.	
2090	Harding Ave.	Turner St.	(Special Ord. No. 16, 1983, 4-14-83)
2095	Harding Ave.	Voorhees St.	(Special Ord. No. 68, 1976, 11-11-76)
2100	Harding Ave.	Washington Ave.	
2105	Harrison Ave.	Brown Ave.	
2110	Harrison Ave.	7th St.	
2115	Harrison Ave.	8th St.	
2120	Harrison Ave.	9th St.	
2125	Harrison Ave.	11th St.	(Gen. Ord. No. 17, 2001, 7-12-01)
2126	Harrison Ave.	11½ St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2130	Harrison Ave.	12th St.	
2135	Harrison Ave.	13th St.	
2136	Harrison Ave.	13½ St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2140	Harrison Ave.	14th St.	
2145	Harrison Ave.	25th St.	
2150	Haythorne Ave.	Lafayette Ave.	
2155	Heck Ave.	25th St.	
2160	Helen Ave.	Brown Ave.	

2165	Helen Ave.	1st St.	
2170	Helen Ave.	7th St.	
2175	Helen Ave.	13th St.	
2180	Helen Ave.	19th St.	
2185	Helen Ave.	21st St.	
2190	Hendricks Ave.	Beech St.	
2195	Hendricks Ave.	Linden St.	(Gen. Ord. No. 10, 1998, 7-9-98)
2200	Hendricks Ave.	Maple Ave.	
2205	Hendricks Ave.	8th Ave.	
2210	Heritage Dr. – E. Leg (S-bound)	Heritage Dr.	
2215	Heritage Dr.	Poplar St.	
2220	Hickory Ave.	Blakely Ave.	
2225	Hickory Ave.	Bourne Ave.	
2230	Hickory Ave.	Fruitridge Ave.	
2235	Hill Rd.	Wabash Ave.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2240	Home Ave.	Elm St.	
2245	Home Ave.	Fenwood Ave.	
2250	Hudson Ave.	Brown Ave.	
2255	Hudson Ave.	Fruitridge Ave.	
2260	Hudson Ave.	McKinley Blvd.	
2265	Idaho St.	Barton Ave.	(Special Ord. No. 59, 1979, 10-10-79)
2267	Idaho St.	Brown Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2270	Idaho St.	Harding Ave.	
2275	Idaho St.	Lockport Ave.	(Special Ord. No. 76, 1972, 11-9-72)
2280	Idaho St.	1st St.	
2285	Idaho St.	4th St.	
2290	Idaho St.	5th St.	
2295	Idaho St.	7th St.	
2300	Idaho St.	8th St.	
2305	Idaho St.	17th St.	
2310	Idaho St.	19th St.	(Special Ord. No. 20, 1964, As Amended, 7-15-64)
2315	Idaho St.	20th St.	
2320	Idaho St.	21st St.	
2325	Idaho St.	23rd St.	(Special Ord. No. 34, 1978, 8-10-78)
2330	Idaho St.	25th St.	
2335	Idaho St.	26th St.	
2340	Idaho St.	27th St.	
2342	Idaho St.	28th St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2343	Idaho St.	29th St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2345	Idaho St.	30th St.	
2347	Idaho St.	32nd St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2350	Ijams Dr.	Jefferson St.	(Special Ord. No. 101, 1981, 11-13-81)
2355	Ijams Dr.	Margaret Ave.	

2360	Indiana Ave.	13th St.	
2362	Indiana Ave.	1st Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2363	Indiana Ave.	2nd Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2364	Indiana Ave.	3rd Park Way Ft. Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2365	Jackson Blvd.	Riley Ave.	
2370	Jackson St.	Margaret Ave.	(Special Ord. No. 54, 1973, 10-11-73)
2375	Jackson St.	Preston St.	
2380	Jackson St.	Turner St.	
2385	Jefferson St.	Margaret Ave.	
2390	Jefferson St.	Preston St.	
2395	Jefferson St.	Voorhees St.	(Special Ord. No. 55, 1971, 11-17-71)
2398	Jefferson St.	Turner St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2400	Jefferson St.	Wheeler Ave.	
2405	Joyce Ave.	25th St.	
2410	Keane Ln.	Poplar St.	
2415	Kennedy Ave.	Lafayette Ave.	
2420	Kennedy Ave.	2nd Alley E. of Lafayette Ave.	
2425	Kensington Ct.	Tottenham Cr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2430	Kent Ave.	Liberty Ave.	
2435	Kent Ave.	19th St.	
2437	Kester Ave.	8th Ave.	(Gen. Ord. No. 17, 2010, 12-9-10)
2438	Kester Ave.	Beech St.	(Gen. Ord. No. 17, 2010, 12-9-10)
2439	Kester Ave.	Buckeye St.	(Gen. Ord. No. 17, 2010, 12-9-10)
2440	Knightsbridge Ct.	Charing Cross Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2445	Krumbhaar St.	Greenwood St.	
2450	Krumbhaar St.	Margaret Ave.	(Special Ord. No. 54, 1973, 10-11-73)
2455	Krumbhaar St.	Preston St.	
2460	Krumbhaar St.	Wheeler Ave.	
2465	Kussner St.	7th St.	
2470	Kussner St.	8th St.	
2475	Kussner St.	11th St.	
2480	Kussner St.	11½ St.	
2485	Kussner St.	25th St.	
2490	Lafayette Ave.	Haythorne Ave.	
2495	Lakeshore	Country Club Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2500	Lakeview Dr.	Poplar St.	
2505	Lakeview Dr.	Terre Vista – E. & W.	
2510	East Lawrin Blvd.	Poplar St.	
2515	West Lawrin Blvd.	Poplar St.	
2520	Layher Ave.	Voorhees St.	
2525	Layher Ave.	Preston St.	

2530	Lee Ave.	Lafayette Ave.	
2535	Lee Ave.	2nd Alley E. of Lafayette Ave.	
2540	Lee Ave.	7th St.	
2544	Lee Ave.	7th St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2545	Lee Ave.	13th St.	
2550	Lee Ave.	13½ St.	(Special Ord. No. 35, 1976, 6-10-76)
2555	Lee Ave.	15th St.	
2560	Leland Ave.	19th St.	
2565	Leland Ave.	20th St.	
2570	Leland Ave.	21st St.	
2575	Leytonston Ct.	Tottenham Cr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2580	Liberty Ave.	13th St.	
2585	Liberty Ave.	25th St.	
2590	Lincoln St.	Center St.	
2595	Lincoln St.	6th St.	
2600	Lincoln St.	7th St.	(Special Ord. No. 14, 1967, 3-15-67)
2605	Lincoln St.	8th St.	
2610	Lincoln St.	9th St.	
2615	Lincoln St.	23rd St.	
2620	Linden St.	Blaine Ave.	(Special Ord. No. 13, 1975, 5-8-75)
2625	Linden St.	Fruitridge Ave.	
2630	Linden St.	Kester Ave.	
2635	Linden St.	Lafayette Ave.	
2640	Linden St.	6th St.	
2645	Linden St.	7th St.	
2650	Linden St.	8th St.	
2655	Linden St.	9th St.	
2660	Linden St.	13th St.	
2665	Linden St.	13½ St.	
2670	Linden St.	14th St.	
2675	Linden St.	15th St.	
2680	Linden St.	19th St.	
2685	Linden St.	22nd St.	
2690	Linden St.	25th St.	
2695	Linden St.	27th St.	(Gen. Ord. No. 23, 2000, 11-16-00)
2700	Linden St.	28th St.	(Gen. Ord. No. 3, 1996, 9-12-96)
2705	Linden St.	30th St.	
2710	Linden St.	31st St.	(Special Ord. No. 65, 1981, 7-9-81)
2715	Lockport Ave.	Hulman St.	
2720	Lockport Ave.	Margaret Ave.	
2725	Lockport Ave.	8th St.	(Special Ord. No. 27, 1980, 4-10-80)
2730	Locust St.	1st St.	
2735	Locust St.	25th St.	(Gen. Ord. No. 8, 1999, 9-4-99)

2740	Luckett Ave.	6th Ave.	
2745	Luckett Ave.	7th Ave.	
2750	Mahan St.	17th St.	
2755	Mahan St.	19th St.	
2760	Maiden Ln.	1st St.	
2765	Maiden Ln.	5th St.	
2770	Maiden Ln.	6th St.	
2775	Margaret Ave.	19th St.	(Special Ord. No. 70, 1988, 1-12-89)
2780	Marigold Dr. – W. Leg	Marigold Dr. – E. Leg	
2785	Marigold Dr.	Mariposa Dr.	
2790	Marigold Dr.	Ohio Blvd.	
2795	Marigold Pl.	Marigold Dr.	
2800	Mariposa Ave.	Barton Ave.	
2805	Mariposa Ave.	23rd St.	(Special Ord. No. 20, 1964, As Amended, 7-15-64)
2809	Mariposa Ave.	22nd St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
2810	Mariposa Ave.	24th St.	
2815	Mariposa Ave.	25th St.	
2820	Mariposa Dr.	25th St.	
2825	Mayflower Dr.	Poplar St.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
2830	McKeen St.	Barton Ave.	
2835	McKeen St.	Center St.	
2840	McKeen St.	Harding Ave.	
2845	McKeen St.	Lockport Ave.	
2850	McKeen St.	5th St.	
2855	McKeen St.	7th St.	(Special Ord. No. 14, 1967, 3-15-67)
2860	McKeen St.	8th St.	
2865	McKeen St.	9th St.	
2870	McKeen St.	17th St.	
2875	McKeen St.	18th St.	
2880	McKeen St.	19th St.	
2885	McKeen St.	20th St.	
2890	McKeen St.	23rd St.	
2895	McKeen St.	25th St.	
2900	McKeen St.	29th St.	
2905	McKeen St.	31st St.	
2910	Meadows Dr.	Ohio Blvd.	
2915	Miller Dr.	25th St.	
2920	Minshall St.	Barton Ave.	
2925	Minshall St.	Center St.	
2930	Minshall St.	5th St.	
2935	Minshall St.	7th St.	
2940	Minshall St.	8th St.	
2945	Minshall St.	9th St.	

2950	Minshall St.	10½ St.	
2955	Minshall St.	23rd St.	
2960	Minshall St.	24th St.	
2965	Monterey Ave.	College Ave.	
2970	Monterey Ave.	Crawford St.	
2975	Monterey Ave.	Franklin St.	
2980	Monterey Ave.	Ohio Blvd.	
2985	Monterey Ave.	Poplar St.	
2990	Morton St.	Center St.	
2995	Morton St.	7th St.	(Special Ord. No. 14, 1967, 3-15-67)
3000	Morton St.	8th St.	
3005	Morton St.	9th St.	
3010	Morton St.	10½ St.	
3015	Morton St.	11th St.	
3020	Morton St.	19th St.	
3025	Morton St. (Westbound)	23rd St.	
3030	Morton St.	25th St.	
3035	Mulberry St.	Water St.	
3040	Mulberry St.	1st St.	
3045	Mulberry St.	4th St.	
3050	Mulberry St.	5th St.	
3055	Mulberry St.	7th St.	
3060	Mulberry St.	8th St.	
3065	Mulberry St.	9th St.	
3070	Mulberry St.	11th St.	
3075	Mulberry St.	12th St.	
3080	Mulberry St.	13th St.	
3085	Nitche Dr.	Fruitridge Ave.	
3090	Nitche Dr. (Westbound)	Hamilton Dr. & Nitche Dr.	
3095	Nitche Dr. (NW Intersection)	Terre Vista Dr.	
3100	Nitche Dr. (SE Intersection)	Terre Vista Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3105	Oak St.	Barton Ave.	
3110	Oak St.	Brown Ave.	
3115	Oak St.	Center St.	
3120	Oak St.	Monterey Ave.	
3125	Oak St.	Poplar St.	
3130	Oak St.	1st St.	
3135	Oak St.	4th St.	
3140	Oak St.	5th St.	
3145	Oak St.	6th St.	
3150	Oak St.	7th St.	
3155	Oak St.	8th St.	
3160	Oak St.	9th St.	

3165	Oak St.	12th St.	
3170	Oak St.	13th St.	
3175	Oak St.	13½ St.	
3180	Oak St.	15th St.	
3185	Oak St.	17th St.	
3190	Oak St.	20th St.	
3195	Oak St.	21st St.	
3200	Oak St.	22nd St.	
3205	Oak St.	23rd St.	(Special Ord. No. 20, 1964, As Amended, 7-15-64)
3210	Oak St.	24th St.	
3215	Oak St.	25th St.	
3220	Oakland Ave.	Elm St.	
3225	~~Oakland Ave.~~	~~Schaal Ave.~~	(Deleted by Gen. Ord. No. 15, 2011, 11-10-11)
3230	Oakridge Ct.	N. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3235	Ohio Blvd.	Fruitridge Ave.	
3240	Ohio St. (Eastbound)	1st St.	
3245	Orchard St.	Gilbert Ave.	
3250	Orchard St.	13th St.	
3255	Orchard St.	13½ St.	
3260	Orchard St.	14th St.	
3270	Orchard St.	16th St.	
3275	Orchard St.	17th St.	
3280	Orchard St.	18th St.	
3285	Orchard St.	19th St.	
3290	Orleans Ave.	23rd St.	
3295	Orleans Ave.	25th St.	
3300	Osborne St.	Harding Ave.	
3305	Osborne St.	4th St.	(Special Ord. No. 6, 1989, 4-13-89)
3310	Osborne St.	6th St.	
3315	Paige Dr.	Hulman St.	
3320	Paige Dr.	Washington Ave.	
3325	Park Ln.	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3330	Park Ln.	Park Lane Ct.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3335	Park Lane Ct.	Keane Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3340	Park Lane Ct.	Park Ln./Deming Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3345	Park St.	Brown Ave.	
3350	Park St.	Center St.	
3355	Park St.	Gilbert Ave.	(Special Ord. No. 128, 1981, 1-14-82)
3360	Park St.	5th St.	
3365	Park St.	6th St.	
3370	Park St.	7th St.	
3375	Park St.	8th St.	
3380	Park St.	9th St.	

3385	Park St.	10th St.	
3390	Park St.	14th St.	(Special Ord. No. 127, 1981, 1-14-82)
3395	Park St.	15th St.	
3400	Park St.	16th St.	(Special Ord. No. 130, 1981, 1-14-82)
3405	Park St.	17th St.	
3410	Park St.	18th St.	
3415	Park St.	19th St.	
3420	Park St.	23rd St.	
3425	Park St.	25th St.	
3430	Park St.	29th St.	
3435	Park St.	Heritage Dr.	
3440	Park St.	Parkview Rd.	
3445	Parkview Rd.	Poplar St.	
3450	Patrick St.	23rd St.	
3455	Patrick St.	24th St.	
3460	Patrick St.	25th St.	
3465	Paul Dresser Dr.	Hulman St.	
3470	Pennsylvania Ave.	Lafayette Ave.	
3475	Pennsylvania Ave.	17th St.	
3480	Pennsylvania Ave.	18th St.	(Special Ord. No. 9, 1981, 3-13-81)
3485	Peyton St.	Woodlawn Ave.	
3490	Peyton St.	1st St.	
3495	Peyton St.	6th St.	
3500	Phoenix (westbound N intersection)	Country Club Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3505	Phoenix (south intersection)	Country Club Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3510	Phillips Ave.	Lafayette Ave.	
3515	Phillips Ave.	13th St.	
3520	Piccadilly Ct.	Tottenham Cr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3525	Plum St.	Fruitridge Ave.	
3530	Plum St.	Kester Ave.	
3535	Plum St.	13th St.	
3540	Plum St.	15th St.	
3545	Plum St.	19th St.	
3550	Plum St.	23rd St.	
3555	Plum St.	31st St.	
3560	Poplar St.	1st St.	
3565	Prairie Ave.	Lafayette Ave.	
3570	Prairie Ave.	Steelton Ave.	
3575	Prairie Ave.	10th St.	
3580	Prairie Ave.	11th St.	(Special Ord. No. 22, 1985, 6-13-85)
3585	Prairie Ave.	12th St.	
3590	Prairie Ave.	13½ St.	
3595	Prairie Ave.	14th St.	

3600	Prairie Ave.	14½ St.	(Special Ord. No. 7, 1982, 3-11-82)
3605	Prairie Ave.	16th St.	(Special Ord. No. 2, 1982, 2-11-82)
3610	Prairie Ave.	17th St.	
3615	Prairie Ave.	25th St.	
3620	Prairie Ave.	26th St.	
3625	Prairie Ave.	28th St.	
3630	Prairieton Rd.	1st St.	(Special Ord. No. 34, 1977, 8-11-77)
3635	Preston St.	Center St.	(Special Ord. No. 40, 1974, 8-8-74)
3640	Preston St.	1st St.	
3645	Preston St.	6th St.	
3650	Preston St.	7th St.	
3655	Putnam St.	Brown Ave.	
3660	Putnam St.	Center St.	
3665	Putnam St.	6th St.	
3670	Putnam St.	7th St.	
3675	Putnam St.	8th St.	
3680	Putnam St.	9th St.	
3685	Putnam St.	10th St.	(Special Ord. No. 37, 1975, 10-9-75)
3690	Putnam St.	11th St.	(Special Ord. No. 70, 1972, 10-12-72)
3691	Putnam St.	11½ St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3695	Putnam St.	13th St.	
3700	Putnam St.	13½ St.	
3705	Putnam St.	14th St.	
3710	Putnam St.	15th St.	
3715	Putnam St.	17th St.	
3720	Putnam St.	18th St.	
3725	Putnam St.	19th St.	
3730	Putnam St.	20th St.	
3735	Putnam St.	23rd St.	
3740	Putnam St.	25th St.	
3745	Putnam St.	29th St.	
3746	Red River Ave.	1st Park Way Fort Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3747	Red River Ave.	2nd Park Way Fort Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3748	Red River Ave.	3rd Park Way Fort Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3749	Red River Ave.	4th Park Way Fort Harrison Industrial Park	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3750	Rice Ave.	Hulman St.	
3755	Ridge Rd.	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3760	Ridge Rd.	State Road 46	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3765	Ridge Rd. (Northbound)	Timberlane Turn	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3770	Riley Ave.	Brown Ave.	
3775	Riley Ave.	Fruitridge Ave.	

3780	Robinwood Ln. (west intersection)	Wabash Ave.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3785	Rogers Ave.	3rd Ave.	
3790	Rogers Ave.	22nd St.	
3795	Rolling Valley Ct.	Country Club Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3800	Rose Ave.	Elm St.	
3805	Rose Ave.	Sibley Ave.	
3808	Rose Bud Ct.	Brown Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3810	Rutledge Pl.	E. Lawrin Blvd.	(Special Ord. No. 60, 1966, 10-19-66)
3815	Rutledge Pl.	W. Lawrin Blvd.	(Special Ord. No. 60, 1966, 10-19-66)
3820	Salem Pl.	E. Lawrin Blvd.	(Special Ord. No. 60, 1966, 10-19-66)
3825	Salem Pl.	W. Lawrin Blvd.	(Special Ord. No. 60, 1966, 10-19-66)
3830	Schaal Ave.	Brown Ave.	
3835	Seabury Ave.	Center St.	
3840	Seabury Ave.	6th St.	
3845	Seabury Ave.	7th St.	
3850	Seabury Ave.	8th St.	
3855	Seabury Ave.	9th St.	
3860	Seabury Ave.	10th St.	
3865	Seabury Ave.	11th St.	
3870	Seabury Ave.	11½ St.	
3875	Seabury Ave.	13th St.	
3879	Seabury Ave.	13½ St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
3880	Seabury Ave.	14th St.	
3885	Seabury Ave.	17th St.	
3890	Seabury Ave.	18th St.	(Special Ord. No. 56, 1970, 1-20-71)
3895	Seabury Ave.	19th St.	
3900	Seabury Ave.	20th St.	
3905	Seabury Ave.	21st St.	(Special Ord. No. 59, 1976, 10-14-76)
3910	Seabury Ave.	25th St.	
3915	Seeburger Ave.	Lafayette Ave.	
3920	Sheridan Rd.	Fruitridge Ave.	
3925	Shields Ave.	25th St.	
3930	Sibley Ave.	Home Ave.	
3935	Sibley Ave.	View Ave.	
3940	South Fork	Berkley	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3945	South Fork	Woodbine	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3950	Spang Ave.	Lafayette Ave.	
3955	Spang Ave. – S. Leg	Spang Ave. – N. Leg	
3960	Spang Ave.	13th St.	
3962	Spang Ave.	16th St.	(Gen. Ord. No. 34, 2004, 12-09-04)
3965	Spang Ave.	21st St.	
3970	Springfield Dr.	E. Lawrin Blvd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
3975	Springfield Dr.	W. Lawrin Blvd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)

3980	Spruce St.	Water St.	
3985	Spruce St.	1st St.	
3990	Spruce St.	7th St.	
3995	Spruce St.	13th St.	
4000	Spruce St.	15th St.	
4005	Spruce St.	16th St.	
4010	Spruce St.	21st St.	
4015	Stacey Ave.	35th St.	
4020	Stacey Ave.	36th St.	
4025	Steelton Ave.	Ft. Harrison Rd.	
4030	Steelton Ave.	25th St.	
4035	Stewart St.	7th St.	
4040	Stewart St.	8th St.	(Special Ord. No. 48, 1967, 10-23-67)
4045	Stewart St.	9th St.	(Special Ord. No. 51, 1966, 10-19-66)
4050	Stewart St.	10th St.	
4055	Stewart St.	11th St.	
4060	Stewart St.	11½ St.	
4065	Swan St.	4th St.	
4070	Swan St.	5th St.	
4075	Swan St.	6th St.	
4080	Swan St.	7th St.	
4085	Swan St.	8th St.	
4090	Swan St.	9th St.	
4095	Swan St.	11th St.	
4100	Swan St.	12th St.	
4105	Sycamore St.	Kent Ave.	
4110	Sycamore St.	Lafayette Ave.	
4115	Sycamore St.	1st St.	
4120	Sycamore St.	4th St.	
4125	Sycamore St.	5th St.	
4130	Sycamore St.	6th St.	
4135	Sycamore St.	7th St.	
4140	Sycamore St.	8th St.	
4145	Sycamore St.	9th St.	
4150	Sycamore St.	10½ St.	
4155	Sycamore St.	12th St.	(Special Ord. No. 32, 1977, 8-11-77)
4160	Sycamore St.	13th St.	
4165	Sycamore St.	14th St.	
4170	Sycamore St.	14½ St.	
4175	Sycamore St.	15th St.	
4180	Sycamore St.	16th St.	
4185	Sycamore St.	17th St.	
4190	Sycamore St.	18th St.	

4195	Sycamore St.	21st St.	
4200	Sycamore St.	23rd St.	
4205	Sycamore St.	25th St.	
4210	Terre Vista Dr.	Ferndale Dr.	
4215	Terre Vista Dr. (Northbound)	Lakeview Dr.	
4220	Terre Vista Dr. (NE intersection).	Lakeview Dr.	
4225	Thomas Ave.	4th St.	
4230	Thomas Ave.	7th St.	
4235	Thompson Ave.	17th St.	
4240	Thompson Ave.	18th St.	
4245	Thompson St.	Greenwood St.	
4250	Thompson St.	Margaret Ave.	
4255	Thompson St.	Preston St.	
4259	Thompson St.	Turner St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4260	Thompson St.	Voorhees St.	(Special Ord. No. 55, 1971, 11-17-71)
4265	Thompson St.	Wheeler Ave.	
4270	Tippecanoe St.	Fruitridge Ave.	
4275	Tippecanoe St.	Lafayette Ave.	
4280	Tippecanoe St.	6½ St.	
4285	Tippecanoe St.	7th St.	
4290	Tippecanoe St.	9th St.	
4295	Tippecanoe St.	11th St.	
4300	Tippecanoe St.	12th St.	
4305	Tippecanoe St.	13th St.	
4310	Tippecanoe St.	14th St.	
4315	Tippecanoe St.	15th St.	
4320	Tippecanoe St.	16th St.	
4325	Tippecanoe St.	21st St.	
4330	Tippecanoe St.	22nd St.	
4335	Tippecanoe St.	24th St.	
4340	Tippecanoe St.	25th St.	
4345	Tippecanoe St.	34th St.	
4350	Tottenham Cr.	Knightsbridge Ct.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4355	Tottenham Cr.	Wyndham Blvd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4360	Turner St.	1st St.	
4365	Turner St.	6th St.	
4370	Turner St.	7th St.	
4375	Valley Rd.	Briarwood	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4380	Valley Rd.	State Road 46	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4385	Van Buren Blvd.	Hudson Ave.	
4390	Van Buren Blvd.	Potomac Ave.	(Special Ord. No. 28, 1973, 8-9-73)
4395	Van Buren Blvd.	Riley Ave.	
4400	View Ave.	Elm St.	(Special Ord. No. 50, 1971, 11-17-71)

4405	View Ave.	Fenwood Ave.	
4410	View Ave.	Schaal Ave.	
4415	Voorhees St.	Lockport Ave.	
4420	Voorhees St.	19th St.	
4425	Wallace Ave.	Fruitridge Ave.	
4430	Wallace Ave.	19th St.	
4435	Wallace Ave.	25th St.	
4440	~~Warren St.~~	~~Barton Ave.~~	(Deleted by Gen. Ord. No. 33, 2004, 12-09-04)
4445	Warren St.	15th St.	
4450	Warren St.	17th St.	
4455	Warren St.	18th St.	
4460	Warren St.	19th St.	
4465	~~Warren St.~~	~~21st St.~~	(Deleted by Gen. Ord. No. 33, 2004, 12-09-04)
4470	~~Warren St.~~	~~23rd St.~~	(Deleted by Gen. Ord. No. 33, 2004, 12-09-04)
4475	Warren St.	25th St.	
4480	Washington Ave.	Brown Ave.	
4485	Washington Ave.	Paul Dresser Dr.	
4490	Washington Ave.	1st St.	(Gen. Ord. No. 18, 2000, 8-10-00)
4495			
4500	Water St.	Chestnut St.	
4505	Water St.	Locust St.	
4510	Water Mark Ct.	Watertree Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4515	Waters Edge Ct.	Watertree Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4520	Watertree Rd.	Hulman St.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4525	Watertree Rd. (Westbound)	Watertree Rd.(N-S bound)	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4530	Watson Ave.	Berne Ave.	
4535	Watson Ave.	Clay Ave.	
4540	Watson Ave.	Maple Ave.	
4545	West Park Dr.	Haythorne Ave.	
4550	West Park Dr.	Steelton Ave.	
4555	Wheeler Ave.	Harding Ave.	
4560	Wheeler Ave.	1st St.	
4565	Wheeler Ave.	7th St.	
4570	Wheeler Ave.	9th St.	
4575	Wheeler Ave.	10th St.	
4580	Wheeler Ave.	13th St.	
4585	Wheeler Ave.	13½ St.	
4590	Wheeler Ave.	14th St.	
4595	Wheeler Ave.	19th St.	
4600	Wheeler Ave.	20th St.	
4605	Wheeler Ave.	21st St.	
4610	Willow St.	4th St.	
4615	Willow St.	6th St.	

4620	Wilson St.	Crawford St.	
4625	Wilson St.	4th St.	
4630	Wilson St.	15th St.	
4635	Wilson St.	17th St.	
4640	Wilson St.	25th St.	
4645	Winslow Ave.	19th St.	
4650	Winslow Ave.	25th St.	
4655	Winthrop Ave.	Margaret Ave.	
4660	Wood Lawn Ct.	N. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4665	Woodhaven Ct.	N. Forest Dr.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4670	Woodlawn Ave.	Linden St.	
4675	Woodlawn Ave.	Maiden Ln.	(Special Ord. No. 67, 1979, 11-8-79)
4680	Woodlawn Ave.	Maple Ave.	
4685	Woodlawn Ave.	8th Ave.	(Special Ord. No. 76, 1980, 11-13-80)
4690	Woodley Ave.	Lafayette Ave.	
4695	Woodley Ave.	16th St.	
4700	Woodridge	Gardendale Rd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4705	Woodridge	Wabash Ave.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4710	Woodshire Dr.	E. Lawrin Blvd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4715	Woodshire Dr.	W. Lawrin Blvd.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4720	Wren Rd.	Bluebird Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4725	Wren Rd.	Robinwood Ln.	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4730	Wyndham Blvd.	State Road 46	(Gen. Ord. No. 22, 2002, § 1, 10-10-02)
4735	1st Ave.	Lafayette Ave.	
4740	1st Ave.	4th St.	(Special Ord. No. 33, 1979, 7-12-79)
4745	1st Ave.	6th St.	
4750	1st Ave.	6½ St.	
4755	1st Ave.	7th St.	
4760	1st Ave.	8th St.	
4765	1st Ave.	9th St.	
4770	1st Ave.	10th St.	
4775	1st Ave.	19th St.	
4780	1st Ave.	23rd St.	
4785	1st Ave.	25th St.	
4788	1st Park Way Fort Harrison Industrial Park	Detroit Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4789	1st Park Way Fort Harrison Industrial Park	Savana Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4790	1st St.	Cherry St.	
4795	1st St.	Margaret Ave.	
4800	1st St.	Ohio St.	
4805	2nd Ave.	Lafayette Ave.	
4810	2nd Ave.	1st St.	
4815	2nd Ave.	4th St.	

4820	2nd Ave.	6th St.	
4825	2nd Ave.	13th St.	
4830	2nd Ave.	19th St.	
4833	2nd Park Way Fort Harrison Industrial Park	Aberdeen Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4834	2nd Park Way Fort Harrison Industrial Park	Savana Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4835	2nd St.	Chestnut St.	
4840	2nd St.	Elm St.	
4845	2nd St.	Locust St.	
4850	2nd St.	1st Alley N. of Locust St.	
4855	2nd St.	Sycamore St.	
4860	3rd Ave.	Lafayette Ave.	
4865	3rd Ave.	1st St.	
4870	3rd Ave.	7th St.	
4875	3rd Ave.	25th St.	
4876	3rd Park Way Fort Harrison Industrial Park	Savana Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4880	4th Ave.	Lafayette Ave.	
4885	4th Ave.	1st St.	
4890	4th Ave.	6th St.	
4895	4th Ave.	7th St.	
4900	4th Ave.	8th St.	
4905	4th Ave.	9th St.	
4910	4th Ave.	11th St.	
4915	4th Ave.	13th St.	
4920	4th Ave.	19th St.	
4925	4th Ave.	20th St.	
4930	4th Ave.	22nd St.	
4935	4th Ave.	24th St.	
4938	4th Park Way Fort Harrison Industrial Park	Indiana Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4939	4th Park Way Fort Harrison Industrial Park	Savana Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
4940	4th St.	Florida Ave.	
4945	4th St.	Ft. Harrison Rd.	
4950	4th St.	Grant St.	
4955	4th St.	Helen Ave.	
4960	4th St.	Hulman St.	
4965	4th St.	Lafayette Ave.	
4970	4th St.	Lee Ave.	
4975	4th St.	Lincoln St.	(Special Ord. No. 87, 1985, 1-9-86)
4980	4th St.	Locust St.	
4985	4th St.	Maple Ave.	
4990	4th St.	Margaret Ave.	

4995	4th St.	Peyton St.	
5000	4th St.	Preston St.	
5005	4th St.	Tippecanoe St.	
5010	4th St.	Voorhees St.	
5015	4th St.	Wheeler Ave.	
5020	4th St.	8th Ave.	
5025	5th Ave.	19th St.	
5030	5th Ave.	20th St.	
5035	5th Ave.	22nd St.	
5040	5th Ave.	25th St.	
5045	5th Ave.	26th St.	
5050	5th Ave.	28th St.	
5055	5th Ave.	30th St.	
5060	5th St.	College Ave.	
5065	5th St.	Florida Ave	
5070	5th St.	Grant St.	
5075	5th St.	Helen Ave.	
5080	5th St.	Hulman St.	
5085	5th St.	Lafayette Ave.	
5090	5th St.	Lee Ave.	
5092	5th St.	Lincoln St.	(Gen. Ord. No. 9, 2006, 7-13-06)
5095	5th St.	Locust St.	
5100	5th St.	Margaret Ave.	
5105	5th St.	Osborne St.	
5110	5th St.	Peyton St.	
5115	5th St.	Preston St.	
5120	5th St.	Thomas Ave.	(Special Ord. No. 34, 1973, 8-14-73)
5125	5th St.	Tippecanoe St.	
5130	5th St.	Voorhees St.	
5135	5th St.	Washington Ave.	
5140	5th St.	1st Ave.	
5145	6th Ave.	Fruitridge Ave.	
5150	6th Ave.	4th St.	
5155	6th Ave.	6th St.	
5160	6th Ave.	7th St.	
5165	6th Ave.	9th St.	
5170	6th Ave.	13th St.	
5175	6th Ave.	19th St.	
5180	6th Ave.	22nd St.	
5185	6th Ave.	24th St.	
5190	6th Ave.	25th St.	
5195	6th Blvd.	Helen Ave.	
5200	6th Blvd.	Margaret Ave.	

5205	6th Blvd.	Wheeler Ave.	(Special Ord. No. 52, 1971, 11-17-71)
5210	6th St.	Elizabeth Ave.	
5215	6th St.	Florida Ave.	
5220	6th St.	Helen Ave.	
5225	6th St. (N/S Alley b/w 6th & Center)	Idaho St.	(Gen. Ord. No. 17, 1997, 12-11-97)
5230	6th St.	Lee Ave.	
5235	6th St.	Locust St.	
5240	6th St.	Maple Ave.	
5245	6th St.	Margaret Ave.	
5250	6th St.	Voorhees St.	
5255	6th St.	Barbour Ave.	
5260	6½ St.	Beech St.	
5265	6½ St.	Chestnut St.	
5270	6½ St.	Florida Ave.	
5275	6½ St.	Ft. Harrison Rd.	
5280	6½ St.	Indiana Ave.	(Special Ord. No. 48, 1975, 11-13-75)
5285	6½ St.	Lafayette Ave.	
5290	6½ St.	Lee Ave.	
5295	6½ St.	Linden St.	
5300	6½ St.	Locust St.	
5305	6½ St.	Maple Ave.	
5310	6½ St.	McCullough Ave.	
5315	6½ St.	Thomas Ave.	
5320	6½ St.	Tippecanoe St.	
5325	6½ St.	1st Ave.	
5330	6½ St.	2nd Ave.	
5335	6½ St.	3rd Ave.	
5340	6½ St.	4th Ave.	
5345	7th Ave.	Fruitridge Ave.	
5350	7th Ave.	Lafayette Ave.	
5355	7th Ave.	6th St.	(Special Ord. No. 69, 1976, 11-11-76)
5360	7th Ave.	6½ St.	
5365	7th Ave.	7th St.	
5370	7th Ave.	9th St.	
5375	7th Ave.	10th St.	
5380	7th Ave.	13th St.	
5385	7th Ave.	15th St.	
5390	7th Ave.	19th St.	
5395	7th Ave.	22nd St.	
5400	7th Ave.	23rd St.	(Special Ord. No. 65, 1983, 11-10-83)
~~5405~~	~~7th Ave.~~	~~24th St~~	(Deleted by Gen. Ord. No. 5, 2010, 5-13-10)
5410	7th Ave.	25th St.	
5415	7th Ave.	26th St.	

5420	7th Ave.	27th St.	
5425	7th Ave.	30th St.	
5430	7th St.	Ft. Harrison Rd.	
5434	8th Ave.	Brown Blvd.	(Gen. Ord. No. 17, 2010, 12-9-10)
5435	8th Ave.	Fruitridge Ave.	
~~5440~~	~~8th Ave.~~	~~Kester Ave.~~	(Deleted by Gen. Ord. No. 17, 2010, 12-9-10)
5445	8th Ave.	1st St.	
5450	8th St.	Collett Ave.	
5455	8th St.	Helen Ave.	
5456	8th St.	Hulman Ave.	(Gen. Ord. 18, 2005, 12-15-05)
5460	8th St.	Indiana Ave.	
5465	8th St.	Maple Ave.	
5470	8th St.	Margaret Ave.	
5475	8th St.	Spang Ave.	(Special Ord. No. 52, 1981, 6-16-81)
5480	8th St.	Stewart St.	(Special Ord. No. 42, 1988, 6-16-88)
5485	8th St.	Voorhees St.	
5490	8th St.	Wheeler Ave.	
5495	8th St. (Northbound)	7th St. @ Ft. Harrison Rd.	(Special Ord. No. 6, 1966, 3-16-66)
5500	8th St.	8th Ave.	
5503	9th St.	Helen Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
5505	9th St.	Margaret Ave.	
5510	9th St.	Voorhees St.	
5513	9½ St.	Helen Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
5515	9½ St.	Margaret Ave.	
5520	9½ St.	Poplar St.	
5525	9½ St.	Walnut St.	
5530	9½ St.	Wheeler Ave.	(Special Ord. No. 69, 1980, 11-14-80)
5535	10th St.	Beech St.	
5540	10th St.	Chestnut St.	
5545	10th St.	College Ave.	
5550	10th St.	Collett Ave.	
5555	10th St.	Crawford St.	
5560	10th St.	Elm St.	
5565	10th St.	Grant St.	
5570	10th St.	Helen Ave.	
5575	10th St.	Hulman St.	
5580	10th St.	Indiana Ave.	
5585	10th St.	Kussner St.	
5590	10th St.	Lafayette Ave.	
5595	10th St.	Lockport Rd.	
5600	10th St.	Locust St.	
5605	10th St.	Maple Ave.	
5610	10th St.	Margaret Ave.	

5615	10th St.	Minshall St.	
5620	10th St.	Spruce St.	
5625	10th St.	Tippecanoe St.	
5630	10th St.	Voorhees St.	
5635	10th St.	Washington Ave.	
5640	10th St.	3rd Ave.	
5645	10th St.	6th Ave.	
5650	10th St.	8th Ave.	
5655	10½ St.	Chestnut St.	
5660	10½ St.	Lockport Rd.	
5665	10½ St.	Poplar St.	
5670	10½ St.	Voorhees St.	
5675	10½ St.	Walnut St.	
5680	10½ St.	13th St.	
5685	11th St.	Chestnut St.	
5690	11th St.	College Ave.	
5695	11th St.	Collett Ave.	
5700	11th St.	Delaware Ave.	
5705	11th St.	Helen Ave.	
5710	11th St.	Hulman St.	
5715	11th St.	Lafayette Ave.	
5720	11th St.	Locust St.	
5725	11th St.	Maple Ave.	(Gen. Ord. No. 7, 1998, As Amended, 5-14-98)
5730	11th St.	Margaret Ave.	
5735	11th St.	Poplar St.	
5740	11th St.	Spang Ave.	
5745	11th St.	Voorhees St.	
5750	11th St.	Walnut St.	
5755	11th St.	Washington Ave.	
5760	11th St.	Wheeler Ave.	
5765	11th St.	3rd Ave.	
5770	11th St.	6th Ave.	
5775	11th St.	7th Ave.	
5780	11th St.	8th Ave.	
5785	11th St.	10½ St.	
5790	11½ St.	College Ave.	
5795	11½ St.	Helen Ave.	
5800	11½ St.	Hulman St.	
5805	11½ St.	Margaret Ave.	
5810	11½ St.	Voorhees St.	
5815	11½ St.	Washington Ave.	
5820	11½ St.	Wheeler Ave.	
5825	12th St	Ash St.	(Special Ord. No. 25, 1976, 5-13-76)

5830	12th St.	Beech St.	
5835	12th St.	Buckeye St.	
5840	12th St.	Carl Ave.	(Special Ord. No. 41, 1975, 10-9-75)
5845	12th St.	Chestnut St.	
5850	12th St.	College Ave.	
5855	12th St.	Crawford St.	
5860	12th St.	Helen Ave.	
5865	12th St.	Hulman St.	
5870	12th St.	Indiana Ave.	
5875	12th St.	Lockport Rd.	
5880	12th St.	Locust St.	
5885	12th St.	Margaret Ave.	
5890	12th St.	Ohio St.	
5895	12th St.	Poplar St.	
5900	12th St.	Putnam St.	(Special Ord. No. 23, 1972, 6-8-72)
5905	12th St.	Seabury Ave.	
5910	12th St.	Spruce St.	
5915	12th St.	Voorhees St.	
5920	12th St.	Walnut St.	
5925	12th St.	Washington Ave.	
5930	12th St.	Wheeler Ave.	
5935	12th St.	3rd Ave.	
5940	12th St.	6th Ave.	(Special Ord. No. 46, 1976, 8-12-76)
5945	12th St.	7th Ave.	
5950	12th St.	8th Ave.	
5955	12th St.	10½ St.	
5960	13th St.	Margaret Ave.	
5965	13½ St.	Barbour Ave.	
5970	13½ St.	Boston Ave.	
5975	13½ St.	Buckeye St.	
5980	13½ St.	Cedar St.	(Special Ord. No. 17, 1982, 5-13-82)
5985	13½ St.	Chase St.	
5990	13½ St.	Clay Ave.	
5995	13½ St.	College Ave.	
6000	13½ St.	Crawford St.	
6005	13½ St.	Dahlen Ave.	
6010	13½ St.	Deming St.	
6012	13½ St.	Elizabeth Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
6015	13½ St.	Haythorne Ave.	
6020	13½ St.	Hulman St.	
6025	13½ St.	Lafayette Ave.	
6030	13½ St.	Locust St.	
6035	13½ St.	Maple Ave.	

6040	13½ St.	Margaret Ave.	
6045	13½ St.	Ohio St.	
6050	13½ St.	Poplar St.	
6055	13½ St.	Spang Ave.	(Gen. Ord. No. 13, 2002, 8-8-02)
6060	13½ St.	Tippecanoe St.	
6065	13½ St.	Walnut St.	
6070	13½ St.	Washington Ave.	
6075	14th St.	Ash St.	
6080	14th St.	Barbour Ave.	
6085	14th St.	Boston Ave.	
6090	14th St.	Buckeye St.	
6095	14th St.	Clay Ave.	
6100	14th St.	College Ave.	
6105	14th St.	Crawford St.	
6110	14th St.	Dahlen Ave.	
6115	14th St.	Deming St.	
6119	14th St.	Elizabeth Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
6120	14th St.	Florida Ave.	
6125	14th St.	Haythorne Ave.	
6130	14th St.	Hulman St.	
6135	~~14th St.~~	~~Lee Ave.~~	(Special Ord. No. 39, 1972, 7-13-72) (Deleted by Gen. Ord. No. 30, 2004, 9-12-04)
6140	14th St.	Lockport Rd.	
6145	14th St.	Locust St.	
6150	14th St.	Maple Ave.	
6155	14th St.	Margaret Ave.	
6160	14th St.	Ohio St.	
6164	14th St.	Plum St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
6165	14th St.	Poplar St.	
6170	14th St.	Walnut St.	
6175	14th St.	Washington Ave.	
6180	14th St.	Woodley Ave.	
6185	14th St.	3rd Ave.	
6190	14th St.	4th Ave.	
6195	14th St.	6th Ave.	
6200	14th St.	8th Ave.	
6205	14½ St.	Boston Ave.	
6210	14½ St.	Chase St.	
6215	14½ St.	Chestnut St.	
6220	14½ St.	Clay Ave.	
6225	14½ St.	Delaware Ave.	(Special Ord. No. 66, 1981, 7-14-81)
6229	14½ St.	Elizabeth Ave.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
6230	14½ St.	Florida Ave.	
6235	14½ St.	Haythorne Ave.	

6240	14½ St.	Lafayette Ave.	
6245	14½ St.	Lee Ave.	(Gen. Ord. No. 2, 1999, § 2, 4-15-99)
6250	14½ St.	Liberty Ave.	
6255	14½ St.	Locust St.	
6256	14½ St.	Linden St.	(Gen. Ord. No. 3, 2003, § 2, 3-14-03)
6260	14½ St.	Maple Ave.	
6265	14½ St.	Spang Ave.	(Gen. Ord. No. 13, 2002, 8-8-02)
6270	14½ St.	Tippecanoe St.	
6275	15th St.	Ash St.	(Special Ord. No. 53, 1981, 6-16-81)
6280	15th St.	Boston Ave.	
6285	15th St.	Clay Ave.	
6290	15th St.	College Ave.	
6295	15th St.	Crawford St.	
6300	15th St.	Dahlen Ave.	
6305	15th St.	Delaware Ave.	
6310	15th St.	Elizabeth Ave.	
6315	15th St.	Florida Ave.	
6320	15th St.	Haythorne Ave.	
6325	15th St.	Hulman St.	
6330	15th St.	Maple Ave.	
6335	15th St.	Ohio St.	
6340	15th St.	Pennsylvania Ave.	
6341	15th St.	Orchard St.	(Gen. Ord. No. 4, 2003, § 2, 3-14-03)
6345	15th St.	Poplar St.	
6350	15th St.	Spang Ave.	
6355	15th St.	Walnut St.	
6360	15th St.	Washington Ave.	
6365	15th St. (Southbound)	1st Ave.	
6370	15th St.	2nd Ave.	
6375	~~15th St.~~	~~3rd Ave.~~	(Deleted by Gen. Ord. No. 7, 2011, 6-9-11)
6380	15th St.	4th Ave.	
6385	15th St.	6th Ave.	
6390	15th St.	8th Ave.	
6395	15½ St.	Elizabeth Ave.	(Special Ord. No. 30, 1966, 7-20-66)
6400	15½ St.	Lafayette Ave.	
6405	15½ St.	Lee Ave.	(Special Ord. No. 20, 1964, As Amended, 7-15-64)
6410	15½ St.	North Ave.	(Special Ord. No. 3, 1981, 3-12-81)
6413	15½ St.	Pennsylvania Ave.	(Gen. Ord. No. 22, 2007, 1-10-08)
6415	15½ St.	Prairie Ave.	(Special Ord. No. 46, 1966, 9-22-66)
6420	16th St.	Boston Ave.	
6425	16th St.	Carl Ave.	
6430	16th St.	Chestnut St.	
6435	16th St.	College Ave.	

6440	16th St.	Crawford St.	
6445	16th St.	Dahlen Ave.	
6450	16th St.	Delaware Ave.	(Special Ord. No. 37, 1968, 11-20-68)
6455	16th St.	Farrington St.	(Special Ord. No. 140, 1981, 1-14-82)
6460	16th St.	Florida Ave.	
6465	16th St.	Haythorne Ave.	
6470	16th St.	Lafayette Ave.	
6475	16th St.	Liberty Ave.	
6480	Reserved.		(Deleted: Gen. Ord. No. 3, 2004, 3-11-04)
6485	16th St.	Maple Ave.	
6490	16th St.	North Ave.	
6495	16th St.	Oak St.	
6500	16th St.	Ohio St.	
6505	16th St.	Pennsylvania Ave.	
6510	16th St.	Poplar St.	
6515	16th St.	Putnam St.	
6520	~~16th St.~~	~~Spang Ave.~~	(Gen. Ord. No. 13, 2002, 8-8-02) (Deleted by Gen. Ord. No, 34, 2004, 12-09-04)
6525	16th St.	Walnut St.	
6530	16th St.	Washington Ave.	
6535	16th St.	1st Ave.	
6540	16th St.	2nd Ave.	
6545	16th St.	3rd Ave.	
6550	16th St.	4th Ave.	
6555	16th St.	5th Ave.	
6560	16th St.	6th Ave.	
6565	17th St.	Boston Ave.	
6570	17th St.	Carl Ave.	
6575	17th St.	Clay Ave.	
~~6580~~	~~17th St.~~	~~Dahlen Ave.~~	(Deleted by Gen. Ord. No 34, 2004, 12-09-04)
6585	17th St.	Delaware Ave.	
6590	17th St.	Elizabeth Ave.	
6595	17th St.	Haythorne Ave.	
6600	17th St.	Hulman St.	
6605	17th St.	Lafayette Ave.	
6610	17th St.	Maple Ave.	
6615	17th St.	North Ave.	
6620	17th St.	Ohio St.	(Gen. Ord. No. 9, 1993, 5-13-93)
6625	17th St.	Poplar St.	(Gen. Ord. No. 7, 1993, 5-13-93)
6630	17th St.	Spang Ave.	
6635	17th St.	Walnut St.	(Gen. Ord. No. 8, 1993, 5-13-93)
6640	18th St.	Boston Ave.	
6645	18th St.	Chestnut St.	
6650	18th St.	College Ave.	

6655	18th St.	Crawford St.	
6660	18th St.	Dahlen Ave.	
6665	18th St.	Haythorne Ave.	
6670	18th St.	Hulman St.	
6675	E/W Alley between 18th & Kent	19th St.	
6680	18th St.	Liberty Ave.	
6685	18th St.	Mahan St.	
6690	18th St.	Ohio St.	
6695	18th St.	Poplar St.	
6700	18th St.	Seeburger Ave.	
6705	18th St.	Spang Ave.	(Gen. Ord. No. 13, 2002, 8-8-02)
6710	18th St.	Wallace Ave.	
6715	18th St.	Walnut St.	
6720	18th St.	Washington Ave.	
6725			
6730	19th St.	Clay Ave.	
6735	19th St.	Haythorne Ave.	
6740	19th St.	Lafayette Ave.	
6745	19th St.	Liberty Ave.	
6750	19th St.	Maple Ave.	
6755	19th St.	Margaret Ave.	
6760	19th St.	Tippecanoe St.	
6765	20th St.	Buckeye St.	(Special Ord. No. 55, 1982, 9-9-82)
6770	20th St.	College Ave.	
6775	20th St.	Crawford St.	
6780	20th St.	Deming St.	
6785	20th St.	Grant St.	(Special Ord. No. 11, 1975, 5-8-75)
6790	20th St.	Helen Ave.	
6795	20th St.	Hulman St.	
6800	20th St.	Linden St.	
6805	20th St.	Locust St.	
6810	20th St.	Maple Ave.	
6815	20th St.	Margaret Ave.	
6820	20th St.	Morton St.	
6825	20th St.	Ohio Blvd.	
6830	20th St.	Park St.	
6835	20th St.	Poplar St.	
6840	20th St.	Washington Ave.	
6845	20th St.	1st Ave.	
6850	20th St.	2nd Ave.	(Special Ord. No. 62, 1972, 10-12-72)
6855	20th St.	3rd Ave.	(Special Ord. No. 51, 1973, 10-11-73)
6860	21st St.	Berne Ave.	(Special Ord. No. 69, 1979, 11-8-79)
6865	21st St.	Buckeye St.	

6875	21st St.	College Ave.	
6880	21st St.	Crawford St.	
6885	21st St.	Franklin St.	
6890	21st St.	Grant St.	
6895	21st St.	Hulman St.	
6900	21st St.	Linden St.	
6905	21st St.	Locust St.	
6910	21st St.	Maple Ave.	
6915	21st St.	Margaret Ave.	
6916	21st St.	McKeen St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
6920	21st St.	Morton St.	(Special Ord. No. 27, 1983, 6-9-83)
6925	21st St.	Ohio Blvd.	
6930	21st St.	Park St.	
6935	21st St.	Poplar St.	
6936	21st St.	Warren St.	(Gen. Ord. No. 33, 2004, §2, 12-09-04)
6940	21st St.	Washington Ave.	
6945	21st St.	Winslow Ave.	
6950	21st St.	8th Ave.	
6955	22nd St.	Boston Ave.	
6960	22nd St.	Buckeye St.	(Special Ord. No. 55, 1982, 9-9-82)
6965	22nd St.	Clay Ave.	
6970	22nd St.	Cleveland Ave.	
6975	22nd St.	College Ave.	
6980	22nd St.	Crawford St.	
6985	22nd St.	Deming St.	
6990	22nd St.	Elm St.	
6995	22nd St.	Grant St.	
7000	22nd St.	Hulman St.	
7005	22nd St.	Liberty Ave.	
7010	22nd St.	Locust St.	
7015	22nd St.	Maple Ave.	
7020	22nd St.	Margaret Ave.	
7021	22nd St.	McKeen St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
7025	22nd St.	Morton St.	
7030	22nd St.	Ohio Blvd.	
7035	22nd St.	Park St.	
7040	22nd St.	Poplar St.	
7045	22nd St.	Prairie Ave.	(Special Ord. No. 47, 1973, 9-13-73)
7050	22nd St.	Putnam St.	
7055	22nd St.	1st Alley N. of Putnam St.	
7060	22nd St.	Seabury Ave.	
7065	22nd St.	Spruce St.	
7070	22nd St.	Sycamore St.	

7075	22nd St.	Winslow Ave.	
7080	22nd St.	8th Ave.	
7085	23rd St.	Beech St.	
7090	23rd St.	Berne Ave.	
7095	23rd St.	Buckeye St.	
7100	23rd St.	College Ave.	
7105	23rd St.	Crawford St.	
7110	23rd St.	Dahlen Ave.	
7115	23rd St.	Deming St.	
7120	23rd St.	Elm St.	
7125	23rd St.	Franklin St.	
7130	23rd St.	Frisco Ave.	
7135	23rd St.	Hulman St.	
7140	23rd St.	Lafayette Ave.	
7145	23rd St.	Linden St.	(Special Ord. No. 21, 1972, 4-13-72)
7150	23rd St.	Locust St.	
7155	23rd St.	Maple Ave.	
7160	23rd St.	Ohio Blvd.	
7165	23rd St.	1st Alley S. of Ohio Blvd.	(Special Ord. No. 70, 1976, 11-11-76)
7170	23rd St.	Poplar St.	
7175	23rd St.	Prairie Ave.	(Special Ord. No. 47, 1973, 9-13-73)
7180	23rd St.	Seabury Ave.	(Special Ord. No. 9, 1976, 3-11-76)
7185	23rd St.	Spang Ave.	
7190	23rd St.	Spruce St.	
7195	23rd St.	Tippecanoe St.	(Gen. Ord. No. 2, 1997, 4-10-97)
7196	23rd St.	Warren St.	(Gen. Ord. No. 33, 2004, §2, 12-09-04)
7200	23rd St.	Washington Ave.	
7205	23rd St.	Winslow Ave.	
7210	23rd St.	3rd Ave.	
7215	23rd St.	4th Ave.	
7220	23rd St.	5th Ave.	
7225	23rd St.	8th Ave.	
7230	24th St.	College Ave.	
7235	24th St.	Crawford St.	
7240	24th St.	Franklin St.	
7245	24th St.	Hulman St.	
7250	24th St.	Liberty Ave.	
7255	24th St.	Locust St.	
7260	24th St.	Maple Ave.	
7265	24th St.	Morton St.	
7270	24th St.	Ohio Blvd.	
7275	24th St.	1st Alley S. of Ohio Blvd.	(Special Ord. No. 70, 1976, 11-11-76)
7280	24th St.	Park St.	

7285	24th St.	Poplar St.	
7290	24th St.	Putnam St.	
7295	24th St.	1st Alley N. of Putnam St.	
7300	24th St.	Seabury Ave.	
7305	24th St.	Spruce St.	
7310	24th St.	Sycamore St.	
7315	24th St.	Wallace Ave.	
7320	24th St.	1st Ave.	
7325	24th St.	2nd Ave.	
7330	24th St.	3rd Ave.	
7335	24th St.	5th Ave.	
7340	24th St.	8th Ave.	
7345	25th St.	Haythorne Ave.	
7350	26th St.	Barbour Ave.	
7355	26th St.	Beech St.	
7360	26th St.	Collett Ave.	
7365	26th St.	Delaware Ave.	
7370	26th St.	Florida Ave.	
7375	26th St.	1st Alley N. Ft. Harrison Rd.	
7380	26th St.	Hulman St.	
7385	26th St.	Kussner St.	
7390	26th St.	Maple Ave.	
7395	26th St.	Marigold Dr.	
7400	26th St.	Mariposa Dr.	
7405	26th St.	McKeen St.	(Special Ord. No. 47, 1966, 10-19-66)
7410	26th St.	Shields Ave.	
7415	26th St.	Steelton Ave.	(Special Ord. No. 59, 1981, 7-14-81)
7420	26th St.	4th Ave.	
7425	26th St.	8th Ave.	
7430	27th St.	Beech St.	
7431	27th St.	Buckeye St.	(Gen. Ord. No. 17, 2006, § 2, 1-11-07)
7435	27th St.	College Ave.	
7440	27th St.	Crawford St.	
7445	27th St.	Dean Ave.	
7450	27th St.	Delaware Ave.	
7455	27th St.	Deming St.	
7460	27th St.	Farrington St.	
7465	27th St.	Florida Ave.	
7470	27th St.	1st Alley N. Ft. Harrison Rd.	
7475	27th St.	Franklin St.	
7480	27th St.	Harrison Ave.	
7485	27th St.	Hulman St.	
7490	27th St.	Kussner St.	

7495	27th St.	Maple Ave.	
7500	(Deleted)	(Deleted)	(Gen. Ord. No. 13, 2009, 11-12-09)
7505	27th St.	Oak St.	
7510	27th St.	Park St.	(Special Ord. No. 39, 1976, 7-8-76)
7515	27th St.	Prairie Ave.	
7520	27th St.	Putnam St.	
7525	27th St.	Shields Ave.	
7530	27th St.	Steelton Ave.	(Special Ord. No. 58, 1981, 7-14-81)
7535	27th St.	Washington Ave.	
7540	27th St.	Wilson St.	
7545	27th St.	4th Ave.	
7550	27th St.	5th Ave.	
7555	27th St.	8th Ave.	
7560	28th St.	Delaware Ave.	
7565	28th St.	Florida Ave.	
7570	28th St.	Hulman St.	
7575	28th St.	Kussner St.	
7580	28th St.	Maple Ave.	
7585	28th St.	McKeen St.	
7590	28th St.	Shields Ave.	
7595	28th St.	Steelton Ave.	
7600	28th St.	Wallace Ave.	
7605	28th St.	4th Ave.	
7610	28th St.	7th Ave.	
7615	28th St.	8th Ave.	
7620	29th St.	Barbour Ave.	
7625	29th St.	Beech St.	(Gen. Ord. No. 9, 1998, 6-11-98)
7630	29th St.	Grand Ave.	
7635	29th St.	Linden St.	(Gen. Ord. No. 31, 1975, 4-11-75)
7640	29th St.	Maple Ave.	
7645	29th St.	Ohio Blvd.	
7650	29th St.	Poplar St.	
7655	29th St.	Prairie Ave.	
7660	29th St.	Steelton Ave.	
7665	29th St.	Wallace Ave.	
7670	29th St.	4th Ave.	
7675	29th St.	8th Ave.	
7680	30th St.	Beech St.	
7685	30th St.	Hulman St.	
7690	30th St.	Maple Ave.	
7695	30th St.	McKeen St.	(Special Ord. No. 54, 1971, 11-7-71)
7700	30th St.	Ohio Blvd.	
7705	30th St.	Poplar St.	

7710	30th St.	Steelton Ave.	
7715	30th St.	Wallace Ave.	
7720	30th St.	4th Ave.	
7725	30th St.	8th Ave.	
7730	31st St.	Beech St.	
7731	31st St.	Buckeye St.	(Gen. Ord. No. 16, 2003, 6-12-03)
7735	31st St.	College Ave.	
7740	31st St.	Crawford St.	
7745	31st St.	Dean Ave.	
7750	31st St.	Franklin St.	(Special Ord. No. 47, 1978, 10-12-78)
7755	31st St.	Harrison Ave.	
7760	31st St.	Hulman St.	
7765	31st St.	Maple Ave.	
7770	31st St.	Oak St.	
7775	31st St.	Ohio Blvd.	
7780	31st St.	Poplar St.	
7785	31st St.	Putnam St.	
7790	31st St.	Wallace Ave.	
7795	31st St.	Washington Ave.	
7800	32nd St.	Hulman St.	
7805	32nd St.	McKeen St.	(Special Ord. No. 59, 1977, 11-10-77)
7810	32nd St.	Oak St.	
7815	32nd St.	Ohio Blvd.	
7820	32nd St.	Park St.	
7825	32nd St.	Poplar St.	
7830	34th St.	College Ave.	
7835	34th St.	Haythorne Ave.	
7840	34th St.	Hulman St.	
7845	34th St.	Locust St.	
7850	34th St.	Maple Ave.	
7855	34th St.	Meadows Dr.	
7860	34th St.	Poplar St.	
7865	35th St.	Ft. Harrison Rd.	
7870	35th St.	Haythorne Ave.	
7875	35th St.	Locust St.	
7880	35th St.	Tippecanoe St.	
7885	36th St.	Blankenbaker Ave.	
7890	36th St.	College Ave.	
7895	36th St.	Haythorne Ave.	
7900	36th St.	Locust St.	(Gen. Ord. No. 20, 1998, 12-1-98)
7905	37th St.	Locust St.	
7910	37th St.	Plum St.	
7915	37th St.	Tippecanoe St.	

7920	38th St.	College Ave.	
7925	38th St.	Maple Ave.	
7930	39th St.	Plum St.	
7935	39th St.	8th Ave.	(Gen. Ord. No. 1, 1984, 5-10-84)
7940	40th St.	Plum St.	
7945	40th St.	8th Ave.	
7950	42nd St.	6th Ave.	
7955	42nd St.		

c. The Board of Public Works and Safety is authorized and directed to procure the necessary signs and to provide for the installation of such signs, and to do all which may be necessary to implement the terms of this Schedule A. (Gen. Ord. No. 7, 1994, § 2; 11-10-94)

Sec. 8-11 Multiway Stop Intersections – Schedule B.[128]

a. The intersections described in Schedule B, attached hereto and made a part hereof, and set forth in Sec. 8-11, are designed as **MULTIWAY 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. (Gen. Ord. No. 1, 1984, Chapter 3, § 3.2; 5-10-84)

b. An alphabetical listing of streets, followed by numbered streets, is as follows:

SCHEDULE B

MULTIWAY STOP INTERSECTIONS[129]

5	Adams Blvd. & Potomac Ave.	(4-Way)	
10	Adams Blvd. & Riley Ave.	(4-Way)	
15	Arcadia & Gardendale Rd.	(All Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
20	Ash St. & 10th St.	(4-Way)	
25	Ash St. & Garfield Ave.	(4-Way)	(Gen. Ord. No. 4, 1995, 6-8-95)
30	Barbour Ave. & Garfield Ave.	(4-Way)	
35	Barbour Ave. & 10th St.	(4-Way)	
37	Barbour Ave. & 11th St.	(4-Way)	(Gen. Ord. No. 4, 2007, §2, 2-8-07)
40	Barbour Ave. & 12th St.	(4-Way)	(Special Ord. No. 30, 1964, 9-17-64)

[128] Editor's Note: Unless otherwise indicated in the historical reference, the source of Schedule B is Gen. Ord. No. 1, 1984, passed on May 10, 1984.

[129] *I.C.* § 9-21-4-3, sets forth the jurisdictional powers and duties by local authorities.

45	Barbour Ave. & 13th St.	(4-Way)	(Gen. Ord. No. 30, 1994, § 3, 1-13-95)
50	Barbour Ave. & 15th St.	(4-Way)	
55	Barton Ave. & Crawford St.	(4-Way)	(Special Ord. No. 78, 1976, 12-9-76)
60	Beech St. & 8th St.	(All Way)	
65	Beech St. & 21st St.	(4-Way)	
70	Beech St. & 24th St.	(4-Way)	
75	Beech St. & 28th St.	(4-Way)	
80	Berkley & Keane Ln.	(All Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
85	Berne Ave. & 22nd St.	(4-Way)	(Special Ord. No. 66, 1988, 12-8-88)
87	Bill Farr Dr. & Joe Fox St.	(4-Way)	(Gen. Ord. No. 1, 2009, As Amended, 2-12-09)
90	Blakely Ave. & Locust St.	(4-Way)	(Special Ord. No. 52, 1974, 9-12-74)
93	Boston Ave. & 19th St.	(All Way)	(Gen. Ord. No. 15, 2003, 7-10-03)
95	Boston Ave. & 21st St.	(4-Way)	
100	Brooks Ave. & Franklin St.	(4-Way)	
105	Brown Ave. & College Ave.	(4-Way)	
110	Brown Ave. & McKeen St.	(4-Way)	(Gen. Ord. No. 6, 1994, 11-10-94)
115	Brown Ave. & Ohio Blvd.	(4-Way)	
120	Buckeye St. & Garfield Ave.	(4-Way)	
122	Buckeye St. & 9th St.	(3-Way)	(Gen. Ord. No. 9, 2009, 8-13-09)
125	Buckeye St. & 26th St.	(4-Way)	
130	Buckeye St. & 28th St.	(4-Way)	
135	Buckeye St. & 29th St.	(4-Way)	
140	Center St. & Deming St.	(4-Way)	
145	Center St. & Idaho St.	(4-Way)	
149	Center St. & Washington Ave.	(4-Way)	(Gen. Ord. No. 6, 2010, §2, 6-10-10)
150	Chase St. & 15th St.	(4-Way)	
155	Chestnut St. & Kent Ave.	(4-Way)	
160	Chestnut St. & 4th St.	(4-Way)	(Gen. Ord. No. 3, 1995, 4-13-95)
165	Chestnut St. & 5th St.	(3-Way)	(Gen. Ord. No. 2, 1991, 3-14-91)
167	Chestnut St. & 9th St.	(3-Way)	(Gen. Ord. No. 16, 2013, 12-12-13)
168	Chestnut St. & 8th St.	(All Way)	(Gen. Ord. No. 6, 2013, 8-8-13)
170	Chestnut St. & 14th St.	(4-Way)	
175	Chestnut St. & 15th St.	(4-Way)	

180	Chestnut St. & 17th St.	(4-Way)	(Gen. Ord. No. 3, 1997, 4-10-97)
185	Circle & Woodbine	(4-Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
190	Clay Ave. & 18th St.	(4-Way)	
191	Clay Ave. & 21st St.	(4-Way)	(Gen. Ord. No. 14, 2002, § 2, 10-10-02)
195	Cleveland Ave. & 24th St.	(All Way)	
200	College Ave. & 4th St.	(4-Way)	
205	College Ave. & 6th St.	(4-Way)	(Gen. Ord. No. 4, 1991, 6-14-91)
210	College Ave. & 8th St.	(4-Way)	(Gen. Ord. No. 14, 1997, 11-13-97)
215	College Ave. & 9th St.	(4-Way)	(Gen. Ord. No. 15, 1997, 11-13-97)
220	College Ave. & 17th St.	(4-Way)	(Special Ord. No. 62, 1987, 10-8-87)
225	College Ave. & 19th St.	(4-Way)	
230	College Ave. & 29th St.	(4-Way)	(Gen. Ord. No. 9, 1998, 6-11-98)
235	Collett Ave. & 9th St.	(4-Way)	
240	Collett Ave. & 12th St.	(4-Way)	
245	Collett Ave. & 13th St.	(4-Way)	
250	Crawford St. & 9th St.	(All Way)	
255	Crawford St. & 17th St.	(4-Way)	
260	Crawford St. & 19th St.	(4-Way)	
265	Crawford St. & 29th St.	(4-Way)	
270	Crawford St. & 32nd St.	(4-Way)	(Special Ord. No. 66, 1976, 11-12-76)
275	Cruft St. & 12th St.	(4-Way)	
280	Cruft St. & 27th St.	(4-Way)	(Special Ord. No. 54, 1975, 11-13-75)
285	Dahlen Ave. & 14½ St.	(4-Way)	(Gen. Ord. No. 11, 1998, 8-13-98)
290	Dahlen Ave. & 19th St.	(4-Way)	
295	Dahlen Ave. & 21st St.	(4-Way)	(Special Ord. No. 9, 1994, As Amended, 11-10-94)
300	Delaware Ave. & 12th St.	(4-Way)	
305	Delaware Ave. & 29th St.	(4-Way)	(Special Ord. No. 63, 1977, 12-15-77)
310	Deming St. & 8th St.	(4-Way)	(Gen. Ord. No. 21, 1998, 12-10-98)
315	Eagle St. & 12th St.	(4-Way)	(Special Ord. No. 17, 1978, 5-11-78)
320	Elizabeth Ave. & 16th St.	(4-Way)	
325	Elm St. & 5th St.	(4-Way)	
330	Farrington St. & 4th St.	(4-Way)	
335	Fenwood Ave. & Oakland Ave.	(4-Way)	(Special Ord. No. 16, 1975, 6-12-75)

340	Fenwood Ave. & Rose Ave.	(4-Way)	(Gen. Ord. No. 7, 1994, 11-10-94)
345	Frisco Ave. & 21st St.	(4-Way)	(Gen. Ord. No. 10, 1994, 11-10-94)
350	Fruitridge Ave. & Haythorne Ave.	(4-Way)	
355	Fruitridge Ave. & Hulman St.	(4-Way)	
360	Fruitridge Ave. & Locust St.	(4-Way)	(Special Ord. No. 83, 1972, 1-11-73)
365	Garfield Ave. & Linden St.	(4-Way)	
370	Grand Ave. & 26th St.	(4-Way)	(Special Ord. No. 48, 1972, 8-10-72)
375	Grand Ave. & 30th St.	(4-Way)	(Special Ord. No. 26, 1978, 7-13-78)
380	Grant St., Wallace Ave. & 23rd St.	(4-Way)	(Special Ord. No. 62, 1976, 10-14-76)
385	Greenwood St. & 5th St.	(4-Way)	(Special Ord. No. 75, 1972, 11-9-72)
390	Hancock St. & 5th St.	(4-Way)	(Gen. Ord. No. 5, 2001, 4-12-01)
395	Harrison Ave. & 10th St.	(4-Way)	
400	Harrison Ave. & 29th St.	(4-Way)	
405	Haythorne Ave. & 13th St.	(4-Way)	
410	Hill Rd. & Woodbine	(All Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
415	Home Ave. & Schaal Ave.	(4-Way)	(Gen. Ord. No. 15, 2002, 9-12-02)
420	Hulman St. & Brown Ave.	(4-Way)	
425	~~Hulman St. & 8th St.~~	~~(4-Way)~~	(Deleted by Gen. Ord. No. 18, 2005, 12-15-05)
430	Hulman St. & 9th St.	(4-Way)	
435	Hulman St. & 29th St.	(4-Way)	
440	Idaho St. & 6th St.	(4-Way)	
445	Idaho St. & 22nd St.	(4-Way)	(Gen. Ord. No. 19, 1998, 11-12-98)
450	Indiana Ave. & 7th St.	(4-Way)	
455	Indiana Ave. & 9th St.	(4-Way)	(Special Ord. No. 29, 1964, As Amended, 7-15-64)
460	Indiana Ave. & 11th St.	(4-Way)	
465	Kussner St. & 9th St.	(4-Way)	
470	East Lawrin Blvd. & Todd Pl.	(All Way)	(Special Ord. No. 89, 1989, 1-11-90)
475	West Lawrin Blvd. & Todd Pl.	(All Way)	(Special Ord. No. 88, 1989, 1-11-90)
478	Lee Ave. & 14th St.	(4-Way)	(Gen. Ord. No. 30, 2004, 9-12-04)
480	Lee Ave. & 16th St.	(4-Way)	
485	Lee Ave. & 17th St.	(4-Way)	(Gen. Ord. No. 4, 1997, 4-10-97)
490	Liberty Ave. & 14th St.	(4-Way)	
495	Liberty Ave. & 15th St.	(4-Way)	

500	Liberty Ave. & 17th St.	(All Way)	(Gen. Ord. No. 12, 1996, 1-19-97)
505	Liberty Ave. & 21st St.	(4-Way)	
510	Liberty Ave. & 23rd St.	(4-Way)	
515	Linden St., Sheridan Dr. & Watson St.	(4-Way)	(Special Ord. No. 95, 1981, 11-12-81)
520	Linden St. & 10th St.	(4-Way)	
525	Linden St. & 11th St.	(4-Way)	
530	Linden St. & 26th St.	(4-Way)	(Special Ord. No. 21, 1972, 4-13-72)
535	Linden St. & 38th St.	(4-Way)	(Gen. Ord. No. 11, 2001, 5-10-01)
540	Lockport Rd. & 9th St.	(4-Way)	
545	Lockport Rd. & 13th St.	(4-Way)	
550	Locust St. & 7th St.	(4-Way)	
555	Locust St. & 8th St.	(All Way)	
560	Locust St. & 9th St.	(All Way)	
564	Locust St. & 14th St.	(4-Way)	(Gen. Ord. No. 17, 2009, 12-9-09)
565	Locust St. & 15th St.	(4-Way)	(Gen. Ord. No. 3, 1993, 5-13-93)
567	Locust St. & Brown Ave.	(4-Way)	(Gen. Ord. No. 24, 2004, 10-12-04)
570	Madison Blvd. & Riley Ave.	(4-Way)	(Special Ord. No. 32, 1976, 6-10-76)
575	Maiden Ln. & 4th St.	(4-Way)	(Special Ord. No. 47, 1976, 8-12-76)
580	Maple Ave. & 7th St.	(4-Way)	
585	Maple Ave. & 9th St.	(4-Way)	
590	Maple Ave. & 12th St.	(4-Way)	(Gen. Ord. No. 7, 1998, As Amended, 5-14-98)
595	Margaret Ave. & 25th St.	(4-Way)	
600	McKeen St. & 4th St.	(4-Way)	
605	McKeen St. & 6th St.	(4-Way)	(Special Ord. No. 53, 1988, 9-22-88)
608	McKeen St. & 27th St.	(Multi-Way)	(Gen. Ord. No. 13, 2009, 11-12-09)
610	McKinley Blvd. & Riley Ave.	(4-Way)	(Special Ord. No. 47, 1967, 10-23-67)
615	Minshall St. & 4th St.	(4-Way)	(Gen. Ord. No. 12, 1999, 12-9-99)
620	Minshall St. & 6th St.	(4-Way)	
625	Monroe Blvd. & Riley Ave.	(4-Way)	(Special Ord. No. 12, 1968, 4-17-68)
630	Monterey Ave. & Park St.	(4-Way)	
635	Monterey Ave. & Warren St.	(4-Way)	
640	North Ave. & 15th St.	(4-Way)	
645	Oak St. & 14th St.	(4-Way)	

650	Oak St. & 18th St.	(4-Way)	
655	Oak St. & 19th St.	(4-Way)	
660	Oak St. & 29th St.	(4-Way)	
662	Oakland Ave. & Schaal Ave.	(4-Way)	(Gen. Ord. No. 15, 2011, 11-10-11)
665	Ohio St. & 19th St.	(4-Way)	
670	Park St. & 4th St.	(4-Way)	(Gen. Ord. No. 22, 2000, § 2, 11-16-00)
675	Plum St. & 16th St.	(4-Way)	
680	Plum St. & 21st St.	(4-Way)	
685	Prairie Ave. & 21st St.	(4-Way)	
690	Putnam St. & 21st St.	(4-Way)	
695	Rose Ave. & Schaal Ave.	(4-Way)	
700	Sheridan Dr. & 38th St.	(3-Way)	(Gen. Ord. No. 12, 2001, 5-10-01)
705	Spang Ave. & 14th St.	(4-Way)	(Special Ord. No. 7, 1975, 3-13-75)
710	Spang Ave. & 19th St.	(4-Way)	
715	Spang Ave. & 22nd St.	(4-Way)	
720	Spruce St. & 8th St.	(All Way)	
725	Spruce St. & 9th St.	(4-Way)	(Gen. Ord. No. 4, 1993, 5-13-93)
730	Spruce St. & 11th St.	(All Way)	(Gen. Ord. No. 11, 1996, 1-9-97)
735	Spruce St. & 19th St.	(4-Way)	(Special Ord. No. 29, 1965, 6-16-65)
738	Tippecanoe St. & 4th St.	(3-Way)	(Gen. Ord. No. 25, 2004, 11-9-04)
740	Tippecanoe Ave. & 36th St.	(4-Way)	(Gen. Ord. No. 20, 1998, 12-10-98)
745	Thomas Ave. & 6th St.	(4-Way)	
750	Village Dr. & N. Forest Dr.	(All Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
755	Voorhees St. & 1st St.	(4-Way)	(Gen. Ord. No. 2, 1994,As Amended, 3-10-94)
760	Voorhees St. & 13th St.	(4-Way)	(Special Ord. No. 8, 1974, 4-11-74)
765	Warren St. & 16th St.	(4-Way)	(Special Ord. No. 30, 1964, 9-17-64)
770	Warren St. & 20th St.	(4-Way)	
775	Warren St. & 22nd St.	(4-Way)	(Gen. Ord. No. 8, 1994, 10-13-94)
780	Warren St. & 24th St.	(4-Way)	
785			
790	Washington Ave. & 4th St.	(4-Way)	
795	Washington Ave. & 6th St.	(4-Way)	
800	Washington Ave. & 8th St.	(All Way)	

805	Washington Ave. & 9th St.	(All Way)	
810	Washington Ave. & 17th St.	(4-Way)	
815	Washington Ave. & 19th St.	(4-Way)	
820	Washington Ave. & 29th St.	(4-Way)	
825	Wheeler Ave. & 5th St.	(4-Way)	(Special Ord. No. 36, 1966, 8-17-66)
830	Woodbine & Woodridge	(4-Way)	(Gen. Ord. No. 22, 2002, § 2, 10-10-02)
835	Woodley Ave. & 15th St.	(4-Way)	
840	1st Ave. & 14th St.	(All Way)	
845	1st Ave. & 15th St. (Northbound)	(All Way)	
850	1st Ave. & 22nd St.	(All Way)	
855	2nd Ave. & 14th St.	(All Way)	
860	2nd Ave. & 22nd St.	(All Way)	
865	2nd Ave. & 23rd St.	(All Way)	
870	3rd Ave. & 4th St.	(4-Way)	
875	3rd Ave. & 6th St.	(4-Way)	
880	3rd Ave. & 8th St.	(All Way)	
885	3rd Ave. & 9th St.	(All Way)	
887	3rd Ave. & 15th St.	(4-Way)	(Gen. Ord. No. 7, 2011, 6-9-11)
890	3rd Ave. & 19th St.	(All Way)	(Special Ord. No. 49, 1974, 9-12-74)
895	3rd Ave. & 22nd St.	(All Way)	
900	4th Ave. & 4th St.	(4-Way)	
905	4th Ave. & 10th St.	(4-Way)	
910	5th Ave. & 14th St.	(All Way)	
915	5th Ave. & 15th St.	(All Way)	
920	5th Ave. & 29th St.	(4-Way)	
925	6th Ave. & 6½ St.	(4-Way)	(Special Ord. No. 30, 1964, 9-17-64)
930	6th Ave. & 23rd St.	(4-Way)	(Gen. Ord. No. 5, 1992, 2-10-92)
935	6th St. & Tippecanoe St.	(All Way)	(Gen. Ord. No. 3, 1991, 5-9-91)
940	7th Ave. & 4th St.	(4-Way)	
945	7th Ave. & 16th St.	(4-Way)	
947	7th Ave. & 24th St.	(4-Way)	(Gen. Ord. No. 5, 2010, 5-13-10)
950	7th Ave. & 29th St.	(4-Way)	
955	8th Ave. & 6th St.	(4-Way)	

960	8th Ave. & 6½ St.	(3-Way)	(Gen. Ord. No. 4, 1992, 7-9-92)
965	8th Ave. & 16th St.	(4-Way)	

c. The Board of Public Works and Safety is authorized and directed to install proper signs and give notice of passage as required by law.[130] (Gen. Ord. No. 3, 1991, § 4, 5-9-91)

Sec. 8-12 Yield Intersections – Schedule C.[131]

a. An alphabetical listing of streets, followed by numbered streets, is as follows:

SCHEDULE C

YIELD INTERSECTIONS

	TRAFFIC ON	SHALL YIELD FOR TRAFFIC ON	
5	Reserved for future use. ~~Arleth St.~~	~~Greenwood St.~~	(Special Ord. No. 43, 1980, 6-12-80) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
10	Berne Ave. – S. Leg (Westbound)	Berne Ave. – Eastbound	
15	Reserved for future use. ~~Buckeye St.~~	~~Hendricks Ave.~~	(Special Ord. No. 17, 1976, 4-8-76) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
20	Reserved for future use. ~~Buckeye St.~~	~~24th St.~~	(Special Ord. No. 57, 1975, 12-11-75) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
30	Reserved for future use. ~~Center St.~~	~~Greenwood St.~~	(Special Ord. No. 13, 1981, 3-12-81) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
35	Reserved for future use. ~~Cruft St.~~	~~1st St.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
40	Reserved for future use. ~~Cullen Ct.~~	~~Brown Ave.~~	(Special Ord. No. 51, 1981, 6-11-81) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
45	Dillman St.	Greenwood St.	(Special Ord. No. 64, 1983, 11-10-83)
50	Reserved for future use. ~~Dillman St.~~	~~Turner St.~~	(Special Ord. No. 54, 1982, 9-9-82) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
55	Drexmore Rd. – N. Leg (Westbound)	Drexmore Rd. – S. leg	
60	Florida Ave.	17th St.	(Special Ord. No. 5, 1981, 3-12-81)
65	Reserved for future use. ~~Ft. Harrison Rd. (Eastbound)~~ ~~Ft. Harrison Industrial Park~~	~~Aberdeen St.~~	(Gen. Ord. No. 4, 1990, § 1, 6-14-90) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
70	Frisco Ave. – S. Leg (Westbound)	Frisco Ave. (Eastbound)	

[130] *I.C.* § 9-21-4-1, addresses signing, making and erecting guidelines addressing traffic control devices.

[131] Editor's Note: Unless otherwise indicated in the historical reference, the source of Schedule C is Gen. Ord. No. 1, 1984, passed on May 10, 1984. *I.C.* § 9-21-4-11, addresses stop and yield intersections.

75	Reserved for future use. ~~Harrison Ave.~~	~~11½ St.~~	(Special Ord. No. 48, 1983, 8-11-83) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
80	Reserved for future use. ~~Harrison Ave.~~	~~13½ St.~~	(Special Ord. No. 72, 1980, 11-13-80) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
85	Reserved for future use. ~~Idaho St.~~	~~Brown Ave.~~	(Special Ord. No. 35, 1980, 5-8-80) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
90	Reserved for future use. ~~Idaho St.~~	~~28th St.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
95	Reserved for future use. ~~Idaho St.~~	~~29th St.~~	(Special Ord. No. 79, 1980, 11-13-80) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
100	Idaho St.	30th St.	(Special Ord. No. 17, 1989, 5-11-89)
105	Idaho St.	31st St.	(Special Ord. No. 50, 1983, 8-11-83)
110	Reserved for future use. ~~Idaho St.~~	~~32nd St.~~	(Special Ord. No. 56, 1977, 11-10-77) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
115	Jackson Blvd. (Southbound)	Hudson Ave.	
120	Jackson Blvd. (at Potomac Ave.)	Traffic on inside of island shall yield to traffic on outside of island	
125	Reserved for future use. ~~Jefferson St.~~	~~Turner St.~~	(Special Ord. No. 54, 1982, 9-9-82) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
130	Krumbhaar St.	Turner St.	(Special Ord. No. 81, 1983, 1-12-84)
135	Layher St.	Greenwood St.	(Special Ord. No. 70, 1980, 11-13-80)
140	Reserved for future use. ~~Lee Ave.~~	~~7th St.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
145	Linden St.	12th St.	
150	Madison Blvd. (Southbound)	Hudson Ave.	
155	Madison Blvd. (at Potomac Ave.)	Traffic on inside of island shall yield to traffic on outside of island	
160	Reserved for future use. ~~Mariposa Ave.~~	~~22nd St.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
165	McKinley Blvd. (Northbound)	Potomac Ave.	
170	Monroe Blvd. (Southbound)	Hudson Ave.	
175	Monroe Blvd. (at Potomac Ave.)	Traffic on inside of island shall yield to traffic on outside of island	
180	Orleans Ave. – S. Leg (Westbound)	Orleans Ave. (Eastbound)	
185	Prairie Ave.	15th St.	(Special Ord. No. 45, 1983, 8-11-83)
190	Reserved for future use. ~~Putnam St.~~	~~11½ St.~~	(Special Ord. No. 14, 1981, 3-13-81) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
195	Reserved for future use. ~~Rose Bud Ct.~~	~~Brown Ave.~~	(Special Ord. No. 51, 1981, 6-11-81) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
200	Reserved for future use. ~~Seabury Ave.~~	~~13½ St.~~	(Special Ord. No. 71, 1980, 11-13-80) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
205	Stewart St.	10th St.	(Special Ord. No. 81, 1985, 1-9-86) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)

210	Reserved for future use. ~~Thompson St.~~	~~Turner St.~~	(Special Ord. No. 54, 1982, 9-9-82) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
215	Wilson Dr.	Wilson St.	
220	Woodlawn St.	Hancock St.	(Special Ord. No. 49, 1983, 8-11-83)
225	Reserved for future use. ~~1st Park Way (Eastbound)~~ ~~Ft. Harrison Industrial Park~~	~~Detroit Ave.~~	(Gen. Ord. No. 9, 1990, § 2, 9-13-90) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
230	Reserved for future use. ~~4th Park Way (Eastbound)~~ ~~Ft. Harrison Industrial Park~~	~~Indiana Ave.~~	(Gen. Ord. No. 9, 1990, § 2, 9-13-90) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
235	5th St.	Elizabeth Ave.	(Special Ord. No. 60, 1985, 9-12-85)
240	~~5th St.~~	~~Lincoln St.~~	(Special Ord. No. 26, 1975, 8-14-75) (Deleted by Gen Ord. No. 9, 2006, 7-13-06)[132]
245	Reserved for future use. ~~9th St.~~	~~Helen Ave.~~	(Special Ord. No. 41, 1976, 7-8-76) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
250	Reserved for future use. ~~9½ St.~~	~~Helen Ave.~~	(Special Ord. No. 40, 1976, 7-8-76) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
255	10th St.	Helen Ave.	
260	13½ St.	Delaware St.	(Special Ord. No. 44, 1983, 8-11-83)
265	Reserved for future use. ~~13½ St.~~	~~Elizabeth Ave.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
270	14th St.	Delaware St.	(Special Ord. No. 46, 1983, 8-12-83)
275	Reserved for future use. ~~14th St.~~	~~Elizabeth Ave.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
280	Reserved for future use. ~~14th St.~~	~~Plum St.~~	(Special Ord. No. 62, 1977, 12-15-77) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
285	Reserved for future use. ~~14½ St.~~	~~Elizabeth Ave.~~	(Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
295	15½ St.	Delaware St.	(Special Ord. No. 4, 1981, 3-13-81)
300	~~15½ St.~~	~~Pennsylvania Ave.~~	(Special Ord. No. 8, 1981, 3-13-81) (Deleted by Gen. Ord. No. 22, 2007, 1-10-08)
305	Reserved for future use. ~~21st St.~~	~~McKeen St.~~	(Special Ord. No. 51, 1971, 11-17-71) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
310	Reserved for future use. ~~22nd St.~~	~~McKeen St.~~	(Special Ord. No. 60, 1981, 7-14-81) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)
315	24th St.	Linden St.	(Special Ord. No. 28, 1983, 6-9-83)
320	Reserved for future use. ~~27th St.~~	~~Buckeye St.~~	(Special Ord. No. 61, 1976, 10-14-76) (Deleted by Gen. Ord. No. 17, 2006, 1-11-07)

[132] Editor's Note: The yield intersection at 240. 5th & Lincoln was deleted and converted to a stop intersection by Gen. Ord. No. 9, 2006, passed on July 13, 2006. This same intersection was included in a mass change of yield intersection to stop intersection in Gen. Ord. No. 17, 2006, passed on Januray 11, 2007.

b. The Board of Public Works and Safety of the City of Terre Haute, Indiana is authorized and directed to procure and install the necessary signs and give notice of the passage as required by law. (Gen. Ord. No. 9, 1990, § 4, 9-13-90)

Sec. 8-13 Signalized Intersections – Schedule D.[133]

a. The following is a listing of Signalized Intersections:

SCHEDULE D

SIGNALIZED INTERSECTIONS

5	Blakely Ave.	Locust St.	(Gen. Ord. No. 28, 2000, 12-14-00)
8	Blakely Ave.	Wabash Ave.	(Gen. Ord. No. 2, 2012, 6-14-12)
10	Brown Ave.	Poplar St.	
~~15~~	~~Chestnut St.~~	~~7th St.~~	~~(Gen. Ord. No. 1, 1945, 4-10-45)~~ (Deleted by Gen. Ord. No. 9, 2012, 10-11-12)
~~20~~	~~Chestnut St.~~	~~8th St.~~	(Deleted by Gen. Ord. No. 6, 2013, 8-8-13)
~~25~~	~~Chestnut St.~~	~~9th St.~~	(Gen. Ord. No. 1, 1945, 4-10-45); (Deleted by Gen. Ord. No. 16, 2013, 12-12-13)
30	Chestnut St.	13th St.	
35	College Ave.	7th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
40	College Ave.	13th St.	
45	College Ave.	25th St.	(Gen. Ord. No. 8, 1958, 7-15-58)
50	Collett Ave., Lafayette Ave., North Ave. & 14th St.		(Gen. Ord. No. 1, 1963, 4-16-63)
55	Crawford St.	13th St.	(Special Ord. No. 18, 1981, 3-13-81)
60	Davis Ave.	7th St.	(Gen. Ord. No. 28, 2000, 12-14-00)
65	Deming St.	7th St.	(Gen. Ord. No. 2, 1962, 3-20-62)
70	Farrington St.	1st St.	(Gen. Ord. No. 14, 1999, 2-10-00)
75	Ft. Harrison Rd.	Fruitridge Ave.	(Special Ord. No. 87, 1972, 1-11-73)
80	Ft. Harrison Rd.	Lafayette Ave.	
85	Ft. Harrison Rd.	13th St.	(Gen. Ord. No. 4, 1959, 5-15-59)
90	Ft. Harrison Rd.	25th St.	(Special Ord. No. 42, 1967, 9-21-67)
95	Ft. Harrison Rd.	35th St.	(Gen. Ord. No. 1, 1991, § 1, 3-14-91)
100	Fruitridge Ave.	Beech St.	(Gen. Ord. No. 11, 1997, 10-9-97)

[133] Editor's Note: Unless otherwise indicated in a historical reference, the source for Schedule D is Gen. Ord. No. 1, 1984, passed on May 10, 1984.

105	Fruitridge Ave.	Maple Ave.	(Special Ord. No. 86, 1972, 1-11-73)
110	Fruitridge Ave.	North High School	(Gen. Ord. No. 6, 1993, § 1, 5-13-93)
115	Fruitridge Ave.	Poplar St.	
120	Fruitridge Ave.	3rd Park Way (Ft. Harrison Industrial Park)	(Gen. Ord. No. 5, 1991, § 1, 6-13-91)
125	Hulman St.	6th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
130	Hulman St.	7th St.	(Gen. Ord. No. 5, 1962, 10-16-62)
135	Hulman St.	13th St.	(Gen. Ord. No. 7, 1951, 9-13-51)
140	Hulman St.	19th St.	(Special Ord. No. 36, 1971, 8-18-71)
145	Hulman St.	25th St.	(Gen. Ord. No. 6, 1963, 9-19-63)
150	Lafayette Ave., Locust St. & 6th St.		
155	Lafayette Ave.	Maple Ave.	(Gen. Ord. No. 1, 1945, 4-10-45)
160	Lafayette Ave., 6th Ave. & 8th St.		
165	Lafayette Ave.	7th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
170	Lafayette Ave., 8th Ave. & 9th St.		
175	Lafayette Ave.	13th St.	(Gen. Ord. No. 28, 2000, 12-14-00)
180	Lafayette Ave.	25th St.	(Special Ord. No. 12, 1966, 5-18-66)
185	Locust St.	13th St.	(Gen. Ord. No. 6, 1963, 9-19-63)
190	Margaret Ave.	7th St.	(Gen. Ord. No. 9, 1958, 8-20-58)
195	Margaret Ave.	19th St.	(Gen. Ord. No. 1, 1998, § 1, 3-12-98)
200	Maple Ave.	13th St.	(Gen. Ord. No. 6, 1953, 11-19-53)
205	Maple Ave.	25th St.	
210	Maple Ave.	38th St.	(Special Ord. No. 34, 1979, 7-10-79)
215	Ohio St.	13th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
220	Ohio Blvd.	25th St.	(Special Ord. No. 9, 1972, 3-16-72)
225	Poplar St.	4th St.	(Gen. Ord. No. 9, 1991, As Amended, § 2, 12-12-91)
230	Poplar St.	5th St.	(Gen. Ord. No. 9, 1991, 12-12-91)
235	Poplar St.	6th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
240	Poplar St.	7th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
245	Poplar St.	8th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
250	Poplar St.	9th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
255	Poplar St.	13th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
260	Poplar St.	19th St.	
265	Poplar St.	25th St.	

270	Schaal Ave., Spruce St. & 25th St.		(Gen. Ord. No. 9, 1950, 1-11-51)
275	Voorhees St.	7th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
280	Wabash Ave.	4th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
285	Wabash Ave.	5th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
290	Wabash Ave.	6th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
295	Wabash Ave.	7th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
300	Wabash Ave.	8th St.	(Gen. Ord. No. 1, 1945, 4-10-45)
305	Walnut St.	4th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
310	Walnut St.	5th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
315	Walnut St.	6th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
320	Walnut St.	7th St.	(Gen. Ord. No. 5, 1952, 4-21-52)
325	Walnut St.	8th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
330	Walnut St.	9th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
335	Walnut St.	13th St.	(Gen. Ord. No. 11, 1958, 9-16-58)
340	Washington Ave.	7th St.	(Gen. Ord. No. 1, 1949, 3-10-49)
345	Washington Ave.	13th St.	(Gen. Ord. No. 17, 2002, 9-12-02)
350	Washington Ave.	25th St.	
355	3rd Ave.	13th St.	(Gen. Ord. No. 9, 1959, 10-20-59)
360	7th St.	Hospital Ln.	(Gen. Ord. No. 28, 2000, 12-14-00)
365	7th St.	South High School	(Gen. Ord. No. 28, 2000, 12-14-00)
370	8th Ave.	7th St.	(Gen. Ord. No. 5, 1950, 8-10-50)
375	8th Ave.	13th St.	
380	8th Ave.	19th St.	(Gen. Ord. No. 1, 1953, 7-21-53)
385	8th Ave.	25th St.	(Res. No. 34, 1955, 8-16-55)

b. The Board of Public Works and Safety is authorized and directed to procure the necessary signs and to provide for the installation of such signs, and do all which may be necessary to implement the terms of this Section. (Gen. Ord. No. 2, 1992, As Amended, § 4, 5-14-92)

Sec. 8-14 Flashing Intersection Control Beacons – Schedule DD.

An alphabetical listing of streets, followed by numbered streets, is as follows:

SCHEDULE DD

FLASHING INTERSECTION CONTROL BEACONS

	LOCATION	RED	YELLOW	
5	Brown Ave. & Riley Ave.	Brown Ave. & Riley Ave.*		(Gen. Ord. No. 28, 2000, 12-14-00)
7a.	~~15th St. & Locust St.~~	~~14th St.~~	~~Locust St.~~	(Gen. Ord. No. 1, 2004, 3-11-04); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
10	Lafayette Ave. & Buckeye St.	Buckeye St.	Lafayette Ave.	(Special Ord. No. 19, 1978, 4-13-78)
13	~~Locust St. & 16th St.~~	~~16th St.~~	~~Locust St.~~	(Gen. Ord. No. 3, 2004, 3-11-04); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
15	Maple Ave. & 6th St.	6th St.*	Maple Ave.	(Special Ord. No. 9, 1984, 3-8-84)
20	10th St. & Margaret Ave.	Margaret Ave.	Margaret Ave.	(Gen. Ord. No. 2, 2014, 4-15-14)
~~20~~	~~10th St. & 3rd Ave.~~	~~10th St.~~	~~3rd Ave.~~	(Special Ord. No. 12, 1972, 3-16-72); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
25	~~13th St. & Barbour Ave.~~	~~13th St. & Barbour Ave.~~		(Gen. Ord. No. 14, 1994, § 1, 1-13-95); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
~~27~~	~~14th St. & Locust St.~~	~~14th St.~~	~~Locust St.~~	(Gen. Ord. No. 1, 2004, §1, 3-11-04) (Deleted by Gen. Ord. No. 17, 2009, 12-9-09)
30	~~19th St. & Wabash Fiber Box~~	~~Entrance~~	~~19th St.~~	(Special Ord. No. 34, 1985, 8-15-85); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
35	21st St. & Spruce St.	Spruce St.	21st St.	(Special Ord. No. 69, 1966, 1-19-67)
40	25th St. & Wallace Ave.	Wallace Ave.*	25th St.	(Special Ord. No. 79, 1976, 12-9-76)

* *Flasher is only activated when crossing guard is present.*

Sec. 8-15 through Sec. 8-17 Reserved for Future Use.

Division IV. One-Way Street Regulations.[134]

Sec. 8-18 One-Way Streets.

Upon those streets and parts of streets described in Schedule E, attached hereto and made a part hereof and set forth in Sec. 8-21, 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. (Gen. Ord. No. 1, 1984, § 4.1, 5-10-84)

Sec. 8-19 One-Way Alleys.

Upon those alleys and parts of alleys described in Schedule F, attached hereto and made a part hereof, and set forth in Sec. 8-22, 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. (Gen. Ord. No. 1, 1984, § 4.2, 5-10-84)

[134] *I.C.* § 9-21-4-14, addresses one-way highways and streets; and *I.C.*, § 9-21-8-9, addresses vehicle operation on one-way streets.

Sec. 8-20 Authority To Disregard by Emergency Vehicles.[135]

a. 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.

b. 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 (1) lighted, lamp displacing a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') 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.

c. 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. (Gen. Ord. No. 1, 1984, § 4.3, 5-10-84)

Sec. 8-21 Specific One-Way Street Designations – Schedule E.

	STREET	FROM	TO	DIRECTION OF TRAVEL	
5	Cherry St.	Harding Ave.	9th St.	Westbound	(Special Ord. No. 12, 1964, 4-15-64)
10	Cleveland Ave.	21st St.	25th St.	Eastbound	(Special Ord. No. 43, 1965, 7-21-65)
15	Deming St.	13th St.	14th St.	Eastbound	(Gen. Ord. No. 10, 2001, 5-10-01)
20	Elm St.	25th St.	24th St.	Westbound	(Gen. Ord. No. 26, 2002; 12-12-02)
25	Jackson St.	Margaret Ave.	Wheeler Ave.	Northbound	
30	Lafayette Ave.	3rd St.	4th St.	Northeastbound	(Special Ord. No. 42, 1986, 8-25-86)
35	Ohio St.	1st St.	19th St.	Eastbound	
37	Plum St.	16th St.	19th St.	Eastbound	(Gen. Ord. No. 13, 2007, 8-9-07)
40	Prairieton St.	1st St.	Hulman St.	Southbound	(Gen. Ord. No. 9, 2000, 5-11-00)
45	Sycamore St.	21st St.	26th St.	Westbound	(Special Ord. No. 94, 1981, 11-12-81)
50	Walnut St.	1st St.	19th St.	Westbound	(Gen. Ord. No. 10, 1958, 9-16-58)
55	Wheeler Ave.	7th St.	9½ St.	Westbound	(Special Ord. No. 68, 1980, 11-13-80)
60	Wheeler Ave.	Jackson St.	Krumbhaar St.	Eastbound	
65	1st Ave.	13th St.	25th St.	Eastbound	

[135] *I.C.* § 9-21-8-35, addresses yielding right-of-ways to emergency vehicles.

70	2nd Ave.	13th St.	25th St.	Westbound	
75	3rd Ave.	19th St.	25th St.	Eastbound	(Special Ord. No. 57, 1976, 9-9-76)
~~80~~	~~4th St.~~	~~Farrington St.~~	~~Lafayette Ave.~~	~~Southbound~~	(Gen. Ord. No. 1, 1957, 1-15-57) (Deleted by Ge. Ord. No. 1, 2006, 3-9-06)
~~81~~	~~4th St.~~	~~Lafayette Ave~~	~~Poplar St.~~	~~Southbound~~	(Gen. Ord. No. 1, 2006, 3-9-06) (Deleted by: Gen. Ord. No. 1, 2013, 3-14-13) *Deletion effective: 8-15-14
85	5th Ave.	13th St.	19th St.	Eastbound	(Special Ord. No. 22, 1974, 6-13-74)
90	5th St.	~~Farrington St.~~	~~Tippecanoe St.~~	Northbound	(Gen. Ord. No. 4, 2011, 6-9-11)
95	6th Ave.	13th St.	19th St.	Westbound	(Special Ord. No. 22, 1974, 6-13-74)
100	8th St.	Hulman St.	Maple Ave.	Southbound	
105	9th St.	Hulman St.	Maple Ave.	Northbound	(Gen. Ord. No. 1, 1984, 5-10-84)
107	10th St.	8th Ave.	Alley North of 8th Avenue	Northbound	(Gen. Ord. No. 18, 2010, 1-13-11)
110	11th St.	Ohio St.	Wabash Ave.	Northbound	(Special Ord. No. 48, 1973, 9-13-73)
115	34th St.	S. 34th St.	Brown Ave.	Westbound	(General Ord. No. 16, 2010, 11-9-10)

Sec. 8-22 Specific One-Way Alley Designations – Schedule F.

	ALLEY LOCATED BETWEEN	FROM	TO	DIRECTION OF TRAVEL	
5	Garfield Ave. & N. 13th St.	Buckeye St.	Linden St.	North	
10	Ohio Blvd. & Poplar St.	20th St.		East	
15	4th St. & 5th St.	Crawford St.	Deming St.	North	
20	7th St. & 8th St.	Beech St.	8th Ave.	South	(Gen. Ord. No. 32, 2000, 1-11-01)
25	24th St. & 25th St.	Cleveland Ave.		North	(Gen. Ord. No. 1, 1984, 5-10-84)
30	Wabash Ave. & Cherry St.	6th St.	230' East of 6th St.	West	(Gen. Ord. No. 37, 2000, 1-11-01)
35	8th Ave. & Beech St.	10th St.	Lafayette Ave.	North	(Gen. Ord. No. 18, 2010, 1-13-11)

Sec. 8-23 and Sec. 8-24 Reserved for Future Use.

Division V. Turn Restriction Regulations.

Sec. 8-25 Restricted Turn Intersections.

The intersections described in Schedule H, attached hereto and made a part hereof shall, and set forth in Sec. 8-27, 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. (Gen. Ord. No. 1, 1984, § 5.1, 5-10-84)

Sec. 8-26 Restricted Turns on Red at Signalized Intersections.

The intersections described in Schedule I, attached hereto and made a part hereof and set forth in Sec. 8-28, 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. (Gen. Ord. No. 1, 1984, § 5.2, 5-10-84)

Sec. 8-27 Specific Right, Left and U-Turn Restrictions – Schedule H.[136]

	INTERSECTION	RESTRICTED TURN	FROM	TO	TIME
5	Canal St. & 3rd St.	Left	Eastbound	Northbound	Any Time
10	Cherry St. & 1st St.	Left	Southbound	Eastbound	Any Time
15	Idaho St. & 1st St.	Left	Westbound	Southbound	Any Time
20	Idaho St. & 1st St.	Left	Southbound	Eastbound	Any Time
25	Lafayette Ave. & 7th St.	Right	Northeastbound	Southbound	Any Time
30	Lafayette Ave. & 7th St.	Right	Southwestbound	Northbound	Any Time
35	Lafayette Ave. & 7th St.	Left	Northbound	Southwestbound	Any Time
40	Lafayette Ave. & 7th St	Left	Southbound	Northeastbound	Any Time
45	Marigold Dr. (W. leg) & Ohio Blvd.	Left	Southbound	Eastbound	Any Time
50	Ohio St. & 1st St.	Left	Eastbound	Northbound	Any Time
55	Prairieton Rd. & 1st St.	Left	Northbound	Southwestbound	Any Time
60	Swan St. & 9th St.	Right	Eastbound	Southbound	Any Time

Sec. 8-28 Specific Restricted Turns on Red at Signalized Intersections – Schedule I.

	INTERSECTION	DIRECTION	
2	Blakely Ave. & Locust St.	Southbound to Westbound	(Gen. Ord. No. 14, 2005, 11-10-05)
5	Chestnut St. & 7th St.	Westbound to Northbound	
15	Collett Ave., Lafayette Ave., North Ave. & 14th St.	Northbound to Eastbound	
20	Collett Ave., Lafayette Ave., North Ave. & 14th St.	Southbound to Southwestbound	
25	Collett Ave., Lafayette Ave., North Ave. & 14th St.	Southwestbound to Westbound	
30	Collett Ave., Lafayette Ave., North Ave. & 14th St.	Eastbound to Southbound	
35	Collett Ave., Lafayette Ave., North Ave. & 14th St.	Westbound to Northbound	
40	Hulman St. & 6th St.	Northbound to Eastbound	(Special Ord. No. 9, 1980, 4-10-80)
45	Hulman St. & 6th St.	Southbound to Westbound	(Special Ord. No. 9, 1980, 4-10-80)
50	Hulman St. & 6th St.	Eastbound to Southbound	(Special Ord. No. 9, 1980, 4-10-80)

[136] *I.C.* § 9-21-8-21, addresses right and left hand turns; and *I.C.* § 9-21-8-19, addresses U-Turns.

55	Hulman St. & 6th St.	Westbound to Northbound	(Special Ord. No. 9, 1980, 4-10-80)
60	Hulman St. & 7th St.	Westbound to Northbound	(Gen. Ord. No. 28, 2000, 12-14-00)
65	Lafayette Ave., 8th Ave. & 9th St.	Northbound to Eastbound	(Special Ord. No. 23, 1980, 4-10-80)
70	Lafayette Ave., 8th Ave. & 9th St.	Northeastbound to Eastbound	(Special Ord. No. 23, 1980, 4-10-80)
75	Lafayette Ave., 8th Ave. & 9th St.	Southwestbound to Westbound	(Special Ord. No. 23, 1980, 4-10-80)
80	Lafayette Ave., 8th Ave. & 9th St.	Eastbound to Southbound	(Special Ord. No. 23, 1980, 4-10-80)
85	Lafayette Ave., 8th Ave. & 9th St.	Westbound to Northbound	(Special Ord. No. 23, 1980, 4-10-80)
90	Locust St. & 3rd St.	Eastbound to Southbound	
95	Locust St. & 13th St.	Northbound to Eastbound	(Special Ord. No. 82, 1980, 12-11-80)
100	Locust St. & 13th St.	Southbound to Westbound	(Special Ord. No. 82, 1980, 12-11-80)
105	Locust St. & 13th St.	Eastbound to Southbound	(Special Ord. No. 82, 1980, 12-11-80)
110	Locust St. & 13th St.	Westbound to Northbound	(Special Ord. No. 82, 1980, 12-11-80)
111	Poplar St. & 19th St.	Northbound to Eastbound	(Gen. Ord. No. 18, 2007, 11-8-07)
112	Poplar St. & 19th St.	Southbound to Westbound	(Gen. Ord. No. 18, 2007, 11-8-07)
113	Poplar St. & 19th St.	Eastbound to Southbound	(Gen. Ord. No. 18, 2007, 11-8-07)
114	Poplar St. & 19th St.	Westbound to Northbound	(Gen. Ord. No. 18, 2007, 11-8-07)
115	Wabash Ave. & 7th St.	Northbound to Eastbound	
120	Washington Ave. & 25th St.	Northbound to Eastbound	
125	Washington Ave. & 25th St.	Southbound to Westbound	
130	Washington Ave. & 25th St.	Eastbound to Southbound	
135	Washington Ave. & 25th St.	Westbound to Northbound	
140	8th Ave. & 3rd St.	Eastbound to Southbound	
145	8th Ave. & 19th St.	Northbound to Eastbound	(Special Ord. No. 9, 1980, 2-14-80)
150	8th Ave. & 19th St.	Southbound to Westbound	(Special Ord. No. 9, 1980, 2-14-80)
155	8th Ave. & 19th St.	Eastbound to Southbound	
160	8th Ave. & 19th St.	Westbound to Northbound	(Gen. Ord. No. 1, 1984, 5-10-84)

Sec. 8-29 Reserved for Future Use.

Division VI. Speed Limit Regulations.[137]

Sec. 8-30 State Speed Law Applicable.[138]

[137] *I.C.* § 9-21-5-1, *et seq*., addresses speed limit regulations.

[138] *I.C.* § 9-21-5-2, addresses maximum speed limits.

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, 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 Division when signs are in place giving notice thereof. (Gen. Ord. No. 1, 1984, § 6.1, 5-10-84)

Sec. 8-31 Increasing or Decreasing State Speed Limits.[139]

It is 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 J, attached hereto and made a part hereof, and set forth in Sec. 8-34, is greater or less, as specified in the schedule, than is necessary for the reasonable or safe operation of vehicles thereon and it is declared that the maximum speed limit shall be as herein designated when signs are erected giving notice thereof. (Gen. Ord. No. 1, 1984, § 6.2, 5-10-84)

Sec. 8-32 School Speed Zones.[140]

It is determined that School Zones shall be established as listed in Schedule K, attached hereto and made a part hereof and addressed in Sec. 8-35. 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 twenty (20) miles per hour, except that the time of such reduced speed limits are confined to periods when children are present. (Gen. Ord. No. 1, 1984, § 6.3, 5-10-84)

Sec. 8-33 Park and Playground Speed Zones.

It is determined that Park & Playground Speed Zones shall be established as listed in Schedule L, attached hereto and made a part hereof, and addressed in Sec. 8-36. 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 twenty (20) miles per hour, except that the time of such reduced speed limits are confined to periods when children are present. (Gen. Ord. No. 1, 1984, § 6.4, 5-10-84)

Sec. 8-34 Specific Maximum Speeds Established – Schedule J.

	STREET	FROM	TO	POSTED	
1	Adams Blvd.	Wabash Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
5	Alley b/w S. 6th St. & S. Center St.	McKeen St.	Hulman St.	15 MPH	
8	Brown Ave.	Locust St.	Maple Ave.	40 MPH	(Gen.Ord. No. 5, 2012, 6-14-12)
10	Ft. Harrison Rd.	U.S. 41	300' W of 13th St.	40 MPH	

[139] *I.C.* § 9-21-5-3, addresses alteration of maximum speed limits.

[140] *I.C.* § 9-21-5-6(d), addresses school speed zones and where children are present zones.

15	Ft. Harrison Rd.	21st St.	30th St.	40 MPH	
20	Ft. Harrison Rd.	Watson Ave.	Fruitridge Ave.	40 MPH	
25	Fruitridge Ave.	125' S of 6th Ave.	Ft. Harrison Rd	45 MPH	(Gen. Ord. No. 1, 1984, 5-10-84)
26	Hudson Ave.	Brown Ave.	Fruitridge Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
29	Jackson Blvd.	Potomac Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
30	Lafayette Ave.	Ft. Harrison Ave.	Haythorne Ave.	30 MPH	(Gen. Ord. No. 1, 1984, 5-10-84) (Gen. Ord. No. 7, 2009, 6-11-09)
31	Madison Blvd.	Potomac Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
32	McKinley Blvd.	Wabash Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
33	Monroe Blvd.	Potomac Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
35	Poplar St.	150' E of Fruitridge Ave.	800' E of 25th St.	35 MPH	(Gen. Ord. No. 1, 1984, 5-10-84)
40	Poplar St.	150' E of Fruitridge Ave.	Keane Ln.	40 MPH	(Gen. Ord. No. 1, 1984, 5-10-84)
45	Potomac Ave.	Jackson Blvd.	McKinley Blvd.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
50	Riley Ave.	Brown Ave.	Fruitridge Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
55	Van Buren Blvd.	Wabash Ave.	Hudson Ave.	20 MPH	(Gen. Ord. No. 7, 2008, 8-14-08)
60	13th St.	Hulman St.	Margaret Ave.	40MPH	(Gen. Ord. No. 4, 2010, 5-13-10)

Sec. 8-35 Specific School Speed Zones Established – Schedule K.

	STREET	FROM	TO	
5	Barbour Ave.	Garfield Ave.	13½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
10	Barton Ave.	Ohio Blvd.	Poplar St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
15	Boston Ave.	19th St.	22nd St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
20	Brown Ave.	Deming St.	Franklin St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
25	Brown Ave.	Ohio Blvd.	Wabash Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
30	Buckeye St.	12th St.	13½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
35	Cedar St.	13th St.	13½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
40	Center St.	McKeen St.	Seabury Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
45	Chestnut St.	4th St.	9th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
50	College Ave.	16th St.	18th St.	(Special Ord. No. 16, 1994, As Amended, § 1, 12-8-94)
55	College Ave.	29th St.	34th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
60	Crawford St.	3rd St.	6th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
63	Cross Ln.	Lafayette Ave.	19th St.	(General Ord. No. 5, 2008, 7-17-08)
65	Cruft St.	11½ St.	13½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)

70	Deming St.	3rd St.	6th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
75	Elm St.	15th St.	16th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
80	Franklin St.	11½ St.	13½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
85	Garfield Ave.	Ash St.	Linden St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
90	Greenwood St.	Arleth St.	3rd St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
95	Greenwood St.	6th St.	7th St	
100	Hampton Ave.	College Ave.	Park St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
105	Harding Ave.	Preston St.	Voorhees St.	
110	Hulman St.	5th St.	7th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
115	Idaho St.	6th St.	7th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
120	Lafayette Ave.	Grand Ave.	Collett Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
125	Lincoln St.	8th St.	To end of Lincoln St. (Eastbound)	
130	Linden St.	Central Ave.	6th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
135	Linden St.	Garfield Ave.	13th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
140	Lockport Rd.	Foulkes Dr.	McKeen St.	
~~145~~	~~Locust St.~~	~~11th St.~~	~~19th St.~~	(Special Ord. No. 7, 1978, As Amended, 4-13-78); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
150	Maple Ave.	Fruitridge Ave.	34th St.	(Gen. Ord. No. 6, 1990, § 1, 7-13-90)
155	Maple Ave.	3rd St.	6½ St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
160	Margaret Ave.	9½ St.	13th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
165	Margaret Ave.	25th St.	Milwaukee RR	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
170	McKeen St.	27th St.	29th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
175	Minshall St.	8th St.	10½ St.	
180	Oak St.	17th St.	20th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
185	Ohio Blvd.	22nd St.	25th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
190	Alley S. of Ohio Blvd.	Barton Ave.	25th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
195	Park St.	Brown Ave.	To end of Park St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
200	Peyton St.	4th St.	6th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
205	Plum St.	15th St.	21st St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
210	Poplar St.	17th St.	20th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
215	Poplar St.	22nd St.	25th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
220	Voorhees St.	Arleth St.	3rd St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
225	Wallace Ave.	25th St.	30th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
230	Walnut St.	17th St.	19th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)

235	Wheeler Ave.	9½ St.	13th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
240	Woodley Ave.	Lafayette Ave.	14th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
245	~~1st Ave.~~	~~13th St.~~	~~15th St.~~	(Special Ord. No. 7, 1978, As Amended, 4-13-78); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
250	1st St.	Boring St.	Preston St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
255	~~2nd Ave.~~	~~13th St.~~	~~14th St.~~	(Special Ord. No. 7, 1978, As Amended, 4-13-78); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
260	~~3rd Ave.~~	~~12th St.~~	~~14th St.~~	(Special Ord. No. 7, 1978, As Amended, 4-13-78); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
265	3rd Ave.	23rd St.	24th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
270	4th Ave.	23rd St.	26th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
275	4th St.	Cherry St.	Sycamore St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
280	4th St.	Deming St.	Wilson St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
285	4th St.	Maple Ave.	School Driveway	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
290	5th Ave.	23rd St.	26th St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
295	5th St.	Buckeye St.	Peyton St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
300	5th St.	Cherry St.	Tippecanoe St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
305	5th St.	Oak St.	Park St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
310	6th St.	Buckeye St.	Maple Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
315	6th St.	Cherry St.	Tippecanoe St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
320	6th St.	McKeen St.	Seabury Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
325	7th St.	Cherry St.	Tippecanoe St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
330	8th St.	Eagle St.	Spruce St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
335	9th St.	Grant St.	McKeen St.	
340	10th St.	Helen Ave.	Margaret Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
345	10th St.	Lockport Rd.	Minshall St.	
350	10½ St.	Grant St.	Lockport Rd.	
355	11th St.	Helen Ave.	Wheeler Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
360	11½ St.	Helen Ave.	Wheeler Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
365	12th St.	College Ave.	Washington Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
370	12th St.	Helen Ave.	Margaret Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
375	13th St.	Ash St.	Phillips Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
380	13th St.	College Ave.	Washington Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
385	13th St.	Collett Ave.	Lafayette Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
390	~~13th St.~~	~~Elm St.~~	~~4th Ave.~~	(Special Ord. No. 7, 1978, As Amended, 4-13-78); (Deleted by Gen. Ord. No. 15, 2013, 12-12-13)

395	~~14th St.~~	~~Elm St.~~	~~1st Ave.~~	(Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
400	~~14th St.~~	~~Elm St.~~	~~Locust Ave.~~	(Deleted by Gen. Ord. No. 15, 2013, 12-12-13)
405	16th St.	Beech St.	7th Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
410	16th St.	Chase St.	1st Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
415	17th St.	Franklin Ave.	Farrington St.	(Gen. Ord. No. 16, 1994, As Amended, § 1, 12-8-94)
420	18th St.	Ohio St.	Thompson Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
425	19th St.	Beech St.	7th Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
430	19th St.	Crawford St.	Ohio St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
432	19th St.	Boston Ave.	Cross Ln.	(General Ord. No. 6, 2008, 7-17-08)
435	21st St.	Boston Ave.	Spring Ave.	
440	23rd St.	Oak St.	Poplar St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
445	23rd St.	Ohio Blvd.	1st Alley S. of Ohio Blvd.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
450	24th St.	Oak St.	Poplar St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
455	24th St.	Ohio Blvd.	1st Alley S. of Ohio Blvd.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
460	24th St.	2nd Ave.	6th Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
465	25th St.	Margaret Ave.	Shields Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
470	25th St.	McKeen St.	400' S of Morton St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
475	25th St.	Oak St.	Ohio Blvd.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
480	25th St.	2nd Ave.	7th Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
485	28th St.	McKeen St.	Wallace Ave.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
490	31st St.	College Ave.	Cruft St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78)
495	32nd St.	Deming St.	Park St.	(Special Ord. No. 7, 1978, As Amended, 4-13-78);
				Ord. No. 1, 1984, Schedule K, 5-10-84)

The Board of Public Works and Safety is authorized and directed to remove and install the necessary "speed" zone signs and give notice as required by law. (Gen. Ord. No. 6, 1990, § 2, 7-12-90)

Sec. 8-36 Specific Park and Playground Speed Zones Designated – Schedule L.[141]

	STREET	FROM	TO
5	Barbour Ave.	Lafayette Ave.	14th St.
10	Beech St.	28th St.	29th St.
15	Boring St.	Dillman St.	Prairieton Rd.

[141] Editor's Note: The source for Schedule L is Gen. Ord. No. 1, 1984, Schedule L., 5-10-84.

20	Buckeye St.	28th St.	29th St.
25	College Ave.	12th St.	13th St.
30	Collett Ave.	7th St.	9th St.
35	Dillman St.	Boring St.	Voorhees St.
40	Fruitridge Ave.	S. side of Milwaukee RR	S. side of Firehouse
45	Maple Ave.	7th St.	9th St.
50	Oak St.	Dresser Dr.	1st St.
55	Thompson Ave.	17th St.	18th St.
60	Voorhees St.	Dillman St.	Prairieton Rd.
65	6th Ave.	14th St.	15th St.
70	7th Ave.	3rd St.	6th St.
75	8th Ave.	3rd St.	6th St.
80	8th Ave.	14th St.	15th St.
85	1st St.	Farrington St.	Oak St.
90	4th St.	7th Ave.	8th Ave.
95	6th St.	7th St.	8th St.
100	7th St.	Collett Ave.	Maple Ave.
105	9th St.	Collett Ave.	Maple Ave.
110	14th St.	Orchard St.	Wabash Ave.
115	14th St.	6th Ave.	8th Ave.
120	15th St.	Elm St.	Locust St.
125	15th St.	Orchard St.	Wabash Ave.
130	15th St.	6th Ave.	8th Ave.
135	16th St.	Dean Ave.	Washington Ave.
140	17th St.	Crawford St.	Oak St.
145	17th St.	Dean Ave.	Washington Ave.
150	20th St.	Grant St.	500’ N of Grant St.
155	23rd St.	Grant St./Wallace Ave.	500’ N of Grant St.
160	28th St.	Beech St.	Buckeye St.
165	29th St.	Beech St.	Buckeye St.

Sec. 8-37 through Sec. 8-39 Reserved for Future Use.

Division VII. Truck and Commercial Vehicle Regulations.[142]

Sec. 8-40 Truck Prohibitions.[143]

No person shall drive or operate, or cause to be driven or operated any truck upon the streets, bridges, and culverts within the City, except on designated and marked City Truck Routes as hereinafter described. (Gen. Ord. No. 1, 1984, § 7.1, 5-10-84)

Sec. 8-41 Exceptions.[144]

The restrictions as hereinabove set forth on trucks shall not be applicable to recreational vehicles, trucks delivering or picking up goods and property at places not located on designated and marked City Truck Routes, provided such trucks are only operated by the shortest way possible between the designated and marked City Truck Route and the place of delivery or pickup or as otherwise directed by a police officer. The restriction is not 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 within the City. (Gen. Ord. No. 1, 1984, § 7.2, 5-10-84)

Sec. 8-42 Truck Routes.

The streets described in Schedule M, attached hereto and made a part hereof and addressed in Sec. 8-44, are designated as City Truck Routes when appropriate signs conforming to the requirements of this Traffic Code are erected on said streets. (Gen. Ord. No. 1, 1984, § 7.3, 5-10-84)

Sec. 8-43 Truck Parking and Loading Restrictions.

No truck, van, tractor, trailer or tractor-trailer exceeding five thousand pounds (5,000 lbs.), except such vehicles being used exclusively for recreational or personal transportation use, shall park on the streets or alleys within the City except for the purpose of loading or unloading freight and merchandise. (Gen. Ord. No. 1, 1984, § 7.4, 5-10-84)

Sec. 8-44 City Truck Routes – Schedule M.

	STREET	FROM	TO	
5	Blakely St.	Wabash Ave.	Locust St.	
7	Cherry St.	9th St.	Westernmost boundary of City limits	Gen. Ord. No. 15, 2013, 12-12-13
9	Erie Canal Rd.	Lockport Rd.	Southernmost boundary of City limits	Gen. Ord. No. 15, 2013, 12-12-13

[142] *I.C.* § 9-13-2-188, defines "trucks".

[143] *I.C.* § 9-20-1-3, authorizes local authorities to regulate trucks.

[144] *I.C.* § 9-20-11-1, *et seq*., address special restrictions concerning garbage trucks and other commercial vehicles.

10	Fort Harrison Rd.	U.S. 41	Fruitridge Ave.	
15	Fruitridge Ave.	Locust St.	Haythorne Ave.	
20	Hulman St.	3rd St.	13th St.	
25	Lafayette Ave.	Locust St.	Haythorne Ave.	
~~30~~	~~Lockport Rd.~~	~~14th St.~~	~~13th St.~~	Deleted by Gen. Ord. No. 15, 2013, 12-12-13
35	Locust St.	3rd St.	Lafayette Ave.	
40	Margaret Ave.	Prairieton Rd.	3rd St.	Amended by Gen. Ord. No. 15, 2013, 12-12-13
43	Ohio St.	Westernmost boundary of City limits	11th St.	Gen. Ord. No. 15, 2013, 12-12-13
45	Poplar St.	3rd St.	S.R. 40/46	Amended by Gen. Ord. No. 15, 2013, 12-12-13
50	Voorhees St.	Prairieton Rd.	13th St.	Amended by Gen. Ord. No. 15, 2013, 12-12-13
55	Wabash Ave.	9th St.	S.R. 40/46	Gen. Ord. No. 15, 2013, 12-12-13
65	9th St.	Wabash Ave.	Cherry St.	Gen. Ord. No. 15, 2013, 12-12-13
70	11th St.	Ohio St.	Wabash Ave.	Gen. Ord. No. 15, 2013, 12-12-13
75	13th St.	Voorhees St.	Haythorne Ave.	
60	~~14th St.~~	~~Lockport Rd.~~	~~Margaret Ave.~~	Deleted by Gen. Ord. No. 15, 2013, 12-12-13

Sec. 8-45 Violations.[145]

Any person violating the provisions of this Division shall commit a *CLASS C* infraction.

Sec. 8-46 and Sec. 8-47 Reserved for Future Use.

Division VIII. Parking Regulations.[146]

Sec. 8-48 Alley Parking.[147]

No person shall park any vehicle in any alley except for a period not exceeding thirty (30) minutes while loading or unloading. (Gen. Ord. No. 1, 1984, § 8.1, 5-10-84)

[145] *I.C.* § 9-20-1-4, addresses violations of size and weight restrictions.

[146] *I.C.* § 9-21-16-1, addresses parking regulations.

[147] *I.C.* § 9-21-1-3, authorizes local authorities to regulate the standing or parking of vehicles.

Sec. 8-49 Parking Position.[148]

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 (12") of the curb or edge of the roadway. On a two (2) way traffic street, a vehicle shall only be parked on the right side of the roadway. (Gen. Ord. No. 1, 1984, § 8.2, 5-10-84)

Sec. 8-50 Angle Parking.

a. The Board of Public Works and Safety shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets. But such angle parking shall not be indicated upon any Federal or State Highway within the City unless the Indiana Department of Highways has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

b. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. (Gen. Ord. No. 1, 1984, §8.3, 5-10-84)

Sec. 8-51 Private Parking Signs Prohibited.

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. (Gen. Ord. No. 1, 1984, § 8.4, 5-10-84)

Sec. 8-52 No Parking Zones.

The streets described in Schedule N, attached hereto and made a part hereof, and set forth in Sec. 8-67, 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 the schedule. (Gen. Ord. No. 1, 1984, § 8.5, 5-10-84)

Sec. 8-53 Limited Parking Zones.

The streets described in Schedule O, attached hereto and made a part hereof, and set forth in Sec. 8-69 are designated Limited 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 or 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 as designated in the schedule. (Gen. Ord. No. 1, 1984, § 8.6, 5-10-84)

Sec. 8-54 Commercial Loading Zone – Time Limits and Fees.

[148] *I.C.* § 9-21-16-7, addresses parallel parking and curb parking.

a. The Board of Public Works and Safety shall determine upon what streets and locations Commercial Loading Zones shall be permitted and shall mark or sign such streets. 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, 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 (15) minutes.

b. Where stopping for the purpose of loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads when the owner of such vehicle holds a permit issued by the City granting him such privilege and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load and it shall be unlawful for any owner or driver to violate any of the terms or conditions of any such special permit.

c. Any person, firm, association, partnership or other business or commercial concern desiring the creation and establishment of a Commercial Loading Zone is required to submit to the Board of Public Works and Safety an application for the same, signed by the requestor or the requestor's representative in the Office of the Board of Public Works and Safety.

d. Upon receipt of such application by the Board of Public Works and Safety, the Board shall conduct the necessary investigation as to the reasonableness or necessity of such request, giving due regard to the recommendations of the City Engineer's Office.

e. The Board of Public Works and Safety shall be required to make a determination as to the reasonableness and necessity of such Commercial Loading Zone, as requested, within thirty (30) days of the date of receipt of the aforesaid application, notifying the requestor of its determination.

f. If the Board of Public Works and Safety finds that it is reasonable and necessary that such requested loading zone is established, it shall thereafter, upon the payment of the sum of Seventy Five Dollars ($75.00) per year, per space (herein defined as a space of approximately twenty-five feet (25') in length), authorize the City to complete the necessary physical establishment of such zone. (Gen. Ord. No. 1, 1984, § 8.7, 5-10-84)

Sec. 8-55 Bus and Taxi Zone.[149]

The streets described in Schedule Q, attached hereto and made a part hereof, and set forth in Sec. 8-70, 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. (Gen. Ord. No. 1, 1984, § 8.8, 5-10-84)

[149] *I.C.* § 9-13-2-17, defines "bus"; and *I.C.* § 9-18-28-1, *et seq.*, address "rental vehicles and common carriers".

Sec. 8-56 Taxicabs and Buses Generally.

The driver of a bus or taxicab shall not stand or park upon any street in the business or commercial district at any place other than at a bus stop or taxicab stand respectively. Except, that this provision shall not prohibit the driver of any such vehicle from temporarily stopping, in accordance with other stopping or parking regulations, at any place for the purpose of actually engaging in the loading or unloading passengers. (Gen. Ord. No. 1, 1984, § 8, 9, 5-10-84)

Sec. 8-57 Marking and Leasing Taxicab Stands.

Taxicab stands shall be authorized by Council upon payment of a fee by the owner of the taxicab. No taxicab stand shall consist of more than one (1) space for two (2) cabs in the congested district. There shall be no taxicab stands on Wabash Avenue. (Gen. Ord. No. 1, 1984, §8.10, 5-10-84)

Sec. 8-58 No Parking – Official Vehicles Only.

The streets described in Schedule R, attached hereto and made a part hereof, and set forth in Sec. 8-72, 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. (Gen. Ord. No. 1, 1984, § 8.11, 5-10-84)

Sec. 8-59 Washing or Repairing Vehicles.

No person shall at any time stand or park a vehicle upon any roadway within the business district for the purpose of washing, greasing or repairing it, except for repairs necessitated by an emergency. (Gen. Ord. No. 1, 1984, § 8.12, 5-10-84)

Sec. 8-60 Selling Vehicles and Goods.

No person shall at any time stand or park a vehicle upon any roadway within the business or commercial district for the purpose of displaying it for sale or selling, exhibiting for sale, displaying or advertising goods, wares, merchandise, produce or commercial articles of any kind or character at retail, unless a permit from the traffic commission is secured therefore. (Gen. Ord. No. 1, 1984, § 8.13, 5-10-84)

Sec. 8-61 Reserved Parking/Handicapped Only.[150]

a. The Board of Public Works and Safety is authorized and empowered to grant to physically handicapped persons the exclusive use of parking space adjacent to their residence and place of employment, subject to such rules and regulations as the Board of Public Works and Safety may prescribe in areas where such parking is otherwise permitted and not restricted, in the manner provided herein.

[150] *I.C.* § 9-14-5-1, *et seq*., address "parking placards for persons with physical disabilities".

b. Physically handicapped person as used in this Section means any person certified by a qualified physician to be disabled in a manner rendering it impossible or difficult and burdensome for him or her to walk for an extended period of time (such as one (1) year).

c. Any person eligible by virtue of a physical handicap for special privileges under this Section shall present to the Board of Public Works and Safety a written application, on a form furnished by the Board of Public Works and Safety, for a permit entitling that person to the exclusive use for a period of one (1) calendar year from date of issue of one (1) parking space adjacent to the applicant's place of residence and one (1) parking space adjacent to the applicant's place of employment, where applicable. Such application shall include a certificate by a qualified physician verifying that the applicant is a physically handicapped person as defined in this Section. Such an application for parking at a place of employment shall include evidence of approval by the employer.

d. Upon receipt of such written application, the Board of Public Works and Safety shall within a reasonable time, grant or deny the permit so applied for, subject to the following conditions:

(1) No applicant shall be granted a permit for more than one (1) reserved space adjacent to his place of residence and one (1) reserved space adjacent to his place of employment;

(2) No applicant shall be granted a permit who has access to off-street parking at his place of residence and place of employment; with the exception that the Board may, in its discretion, grant a permit to an applicant who is able to demonstrate that the location of such off-street parking renders it unduly burdensome for him to utilize same; and

(3) Each permit granted pursuant to the provisions of this Section shall be assigned an identification number.

e. Upon the grant of such permit, the Board of Public Works and Safety shall:

(1) Issue to the applicant a reserved space permit with an identification number;

(2) Request the Terre Haute Street Department to mark the space(s) reserved by distinctive painting on the curb;

(3) Request the Terre Haute Street Department to install a sign restricting use of the space to the permit holder only, which sign shall show thereon the holder's permit number;

(4) Collect an initial fee from applicant of Forty Dollars ($40.00) to defray expenses for the placement and upkeep of space(s). (This fee can be paid in installments at the discretion of the Board.); and

(5) Shall require applicant to pay an annual renewal fee of Twenty Five Dollars ($25.00) each year following the first year after the granting of the permit. (This fee can be paid in installments at the discretion of the Board.)

f. From and after the granting of such permit, the permit holder shall:

(1) Display the reserved space permit in the windshield of any vehicle used by the permit holder and parked in the reserved space.

(2) Promptly notify the Board of Public Works and Safety when he or she will no longer regularly use the parking space(s) allocated to the permit because of a change of residence or employment.

Any failure by a permit holder to comply with the above requirements shall be grounds for refusal by the Board of Public Works and Safety to issue such permit to such person thereafter, or to revoke such permit prior to expiration, or to make the issuance of further permits subject to reasonable conditions.

g. Parking of a vehicle by any person reserved hereunder without a visible permit showing such parking to be authorized shall be unlawful and shall subject the owner and driver of the vehicle so parked to the penalties provided for violations of this Chapter.

h. These reserved parking space(s) are issued for the original applicant only and will be removed upon failure to pay annual renewal fee, relocation of the original applicant, or upon death of the original applicant. (Gen. Ord. No. 1, 1984, § 8.14, 5-10-84)

Sec. 8-62 Parking Not To Obstruct Traffic.[151]

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. (Gen. Ord. No. 1, 1984, § 8.15, 5-10-84)

Sec. 8-63 Parking Prohibited on Narrow Streets.

The Board of Public Works and Safety is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet (20'), or upon one (1) side of a street, as indicated by such signs, when the width of the roadway does not exceed thirty (30') feet. (Gen. Ord. No. 1, 1984, § 8.16, 5-10-84)

Sec. 8-64 No Stopping, Standing, or Parking Near Hazardous or Congested Places.

a. The Board of Public Works and Safety is authorized to determined and designate, by proper signs, places not exceeding one hundred feet (100') in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause

[151] *I.C.* § 9-21-16-3, addresses the removal of vehicles from traveled portions of highways.

unusual delay in traffic, as designated in Schedule NN, attached hereto and made a part hereof and set forth in Sec. 6-68.

b. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

c. No person shall stop, stand or park a vehicle in any of the following places:

(1) Within thirty feet (30') of the approach to any flashing beacon, stop sign or traffic control signal location at the side of a roadway;

(2) Within an intersection;

(3) Within fifteen feet (15') of a fire hydrant;

(4) On a crosswalk;

(5) Within twenty feet (20') feet of a crosswalk at an intersection;

(6) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite ends of a safety zone, unless the Board of Public Works and Safety has indicated a different length by signs or markings;

(7) Within fifty feet (50') of the nearest rail of a railroad crossing;

(8) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of such entrance, when a sign is properly posted; and

(9) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. (Gen. Ord. No. 21, 2001, 11-8-01)

Sec. 8-65 Restricted Parking.

No person shall park a vehicle at the following locations:

a. Within five feet (5') of any driveway opening;

b. In front of any theater, school, or office building when the restricted area is so marked;

c. In part or in whole upon any sidewalk;

d. Upon curbing;

e. In part or in whole on any tree row. (Gen. Ord. No. 1, 1984, § 8.18, 5-10-84)

f. On all unnamed north/south cross streets on Ohio Blvd. on either side of the street at any time. (Gen. Ord. No. 6, 2000, 4-13-00)

Sec. 8-66 No Parking for Street Cleaning.

a. The Street Commissioner for the City of Terre Haute shall have the authority to promulgate no parking when designated City streets are to be cleaned.

b. The Street Commissioner shall designate the streets to be cleaned, and the time and date that such cleaning shall be done.

c. The Street Commissioner shall cause to be posted temporary no parking signs on said designated streets.

d. Said no parking signs will be posted twenty-four (24) hours prior to the scheduled street cleaning.

e. After said designated streets have been cleaned, the Street Commissioner shall cause to be removed said temporary no parking signs and regular parking will resume.

f. Such no parking condition shall be promulgated by written orders when possible or by oral orders when necessary, which order shall be furnished to the news media for dissemination by radio broadcast, newspaper, television broadcast, or such other means as necessary.

g. Such order shall direct the removal of all parked vehicles from the specifically designated streets to be cleaned. (Gen. Ord. No. 1, 1984, § 8.19, 5-10-84)

Sec. 8-67 No Parking Zones – Schedule N.[152]

	Street	**FROM**	**TO**	**SIDE**	**TIME OF RESTRICTION**	
5	Adams St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
10	Adams St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
15	Barbour Ave.	Lafayette Ave.	14th St.	North	Any Time	
20	Barton Ave.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
25	Barton Ave.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
30	Beech St.	6th St.	7th St.	North	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)
35	Beech St.	6th St.	7th St.	South	Any Time	

[152] Editor's Note: Unless otherwise indicated in a historical reference, the listing in Schedule N are from Gen. Ord. No. 1, 1984, passed on May 10, 1984.

40	Beech St.	11th St.	12th St.	North	Any Time	
42	Bill Farr Dr.	Old S.R. 46	Sycamore Terrace St.	North	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
43	Bill Farr Dr.	Old S.R. 46	Sycamore Terrace St.	South	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
45	Blakely Ave.	Fruitridge Ave.	Wabash Ave.	West	Any Time	
50	Blakely Ave.	Fruitridge Ave.	Wabash Ave.	East	Any Time	
55	Brown Ave.	Riley Ave.	Wabash Ave.	West	Any Time	
60	Brown Ave.	Riley Ave.	Schaal Ave.	East	Any Time	
65	Buckeye St.	Garfield Ave.	13th St.	North	Any Time	
70	Chase St.	13th St.	1st Alley E of 13th St.	South	Any Time	(Special Ord. No. 20, 1976, 5-13-76)
75	Cherry St.	428' W of Intersection of Cherry & 7th Sts.	322' W of Intersection of Cherry and 7th Sts.	South	Any Time	
80	Chestnut St.	1st St.	3rd St.	Both	Any Time	(General Ord. No. 12, 2013; 9-12-13)
85	College Ave.	9th St.	1st Alley W of 9th St.	North	Any Time	
90	Crawford St.	10th St.	1st Alley E of 13th St.	South	Any Time	(Special Ord. No. 86, 1981, 8-13-81)
95	Crawford St.	12th St.	1st Alley E of 13th St.	North	Any Time	(Special Ord. No. 86, 1981, 8-13-81)
100	Cruft St.	Midblock b/w 12th & 13th Sts.		South	Any Time	
105	Dean Ave.	17th St.	18th St.	North	Any Time	
110	Deming St.	7th St.	1st Alley W of 7th St.	South	Any Time	
115	Deming St.	7th St.	6th St.	South	Any Time	(Special Ord. No. 71, 1988, 1-12-89)
117	Eagle St.	8th St.	9th St.	South	Any Time	(Gen. Ord. No. 11, 2013, 9-12-13)
~~120~~	~~Farrington St.~~	~~5th St.~~	~~6th St.~~	~~North~~	~~Any Time~~	~~(Special Ord. No. 44, 1972, 7-13-72)~~
~~125~~	~~Farrington St.~~	~~4th St.~~	~~6th St.~~	~~South~~	~~Any Time~~	~~(Special Ord. No. 13, 1962, 9-21-62)~~
130	Fruitridge Ave.	Blakely Ave.	350' S – Ft. Harrison Rd.	West	Any Time	
135	Fruitridge Ave.	Blakely Ave.	350' S – Ft. Harrison Rd.	East	Any Time	
140	Garfield Ave.	Barbour Ave.	Maple Ave.	West	Any Time	
145	Grant St.	4th St.	1st Alley W of 4th St.	South	Any Time	
150	Harding Ave.	Greenwood St.	Voorhees St.	West	7am – 9am & 3pm – 5pm – School Days	
155	Hulman St.	3rd St.	Alley W of 7th St.	North	7am – 9am & 3pm – 5pm – School Days	
160	Hulman St.	3rd St.	Alley W of 7th St.	South	7am – 9am & 3pm – 5pm – School Days	
165	Hulman St.	Alley W of 7th St.	Alley E of 7th St.	North	Any Time	
170	Hulman St.	Alley W of 7th St.	Alley E of 7th St.	South	Any Time	
175	Hulman St.	15th St.	18th St.	North	Any Time	

180	Hulman St.	15th St.	19th St.	South	Any Time	
~~182~~	~~Idaho St.~~	~~Alley West of Center St.~~	~~110 ft. West of Center St.~~	~~South~~	~~Mon. – Fri. 7am – 4pm~~	(Gen. Ord. No. 19, 2006, 1-11-07) (Del. By Gen. Ord. No. 24, 2007, 1-28-08)
183	Joe Fox St.	Margret Ave.	Bill Farr Dr.	East	Any Time	(Gen Ord. 19, 2011, 12-28-11)
184	Joe Fox St.	Margaret Ave	Bill Farr Dr.	West	Any Time	(Gen Ord. 19, 2011, 12-28-11)
182	Idaho St.	Alley West of Center St.	110 ft. West of center St.	North	Mon. – Fri. 7am – 4pm	(Gen. Ord. No. 24, 2007, § 2, 1-28-08)
185	Lafayette Ave.	Barbour Ave.	Woodley Ave.	West	Any Time	
190	Lafayette Ave.	Midblock b/w Beech & 11th Sts.		East	Any Time	
195	Liberty Ave.	482' E of intersection of Liberty Ave. & 22nd St.		North	10pm – 6am	(Gen. Ord. No. 12, 1994, § 1, 12-12-94)
200	Liberty Ave.	304' W of intersection of Liberty Ave. & 22nd St.		South	10pm – 6am	(Gen. Ord. No. 12, 1994, § 1, 12-12-94)
205	Lockport Rd.	Hulman St.	8th St.	Northeast	Any Time	
210	Lockport Rd.	9th St.	10th St.	Northeast	Any Time	
215	Locust St.	10th St.	175' E of 13th St.	North	Any Time	(Special Ord. No. 88, 1981, 10-13-81)
220	Locust St.	Fruitridge Ave.	Blakely Ave.	North	8am – 3pm	
225	Locust St.	180' W of 13th St.	25th St.	South	Any Time	(Special Ord. No. 31, 1976, 6-10-76)
230	Locust St.	36th St.	Blakely Ave.	North	8am – 3pm	
235	Maple Ave.	Hendricks St.	26th St.	North	Any Time	
240	Maple Ave.	Hendricks St.	26th St.	South	Any Time	
245	Maple Ave.	150' in front of Maple Ave. School		North	Any Time	
250	Maple Ave.	400' W of intersection of Maple Ave. & Fruitridge Ave.		North	Any Time	(Gen. Ord. No. 2, 1998, § 1, 3-12-98)
255	Maple Ave.	200' W of Milwaukee RR	200' E of Milwaukee RR	North	Any Time	
260	Maple Ave.	200' W of Milwaukee RR	200' E of Milwaukee RR	South	Any Time	
265	Maple Ave.	7th St.	14th St.	North	Any Time	
270	Maple Ave.	12th St.	Lafayette Ave.	South	Any Time	
275	Maple Ave.	30th St.	31st St.	South	Any Time	
280	Margaret Ave.	3rd St.	14th St.	North	Any Time	(Special Ord. No. 58, 1978, 12-14-78)
285	Marigold Dr.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
290	Marigold Dr.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
295	McKeen St.	3rd St.	1st Alley W of 3rd St.	South	Any Time	
300	Meadows Dr.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
305	Meadows Dr.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)

310	Monterey Ave.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
315	Monterey Ave.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
320	Mulberry St.	Midblock b/w 5th & 6th Sts.		North	Any Time	
325	Mulberry St.	Midblock b/w 5th & 6th Sts.		South	Any Time	
330	Mulberry St.	Midblock b/w 7th & 8th Sts.		South	Any Time	
332	New Margaret Dr.	Old S.R. 46	Sycamore Terrace St.	North	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
333	New Margaret Dr.	Old S.R. 46	Sycamore Terrace St.	South	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
335	North Ave.	Lafayette Ave. & 14th St.	300' E of Lafayette Ave. & 14th St.	North	Any Time	
337	Ohio Blvd.	Brown St.	Fruitridge Ave.	North	Any Time	(General Ord. No. 14, 2006, 11-9-06)
338	Ohio Blvd.	Brown St.	Fruitridge Ave.	South	Any Time	(General Ord. No. 14, 2006, 11-9-06)
340	Phillips Ave.	Lafayette Ave.	13th St.	North	Any Time	
345	Poplar St.	Harding Ave.	3rd St.	North	Any Time	(Special Ord. No. 35, 1977, 8-11-77)
350	Poplar St.	Harding Ave.	3rd St.	South	Any Time	(Special Ord. No. 35, 1977, 8-11-77)
355	Poplar St.	4th St.	6th St.	North	Any Time	(Special Ord. No. 68, 1989, 10-12-89)
360	Poplar St.	4th St.	6th St.	South	Any Time	(Special Ord. No. 68, 1989, 10-12-89)
365	Poplar St.	5th St.	S a distance of 50'	East	Any Time	
370	Poplar St.	5th St.	S a distance of 50'	West	Any Time	
375	Poplar St.	8th St.	9th St.	South	Any Time	
380	Seeburger Ave.	Midblock b/w 17th & 18th Sts.		South	Any Time	
385	Spruce St.	2nd St.	3rd St.	North	Any Time	(Special Ord. No. 88, 1972, 1-11-73)
387	Spruce St.	8th St.	13th St.	South	Any Time	(Gen. Ord. No. 23, 2004, 10-12-04)
390	Swan St.	9th St.	125' W of 9th St.	North	Any Time	
~~395~~	~~Sycamore St.~~	~~Dead End~~	~~450' W of 1st St.~~	~~North~~	~~Any Time~~	
396	Sycamore St.	1st St.	250' W of 1st St.	South	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
397	Sycamore St.	1st St.	400' W of 1st St.	North	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
400	Sycamore St.	4th St.	5th St.	North	Any Time	
405	Sycamore St.	6th St.	9th St.	North	Any Time	
410	Sycamore St.	6th St.	300' E of 9th St.	South	Any Time	
412	Sycamore Terreace St.	Magaret Ave.	New Margaret Dr.	East	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
413	Sycamore Terreace St.	Magaret Ave.	New Margaret Dr.	West	Any Time	(Gen. Ord. No. 14, 2011, 10-13-11)
415	Tippecanoe St.	5th St.	7th St.	South	Any Time	(Special Ord. No. 50, 1989, 7-13-89)

420	Voorhees St.	Layher Ave.	6th St.	North	Any Time	
425	Voorhees St.	Layher Ave.	6th St.	South	Any Time	
430	Voorhees St.	Center St.	7th St.	South	Any Time	
435	Walnut St.	18th St.	19th St.	North	Any Time	(Amended by Gen. Ord. No. 13, 2013, 10-10-13)
440	Washington Ave.	1st St.	Harding St.	South	Any Time	(Special Ord. No. 33, 1966, 8-17-66)
445	Wheeler Ave.	160' E of 10th St.	250' E of 10th St.	South	Any Time	
450	1st Ave.	15th St.	140' E of 15th St.	North	Any Time	
455	1st St.	Walnut St.	Ohio St.	West	Any Time	
~~460~~	~~2nd St.~~	~~Chestnut St.~~	~~200' N of Chestnut St.~~	~~West~~	~~Any Time~~	
~~465~~	~~2nd St.~~	~~Chestnut St.~~	~~325' N of Chestnut St.~~	~~East~~	~~Any Time~~	
~~470~~	~~3rd Ave.~~	~~13th St.~~	~~100' W of 13th St.~~	~~South~~	~~Any Time~~	
475	4th Ave.	50' W of 6½ St.	110' W of 6½ St.	North	Any Time	
~~476~~	~~4th St.~~	~~Cherry St.~~	~~100' N of Cherry St.~~	~~West~~	~~Any Time~~	~~(Gen. Ord. No. 14, 2003, 5-8-03)~~ (Del – Gen. Ord. 23, 2004, 10-12-04)
~~476~~	~~4th St.~~	~~Cherry St.~~	~~Tippecanoe St.~~	~~West~~	~~Any Time~~	~~(Gen. Ord. No. 23, 2004, 10-12-04)~~ (Del – Gen. Ord. 12, 2006, 9-14-06)
~~477~~	~~4th St.~~	~~Poplar St.~~	~~Tippecanoe St.~~	~~West~~	~~Any Time~~	~~(Gen. Ord. No. 12,2006, 9-14-06)~~
~~480~~	~~5th St.~~	~~Chestnut N for a distance of 1,170'~~		~~East~~	~~Any Time~~	~~(Special Ord. No. 51, 1989, 7-13-89)~~
481	5th St.	Poplar St.	Ohio St.	East	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
~~485~~	~~5th St.~~	~~Tippecanoe S for a distance of 405'~~		~~West~~	~~Any Time~~	~~(Special Ord. No. 51, 1989, 7-13-89)~~
~~490~~	~~5th St.~~	~~Chestnut St.~~	~~150' N of Chestnut St.~~	~~West~~	~~Any Time~~	
494	6th Ave.	6th St.	7th St.	Both	Any Time	(Gen. Ord. No. 11, 2012, 11-8-12)
495	6th Ave.	13th St.	15th St.	North	Any Time	(Gen. Ord. No. 5, 1957, 9-17-57)
~~500~~	~~6th St.~~	~~Cherry St.~~	~~Wabash Ave.~~	~~East~~	~~Any Time~~	~~(Gen. Ord. No. 7, 2000, 4-13-00)~~
505	~~6th St.~~	~~Cherry St.~~	~~Wabash Ave.~~	~~West~~	~~Any Time~~	~~(Gen. Ord. No. 7, 2000, 4-13-00)~~ (Deleted by Gen. Ord. 10, 2005, 9-8-05)
510	6th St.	Midblock b/w Eagle & Chestnut Sts.		West	Any Time	
515	6th St.	Grant St.	Voorhees St.	West	Any Time	(Special Ord. No. 48, 1980, 7-10-80)
520	6th St.	Linden St.	Maple Ave.	East	Any Time	(Special Ord. No. 62, 1980, 8-14-80)
525	6th St.	Maiden Ln.	8th Ave.	West	Any Time	
530	6th St.	McKeen St.	185' N of McKeen St.	East	Any Time	
~~535~~	~~6th St.~~	~~Ohio St.~~	~~Poplar St.~~	~~West~~	~~Any Time~~	(Deleted by Gen. Ord. 10, 2005, 9-8-05)
535	6th St.	6th Ave.	7th Ave.	Both	Any Time	(Gen. Ord. No. 9, 2013, 9-12-13)
536	6th St.	7th Ave.	8th Ave.	East	Any Time	(Gen. Ord. No. 9, 2013, 9-12-13)
540	6th St.	8th Ave.	Ash St.	East	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)

545	6th St.	8th Ave.	Ash St.	East	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)
549	6½ St.	4th Ave.	6th Ave.	West	Any Time	(Gen. Ord. No. 10, 2013, 9-12-13)
~~550~~	~~6½ St.~~	~~8th Ave.~~	~~100' S of 8th Ave.~~	~~West~~	~~Any Time~~	(Deleted by Gen. Ord. No. 22, 2011, 1-12-12)
550	6½ St.	6th Ave.	8th Ave.	East	Any Time	(Gen. Ord. No. 22, 2011, 1-12-12)
551	6½ St.	6th Ave.	8th Ave.	West	Any Time	(Gen. Ord. No. 22, 2011, 1-12-12)
552	6½ St.	Ash St.	Beech St.	East	Any Time	(Gen. Ord. No. 23, 2011, 1-12-12)
553	6½ St.	Ash St.	Beech St.	West	Any Time	(Gen. Ord. No. 23, 2011, 1-12-12)
555	6½ St.	Grand Ave.	Maple Ave.	East	Any Time	(Special Ord. No. 77, 1976, 12-9-76)
560	7th Ave.	6½ St.	7th St.	North	Any Time	
565	7th Ave.	6½ St.	7th St.	South	Any Time	
570	7th St.	Oak St.	120' North of Poplar St.	West	Any Time	(Gen. Ord. No. 11, 2007, 8-9-07)
571	7th St.	100' South of Walnut St.	45' North of Walnut St.	West	Any Time	(Gen. Ord. No. 11, 2007, 8-9-07)
572	7th St.	135' North of Walnut St.	80' South of Ohio St.	West	Any Time	(Gen. Ord. No. 11, 2007, 8-9-07)
573	7th St.	Cherry St.	Wabash Ave.	East	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
574	7th St.	Cherry St.	Wabash Ave.	West	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
575	7th St.	Midblock b/w Beech & Ash Sts.		West	Any Time	
580	7th St.	Cherry St.	Chestnut St.	West	6am – 6pm	
585	7th St.	Cherry St.	Chestnut St.	East	6am – 6pm, except Sunday	(Special Ord. No. 8, 1976, 3-11-76)
590	7th St.	Chestnut St.	Tippecanoe St	West	Any Time	(Gen. Ord. No. 6, 2003, 3-14-03)
591	7th St.	Chestnut St.	Tippecanoe St.	East	Any Time	(Gen. Ord. No. 6, 2003, 3-14-03)
595	7th St.	Lafayette Ave.	4th Ave.	West	Any Time	
600	7th St.	Lafayette Ave.	8th Ave.	East	Any Time	
605	7th St.	Oak St.	~~Ohio St.~~ Poplar St.	East	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
610	7th St.	7th Ave.	8th Ave.	West	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)
615	7th St.	8th Ave.	Beech St.	East	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)
620	7th St.	8th Ave.	Beech St.	West	Any Time	
625	8th ~~Ave.~~St.	Chestnut St.	200' N of Sycamore St.	West	Any Time	(Gen. Ord. No. 13, 2015, 12-10-15)
630	8th Ave.	Lafayette Ave. & 9th St.	13th St.	North	Any Time	(Special Ord. No. 41, 1974, 8-8-74)
635	8th Ave.	6th St.	Lafayette Ave. & 9th St.	South	Any Time	
640	8th Ave.	6th St.	7th St.	North	Any Time	
645	8th Ave.	7th St.	8th St.	North	Any Time	(Gen. Ord. No. 32, 2000, 1-11-01)
650	8th Ave.	14th St.	15th St.	South	Any Time	

654	8th St.	Beech St.	6th Ave.	West	Any Time	(Gen. Ord. No. 10, 2012, 11-8-12)
655	8th St.	Cherry St.	Eagle St.	East	Any Time	
660	8th St.	Chestnut St.	200' N of Sycamore St.	East	Any Time	
665	8th St.	Hulman St.	Lockport Rd.	West	Any Time	
667	8th St.	8th Ave.	60' south of 8th Ave.	East	Any Time	(Gen. Ord. No. 12, 2010, 9-9-10)
668	8th St.	80' south of 8th Ave.	98'south of 8th Ave.	East	Any Time	(Gen. Ord. No. 12, 2010, 9-9-10)
670	9th St.	Crawford St.	Poplar St.	East	Any Time	(Gen. Ord. No. 11, 1990, § 1, 1-10-91)
675	9th St.	Lincoln St.	Minshall St.	East	7am – 7pm – School Days	
680	9th St.	Oak St.	Swan St.	East	Any Time	
685	9th St.	Wabash Ave.	Eagle St.	West	Any Time	
~~690~~	~~9½ St.~~	~~Ohio St.~~	~~Walnut St.~~	~~East~~	~~Any Time~~	
695	9½ St.	Midblock b/w Poplar & Walnut Sts.		West	Any Time	
~~700~~	~~9½ St.~~	~~Wabash Ave.~~	~~1st Alley S of Wabash Ave.~~	~~West~~	~~Any Time~~	
~~705~~	~~9½ St.~~	~~Wabash Ave.~~	~~1st Alley S of Wabash Ave.~~	~~East~~	~~Any Time~~	
710	10th St.	Crawford St. N to private property		East	Any Time	
715	10½ St.	Ohio St.	Walnut St.	West	Any Time	
720	11th St.	Ohio St.	Wabash Ave.	East	Any Time	(Special Ord. No. 50, 1974, 9-12-74)
725	12th St.	Grant Ave.	Maple Ave.	East	7am – 9am & 3pm – 5pm, except Sun. & holidays	
730	13th St.	Deming St.	180' N of Crawford St.	West	Any Time	(Special Ord. No. 86, 1981, 8-13-81)
735	13th St.	Deming St.	180' N of Crawford St.	East	Any Time	(Special Ord. No. 86, 1981, 8-13-81)
740	13th St.	185' S of Locust St.	180' N of Locust St.	West	Any Time	(Special Ord. No. 88, 1981, 8-9-81)
745	13th St.	185' S of Locust St.	180' N of Locust St.	East	Any Time	(Special Ord. No. 88, 1981, 8-9-81)
750	13th St.	Poplar St.	Chestnut St.	West	Any Time	(Special Ord. No. 6, 1969, 3-19-69)
755	13th St.	100' S of Washington Ave.	267' N of Washington Ave.	East	Any Time	(Gen. Ord. No. 5, 1990,As Amended, § 3, 6-14-90)
760	13th St.	100' N of Washington Ave.	267' S of Washington Ave.	West	Any Time	(Gen. Ord. No. 5, 1990, As Amended, § 3, 6-14-90)
765	14½ St.	Eagle St.	Wabash Ave.	West	Any Time	
770	15th St.	Wabash Ave.	1st Alley N of Wabash Ave.	East	Any Time	
775	16th St.	8th Ave.	125' N of 8th Ave.	East	Any Time	
780	18th St.	Thompson Ave.	Oak St.	West	Any Time	
785	18th St.	Walnut St.	Poplar St.	East	7:30am – 8:30am & 2pm – 3pm School days	(Gen. Ord. No. 3, 2001, 3-8-01)

790	19th St.	Buckeye St.	Maple Ave.	East	Any Time	
795	19th St.	Ft. Harrison Rd.	Lafayette Ave.	East	Any Time	
800	19th St.	Wabash Ave.	200' S of Wabash Ave.	East	Any Time	
805	20th St.	Linden St.	75' N of Linden St.	East	Any Time	
810	20th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
815	20th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
820	21st St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
825	21st St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
830	22nd St.	140' N of Intersection of 22nd St. & Liberty Ave.	135' S of Intersection of 22nd St. & Liberty Ave .	West	10pm – 6am	(Gen. Ord. No. 12, 1994, § 1, 12-12-94)
835	22nd St.	140' N of Intersection of 22nd St. & Liberty Ave.	135' S of Intersection of 22nd St. & Liberty Ave.	East	10pm – 6am	(Gen. Ord. No. 12, 1994, § 1, 12-12-94)
840	22nd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
845	22nd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
850	23rd St.	81' S of Intersection of 23rd St. & Liberty Ave.		West	10pm – 6am	(Gen. Ord. No. 12, 1994, § 1, 12-12-94)
855	23rd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
860	23rd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
865	23rd St.	Wabash Ave.	1st Alley S of Wabash Ave.	East	Any Time	(Special Ord. No. 44, 1974, 8-8-74)
870	24th St.	Ohio Blvd.	1st Alley S of Ohio Blvd.	West	7am-5pm School Days	(Amended by Gen. Ord. No. 1, 2010, 2-11-10)
875	24th St.	Ohio Blvd.	1st Alley S of Ohio Blvd.	East	7am-5pm School Days	(Amended by Gen. Ord. No. 1, 2010, 2-11-10)
880	24th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
885	24th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
890	24th St.	Wabash Ave.	1st Alley S of Wabash Ave.	West	Any Time	(Gen. Ord. No. 45, 1974, 8-8-74)
895	25th St.	Locust St.	Maple Ave.	West	Any Time	(Special Ord. No. 87, 1981, 10-8-81)
900	25th St.	Locust St.	Maple Ave.	East	Any Time	(Special Ord. No. 87, 1981, 10-8-81)
905	25th St.	Poplar St.	Ohio Blvd.	West	Any Time	
910	25th St.	Poplar St.	Ohio Blvd.	West	Any Time	(Special Ord. No. 49, 1966, 10-19-66)
915	25th St.	140' S of Wabash Ave .	65' N of Schaal Ave. & Spruce St.	West	Any Time	(Special Ord. No. 67, 1965, 12-15-65)
920	25th St.	140' S of Wabash Ave .	65' N of Schaal Ave. & Spruce St.	East	Any Time	(Special Ord. No. 67, 1965, 12-15-65)

925	25th St.	140’ across from 3rd Ave.		East	Any Time	
930	30th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
935	30th St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
940	31st St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
945	31st St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
950	32nd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	North	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
955	32nd St.	Eastbound Ohio Blvd.	Westbound Ohio Blvd.	South	Any Time	(Gen. Ord. No. 6, 2000, 4-13-00)
960	37th St.	Elm St.	175’ S of Elm St.	West	Any Time	
965	37th St.	Elm St.	175’ S of Elm St.	East	Any Time	

Sec. 8-68 Specific No Stopping, Standing or Parking Zones – Schedule NN.

	Street	**From**	**To**	**side**
5	Beech St.	811’ W of 19th St.	1st Driveway	North
10	Deming St.	50’ W of 6th St.	30’ E of 6th St.	South
15	Deming St.	42’ W of 6th St.	72’ E of 6th St.	North
20	Eagle St.	Alley E of 9th St.	80’ W of Alley	
25	Hulman St.	25th St.	180’ West	North
30	Hulman St.	25th St.	180’ West	South
35	Poplar St.	6th St.	132’ East	South
40	Schaal Ave.	Driveway 42’ W of Rose Ave.	42’ E of Driveway	South
45	Schaal Ave.	Driveway 42’ W of Rose Ave.	20’ W of Driveway	South
50	Schaal Ave.	Driveway 200’ E of View Ave.	20’ E of Driveway	South
55	Schaal Ave.	Driveway 200’ E of View Ave.	20’ W of Driveway	South
60	Schaal Ave.	Driveway 90’ W of View Ave.	20’ E of Driveway	South
65	Schaal Ave.	Driveway 90’ W of View Ave.	20’ W of Driveway	South
70	Tippecanoe St.	37th St. W	Alley	North
75	Tippecanoe St.	315’ W of U.S. 41 Overpass	Lafayette	South
80	Turner St.	5’ either side of driveway W of 3rd St.		West
85	Turner St.	10’ W of 3rd St.		NW Corner
90	Turner St.	10’ W of 3rd St.		SW Corner
95	4th St.	Mulberry St.	44’ N of Mulberry St.	West
100	4th St.	Mulberry St.	70’ N of Mulberry St.	East

105	6th St.	30’ S of Deming St.	57’ N of Deming St.	West
110	6th St.	100’ S of Deming St.	65’ N of Deming St.	East
115	6th St.	Oak St.	100’ N	East
120	6th St.	Oak St.	100’ N	West
125	6th St.	Oak St.	100’ S	East
130	6th St.	Oak St.	100’ S	West
135	6th St.	Tippecanoe St.	90’ S	East
140	7th St.	Chestnut St.	210’ N	East
145	7th St.	Margaret Ave.	46’ N of Margaret Ave.	East
150	7th St.	Margaret Ave.	93’ N of Margaret Ave.	West
155	7th St.	100’ S of Spruce St.	80’ N of Spruce St.	East
160	7th St.	104’ S of Sycamore St.	105’ N of Sycamore St.	East
165	7th St.	7th Ave.	50’ N	West
170	7th St.	7th Ave.	40’ S	West
175	8th St.	Eagle St.	100’ N	East
180	8th St.	Eagle St.	100’ N	West
185	8th St.	127’ N of Larry Bird Blvd.	187’ N of Larry Bird Blvd.	West
190	9th St.	Eagle St.	100’ S	East
195	9th St.	Sycamore St.	100’ S	West
200	13th St.	Chestnut St.	48’ N of Chestnut St.	East
205	13th St.	Chestnut St.	47’ N of Chestnut St.	West
210	13th St.	Locust St.	230’ N	East
215	S. 16th St.	S of 1st Parking Lot	76’ directly in front of Oakley	East
220	25th St.	Hulman St.	90’ N	West
225	25th St.	Hulman St.	90’ S	West

Sec. 8-69 Specific Limited Parking Zones – Schedule O.[153]

	STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION	
5	Cherry St.	4th St.	~~8th St.~~ 9th St.	South	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
10	Cherry St.	322’ W of SWC of Cherry St. & 7th Ave.	68’ W of SWC – Cherry & 7th Sts.	South	15 Min. – Anytime	

[153] Editor’s Note: Unless otherwise indicated in a historical reference, the listing in Schedule O are from Gen. Ord. No. 1, 1984, passed on May 10, 1984.

~~11~~	~~Cherry St.~~	~~8th St.~~	~~9th St.~~	~~South~~	~~2 Hrs. Mon. – Fri. 8 am – 4pm~~	~~(Gen. Ord. No. 27, 2004, As Amended, 11-9-04)~~
15	Harding Ave.	Turner St.	Railroad Tracks	East	2 Hrs. – Anytime	(Gen. Ord. No. 15, 1994, § 1, 11-21-94)
20	Hulman St.	Alley between 8th St. & 9th St.	8th St.	South	1 Hr. (1)	
25	Lafayette Ave.	Linden St.	Phillips Ave.	West	1 Hr. (1)	
30	Lafayette Ave.	Linden St.	Phillips Ave.	East	1 Hr. (1)	
35	Lockport Rd.	Hulman St.	9th St.	South	2 Hrs. (1)	
40	Lockport Rd.	Hulman St.	9th St.	North	2 Hrs. (1)	
45	Lockport Rd.	8th St.	Alley	North	2 Hrs. (1)	(Gen. Ord. No. 13, 1993, § 1, 1-13-94)
50	Ohio St.	Gilbert Ave. SE Corner	East 44’	South	1 Hr. (1)	(Special Ord. No. 28, 1988, 5-12-88)
55	Ohio St.	4th St.	9th St.	North	2 Hrs. (1)	
60	Ohio St.	4th St.	9th St.	South	2 Hrs. (1)	
65	Turner St.	State Road 41	1st St.	North	2 Hrs. – Anytime	(Gen. Ord. No. 15, 1994, § 1, 11-21-94)
70	Turner St.	State Road 41	Harding St.	South	2 Hrs. – Anytime	(Gen. Ord. No. 15, 1994, § 1, 11-21-94)
75	Wabash Ave.	4th St.	9th St.	North	2 Hrs. (1)	
80	Wabash Ave.	4th St.	14th St.	South	2 Hrs. (1)	(Gen. Ord. No. 4, 2006, § 1, 3-9-06)
85	Washington Ave.	25th St.	75’ E 25th St.	South	15 Min. – Anytime	
~~90~~	~~4th St.~~	~~Mulberry St.~~	~~Ohio St.~~	~~West~~	~~2 Hrs. (1)~~	(Del – Gen. Ord. No. 12, 2006, 9-14-06)
~~95~~	~~4th St.~~	~~Mulberry St.~~	~~Ohio St.~~	~~East~~	~~2 Hrs. (1)~~	
100	4th St.	~~Ohio St.~~ Cherry St.	Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2007, 8-09-07; Gen. Ord. No. 12, 2015, 12-10-15)
102	4th St	Cherry St.	Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
~~105~~	~~4th St.~~	~~Ohio St.~~	~~Walnut St.~~	~~West~~	~~15 Min. – Anytime~~	(Del – Gen. Ord. No. 12, 2006, 9-14-06)
110	5th St.	~~Mulberry St.~~ Cherry St	~~Alley N of Wabash Ave.~~ Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 11, 2000, 7-11-00; Gen. Ord. No. 12, 2015, 12-10-15)
115	5th St.	~~Mulberry St.~~ Cherry St.	Ohio St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
116	5th St.	Poplar St.	Swan St.	East	2 Hrs. 1)	(Gen. Ord. No. 7, 2010, §1, 6-10-10)
120	5th St.	Alley N of Wabash Ave.	Wabash Ave.	West	15 Min. – Anytime	(Gen. Ord. No. 11, 2000, 7-11-00)
~~125~~	~~5th St.~~	~~Wabash Ave.~~	~~Walnut St.~~	~~West~~	~~2 Hrs. (1)~~	~~(Gen. Ord. No. 12, 2002, 6-13-02)~~
126	6th St.	Cherry St.	~~Poplar St.~~ Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 10, 2005, 9-8-05; Gen. Ord. No. 12, 2015, 12-10-15)
127	6th St.	~~Wabash Ave.~~ Cherry St.	~~Poplar St.~~ Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 10, 2005, 9-8-05; Gen. Ord. No. 12, 2015, 12-10-15)
130	7th St.	~~Cherry St.~~ Wabash Ave.	~~Ohio St.~~ Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
135	7th St.	~~Cherry St.~~ Wabash Ave.	~~Ohio St.~~ Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
140	7th St.	120’ S of Hulman St.	Idaho St.	West	2 Hrs. (1)	

145	7th St.	120' S of Hulman St.	Idaho St.	East	2 Hrs. (1)	
150	7th St.	Seabury St.	120' N of Hulman St.	East	2 Hrs. (1)	
155	7th St.	Seabury St.	120' N of Hulman St.	West	2 Hrs. (1)	
~~157~~	~~7th St.~~	~~45' North of Walnut St.~~	~~135' North of Walnut St.~~	~~West~~	~~2 Hrs. (1)~~	~~(Gen. Ord. No. 12, 2007, 8-9-07)~~
~~158~~	~~7th St.~~	~~80' South of Ohio St.~~	~~30' South of Ohio St.~~	~~West~~	~~2 Hrs. (1)~~	~~(Gen. Ord. No. 12, 2007, 8-9-07)~~
160	8th St.	Cherry St.	~~Ohio St.~~ Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
165	8th St.	Cherry St.	~~Ohio St.~~ Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
170	8th St.	Lockport Rd.	Hulman St.	East	2 Hrs. - Anytime	(Gen. Ord. No. 2, 1993, § 1, 3-11-93)
~~175~~	~~8th St.~~	~~Approx. 135' N of Poplar St.~~	~~For a distance of 57' in front of 234 Poplar St.~~	~~East~~	~~2 Hrs. (3)~~	~~(Gen. Ord. No. 12, 1990, § 1, 12-13-90)~~
180	9th St.	Wabash Ave.	Walnut St.	West	2 Hrs. (1)	
185	9th St.	~~Wabash Ave.~~ 1st driveway North of Cherry St.	Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
~~186~~	~~9th St.~~	~~Cherry St.~~	~~Alley North of Cherry St.~~	~~East~~	~~2 Hrs. (2) Mon. - Fri. 8 am - 5 pm~~	~~(Gen. Ord. No. 19, 2006, 1-11-07)~~
187	9 ½ St.	Wabash Ave.	Walnut St.	West	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
188	9 ½ St.	Wabash Ave.	Walnut St.	East	2 Hrs. (1)	(Gen. Ord. No. 12, 2015, 12-10-15)
~~190~~	~~N. 9th St.~~	~~In front of Nat'l Guard Armory (301 N. 9th St.)~~		~~East~~	~~1 Hr. Mon. - Fri.(3)~~	~~(Special Ord. No. 4, 1989, 3-9-89)~~
~~195~~	~~13th St.~~	~~In front of Chauncey Rose Jr. High School 130' from the corner of 3rd Ave. & 13th St. & 200' from corner of Locust St. & 13th St. (Approx. 497')~~		~~West~~	~~2 Hrs. Mon. - Fri. (4)~~	~~(Gen. Ord. No. 1, 1992, 4-9-92)~~

Key: (1) 8am–5pm Mon-Fri ~~(2) 7am-5pm Mon-Fri (3) 7am-6pm Mon-Fri (4) 7am-5pm Mon-Fri~~

Sec.8-70 Loading Zones - Schedule P.[154]

Sec. 8-71 Specific Bus and Taxi Zones - Schedule Q.[155]

	STREET	FROM	TO	SIDE OF STREET	TYPE
5	Crawford St.	5th St.	1st Alley W of 5th St.	South	Bus
10	Farrington St.	45' Midblock b/w 1st St. & 3rd St.		South	Bus

[154] Editor's Note: Gen. Ord. No. 7, 2002, passed on March 14, 2002, removed Schedule P from the *Code*.

[155] Editor's Note: Unless otherwise indicated in a historical reference, the listings in Schedule Q are from Gen. Ord. No. 1, 1984, passed on May 10, 1984.

15	Foulkes Dr.	1 space 350’ N of Lockport Rd.		West	Bus
20	Foulkes Dr.	1 space 675’ N of Lockport Rd.		West	Bus
25	Foulkes Dr.	1 space 500’ W of 12th St.		North	Bus
30	Hulman St.	1 space W of 13th St.		South	Bus
35	Ohio St.	1 space E of 4th St.		South	Bus
40	Ohio St.	1 space E of 9th St.		South	Bus
45	Ohio St.	1 space W of 12th St.		South	Bus
50	Wabash Ave.	1 space midblock b/w 3rd St. & 4th St.		South	Bus
55	Wabash Ave.	1 space E of 4th St.		South	Bus
60	Wabash Ave.	1 space E of 5th St.		South	Bus
65	Wabash Ave.	1 space W of 5th St.		North	Bus
70	Wabash Ave.	1 space E of 6th St.		South	Bus
75	Wabash Ave.	1 space W of 6th St.		North	Bus
80	Wabash Ave.	45’ W of 7th St.		South	Bus
85	Wabash Ave.	1 space W of 6th St.		North	Bus
90	Wabash Ave.	7th St.	80’ W of 7th St.	South	Bus
95	Wabash Ave.	7th St.	120’ W of 7th St.	North	Bus
100	Wabash Ave.	1 space E of 8th St.		South	Bus
105	5th Ave.	1 space midblock b/w 24th St. & 25th St.		South	Bus
110	5th St.	Crawford St.	41’ S of Crawford St.	East	Bus
115	5th St.	Deming St.	41’ S of Deming St.	East	Bus
120	5th St.	Oak St.	41’ S of Oak St.	East	Bus
125	5th St.	Park St.	41’ S of Park St.	East	Bus
130	5th St.	Swan St.	41’ S of Swan St.	East	Bus
135	6th St.	250’ S of College St.	675’ S of College St.	East	Bus
140	6th St.	Deming St.	41’ S of Deming St.	West	Bus
145	6th St.	1 space midblock b/w Hulman St. & Idaho St.		East	Bus
150	6th St.	1 space N of Alley b/w Ohio St. & Wabash Ave.		West	Bus
155	7th St.	1 space N of Oak St.		West	Bus
160	7th St.	Seabury Ave.	41’ N of Seabury Ave.	West	Bus
165	7th St.	Seabury Ave.	41’ S of Seabury Ave.	East	Bus
170	7th St.	1 space N of Washington Ave.		West	Bus
175	8th Ave.	19th St.	300’ W of 19th St.	North	Bus

180	9th St.	1 space N of Poplar St.	East	Bus
185	12th St.	1 space N of Foulkes Dr.	West	Bus
190	12th St.	1 space midblock b/w Foulkes Dr. & Hulman St.	West	Bus
195	13th St.	1 space S of Liberty Ave.	East	Bus
200	13th St.	1 space S of Plum St.	East	Bus
205	13th St.	1 space N of Wabash Ave.	East	Bus
210	13th St.	1 space S of 10½ St.	West	Bus
215	19th St.	1 space S of Linden St.	West	Bus
220	19th St.	1 space S of Poplar St.	East	Bus

Sec. 8-72 Specific No Parking – Official Vehicles Only – Schedule R.[156]

	STREET	FROM	TO	SIDE OF STREET	
5	Chase St.	13th St.	1st Alley E of 13th St.	North	(Special Ord. No. 20, 1976, 5-13-76)
10	Warren St.	Midblock b/w 17th St. & 18th St.		South	
15	9½ St.	Ohio St.	1st Alley N of Ohio St.	East	

Sec. 8-73 and Sec. 8-74 Reserved for Future Use.

Division IX. Snow Route Regulations.

Sec. 8-75 Snow Route - No Parking - Orders by Mayor or Board.

Whenever the Mayor and/or the Board of Public Works and Safety of said City shall determine that the presence of snow on streets and alleys of said City shall unreasonably impede the movement of fire fighting equipment, police, ambulance or other emergency vehicles on such streets and alleys they are authorized to promulgate a Snow Route - No Parking Order which shall continue until they shall determine and declare that such situation has abated. (Gen. Ord. No. 1, 1984, § 9.1, 5-10-84)

Sec. 8-76 Promulgation of Snow Route - No Parking.

A Snow Route - No Parking condition shall be promulgated by written orders when possible or by oral order when necessary which order shall be disseminated by radio broadcast, newspaper, posting of notice, or such other means as they shall deem advisable. (Gen. Ord. No. 1, 1984, § 9.2, 5-10-84)

Sec. 8-77 Streets to which Snow Route No Parking Applies.

[156] Editor's Note: Unless otherwise indicated in a historical reference, the listing in Schedule R are from Gen. Ord. No. 1, 1984, passed on May 10, 1984.

Such order shall direct the removal of all parked vehicles from the streets and alleys described in Schedule S, attached hereto and made a part hereof, and set forth in Sec. 8-79, and such other streets as may be specifically designated by such order. For the duration of Snow Route - No Parking condition, there shall be no parking of vehicles on said streets and/or alleys. The streets that are Snow Routes are listed in Schedule T and set forth in Sec. 8-80. (Gen. Ord. No. 1, 1984, § 9.3, 5-10-84)

Sec. 8-78 Tow-Away Violators at Owner's Expense.

In the event that the owner or operator of any parked vehicle in such an emergency area fails to remove the same within three (3) hours following the promulgation of a Snow Route - No Parking Order, the Police Department of said City shall be authorized to remove and tow away or call to be removed and towed away such vehicle at the expense of the owner of such vehicle. (Gen. Ord. No. 1, 1984, § 9.4, 5-10-84)

Sec. 8-79 Specific Designations of No Parking Snow Route Streets - Schedule S.

	STREET	FROM	TO	SIDE
5	Cherry St.	3rd St.	9th St.	South
10	College Ave.	3rd St.	Fruitridge Ave.	North
15	College Ave.	3rd St.	Fruitridge Ave.	South
20	Fruitridge Ave.	Margaret Ave.	Wabash Ave.	West
25	Fruitridge Ave.	Ft. Harrison Rd.	Haythorne Ave.	West
30	Fruitridge Ave.	Margaret Ave.	Wabash Ave.	East
35	Fruitridge Ave.	Ft. Harrison Rd.	Haythorne Ave.	East
40	Hospital Rd.	Davis Ave.	7th St.	North & East
45	Hospital Rd.	Davis Ave.	7th St.	South & West
50	Hulman St.	9th St.	13½ St.	North
55	Hulman St.	18th St.	Paul Dresser Dr.	North
60	Hulman St.	9th St.	15th St.	South
65	Hulman St.	19th St.	Paul Dresser Dr.	South
70	Lafayette Ave.	3rd St.	Haythorne Ave.	West
75	Lafayette Ave.	3rd St.	Haythorne Ave.	East
80	Locust St.	3rd St.	10th St.	North
85	Locust St.	13th St.	25th St.	North
90	Locust St.	3rd St.	13th St.	South
95	Maple Ave.	3rd St.	7th St.	North

100	Maple Ave.	14th St.	Fruitridge Ave.	North
105	Maple Ave.	3rd St.	Fruitridge Ave.	South
110	Margaret Ave.	Prairieton Rd.	3rd St.	North
115	Margaret Ave.	14th St.	Fruitridge Ave.	North
120	Margaret Ave.	Prairieton Rd.	Fruitridge Ave.	South
125	Ohio St.	3rd St.	13th St.	North
130	Ohio St.	3rd St.	13th St.	South
135	Poplar St.	25th St.	Keane Ln.	North
140	Poplar St.	3rd St.	8th St.	South
145	Poplar St.	9th St.	Keane Ln.	South
150	7th St.	Margaret Ave.	Poplar St.	West
155	7th St.	Cherry St.	Lafayette Ave.	West
160	7th St.	Margaret Ave.	Oak St.	East
165	7th St.	Cherry St.	Lafayette Ave.	East
170	8th Ave.	9th St.	13th St.	South
175	9th St.	Ohio St.	Wabash Ave.	West
180	9th St.	Ohio St.	Cherry St.	East
185	13th St.	Margaret Ave.	Poplar St.	West
190	13th St.	Chestnut St.	Haythorne Ave.	West
195	13th St.	Margaret Ave.	Haythorne Ave.	East
200	25th St.	Margaret Ave.	Poplar St.	West
205	25th St.	Ohio Blvd.	Wabash Ave.	West
210	25th St.	Spruce St.	Lafayette Ave.	West
215	25th St.	Margaret Ave.	Poplar St.	East
220	25th St.	Ohio Blvd.	Wabash Ave.	East
225	25th St.	Spruce St.	Lafayette Ave.	East

Sec. 8-80 Specific Snow Routes Where Both Sides of Street Designated - Schedule T.

	STREET	FROM	TO
5	Blakely Ave.	Wabash Ave.	Locust St.
10	Cherry St.	3rd St.	9th St.
15	College Ave.	3rd St.	Fruitridge Ave.
20	Fruitridge Ave.	Margaret Ave.	Wabash Ave.

25	Fruitridge Ave.	Locust St.	Haythorne Ave.
30	Hospital Rd.	Davis Ave.	7th St.
35	Hulman St.	3rd St.	Paul Dresser Rd.
40	Lafayette Ave.	3rd St.	Haythorne Ave.
45	Locust St.	3rd St.	25th St.
50	Maple Ave.	3rd St.	Fruitridge Ave.
55	Margaret Ave.	Prairieton Rd.	Fruitridge Ave.
60	Ohio St.	3rd St.	13th St.
65	Poplar St.	3rd St.	Keane Ln.
70	7th St.	Margaret Ave.	Maple Ave.
75	8th Ave.	3rd St.	13th St.
80	9th St.	Wabash Ave.	Cherry St.
85	13th St.	Margaret Ave.	Haythorne Ave.
90	25th St.	Margaret Ave.	Lafayette Ave.

Sec. 8-81 Reserved for Future Use.

Division X. Handicapped Parking Regulations.

Sec. 8-82 Handicapped Parking – Definitions.

a. Owner. A person in whose name a motor vehicle is registered under:

(1) *I.C.* § 9-18;

(2) the laws of another state; or

(3) the laws of a foreign country.

b. Lessee. A person who has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle. (Gen. Ord. No. 6, 1999, 7-8-99; Gen. Ord. No. 2, 2004, 3-11-04)

Sec. 8-83 Improper Handicapped Parking Prohibited.

a. Any person who parks a motor vehicle in a parking space reserved under *I.C.* § 5-16-9 for a person with a disability, must have displayed a placard of a person with a physical disability or a disabled veteran, issued under *I.C.* § 9-14-5 or under the laws of another state, or a registration plate of a person with a disability or a disabled veteran, issued under *I.C.* § 9-18-18, *I.C.* § 9-18-22, or under the laws of another state.

b. Any person who knowingly parks in a parking space reserved for a person with a physical disability, must be displaying a placard to which either the person or the person's passenger is entitled to.

c. A person who, in a parking space reserved for a person with a physical disability, may not park a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability, unless at that time, are in the process of transporting a person with a physical disability or a disabled veteran. (Gen. Ord. No. 6, 1999, 7-8-99; Gen. Ord. No. 2, 2004, 3-11-04)

Sec. 8-84 Handicapped Parking Violation.

It shall be considered a violation of this Division, and the individual shall be subject to penalties detailed in Sec. 8-111, if:

a. A motor vehicle is located in a parking space in a parking facility that is properly marked under *I.C.* § 5-16-9-2 as a parking space reserved for a person with a physical disability; and

b. Does not display:

(1) An unexpired parking permit for a person with a physical disability issued under *I.C.* § 9-14-5; or

(2) An unexpired disabled veteran's registration plate issued under *I.C.* § 9-18-18; or

(3) An unexpired plate or decal for a person with a physical disability issued under *I.C.* § 9-18-22; or

(4) An unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state. (Gen. Ord. No. 6, 1999, 7-8-99; Gen. Ord. No. 2, 2004, 3-11-04)

ARTICLE 2. BICLYLE REGULATIONS.[157]

Sec. 8-85 Traffic Laws Applicable to Persons Riding Bicycles.[158]

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State,

[157] *I.C.* § 9-21-11-1, *et seq*., address bicycles and motorized bicycles; and *I.C.* § 9-13-2-14, defines "bicycle".

[158] *I.C.* § 9-21-1-2, addresses rights and duties on roadways; and *I.C.* § 9-21-11-11, addresses regulations and requirements.

declaring rules of the road applicable to vehicles, or by the traffic ordinances of the City applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of laws and ordinances which by their nature can have no application. (Gen. Ord. No. 1, 1984, § 10.1, 5-10-84; Special Ord. No. 2, 1942, 7-14-42)

Sec. 8-86 Obedience to Traffic Control Devices.

a. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

b. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Gen. Ord. No. 1, 1984, § 10.2, 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-87 Riding on Bicycles.[159]

a. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

b. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Gen. Ord. No. 1, 1984, § 10.3, 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-88 Riding on Roadways and Bicycle Paths.

a. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

b. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

c. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (Gen. Ord. No. 1, 1984, § 10.4, 5-10-84)

Sec. 8-89 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Gen. Ord. No. 1, 1984, § 10.5, 5-10-84)

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[159] *I.C.* § 9-21-11-3, addresses operation of bicycles.

Sec. 8-90 Emerging from Alley or Driveway.

The operator of 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 pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Gen. Ord. No. 1, 1984, § 10.6. 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-91 Clinging to Vehicles.[160]

No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway. (Gen. Ord. No. 1, 1984, § 10.7, 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-92 Carrying Articles.[161]

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one (1) hand upon the handle bars. (Gen. Ord. No. 1, 1984, § 10.8, 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-93 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building or at the curb. Bicycles shall be parked in such a manner as to afford the least obstruction to pedestrian traffic. (Gen. Ord. No. 1, 1984, § 10.9, 5-10-84; Special Ord. No. 2, 1942; 7-14-42)

Sec. 8-94 Riding on Sidewalks.

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Gen. Ord. No. 1, 1984, § 10.10, 5-10-84)

Sec. 8-95 Lights and Other Equipment on Bicycles.[162]

a. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

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[160] *I.C.* § 9-21-11-5, prohibits a person to attached a bicycle to vehicles.

[161] *I.C.* § 9-21-11-7, addresses articles preventing proper use of handle bars.

[162] *I.C.* § 9-21-11-8, addresses bells and whistles on bicycles; and *I.C.* § 9-21-11-9, addresses lamps and reflectors.

b. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with nor shall any persons use upon a bicycle any siren or whistle.

c. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (Gen. Ord. No. 1, 1984, § 10, 5-10-84)

Sec. 8-96 and Sec. 8-97 Reserved for Future Use.

ARTICLE 3. MISCELLANEOUS MOTOR VEHICLE REGULATIONS.

Sec. 8-98 Pedestrians Soliciting in Roadway Prohibited.[163]

No person shall stand on or in an intersection, street, or highway for the purpose of soliciting money or property for any purpose, charitable or otherwise.

Sec. 8-99 Regulation of Traffic on Private Property.

[Reserved]. (See *I. C.* § 9-21 -18-1, *et seq.*)

Sec. 8-100 Off-Road Vehicle Regulations - Snowmobiles.

[Reserved] (See *I.C.* § 14-16-1-1, *et seq.)*

Sec. 8-101 Moped Regulations.[164]

a. **Definition.** A "moped" is defined as a motorized vehicle with two (2) or three (3) wheels that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

1. An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters;

2. An automatic transmission; and

3. A maximum design speed of not more than twenty-five miles per hour (25 mph) on a flat surface.

b. **Registration.**

[163] *I.C.* § 9-21-17-1, *et seq.*, address pedestrian regulations; and *I.C.* § 9-21-17-16, 17, and 18 address solicitation.

[164] The definition of moped does not include an electric personal assistive mobility device.

1. All persons operating a moped within the City of Terre Haute must have the moped owned or operated by them registered annually with the City of Terre Haute Police Department.

2. The annual registration form shall be completed in person at the Terre Haute Police Department Headquarters between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday (excluding holidays) at the Terre Haute Police Records Office.

3. Such annual registration form shall require the: name of the owner of the moped; his/her address and telephone number; date of birth of operator; the make, model and serial number of the moped; and the color, size, and other identifying characteristics of the moped.

4. Upon completion of the registration form and payment of the registration fee, the Terre Haute Police Department shall issue a registration decal which shall be affixed at that time to the moped in a location clearly visible to the officer upon inspection of the moped. Such registration decal shall remain affixed to the moped at all times while the moped is in operation.

5. The registration fees shall be as follows:

(A)	Initial Registration Fee	$25.00
(B)	Renewal Registration Fee	$10.00

All initial registration and renewal fees shall be deposited in the Police Continuing Education Fund. See Sec. 2-118.

6. Terre Haute Police Department shall not issue the registration or decal until all required items are submitted and payment is made.

7. Upon submission to the Terre Haute Police Department of verifiable proof of completion of the ABATE certified motorcycle safety training class, the initial $25.00 registration fee shall be waived. The owner/operator shall be required to pay the annual renewal fee thereafter.

c. **Operation and Violations.**

1. A moped may not be operated within the City limits by a person less than fifteen (15) years of age. All moped operators must have in their possession at all times while operating a moped within the City limits a valid form of identification issued by the Indiana Bureau of Motor Vehicles.

2. No person shall operate a moped upon any public sidewalk.

3. Persons riding mopeds shall comply with the traffic laws of the State of Indiana and all traffic ordinances of the City of Terre Haute, Indiana.

4. Every person operating a moped shall obey all stop signs and traffic signals in the same manner and to the same extent as would be required if said person was operating a motor vehicle.

5. No passengers are permitted on any moped operated within the City limits.

6. Every moped shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

7. Each moped shall be equipped with at least one (1) headlamp of sufficient intensity to reveal a person or vehicle at a distance of not less than one hundred feet (100').

8. No person shall operate a moped at a speed faster than twenty-five miles per hour (25 mph).

9. Tail and brake lights are required on all mopeds and shall remain operable at all times while moped is in operation.

10. Any moped found to be in violation of the provisions contained in this Article shall be subject to tow and impoundment by the Terre Haute Police Department.

d. **Enforcement.** This Section may be enforced by the issuance of a citation for an ordinance violation by the Terre Haute Police Department.

e. **Penalty.** Any person violating any of the provisions of this Section shall be subject to a fine of not more than Three Hundred Dollars ($300.00) and the moped shall be subject to impound until such violations are remedied to the satisfaction of the Terre Haute Police Department.

Sec. 8-102 through Sec. 8-109 Reserved for Future Use.

ARTICLE 4. PENALTIES AND VIOLATIONS.[165]

Sec. 8-110 Penalty - Parking Violation.

a. Any person who receives a traffic violation notice, either delivered personally by a police officer or by means of attachment to his motor vehicle, for violation of any of the provisions of the parking provisions of this Chapter, may, within five (5) business days after receiving such notice, report to the Terre Haute Police Department and pay the sum of Ten Dollars ($10.00) as penalty for and in full satisfaction of such traffic violation. The failure of any person to make such payment within five (5) business days shall render such person subject to the penalty in the amount of Fifteen Dollars ($15.00). (Gen. Ord. No. 16, 2000, 9-14-00; Gen. Ord. No. 5, 2014, 8-14-14))

[165] *I.C.* § 9-30-2-1, *et seq.*, addresses general penalty provisions.

b. Whenever an authorized member of the Terre Haute Police Department has knowledge that a person has failed to satisfy five (5) or more parking citations owed to the City of Terre Haute, and whenever the authorized member of the Terre Haute Police Department finds any vehicle registered in the name of the person upon any street, he may order the vehicle impounded.

c. Within twenty-four (24) hours of impoundment of the vehicle, Terre Haute Police Department shall notify the registered owner of the vehicle, utilizing the address provided by the Bureau of Motor Vehicles, in writing of such impoundment. Such notice shall include the following information:

(1) the registered owner of the vehicle has five (5) or more unpaid parking citations owed to the City of Terre Haute; and

(2) the date, time, and location from which the vehicle was towed; and,

(3) the name, address, and telephone number of the impoundment lot to which the vehicle was towed; and,

(4) all unpaid parking citations owed must be paid at the Terre Haute Police Department; (Gen. Ord. No. 5, 2014, 8-14-14) and

(5) upon sufficient proof of payment of unpaid parking citations, the Terre Haute Police Department shall authorize release of said impounded vehicle; and

(6) registered vehicle owner is solely responsible for all towing and impoundment charges. (Gen. Ord. No. 13, 2010, 8-12-10)

Sec. 8-111 General Penalty.

Unless another penalty is expressly provided by law, any person violating any provision of this Traffic Code shall be fined not more than One Hundred Dollars ($100.00), for a first offense; for a second offense within one (1) year, such person shall be fined not more than Two Hundred Dollars ($200.00); for a third or subsequent offense within one (1) year, such person shall be fined not more than Five Hundred Dollars ($500.00). (Gen. Ord. No. 1, 1984, § 15.2, 5-10-84)

Sec. 8-112 Penalty - Bicycle Violation.

Every person convicted of a violation of any provision of this Chapter addressing bicycle regulation shall be fined not more than Twenty Five Dollars ($25.00) or shall have his bicycle impounded for a period not to exceed thirty (30) days, or both. (Gen. Ord. No. 1, 1984, § 15.3, 5-10-84)

Sec. 8-113 Penalty - Violation of No Parking for Street Cleaning - Towing.

In the event that the owner or operator of any vehicle parked on a designated street to be cleaned fails to remove the same within the twenty-four (24) hour period following promulgation of a no parking order, the Police Department of the City of Terre Haute, Indiana, shall be authorized to remove and tow away or cause to be removed and towed such parked vehicles at the expense of the owner(s). (Gen. Ord. No. 1, 1984, § 15.4, 5-10-84)

Sec. 8-114 through Sec. 8-119 Reserved for Future Use.

ARTICLE 5. WORK WITHIN THE PUBLIC-RIGHT-OF-WAY.

Sec. 8-120 Licensing Requirements.

Each person or entity to perform work within a City right-of-way must obtain a license or registration in accordance with Chapter 4, Article 10, and must meet the following additional requirements:

a. Minimum insurance amounts shall be One Million Dollars ($1,000,000.00) for combined bodily injury and property damage, One Million Dollars ($1,000,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and One Hundred Thousand Dollars ($100,000.00) for property damage.

b. Minimum bond amount shall be Twenty-five Thousand Dollars ($25,000.00). Gen. Ord. No. 15, 2006, 12-14-06)

Sec. 8-121 Permit for Excavations.

a. No person shall dig up, cut into, improve, repair, obstruct, or remove any portion of the City right-of-way, for any purpose whatsoever, except in cases of emergency, unless application is made to the City Engineer for permission therefore. All applications shall state the full name and address of the applicant, shall verify a valid license issued under Sec. 8-120, shall designate the place, extent, and purpose of such work, and shall be accompanied by a fee as hereinafter provided. At the request of the City Engineer, applicant shall additionally submit complete plans and specifications for the proposed work within the right-of-way.

b. Upon proper application, payment of fee, and verification of license, the City Engineer shall issue a permit authorizing the applicant to work within the specified right-of-way for the specified purpose. Such permit shall designate the extent of such work and the length of time for which permission is granted. A copy of such permit shall be retained by the City Engineer as a part of his records. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-122 Fees.

a. For each permit to engage in working in a right-of-way of this City, in addition to making application in writing to the City Engineer, the person or entity shall pay the City Controller a base fee in the amount of Twenty Five Dollars ($25.00) and an additional amount

equal to 25¢ per square foot for every square foot of surface area excavated in excess of one hundred (100) square feet per cut, all of which fee shall be referred to as the base fee. In addition, the following fees will be added:

(1) Any work which requires the closing of a street to vehicular traffic will have an additional charge of Ten Dollars ($10.00) per day of road closure.

(2) Any work taking place on, over or under the road surface of a street designated as a major thoroughfare, or any street within the Downtown Business District, will have an additional charge equal to fifty percent (50%) of the sum of the base fee and the road closure fee. A list of the affected streets shall be on file in the Office of the City Engineer.

(3) Any work taking place on, over or under a street that has been reconstructed or resurfaced within the last three (3) years will have an additional charge equal to fifty percent (50%) of the sum of the base fee and the road closure fee. A list of the affected streets shall be on file in the Office of the City Engineer.

b. Ten Dollars ($10.00) of each permit base fee collected shall be deposited into MVH Funds and the remainder of fees collected shall be deposited into the Engineering Non-Reverting Fund. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-123 Public Safety, Workmanship, and Restoration.

a. The person or entity to whom a permit has been issued shall erect and maintain, at its expense, all necessary guards and danger signals; shall furnish all necessary watchmen to protect the public and the work during its progress; shall assume all liability, and indemnify and hold harmless the City, for accident or damage to person or property that may occur in the course of or by reason of the work.

b. All work performed shall be in accordance with the standards and specifications of the City of Terre Haute. A copy of these standards and specifications shall be on file in the Office of the City Engineer.

c. Upon completion of work, the permittee shall remove from the right-of-way all unused material, refuse and dirt placed in the vicinity of the work. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-124 Penalty.

Unless otherwise provided, any person violating any provision of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of the public right-of-way or facility. All licensees found to be in violation of the provisions herein shall also be subject to revocation or non-renewal by the Board of Public Works and Safety of the City license to engage in such work. In addition, said person or entity violating any of the provisions herein shall be fined not more than Three Hundred Dollars

($300.00) per day. Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-125 through Sec. 8-139 Reserved for Future Use.

ARTICLE 6. RENAMING OF STREETS.

Sec. 8-140 Application by Legislative Body To Rename a Street.

a. The legislative body must formally adopt an ordinance to rename a street which lies within the corporate boundaries of the City of Terre Haute. The adopted formal ordinance must be submitted to the Area Plan Commission.

b. If a street is to be renamed after an individual, that individual must be a person whose life has brought positive recognition to the City of Terre Haute, the State of Indiana, or the United States of America. The person must also be considered prominent in their field of endeavor and held in high esteem by either the local, state or national populace.

c. An application must be prepared as set forth in Sec. 8-141. A copy of the ordinance adopted by the legislative body must be attached.

d. The application and attached ordinance must be presented to the Area Planning Department before the designated cutoff date(s). (Gen. Ord. No. 22, 1998, § 934.01, 12-10-98)

Sec. 8-141 Application by Citizen To Rename a Street.

a. A citizen wishing to rename a street within the corporate boundaries of the City of Terre Haute must submit a petition signed by a majority of the property owners holding property bounding the street to be renamed. The petition must include the signature of the property owner, the property owner's printed name, and the address of the property along the street in which they have ownership.

b. An application must be prepared as set forth in Sec. 8-142. A copy of the petition must be attached.

c. The application and attached petition must be presented to the Area Planning Department before the designated cutoff date(s). (Gen. Ord. No. 22, 1998, § 934.02, 12-10-98)

Sec. 8-142 Application Requirements.

a. All applications submitted to rename a street must include the following:

(1) A cover page which states the name, address and telephone number of the person responsible for the petition and the name, address, and telephone number of legal counsel if any.

(2) A detailed written description of the street to be renamed.

(3) A copy of a map, provided by the Area Planning Department, marked to indicate the exact location and boundaries of the street to be renamed must accompany the petition.

(4) The proposed name of the street.

(A) The proposed name of the street must be specified exactly as it is to appear after adoption.

(B) The proposed name of the street must conform to the standards set forth in Procedures for Addressing and Street naming in the City of Terre Haute, Vigo County, and State of Indiana.

(5) The reason for the request to change the street name and any other supporting information to justify the change.

b. A filing fee adequate to cover the legal notice, mailing and copying cost will accompany petitions. (Gen. Ord. No. 22, 1998, § 934.03, 12-10-98)

Sec. 8-143 Procedure Prior to Hearing.

a. Upon receipt of an application and petition from a citizen to rename a street, the Area Planning Department will forward copies of the petition and related documents to the legislative body in whose jurisdiction the road lies. Notice of the date, time, and location of the meeting at which the petition will be heard and the appropriate cutoff dates which must be met shall be included.

b. The legislative body may return one (1) of three (3) recommendations: favorable, unfavorable, or no recommendation.

c. The legislative body may also recommend amendments to the petition.

d. The Area Planning Department will forward copies of the petition and related documents to the Engineer's Office, the Street Department in whose jurisdiction the road lies and the U.S. Postal Services for their recommendation on the petition. Notice of the date, time, and location of the meeting at which the petition will be heard and the appropriate cutoff dates which must be met shall be included.

e. The Engineer's Office and the Street Department may submit any comments on the petition to the Area Plan Commission in writing at least seven (7) days prior to the Area Plan Commission meeting at which the petition will be heard.

f. Prior to the hearing of a street renaming petition, the Area Planning Department will publish legal notice of the petition to be heard. Such notice shall include a description of the

street to be renamed and the proposed new name along with the date, time, and location of the meeting at which the petition will be heard. (Gen. Ord. No. 22, 1998, § 934.04, 12-10-98)

Sec. 8-144 Area Plan Commission Hearing.

a. The petition will be introduced and the staff will make comments on the petition.

b. In the event of a citizen requested street renaming, the recommendation of the legislative body will be read into the record of the Area Plan Commission proceedings at which the petition is heard.

c. Comments will be heard from interested parties. The person requesting the road renaming or a representative from the requesting body shall be present to discuss the renaming with the Area Plan Commission.

d. The Area Plan Commission members will discuss the petition and vote to adopt the new name, to adopt the new name as amended, not to adopt the new name, or to table the petition until a later date. (Gen. Ord. No. 22, 1998, § 934.05, 12-10-98)

Sec. 8-145 After the Hearing.

a. The Area Plan Commission will notify the petitioner, the legislative body, the Engineer's Office, the Street Department and the U.S. Postal Services of the action taken by the Commission and the effective date of the action.

b. The effective date of the action taken by the Area Plan Commission will be the first day of the following month.

c. The Area Plan Commission will notify all emergency service agencies, through the Civil Defense Department and the Vigo County Auditor's Office, of the action taken by the Commission and the effective date of the action. A map indicating the changes shall be provided to these agencies.

d. The Area Plan Commission will publish legal notice of a description of the street which has been renamed and the action taken by the Commission and the effective date of the action. (Gen. Ord. No. 22, 1998, § 934.06, 12-10-98)

Sec. 8-146 through Sec. 8-149 Reserved for Future Use.

ARTICLE 7. RAILROADS.[166]

Sec. 8-150 Maintenance of Crossings.

[166] Editor's Note: The railroad provisions were omitted in the 1999 recodification. Gen. Ord. No. 2, 2004, passed on March 11, 2004 reinserted these provisions into the 2004 recodification.

It shall be the duty of the owner or lessee of any railroad track, switch or spur which crosses or occupies any part of a public street or alley in the City to pave such crossing or part of street which is occupied by the track, switch or spur in accordance with the grade of the street or alley and in a manner prescribed in this Article. The crossings and parts of streets or alleys thus occupied shall be maintained in good repair at all times.

Sec. 8-151 Pavement of Crossings.

a. Railroad crossings over streets shall be paved with either concrete slab or by use of street rails or by bolted creosoted planking in accordance with specification on file in the Office of the City Engineer.

b. Alley crossings may be maintained at grade by means of gravel, cinders or other suitable fill material, unless otherwise directed by the Board of Public Works and Safety.

Sec. 8-152 Maintenance of Crossing Warning Devices.

a. All railroad companies operating moving equipment over, upon or across the streets shall continue to maintain in operating condition at all times the particular type of railroad crossing warning sign, device or system installed for such purpose at each street crossing from and after the effective date of this *City Code*.

However, electronic or automated crossing protection devices may be substituted for other existing devices or systems where it is determined by the Board of Public Works and Safety upon application of the affected railroad company, that such substitution can be made, without materially affecting the safety or movement of vehicular or pedestrian traffic at such street crossing. (Gen. Ord. No. 1, 1968, 12-18-68)

b. The railroad owner or lessee shall agree to install and maintain automatic signal crossing warning equipment consistent with traffic conditions for maximum safety and convenience, and to make necessary alterations to compensate for future traffic patterns as determined and required by the Board of Public Works and Safety.

c. The railroad will have adequate maintenance personnel and equipment available within the immediate vicinity of Terre Haute for immediate response when advised by the City Traffic Division.

Sec. 8-153 Speed of Trains.

No railroad engine or train of cars shall be operated at a speed greater than forty (40) miles per hour within the City. (Gen. Ord. No. 2, 1968, 8-21-68)

Sec. 8-154 Repair of Malfunctioning Railroad Warning Devices.[167]

[167] *I.C.*§ 8-6-4-2, *et seq*., address faulty signaling equipment.

No railroad company or corporation shall allow any malfunctioning railroad warning signal, gate, device or system to continue to malfunction for a period of time in excess of two (2) hours after notification of such malfunction to an agent or employee of such railroad company or corporation. (Gen. Ord. No. 8, 1991, 10-10-91)

Sec. 8-155 Lights on Trains; Attendants at Rear of Train.

Every railroad engine or train of cars operating at night in the City shall be equipped with a brilliant light on the forward of each such engine or train of cars. Whenever an engine or train of cars is backed over any crossing, there shall be a competent person equipped with warning devices stationed at the end or rear of such engine or train of cars to provide warning of the approach of such engine or train of cars.

Sec. 8-156 Whistle To Be Sounded for Warning Only.

The operator of any railroad engine shall not sound the whistle or horn of his engine except in making necessary backing signals and such other emergency signals and warnings as may be necessary to prevent injury to persons or property.

Sec. 8-157 Bell To Be Sounded on Approach to Crossings.

Whenever any railroad engine is approaching any street or alley crossing, the operator thereof shall ring his engine bell at a point not less than one hundred feet (100') from such crossing and continue to ring the bell until the engine has passed over such crossing.

Sec. 8-158 Loading or Unloading in Streets.

No person shall load or unload any railroad car or cars when such car or cars are standing upon any street or alley of the City.

Sec. 8-159 Railroad Buildings on Public Property.

No railroad company shall be allowed to erect or maintain any switch house, watch house or other building on any sidewalk, street, alley or other public place in the City.

Sec. 8-160 Use of Track after Expiration of Contract; Penalty.

a. No person shall maintain, use or permit any railroad track, siding, switch or spur to remain in the streets or alleys after any license, franchise, easement or contract with the City for such track, siding, switch or spur has expired.

b. Any person violating the provisions of this Article shall be fined not less than Twenty Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00). Each day's violation shall constitute a separate offense.

** Page 8-108 Reserved for Future Use.**

CHAPTER 9. UTILITIES

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ARTICLE 8. WATERWORKS RATES AND CHARGES.

(Repealed)

** Page 9-6 Reserved for Future Use.**

CHAPTER 9

UTILITIES

ARTICLE 1. GENERAL PROVISIONS.[168]

Sec. 9-1 Authority To Establish Water Service.[169]

The City may regulate the furnishing of water to the public. It may also establish, maintain, and operate a waterworks system.

Sec. 9-2 Authority To Establish a Sewage System.[170]

The City may erect, maintain, and operate a sewage works plant for the collection, treatment, and disposal of sewage.

Sec. 9-3 Adoption of State Code.

Indiana Code 36-9-25-1, *et seq.*, Sanitation Department in Certain Cities, as published and hereafter amended, is adopted and incorporated by referenced into the *Terre Haute City Code*, shall supplement the terms and provisions of this Chapter 9, and shall throughout the Sanitary District which includes all territory within the corporate boundaries of the City of Terre Haute and any territory, addition platted subdivision, or unplatted land lying outside the corporate boundaries of the City of Terre Haute that has been taken into the Sanitary District or has been connected with the Terre Haute public sanitation system and discharges sewage or drainage into the Terre Haute sanitation system. (Gen. Ord. No. 31, 2004, 12-09-04)

Sec. 9-4 Procedures To Resolve Disputes.

In the event the charges to a user of the Wastewater Utility are in dispute, the user shall contact the Wastewater Utility Specialist and seek review of the disputed charges. In the event the decision rendered by the Wastewater Utility Specialist does not resolve the dispute, the user may provide a written request to the Sanitary District Commission to review the decision of the Wastewater Utility Specialist. The Sanitary District Commission may, at its discretion, review the decision of the Wastewater Utility Specialist and affirm, modify or rescind the decision of the Wastewater Utility Specialist, which decision shall be a final decision of the Wastewater Utility and shall be implemented. In the event the Sanitary District Commission should refuse to review the decision of the Wastewater Utility Specialist, the decision of the Specialist shall become the final decision and shall be implemented. (Gen. Ord. No. 31, 2004, 12-09-04)

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[168] *I.C.* § 36-9-2-15, authorizes a city to furnish or regulate the furnishing of utility services to the public.

[169] *I.C.* § 36-9-2-14, authorizes the furnishing of water by a city to the public.

[170] *I.C.* § 36-9-6-11, addresses the right to operate a sewage plant.

ARTICLE 2. SEWAGE USAGE AND INDUSTRIAL PRETREATMENT.[171]

Division I. General Provisions.

Sec. 9-5 Purpose and Policy.

This Article sets forth uniform requirements for all users of the sewer system components of the Publicly Owned Treatment Works (POTW) of the City of Terre Haute, Indiana and to enable the City of Terre Haute to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations. The objectives of this Ordinance are:

a. To regulate the discharge to, and use of, public and private sewers within the service area of the Publicly Owned Treatment Works of Terre Haute; and the installation and construction of service connections to building sewers within the Terre Haute sewer service area;

b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

c. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

d. To protect the POTW, all POTW personnel and the general public from unregulated discharge of wastewater whose constituents could endanger the POTW system and the health and welfare of the POTW personnel or the general public;

e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;

f. To enable the City of Terre Haute, Indiana to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; and

g. To establish a Pretreatment Program for the regulation and control of industrial discharges through the issuance and enforcement of Industrial Wastewater Discharge Permits that set forth the terms, conditions and regulations under which non-compatible wastewaters may be discharged into the City's POTW.

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[171] Editor's Note: Ord. No. 7, 1961 was passed on September 26, 1961 and set forth public and private sewer, drain and discharge regulations. Ord. No. 6, 1961 was amended by Gen. Ord. No. 12, 1970 as amended on June 3, 1970. On March 10, 1977 the Council passed Ord. No. 3, 1976 making reference to Ord. No. 6, 1961 and not Ord No. 12, 1970. Gen. Ord. No. 3, 1982 passed May 13, 1982 amended Gen. Ord. No. 3, 1976. Gen. Ord. No. 1, 1983 passed April 15, 1983 amended Gen. Ord. No. 3, 1976. Gen. Ord. No. 1, 1986 passed February 20, 1986 amended Gen. Ord. No. 3, 1976. Gen. Ord. No. 14, 1990, passed July 10, 1991 amended codified § 913.05 of the *1/94 Code*. Gen. Ord. No. 1, 1999, passed on February 11, 19999 amended Gen. Ord. No. 9, 1995, passed on November 9, 1995. Gen. Ord. No. 13, 2001, passed on June 14, 2001 amended codified Chapter 9 of the *City Code*.

This Article shall apply to all users of the Publicly Owned Treatment Works. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-6 Administration.

Except as otherwise provided herein, the Director of the Terre Haute Wastewater Utility (Director) shall administer, implement, and enforce the provisions of this Article. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other POTW personnel, such delegation(s) shall be in writing and available for public review. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-7 Abbreviations.

The following abbreviations, when used in this Article, shall have the designated meanings:

*	BMP	Best Management Practice
*	CBOD	Carbonaceous Biochemical Oxygen Demand
*	CIU	Categorical Industrial User
*	CFR	Code of Federal Regulations
*	COD	Chemical Oxygen Demand
*	EPA	U.S. Environmental Protection Agency
*	gpd	gallons per day
*	IDEM	Indiana Department of Environmental Management
*	IU	Industrial User
*	mg/L	milligrams per liter
*	NPDES	National Pollutant Discharge Elimination System
*	NSIU	Non-significant Industrial User
*	NSCIU	Non-significant Categorical Industrial User
*	POTW	Publicly Owned Treatment Works
*	RCRA	Resource Conservation and Recovery Act
*	SIC	Standard Industrial Classification

*	SIU	Significant Industrial User
*	SNC	Significant Non-Compliance
*	TBOD	Total Biochemical Oxygen Demand
*	TSS	Total Suspended Solids (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-8 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

a. **Act or "the Act".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

b. **Ammonia (or NH_3-N).** Ammonia measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 C.F.R. § 136.3.

c. **Applicable Pretreatment Standard.** Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in the Ordinance and considered to be most restrictive with which non-domestic users will be required to comply.

d. **Approval Authority.** The US Environmental Protection Agency (EPA), Region 5.

e. **Authorized Representative of the User.**

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities , provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

f. **Average Monthly Discharge Limitation.** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

g. **Average Weekly Discharge Limitation.** The highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

h. **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.

i. **Best Management Practice or BMP.** The following measures to prevent or reduce the pollution of local, state and federal waters. BMPs may be employed, for example, to control plant site runoff; spills, leaks and slug discharges; sludge or waste disposal; or drainage from raw materials storage areas resulting from manufacturing; commercial; mining or silviculture activities.

(1) Schedule of activities;
(2) Prohibition of a specific practice;
(3) Treatment requirements;
(4) Operation and maintenance procedures
(5) Use of containment facilities;
(6) Other practices as approved by the Approval Authority.

j. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l.)

k. **Board of Public Works and Safety.** The Board of Public Works and Safety of the City of Terre Haute, Indiana, or any duly authorized officials or boards acting in its behalf.

l. **Building (or House) Drain.** The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

m. **Building Sewer (or Drain) – Sanitary.** A building drain which conveys sanitary or industrial sewage only.

n. **Building Drain – Storm.** A building drain which conveys storm water or other clean water draining, but not wastewater.

o. **Building Sewer (lateral).** A pipe which is connected to the building (or house) drain at a point approximately five (5) feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, to a septic tank or other place of disposal.

p. **Categorical Industrial User.** An industrial user subject to the categorical pretreatment standards in 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

q. **Categorical Pretreatment Standards (Categorical Standards).** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act, which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

r. **Chemical Oxygen Demand.** A measure of the oxygen equivalent of that portion of organic matter in wastewater that is susceptible to oxidation by a strong chemical oxidant, as determined by approved EPA or "Standard Methods".

s. **City.** The City of Terre Haute, Vigo County, Indiana.

t. **City Council**. The Common Council of the City of Terre Haute, Vigo County, Indiana, or any duly authorized official acting on its behalf.

u. **Cooling Water**. The water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.

v. **Combined Sewer**. A sewer pipe intended to receive sanitary, commercial, and industrial wastewaters as well as stormwater from storm events.

w. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the POTW's NPDES permit, where the POTW is designated to treat such pollutants and, in fact, does remove such pollutants to the degree required by the POTW's NPDES permit or to a substantial degree. Substantial

degree is not subject to precise definition but generally contemplates removals in the order of 85 percent or greater. Minor incidental removals in the order of 10 to 40 percent are not considered substantial. Except as prohibited herein or where these materials would interfere with the operation and performance of the POTW, examples of additional pollutants which may be considered compatible, depending on concentration, include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, ammonia, E-Coli, fats, oils and greases of animals or vegetable origin.

x. **Composite Sample**. The sample resulting from the combination of individual samples taken at selected intervals based on the increment of flow or time. Composite wastewater samples shall contain a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

y. **Control Authority.** The term "Control Authority" shall refer to the City of Terre Haute's Board of Public Works and Safety.

z. **Daily Discharge**. Discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

aa. **Debt Service Costs.** The average annual principal and interest payments on all revenue bonds or other long-term capital debt.

bb. **Direct Discharge**. The discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

cc. **Director**. The Wastewater Director designated by the Board of Public Works and Safety to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Article, or a duly authorized representative.

dd. **Easement.** An acquired legal right for the specific use of land by others.

ee. **Effluent**. Shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

ff. **Environmental Protection Agency (EPA)**. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

gg. **Excessive Strength Surcharge**. An additional charge that is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

hh. **Existing Source**. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

ii. **Grab Sample**. A sample that is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and over a period of time not to exceed fifteen (15) minutes.

jj. **Ground (shredded) Garbage**. Garbage that has been shredded to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in the sewage system, with no particle being greater than 1/2" in dimension.

kk. **Holding Tank Waste**. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease interceptors and traps, and vacuum pump tank trucks.

ll. **Incompatible Pollutant**. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

mm. **Indirect Discharge**. The discharge or introduction of non-domestic pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

nn. **Industrial Wastes**. Industrial wastes shall mean 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 resources carried on by any person, exclusive of sanitary sewage.

oo. **Infiltration**. The water entering the sewer system, including building drains, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

pp. **Inflow**. Water discharged and entering into the sewer system including building drains, from such sources such as but not limited to roof, down spouts, cellars, yard, area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, and combined sewers, catch basins, stormwater run-off, street wash water and drainage. (Inflow does not include, and is distinguishable from infiltration).

qq. **Inflow/Infiltration (I/I)**. I/I is the total quantity of water from both inflow and infiltration without distinguishing the source.

rr. **Instantaneous Maximum Allowable Discharge Limit**. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

ss. **Interference**. A discharge, which alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following: inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal methods; causes of a

violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; prevents the use of the POTW's sewage sludge or its sludge disposal method in compliance with the following statutory provisions, regulations, or permits issued thereunder, or more stringent State or local regulations: Section 405 of the Act (33 U.S.C. 1345); the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and the rules contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941); the Clean Air Act (42 U.S.C. 7401); the Toxic Substances Control Act (15 U.S.C. 2601); and the Marine Protection, Research and Sanctuaries Act 33 U.S.C. §§ 1401 *et seq*. (Gen. Ord. No. 4, 2014, 7-17-14)

tt. **Maximum Daily Discharge Limitations**. The highest allowable daily discharge for a calendar day or specified 24 hour period.

uu. **Medical Waste**. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

vv. **New Source**.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

ww. **National Pollution Discharge Elimination System (NPDES) Permit**. NPDES permit shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of the Act.

xx. **Non-contact Cooling Water**. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

yy. **Non-significant Industrial User**.

(1) A user not subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges less than an average of twenty-five thousand (25,000) gpd of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);

(b) Contributes a process waste stream which makes up less than five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it does not have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

zz. **Non-significant Categorical Industrial User**.

(1) A categorical industrial user that never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard.)

(2) A user that:

(a) Consistently complies with all applicable pretreatment standards;

(b) Annually submits a certification statement (40 CFR 403.12(q) together with any information necessary to support the certification statement; and

(c) Never discharges any untreated concentrated wastewater.

aaa. **Normal Domestic Sewage**. Wastewater or sewage having an average daily concentration as follows:

TSS not more than 300 mg/L
BOD_5 not more than 250 mg/L
Ammonia-N not more than 25 mg/L

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences are distinct from industrial processes.

bbb. **Pass Through**. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

ccc. **Person**. Any individual, partnership, firm, company, municipal or private corporation, association, society, institutions, enterprise, governmental agency or other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

ddd.**pH**. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ion expressed in standard units.

eee. **Pollutant**. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt,

municipal, agricultural, industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, TBOD, CBOD, COD, toxicity or odor) discharged or carried in water.

fff. **Pretreatment**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

ggg. **Pretreatment Requirements**. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

hhh. **Pretreatment Standards**. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

iii. **Prohibited Discharges**. Absolute prohibitions against the discharge of certain substances.

jjj. **Publicly Owned Treatment Works (POTW)**. A "treatment works", as defined by Section 212 of the Act which is owned by the City. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

kkk. **Sanitary Sewer**. A sewer or system of pipes for conveying sanitary, commercial and industrial wastewaters and into which stormwater and/or water from storm events are not intentionally admitted.

lll. **Septage**. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

mmm. **Sewage**. The combination of the liquid and 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.

nnn. **Sewage Works**. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

ooo. **Sewer**. A pipe or conduit or system of pipes and conduits for carrying sewage or other waste liquids.

ppp. "**Shall**" is mandatory; "**May**" is permissive.

qqq. **Significant Industrial User (SIU)**.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);

(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to Terre Haute's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Sec. 9-8(ZZ)(2)(b) of this Ordinance [see 40CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

rrr. **Discharge, Slug Load, or Slug**. Any discharge of a non-routine, episodic nature including but not limited to an accidental spill or a non-customary batch discharge, which has a

reasonable potential to cause intereference or pass through, or in any other way violate the POTW's regulations, local limits or Permit conditions. (Gen. Ord. No. 4, 2014, 7-17-14)

sss. **Standard Industrial Classification (SIC) Code**. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

ttt. **State**. State of Indiana.

uuu. **Standard Methods**. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater prepared and published by the American Water Works Association, the Water Environmental Federal and the American Public Health Association.

vvv. **Storm Sewer**. A sewer or system of pipes for conveying surface water or ground water from any source and into which sanitary and/or industrial wastes are not intentionally admitted.

www. **Stormwater**. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

xxx. **Total Suspended Solids (TSS)**. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering usually expressed as a concentration (e.g., mg/L). The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR 136.3.

yyy. **Toxic Amount**. Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into an organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

zzz. **Toxic Pollutant**. Those substances referred to in Section 307(a) of the Act, as well as any other known potential substance capable of producing toxic effects.

aaaa. **Total Toxic Organics (TTOs)**. TTOs are toxic organics, as defined and analytically measured by definition in the Federal Register.

bbbb. **Upset**. An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with applicable standards due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operator error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities.

cccc. **User**. Any person who contributes, causes, or permits the contribution of residential, commercial, industrial or any other type of wastewater into the City's POTW. Users

may be classified as residential, commercial, industrial, governmental/institutional as may be appropriate to identify the type of wastewater that the user contributes to the wastewater system.

dddd. **Wastewater**. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

eeee. **Wastewater Constituents and Characteristics**. The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the quality, quantity and strength of wastewater.

ffff. **Wastewater Treatment Plant (Treatment Plant)**. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste. (Gen. Ord. No. 8, 2012; 9-13-12)

Division II. General Rules and Requirements.

Sec. 9-9 General Requirements.

a. It shall be unlawful for any person to place, deposit, permit to be deposited or discharge to any natural outlet within the City or any area under the jurisdiction of the City any sanitary, commercial, industrial or polluted wastewaters except where suitable treatment has been provided in accordance with this Article.

b. Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other wastewater treatment facility intended or used for the treatment and/or disposal of sewage.

c. No person shall construct, repair, modify or alter a sewer lateral, public sewer, manhole or other sewer system appurtenance without first obtaining a permit from the Board of Public Works and Safety.

d. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, pipe or equipment which is part of the sewage system.

e. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, parking lot run-off, cooling water or unpolluted industrial process waters into any sanitary sewer.

f. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated in the City and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the City, are hereby required at their own expense to install

suitable toilet facilities therein and to connect such facilities and industrial waste outlets directly with the public sewer in accordance with this Ordinance within ninety (90) days after the date of official notice to do so, provided that such public sewer is within three hundred feet (300') of the property line.

g. No statement contained in this Ordinance shall be construed as preventing the City from entering into an agreement between the City and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment for treatment services by the industrial discharger.

h. It shall be the responsibility of the property owner to pay for the cost of constructing the sewer lateral from the building to the public sewer. It shall be the responsibility of the property owner to pay for the cost of maintaining the sewer lateral from the building to the public sewer.

i. A separate and independent sanitary sewer lateral shall be provided for each and every building, except present sewer structures in use; and except that where one building stands at the rear of another on the same lot and no sanitary sewer can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer lateral from the front building may be extended to the rear building and the whole sewer lateral considered as one sewer lateral for the single property.

j. Old building sanitary sewer laterals may be used in connection with new buildings only when televised by the Wastewater Utility and found, on examination and testing by the said Inspector, to meet all requirements of new sanitary sewer laterals.

k. The Wastewater Utility shall develop and submit to the Board of Public Works and Safety for approval written construction standards for the construction of sewer laterals, sewer mains, manholes and other appurtenances that are connected to the City of Terre Haute sewer system. The Wastewater Utility shall revise the construction standards as appropriate and on a regular basis.

l. The construction of all sewers, components, systems or private sewers that connect to the Terre Haute sewer system shall comply with the requirements of the City of Terre Haute Standards and Specifications. The acceptance of the applicability of these standards to all sewers shall be considered part of the terms for the approval of connection to the Terre Haute sewer system.

m. The construction of combined sewers is prohibited. All new sewers constructed within the Terre Haute wastewater system must be constructed as separate sanitary sewers or as separate storm sewers per the standards described.

n. Any new building connection that may contribute inflow or clear water to an existing combined sewer must be approved by the Director before construction and must be made separate and distinct from the sanitary waste connection to facilitate disconnection of the

inflow or clear water connection if and when a separate storm sewer subsequently becomes available.

o. Any establishment that is primarily engaged in activities of preparing, serving, or otherwise making available food for consumption by the public including but not limited to restaurants, commercial kitchens, caterers, hotels, schools, hospitals, prisons, correctional facilities, and care institutions shall have a grease trap or interceptor. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activities that produce a hot, non-drinkable food product in or on a receptacle that requires washing.

(1) Waste discharge from fixtures and equipment in establishments which may contain fats, oil, or grease, including but not limited to, scullery sinks, pot and pan sinks, and soup kettles may be drained into the sanitary waste through a trap or interceptor which shall be installed in the waste lines where fats, oil, or grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal. The cost of the installation and maintenance of any grease trap or interceptor shall be the responsibility of the owner.

(2) Grease trap or interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code (or applicable plumbing code used by the local agency) and shall be installed at a location where it is easily accessible for inspection, cleaning, and removal of intercepted fats, oil, or grease.

(3) All grease traps and interceptors shall be serviced and emptied of accumulated waste content regularly as required in order to maintain Minimum Design Capability or effective volume. The frequency of grease removal is dependent upon the capacity of the interceptor and the quantity of grease in the wastewater and should be monitored at least monthly by the owner or other facility personnel. Maintenance logs shall be kept and available on site for review by the City.

(4) Grease and other waste material that has been removed from the facility shall not be introduced into any drain, sewer, or natural body of water. This waste matter shall be placed in proper containers for disposal. Where recovery of grease is desired, it can be handled in a manner suitable to the authorities.

(5) If an obstruction of a sewer main(s) occurs that causes a sewer overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease or other waste material from a food service establishment, the City of Terre Haute will take appropriate enforcement actions, as stipulated in the Sewer Use Ordinance, against the generator or contributor of such grease. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-10 Prohibited Discharge Standards.

a. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

b. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Except in accordance with Sec. 9-9(G) of this Article, wastewater having a pH less than 5.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment, but in no case wastewater which causes the pH at the introduction into the treatment plant to exceed 10;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 3/4 inch (es) (3/4") in dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Sec. 9-20 of this Article;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, may be authorized by the Director in a wastewater discharge permit if deemed necessary;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail its NPDES toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10% or any single reading over 10% of the Lower Explosive Limit of the meter.

(18) Materials causing, alone or in conjunction with other materials normally in the sewer system, an obstruction to the flow in the sewer line or system or injury to the sewer system or cause a nuisance or prevention of effective maintenance or operation of the sewer.

(19) Fats, oils or grease of animal or vegetable origin in concentrations greater than 300 mg/L or fats, oils or grease of petroleum or mineral origin in concentrations greater than 100 mg/L.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-11 National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director, through the designated Pretreatment Coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director, through the designated Pretreatment Coordinator, shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-12 State Pretreatment Standards.

The State of Indiana's pretreatment standards are hereby incorporated by reference. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-13 Local Limits.

a. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum daily allowable discharge limits.

MAXIMUM DAILY CONCENTRATION

Parameter	Limit Applicable to Non-Categorical Users Only	Limit Applicable to Categorical Industrial Users
Arsenic (total)	0.7 mg/L	0.7 mg/L
Cadmium (total)	0.8 mg/L	0.8 mg/L
Chromium (total)	10.0 mg/L	10.0 mg/L
Copper (total)	9.0 mg/L	9.0 mg/L
Cyanide (total)	0.5 mg/L	Calculated in accordance with National Categorical Pretreatment Standards under Sec. 9-11 of this Ordinance*
Lead (total)	1.2 mg/L	1.2 mg/L
Mercury (total)	0.059 mg/L	0.059 mg/L
Molybdenum	0.62 mg/L	0.62 mg/L
Nickel (total)	0.95 mg/L	Calculated in accordance with National Categorical Pretreatment Standards under Sec. 9-11 of this Ordinance*

Oil and/or grease (non-polar)	100 mg/L	100 mg/L
Oil and/or grease (polar)	300 mg/L	300 mg/L
Zinc (total)	9.0 mg/L	9.0 mg/L

*Limits for these parameters will be established for each categorical industrial user individually in accordance with the National Categorical Pretreatment Standard applicable to that user, and may be greater than the limits applicable to non-categorical users only, consistent with U.S. EPA guidance concerning individual allocation of available industrial loadings.

b. Total Toxic Organics (TTOs) - Limits for those parameters on any TTO list from 40 CFR 405-471 will be considered on an individual case by case basis. The Director shall consider such factors including but not limited to: concentration, loading, flow to the wastewater treatment plant and other consideration necessary to prevent pass through and protect the POTW.

c. Any wastewater containing in excess of 250 mg/L of BOD_5 or 300 mg/L total suspended solids or 25 mg/L ammonia-N will be surcharged as high strength wastewater. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewaters for treatment by the City of Terre Haute. The City of Terre Haute reserves the right and authority to prohibit the discharge of high strength wastewater when such wastewaters cause or are reasonably expected to cause POTW upsets, overloading or damage to the sewer collection system.

d. The above limits apply at the point where the wastewater is discharged into the public sewer. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-14 City's Right of Revision.

The City reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-15 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Gen. Ord. No. 8, 2012; 9-13-12)

Division III. Pretreatment of Wastewater.

Sec. 9-16 Establishment of Pretreatment Program.

The Director is hereby authorized and directed to establish a Pretreatment Program for the purpose of properly monitoring and controlling the discharging of non-domestic wastewaters into

the City of Terre Haute's sewer system. The Pretreatment Program shall have written policies and procedures developed and approved by the Terre Haute Board of Public Works and Safety. The policies and procedures shall address, but not be limited to, issues such as a schedule and frequency of surveillance of Significant Industrial Users, Enforcement Procedures and Enforcement Response Plan. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-17 Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sec. 9-9 and Sec. 9-10 of this Article within the time limitations specified by EPA, the State, or the Board of Public Works and Safety, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be reviewed and approved by the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-18 Additional Pretreatment Measures.

a. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Article.

b. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interceptor units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-19 Accidental Discharge/Slug Control Plans.

The Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan and / or shall evaluate the need for other action to control slug discharges. The Director may require any user to develop, submit for approval, and implement such a discharge / slug control plan and / or identify the other actions to control slug discharges. The Director may develop such a discharge / slug control plan for any user who fails to develop the required plan or who does not address the minimum criteria for a complete plan, as determined by the Director. An accidental discharge/slug control plan shall address, at a minimum, the following:

a. Description of discharge practices, including non-routine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Sec. 9-39 of this Article; and

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-20 Hauled Wastewater.

a. Trucked or hauled wastewater (hereafter "hauled wastewater") approved by the Director may be introduced into the POTW only at locations and times designated by the Director. The Director designates the following locations and times for the introduction of hauled wastewater into the POTW:

(1) Emergency Location with 24-Hour Availability

(a) Mainlift Stateion – 2720 Prairieton Rd.
(b) View Avenue & Fenwood Avenue
(c) 11th St. & Harrison St.

(2) Locations To Be Used Only from 7:00 a.m. to 5:00 p.m., Monday through Friday
(a) 9th St. & Barbour Avenue
(b) 9th St. & Marley Drive
(c) Mulberry St. & Water St.
(d) 15th St. & Franklin St.
(e) 27th St. & Prairie Avenue
(f) Glen & Maple Liftstation (North Chamberlain Road)

b. Hauled wastewater shall not violate Sec. 9-9 through Sec. 9-15 of this Article or any other requirements established by the City. The Director shall require wastewater haulers not employed by the City of Terre Haute Wastewater Utility to obtain a license issued by the

City (Sec. 9-89 of this Article). The Director may require licensed haulers to provide a laboratory analysis of the wastewater prior to discharge, to ensure compliance with this Article.

c. The Director may require generators of hauled wastewater to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled wastewater. The discharge of hauled wastewater is subject to all other requirements of this Article.

d. No hauled wastewater load may be discharged without prior consent of the Director. The Director may collect samples of each hauled wastewater load to ensure compliance with applicable standards.

e. Wastewater haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the wastewater hauler, permit number, truck identification, names and addresses of sources of wastewater, and volume and characteristics of wastewater. The form shall identify the type of waste, known or suspected wastewater constituents, and whether any wastewater is RCRA hazardous waste. (Gen. Ord. No. 8, 2012; 9-13-12; Gen. Ord. No. 4, 2014, 7-17-14)

Division IV. Wastewater Discharge Permit and Application.

Sec. 9-21 Wastewater Analysis.

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ten (10) business days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit this form shall be deemed a violation of this Article and subjects the User to the sanctions set out in Sec. 9-53 through Sec. 9-66 of this Article. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-22 Wastewater Discharge Permit Requirements.

a. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Sec. 9-23 of this Article may continue to discharge for the time period specified therein.

b. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Article.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sec. 9-53 through Sec. 9-66 of this Article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-23 Wastewater Discharge Permitting.

Any user, industrial user or Significant Industrial User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Sec. 9-24 of this Article, must be filed at least one hundred and eighty (180) days prior to the date upon which any discharge will begin or recommence. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-24 Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information required by Sec. 9-34(B) of this Article including but not limited to:

a. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

b. Number and type of employees, SIC number, hours of operation, and proposed or actual hours of operation;

c. Each product produced by type, amount, process or processes, and rate of production;

d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

f. Time and duration of discharges;

g. The location for monitoring all wastes covered by the permit; and

h. Flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Sec. 9-11(B) (40 CFR 403.6(e)).

i. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-25 Application Signatories and Certification.

a. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in Sec. 9-47 of this Article.

b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

c. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Sec. 9-8(zz) of this Article must annually submit the signed certification statement in Sec. 9-47 of this Article. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-26 Wastewater Discharge Permit Decisions.

The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) working days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit with justifiable cause. The Director shall provide the applicant a written record documenting the reasons for approving or disapproving a wastewater discharge permit application. (Gen. Ord. No. 8, 2012; 9-13-12)

Division V. Wastewater Discharge Permit Issuance Process.

Sec. 9-27 Wastewater Discharge Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-28 Wastewater Discharge Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

a. Wastewater discharge permits shall contain:

(1) A statement that indicates the wastewater discharge permit effective date and expiration date;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Sec. 9-30 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Best Management Practices (BMPs) required by a pretreatment standard, local limit, state or local ordinance;

(5) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(7) A written statement documenting the basis for the issuance of the permit and limits.

(8) Requirements to control slug discharges, if determined by the Director to be necessary.

b. Wastewater discharge permits may contain, but are not limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) A compliance schedule containing increments of progress with specific dates for the commencement and completion of major events related to the construction and operation of additional pretreatment required for the user to meet applicable categorical pretreatment standards, local limits or other wastewater discharge permit provisions. A specific date for compliance with the applicable standard, limit or condition shall be included in the schedule. No increment of the compliance schedule shall exceed nine (9) calendar months nor may the total schedule exceed three (3) calendar years.

(4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(5) Development and implementation of waste minimization and/or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(9) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-29 Wastewater Discharge Permit Modification.

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, receiving waters, or the beneficial use of POTW sludge;

e. Violation of any terms or conditions of the wastewater discharge permit;

f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

h. To correct typographical or other errors in the wastewater discharge permit; or

i. To reflect a transfer of the facility ownership or operation to a new owner or operator. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-30 Wastewater Discharge Permit Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) working days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

b. Identifies the specific date on which the transfer is to occur; and
Acknowledges full responsibility for complying with the existing wastewater discharge permit.

c. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Gen. Ord. No. 8, 2012; 9-13-12)

9-31 Wastewater Discharge Permit Revocation.

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the Director of changed conditions pursuant to Sec. 9-38 of this Article;

c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

d. Falsifying self-monitoring reports;

e. Tampering with monitoring equipment;

f. Refusing to allow the Director timely access to the facility premises and records;

g. Failure to meet effluent limitations;

h. Failure to pay fines;

i. Failure to pay sewer charges;

j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the wastewater discharge permit application;

l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-32 Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Sec. 9-24 of this Article, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-33 Regulation of Waste Received from Other Jurisdictions.

a. If another municipality, political jurisdiction or user located within another municipality or other political jurisdiction outside of the City of Terre Haute, contributes wastewater to the POTW, the Board of Public Works and Safety shall enter into an agreement with the contributing political jurisdiction, user and political jurisdiction in which the user is located.

b. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing jurisdiction and user:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction or user;

(2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and

(3) Such other information as the Director may deem necessary.

c. An agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing political jurisdiction and user to adopt a Sewer Use Ordinance which is at least as stringent as this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance or local limits;

(2) A requirement for the contributing political jurisdiction and user to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing political jurisdiction; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing jurisdiction and the Director;

(4) A requirement for the contributing political jurisdiction to provide the Director with access to all information that the contributing political jurisdiction obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing political jurisdiction's and user's wastewaters at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing political jurisdiction's discharge;

(7) A provision ensuring the Director access to the facilities of users located within the contributing jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and

(8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement. (Gen. Ord. No. 8, 2012; 9-13-12)

Division VI. Reporting Requirements.

9-34 Baseline Monitoring Reports.

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sec. 9-43 of this Article.

(c) Sampling must be performed in accordance with procedures set out in Sec. 9-44 of this Article.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule, as described in Sec. 9-28(B)(3) of this Article, by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A

compliance schedule pursuant to this Subsection must meet the requirements set out in Sec. 9-35 of this Article.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Sec. 9-25 of this Article. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-35 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Sec. 9-34(B)(7) of this Article:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

b. No increment referred to above shall exceed nine (9) months;

c. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports to the Director. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-36 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, and/or Best Management Practices (BMPs) or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and/or Best Management Practices (BMPs) and requirements shall submit to the Director a report containing the information described in Sec. 9-34(B)(4-6) of this Article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Sec. 9-25 of this Article. All sampling will be done in conformance with Sec. 9-44 of this Article. (Gen. Ord. No. 8, 2012; 9-13-12; Gen. Ord. No. 4, 2014; 7-17-14)

Sec. 9-37 Periodic Compliance Reports.

a. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Sec. 9-25 of this Article.

b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

c. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Sec. 9-44 of this Article, the results of this monitoring shall be included in the report.

d. If a Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user.

e. The Director may modify the months during which the required reports are submitted after consideration of such factors as local high or low flow rates, holidays, budget cycles, reporting periods, etc., upon receipt of a request for a modified schedule from the user or as desired by the Director. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-38 Reports of Changed Conditions.

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, potential for slug discharges or volume of its wastewater at least thirty (30) working days before the change.

a. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Sec. 9-24 of this Article.

b. The Director may issue a wastewater discharge permit under Sec. 9-26 of this Article or modify an existing wastewater discharge permit under Sec. 9-29 of this Article in response to changed conditions or anticipated changed conditions. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-39 Reports of Potential Problems.

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load,

that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

b. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Article.

c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-40 Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director upon receipt of a written request from the Director stating the nature of the information requested. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-41 Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-42 Discharge of Hazardous Waste.

Any discharge into the POTW of any waste, substance, material or substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 is prohibited unless authorized by written permit signed by the Director. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-43 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall 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, sampling and analyses must be performed in accordance with procedures approved by EPA. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-44 Sample Collection.

a. Except as indicated in Subsections B and D below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director may authorize the use of time proportional sampling or a minimum of eight (8) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

c. Samples for monitoring compliance of Categorical Industries should be taken immediately downstream from the pretreatment facilities if such facilities exist or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated wastewater prior to treatment, the user should measure the flows and concentration necessary to allow use of the combined wastestream in order to evaluate compliance with Pretreatment Standards. When an alternate concentration or mass limit has been calculated this adjusted limit along with the supporting data shall be submitted to the Director.

d. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sec. 9-34 and Sec. 9-36 of this Article [40 CFR 403.12(b) and (d)], a minimum of eight (8) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Sec. 9-37 of this Article (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

e. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that are representative of conditions occurring during the reporting period. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-45 Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed the date of receipt of the report shall govern. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-46 Record Keeping.

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities, instrumentation calibration, operation logs, reports, correspondence and sample logs required by this Article, records indicating compliance with Best Management Practices (BMPs) and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director.

The POTW shall retain and preserve all permit files, records and enforcement activity records for no less than three (3) years. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-47 Certification Statements.

a. Certification of Permit Applications and User Reports. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sec. 9-24 and 9-25 of this Article; Users submitting baseline monitoring reports under Sec. 9-34 of this Article (40 CFR 403.12 (l)); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Sec. 9-36 of this Article (40 CFR 403.12(d)); and Users submitting periodic compliance reports required by Sec. 9-37 of this Article (40 CFR 403.12(e) and (h)). The following certification statement must be signed by an Authorized Representative as defined in Sec. 9-8(E) of this Article:

> *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible or gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

b. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Sec.

9-8(zz) or Sec. 9-8(qqq) of this Article must annually submit the following certification statement signed in accordance with the signatory requirements in Sec. 9-8(E) of this Article. This certification must accompany an alternative report required by the Director:

> *Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:*
>
> *(a) The facility described as _____[facility name] met the definition of a Non-Significant Categorical Industrial User as described in Sec. 9-8(zz) of the Terre Haute Utilities Ordinance;*
>
> *(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*
>
> *This compliance certification is based on the following information:*
> _____ (Gen. Ord. No. 8, 2012; 9-13-12)

Division VII. Compliance and Monitoring.

Sec. 9-48 Right of Entry. Inspection and Sampling.

a. The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

b. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

c. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

d. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.

f. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Article. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-49 Search Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from a court of competent jurisdiction. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-50 Inspection Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and he or she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek the issuance of an inspection warrant from a court of competent jurisdiction seeking entry onto the premises of the user for the purpose of conducting such inspection and/or sampling. In the alternative, the Director may seek a court order in a court of competent jurisdiction under legal or equitable proceedings as the City may deem is appropriate. (Gen. Ord. No. 8, 2012; 9-13-12)

Division VIII. Confidential Information.

Sec. 9-51 Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in

enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Gen. Ord. No. 8, 2012; 9-13-12)

Division IX. Publication of Users in Significant Noncompliance.

Sec. 9-52 Publication of Users in Significant Noncompliance.

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of numeric Pretreatment Standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative schedule) that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s), which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program. (Gen. Ord. No. 8, 2012; 9-13-12)

Division X. Administrative Enforcement Remedies.

Sec. 9-53 Enforcement Remedies.

The Director shall develop and publish a written Enforcement Response Guide outlining cause for enforcement action and the level of enforcement action. Nothing in the Enforcement Response Guide shall limit or restrict the Director from taking enforcement actions more severe than those published in the Enforcement Response Guide. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-54 Notification of Violation.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation (NOV). Within thirty (30) days of the receipt of a NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-55 Consent Orders.

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sec. 9-57 and Sec. 9-58 of this Article and shall be judicially enforceable. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-56 Show Cause Hearing.

The Director may order a user which has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the 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 show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any

authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-57 Compliance Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a Compliance Order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the user of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-58 Cease and Desist Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue a Cease and Desist Order to the user directing it to cease and desist all such violations and directing the user to:

a. Immediately comply with all requirements; and

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-59 Administrative Fines.

a. When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed One Thousand Dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1-1/2%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-60 Emergency Suspensions.

a. The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

b. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Sec. 9-61 of this Article are initiated against the user.

c. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sec. 9-56 or Sec. 9-61 of this Article.

d. Nothing in this Article shall be interpreted as requiring a hearing prior to any emergency suspension under this Section. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-61 Termination of Discharge.

In addition to the provisions in Sec. 9-31 of this Article, any user who violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the pretreatment standards contained in Sec. 9-9 through Sec. 9-15 of this Article.

f. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Sec. 9-56 of this Article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user. (Gen. Ord. No. 8, 2012; 9-13-12)

Division XI. Judicial Enforcement Remedies.

Sec. 9-62 Injunctive Relief.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition a court of competent jurisdiction through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Article on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-63 Civil Penalties.

a. A user who has violated, or continues to violate, any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a civil penalty of not less than One Thousand Dollars ($1,000.00) nor more than Twenty Five Hundred ($2,500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

c. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

d. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-64 Criminal Penalties.

a. Any person who knowingly or willfully makes any false statement, representation or certification in any application, report or other document required by this Articlee or other regulations adopted by the Board, or who tampers with or knowingly or willfully renders inaccurate any monitoring device so as to render false information may be subject to the provisions of I.C. 35-44-2-1. The Board shall, when appropriate, refer such matters to the City Attorney for consideration of criminal prosecution. The Board also reserves the right to refer suspected knowing or willful violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution.

b. All reports and other documents required to be submitted or maintained pursuant to this Article are subject to: (1) the provisions of 18 USC § 1001 relating to fraud and false statements; (2) provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representations or certification; and (3) the provisions of Section 309 (c)(6) of the Act regarding responsible corporate officers. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-65 Remedies Nonexclusive.

The remedies provided for in this Article are not exclusive. The Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any non-compliant user. (Gen. Ord. No. 8, 2012; 9-13-12)

Division XII. Supplemental Enforcement Action.

Sec. 9-66 Public Nuisances.

A violation of any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a

public nuisance shall be subject to the provisions of the City of Terre Haute's Code of Ordinances governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance. (Gen. Ord. No. 8, 2012; 9-13-12)

Division XIII. Affirmative Defenses to Discharge Violations.

Sec. 9-67 Upset.

a. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 6-98 Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in this Article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-69 Bypass.

a. For the purposes of this Section,

(1) "Bypass" or "bypassing" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

c. Notice of Bypass

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Bypassing is prohibited, and the Director may take an enforcement action against a user for a bypass, unless

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required under paragraph (C) of this Section.

e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D) of this Section. (Gen. Ord. No. 8, 2012; 9-13-12)

Division XIV. Miscellaneous Provisions.

Sec. 9-70 Adoption of Pretreatment Charges and Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program that may include:

a. Fees for wastewater discharge permit applications including the cost of processing such applications;

b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

c. Fees for reviewing and responding to accidental discharge procedures and construction;

d. Fees for filing appeals; and

e. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines, and penalties chargeable by the City. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-71 Reserved for Future Use.

ARTICLE 3. REGULATIONS ADDRESSING CONNECTIONS TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND DISCHARGE.

Sec. 9-72 Definitions.[172]

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

a. **B.O.D.** (denoting **Biochemical Oxygen Demand**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.

b. **Board.** The Board of Public Works and Safety of the City or its duly authorized agent or employee.

c. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal.

d. **Combined Sewer.** A sewer receiving both surface run off and sewage.

e. **Director.** The Wastewater Director designated by the Board of Public Works and Safety to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

f. **Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

g. **Industrial Wastes.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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[172] Editor's Note: Article 3 sets forth the provisions of Gen. Ord. No. 12, 1970, As Amended, which was passed on June 3, 1970. The *1/94 Municipal Code* set forth the provisions of Ord. No. 6, 1961 instead of Gen. Ord. No. 12, 1970, which the 1999 codifiers believe was in error.

h. **Inspector.** The person or persons duly authorized by the City, through its Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.

i. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

j. **Person.** Any individual, firm, company, association, society, corporation, or group.

k. **pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

l. **Properly Shredded Garbage.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2*)* inch in any dimension.

m. **Public Sewer.** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

n. **Sanitary Building Drain.** That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet (3') outside the building walls where it connects with its respective building sewer.

o. **Sanitary Sewer.** A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

p. **Sewage.** A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

q. **Sewage Works.** All facilities for collecting, pumping, treating, and disposing of sewage.

r. **Sewage Treatment Plant.** Any arrangement of devices and structures used for treating sewage.

s. **Sewer.** A pipe or conduit for carrying sewage.

t. **Shall** is mandatory; **May** is permissive.

u. **Discharge, Slug Load, or Slug.** Any discharge of a non-routine, eposidic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a

reasonable potential to cause interference or pass through, or in any way violate the POTW's regulations, local limits, or Permit conditions. (Gen. Ord. No. 4, 2014; 7-17-14)

v. **Storm Drain** (sometimes termed "STORM SEWER"). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

w. **Suspended Solids.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

x. **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-73 Unlawful Discharges.

a. 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.

b. 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 Article.

c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septage tank, cesspool, or other facility intended or used for the disposal of sewage.

d. The owner of all houses, buildings, 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 Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred feet (300') of the property line. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-74 Compliance Standards.

a. Where a public sanitary or combined sewer is not available under the provisions of Sec. 9-73d., the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Board of Health.

b. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Sec. 9-73d., a direct connection shall be made to the public sewer in compliance with this Article, and any septage tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

c. The owner shall operate and maintain the private sewage disposal facilities in sanitary manner at all times, at no expense to the City.

d. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-75 Connection and Installation Regulations.

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

b. 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.

c. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed 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.

d. Old building sewers may be used in connection with new buildings only when televised by the Wastewater Utility and are found, on examination and test by the said Inspector, to meet all requirements of this Article.

e. The construction of all sewers, components, systems or private sewers that connect to the Terre Haute sewer system shall comply with the requirements of the City of Terre Haute Standards and Specifications. The acceptance of the applicability of these standards to all sewers shall be considered part of the terms for the approval of connection to the Terre Haute sewer system.

f. 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.

g. 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.

h. The connection of the building sewer into the public sewer shall be made by the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches (12") in diameter or less and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the said Inspector.

Where the public sewer is greater than twelve inches (12") in diameter, and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°) ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be in the upper quadrant of the public sewer; provided that connection may be made at a lower point in the public sewer upon approval by the Board. A smooth neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the said Inspector.

i. 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.

j. 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.

k. Cleanout shall be installed at all building sewer deflections exceeding forty-five degrees (45°). (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-76 Discharge Regulations.[173]

a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

b. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or storm sewers, or to a natural outlet approved by the said 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.

c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or

[173] Editor's Note: § 9-7 through § 9-68 set forth pretreatment regulations and should be consulted.

animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

d. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred forty degrees (140°).

(2) Fats, oils or grease of animal or vegetable origin in concentrations greater than 300 mg/L or fats, oils or grease of petroleum or mineral origin in concentrations greater than 100 mg/L.

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Board for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by

the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 10.0.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting “slug” as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

e. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 9-76 d. of this Article, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Article.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances, and laws.

f. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

g. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

h. When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

i. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

j. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-77 Damage Prohibited.

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. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-78 Inspections, Samplings and Testing.

a. The Director, Inspector, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Board or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, 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. At any time upon request of the Board, Industrial Users shall furnish quantitative and qualitative analyses of their effluent to the Board.

b. While performing the necessary work on private properties referred to in Sec. 9-78 a. above, the Board 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 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 as required in Sec. 9-76 (h).

c. The Director and other duly authorized employees of the City bearing proper credentials and identification 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. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-79 Construction Requirements for Building Sewers.

All building sewers shall be constructed in accordance with the Standards and Specifications of the City of Terre Haute. (Gen. Ord. No. 28, 2000, 12-14-00)

Sec. 9-80 Certain Wastes to Storm or Combined Sewers.[174]

Sec. 9-81 Penalties.

a. Any person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time

[174] Editor's Note: § 9-80 "Certain Wastes to Storm or Combined Sewers" was deleted by Gen. Ord. No. 29, 2000, 12-14-00.

limit for the satisfactory correction thereof, and the offender shall, within the period of time stated in such notice, permanently cease all violations, provided that with respect to violations of Sec. 9-73(d) of this Ordinance the notice shall be by certified mail and shall allow at least ninety (90) days for the connection required by said Sec. 9-73(d) of this Article.

b. Any person who shall continue any violation beyond the time limit provided for in Subsection a. of this Section shall be guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Gen. Ord. No. 26, 2004, 11-9-04)

c. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Sec. 9-82 through Sec. 9-87 Reserved for Future Use.

ARTICLE 4. SEPTIC TANK REGULATIONS.[175]

Sec. 9-88 Definitions.

a. **Cesspool.** A cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil. (*1964 Terre Haute Municipal Code,* § 1311.01)

b. **Grease Interceptor.** A trap in a drain or waste pipe to stop grease from entering a sewer system.

c. **Seepage Pit.** A dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septage tank.

d. **Septage Tank.** A septage toilet, chemical closet and any other watertight enclosure used for stora and decomposition of human excrement and domestic wastes.

e. **Settling Tank.** A tank for holding liquid until suspended particles settle. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-89 License Required.

No person shall engage in the servicing and cleaning of septage tanks, seepage pits, cesspools, grease interceptors or settling tanks within the City until such time as he has applied for and has been issued a license to do so by the City Controller.

Sec. 9-90 State License; City License Fee.

[175] *I.C.* § 16-41-25-1, *et seq.*, address residential septic systems.

No person shall be issued a license by the City Controller until such time as he displays or gives evidence of the fact that a license to engage in the servicing and cleaning of septage tanks, seepage pits, cesspools, grease interceptors or settling tanks has been issued to him by the Indiana Department of Environmental Management. In the event the applicant establishes that he has been duly licensed by the Indiana Department of Environmental Management, and upon the payment of a license fee of Fifty Dollars ($50.00), the City Controller shall issue a license to the applicant permitting the applicant to engage in servicing and cleaning septage tanks, seepage pits, cesspools, grease interceptors or settling tanks within the City. Such City license shall be renewed each calendar year with $50.00 fee due. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-91 State Approved Vehicles and Equipment.

Licenses under this Article shall use only State approved vehicles and equipment as required by State law. (*1964 Terre Haute Municipal Code,* § 1311.05)

Sec. 9-92 Sewage Disposal at Wastewater Utility; Regulations and Rates.[176]

a. **Sewage Disposal Company Located Inside County Limits.**

(1) Waste loads originating from a sewage disposal company with its principal place of business, as registered with either the Indiana Secretary of State or the Indiana Department of Revenue, witin the Vigo County corporate boundary, may be accepted at the Terre Haute Wastewater Utility, at the place provided therefor. A laboratory analysis of said waste may be performed by the Wastewater Utility and fees may be charged for said laboratory analysis.

(2) Fees for the expeditious and efficient handling of such waste and the immediate cleansing of all tanks and/or vehicles used to transport the waste to such plant are as follows:

$0.08 per gallon of truck capacity or actual waste disposed (as metered)

b. **Sewage Disposal Company located Outside County Limits.**

(1) Waste loads originating from a sewage disposal company with its principal place of business, as registered with either the Indiana Secretary of State or the Indiana Department of Revenue, outside the Vigo County corporate boundary may be accepted at the Terre Haute Wastewater Utility, at the place provided therefor. A laboratory analysis of said waste may be performed by the Wastewater Utility and fees may be charged for said laboratory analysis.

[176] Editor's Note: Gen. Ord. No. 1, 2015 As Amended amended Gen. Ord. No. 14, 1990, As Amended § 1311.05, which amended Gen. Ord. No. 2, 1984 which had been passed on March 8, 1984.

(2) Fees for the expeditious and efficient handling of such waste and the immediate cleansing of all tanks and/or vehicles used to transport the waste to such plant are as follows:

$0.2 per gallon of truck capacity or actual waste disposed (as metered)

c. The City of Terre Haute will provide a flow meter at its disposal sites to meter the actual waste disposed. The sewage discharge company must supply the appropriate sized fittings to connect to the City's flow meter. If sewage disposal company is not able to provide a suitable fitting to connect to the City's flow meter, sewage discharge company will be charged the per gallon rate for the total capacity of the truck (Gen. Ord. 1, 2015 As Amended, 2-12-15).

d. The Board of Public Works and Safety shall have the authority, by resolution passed by the Board, to increase the per gallon disposal fees for both inside the county and outside the county to take effect on January 1, 2018. The increase over the existing rates shall be equal to the percentage of increase of the federally published CPI-Midwest (Consumer Price Index) and shall take effect on January 1 of each respective year thereafter. The Board of Public Works and Safety shall be responsible for publishing an annual notice of the disposal rate increase (Gen. Ord. 1, 2015 As Amended, 2-12-15).

e. Invoices for hauled waste will be sent monthly for each month a discharge occurs. Payment in full must be within 30 days of the bill date on the invoice or a ten percent (10%) penalty will be added. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-93 Penalty.

a. Whoever violates any of the provisions of Article 4 shall be fined as follows:

First Offense	$500.00
Second Offense	$1,000.00
Third Offense	City License Revoked

b. The Director of the Wastewater Utility may suspend or revoke a hauling company's dumping privileges at his discretion. Privileges may be suspended or revoked for a variety of reasons, including, but not limited to, the following: failure to comply with safety or conduct requirements, failure to pay sewage billing fees in a timely manner, falsifying information on delivery confirmation receipts, illegal dumping, or other similar issues. The Indiana Department of Environmental Management will be notified of any company's suspension or revocation. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-94 through Sec. 9-97 Reserved for Future Use.

ARTICLE 5. SEWER RATES AND CHARGES.

Sec. 9-98 Basis of Sewer Charges.[177]

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

b. Except as in this Article otherwise provided, the sewage rates, fees and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use and shown by the consumption records of the water utility serving the City of Terre Haute and its inhabitants. (Gen. Ord. No. 1, 1977, As Amended, § 1, 2-10-77, *Journal of Common Council,* p. 19; (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-99 Minimum Charges.

The water usage schedule and the applicable sewage rates and charges based thereon shall be as follows as of the dates shown:

a. The rate for water used or sewage discharged inside the City shall be:

July 1, 2013 Five Dollars and Fifty Nine Cents ($5.59) per one hundred (100) cubic feet. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

July 1, 2014 Six Dollars and Forty Three Cents ($6.43) per one hundred (100) cubic feet. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

July 1, 2015 Seven Dollars and Forty Cents ($7.40) per one hundred (100) cubic feet. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

b. A minimum charge (such minimum charge shall include the first three hundred (300) cubic feet of water usage) for any user inside the City per month or quarter according to the billing period shall be:

July 1, 2013 Seventeen Dollars and Fifty Cents ($17.50) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

July 1, 2014 Twenty Dollars and Thirteen Cents ($20.13) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

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[177] *I.C.* § 36-9-25-11, addresses the setting of fees for the treatment and disposal of sewage and other waste discharged into the sewerage system.

July 1, 2015 Twenty Three Dollars and Sixteen Cents ($23.16) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City. (Gen. Ord. No. 16, 2012, As Amended, 11-9-12).

c. All domestic non-commercial non-industrial users with non-metered water source shall pay a flat rate per month of:

July 1, 2013 Thirty Seven Dollars and Twenty Nine Cents ($37.29). (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

July 1, 2014 Forty Two Dollars and Eighty Nine Cents ($42.89). (Gen. Ord. No. 16, 2012, As Amended, 11-9-12)

July 1, 2015 Forty Nine Dollars and Thirty Six Cents ($49.36). (Gen. Ord. No. 16, 2012, As Amended, 11-9-12).

d. The City of Terre Haute, its departments and agencies are exempt from the payment of the sewage rates listed in Sec. 9-99. (Gen. Ord. No. 28, 2001, 1-10-02)

Sec. 9-100 Yearly Cost Analysis by Common Council.

The Common Council of the City of Terre Haute shall be responsible for review of sewage rates and charges during the month of December of each calendar year. The Council shall make adjustments of said sewage rates and charges for the upcoming year as based upon factors including but not limited to a cost analysis of the eleven (11) month period of January through November of the current year, said analysis to be provided by the utility to the Council. Such rates and charges that are established may also be based upon projected cost for the upcoming year.

In order to properly execute the above stated duty the Common Council of the City of Terre Haute shall by this Article be given and have vested in it the power and authority to approve and set all items in the yearly budget of the City Sewage Utility.

The City Sewage Utility will submit its budget at the appropriate time, along with those of the other city departments, and the Common Council will exercise the same control over this budget as it does with those of the several city departments. (Gen. Ord. No. 1, 1977, As Amended, § l(c), 2-10-77, *Journal of Common Council*, pp. 19-20)

Sec. 9-101 Role of Board of Public Works and Safety.

The quantity of water obtained from sources other than the water utility serving the City of Terre Haute and discharged into the sewage system may be determined by the City in such manner as the Board of Public Works and Safety shall elect and the sewage services shall be

billed at the above appropriate rates. (Gen. Ord. No. 1, 1977, As Amended, § l(d), 2-10-77, *Journal of Common Council,* p. 20)

Sec. 9-102 Measuring Devices for Users Who Are Not Water Users.

In the event a lot, parcel of real estate or building discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City of Terre Haute and its inhabitants and the water used thereon and therein is not measured by a meter, or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City in order to ascertain the rate or charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of the sewage discharge. (Gen. Ord. No. 1, 1977, As Amended, § l(e), 2-10-77, *Journal of Common Council,* p. 20)

Sec. 9-103 Meters and Measuring Devices for Certain Users.

In the event a lot, parcel of real estate or building discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City of Terre Haute and its inhabitants and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City in order to ascertain the rate or charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for determination of sewage discharge. (Gen. Ord. No. 1, 1977, As Amended, § 1(f), 2-10-77, *Journal of Common Council,* p. 20)

Sec. 9-104 Volume, Strength and Character of Sewage and Waste.

a. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewerage system, in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The Board of Public Works and Safety is authorized to prohibit the dumping of wastes into the City's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the City. (Gen. Ord. No. 2, 1981, As Amended, § l(g), 9-10-81)

b. **High Strength Surcharges.** High strength wastewater will be surcharged as outlined below.

(1) High strength wastewater containing total suspended solids (TSS) in excess of 300 mg/L shall be billed at $0.25 per pound.

(2) High strength wastewater with a biochemical oxygen demand (BOD) concentration in excess of 250 mg/L shall be billed at $0.25 per pound.

(3) High strength wastewater with a total ammonia-nitrogen (NH_3-N) concentration in excess of 50 mg/L shall be billed at $0.60 per pound.

Invoices for high strength surcharges will be sent monthly for each month a surcharge may occur. Payment in full must be within 30 days of the bill date on the surcharge invoice or a 10% penalty will be added.

c. **Annual Invoice.** The Industrial Wastewater Permit (IWP) required by the City of Terre Haute shall be issued for a period not to exceed five (5) years and the permittee shall pay an annual fee for the permit.

The Terre Haute Wastewater Department will invoice each permitted industry by December 1 of each year for the annual permit fee for the following year. Payment, in full, is due December 31 of each year for the following year for the permittee's Industrial Wastewater Permit.

d. **Permit Fees.** Permit fees shall be divided into four categories, as follows:

(1) Category 1: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 25% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 25% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Five Hundred Dollars ($500.00) will be assessed.

(2) Category 2: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 10% but less than 25% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 10% but less than 25% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Three Hundred Dollars ($300.00) will be assessed.

(3) Category 3: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 2% but less than 10% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 2% but less than 10% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Two Hundred Dollars ($200.00) will be assessed.

(4) Category 4: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises less than 2% of the total wastewater flow received by the Terre Haute Wastewater Utility or

constitutes less than 2% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of One Hundred Dollars ($100.00) will be assessed.

e. **Miscellaneous Activities.** Extraordinary costs for miscellaneous activities which may include but are not limited to surveillance inspections, noncompliance monitoring and inspection, review of construction plans, appeals, special studies and priority pollutant analyses, etc., may be billed directly to the industry upon completion of the identified activity, per the rates in the following activity charge table:

ACTIVITY CHARGE TABLE

Consultant	Actual Cost
Legal	Actual Cost
THWU Lab Analyses	Current Market Rate
Contract Lab Analyses	Actual Cost
THWU sewer cleaning services	$280/hour
Contract sewer cleaning services	Actual Cost
THWU camera/video truck	$100.00/hour
Contract camera/video truck	Actual Cost

f. In the event a lot, parcel of real estate or building is discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, and it can be shown, to the satisfaction of the City, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewage system, then the City may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentage, when so determined, shall then constitute the basis of sewage rate or charge, provided, however, that the City in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such a manner as to determine the quantity of water used to determine the sewage rate or charge shall be the quantity of water actually entering the sewage system as so determined. (Gen. Ord. No. 8, 2012; 9-13-12)

Sec. 9-105 Sewer Connection Fees.[178]

For connection to sanitary sewers, such owner shall pay to the Board of Public Works and Safety a connection charge in accordance with the following schedule:

a. **Existing Residences.** For each existing single-family residential connection the base fee of Five Hundred Dollars ($500.00), payable in equal quarterly installments over a maximum period of five (5) years. A charge equal to ten percent (10%) of delinquent quarterly fees will be assessed on payments made after the due date of said payments. The unpaid balance shall be immediately due and payable upon conveyance of said property.

[178] Editor's Note: Gen. Ord. No. 14, 1990, As Amended, raised the fee for existing residences and new residences from $400.00 to $500.00 which had been established in Gen. Ord. No. 12, 1980, passed December 11, 1980.

b. **New Residences.** For each new single-family residential connection the base fee of Five Hundred Dollars ($500.00) payable at time of construction.

c. **Multiple Family Residences.** Multiple family residential connection fees shall be~~:~~ the base fee multiplied by 0.65 multiplied by the number of units. (Example: Duplex connection fee $500 x 0.65 x 2 = $650). (Gen. Ord. No. 14, 1990, As Amended, § 3, (913.05), 1-10-91; Gen. Ord. No. 35, 2004, 12-09-04)

d. Commercial/Industrial – All other structures not covered in the above should be based on the following connection fee schedule:

Domestic Water Meter Size (Inches)	Connection Fee
5/8	base fee
3/4	1.5 times base fee
1	2.5 times base fee
1½	6 times base fee
2	10 times base fee
3	23 times base fee
4	41 times base fee
6	case by case

If an additional or larger meter is installed for an existing non-single family residential customer, a connection fee shall be assessed based on the following formula:

Additional flow generated by the customer divided by flow generated by average single family residential customer multiplied by the base fee. (Gen. Ord. No. 35, 2004, 12-09-04)

Sec. 9-106 Application for Permit; Waivers.[179]

The owner of each and every lot, parcel of real estate or building who makes or is ordered by the Board of Public Works and Safety to make application for a permit to connect with the sewage system of the City shall pay a charge or charges for such permit and connection as follows:

a. Such owner shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. There shall be paid to the City Controller at the time the application is filed a permit and inspection fee in the amount of Ten Dollars ($10.00) regardless of the type of connection or the type of premises for which connection is sought.

[179] Editor's Note: Subsection c of § 2 of Gen. Ord. No. 1, 1977, as amended, was not included since it specifically dealt with contracts of the 1967 calendar year.

The Board of Public Works and Safety may waive the connection charges (but not permit and inspection fee) provided for herein where such owner's participation in the construction of a local sewer, which local sewer is connected with the City's sewage works system, results in his share of the cost of construction of such local sewer being more than the applicable connection charge or charges. The Board of Public Works and Safety may also waive connection charges, (but not the permit and inspection fee) where the property owner relinquishes to the City, right-of-way, easement or other rights of property, real or intangible, that are deemed to be of equal or greater value than the connection charge. (Gen. Ord. No. 1, 1977, As Amended § 2, (a) & (b), 2-10-77, *Journal of Common Council*, pp. 21-22)

Sec. 9-107 Definitions.

The terms **"Sewage"** and **"Industrial Wastes"** shall be defined as follows:

a. **Sewage.** Waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains and all other water carried waste except industrial waste.

b. **Industrial Wastes.** The liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process. (Gen. Ord. No. 1, 1976, As Amended § 3, 6-10-76, *Journal of Common Council*, p. 171)

Sec. 9-108 Monthly Billings.

The rates and charges shall be prepared and billed by the City of Terre Haute and shall be collected in the manner provided by law and ordinance. Said rates and charges may be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which said records are kept during the hours that such office is open for business.

Billing for sewage rates and charges shall be made monthly and/or quarterly, and such rates and charges, except as hereinbefore provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the meter there in use, and said metered water usage shall be determined from the meter readings as furnished by the water utility serving the City of Terre Haute and its inhabitants. (Gen. Ord. No. 1, 1976, As Amended § 4, 6-10-76, *Journal of Common Council*, p. 171)

Sec. 9-109 By-Laws and Regulations.

The Board of Public Works and Safety shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of

the City's sewage works including the sewer system and the treatment plant, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collecting, rebating, and refunding of rates and charges. (Gen. Ord. No. 1, 1976, As Amended § 5, 6-10-76, *Journal of Common Council*, p. 171)

Sec. 9-110 Summer Water Use Allowance.

Any residential user now paying sewer use charges whose account is in good standing (paid in full at the last issued statement) shall be entitled to a one-time a year Summer Water Use Allowance to be allowed for lawn sprinkling allowance or swimming pool filling for three (3) consecutive months as selected by the City Controller's Office each year, such allowance to be granted upon written request of such residential user submitted to the City Controller's Office, City Hall. To be considered for an allowance, such written request for Summer Water Use Allowance must be submitted and received by City Controller's Office within the same calendar year as the summer water usage occurred. (Gen. Ord. No. 2, 2015, 2-13-15)

a. Such Summer Water Use Allowance shall be computed in accordance with the following formula:

The City Controller's Office shall select three (3) consecutive months' invoices reflecting the lowest and the highest volume of water consumed by the user. To the lowest volume of water consumed, an additional thirty percent (30%) shall be added to reflect the normal summertime usage. The summer water use adjustment shall be an amount equal to the excess volume between the highest volume consumed during the preceding year and the normal summertime usage (which is the lowest volume consumed plus thirty percent (30%). The adjustment will be applied to one (1) monthly billing in the following year as selected by the City Controller's Office.

b. In no instance shall estimated monthly usage volumes be used in calculating the Summer Water Use Allowance; usage must be from actual meter readings. No allowance shall be credited to reduce an account below a minimum bill. Further, applicant must have been an occupant and active user of the sewage disposal system for no less than one (1) year. (Special Ord. No. 9, 1990, 6-14-90; Gen. Ord. No. 4, 2009, 5-14-09)

Sec. 9-111 Utility Deposits.

a. Deposits by Users.

All person applying for the use of and using water within the City of Terre Haute, Indiana, upon the inception of such use and upon application for such use shall be required to pay a deposit for an assessment to such user for a three (3) month period, prior to the commencement of such water usage by such person. (Gen. Ord. No. 3, 1966, As Amended, § 1, 1-8-72)

b. The Handling and Retention of Water Deposits.

The sewage disposal works shall be and is empowered to collect and retain deposits as provided in Section a. herein, and be further empowered to establish a separate account for the deposit of same in the name and under the control of said sewage works, and be further empowered to invest the same in tangible bills and any other evidence of debt and authorized to retain, as fees for handling said account, all interest or other accrual payments as the sole property of said sewage works. (Gen. Ord. No. 3, 1966, As Amended, § 2, 1-8-72)

c. Refunds of Water Deposits.

The sewage disposal works, from and after the expiration of three (3) years shall be and is directed to refund to any such user the deposit so paid by such user provided and on the condition that such user has kept current his water bill and sewage disposal fees during said three (3) year period and further provided that said user's water bill and sewage disposal fees are current at the date of the proposed refund after the expiration of said three (3) year period. (Gen. Ord. No. 3, 1966, As Amended, § 3, 1-8-72)

d. Discontinuance or Refusal of Water Service.

The sewage disposal works shall keep full and adequate books and records of all sewage disposal fees incurred and paid by users. If a fee for sewer use is not paid within one (1) monthly billing cycle after it is due, notice shall be sent to the user stating the amount of user fees along with any penalty owed which is delinquent; giving notice that water service may be discontinued if the user continues not to pay the delinquency and any penalty; that in the event water service is discontinued, the user shall also be responsible for payment of any costs incurred by the sanitary utility for the disconnection and/or reconnection of the water service; and the procedure for resolving disputed bills. If the user fails to pay the delinquent amount, including any penalty, or otherwise resolve the charges, notice may be given by the sanitary utility to the water utility serving the user to discontinue water services to the premises. Any cost incurred for the disconnection and/or reconnection of the water utility shall be charged to the user along with the delinquent sewer use fees and any penalty. If the water utility shall disconnect water service to the user, the water service in the name of the delinquent user shall not be restored at the same premises or at any other premises served by the sanitary utility unless and until the disconnection and/or reconnection fee, all delinquent user fees and penalties are paid. (Gen. Ord. No. 31, 2004, 12-09-04)

e. Implementation and Enabling Section.

The sewage disposal works of the City of Terre Haute, Indiana, shall be and is authorized to adopt and in connection herewith any and all procedures and collateral remedies determined necessary by such council in the implementation and enabling of the foregoing provisions. This Section shall be in force from and after January 1, 1967, and applies to new applications only. (Gen. Ord. No. 3, 1966, As Amended, § 5, 1-8-72)

Sec. 9-112 Leak Adjustment.

a. Upon notification or receipt from water service provider of a water leak adjustment, City will credit sewer account in an amount equal to the total units credited by the water service provider. (Gen. Ord. NO. 6, 2015, 5-14-15)

b. Any person subject to this Article may apply for a leak adjustment of the charges assessed against him if each of the following conditions is met:

1. Current account holder (or titled property owner) shall submit written notification to the City Controller's Office within sixty (60) days of the billing date when an excessive water use is posted of the need for a leak adjustment. City Controller shall document the account to reference the leak adjustment notification. (Gen. Ord. No. 6, 2015, 5-14-15)

2. Current account holder (or titled property owner) shall submit written documentation to the City Controller within one hundred eighty (180) days of the billing date when the excessive use was posted; (Gen. Ord. No. 3, 2015, As Amended, 2-12-15)

3. Such written documentation must contain a detailed description of how and where the leak occurred and be accompanied by a copy of the repair invoice;

4. No leak adjustment shall be considered until the leak has been identified and repaired;

5. No more than one (1) leak adjustment shall be granted per meter during any twelve (12) month period;

6. Current account holder must have at least six (6) months of normal/typical sewage account usage prior to evidence of leak usage at the specified location upon which to calculate an average billing statement; and

7. Only the highest single month of usage charge during the excess water usage shall be considered for adjustment. (Gen. Ord. No. 3, 2015, As Amended, 2-12-15)

c. If it is determined that the excess water did enter the City's sewage system, no leak adjustment may be granted

d. Upon determination that all conditions of Subsection a. above have been satisfied, the City shall determine the amount of the leak adjustment and apply a credit to the sewer account. No refunds shall be issued by the City. (Gen. Ord. No. 3, 2011, 2-10-11; Gen. Ord. No. 3, 2015, As Amended, 2-12-15; Gen. Ord. No. 6, 2015, 5-14-15)

Sec. 9-113 Vacant Structure Adjustment.

a. It is the property owner's responsibility to notify the City that a structure has been vacated and the date of termination of electrical service. Such notification shall be made within sixty (60) days of the termination of electrical service. If the electrical service is not terminated to the structure, even though the structure is vacant, no adjustment shall be considered.

b. The property owner may apply for a vacant structure adjustment of the charges assessed against him if each of the following conditions is met:

1. The property owner shall submit written notification to the City Controller within one hundred eighty (180) days of the date of termination of electrical service; and (Gen. Ord. No. 3, 2015, As Amended, 2-12-15)

2. City Controller shall verify with the electric provider the final date of service.

c. Such adjustment shall be made for a maximum of one hundred eighty (180) days of sewage service after the date of termination of electrical service to the structure. Property owner is responsible for any charges incurred beyond the one hundred eighty (180) days after the termination of electrical service.

d. Property owner forfeits the opportunity to seek adjustment if he fails to notify City of such termination of electrical service within one hundred eighty (180) days. (Gen. Ord. No. 3, 2011, 2-10-11; Gen. Ord. No. 3, 2015, As Amended, 2-12-15)

Sec. 9-114 Penalty.

Any person violating any of the provisions of this Article shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 16, 1997, 12-11-97)

Sec. 9-115 through Sec. 9-119 Reserved for Future Use.

ARTICLE 6. WASTEWATER TREATMENT FACILITIES.[180]

Sec. 9-120 Revenue Fund.

All revenues received on account of the sewage system shall be segregated and kept in a special fund separate and apart from all other funds of the City, which special fund is designated as the *"Revenue Fund".* Out of the Revenue Fund the proper and reasonable expenses of operation, repair, and maintenance of the sewer system (including an allowance for depreciation) shall be paid and the requirements of the Sewage Works Sinking Fund shall be met. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said sewer system and deposited in the Revenue Fund, and all disbursements made therefrom on account of the operation of the sewer system, and to meet the requirements of the Sewage Works Sinking Fund, also all other financial transactions relating to the sewer system;

[180] Editor's Note: Other funds and fiscal procedures are set forth in § 2-110 through § 2-137 of this *Code*. Gen. Ord. No. 4, 1988, in its entirety, continues in effect and is available for public inspection during regular office hours in the City Clerk's Office.

including the amounts set aside or credited to the Operation and Maintenance Fund, the Sewage Works Sinking Fund and the Sewage Works Improvement Fund, and the cash balances in each of said funds as of the close of the preceding fiscal year. There shall be prepared and furnished to the original purchasers of the bonds and, upon written request, to any owner of the bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, income and expense and balance sheet statements of the sewer system covering the preceding fiscal year, which annual statements shall be certified by the City Controller, or the person charged with the duty of auditing the books and records relating to the said sewer system, or an independent certified public accountant employed for that purpose. Copies of all such statements and reports shall be kept on file in the Office of the City Controller. Any owner or owners of the bonds then outstanding shall have the right at all reasonable times to inspect the sewer system and all records, accounts, and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

From and after the delivery of any bonds issued under the provisions of this Article, all gross revenues of the sewer system shall be set aside and apportioned as follows:

a. On the third Friday of each month there shall be set aside and paid out of the Revenue Fund into the Operation and Maintenance Fund created pursuant to the 1961 Ordinance and continued pursuant to the 1978 Ordinance, an amount considered necessary and sufficient to pay the reasonable current expenses of operating and maintaining the sewer system for the current month, which amount shall be applied as provided in Sec. 9-121 hereof. In the event of a deficiency further transfers may be made from the Revenue Fund in like manner on any subsequent date to the extent necessary to pay the expenses of operation and maintenance actually accrued and payable.

b. After the payment required by the preceding paragraph a. there shall next be set apart and paid out of the Revenue Fund into the Sewage Works Sinking Fund, in monthly installments, amounts as provided in Sec. 9-121 hereof to pay the interest on and principal of the bonds authorized, and any parity bonds as may be issued and outstanding under the conditions and restrictions hereinafter set forth, and to pay all other amounts required to be paid therefrom pursuant to said Sec. 9-121. Computations for such monthly payments into the Sewage Works Sinking Fund shall be made as of November 1 of each year and the amounts to be so set aside monthly and paid into said Sewage Works Sinking Fund shall be not less than:

(i) one-sixth (1/6) of the amount of interest becoming due on the next succeeding interest payment date, plus

(ii) one-twelfth (1/12) of the amount of principal becoming due on the next succeeding November 1, plus

(iii) one-twelfth (1/12) of all paying agents' fees and charges anticipated to become due in the next succeeding twelve (12) month period.

All money in the Sewage Works Sinking Fund shall be held and invested as provided in Sec. 9-123 hereof as a fund separate and apart from all other City funds.

c. After making the payments into the funds as prescribed in the preceding paragraphs, if there are revenues and income of the sewer system in excess of the amount estimated to be in like manner transferred and paid into said special funds during the succeeding twelve (12) months, there shall then be set apart and paid into the Sewage Works Improvement Fund in accordance with Sec. 9-121 hereof such excess revenues, which shall be used solely to pay costs of improvements, repairs, additions and extensions of the sewer system. Said fund shall be held and invested as provided in Sec. 9-1239 hereof, and all accumulations in said fund shall be kept separate and apart from all other funds of the City. (Gen. Ord. No. 4, 1988, § 11, 4-19-88)

Sec. 9-121 Designation of Operation and Maintenance Fund and Application of Monies Therein; Continuation of Sewage Works Sinking Fund; Establishment of Debt Service Account and Reserve Account Therein.

a. The special fund created under the 1961 Ordinance from which the necessary and reasonable current expenses of operating and maintaining the sewage system for the then current month is designated the *"Operation and Maintenance Fund."* The Operation and Maintenance Fund shall be continued until all of the bonds and any parity bonds have been paid in full. Moneys set aside and paid into the Operation and Maintenance Fund shall be used to pay the current expenses of operation, maintenance and repair of the sewage system and, except as otherwise provided in this Article, for no other purposes, such operation, maintenance and repair to include, among other things, all ordinary and usual expenses for such purposes (which may include expenses not annually recurring), premiums for insurance, all engineering expenses relating to such operation, maintenance and repair and any other expenses permitted under the 1961 Ordinance, the 1978 Ordinance and this Article or by law, including particularly *I.C.* § 36-9-23.

b. The special fund designated *"Sewage Works Sinking Fund"* created by the 1961 Ordinance and continued pursuant to the 1978 Ordinance as the fund for the payment of all bonds which by their terms are payable from the net revenues of the sewage system of the City, is designated as the special fund for the payment of the principal of and interest on the bonds authorized by this Article and the other parity bonds and the payment of any amounts authorized pursuant to said 1961 Ordinance and the 1978 Ordinance. The Sewage Works Sinking Fund shall be continued until all of the bonds issued under the 1961 Ordinance, the 1978 Ordinance, and this Article have been paid in full. Except as otherwise provided herein, monies shall be set aside and paid into said Sewage Works Sinking Fund as provided in Section 10 of the 1961 Ordinance, Section 9 of the 1978 Ordinance and this Sec. 9-121.

There shall be set aside and paid into said Sinking Fund monthly as available, or as necessary, a sufficient amount of the net revenues of the sewer system for the payment of:

(1) the interest on all bonds payable from said Sinking Fund as such interest shall become due,

(2) the necessary fiscal agency charges for paying said bonds and interest,

(3) the principal of all bonds payable from said Sinking Fund as such principal shall become due, and

(4) an additional amount as a margin of safety and for the payment of premiums upon bonds redeemed by call or purchase, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than fifteen percent (15%) of all other amounts so required to be paid into said Sinking Fund. The bonds issued pursuant to the 1961 Ordinance and the 1978 Ordinance and the bonds authorized by this Article shall be of equal priority in respect to the payment of interest and principal from the moneys in said Sewage Works Sinking Fund. The monthly payments into said Sinking Fund shall be in an amount equal to at least one twelfth (1/12) of the amount required for such payments during the then next succeeding twelve (12) calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the herein authorized bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to said required monthly payments into the Sewage Works Sinking Fund, all of the net revenues of the sewage system not used in making said required sinking fund payments shall be set aside and paid into said Sinking Fund monthly, as available, until there has been accumulated in said Sewage Works Sinking Fund, over and above said required payments, as an additional reserve, an amount equal to the sum of the principal of and interest on all then outstanding bonds which will be payable during the then next succeeding twelve (12) calendar months. Thereafter, said reserve fund shall be maintained at such level, and additional amounts of net revenues shall be deposited in said fund from time to time to the extent necessary to maintain such level.

c. There is created within the Sewage Works Sinking Fund, a *Debt Service Account* and a *Reserve Account.* Monies set aside to pay principal and interest on the bonds shall be credited to the Debt Service Account. Monies set aside to pay necessary fiscal agency charges, monies set aside as a margin of safety and to pay premiums upon bonds called for redemption and monies set aside as an additional reserve in an amount equal to the sum of the principal and interest on the bonds payable during the next succeeding twelve (12) calendar months, all as provided in the next succeeding paragraph, shall be credited to the Reserve Account. Anything herein to the contrary notwithstanding, no further deposits to the credit of the Reserve Account shall be required after there has been accumulated therein the amounts equal to the margin of safety and the additional reserve referred to in this Sec. 9-121.

In no event shall any part of the Sewage Works Sinking Fund be used in calling bonds for redemption prior to maturity, except to the extent that the amount then in said Sinking Fund exceeds the amount required to pay the principal of the bonds payable therefrom which will mature within a period of twelve (12) calendar months next following the date of such redemption, together with all interest on the bonds payable in said period. Any such excess of funds above said required level may also be used in purchasing outstanding bonds at a price less than the then applicable redemption price, if first approved by the Board. Monies in the Sewage Works Sinking Fund shall not be used for any other purpose whatsoever except as provided in this Article. (Gen. Ord. No. 4, 1988, § 12, 4-19-88)

Sec. 9-122 Application of Surplus Revenues; Sewage Works Improvement Fund.

In the event all required payments into the Sewage Works Sinking Fund have been met to date and there has been accumulated the additional reserve in the Sewage Works Sinking Fund required pursuant to Sec. 9-121 hereof equal to the sum of the principal and interest on the then outstanding bonds which will be payable during the then next succeeding twelve (12) calendar months, and there has been accumulated funds in the Operation and Maintenance Fund sufficient for operation, repair, and maintenance of the sewer system for the then next succeeding twelve (12) calendar months, and for depreciation, then any excess revenues of the sewer system may be placed in the Sewage Works Improvement Fund and used to pay costs of improvements, betterments, extensions, enlargements, and additions to the sewer system. No revenues of the sewer system shall be deposited in or credited to the Sewage Works Improvement Fund which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserves therein, or with the requirements as to reserving funds in the Operation and Maintenance Fund for the operation, maintenance, and repair of the sewer system, and for depreciation. All or any portion of the moneys accumulated in the Operation and Maintenance Fund for the next succeeding twelve (12) calendar months shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the bonds payable from said Sinking Fund. If any money is so transferred, such revenue shall be replenished to the required maximum amount by monthly payments equal to one twenty-fourth (1/24) of the amount required to so replenish the reserve. (Gen. Ord. No. 4, 1988, § 13, 4-19-88)

Sec. 9-123 Sanitary District.[181]

Sec. 9-124 through Sec. 9-129 Reserved for Future Use.

ARTICLE 7. ILLICIT CONNECTIONS AND DISCHARGE REGULATION.[182]

Sec. 9-130 Purpose/Intent.

The purpose of this Article is to provide for the health, safety, and general welfare of the citizens of the City of Terre Haute, Indiana through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:

a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user;

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[181] Editor's Note: *I.C.* § 36-9-25-1 through *I.C.* § 36-9-25-39, address sanitation districts in cities which adopt the state law by proper ordinance.

[182] Editor's Note: General Ordinance No, 2, 2008, passed by the Common Council on May 8, 2008, created Article 7. Illicit Connections and Discharge Regulations.

b. To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

c. To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this Article.

Sec. 9-131 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

a. **Authorized Enforcement Agency.** The City of Terre Haute, Indiana Wastewater Treatment Superintendent (MS4 Operator) his employees or designees.

b. **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention, and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

c. **Clean Water Act.** The Federal Water Pollution Control Act (33 *U.S.C.* § 1251 *et seq.*) and any subsequent amendments thereto.

d. **Construction Activity.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more, as defined in 327 *IAC* 15-5. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch or road maintenance or minor landscaping projects.

e. **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

f. **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 9-135 of this Article.

g. **Illicit Connections.** An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Authorized Enforcement Agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Authorized Enforcement Agency.

h. **Industrial Activity.** Activities subject to NPDES Industrial Storm Water Permits as defined in 327 *IAC* 15-6.

i. **Municipal Separate Storm Sewer System (MS4).** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Terre Haute and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

j. **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by the EPA (or by a state under authority delegated pursuant to 33 *U.S.C.* § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

k. **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

l. **Person.** Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

m. **Pollutant.** Any substance which causes or contributes to pollution or causes an alteration of the quality of the waters of the United States. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

n. **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

o. **Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

p. **Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

q. **Storm Water Pollution Prevention Plan.** A document which describes Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the Maximum Extent Practicable.

r. **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Sec. 9-132 Applicability.

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Authorized Enforcement Agency.

Sec. 9-133 Responsibility for Administration.

The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the City of Terre Haute, through the Board of Public Works and Safety, to persons or entities in the beneficial interest of or in the employ of the City.

Sec. 9-134 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this Article imposes requirements which are more protective of human health or environment than those set forth elsewhere, the provisions of this Article shall prevail. Approvals and permits granted under this Article are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance with all applicable federal, state and local laws and regulations shall be required, including rules promulgated under authority of this Article.

Sec. 9-135 Discharge Prohibitions.

a. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Article: water line flushing or other potable water sources, landscaping irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one part per million chlorine), fire fighting activities, irrigation water, street wash water, and any other water source not containing pollutants.

2. Discharges or flow from firefighting and other discharges specified in writing by the Authorized Enforcement Agency as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Agency prior to the time of the test.

4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency or the Indiana Department of Environmental Management, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

b. <u>Prohibition of Illicit Connections.</u>

1. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection is permissible under law or practices applicable or prevailing at the time of the connection.

3. A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this Article must be disconnected and redirected, as necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Authorized Enforcement Agency.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Authorized Enforcement Agency requiring that such locating be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer

system or other discharge point be identified. Results of these investigations are to be documented and provided to the Authorized Enforcement Agency.

Sec. 9-136 Suspension of MS4 Access.

a. Suspension Due to Illicit Discharges in Emergency Situations. The Authorized Enforcement Agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

b. Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Authorized Enforcement Agency.

c. Emergency Cease and Desist Orders. When the Authorized Enforcement Agency finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has/have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Authorized Enforcement Agency may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

1. Immediately comply with all ordinance requirements; and

2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Authorized Enforcement Agency may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Authorized

Enforcement Agency that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Article. A person that is responsible, in whole or in part, for any discharge presenting imminent danger shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Authorized Enforcement Agency within five (5) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Sec. 9-137 Industrial or Construction Activity Discharges: Submission of NOI.

a. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency prior to the allowing of discharges to the MS4.

b. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with construction or industrial activity shall submit a copy of the Notice of Intent (NOI) to the Authorized Enforcement Agency at the same time the operator submits the original Notice of Intent to the IDEM as applicable.

c. The copy of the Notice of Intent may be delivered to the Authorized Enforcement Agency either in person or by mailing it to:

City of Terre Haute Wastewater Utility
Re: Notice of Intent to Discharge Storm Water
3200 State Road 63
Terre Haute, IN 47802

d. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial or construction activity without having submitted a copy of the Notice of Intent to do so to the Authorized Enforcement Agency.

Sec. 9-138 Monitoring of Discharges.

a. Applicability. This Section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

b. Access to Facilities.

1. The Authorized Enforcement Agency shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Authorized Enforcement Agency.

2. Facility operators shall allow the Authorized Enforcement Agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

3. The Authorized Enforcement Agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Authorized Enforcement Agency to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The Authorized Enforcement Agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Authorized Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Authorized Enforcement Agency access to a permitted facility is a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Authorized Enforcement Agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

7. If the Authorized Enforcement Agency has been refused access to any part of the premises from which the storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community or the environment, then the Authorized Enforcement Agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 9-139 Requirement To Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The Authorized Enforcement Agency shall establish requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or

may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 9-140 Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 9-141 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Agency within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 9-142 Violations and Enforcement.

a. Violations. It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person who has violated or continues to violate the provisions of this Article may be subject to the enforcement actions outlined in this Article or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the Authorized Enforcement Agency is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Authorized Enforcement Agency is authorized to seek costs of the abatement as outlined in Sec. 9-145.

b. Warning Notice. When the Authorized Enforcement Agency finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Authorized Enforcement Agency may serve upon that person a written Warning Notice. Such Warning Notice shall specify the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Authorized Enforcement Agency to take any action, including emergency action or any other enforcement action, without issuing a Warning Notice.

c. Notice of Violation. Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Authorized Enforcement Agency may order compliance by written Notice of Violation to the responsible person. Emergency notifications may be made by an authorized employee. The Notice of Violation shall contain:

1. The name and address of the alleged violator;

2. The address, when available, or description of the building, structure or land upon which the violation is occurring, or has occurred;

3. A statement specifying the nature of the violation;

4. A description of the remedial measures necessary to restore compliance with this Article and a time schedule for the completion of such remedial action;

5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

6. A statement that the determination of violation may be appealed to the Authorized Enforcement Agency by filing a written notice of appeal within five (5) days of service of notice of violation; and

7. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;

2. The elimination of illicit connections or discharges:

3. That violating discharges, practices or operations shall cease and desist;

4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

5. Payment of a fine to cover administrative and remediation costs; and

6. The implementation of source control or treatment BMPs.

d. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 9-143 Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination before the Board of Public Works and Safety. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the Board of Public Works and Safety shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Board of Public Works and Safety shall be final.

Sec. 9-144 Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within five (5) days of the decision of the Board of Public Works and Safety, the representatives of the Authorized Enforcement Agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agency or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 9-145 Cost of Abatement of the Violation.

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the Board of Public Works and Safety or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Sec. 9-146 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Authorized Enforcement Agency may petition for a preliminary or permanent

injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 9-147 Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Authorized Enforcement Agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 9-148 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to the environment or public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 9-149 Civil Penalty.

Any person that has violated or continues to violate the provisions of this Article shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to Two Thousand Five Hundred Dollars ($2,500.00) per violation per day.

The Authorized Enforcement Agency may recover all attorney's fees, court costs, consultant costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

Sec. 9-150 Criminal Prosecution.

Any person that has violated or continues to violate this Article shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to applicable criminal penalties per violation per day and/or imprisonment as provided by law. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 9-151 Remedies Not Exclusive.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

ARTICLE 8. CONSTRUCTION SITE AND POST-CONSTRUCTION SITE STORM WATER CONTROL.[183]

[183] Editor's Note: Article 8. General Ordinance No, 3, 2008, passed by the Common Council on May 8, 2008, created Article 8. Construction Site and Post-Construction Site Storm Water Control.

Sec. 9-160 Purpose/Intent.

a. Site Construction Control. The purpose of this Article is to establish requirements for storm water discharges from construction activities of one (1) acre or more so that the public health, existing water uses, and aquatic biota are protected. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:

1. To regulate construction activities disturbing more than one (1) acre of land as governed by 327 *IAC* 15-5; and

2. To require construction site operators to develop and implement a Construction Plan including a Storm Water Pollution Prevention Plan in order to receive a Land Disturbance Permit from the City.

3. Minimize increases in storm water runoff from any development in order to reduce flooding, siltation, and stream bank erosion and maintain the integrity of stream channels.

4. Minimize increases in nonpoint source pollution caused by storm water runoff from development which would otherwise degrade local water quality.

5. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

6. Reduce storm water runoff rates and volumes, soil erosion, and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

b. Post-Construction Control. The purpose of this Article is to implement planning procedures that promote and improve water quality. The planning procedures shall include, at a minimum, the post-construction requirements of 327 *IAC* 5-5-6.5(a)(8). The City may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants in storm water run-off. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

1. Buffer strip and riparian zone preservation;

2. Filter strip creation;

3. Minimization of land disturbance and surface imperviousness;

4. Minimization of directly connected impervious areas;

5. Maximization of open space; and

6. Direct the community's growth away from sensitive areas and towards areas that can support the growth without compromising water quality.

Sec. 9-161 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article. Additional definitions for terms contained within this Article are provided at Sec. 9-131.

a. **Authorized Enforcement Agency.** The City of Terre Haute, Indiana Wastewater Treatment Superintendent (MS4 Operator) his employees or designees.

b. **Construction Plan.** A representation of a project site and all activities associated with the project including a Storm Water Pollution Prevention Plan. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A Storm Water Pollution Prevention Plan is a part of the Construction Plan.

c. **Construction Site Access.** A stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

d. **Contractor and or Subcontractor.** An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services in the project site.

e. **Developer.** Any person financially responsible for construction activity; or an owner of property who sells or leases, or offers for sale or lease any lots in a subdivision.

f. **Erosion.** Detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

g. **Erosion Control.** Any measure that prevents erosion.

h. **Grading.** The cutting and filling of the land surface to a desired slope or elevation.

i. **Impervious Surface.** Surfaces, such as pavement and rooftops, that prevent the infiltration of storm water into the soil.

j. **Indiana Storm Water Quality Manual.** A reference manual developed by the State of Indiana that provides guidance on planning principals, as well as criteria for specific structural and non-structural storm water management practices.

k. **Land Disturbance or Land Disturbing Activity.** Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.

l. **Measurable Storm Event.** A precipitation event that results in a total measured precipitation accumulation equal to or greater than, one-half inch (0.5") of rainfall.

m. **Project Site.** The entire area on which construction activity is to be performed.

n. **Project Site Owner.** A person required to submit the NOI and NOT letters to the Authorized Enforcement Agency and IDEM and is required to comply with the provisions of this Article, including either of the following:

1. A developer; or

2. A person who has financial and operational control of construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

o. **Sediment.** Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its place of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

p. **Sediment Control.** Measures that prevent sediment from leaving a project site.

q. **Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

r. **Subdivision.** Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

s. **Technical Review and Comment Form.** A form issued by the Authorized Enforcement Agency stating that the Storm Water Pollution Prevention Plan (SWPPP) is adequate or stating revisions needed in the SWPPP.

u. **Trained Individual.** An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

Sec. 9-162 Applicability.

a. This Article covers any new development or re-development construction site resulting in the disturbance of one (1) acre or more of total land area. Persons must meet the general permit rule applicability requirements under 327 *IAC* 15-2-3. This Article also applies to disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land within the corporate limits of the City.

b. All terms, conditions, definitions, and other measures defined in 327 *IAC* 15-5 shall apply except for state permitting process references and submittal deadlines of Construction Plans.

c. This Article does not apply to persons who obtain an individual NPDES permit under 327 *IAC* 15-2-6.

d. This Article does not apply to the Indiana Department of Transportation when it conducts its business within the City's corporate limits under its NPDES permit under 327 *IAC* 15.

e. This Article does not apply to the following types of activities:

1. Agricultural land disturbance activities;

2. Forest harvesting activities.

f. This Article does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

1. Landfills that have been issued a certification of closure under 329 *IAC* 10.

2. Coal mining activities permitted under I.C. § 14-34.

3. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 *IAC* 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

Sec. 9-163 Responsibility for Administration.

The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the City through the Board of Public Works and Safety to persons or entities in the beneficial interest of or in the employ of the City.

Sec. 9-164 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not replace, repeal, abrogate, supersede or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this Article imposes requirements which are more protective of human health or environment than those set forth elsewhere, the provisions of this Article shall prevail. Approvals and permits granted under this Article are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance with all applicable federal, state and local laws and regulations shall be required, including rules promulgated under authority of this Article.

Sec. 9-165 Responsibility of Construction Site Owner.

a. The project site owner has the following responsibilities:

1. Ensure that, prior to the initiation of any land disturbing activities, a sufficient Construction Plan is completed and submitted to the Authorized Enforcement Agency and approved by the Authorized Enforcement Agency as discussed in Sec. 9-166 of this Article.

2. Complete and submit to the Authorized Enforcement Agency and the Indiana Department of Environmental Management (IDEM) a sufficient Notice of Intent (NOI) letter and notification from Authorized Enforcement Agency indicating the Construction Plans are sufficient to comply with the requirements of 327 IAC 15-5-5.

3. Make application for a Land Disturbance Permit and any other permits required by the City in accordance with procedures established by the City.

4. Ensure compliance with this Article during:

(a) the construction activity; and

(b) implementation of the Construction Plan.

5. Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this Article and the approved Construction Plan.

6. Provide the Authorized Enforcement Agency and IDEM with a sufficient Notice of Termination (NOT) letter, in compliance with the requirements of 327 *IAC* 15-5-8.

b. For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

c. For an individual lot where land disturbance is expected to be one (1) acre or more and the lot lies within a project site permitted under this rule, the individual lot owner shall:

1. Ensure that, prior to the commencement of any land disturbing activity, a sufficient Construction Plan is completed and submitted to and approved by the Authorized Enforcement Agency;

2. Complete his or her own Notice of Intent (NOI) letter and submit it to the Authorized Enforcement Agency and IDEM;

3. Apply for a Land Disturbance Permit and any other permits required by the City in accordance with the procedures established by the City.

d. For an individual lot where the land disturbance is less than one (1) acre and the lot lies within a project site permitted under this rule, submittal of a Notice of Intent (NOI) letter and Construction Plan shall not be required. The individual lot operator shall:

1. Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the City;

2. Comply with the provisions set forth in Sec. 9-168 of this Article; and

3. Apply for a Land Disturbance Permit and any other permits required by the City in accordance with the procedures established by the City.

Sec. 9-166 Construction Plan Submittal, Review and Approval.

a. A complete Storm Water Pollution Prevention Plan and erosion and sediment control plan shall be submitted to the Authorized Enforcement Agency for approval. At the time of submittal, the date and time will be recorded.

b. The sufficiency of the Construction Plan shall be based upon Rule 5 regulations and the design criteria described in the current City of Terre Haute Construction Standards and Specifications, as revised and amended from time to time.

c. Each applicant shall bear the name(s) and address(es) of the owner or developer of the project site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

d. Each application shall include a statement that any land clearing, construction or development involving the movement of earth shall be in accordance with the Storm Water Pollution Prevention Plan. The Authorized Enforcement Agency will review each application for a Rule 5 permit to determine its conformance with the provisions of this regulation and Rule 5. Within twenty-eight (28) days after receiving an application, the Authorized Enforcement Agency shall, in writing:

1. Approve the erosion and sediment control plan and SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this

regulation, and issue the Technical Review and Comment Form stating that the "Plan is Adequate";

2. Provide a Technical Review and Comment Form stating that the "Plan is Deficient" and indicating the reason(s) and procedure for submitting a revised application and/or submission.

e. The Technical Review and Comment Form from the Authorized Enforcement Agency stating that the "Plan is Adequate" and a Land Disturbance Permit shall be obtained prior to the initiation of any land disturbing activities.

f. Failure of the Authorized Enforcement Agency to act on an original or revised application within twenty-eight (28) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by written agreement between the applicant and the Authorized Enforcement Agency.

g. After receiving a Technical Review and Comment Form stating that the "Plan is Adequate", if revisions to the Construction Plan require a change in measures appropriate to control the quality or quantity of storm water runoff, then revised plans must be submitted to the Authorized Enforcement Agency and receive the approval of the Authorized Enforcement Agency prior to implementation of the modified plan.

h. The applicant shall apply for and receive a Land Disturbance Permit from the Authorized Enforcement Agency and file a performance bond, letter of credit or other improvement surety in an amount deemed sufficient by the City. The surety shall, at a minimum, cover all costs of improvements, the repair of improvements, landscaping maintenance and inspection costs.

i. After receiving a Technical Review and Comment Form stating that the "Plan is Adequate" from the Authorized Enforcement Agency, and the Land Disturbance Permit as well as any other permits required by the City, and at least forty-eight (48) hours prior to the start of construction, the following shall be submitted to the Authorized Enforcement Agency and IDEM:

1. Notice of Intent (NOI) Form;

2. A copy of the Technical Review and Comment Form stating that the "Plan is Adequate"; and

3. Proof of Publication as required by 327 *IAC* 15-5-5(9).

j. The project site owner must submit a Notice of Termination (NOT) letter to IDEM and transmit a copy of the NOT letter to the Authorized Enforcement Agency when all land disturbing activities have been completed, the entire project site has been stabilized and all temporary erosion and sediment control measures have been removed.

k. Upon receipt of the NOT, the Authorized Enforcement Agency shall make a final inspection of the site. Upon satisfaction that all conditions have been addressed the project site owner shall submit a written Surety Release Request to the City.

Sec. 9-167 General Requirements for Storm Water Quality Control.

All storm water quality measures and erosion and sediment controls necessary to comply with this Article must be implemented in accordance with the Construction Plan and be sufficient to satisfy the following requirements:

a. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.

b. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

c. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

d. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is consistent with all applicable statutes and regulations.

e. Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.

f. The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information.

1. A copy of the completed NOI letter and the NPDES permit number, where applicable.

2. A copy of the Land Disturbance Permit issued by the City.

3. Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.

4. Location of the Construction Plan if the project site does not have an on-site location to store the plan.

g. The NPDES permit and posting of the notice under Subsection (f) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

h. The Storm Water Pollution Prevention Plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Article, all measures necessary to adequately prevent polluted storm water run-off.

i. The project owner shall inform all general contractors, construction management firms, land disturbance or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this Article and the conditions and standards of the Storm Water Pollution Prevention Plan and the schedule for proposed implementation.

j. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.

k. Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

l. All storm water quality measures must be designed and installed under the guidance of a trained individual.

m. Collected run-off leaving a project site must be either discharged directly to a combined sewer, storm sewer, a well-defined stable receiving channel, or a natural outlet approved by the Authorized Enforcement Agency, or diffused and released to adjacent property without creating a nuisance or causing an erosion, sedimentation or pollutant problem to the adjacent property owner.

n. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.

o. Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.

p. Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be re-stabilized using appropriate methods to minimize the erosion potential.

q. During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.

r. A self-monitoring program that includes the following must be implemented:

1. A trained individual shall perform a written evaluation of the project site:

(a) by the end of the next business day following each 0.5 inch of rain; and

(b) at a minimum of one (1) time per week.

2. The evaluation must:

(a) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and

(b) identify additional measures necessary to remain in compliance with all applicable laws and ordinances; and

(c) be made available to the Authorized Enforcement Agency and IDEM within forty-eight (48) hours of a request.

3. Written evaluation reports must include:

(a) the name of the individual performing the evaluation;

(b) the date of the evaluation;

(c) problems identified at the project site;

(d) details of corrective actions recommended and completed;

(e) All evaluation reports for the project site must be made available to the Authorized Enforcement Agency within forty-eight (48) hours of a request.

s. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.

t. Final stabilization of a project site is achieved when:

1. all land disturbance activities have been completed and a uniform, evenly distributed perennial vegetative cover with a density of seventy percent (70%) without large bare

areas has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and

2. construction projects on land used for agricultural purposes are returned to their preconstruction agricultural uses or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in Subsection 1 above.

Sec. 9-168 General Requirements for Individual Building Lots within a Permitted Project.

All storm water quality measures, including erosion and sediment control, necessary to comply with this Article must be implemented in accordance with the Construction Plan and be sufficient to satisfy the following requirements:

Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

a. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.

b. Installation and maintenance of a stable construction site access.

c. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

d. Sediment discharge and tracking from each lot must be minimized throughout the land disturbance activities on the lot until permanent stabilization has been achieved.

e. Clean-up of sediment that is either tracked or washed onto road. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable laws and ordinances.

f. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

g. For individual residential lots, final stabilization meeting the criteria in Sec. 9-167 (t) of this Article will be achieved when the individual lot operator:

1. completes final stabilization; or

2. has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

Sec. 9-169 Monitoring of Discharges.

The Authorized Enforcement Agency shall have authority to monitor discharges from construction sites covered under this Article as described in General Ordinance No. 2, 2008 Illicit Connections and Discharge Regulation.

Sec. 9-170 Requirement To Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The Authorized Enforcement Agency shall establish requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 9-171 Inspection.

a. A self-monitoring program by the project site owner is required during construction of any project regulated by this Article. A trained individual employed or retained by the project site owner shall prepare and maintain a written evaluation of the project site by the end of the next business day following each measurable storm event and at a minimum of one (1) time per week.

b. The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly; and identify additional measures necessary to remain in compliance with all applicable statutes and rules.

c. Written evaluation reports must include the following:

1. the name of the individual performing the evaluation;

2. the date of the evaluation;

3. problems identified at the project site; and

4. details of corrective actions recommended and completed.

c. All evaluation reports for the project site must be made available to the Authorized Enforcement Agency, IDEM, or the United States Environmental Protection Agency within forty-eight (48) hours of a request.

d. All persons engaging in construction activities on a project site must comply with the Storm Water Pollution Prevention Plan, this Article, Rule 5, and the City of Terre Haute Construction Standards and Specifications.

e. The Authorized Enforcement Agency will perform inspections and provide recommendations to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in construction activities. Construction project sites will be prioritized based on the nature and extent of the construction activity, topography, and the characteristics of soils and receiving water quality.

f. If after a recommendation is provided to the project site owner, corrective action is not taken, the Authorized Enforcement Agency will pursue enforcement pursuant to Sec. 9-173.

Sec. 9-172 Post-Construction Controls for New Development or Redevelopment.

On areas that undergo new development or redevelopment, site construction resulting in disturbance of one (1) acre or more total land area, post construction control measures in the form of structural and/or non-structural best management practices are required. Post-construction storm water pollutant loading will be addressed through the Six (6) Minimum Control Measures, as provided in the MS4 Program, so that preconstruction loadings will not be exceeded. Post-construction storm water Best Management Practices (BMPs) shall follow Indiana's Storm Water Quality Manual as a guidance document. It is the goal of the Authorized Enforcement Agency to have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of Construction Plans and specifications and related documents as defined in 327 *IAC* 15-5-6.5(a)(8). Additionally, all post-construction storm water Best Management Practices, structural and/or nonstructural, shall be operated and maintained by the property owner in the manner approved by the City or its agents.

Sec. 9-173 Enforcement.

a. Enforcement of this Article shall be subject to the severity of the infraction and the construction site operator's efforts to comply. The Authorized Enforcement Agency shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the Authorized Enforcement Agency's discretion. The tiered enforcement may include:

1. Verbal warning to the construction site operator to make corrections.

2. Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of

the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.

3. Warning of Non-Compliance with directions to the construction site operator that site conditions require immediate action.

4. Stop Work Order.

5. Revocation of Land Disturbance Permit.

b. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 9-174 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 9-175 Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Authorized Enforcement Agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 9-176 Civil Penalty.

Any person that has violated or continues to violate the provisions of this Article shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to Two Thousand Five Hundred Dollars ($2,500.00) per violation per day.

The Authorized Enforcement Agency may recover all attorney's fees, court costs, consultant costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

Sec. 9-177 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily

abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 9-178 Remedies Not Exclusive.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

ARTICLE 7. WATERWORKS REGULATIONS.[184]

ARTICLE 8. WATERWORK RATES AND CHARGES.[185]

[184] Editor's Note: The City of Terre Haute does not own or regulate a waterworks system, therefore, Article 7 was removed in the 2003 recodification.

[185] Editor's Note: The City of Terre Haute does not own or regulate a waterworks system, therefore, Article 8 was removed in the 2003 recodification.

CHAPTER 10. ZONING & SUBDIVISION REGULATIONS

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CHAPTER 10

ZONING & SUBDIVISION REGULATIONS

ARTICLE 1. UNIFIED FLOODPLAIN CONTROL ORDINANCE.[186]

Sec. 10-1 Statutory Authorization, Findings of Fact, Purpose, and Objectives.

a. Statutory Authorization.

Pursuant to IC 36-7-4 and IC 14-28-4, the Indiana Legislature has granted the power to local government units to control land use within their jurisdictions.

b. Findings of Fact.

(1) The flood hazard areas of the City of Terre Haute are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

c. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

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[186] *I.C.* § 36-9-29-1 through § 36-9-29-38, address "Flood Control Districts". Flood control is also addressed in 33 *U.S. Code*, § 701, *et seq*.
Editor's Note. The FloodPlain Control Ordinance was replaced in its entirety by General Ordinance No. 2, 2011, passed on February 10, 2011.

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

(6) Make federally subsidized flood insurance available for structures and their contents in the City of Terre Haute by fulfilling the requirements of the National Flood Insurance Program.

d. Objectives. The objectives of this ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) To ensure that potential homebuyers are notified that property is in a flood area.

Sec. 10-2 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

a. **A Zone.** Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

b. **Accessory Structure** (appurtenant structure). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

c. **Addition** (to an existing structure). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

d. **Appeal.** A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

e. **Area of Shallow Flooding.** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly

defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

f. **Base Flood Elevation (BFE).** The elevation of the one-percent annual chance flood.

g. **Basement.** That portion of a structure having its floor sub-grade (below ground level) on all sides.

h. **Building.** See "Structure."

i. **Community.** A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

j. **Community Rating System (CRS).** A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

k. **Critical Facility.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

l. **Development.** Any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a structure or any addition to a structure;

(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or

(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

m. **Elevated Structure.** A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

n. **Elevation Certificate.** A certified statement that verifies a structure's elevation information.

o. **Emergency Program.** The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

p. **Encroachment.** The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

q. **Existing Construction.** Any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

r. **Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

s. **Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

t. **FEMA.** The Federal Emergency Management Agency.

u. **Five-hundred (500) Year Flood.** The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

v. **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

w. **Flood Boundary and Floodway Map (FBFM).** An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

x. **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

y. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

z. **Flood Insurance Study (FIS).** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

aa. **Flood Prone Area.** Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

bb. **Flood Protection Grade (FPG).** The elevation of the regulatory flood plus two feet (2') at any given location in the SFHA. (see "Freeboard")

cc. **Floodplain.** The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

dd. **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

ee. **Floodplain Management Regulations.** This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

ff. **Floodproofing (Dry Floodproofing).** A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

gg. **Floodproofing Certificate.** A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

hh. **Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

ii. **Freeboard.** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

jj. **Fringe.** Those portions of the floodplain lying outside the floodway.

kk. **Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

ll. **Hardship** (as related to variances of this ordinance). The exceptional hardship that would result from a failure to grant the requested variance. The Terre Haute Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

mm. **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

nn. **Historic Structure.** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

oo. **Increased Cost of Compliance (ICC).** The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

pp. **Letter of Map Amendment (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

qq. **Letter of Map Revision (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

rr. **Letter of Map Revision Based on Fill (LOMR-F).** An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

ss. **Lowest Adjacent Grade.** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

tt. **Lowest Floor.** The lowest of the following:

(1) the top of the lowest level of the structure;

(2) the top of the basement floor;

(3) the top of the garage floor, if the garage is the lowest level of the structure;

(4) the top of the first floor of a structure elevated on pilings or pillars;

(5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of (6) a.; or

(6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher and shall be located entirely below the BFE; and,

(b) such enclosed space shall be usable solely for the parking of vehicles and building access.

uu. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

vv. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

ww. **Map Amendment.** A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

xx. **Map Panel Number.** The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

yy. **Market Value.** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

zz. **Mitigation.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

aaa. **National Flood Insurance Program (NFIP).** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

bbb. **National Geodetic Vertical Datum (NGVD) of 1929.** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

ccc. **New Construction.** Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

ddd. **New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

eee. **North American Vertical Datum of 1988 (NAVD 88).** As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

fff. **Obstruction.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ggg. **One-hundred (100) Year Flood.** The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

hhh. **One-percent (1%) Annual Chance Flood.** The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

iii. **Participating Community.** Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

jjj. **Physical Map Revision (PMR).** An official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

kkk. **Post-FIRM Construction.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

lll. **Pre-FIRM Construction.** Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

mmm. **Probation.** A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

nnn. **Public Safety and Nuisance.** Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

ooo. **Recreational Vehicle.** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

ppp. **Regular Program.** The phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

qqq. **Regulatory Flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Sec. 10-3 b. of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood”, “One-Percent Annual Chance Flood”, and “100-Year Flood”.

rrr. **Repetitive Loss.** Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

sss. **Section 1316.** That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

ttt. **Special Flood Hazard Area (SFHA).** Those lands within the jurisdictions of the City subject to inundation by the regulatory flood. The SFHAs of the City of Terre Haute are generally identified as such on the Vigo County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated February 18, 2011. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

uuu. **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

vvv. **Structure.** A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

www. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

xxx. **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct

existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

yyy. **Suspension.** The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

zzz. **Variance.** A grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

aaaa. **Violation.** The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

bbbb. **Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

cccc. **Water Surface Elevation.** The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

dddd. **X zone.** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

eeee. **Zone.** A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

ffff. **Zone A.** See definition for “A Zone.”

gggg. **Zone B, C, and X.** Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Sec. 10-3 General Provisions.

a. Lands to Which This Ordinance Applies. This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Terre Haute.

b. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the City of Terre Haute shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vigo County, Indiana and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated February 18, 2011.

(2) The regulatory flood elevation for each SFHA delineated as an "AO Zone" (in fringe) shall be that elevation (or depth) delineated on the FIRM of Vigo County, Indiana and Incorporated Areas prepared by the Federal Emergency Management Agency and dated February 18, 2011.

(3) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an "A Zone" on the FIRM of Vigo County, Indiana and Incorporated Areas prepared by the Federal Emergency Management Agency and dated February 18, 2011 shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(4) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

c. Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

d. Compliance. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

e. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this

ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

g. Interpretation. In the interpretation and application of this ordinance all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

h. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Terre Haute, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

i. Penalties for Violation. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00).

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

j. Increased Cost of Compliance (ICC). In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Sec. 10-4 Administration.

a. Designation of Administrator. The Common Council of the City of Terre Haute hereby appoints the City Engineer to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

b. Permit Procedures. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application Stage.

(a) A description of the proposed development;

(b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

(c) A legal description of the property site;

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

(f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;

(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage. Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a

certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

c. Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
(2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sec. 10-5 e. and g. (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Sec. 10-4 b.;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Sec. 10-4 b.;

(11) Review certified plans and specifications for compliance;

(12) Stop Work Orders.

(a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

(b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits.

(a) The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized City officials shall have the right to enter and inspect properties located in the SFHA.

Sec. 10-5 Provisions for Flood Hazard Reduction.

a. General Standards. In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed

so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,

(10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

b. Specific Standards. In all SFHAs, the following provisions are required:

(1) In addition to the requirements of Sec. 10-5 a., all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of any new structure having a floor area greater than 400 square feet;

(b) Addition or improvement made to any existing structure:

(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.

(c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;

(d) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(f) Reconstruction or repairs made to a repetitive loss structure;

(2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sec. 10-5 b. (4).

(3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sec. 10-5 b. (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

(a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Sec. 10-4 c. (10).

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade *(crawlspaces or under-floor spaces*) shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

(a) provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area; and

(b) all openings shall be located entirely below the BFE; and

(c) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(d) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

(e) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(f) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

(g) the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and

(h) an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(i) where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the either the Standard or Modified Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(i) outside a manufactured home park or subdivision;

(ii) in a new manufactured home park or subdivision;

(iii) in an expansion to an existing manufactured home park or subdivision; or

(iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(c) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade *(crawlspaces or under-floor spaces*) shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Sec. 10-5 b. (4).

(d) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(e) Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days; and,

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

c. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

d. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

e. Standards for Identified Floodways.

Located within SFHAs, established in Sec. 10-3 b., are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial

additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 10-5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

f. Standards for Identified Fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Sec. 10-5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

g. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued

provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sec. 10-5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 10-5 of this ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

h. Standards for AO Zones. Located within the SFHAs established in Sec. 10-3 b., are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1-3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore the following provisions shall apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet (2') greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade.

(2) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(3) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated two feet (2') greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade; or,

(b) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Sec. 10-5 b. (3).

i. Standards for Flood Prone Areas. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per Sec. 10-5 a. (1) through (10).

Sec. 10-6 Variance Procedures.

a. Designation of Variance and Appeals Board. The Board of Zoning Appeals as established by Common Council of the City of Terre Haute shall hear and decide appeals and requests for variances from requirements of this ordinance.

b. Duties of Variance and Appeals Board. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Vigo County Circuit Court.

c. Variance Procedures. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(1) The danger of life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The importance of the services provided by the proposed facility to the community;

(4) The necessity to the facility of a waterfront location, where applicable;

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(6) The compatibility of the proposed use with existing and anticipated development;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

d. Conditions for Variances.

(1) Variances shall only be issued when there is:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and,

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to Sec. 10-5 e. or g. (1) of this ordinance may be granted.

(3) Any variance granted in a floodway subject to Sec. 10-5 e. or g. (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of Sec. 10-5 b., may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to

which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Sec. 10-6 e.).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Sec. 10-6 e.).

e. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

f. Historic Structure. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

g. Special Conditions. Upon the consideration of the factors listed in Sec. 10-6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Sec. 10-7 through Sec. 10-19 Reserved for Future Use.

ARTICLE 2. COMPREHENSIVE ZONING ORDINANCE.[187]

Division I. Creation and Purpose.

Sec. 10-20 Title, Intent and Purpose.

[187] *I.C.* § 36-7-4-100 *et seq*., address local planning and zoning.

a. An ordinance creating a Comprehensive Zoning Ordinance and supplementing and establishing a zoning plan for the City of Terre Haute to regulate, classify, limit, and restrict the height, area bulk and use of buildings hereafter to be erected or altered; to restrict the location of trades, callings, industries, commercial enterprises, and the location of buildings designed for specified uses; to regulate and determine the use and intensity of use of land and lot areas and districts and prescribe penalties for the violation of its provisions and to provide for its enforcement and further to provide for a Board of Zoning Appeals and a procedure to follow thereunder.

b. This Article and map shall be known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" in order:

(1) To promote public health, safety, morality, convenience and the general welfare.

(2) To encourage the most appropriate use of land.

(3) To conserve and stabilize the value of property.

(4) To provide adequate open spaces for light and air.

(5) To prevent excessive concentrations of population.

(6) To eliminate congestion on streets and highways. (Ord. No. 1, 1967, § 1121.01, 7-6-67)

Sec. 10-21 Reserved for Future Use.

Division II. Rules and Definitions.

Sec. 10-22 Rules.

In the construction of this zoning ordinance, the rules and definitions contained in this Article shall be observed and applied except when the context clearly indicates otherwise:

a. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

b. The words **Shall** and **Will** are mandatory and not discretionary.

c. The word **May** is permissive.

d. The word **Lot** shall include the words **Piece** and **Parcel**; the word **Building** includes all other structures of every kind regardless of similarity to buildings; and the phrase **Used for** shall include the phrases **Arranged for, Designed for, Maintained for, Intended for,** and **Occupied for**. (Ord. No. 1, 1967, § 1123.01, 7-6-67)

Sec. 10-23 Abandonment.

Abandonment. The voluntary intentional relinquishment of the owner's known right. (Ord. No. 1, 1967, § 1123.02, 7-6-67)

Sec. 10-24 Accessory Building, Structure, or Use.

a. An **Accessory Building, or Structure** is one which: is a subsidiary or auxiliary building or structure located on the same lot with the principal building or structure but separated there from and which is customarily incidental to the principal building or structure or to the principal use of the land. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

b. An **Accessory Use** is one which:

(1) Is conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in the Zoning Ordinance; and

(2) Is clearly and customarily incidental to, subordinate in purpose to, and serving the principal use; and

(3) Is either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use. Examples include on-site daycare facilities or on-site medical clinics used solely by the employees. (Ord. No. 1, 1967, § 1123.03, 7-6-67; Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

Sec. 10-25 Alley.

A public or private way not more than twenty-two feet (22') wide affording only secondary means of access to abutting property. (Ord. No. 1, 1967, § 1123.04, 7-6-67)

Sec. 10-26 Alteration (of Building or Structure).

Any change in the structural members of a building such as walls, columns, beams or girders, fenestration, and means of ingress or egress. (Ord. No. 1, 1967, § 1123.05, 7-6-67)

Sec. 10-27 Apartment House (Dwelling, Multi-Family).

A building designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units including row houses, garden or elevator apartments, or rooming houses. (Ord. No. 1, 1967, § 1123.06, 7-6-67)

Sec. 10-28 Apartment Hotel.

An apartment house, which furnishes additional services, ordinarily furnished by hotels, but where the services furnished are for its tenants by previous arrangements and not for transients. (Ord. No. 1, 1967, § 1123.07, 7-6-67)

Sec. 10-29 Automobile or Trailer Sales Area.

An open area, other than a street, used for the display, sale, or rental of new and used motor vehicles, trailers or mobile homes, in a commonly accepted state of repair and appearance. All repair work is to be done inside a building. (Ord. No. 1, 1967, § 1123.08, 7-6-67)

Sec. 10-30 Automobile Wrecking.

The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (Ord. No. 1, 1967, § 1123.09, 7-6-67)

Sec. 10-31 Basement.

A story whose floor is more than twelve inches (12”), but not more than half of its story height below the average level of the adjoining ground. (Ord. No. 1, 1967, § 1123.10, 7-6-67)

Sec. 10-32 Billboard.

An advertising sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or affixed. (Ord. No. 1, 1967, § 1123.11, 7-6-67)

Sec. 10-33 Block.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore-lines of waterways, or jurisdictional boundary lines as drawn on the maps contained in this zoning ordinance. (Ord. No. 1, 1967, § 1123.12, 7-6-67)

Sec. 10-34 Boarding House (Lodging House).

Any dwelling other than a hotel, where meals or lodging and meals for compensation are provided for not less than five (5) or more than twenty (20) persons by pre-arrangement for a definite period of time. (Ord. No. 1, 1967, § 1123.13, 7-6-67)

Sec. 10-35 Building.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

Sec. 10-36 Building Height.

The vertical distance, measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof, for a flat roof, to the deck line for a mansard roof and to the mean height level (between eaves and the ridge) for a gable and hip roofs. Whenever a building is located upon a terrace or slope, height may be measured from the average height grade level of the building wall. (Ord. No. 1, 1967, § 1123.15, 7-6-67)

Sec. 10-37 Building Line.

Building Line. A line beyond which the principal building and its accessory buildings may not project except as otherwise stated in this zoning ordinance. A series of building lines must complete a closed circuit and shall not cross a lot line or be superimposed thereon. (Ord. No. 1, 1967, § 1123.16, 7-6-67)

Sec. 10-38 Building, Principal.

A building which contains the principal use of the building site on which it is located. (Ord. No. 1, 1967, § 1123.17, 7-6-67)

Sec. 10-39 Bulk.

Bulk. The term used to indicate the size and setbacks of buildings and the location with respect to one another, and includes the following:

a. Size and height of buildings;

b. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;

c. Gross floor area of buildings in relation to net lot area (floor area ratio);

d. All open spaces allocated to buildings;

e. Amount of net lot area provided per dwelling unit. (Ord. No. 1, 1967, § 1123.18, 7-6-67)

Sec. 10-40 Camp (Public).

Any area or tract of land used or designated to accommodate two (2) or more automobiles, campers, house trailers or two (2) or more camping parties, including cabins, tents or other camping outfits. (Ord. No. 1, 1967, § 1123.19, 7-6-67)

Sec. 10-41 Cellar.

A story having more than one-half (½) of its height below grade and not used for dwelling purposes. (Ord. No. 1, 1967, § 1123.20, 7-6-67)

Sec. 10-42 Certificate of Use and Occupancy.

A certificate used prior to, and authorizing the use and, or occupancy of all building or land uses and states that the building or land use meets all requirements of the zoning ordinance and building code subject to any special provisions that may prevail. The certificates shall be kept in an envelope on the inside door panel of the main electric service panel and must remain with the property indefinitely. The zoning administrators shall be charged with the keeping of all duplicate copies of Certificate of Use and Occupancy. (Ord. No. 1, 1967, § 1123.21, 7-6-67)

Sec. 10-43 Clinic.

An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together. (Ord. No. 1, 1967, § 1123.22, 7-6-67)

Sec. 10-44 Close Relative.

Close relative means a grandmother or grandfather, or mother or father, son or daughter, or brother or sister of the owner or owners, or any of them, of the tract of land or lot in which such mobile home is located. (Ord. No. 1, 1967, § 1123.23, 7-6-67)

Sec. 10-45 Club or Lodge.

Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business. (Ord. No. 1, 1967, § 1123.24, 7-6-67)

Sec. 10-46 Commercial.

Commercial. When used in this Article is defined as engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services or a maintenance or operation of offices or recreational or amusement enterprises, but does not include material yards, junk yards or railroad yards. (Ord. No. 1, 1967, § 1123.25, 7-6-67)

Sec. 10-47 Commission.

Commission. Whenever used in the context of this Article, the same shall be defined as the Vigo County Area Plan Commission. (Ord. No. 1, 1967, § 1123.26, 7-6-67)

Sec. 10-48 Director.

Whenever the word DIRECTOR is used in the context of this Article, the same shall be the Executive Director of the Vigo County Area Planning Department.

Sec. 10-49 District.

A section or sections of the City of Terre Haute or of jurisdiction of the COMMISSION for which the requirements governing the use of buildings and premises, the bulk of buildings, the size of yards, the requirements for off-street parking and loading and the intensity of use are uniform. (Ord. No. 1, 1967, § 1123.25, 7-6-67)

Sec. 10-50 Dormitory.

A building arranged and used for housing individuals with common toilet and bath facilities and not having individual cooking facilities. (Ord. No. 1, 1967, § 1123.26, 7-6-67)

Sec. 10-51 Dwelling.

A building or portion thereof designed or used exclusively for residential occupancy, including one, two, and multiple dwelling units, but not including house trailers, mobile homes, motels, hotels, boarding and lodging houses, tourist courts or tourist homes. (Ord. No. 1, 1967, § 1123.29, 7-6-67)

Sec. 10-52 Dwelling, Single-Family.

A detached building designed for, or intended, or occupied by no more than one (1) family. (Ord. No. 1, 1967, § 1123.30, 7-6-67)

Sec. 10-53 Dwelling, Two-Family.

A detached building designed for or intended or occupied by no more than two (2) family units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar. (Ord. No. 1, 1967, § 1123.31, 7-6-67)

Sec. 10-54 Dwelling, Multi-Family (See: Apartment House)**.** (Ord. No. 1, 1967, § 1123.32, 7-6-67)

Sec. 10-55 Dwelling Unit (D.U.).

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family. (Ord. No. 1, 1967, § 1123.33, 7-6-67)

Sec. 10-56 Duplex Dwellings.

A detached two (2) family dwelling, in which living quarters are arranged side by side, but not one over the other. (Ord. No. 1, 1967, § 1123.34, 7-6-67)

Sec. 10-57 Easement.

A portion or strip of land which is part of a lot or parcel, but which has been reserved for a specific use for access of persons, utilities or services. (Ord. No. 1, 1967, § 1123.35, 7-6-67)

Sec. 10-58 Exception.

An EXCEPTION as used in this zoning ordinance, is a dispensation allowable where facts and conditions as detailed in the ordinance, are those upon which an exception may be permitted, are found to exist. (Ord. No. 1, 1967, § 1123.36, 7-6-67)

Sec 10-59 Extractive Industries.

The removal of earth or rocks for the purpose of obtaining stone or minerals. Includes activities such as quarrying and coal mining. (Ord. No. 1, 1967, § 1123.37, 7-6-67)

Sec. 10-60 Family.

An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit, excludes dormitories or religious homes. (Ord. No. 1, 1967, § 1123.38, 7-6-67)

Sec. 10-61 Filling or Service Station.

Any land, building, or premises used for the sale or retail of motor vehicle fuels, oils, or accessories or for the servicing or lubricating of motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles and excluding public garages. (Ord. No. 1, 1967, § 1123.9, 7-6-67)

Sec. 10-62 Floor Area, Gross.

Gross building floor area is measured from outside wall to outside wall and includes all floor area except the following:

a. Off-street parking floor area;

b. Areas devoted to permanent patios, gardens;

c. Areas devoted to fallout shelters where plans and construction meet with specifications approved by Vigo County Office of Civil Defense. This area is not necessarily limited to sole usage as a fallout shelter. (Ord. No. 1, 1967, § 1123.40, 7-6-67)

Sec. 10-63 Frontage.

All of the property immediately adjacent to one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street. (Ord. No. 1, 1967, § 1123.41, 7-6-67)

Sec. 10-64 Garage, Private.

An accessory building with the capacity of no more than three (3) motor vehicles, boats, trailers, or combination thereof for storage only, not more than one (1) of which may be a commercial vehicle. Providing, however, that a garage designed to house one and one-half (1 ½) stalls for motor vehicles, boats, trailers or combination thereof for each family housed in an apartment shall be classed a private garage. (Ord. No. 1, 1967, § 1123.42, 7-6-67)

Sec. 10-65 Garage, Public.

Any building or premises except those defined herein as a private garage, used for the storage or care of motor vehicles, trailers, boats, or combination thereof, or where such conveyances are equipped for operation, repair or kept for remuneration, hire, or sale. (Ord. No. 1, 1967, § 1123.43, 7-6-67)

Sec. 10-66 Garage, Parking and Storage.

A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and at which cars may be washed and motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired or sold. (Ord. No. 1, 1967, § 1123.44, 7-6-67)

Sec. 10-67 General Nuisance.

Any use inconsistent with the public comfort, convenience, enjoyment, health, safety and general welfare. The following factors are to be considered in making the determination thereof:

a. Fire and explosion hazards;

b. Electrical and radioactive disturbances;

c. Noise and vibration;

d. Dust, dirt, and flying ashes;

e. Glare;

f. Smoke and odors;

g. Unsanitary conditions attractive to vermin or fostering the spread of disease; and

h. Other forms of air pollution not listed above. (Ord. No. 1, 1967, § 1123.45, 7-6-67)

Sec. 10-68 Grade, Established.

The average level of the finished surface of the ground for buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street the average sidewalk grade is to be used. If there is no sidewalk the City Engineer shall establish the sidewalk grade. (Ord. No. 1, 1967, § 1123.46, 7-6-67)

Sec. 10-69 Home Occupation.

An occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than a single name placed no more than one (1) square foot in area nor any display that will indicate from the exterior that the building is being utilized wholly or in part for any purpose other than that of a dwelling; that no person is employed there for monetary or other gain except for a member of the immediate family residing on the premises; that no commodity is sold on the premises but the taking of mail orders is permitted; and that no mechanical equipment is used except such as is permissible for purely domestic or household purposes. (Ord. No. 1, 1967, § 1123.47, 7-6-67)

Sec. 10-70 Hotel.

An establishment providing lodging for transient guests having a lobby for common use from which individual rooms or suites are accessible, where no cooking is provided in any individual rooms or suites but meals may or may not be provided by the establishment. (Ord. No. 1, 1967, § 1123.48, 7-6-67)

Sec. 10-71 Improvement Location Permit.

A permit stating that the proposed erection, construction, enlargement or moving of a building and land use referred to therein complies with the provisions of the comprehensive development plan of which this zoning ordinance is a part. (Ord. No. 1, 1967, § 1123.49, 7-6-67)

Sec. 10-72 Independent Mobile Home.

An independent mobile home has a self-contained, flush-type toilet, a sink, and a bath or shower facility. (Ord. No. 1, 1967, § 1123.50, 7-6-67)

Sec. 10-73 Institution.

A building or premises occupied by a non-profit corporation or a non-profit establishment for public use and or benefit. (Ord. No. 1, 1967, § 1123.51, 7-6-67)

Sec. 10-74 Junk Yard.

a. Junk yards consist of buildings or premises where junk (as defined in subsection b. hereof), waste, discarded or salvaged materials are bought, sold, stored, or packed. Junk yards include automobile wrecking yards, housewrecking storage yards, and used structural steel materials and equipment. The purchase or storage of used furniture, household equipment and used cars in operable condition with current state vehicle license plate or current registration are not included.

b. Junk includes scrap metals and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, tinfoil, bottles, lumber, wastepaper boxes, crates, and old tools, machinery, fixtures and appliances with negligible remaining utility), and other manufactured goods that are uneconomical to repair or unusable. (Ord. No. 1, 1967, § 1123.52, 7-6-67)

Sec. 10-75 Kennels.

The use of land or building for the purpose of selling, breeding, boarding or training animals other than farm animals, or the keeping of more than six (6) dogs six (6) months of age or older, or keeping more than six (6) cats six (6) months of age or older, or the keeping of more than six (6) dogs and cats combined, six (6) months of age or older. (Gen. Ord. No. 26, 2001, 3-14-02)

Sec. 10-76 Lot (Lot of Record or Zoning Lot).

For the purposes of this Article a lot, zoning lot, or lot of record are one and the same and is an area of land designated as a lot on a plat or subdivision recorded or registered, pursuant to statute, with the Office of Recorder of Vigo County, Indiana. Further, it is a single tract of land located within a single block, which (at the time of filing for a building or improvement location permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. (Ord. No. 1, 1967, § 1123.54, 7-6-67)

Sec. 10-77 Lot, Corner.

A lot abutting upon the intersection of two (2) or more streets which form an interior angle of less than one hundred thirty-five degrees (135º). The point of intersection of the street lot lines is the corner. (Ord. No. 1, 1967, § 1123.55, 7-6-67)

Sec. 10-78 Lot Interior.

A lot with frontage on but one (1) side. (Ord. No. 1, 1967, § 1123.56, 7-6-67)

Sec. 10-79 Lot Lines.

a. Street (Front). The street lot line shall be that boundary of a lot which is along an existing or dedicated public thoroughfare or where no thoroughfare exists, is along a public way.

b. Interior Lot Line (Side). For interior lots, that lot line which is in common with two (2) different interior lots fronting on the same thoroughfare (street). For corner lots, that lot line which is in common with the corner lot and an interior lot both fronting the same street.

c. Alley. That lot line which is in common with an alley.

d. Rear. The rear lot line shall be that line which is neither a street lot line, an interior lot line, nor an alley lot line. (Ord. No. 1, 1967, § 1123.57, 7-6-67)

Sec. 10-80 Lot, Through.

A THROUGH LOT is a lot having a pair of opposite lot lines along two more or less parallel public thoroughfares, and which is not a corner lot. On a THROUGH LOT both street lines shall be deemed street (front) lines in figuring building line setbacks. (Ord. No. 1, 1967, § 1123.58, 7-6-67)

Sec. 10-81 Manufacturing (Industry).

Any use in which the major activity is the treatment, processing, rebuilding, or repairing or bulk storing of material, products or items and where the finished product is not acquired by the ultimate user on the premises as distinguished from a retail use, where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of material or products on the premises. (Ord. No. 1, 1967, § 1123.59, 7-6-67)

Sec. 10-82 Mobile Home (For Campers, See Trailers).

A mobile home is a single family, independent dwelling unit, designed, constructed or reconstructed including all appurtenances thereto, to be movable and portable without permanent foundation, therefore; a vehicular portable structure built on a chassis with either self-propelled or non-self-propelled means. A mobile home also is longer than thirty feet (30’), wider than six feet (6’), and contains more than one hundred eighty (180) square feet, measured at the floor line. (Ord. No. 1, 1967, § 1123.60, 7-6-67)

Sec. 10-83 Mobile Home Park.

A mobile home park means an area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used for or intended for use as a part of the equipment of such mobile home park. (Ord. No. 1, 1967, § 1123.61, 7-6-67)

Sec. 10-84 Motel.

A MOTEL is an establishment consisting of a group of attached living or sleeping units accommodations, with bathroom and closet space for each unit, located on a single zoning lot, and designed for use by transient automobile tourists. (Ord. No. 1, 1967, § 1123.62, 7-6-67)

Sec. 10-85 Net Site Area.

The NET SITE AREA is the BUILDABLE area of a lot contained inside of and entirely enclosed by building lines. In all cases the net site area is less than the lot area. (Ord. No. 1, 1967, § 1123.63, 7-6-67)

Sec. 10-86 Non-Conforming Buildings.

A NON-CONFORMING BUILDING is any building which is designed or intended or used for a non-conforming use, or one which does not comply with all of the bulk and density requirements listed herein or any amendments hereto except for an illegal building. (Ord. No. 1, 1967, § 1123.64, 7-6-67)

Sec. 10-87 Nursing Home.

A home for the aged, convalescent, chronically ill or incurable persons, except mental or alcoholic patients in which three (3) or more persons are received, kept or provided with food and shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, and care of the sick or injured other than convalescents.

Sec. 10-88 Occupied Space.

The term OCCUPIED SPACE means the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

Sec. 10-89 Off-Street Parking.

A parcel of a lot with an all-weather surfaced area, enclosed in a principal, or accessory building, or unenclosed, sufficient in size to contain one or more parking stalls of not less than 8 x 19 foot size and such open, unoccupied space shall be other than a thoroughfare or alley, and that the principal use of such parcel of land, durably surfaced, and connected by a durable all-weather surfaced driveway to a thoroughfare or alley, shall be for the purpose of parking vehicles off the thoroughfares, within the jurisdiction of this ordinance. (Ord. No. 1, 1967, § 1123.66, 7-6-67)

Sec. 10-90 Office Building.

A building comprised of more than fifty percent (50%) of its floor space in offices. (Ord. No. 1, 1967, § 1123.67, 7-6-67)

Sec. 10-91 Owner-Occupant.

An owner-occupant means a natural person who at the time of the effective date of this Article:

a. Owns an independent mobile home; and in addition

b. Owns the tract of land or lot on which such mobile home is located; and in addition

c. Occupies such mobile home as a single family residence.

No person shall be considered to be an owner-occupant unless he meets the provisions Subsections a., b., and c. mentioned above as of January 6, 1966, provided however, that the ownership of an independent mobile home by a close relative shall be considered the same as the ownership thereof by the owner of the tract of land or lot on which such mobile home is located and shall meet the requirement of the Subsection a. of this Section. The occupancy of such mobile home as a single family residence by a close relative shall be considered the same as the occupancy thereof by the owner of the tract of land or lot on which such mobile home is located and shall meet the requirements of Subsection c. of this Section. (Ord. No. 1, 1967, § 1123.68, 7-6-67)

Sec. 10-92 Parking Areas.

An all-weather surfaced area, either enclosed or unenclosed, connected to a thoroughfare by an all-weather surfaced driveway providing satisfactory ingress and egress and categorized as follows:

a. Commercial. A parking area or lot operated for compensation

b. Private. An accessory use for the occupants of the principal building or use such as employers and employees of a commercial or industrial use, church, club, apartments, etc., but not for the general public.

c. Public. An accessory use for the general public, employers and employees. (Ord. No. 1, 1967, § 1123.69, 7-6-67)

Sec. 10-93 Planned Unit Development.

A PLANNED UNIT DEVELOPMENT is a tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least four (4) acres in area, except for planned unit developments operated by a municipality shall be at least two (2) acres in area, and manufacturing planned limit developments which shall be at least ten (10) acres in area.

Sec. 10-94 Railroad Right-of-Way.

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train or motor car sheds, warehouses, car or locomotive shops, or car yards. (Ord. No. 1, 1967, § 1123.71, 7-6-67)

Sec. 10-95 Recreation.

a. Commercial. Recreation facilities operated as a business and open to the general public for a fee.

b. Private (non-commercial). Clubs or recreation facilities, operated by a non-profit organization, and open only to its members.

c. Outdoor. Any activity normally conducted outdoors, including swimming, tennis, baseball and football, whether conducted outdoors or within an enclosed building or structure.

d. Public. Recreation facilities operated by a governmental entity or as a non-profit enterprise by a non-profit organization, and open to the general public. (Ord. No. 1, 1967, § 1123.72, 7-6-67)

Sec. 10-95-1 Residential Facility for the Developmentally Disabled.

A residential facility established under a program authorized by *I.C.* § 12-11-1 which provides residential services for not more than eight (8) developmentally disabled individuals. (Gen. Ord. No. 19, 1997, 2-12-98)

Sec. 10-95-2 Residential Facility for the Mentally Ill.

A residential facility established under a program established by *I.C.* § 12-22-1-1 which provides residential services for mentally ill individuals. (Gen. Ord. No. 19, 1997, 2-12-98)

Sec. 10-96 Right-of-Way.

Right-of-way is a strip area contained within property lines, bounded by property lines on two (2) or more sides at a specific location, but when taken in its entirety is completely bounded and the property lines form a closed circuit. (Ord. No. 1, 1967, § 1123.73, 7-6-67)

Sec. 10-97 Signs.

An identification, description, illustration, photograph or display which is affixed to, or represented directly or indirectly upon a building or land and which directs attention to an object, place, product, person, institution, activity, organization or business and categorized as follows:

a. **Advertising.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

b. **Business.** A sign which directs attention to a business service, commodity, profession, or entertainment which is sold or offered upon the same premises where the sign is located.

c. **Development.** A sign advertising the development or sale of the premises upon which it is erected.

d. **Directional.** A sign indicating the direction and or location of premises available for or in process of development, but not erected upon the premises, and bearing the name of the owner, agent, builder, or developer.

e. **Flashing.** A sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.

f. **Gross Surface Area.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

g. **Institutional.** Signs for schools, colleges, sanitariums, hospitals, churches, or other institutions of a similar public or semi-public nature.

h. **Rent or Sale.** A sign advertising the sale or rental of the premises upon which they are erected; and signs bearing the word SOLD or RENTED with the name of the firm or parties affecting the sale or rental. (Ord. No. 1, 1967, § 1123.74, 7-6-67)

Sec. 10-98 Structural Alteration.

Any change, including addition thereto, other than incidental repairs, which would prolong the life of the supporting members of a building, such as a bearing wall, column, beam, girder, cribbing, joist or rafter. (Ord. No. 1, 1967, § 1123.75, 7-6-67)

Sec. 10-99 Subdivision.

All divisions of a quarter section, tract, or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future of sale or building development. (Ord. No. 1, 1967, § 1123.76, 7-6-67)

Sec. 10-100 Thoroughfare Plan.

A plan categorizing the public streets and highways into local, collector, major and expressway, showing the location of existing and proposed thoroughfares, and listing the required building line setbacks and the proposed right-of-ways for the principal purpose of conserving life, limb, and property; providing access to abutting property, rapid, safe, economical and convenient movement of vehicular and pedestrian traffic.

Sec. 10-101 Tourist Home.

An establishment used for dwelling purposes in which meals lodging or both are provided or offered to transient automotive guests for compensation; which is located less than one hundred feet (100') from a highway. (Ord. No. 1, 1967, § 1123.78, 7-6-67)

Sec. 10-102 Travel Trailers or Campers.

A TRAVEL TRAILER or CAMPER is a single family, independent or dependent, vehicular portable structure built on a chassis, either self-propelled or non-self-propelled, factory designed, constructed, or reconstructed, including appurtenances thereto to be movable and portable without permanent foundation or skirting. It is less than one hundred and eighty (180) square feet measured at the floor line, thirty feet (30') or less in length, and six feet (6') or less in width. A camper is designed for attachment to a truck or utility trailer. (Ord. No. 1, 1967, § 1123.79, 7-6-67)

Sec. 10-103 Use.

The USE of property is the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this zoning ordinance. (Ord. No. 1, 1967, § 1123.80, 7-6-67)

Sec. 10-104 Variance.

A dispensation granted by the Board of Zoning Appeals whereby unnecessary hardship would be imposed by the literal enforcement of the zoning ordinance. Yet the granting of the permit would not be contrary to the public interest but consistent with the intent and spirit of the ordinance. The burden of proof to the claim of unnecessary hardship lies with the appellant. To constitute hardship, the facts of the situation must be unique to the property in question and not related to the neighborhood generally. (Ord. No. 1, 1967, § 1123.81, 7-6-67)

Sec. 10-105 Yard.

A YARD is an open space on a zoning lot with a building, which is unoccupied and unobstructed from its lowest level to the sky, except as specifically amended in Sec. 10-136 d. "*Required Yards for Existing Buildings." A* YARD extends along a lot line and at right angles to such lot line to a depth or width specified in the Sec. 10-136 *Bulk and Density Requirements* for the Zoning District in which such zoning lot is located. (Ord. No. 1, 1967, § 1123.82, 7-6-67)

Sec. 10-106 Zone.

(See DISTRICT) (Ord. No. 1, 1967, § 1123.83, 7-6-67)

Sec. 10-107 Zone Map.

A map showing the jurisdictional limits and area of the commission and dividing the land into various districts. (Ord. No. 1, 1967, § 1123.84, 7-6-67)

Sec. 10-108 and Sec. 10-109 Reserved for Future Use.

Division III. Planned Development.

Sec. 10-110 General - Floating Zones.

Planned Developments are uses that may be permitted, under certain circumstances, that are not a permitted use in the zoned district where said Planned Development is proposed. A Planned Development is a floating zone.

Sec. 10-111 Planned Developments.

Planned Developments shall follow the procedure outlined in Sec. 10-263.

Sec. 10-112 Criteria.

a. Before a Planned Development can be considered, the petitioner must show proof of one of the following unique circumstances. That the petitioner has a:

(1) Hardship due to the physical characteristics of the land.

Example - Peculiarities of the sizes, shape, or grade of the parcel in question.

(2) Hardship due to the improvements on the land.

Example - Commercial structure in a residential neighborhood that is not suitable for residential use.

(3) Hardship due to adjacent, scattered incompatible uses.

Example - Scattered commercial uses in a residential neighborhood.

(4) Hardship due to the general deterioration of the neighborhood.

Example - Neighborhoods that are blighted as determined by the Department of Redevelopment.

(5) Parcel located near district boundary lines.

Example - Parcel located on a major thoroughfare is presently zoned residential while other parcels in the area are zoned commercial.

b. When it is determined by the Area Plan Commission and the City Council that a hardship does exist, a Planned Development of certain uses may be approved for any zoned lot. However, it must be determined that said proposed uses, if approved, will be in the public's

interest and that substantial justice will be done for that neighborhood. Approval of said proposed uses shall not have the intent of nullifying the purpose of these zoning regulations.

Sec. 10-113 Variances.

a. For the purposes of carrying out the intent of this Article, the Area Plan Commission may recommend and the City Council may approve variances as to:

1. Set back requirements; and

2. Off street parking requirements.

b. The Area Plan Commission may recommend and the City Council may impose limitations and restrictions to ensure said Planned Development will not adversely affect the character of a particular neighborhood where said Planned Development is proposed.

Violations of limitations imposed shall subject the property to penalties as established in Sec. 10-159 of this Article.

d

Sec. 10-114 Requirements.

a. In the special ordinance to approve said Planned Development the petitioner:

(1) Shall state the use or uses requested in said Planned Development; and

(2) Shall request what variances are needed for said Planned Development; and

(3) Shall provide evidence that said Planned Development will not adversely affect surrounding property values and that it will not adversely affect public health, safety, and the general public welfare; and

(4) Shall state that in the event said Planned Development has not materialized within six (6) months of approval, said Planned Development becomes void; and

(5) Shall state that the rights granted herein shall be transferable; and

(6) Said Planned Development shall be recorded in the Vigo County Recorder's Office within ninety (90) days of approval. Recording fees shall be the responsibility of the petitioner.

Sec. 10-115 through Sec. 10-119 Reserved for Future Use.

Division IV. Zoned Districts.

Sec. 10-120 Establishment and Designation of Districts.

All uses shall be categorized under one or more of the following districts:

i) Residential	
R-1	Single Family
R-2	Two Family
R-3	Apartments
R-T	Mobile Home (Trailers)

ii) Commercial	
C-1	Neighborhood Commerce
C-2	Limited Community Commerce
C-3	Regional Commerce
C-4	Restricted Central Business District (C.B.D.)
C-5	General Central Business District (C.B.D.)
C-6	Strip Business
~~C-7~~	~~Commercial Entertainment District~~ (Deleted by Gen. Ord. No. 8, 2006, 6-8-06)
C-8	Downtown Business District

Industrial (Manufacturing)	
M-1	Light Industry
M-2	Heavy Industry
M-P	Industrial Park

iii) Open Spaces	
O-1	Agricultural
O-2	Flood Plain

Sec. 10-121 District Maps.

The location and boundaries of these districts are established as shown on the attached Zoning Map of the City of Terre Haute. The Zoning Map is made a part of this Article, together with all future notations, references, and amendments. (Ord. No. 1, 1967, § 1125.02, 7-6-67)

Sec. 10-122 Interpretation of Boundaries.

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Board of Zoning Appeals shall determine the location of such boundary. (Ord. No. 1, 1967, § 1125.03, 7-6-67)

Sec. 10-123 Annexed Lands.

Any land annexed to or consolidated with the City shall be temporarily classified O-1 until reclassified by an amendment to the ordinance. (Ord. No. 1, 1967, § 1125.04, 7-6-67)

Sec. 10-124 Limitation of Land Use.

Except as provided in this Article, no buildings or structure shall be erected, altered or enlarged; nor shall any land, building or structure be employed for uses other than those permitted in the district. (Ord. No. 1, 1967, § 1125.05, 7-6-67)

Sec. 10-125 Districting of Vacated Rights-of-Way and Railroad Rights-of-Way.

a. Where a thoroughfare or alley shown on the Zone Map is hereafter officially vacated by replatting or otherwise, the land formerly in such thoroughfare or alley right-of-way shall be included within the zoning district of adjoining property on either side of such vacated thoroughfare or alley. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the former centerline of such vacated ways. (Gen. Ord. No. 7, 1990, § 1, 1125.06 (a), 9-13-90)

b. Reserved. (Special Ord. No. 25, 1992, 7-9-92)

c. Any ordinance which causes a thoroughfare or alley to be vacated shall be recorded in the Office of the Recorder of Vigo County and filed in the Auditor's Office of Vigo County for taxation. Petitioner shall, at the time of application for vacating thoroughfare or alley, deposit in the Office of the City Controller a check payable to the Recorder of Vigo County in amount sufficient to pay fees required for the recording of said ordinance. The Controller shall hold said check pending vote by the Common Council of the City of Terre Haute on said ordinance. If said ordinance is passed by the Common Council the check shall be deposited with the Recorder of Vigo County, by the Clerk of the City of Terre Haute, for the purpose of recording said ordinance. If the ordinance is not passed by the Common Council the Controller shall return said check to the petitioner.

d. Upon passage of any ordinance which causes a thoroughfare or alley to be vacated and after recording the Recorder of Vigo County shall release said ordinance to the Vigo County Area Planning Department. The Area Planning shall distribute the following:

(1) The original to the City Clerk's Office of the City of Terre Haute, Indiana, and the receipt of distribution to the following offices:

(A) County Assessor's Office of Vigo County;

(B) Plat Mapping Department of Vigo County; and

(C) Engineering Department of the City of Terre Haute, Indiana.

e. A railroad right-of-way shall have the same zoning classification as the district in which it is included. Where abutting land on opposite sides of a railroad right-of-way is in

different zoned districts, the unlike districts shall be extended to the centerline or midpoint of such right-of-way.

Sec. 10-126 through Sec. 10-129 Reserved for Future Use.

Division V. General Provisions.

Sec. 10-130 Interpretation and Effective Date.

a. This Division sets forth minimum requirements for the promotion of health, safety, morals and general welfare. It shall not abrogate or annul other regulations or ordinances. However, in cases where it imposes greater restrictions upon the use of buildings or premises, or upon building height or bulk, or where it requires large open spaces, the provisions of this Division shall control.

b. This Division shall take effect immediately upon its adoption. (Ord. No. 1, 1967, § 1127.01, 7-6-67)

Sec. 10-131 Validity.

If any portion of this Division becomes legally invalid, the validity of the remaining portions of this Division shall not be affected. (Ord. No. 1, 1967, § 1127.02, 7-6-67)

Sec. 10-132 Repealer.

All City ordinances or portions thereof which conflict with this Division are repealed, but only to the extent of the conflict. (Ord. No. 1, 1967, § 1127.03, 7-6-67)

Sec. 10-133 Scope of Regulations.

This zoning ordinance applies to all existing buildings, structures, and uses, and all buildings, signs, and structures to be erected or altered hereafter; including the relocation of same and all newly created, or changes in, land uses and the same shall be subject to the regulations contained herein for the applicable zoning districts in which such buildings, structures, signs, uses or land shall be located. (Ord. No. 1, 1967, § 1127.04, 7-6-67)

Sec. 10-134 Reserved. (Ord. No. 1, 1967, § 1127.05, 7-6-67)

Sec. 10-135 Accessory Buildings or Structures.

a. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. This in no way prohibits the erection of construction offices, sheds, trailers, or temporary buildings, providing a building permit and an improvement location permit for the principal use have been issued and the time limits for these permits have not elapsed.

b. An accessory building in a Residential District shall not be higher than fifteen feet (15') and shall not be located nearer to any street than the principal building or structure except for an open porte-cochere or open car port. (Ord. No. 1, 1967, § 1127.06, 7-6-67; Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

Sec. 10-136 Bulk and Density Requirements.

a. Continued Conformity with Bulk and Density Regulations.

The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building and of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, court, other open spaces, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

b. Division of Zoning Lots.

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

c. Location of Required Open Spaces.

All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group. (Ord. No. 1, 1967, § 1127.07, 7-6-67)

d. Required Yards for Existing Buildings.

The following shall not be considered to be obstructions when located in the required yards specified, providing they do not interfere with the sight prism as defined in Subsection f. below:

(1) IN ALL YARDS. Open terraces not over four feet (4') above the average levels of the adjoining ground, but not including a permanently roofed over terrace or open porch; awnings and canopies; steps four feet (4') or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four inches (24") or less into the yard; recreational and laundry-drying equipment, arbors and trellises; flag poles; fences and walls not exceeding six feet (6') in height above natural grade level; and open type fences exceeding six feet (6') in height, provided that visibility at right angles to any surface of such fence can not be reduced by more than eighty percent (80%).

(2) IN FRONT YARDS. One-story bay windows projecting four feet (4') or less into the yard; and overhanging eaves and gutters projecting three feet (3') or less into the yard, and open off-street parking spaces not to exceed the required minimum as listed in Table 4.

(3) IN REAR YARDS. Open, enclosed, attached, or detached off-street parking spaces; accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three feet (3') or less into the yard; and overhanging eaves and gutter projecting three feet (3') or less into the yard.

(4) IN SIDE YARDS. Overhanging eaves and gutters projecting twenty-four inches (24") or less into the yard.

e. Establishment of Building Lines.

Building lines for the exterior lot lines shall be established according to Table 1, which shall be the Thoroughfare Plan Requirements until such time as a Mapped Street Ordinance is adopted by the City of Terre Haute, Indiana. For the purposes of this Article all streets and alleys shall be considered as buffer zones between like and unlike plan uses in addition to their vehicular and pedestrian traffic handling assignments, and future street bed requirements. For property abutting or adjacent to:

E	Expressway	See Thoroughfare Plan Requirements Table
M	Major Street	See Thoroughfare Plan Requirements Table
C	Collector Street	See Thoroughfare Plan Requirements Table
L	Local Street	See Thoroughfare Plan Requirements Table
A	Alleys	The building line setback shall be eleven feet (11') from the centerline of all alleys
I	Interior Lot	The building line setback shall be five feet (5') in the following districts: R-l, R-2, R-3, R-T, C-l, C-6, and where any other district abuts an R, Residential District
R	Rear Lot Line	The building line setback shall be eleven feet (11') from the rear lot line

f. Visibility at Intersections.

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three feet (3') and eighteen feet (18') above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines fifteen feet (15') from the point of the intersection.

SIGHT PRISM REQUIREMENT

g. Establishment of Rear Lot Easement.

On a through lot (or any other lot of unusual shape, or because of orientation to adjoining lots) it becomes paramount for the public welfare or good to establish an easement for the extension of an existing or proposed alley, or future utility services such as sanitary sewer, power or telephone poles, the city planner or the commissioner's delegated administrator may insist on the establishment of an easement across the premises not to exceed twenty-two feet (22'). If such decision is contested by the owner or leaser of the premises in question he may present his objections at the next commission meeting. A simple majority vote shall govern. Said easement if upheld shall contain therein no buildings, principal or accessory but may contain paving, off-street parking, (parking to be in addition to that required in this Article) or plantings if so granted the owner or leaser.

h. Floor Area Ratio Requirements (F.A.R.).

The maximum permissible F.A.R.s are shown by districts on the zone map. The "floor area ratio" of the principal building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the net area (buildable area as determined by building lines) of the lot, or, in the case of planned developments, by the net site area (building area of the site as determined by building lines). Maximum permitted F.A.R. ratios to be applied in rezoning or the granting of variances, exceptions or special uses, are listed in Table 2.

F.A.R. - GROSS BUILDING FLOOR AREA*
Net Lot Area

* Gross Building Floor Area is measured from outside wall to outside wall and includes ALL floor area except the following:

(1) Off-street parking floor area;

(2) Open space areas devoted to patios, gardens, courts, etc.;

(3) Area devoted to fallout shelters where plans and construction meet with specifications approved by Vigo County Office of Civil Defense. This area is not necessarily limited to sole usage as a fall-out shelter. (Ord. No. 1, 1967, § 1127.07 (g)(h), 7-6-67)

Sec. 10-137 Off-Street Parking and Loading Requirements.

a. Purpose and Scope.

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City, off-street parking and loading spaces for every use shall be provided in accordance with the standards established in this Zoning Ordinance. (Gen. Ord. No. 19, 2004, As Amended, 11-9-04)

b. General Regulations.

For all uses of land including buildings and structures after the effective date of this zoning ordinance, off-street parking and loading facilities shall be required as accessory uses in conformance with the regulations for the district in which said uses, buildings, or structures are located. However, where a building permit has been issued prior to the effective date of this Article, and construction has commenced sixty (60) days after issuance thereof, and is diligently prosecuted as outlined in the Building Code, Chapter 7, no off-street parking and loading facilities are required.

For existing uses, buildings, or structures, where the intensity of use is increased through dwelling units, gross floor area, seating capacity, or other units of measurements specified herein, the off-street parking and loading requirements shall be increased, as outlined in this Article for said increase.

Whenever the existing use of a building or structure shall hereafter be changed to a new use, off-street parking or loading facilities shall be provided as required for such new use.

Off-street parking or loading facilities in existence on the effective date of this Article and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this ordinance.

Nothing in this Article shall be construed to restrict the voluntary establishment of off-street parking and loading facilities providing that all regulations governing the design, location, and operation be adhered to.

c. Location of Off-Site Facilities.

(1) Street Setbacks.

(A) Single Family Districts. Parking for single family residential uses shall be prohibited within the street or front setback except on a single driveway not exceeding the width of an attached garage facing the street or twenty-two feet (22’) in width where there is no attached garage facing the street. Parking on any other portion of the setback between the street and the building or on a lawn shall be prohibited. Parking shall not be permitted in driveways serving parking lots.

(B) Multi-Family Districts. Parking for multi-family residential uses shall be prohibited within the required street setback as set forth in Table 1. Parking shall

not be permitted in driveways serving parking lots. Parking shall be prohibited on lawns.

(2) Side and Rear Yards.

(A) Single Family Districts. Parking areas may occupy a maximum of fifty percent (50%) of the area extending from the rear of the principal structure to the rear lot line between side lot lines.

(B) Multi-Family Districts. The side and rear parking setback requirement shall be five feet (5').

(3) Off-Site Parking as Special Use. Except as otherwise provided herein, all required parking spaces shall be located on the same zoning lot as the principal use. Off-site parking may be used to satisfy parking requirements if the Board of Zoning Appeals determines that such off-site parking facilities conform to the special use criteria found in Sec. 10-264. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

d. Design and Maintenance.

An application for a building permit, certificate of use and occupancy, or an improvement location permit, where parking or loading facilities are required shall include two (2) copies of a plot plan drawn by a certified surveyor or professional engineer drawn to scale and fully dimensioned showing the following:

(1) The minimum required side and rear setback for any parking lot, except as provided in Sec. 10-137 c., shall be as shown in Table 1.

(2) Off-street parking facilities may be open to the sky or enclosed in a building.

(3) A required off-street parking space shall open directly upon an aisle or driveway. All off-street parking facilities shall be provided with appropriate means of vehicular access to a public street or alley.

(4) All open, off-street parking areas, excluding driveways for single family dwellings, shall be paved in accordance with the standards established by the City Engineer. Surfacing shall consist of an asphaltic or Portland cement binder pavement (or similar durable and dustless surface). Single family driveways may be surfaced with gravel.

(5) Curbed islands or wheelstops of concrete shall be used to separate parking spaces from drives within or adjacent to a parking lot (as distinguished from aisles serving as direct access to parking spaces) and from sidewalks.

(6) Off-street parking used to store trucks, buses, or construction vehicles/equipment shall be limited to ten percent (10%) of the total number of parking spaces provided.

(7) Parking lots shall not be used for storing vehicles which are not used in conjunction with the principal use of the lot.

(8) No motor vehicle repair work shall be permitted in non-residential off-street parking areas.

(9) Parking areas and access driveways serving any use other than a single family residence shall be graded and drained as to disperse off all surface water and drainage into a storm drainage system and so that such water and drainage does not flow across a public sidewalk.

(10) All parking lots shall be illuminated. Such lighting shall be composed of lights posts which are compatible with the architecture of the building and are wired internally and underground. All commercial and public lots shall have an average intensity of not more than one (1) to four (4) during the period of use.

(11) Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting cause more than three (3) footcandles of light to fall on adjacent properties as measured horizontally at the lot line.

(12) Off-street parking areas for more than ten (10) vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces residential or institutional premises situated in any R-District.

(13) Any wall, fence, or landscaping provided shall be adequately protected from damage by vehicles using the parking lot and shall be properly maintained and kept in good repair at all times.

(14) Except for lots devoted to one and two family dwelling uses, all areas devoted to off-street parking shall be designed and be of such size that no vehicle is required to back into a public or private street, alley or a driveway providing major access to a parking area. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

e. Ingress and Egress.

Clearly defined driveways shall be provided for ingress and egress. Driveways shall be located and constructed subject to the following criteria, or to standards established by INDOT or the City Engineer, whichever is more restrictive. Driveway location shall be guided by the recommendations of the Comprehensive Plan, Thoroughfare Plan, and any adopted sub-area or corridor plans.

Driveway Standard	***Single Family Residential***	***Multi Family Residential***	***Non-Residential***

Maximum width at property line	22 feet	35 feet	40 feet
Minimum distance from interior lot line	R-3: 5 feet; all others: 0 feet	12 feet*	12 feet*
Minimum distance from street intersection	30 feet	50 feet	50 feet
Space between two drives/same property	25 feet	40 feet	40 feet
Radius of curb return: (min/max)	5 feet/15 feet	5 feet/20 feet	5 feet/ 20 feet

* Drives may be located at the property line in the case of shared driveways. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

f. Size of Required Parking Spaces and Aisles.

(1) The minimum size of off-street parking areas shall conform to the requirements established in Table 9.

(2) Any aisle providing access to required parking spaces shall be at least the width designated in Table 9 based on the angle of parking provided and whether the aisle serves one or two rows of parking spaces.

(3) Enclosed parking spaces shall have a vertical clearance of at least seven (7) feet. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

g. Required Number of Off-Street Parking Spaces.

(1) Off-street parking is not required in the C-8 or C-9 districts.

(2) In all other districts, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 4. In the event of a change of use of any structure or lot, or the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used in Table 4 which would require the provision of more off-street parking, parking facilities shall be provided as required in Table 4 for the entire use.

(3) In cases where the number of required off-street parking spaces is based on gross floor area in Table 4 an applicant may provide planning staff with a notarized affidavit stating the square footage of the assignable area in the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based upon assignable area rather than gross square footage. In the absence of such a statement, gross floor area shall be used to calculate the number of required parking spaces. Space which is designated as non-assignable may not be used as assignable area without provision of required off-street parking.

(4) When any calculation results in a fraction of a parking space, any fraction shall be rounded to the next highest whole number.

(5) In the event a specific use is not listed in Table 4, the planning staff shall determine the number of spaces required. In making the determination, the planning staff shall consider the following criteria:

(A) The number of parking spaces required for a use listed in Table 4 that is the most similar to the proposed use in terms of the parked motor vehicles that are anticipated to be generated;

(B) The square footage to be occupied by the proposed use; and

(C) The number of employees and patrons that are anticipated for the proposed use.

(D) Handicapped Accessible Parking shall be provided subject to Sec.10-137 h. of this Section and to the requirements of the Americans with Disabilities Act (ADA) of 1990 and the Americans with Diability Act Standards for Accesibble Design, as may be amended from time to time. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04; Gen. Ord. No. 21, 2011, 12-28-11)

h. Parking Accessible for the Disabled.

(1) General Requirements: Any parking area to be used by employees or visitors shall provide parking spaces and associated access aisles designated, marked, and located to adequately accommodate the disabled. Accessible spaces shall be provided in sufficient numbers and to the specifications of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC) and the Americans with Disabilities Act Standards for Accessible Design, each as may be amended from time to time. Each accessible or van accessible parking space shall be located adjacent to an access aisle and in close proximity to the entrance(s) most accessible for the disabled. (Gen. Ord. No. 21, 2011, 12-28-11)

(2) Reductions Not Permitted: The required number of parking spaces for disabled people shall be provided regardless of any reduction in parking requirements otherwise approved by the Plan Commission, Board of Zoning Appeals, or Common Council. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

i. Joint Facilities for Parking or Loading.

Off-street parking and loading facilities may be provided jointly for separate uses if approved by the Board of Zoning Appeals. The total number of spaces shall not be less than the sum of the separate requirements for each use, and shall comply with all regulations governing location of accessory spaces. (Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

j. Modification of Requirements.

The Board may authorize or appeal a modification, reduction, or waiver of the foregoing requirements in exceptional cases of use, zone lot size or shape, or other unusual situations. (Ord. No. 1, 1967, § 1127.08, 7-6-67)

Sec. 10-138 Height Regulations and Use Restrictions Near Airport.

a. General Height Limitations.

A maximum height of one hundred twenty-five feet (125') is established for all buildings. Elevator penthouses, water towers and coolers, radio and television aerials and similar appurtenances not commonly recognized as habitable areas are exempt from the aforesaid limitations.

b. Special Height and Use Limitations.

The following special height limitations shall apply to areas within two (2) miles of the boundary lines of Terre Haute International Airport exclusive of the buildings and structures contained within the boundaries of said Terre Haute International Airport.

(1) Within two thousand five hundred feet (2,500') from the nearest airport boundary, no building, structure, or portion thereof shall exceed a height above U.S. geodetic elevations five hundred eighty-five (585) of twenty-five feet (25'), or one foot (1') for each fifty feet (50') that such building or structure is distance from such nearest boundary, whichever is greater.

(2) Between two thousand five hundred feet (2,500') and two (2) miles from the nearest airport-boundary, no building structure, or portion thereof shall exceed a height above U.S. geodetic elevation five hundred eighty-five (585) of one hundred fifty feet (150').

(3) Notwithstanding any other provisions of this Article, no use shall be made of land or water within the corporate boundaries of that part of the City known as "Terre Haute International Airport", or within one (1) mile outside of said boundaries, in such a manner as to create or cause electrical interference with navigational signals or cause glare in the eyes of the pilots using said Hulman Regional Airport, impair visibility for pilots in immediate vicinity of said Hulman Regional Airport or to create a hazard to the landing, take off and maneuvering of aircraft using or intending to use said Hulman Regional Airport.

Sec. 10-139 Classification of Uses: Legal, Illegal, Non-Conforming, and Special.

a. Purpose and Intent.

For the purpose of preventing future hardships and injustices to the general public and to facilitate the administration of this comprehensive zoning ordinance, an accurate record shall be obtained within two (2) years of the date of passage of this Article of all existing legal, illegal,

non-conforming, and special buildings and uses, and such record shall be kept indefinitely and current by the Zoning Administrator.

b. Legal Buildings and Uses.

LEGAL BUILDINGS AND USES are those which conform in every respect to the requirements of this Article for the zoning districts in which such building or use is located.

c. Non-Conforming Buildings and Uses.

NON-CONFORMING BUILDINGS AND USES are those which do not conform to one or more requirements of this zoning ordinance and lawfully existed at the time of passage of this Article.

d. Special Buildings and Uses.

SPECIAL BUILDINGS AND USES. are those which do not conform to one or more requirements of this zoning ordinance as a result of acquiring a variance, exception, or special use granted by a majority of the Board of Zoning Appeals as recorded in the minutes of the meetings of the Board. They shall be terminated if any time limit was a stipulation in the granting of such use, otherwise the use may be continued indefinitely.

e. Illegal Use.

An ILLEGAL USE is a building or use other than a legal, non-conforming or special building and use. (There is no statute of limitations applicable to illegal buildings and uses in this zoning ordinance). (Ord. No. 1, 1967, § 1127.10, 7-6-67)

Sec. 10-140 Outdoor Display of Goods, Wares, or Merchandise.

a. No outdoor display of goods, wares, merchandise, signs, vehicles, or objects of any kind or nature will be permitted within the right-of-way of any street except the American Flag and temporary signs, banners, and objects customarily associated with special and recognized holidays and occasions.

b. No outdoor display of goods, wares, merchandise, vehicles, or objects of any kind or nature will be permitted without the consent of three-fourths (3/4) majority of the Board of Zoning Appeals except for the following:

(1) New and used automobiles in a commonly accepted state of repair and appearance;

(2) Vehicles such as trailers, mobile homes, motorcycles, tractors, trucks, and farm tractors and their associated equipment;

(3) Trees, shrubs, plants, and flowers;

(4) Boats and airplanes. (Ord. No. 1, 1967, § 1127.11, 7-6-67)

Sec. 10-141 Signs, General Provisions.

Sec. 10-141 a. through l. shall apply to all zoned districts except the Downtown District. See Sec. 10-141 m. for Downtown District sign regulations.

a. Statement of Purpose.

The purpose of this Section is to permit such signs that will not by their reason, size, location, construction, or manner of display endanger the public safety and morals; and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in this zoning ordinance.

b. Definitions.

(1) **Directory Sign.** An on-premise sign, or NAME PLATE on which the names, title, street number, use of building, or any combination of the above is displayed. This shall include office buildings and church directories.

(2) **Display Surface.** The area made available by the sign structure, sometimes referred to as COPY AREA or SIGN FACE, for the purpose of displaying the message.

(3) **Erect.** For the purpose of this Section shall mean to build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

(4) **Freestanding Sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part or attached to a building or structure whose principal function is something other than the support of a sign. This definition shall include billboards and pole signs whether they are on-premise or off-premise signs. A sign that stands without supporting elements such as a SANDWICH SIGN is also a freestanding sign. If a message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall be considered a sign.

(5) **Illegal Non-Conforming Sign.** Any sign which does not conform to this *Code* and was erected after the effective date of this Article.

(6) **Incidental Sign.** A sign relating to the lot or use thereof and designated accessory uses, direction, identification, information, construction, or real estate for sale, lease, or rent.

(7) **Legal Non-Conforming Sign.** Any sign which does not conform to the specifications of this *Code* but was erected before the effective date of this Article.

(8) **Location.** Any lot, premise, building, structure, wall, or any place whatsoever upon which a sign is located.

(9) **Off-Premise Sign.** A sign which directs attention to any business, product, activity, or service, but is not located on the same building or lot of which it is referring to.

(10) **On-Premise Sign**. A sign which directs attention to a building, business, product, activity, or service manufactured, sold or offered upon the premises where such sign is located.

(11) **Person.** For the purpose of this Section shall mean any person, firm, partnership, association, corporation, company or organization, singular or plural of any kind.

(12) **Point-of-Sale-Sign.** Any sign which carries the name of a firm, major enterprise, or products offered for sale on the premises or combination of those things.

(13) **Portable Sign.** Any mobile sign or sign structure not securely attached to the ground or to any other structure. This definition does not include TRAILER SIGN mounted on a vehicle normally licensed by the State of Indiana.

(14) **Roofline.** The juncture of the roof and perimeter wall of the structure.

(15) **Roof Sign.** Any sign erected on or constructed wholly upon a roof of any building and supported solely on the roof structure.

(16) **Scenic Area.** Any public park or area of particular scenic beauty or historical significance designated by or pursuant to local, state, or federal law.

(17) **Sign.** For the purpose of this *Code*, a "SIGN" shall mean any surface, fabric, fence, bench, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal or product designed to convey information visually and which is exposed to public view. The term sign shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit in cases where matter is displayed in a random or unconstructed manner without an organized relationship of components each such component shall be considered to be a separate sign.

(18) **Temporary Sign.** Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

(19) **Wall Sign.** Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

(20) **Window Sign.** Any sign placed inside or upon a window facing outside and which is intended to be seen from the exterior.

c. General Sign Regulations.

These regulations shall apply to all zoning districts in the jurisdiction of Terre Haute, Indiana.

(1) PERMITS REQUIRED. A sign shall not hereafter be erected, re-erected, altered or maintained, except as provided by this *Code* and after a permit for the same has been issued by the building inspector. A separate permit shall be required for each group of signs on a single supporting structure. In addition, applicable electrical codes will be met for electrical signs.

Application for Permit. Application for sign permits shall be made in writing upon forms furnished by the building inspector. Such application shall contain the location by street and number of proposed sign structure, as well as name and address of the owner and sign contractor or erector. The building inspector may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this *Code*.

(2) AUTHORITY. The Building Inspector is authorized and directed to enforce all provisions of this Article. For such purposes he shall have the powers of a law enforcement Officer.

(3) The base of all signs or sign structures shall be located a minimum of three feet (3') within the property line of the private property on which such sign is located and shall not extend past this point for a minimum of twelve feet (12') above grade level. No part of a sign or sign structure shall extend past the property line onto any public property or other private property in any district excepting the C-8 (Downtown District) or as otherwise provided in this ordinance.

(4) No sign, permanent or temporary, shall be erected so that it substantially interferes with the view necessary for motorist to proceed safely through intersections or enter onto or exit from public streets.

(5) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No rotating beam, beacon, or flashing illumination shall be used in connection with any sign display.

(6) A sign or sign structure shall be no closer to an adjacent building or any property line than the depth of that sign's foundation.

(7) No person shall post, paste, tack or in any way attach or affix to any tree, telegraph, telephone, electric light, power pole, or other pole, any handbill, card, bill, notice, announcement or other advertisement. This Section shall not apply to legal notices, posted by persons acting under authority of an order or court, or in pursuance of law.

(8) UNLAWFUL CUTTING OF TREES OR SHRUBS. No person, for the purpose of increasing or enhancing the visibility of any sign may, damage, trim, destroy, or remove any trees, shrubs or other vegetation located:

(A) Within the right-of-way of any public street or road unless the work is done pursuant to the express written authorization of the City or other governmental department having jurisdiction over streets or roads.

(B) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

(C) In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

(9) ELECTRICAL SIGNS.

(A) No electrical sign shall be erected or maintained which does not comply with the *Building Code for the City of Terre Haute, Indiana*.

(B) No electrical equipment or electrical apparatus of any kind which causes interference with radio or television reception shall be used in the operation of illuminated signs.

(10) No person shall erect within the corporate boundaries of the City any yard sign advertising a candidate(s) for political election or public office. Window cards and any advertising inside of a building are permitted.

d. Signs Exempt from Building Permit Requirement.

(1) Signs not exceeding two (2) square feet in area that are customarily associated with residential use and that are not of commercial nature such as:

(A) Signs on mailboxes or newspaper tubes;

(B) Signs giving property identification, names, or numbers of occupants, and

(C) Signs posted on private property relating to private parking, or warning the public against trespassing or danger from animals, or directing traffic on that property.

(2) Signs directed on behalf of or pursuant to authorization of a governmental body, including legal notices, identification and information signs, and traffic, directional or regulatory signs.

(3) Official signs of non-commercial nature erected by utilities.

(4) Flags, pennants, or insignia of governmental or nonprofit organizations when not displayed in connection with commercial promotion or as advertising.

(5) Integral, decorative, or architectural features of buildings or works of art, so long as such features or works do not contain letters or trademarks.

(6) Church bulletin boards, church identification signs and directional signs that do not exceed one (1) per abutting street and sixteen (16) square feet in area and are not internally illuminated; provided such signs always refer to the church or church service of that lot.

(7) Signs painted or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(8) The changing of copy on an approved sign or marquee specifically designed for use of replaceable copy, or other normal maintenance or repair of a conforming sign.

e. Temporary Signs.

The following temporary signs are permitted without a zoning, special use, conditional use, or building permit. However, such signs shall conform to the requirement set forth below as well as other applicable requirements of this Article. Temporary signs do not hold the same status as legal non-conforming signs which are permanent, and shall be removed once their specified time period has ended or once they have begun to deteriorate.

(1) Signs containing the message that the real estate on which the sign is located (including the building) is for sale, rent, or lease, together with information identifying the owner or agent. Such signs may not exceed six (6) square feet in display surface and shall be removed immediately after sale, or for lots of more than five (5) acres and having a street frontage in excess of four hundred feet (400'), a second sign not exceeding six (6) square feet in display area may be erected. For commercial lots such temporary signs may not exceed thirty-two (32) square feet in display surface.

(2) CONSTRUCTION SITE IDENTIFICATION SIGNS. Such signs may identify the project, the owner or the developer, architect, engineer, contractor and subcontractor, funding sources, and may contain related information. Not more than one (1) such sign shall be erected prior to the issuance of a building permit and shall be removed within (10) days after the issuance of final occupant permit.

(3) Window signs attached temporarily to the interior of a building, window or glass door. Such sign, individually or collectively, may not cover more than seventy-five percent (75%) of the surface area of the transparent portion of the window or door to which they are attached.

(4) Displays, including lighting erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.

(5) Signs indicating that a special event such as grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Signs may be

erected not sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event.

f. Directory and Incidental Signs.

(1) One directory sign, indicating only the name, and address of occupant, shall be permitted for each dwelling unit. Such signs shall not exceed four (4) square feet in surface area and shall consist of material which blends in with the residential character of the neighborhood, such as, but not limited to, wood or stone.

(2) For multiple-family dwellings, one incidental sign not exceeding thirty-two (32) square feet in display area shall indicate only the name and address of the management thereof, or associated information.

(3) HOME OCCUPATIONS. Each residentially zoned lot with a home occupation as defined in Sec. 10-69 is allotted one (1) directory sign with a maximum surface area of two (2) square feet, stating ownership, type of business and street number. Two (2) signs are allotted to corner lots, or lots exposed to more than one (1) street frontage, and shall consist of material and color scheme which is consistent with the residential character of the neighborhood.

(4) Incidental signs accessory to parking areas shall be permitted, subject to the following:

(A) Directional signs for traffic, pedestrian or other control designated entrances or exits to or from a parking area and limited to one (1) sign for each entrance and exit, shall be permitted. Said signs shall not exceed two (2) square feet in surface area.

(B) One sign, a maximum surface area of sixteen (16) square feet, announcing a parking area, shall be permitted for each street frontage of such parking area. Said sign may include the name of the owner and/or name of the establishment for which it is provided.

(C) Signs accessory to parking areas shall be set back a minimum of three feet (3’) from any lot line unless attached flat to a building wall.

(5) One (1) permanent, incidental sign shall be permitted at any main entrance to a recorded, platted residential subdivision or permanent mobile home park. Such signs shall be of ornamental metal, stone masonry, or other permanent material and shall indicate only the name of the subdivision. Such sign shall not exceed thirty-two (32) square feet in surface area.

g. On-Premise Signs.

(1) On-premise signs must be located within the legal property line for the lot which they are advertising and observe height regulations of that lot.

(2) Except as authorized by this Section, no development may have more than one (1) freestanding sign.

(3) If a development is located on a corner lot that has at least one hundred feet (100') of frontage on each of the two (2) intersecting public streets then the development may have two (2) freestanding signs, one on each side of the development bordered by streets.

(4) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(5) TALL SIGNS. Freestanding signs which exceed forty feet (40') in height from grade level (tall signs) shall meet these specifications:

(A) Tall signs shall only be oriented towards interstate highways.

(B) The message on tall signs shall be limited to identification of the use or activity and including brand identification or trademark.

(C) Only signs designed to identify establishments that have the specific interest of the traveling public, such as places for camping, lodging, eating, and vehicular service stations shall be permitted to have signs constructed to heights in excess of forty feet (40').

(D) Only one (1) tall sign shall be permitted for any one use, such sign shall not exceed two hundred forty (240) square feet in surface area and fifty feet (50') in height from grade level.

h. Off-Premise Signs.

(1) An off-premise sign shall not be permitted in any Residential or Special District unless otherwise provided by this *Code*.

(2) SIGN FACE. The sign face of an off-premise sign shall not contain greater than six hundred seventy-two (672) square feet and no more than fifteen percent (15%) of the total square footage of the sign face for temporary extensions and shall not contain more than two (2) advertising signs per facing.

(3) SPACING BETWEEN OFF-PREMISE ADVERTISING SIGNS. Except as otherwise provided for signs in protected areas along interstate highways, freeways, and expressways, the minimum distance between off-premise advertising signs shall be as specified below.

(A) The minimum distance between off-premise advertising signs located along and oriented towards the same side of a public street shall be one thousand (1,000) linear feet subject to the following:

1. The spacing requirement shall be applied separately to each side of a public street.

2. The spacing requirement shall be applied continuously along the side street to all signs oriented towards that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting side street.

3. For purposes of applying the spacing requirement to off-premise advertising signs, pole, roof, wall, or ground signs shall be treated the same, whether double-faced or single-faced.

4. Off-premise signs located at the same intersection are not in violation of the minimum spacing requirement specified in Sec. 10-141 h.(3)(a)2. because of their nearness to one another if they are located so that their messages are directed towards traffic flowing in different directions.

(B) In no event shall an off-premise advertising sign be closer than two hundred fifty (250') feet from any other sign regardless of location or orientation. (Gen. Ord. No. 18, 2009, 12-3-09; Gen. Ord. No. 19, 2009, 12-9-09)

(C) The method of measurement of the spacing between advertising signs oriented towards and located along different sides of the street, and between those signs oriented towards but located on opposite sides of the street shall be the straight line distance between the nearest point of each sign.

i. Performance Standards for Illuminated Signs.

(1) Unless otherwise prohibited by this Article, signs may be illuminated if such illumination is in accordance with this Section.

(2) No sign within one hundred feet (100') of any residential zone may be illuminated between the hours of 12:00 midnight and 6:00 a.m. unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

(3) Lighting directed towards a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right-of-way or residential premise.

(4) Except as herein provided, internally illuminated signs are not permissible in any Residentially Zoned or Special District, and where permissible internally illuminated signs may not be illuminated during the hours that the business or enterprise advertised by such sign, is not open for business or in operation. This Subsection shall not apply to the following:

(A) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates time or weather conditions, or similar device whose principal function is out to convey an advertising message;

(B) Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy;

(C) Subject to Subsection (E) illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited;

(D) Subject to Subsection (E) no sign may contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions; and

(E) Subsections (C) and (D) do not apply to temporary signs erected in connection with the observation of holidays.

j. Residential and Special Districts.

(1) No off-premise advertising sign shall be located in any Residential or Special District.

(2) Portable signs are prohibited from all Residential and Special Districts.

(3) No sign shall be constructed so that it rises above the roof line in any Residential or Special District.

(4) Residential and Special Districts are allotted one (1) directory or incidental sign per lot, unless the lot is abutting two (2) public streets. In such case, two (2) signs (one for each street frontage) is permitted.

(5) HOME OCCUPATIONS. See Subsection f.(3).

(6) Signs permissible in Residential and Special Districts as specified in Subsections d.(l) and f.(3) shall not exceed two (2) square feet, (except in the case of the Residential Office District).

(7) Freestanding Signs are permissible in Residential and Special Districts provided they meet all setback and sight prism requirements of this ordinance.

(8) Permanent Residential and Special District signs should conform to the following standards:

(A) If a freestanding sign, the sign shall not exceed ten feet (10') in height from grade level;

(B) If a freestanding sign, the sign shall be attached securely to the ground;

(C) The sign must be constructed of wood, stone, iron, or other sturdy, neutral appearing material which will blend in with the residential character of the neighborhood;

(D) The sign is not to be composed of a color scheme that is extremely bright or neon; and

(E) The sign is not to be internally illuminated.

k. Commercial and Industrial Districts.

(1) No advertising sign shall be located within one hundred feet (100') of any residentially zoned lot.

(2) Roof signs may not exceed six feet (6') in height from roofline in Commercial Districts 1 and 2 (Neighborhood Commerce and Limited Community Commerce).

l. Maintenance of Signs.

(1) All signs and sign structures shall be kept in repair and in proper state of preservation.

(2) Within thirty (30) days after signs are no longer functional or are abandoned, the same shall be removed.

(3) Any legally established non-conforming sign shall be permitted without alteration in size or location. If such sign is damaged exceeding two-thirds (2/3) of its value, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or posting of legally established non-conforming signs.

m. The following sign provisions shall apply to the Downtown Business District only:

(1) PERMIT REQUIRED. No sign, except as described herein, shall be painted, constructed, erected, remodeled, relocated, or expanded until an application (containing information as required) is made, and a permit issued by the Building Inspector.

(2) PERMIT EXCEPTIONS. The following operations, permanent, or temporary signs shall not require a sign permit:

(A) Operations. The changing of copy on an approved sign or marquee specifically designed for use of replaceable copy; and the painting, repainting, cleaning, and other normal maintenance and repair of a conforming sign, unless a structural change is made.

(B) Permanent Signs. The following signs which generally are permanent in nature:

1. OFFICIAL SIGNS. Signs of a constituted governmental body, including traffic signs and signals, historical markers, informational directions, official notices, governmental flags or emblems, property identification, or recreational activity signs.

2. DIRECTIONAL OR LOCATION SIGNS. Small signs, not exceeding two (2) square feet in area for property street address numbers, public telephones and restrooms, parking areas, freight entrances, underground public utilities, and similar directional or location signs.

3. OWNERSHIP. One name and address identification sign, not to exceed two (2) square feet in area, for a property owner or occupant.

4. DECORATIONS. Seasonal displays not advertising a product, service, or entertainment.

(C) Temporary Signs. The following signs which shall exist for only a limited time period, and which shall be removed at the Building Inspector's direction:

1. OFFICIAL NOTICES AND CAMPAIGNS. Official notices of government, to be removed within ten (10) days of notice action date;

2. POLITICAL CAMPAIGN SIGNS, not to exceed one (1) per property, thirty-two (32) square feet and three (3) months time duration; and

3. CIVIC, PHILANTHROPIC, EDUCATIONAL OR RELIGIOUS CAMPAIGN SIGNS, not to exceed thirty-two (32) square feet and three (3) months time duration.

(3) PROHIBITED SIGNS. The following signs are prohibited:

(A) By Other Laws. Any sign prohibited by any other law or regulation of any level of government.

(B) Traffic Hazards. Any sign which may interfere with, mislead, or confuse traffic through use of improper wording, graphics, location, size, shape, or color, and thereby interfere with traffic signals, control signs, or other aspects of safe street driving conditions. No sign shall use the words "Stop", "Go", "Caution", "Yield" etc., when such would be confused with traffic signs or devices. Also prohibited

are signs, any part of which is in motion, flutters, rotates, or otherwise moves, except for the hands of a clock or a weathervane.

(C) Obstruction. Any sign that obstructs any window, door, fire escape, ladder, or opening intended for light or air, or for ingress to or egress from any building; and any sign placed in windows or glass walls that cover more than twenty percent (20%) of the glass area to which they are attached. No sign shall project beyond property lines.

(D) Lighting. Any lighting arrangement of exposed tubes or strings of lights; any sign or illumination that causes direct glare upon an unrelated building; and any sign displaying flashing or intermittent lights or changing colors, except that signs indicating time, temperature, and barometric pressure may be permitted by the Building Inspector if they do not interfere with public safety or create a traffic hazard.

(E) Trees and Poles. No signs shall be attached to trees; and no sign shall be attached to a utility pole except for official governmental notices or warning signs.

(F) Portable Signs. Portable signs shall be prohibited, including the display of such on a vehicle. This shall not be deemed, however, to prohibit advertising on vehicles which is not otherwise prohibited by law.

(G) Outdoor Advertising Signs. Outdoor advertising signs, which advertise products or businesses not connected with the site on which they are located, are prohibited.

(4) NONCONFORMING SIGNS. Signs in conformance with previous regulations, but not presently in conformance, may remain erected only so long as the then existing use, which they identify or advertise, remains. No nonconforming sign shall be enlarged or reconstructed.

(5) SIGNS REQUIRING A PERMIT. Signs which are permitted, and which require a sign permit, are governed by the following provisions:

(A) Sign Area. Permitted sign area for properties housing only one (1) tenant shall not exceed one and one-half (1½) square feet of area per linear foot for the first one hundred (100) linear feet of frontage, and no such sign shall exceed two hundred (200) square feet in area. When a property houses more than one (1) tenant, the above provisions shall apply to each tenant's frontage. Signs may be wall-mounted, freestanding, or marquee-mounted.

(B) Building Wall-Mounted Sign. Building wall-mounted signs may be located anywhere on the surface of the building, but shall not project more than one foot (1') into the public right-of-way, and shall not extend more than four feet (4') above the lowest point of the roof.

(C) Freestanding Sign. One (1) freestanding sign may be permitted per establishment frontage, not to exceed thirty-five feet (35') in height, and shall not project more than one foot (1') into the public right-of-way.

(D) Marquees. Signs may be on the vertical face of a marquee, but shall not extend below the lower edge or the upper edge of the marquee, nor exceed seven feet (7') in height. The bottom of the marquee sign shall be no less than ten feet (10') above a walkway, or grade at any point.

(E) Height Clearance. All signs shall have a minimum clearance often feet (10') above a walkway and fifteen feet (15') above a driveway or alley.

(F) Sign Content. Signs shall be limited to identifying or advertising the property, the individual enterprises, the products or services, or the entertainment available on the same property where the sign is located.

n. Administration.

The following shall apply in the administration of these sign provisions:

(1) FEE AND IDENTIFICATION. Fees may be charged for sign permits and for annual inspection. Permits for signs become null and void if the sign is not completed within six (6) months. In the lower right hand corner of signs erected under permits, the Building Inspector may require identification as to permit number and date, the name of the person or firm owning and responsible for the sign, or any other information.

(2) REMOVAL OF SIGNS. In addition to any other provisions, the Building Inspector may require the removal of signs that present an immediate threat to the public safety, or is not kept in good repair and an attractive condition, becomes insecure or unsafe, has been unlawfully installed or maintained, has for at least two (2) years identified or advertised an activity no longer conducted on the premises, or for other lawful reasons. The Building Inspector may require immediate removal if a public safety threat is imminent, or permit fifteen (15) days in other situations. Upon failure to comply, the Building Inspector may remove the sign at the expense of the owner.

Sec. 10-142 Spot Zoning, Illegal.

SPOT ZONING or PIECE MEAL ZONING as it is commonly and properly known and understood, is recognized as being unconstitutional and void on the general ground that it does not bear a substantial relationship to the public health, safety, morals, general welfare or orderly growth and further that it is inconsistent and in direct conflict with this comprehensive zoning ordinance. Spot zoning can further be identified where a particularly small parcel or lot of ground is singled out and placed in a zone, the use of which is inconsistent with the small lot or area so placed and whose classification is changed in the ordinance or where special benefits are sought to be conferred on a particular property owner, or special hardships are sought to be

imposed upon particular property owners. Any gross inconsistencies and/or injustices incurred by property owners may be righted by due process of law as outlined in this comprehensive zoning ordinance by petitioning for a variance or an exception as the case may be. Spot zoning is not, and shall not be interpreted so as to prohibit or limit or prevent the creation of small general utility or business zones at the corners of major thoroughfares, providing at each corner the lots affected are contiguous one to the other, for the purpose of placing within convenient distance of the inhabitants of the residential neighborhood certain limited small businesses, providing daily conveniences and necessities for the home. (Ord. No. 1, 1967, § 1127.13, 7-6-67)

Sec. 10-143 Performance Standards.

a. General.

All uses in the M-l (Light Industrial) District and the M-2 (Heavy Industrial) District shall conform to the standards of performance described within this Section below and shall be so constructed, maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazard or glare.

b. Definitions.

For the purpose of this Section, certain terms and words shall be interpreted and defined as follows:

(1) **Decibel.** A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

(2) **Flash Point.** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cut method.

(3) **Foot-Candle.** A unit of illumination. It is equivalent to the illumination at all points which are one foot (1’) distant from a uniform source of one (1) candle-power.

(4) **Free Burning.** A rate of combustion described by a material which burns actively and easily supports combustion.

(5) **Intense Burning.** A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

(6) **Moderate Burning.** A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

(7) **Octave Band.** A term denoting all of the frequencies from one given frequency to a second. In sound bands, the second frequency is usually twice the first one.

(8) **Octave Band Filter.** An electrical device which separates the sounds in each octave band and presents them to the sound level meter.

(9) **Particulate Matter.** Finely divided liquid or solid material which is discharged and carried along in the air.

(10) **Resultant Displacement.** The maximum amount of motion in any direction and shall be determined by means of any three component (simultaneous) measuring systems approved by the Commission.

(11) **Ringelmann Number.** The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U. S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann No. 0.

(12) **Slow Burning or Incombustible.** Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of twelve hundred degrees (1,200°) F.

(13) **Smoke.** Small gas borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.

(14) **Smoke Unit.** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units.

(15) **Three Component Measuring System.** Instrumentation which can measure earthborn vibrations in three (3) directions, that is, vibration occurring in a horizontal as well as a vertical plane.

(16) **Vibration.** Oscillatory motion transmitted through the ground.

c. Smoke.

The emission of more than ten (10) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any twenty-four (24) hour period for soot blowing, process purging, and fire cleaning, each stack shall be permitted an additional ten (10) smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.

d. Particulate Matter.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one (1) pound per hour per acre, of which no more than ten percent (10%) by weight of particles larger than forty-four (44) microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made in accordance with Tables 6 and 7 and in the Appendix.

e. Odor.

No activity or operation shall permit odors to be released which shall be detectable at the lot line.

f. Toxic and Noxious Materials.

The emission of toxic and noxious materials shall not exceed the quantities determined by the following formula*:

$$Q = 36\ Cx^2$$

Where Q is the maximum permitted quantity of toxic material emitted in the four (4) hour period having the greatest average concentration (cubic feet); C is the threshold limit value of toxic materials in industry (parts per million by volume) as set forth in *"Threshold Limit Values for Toxic Materials in Industry";* x is the nearest distance in thousands of feet of the stack vent flue or other discharge point to a Residence or Business District boundary line (ft.). When C is given as milligrams per cubic meter, multiply this figure by 0.061, place it in the above formula, and obtain Q in pounds permitted in four (4) hours. If the material is emitted from open piles, ponds, tanks, areas, etc., the maximum permitted concentration measured at a Residence District Boundary line shall be ten percent (10%) of the threshold limit value C.

* From the American Conference of Governmental Hygienists, American Medical Association, Archives of Industrial Health, published August, 1958.

g. Glare and Heat.

No industrial operation, activity or structure shall cause intense heat in such a manner as to be a public nuisance or hazard across lot lines. No industrial operation, activity or structure shall cause illumination at or beyond any Residence District boundary in excess of 0.1 foot candle.

h. Vibration.

Any industrial operation or activity which shall cause at any point along the nearest adjacent lot line earthborne vibrations in excess of the limits set forth in Column I (below) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earthborne vibrations in excess of the limits

set forth in Column II are prohibited. Vibration shall be expressed as resultant displacement in inches.

Frequency Cycle Per second	**I Displacement (Inches)**	**II Displacement (Inches)**
Below 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

The above tabulation is for steady state vibration, this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed one hundred (100) impulses per minute, shall not produce in excess of twice (2 times) the displacement stipulated above.

i. Noise.

At no point on the boundary of "R" Residence or "C" Commercial Districts shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this Article, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles per Second)	**I Maximum Permitted Sound Level** (Along Residence District Boundaries)	**II Maximum Permitted Sound Level** (Along Residence District Boundaries)
20 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

The prescribed limits of Column I are applicable between the hours of 7:00 a.m. and 6:00 p.m. At other times, the allowable levels shall be reduced by six (6) decibels in every octave band. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American Standards Association. When sounds are of such short duration as not to be measured accurately with the sound-level meter, the impact noise analyzer as manufactured under standards of the American Standards Association shall be used to determine the peak value of the impact. Impacts shall meet the noise performance standards.

j. Fire Hazards.

(1) The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

(3) The storage, utilization, or manufacturing of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the State Fire Marshal.

k. Industrial Sewage and Waste.

Every use shall be so operated as to prevent the discharge into any river, stream, lake, creek, or ground of any waste which will be dangerous or discomforting to persons or animals or which will damage plants or the like beyond the lot line of the property on which the use is located.

Sec. 10-144 through Sec. 10-147 Reserved for Future Use.

Division VI. Manufactured Homes.[188]

Sec. 10-148 Intent.[189]

a. It is the intent of this Article to encourage the provisions of alternative modest income housing in general residential areas by permitting the use of Modulars, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such modular home and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

b. Manufactured homes that comply to the Federal Mobile Home Construction and Safety Act of 1974 which became effective June 15, 1976. It is further the intent of this Article to assist in improving those areas of the City which are designated by the Area Plan Commission in accordance with Sec. 10-263 of this Article as being in need of greater housing opportunities. Manufactured homes built after June 15, 1976 may, under certain circumstances, be placed in said areas in accordance with Sec. 10-154 "Conditional Use Zone."

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[188] *I.C.* § 36-7-4-1106, addresses manufactured homes.

[189] Editor's Note: Any drawings or pictures depicting types of manufactured and mobile homes are in the Office of the City Clerk and are available for public inspection during regular business hours.

Sec. 10-149 Definitions.

a. **Add-A-Room-Unit.** A unit of manufactured housing, not designed as part of the original structure, which may have less occupied space than a manufactured housing section.

b. **Anchoring System.** An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.

c. **ANSI/NFPA 501.** A Standard for Installation of (Manufactured) Mobile Homes. Model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

d. **Approved.** Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

e. **Expando Unit.** An expandable manufactured housing unit.

f. **Foundation Siding/Skirting.** A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

g. **Manufactured Home.** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council. The two (2) types of manufactured homes (TYPE I, TYPE II) are defined as meeting all of the appropriate requirements of Division IV of this Article.

h. **Manufactured Housing Construction and Safety Standards Code.** Title VI of the 1974 Housing and Community Development Act (42 *U.S.C.* 5401 *et seq.*), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council; all of which became effective for mobile/manufactured home construction on June 15, 1976.

i. **Type III Mobile Home.** A transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

j. **Occupied Space.** The total area of earth horizontally covered by the structure, excluding necessary structures, such as, but not limited to, garages, patios, and porches.

k. **One and Two Family Dwelling Code, Indiana.** The nationally recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Administrative Building Council (ABC) as mandated through Public Law 360, Acts of 1971, and which includes those supplements and amendments promulgated by the ABC.

l. **Permanent Perimeter Enclosure.** A permanent perimeter structure system completely enclosing the space between the floor joists of the home and the ground.

m. **Permanent Foundation.** Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

n. **Public Law 360, Acts of 1971.** Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of factory built one (1) or two (2) family residential dwellings.

o. **Recreational Vehicle.** A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel recreational, camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

p. **Support System.** A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

Sec. 10-150 Applicability.

a. Permitted Placement.

The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

(1) The dwelling shall meet the appropriate Exterior Appearance Standards, as hereinafter set forth in Sec. 10-151;

(2) The dwelling shall be sited in a district where such use is permitted in the Schedule of User, as hereinafter set forth in Sec. 10-152;

(3) The dwelling shall receive all required permits and conform with the Comprehensive Plan and other ordinances of the City of Terre Haute, Indiana;

(4) The dwelling shall be built within five (5) years immediately preceding application for placement or replacement of the dwelling.

b. Location Out of Parks.

(1) All provisions of this Article shall apply to manufactured or mobile homes located outside of mobile home parks as nonconforming or conditional uses.

(2) All provisions of this Article with the exception of Sec. 10-154. *Conditional Use Zone* shall apply to manufactured or mobile homes located within R-T Mobile Home Trailer Park Districts as defined in Sec. 10-180 e.

c. Non-Conforming Homes.

A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Article, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of the Article.

d. Replacement of Non-Conforming Homes.

Thereafter, upon application to the designated administrator and subsequent approval thereof, a manufactured or mobile home, deemed a legal non-conforming use, may be replaced by a manufactured home, provided the replacement is of an equal or a higher type, as specified in Sec. 10-151 of this Article (Exterior Appearance Standards). Equal or higher type means that a Type III mobile home may be replaced with a Type I or Type II; and Type II could be replaced with a Type I or Type II. A Type I could be replaced by another Type I.

e. Structural Alteration.

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the Building Inspector of the City of Terre Haute.

Sec. 10-151 Exterior Appearance Standards.

a. Manufactured Home Classification.

Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as follows:

(1) TYPE I - A Type I Manufactured Home is an off-site (factory) constructed, transportable structure designed for permanent residential occupancy when placed on a permanent foundation and connected to utilities and shall:

(A) Have more than nine hundred fifty (950) square feet of occupied space;

(B) Utilize a permanent perimeter enclosure in accordance with approved Installation Standards, as specified in Sec. 10-153;

(C) Be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;

(D) Have wheels, axles, and hitch mechanisms removed;

(E) Have utilities connected, in accordance with One and Two Family Dwelling Code and manufacturer's specifications;

(F) Have siding material of a type customarily used on site-constructed residences;

(G) Have roofing material of a type customarily used on site-constructed residences;

(H) Be built under the most current provisions of Public Law 360, Acts of 1971 and the Manufactured Housing Construction and Safety Standards Code;

(I) Be a minimum of twenty-three feet (23') in width.

(2) TYPE II - A Manufactured Home built in compliance with Federal Mobile Home Construction and Safety Act of 1974 or later shall:

(A) Have more than four hundred eighty (480) square feet of occupied space in a single, double, (expando or multi-section unit [including those with add-a-room unit]);

(B) Be built under the most current provisions of Public Law 360, Acts of 1971 and the Manufactured Housing Construction and Safety Standards Code;

(C) Be placed onto a support system, in accordance with approved Installation Standards, as specified in Sec. 10-153;

(D) Be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Sec. 10-153;

(E) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;

(F) Have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and

(G) Comply to the requirements of Sec. 10-154 Conditional Use Zone.

b. Mobile Homes.

Type III Mobile Homes shall not be located within the city limits of Terre Haute as permanent residences after the effective date of this ordinance. Temporary Uses as described in Sec. 10-156 are exceptions.

Sec. 10-152 Schedule of Uses.

Manufactured or mobile homes are permitted uses, as follows:

P = Permitted Use CU = Conditional Use Zone X = Prohibited

	Type I	**Type II**	**Type III Mobile Home**
R-l District	P	CU	X
R-2 District	P	CU	X
R-3 District	P	CU	X
Commercial Districts	X	X	X
Industrial Districts	X	X	X
Agricultural Districts	P	CU	X

Sec. 10-153 Installation Standards.

a. Permanent Perimeter Enclosure.

Those manufactured homes designated in the zoning ordinance as requiring a permanent perimeter enclosure must be set onto an excavated area, with permanent perimeter enclosure foundations, footings and crawl space or basement walls constructed in accordance with the One and Two Family Dwelling Code. The space between the floor joints of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

b. Foundation Siding/Skirting for Temporary (Structures).

All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, noncombustible or self extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six inches (6”) above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer’s recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1½) square feet and not more than three (3) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (½) inch in any dimension. The underfloor area shall be provided

with an eighteen inch (18") by twenty-four inch (24") minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

c. Support System.

(1) TYPE I MANUFACTURED HOMES.

All HUD-Code Type I Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in One and Two Family Dwelling Code and with the manufacturer's installation specifications.

(2) PL 360 CODE HOMES.

All PL 360 Code Home foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

(3) Type II MANUFACTURED HOMES.

All HUD-Code Type II Manufactured Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer installation specifications or with the Support Systems regulations in the ANSI/NFPA 501 A 1977 Installation Standards.

Sec. 10-154 Conditional Use Zone.

All manufactured homes that are built after June 15, 1976 and that are not Type I, as described herein, shall comply to this Section:

A Conditional Use is a use which may be permitted in a district by an amendment to the zoning ordinance and the subsequent application for a "Conditional Use Permit" upon finding by the City Council that the use variation meets special conditions established.

a. The legal description describing this Conditional Use Zone shall be a contiguous area with a minimum area of twenty thousand (20,000) square feet. There shall be no abatement to the twenty thousand (20,000) square feet.

b. Only one (1) manufactured home shall be placed on each twenty thousand (20,000) square feet.

c. The petitioner shall be the owner(s) of record of the twenty thousand (20,000) square feet area and no other residence shall be located thereon.

d. Each individual manufactured home shall comply with Installation Standards as set out in Sec. 10-153.

e. Each unit shall be connected to the City water and sewage system if available, or to a Board of Health approved septic system.

f. All utilities and utility connections to each unit shall comply with all State and City standards and requirements relating to such utilities and shall be buried from public view including but not limited to cable television lines.

g. A Site Plan shall be part of an Application to the Amendment to the Comprehensive Zoning Ordinance filed under this Section. The Site Plan shall be in compliance with all state laws, local codes and ordinances and the requirements established by Sec. 10-155.

h. All Applications to the Amendment of the Comprehensive Zoning Ordinance to provide a Conditional Use Zone shall be processed in the manner prescribed by Sec. 10-263 of the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana.

i. Upon the approval of an Application under this Section, the City Building Inspector shall issue a "Conditional Use Permit" to the property owner or developer whereupon, said property owner or developer may commence implementation of the Site Plan.

j. Nothing in this Section shall abate the requirements of the individual or developer to obtain a *Certificate of Use and Occupancy* as required by Sec. 10-260 of the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, after the issuance of a Conditional Use Permit and implementation of the site plan and its attachments. Occupancy of any unit or the granting of permission for said occupancy prior to the issuance of the Certificate of Use and Occupancy shall constitute a violation of this Article.

k. The City Building Inspector shall revoke a "Conditional Use Permit" issued under this ordinance if the applicant or permittee uses the property subject to the Conditional Use Zone in a manner contrary to the approved Site Plan, or upon discovery that the permittee violated any Section of this Article.

l. The boundaries of Conditional Use Zone shall be illustrated upon an overlay on the Comprehensive Zoning Ordinance Map which shall be kept and maintained in the Office of the City Building Inspector for public inspection during regular business hours.

Sec. 10-155 Permits.

a. Improvement Location Permit.

(1) REQUIREMENTS.

Prior to the location, relocation or establishment of any manufactured home, the home owner or authorized representative shall secure from the Zoning Administrator an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:

(A) Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like;

(B) Health Department approval for any sewage disposal or water supply, where applicable;

(C) P.U.D. or subdivision permit approval where applicable;

(D) A copy of the approved instructions, which will be used for installation purposes, where applicable;

(E) Such other information, as may be required by the Zoning Administrator for proper enforcement of this Article; and

(F) An agreement signed by the home owner or authorized representative pledging compliance with the terms set forth in the Improvement Location Permit.

(2) ISSUANCE OF PERMIT.

After receipt of the information required for an Improvement Location Permit, the Zoning Administrator shall review the standards set in this Article. If the applicant has met all required standards, then within three (3) working days the Improvement Location Permit shall be issued by the Zoning Administrator.

(3) ADDITIONAL ACTION NECESSARY.

If after receipt of the information required for an Improvement Location Permit, the Zoning Administrator finds that the applicant has not fully met the standards set forth in the ordinance, and the changes or additional actions needed are deemed by the Zoning Administrator to be relatively minor or simple, within three (3) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

(4) If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the Improvement Location Permit will be denied, with a written statement specifying the reasons for the denial.

b. Certificate of Occupancy.

(1) OCCUPANCY REQUIREMENT.

Prior to the occupancy of any manufactured home, the home owner or authorized representative shall secure from the Zoning Administrator a Certificate of Occupancy, stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the district in which it is to be located.

(2) ISSUANCE OF CERTIFICATE.

After submission of an application for a Certificate of Occupancy, the Zoning Administrator shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Improvement Location Permit and the standards set in this Article. If the applicant has conformed with all of the required conditions and standards, a Certificate of Occupancy shall be issued within three (3) working days.

(3) DENIAL OF CERTIFICATE.

If any of the major conditions or standards have not been complied with, the Certificate of Occupancy is denied, with a written statement specifying the reasons for the denial.

c. Failure To Obtain Required Permits.

Failure to obtain either an Improvement Location Permit or a Certificate of Occupancy shall be a violation of this Article and punishable under the provisions of Sec. 10-157 of this Article.

Sec. 10-156 Temporary Use.

a. Emergency or temporary parking of a mobile home on the public streets of this City shall be permitted for not longer than twenty-four (24) hours provided that such mobile home shall be subject to all other traffic and parking regulations of this City.

b. Mobile homes, when unoccupied, may be left for a reasonable time for repairs at any place where such repairs are ordinarily made.

c. Mobile homes, when unoccupied as living quarters, may be parked or stored for the purposes of inspection and sale upon any automobile sales lot.

d. A mobile home may be located as a field office for any construction project for a period of not more than twelve (12) months upon application with the Zoning Administrator for a permit therefor and payment of Three Dollars ($3.00), to be deposited in the City General Fund. Such permit may be renewed, provided, however, that such mobile home must be removed by such owner within fifteen (15) days from the time of completion of that particular portion of such construction project for which such owner has responsibility. Completion shall mean the

time that the work of such owner was accepted by any project owner, general contractor, or subcontractor, pursuant to the terms of the governing contract.

e. A travel trailer or camper type trailer is not to be considered to be a mobile home and may be stored on the property other than front yard of any occupied dwelling. A travel trailer shall not be used as an abode. No permit shall be required.

Sec. 10-157 Penalty for Violation.

a. Failure To Comply.

Each day of non-compliance with the provisions of this Division constitutes a separate and distinct ordinance violation. Judgment of up to Three Hundred Dollars ($300.00) per day may be entered for a violation of this ordinance.

b. Subject To Removal.

A home, sited upon property in violation of this Division, shall be subject to removal from such property. However, the homeowner must be given reasonable opportunity (not to exceed ninety (90) days) to bring the property into compliance before action for removal can be taken. When action is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

c. Removal Method.

The Zoning Administrator may institute a suit in the appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

Sec. 10-158 Severability Clause.

If any section, subsection, paragraph, sentence, clause or phrase of this Division is in any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Article. It is being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause, and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 10-159 Penalty.

Any person violating any provision of the Comprehensive Zoning Ordinance shall be fined not more than Three Hundred Dollars ($300.00). Each day's continued violation shall constitute a separate offense.

Sec. 10-160 through Sec. 10-164 Reserved Future Use.

Division VII. Non-Conforming Uses, Buildings and Structures.

Sec. 10-165 Statement of Intent.

It is the purpose of this Division to provide for the regulation, elimination or continuance of all non-conforming uses and buildings which adversely affect the development, use, taxable value or maintenance of other property in the district in which they are located.

Sec. 10-166 Authority To Continue Non-Conforming Uses, Buildings, and Structures.

Any non-conforming use or building, lawful upon adoption of this Comprehensive Zoning Ordinance or of any subsequent amendment thereto, may be continued subject to all regulations in this Division.

Sec. 10-167 Exempted Uses, Buildings, and Structures.

No building, structure, or use lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be subject to termination for reason of being non-conforming with respect to the regulations prescribed in this Zoning Ordinance for any of the following:

a. Floor Area Ratio;

b. Side yards;

c. Building line requirements;

d. Building height;

e. Lot area per dwelling unit;

f. Off-street parking and loading requirements, and

g. Maximum gross floor area.

Sec. 10-168 Registration of Non-Conforming Uses.

Certificates of Use & Occupancy for a non-conforming use existing at the time of the passage of this Article, shall be issued by the Zoning Administrator, and the certificate shall state that the use is non-conforming and described in what manner it does not conform to the regulations of the district in which it is located. The Zoning Administrator shall notify at least one (1) owner of the property or his agent of the non-conforming use and such owner or agent shall within thirty (30) days after receipt of such notice, apply at the Office of the Zoning Administrator for a Certificate of Use and Occupancy.

Sec. 10-169 Regulation of Non-Conforming Uses.

a. Repairs. Normal repairs and maintenance shall be permitted.

b. Enlargement. A non-conforming use or building shall be enlarged under the following conditions only:

(1) Not more than twenty-five percent (25%) of the floor area existing at the time of passage of the ordinance may be added within five (5) years of the taking effect of this Article;

(2) The enlarged portion shall satisfy all other District requirements;

(3) Only one (1) enlargement allowed per zone lot;

(4) No conforming use may be displaced;

(5) The number of dwelling units in a building containing nonconforming residential uses may not be increased; and

(6) No vacant land adjoining a non-conforming use may be acquired or purchased for the purpose of extending the non-conforming use.

Sec. 10-170 Reconstruction.

Where the floor area or structural frame, as determined by the Building Commissioner is less than fifty percent (50%) damaged, a non-conforming building may be reconstructed and used as before, provided that:

a. The reconstruction is completed within one (1) year of the damage, and a building permit for reconstruction is taken out within sixty (60) days after the damage; and

b. The original volume of the building shall not be exceeded.

Sec. 10-171 Change of Use.

a. A non-conforming use shall not be changed into a use permitted in a less restrictive district or into any other use within the same class as the non-conforming use.

b. A non-conforming use may be changed into a conforming use. It may NOT subsequently revert to its original non-conforming use.

Sec. 10-172 Termination of Non-Conforming Uses.

A non-conforming use or building shall be terminated under any one of the following conditions:

a. A building, structure, or portion thereof which is abandoned for sixty (60) days or is not continuously legally used for a period of six (6) months.

b. Destruction of eighty percent (80%) or more of the floor area or structural frame as determined by the Building Inspector.

c. Determination that said structure constitutes a nuisance.

d. In the event of fire, windstorm, or other catastrophe, where the cost of restoration of the building or structure which has been damaged is in excess of ninety-five percent (95%) of the actual value as determined by the last appraisal thereof for taxing purposes, the building or structure shall be condemned and wrecked and the land use made to conform to the district in which it is located.

e. Junk yards and/or wrecking yards or any similar use may be continued as a non-conforming use, providing a screen fence completely encloses the premises. The screen fence shall be at least eight feet (8') high or shall completely screen from view all junk in the yard from a point three feet (3') above the center line of the street on which such premises may abut. If a board fence is used, it must be uniformly painted, and all fences must be maintained to accomplish the purpose for which they were erected.

Sec. 10-173 Moving.

No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure which is moved and the use thereof is made to conform to all the regulations of the district in which it is located.

Sec. 10-174 Non-Conforming Sight Prism.

A non-conforming building or use which is non-conforming in whole or in part because of violation of sight prism may be terminated by a simple majority vote of the Board of Zoning Appeals subject to the following procedure:

a. A zoning violation notice is served in person or mailed to the last known address by certified mail to the owner or occupant of the land on which the violation occurs. Said notice must be signed for or mailed two (2) weeks in advance of consideration by the Board.

b. A concise statement by the Director must be submitted to the Board stating the following:

(1) Location by street address of the violation;

(2) Owner of the land involved;

(3) The reasons by narrative or pictures or plans or maps why the termination is imperative for the public health, safety, and/or welfare; and

(4) If available, street intersection collision diagrams and/or any other evidence of traffic engineering related to sight distance at the intersection under consideration.

Sec. 10-175 Uses Covered by Application within Two (2) Years.

Anything to the contrary elsewhere provided in this Article notwithstanding, any use of land or building shall be permissible, if such use is similar to the use to which the land or building was last put before the effective date of this Article, and if application is made on or before November 2, 1969 for a Certificate of Use and Occupancy for the use of any land or building if permitted under the preceding sentence shall be issued by the Office of the Zoning Administrator, the certificate to contain a finding as to what the last use was of said land or building prior to the effective date of this Article, and finding that the use proposed to be commenced is similar to said last use.

Sec. 10-176 through Sec. 10-179 Reserved for Future Use.

Division VIII. Residential Districts.[190]

Sec. 10-180 Uses, Permitted.

a. General.

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of:

(1) Uses lawfully established on the effective date of this Comprehensive Zoning Ordinance, or

(2) Special uses allowed in accordance with the provision of Sec. 10-181;

(3) Planned Developments because of their unique characteristics and nature shall be processed in accordance with Sections 10-257 and 10-262.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of this Comprehensive Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VII governing non-conforming uses.

For the purposes of this Division VIII, uses lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Sec. 7-9.

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[190] Editor's Note: All drawings or diagrams referred to in this Division are on file in the Office of the City Clerk and are available for public inspection during regular business hours.

b. Uses, Permitted - R-l Single-Family Residence District.

(1) One-family detached dwellings.

(2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.

(3) Churches, Rectories, and Parish Houses.

(4) Convents and Monasteries.

(5) Gardening, including nurseries, provided that no offensive odors or dust are created.

(6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.

(7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)

(8) Child Care.

(A) UNLICENSED CHILD CARE.

An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.

(B) LICENSED CHILD CARE.

An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.

(C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply to Subsections (A) and (B) above.

(9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)

(10) Parks and Playgrounds, publicly owned and operated.

(11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields incidental thereto.

(12) Signs, as regulated by Sec. 10-141 and Table 5.

(13) Temporary buildings and trailers for construction purposes, for a period not to exceed the lawful duration of such construction.

(14) Accessory uses.

(15) A private outdoor swimming pool, fully enclosed by a barrier fence five feet (5') high or an equivalent barrier.

(16) Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98)

(17) Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98)

c. Uses, Permitted - R-2 Two-Family Residence District.

(1) Any use permitted in the R-l District.

(2) Dwellings - one and two family attached or detached.

d. Uses, Permitted - R-3 General Residence District.

(1) Any use permitted in the R-l and R-2 Districts.

(2) Apartment Hotels.

(3) Colleges and universities, but not business colleges or trade schools.

(4) Fraternal, philanthropic and charitable use or institutions, provided that not more than twenty-five percent (25%) of the gross floor area or four thousand (4,000) square feet shall be used as office space.

(5) Fraternity and sorority houses.

(6) Hospitals, sanitariums, and convalescent homes.

(7) Institutions for the aged and for children.

(8) Lodging Houses and Tourist Homes.

(9) Nursery Schools, Boarding.

(10) Private Clubs or Lodges - not operated for profit, provided that not more than twenty percent (20%) of the gross floor area or two thousand (2,000) square feet, whichever is greater, shall be used as office space.

(11) Rest Homes and Nursing Homes.

(12) Schools, elementary and high, Boarding.

(13) Housing for elderly persons including commissary facilities for the exclusive use of tenants accessible only through the lobby with no advertising or display visible from outside the building. (Ord. No. 1, 1967, § 1131.01 (b. (10) – (14), c., d., 7-6-67)

(14) Apartment House.

e. Uses, Permitted - R-T Mobile Home Trailer Park District. Uses permitted in the R-T zone are subject to the following requirements:

(1) All mobile home parks shall comply with all provisions of this Division and any other applicable ordinance of this City, all regulations of the State Fire Marshal, all regulations of the State Board of Health, and all regulations of the County Department of Health, and all laws of the State of Indiana.

(2) All mobile home parks coming into existence after the effective date of this Division shall be limited to the use of independent mobile homes.

(3) The provisions of Chapter 321, Acts of 1955, as amended, entitled, "An Act To Provide For Health, Sanitation, and Safety Standards For Persons Occupying Mobile Homes." and Regulations HSE 21 effective December 15, 1955, as amended, entitled, "Mobile Home Parks," issued by the State Board of Health pursuant to Section 3 of said Act, and as may be amended from time to time, are incorporated by reference into this Division and made a part hereof. Should any provision of said Act or of said Regulations be in conflict with any provision of this Division, then in such event, the provisions of this Division shall prevail.

(4) All ingress and egress shall be approved by the Board of Public Works and Safety in accordance with rules and regulations they may adopt from time to time.

Sec. 10-181 Uses, Special.

a. General.

Upon application to the Board of Zoning Appeals, the following uses may be permitted as special uses in the districts listed hereafter in accordance with the provisions of Sec. 10-264. (Gen. Ord. No. 13, 2000, 6-8-00)

b. Special Uses R-l District.[191]

(1) Municipal or privately-owned recreation buildings or community centers.

[191] Sec. 10-181 b.(3) *et al*. regarding an automobile parking lot in a Residence District on a lot over 75 feet wide was deleted from the *Code* by General Ordinance No. 18, 2004, As Amended, which was passed on Nov. 9, 2004.

(2) Public utility and public service uses, including:

(A) Bus turn-arounds (off-street);

(B) Electric sub-stations;

(C) Fire stations;

(D) Police stations;

(E) Public art galleries and museums;

(F) Railroad passenger stations;

(G) Railroad right-of-way;

(H) Telephone exchanges and telephone transmission equipment buildings; (Gen. Ord. No. 25, 2000, 1-11-01)

(I) Water filtration plants;

(J) Water pumping stations;

(K) Water reservoirs.

c. Special Uses R-2 District. Any use allowed as a special use in an R-l District.

d. Special Uses R-3 District.

(1) Any use allowed as a special use in an R-l District.

(2) Government operated health centers.

(3) Open or enclosed accessory off-street parking facilities for the storage of private passenger automobiles, when located elsewhere than on the same zoning lot as the principal use served and subject to the provisions of Sec. 10-137.

(4) Parking lots, open and other than accessory for the storage of private passenger automobiles, and subject to the provisions of Sec. 101-37.

Sec. 10-182 Building Lines, Thoroughfare Plan Requirements.

a. In newly developing residential area and building setback lines shall be as set forth in the Subdivision Control Ordinance.

b. However, in areas already developed with buildings, the minimum required building setback shall be the average of the existing building setbacks in the block.

c. In figuring the average setback, buildings located entirely on the rear half of the lots shall not be counted.

d. In the case of corner lots, the minimum setback for the frontage shall be the average setback along one street, while the minimum setback for the other frontage shall be the average setback along the other street. Provided, however, that the new building does not obstruct the sight prism at the intersection.

e. In the case of additions to existing buildings, the addition may be extended to be flush with the rest of the existing building, even though this would extend the building beyond the average minimum building setback. Provided, however, that the addition does not obstruct the sight prism at the intersection.

Sec. 10-183 Building Lines, Alley or Rear Yard.

For all Residential Districts, See Sec. 10-136 entitled, "Bulk and Density Requirements." (Ord. No. 1, 1967, § 1131.04, 7-6-67)

Sec. 10-184 Building Lines, Interior Side Yards.

In Residential Districts the building line setback shall be five feet (5') from the property line.

However, in the case of additions to existing buildings, the addition may be extended to be flush with the rest of the existing building. For all Residential Districts see Sec. 10-136 entitled, "Bulk and Density Requirements."

Sec. 10-185 Floor Area Ratio, Maximum.

The floor area ratio for a building on a lot shall be calculated as defined in Sec. 10-136 h. and shall be limited by the F.A.R. District in which said lot is incorporated as shown on the zoning maps. Any principal building F.A.R. factor may be less than or equal to the F.A.R. District in which it is located but may not exceed said factor. (Ord. No. 1, 1967, § 1131.06, 7-6-67)

Sec. 10-186 Floor Area, Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1131.07, 7-6-67)

Sec. 10-187 Lot Size Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1131.08, 7-6-67)

Sec. 10-188 Signs.

See Table 5 in Appendix and Sec. 10-141. (Ord. No. 1, 1967, § 1131.09, 7-6-67)

Sec. 10-189 Parking, Off-Street.

See Table 4 in Appendix and Sec. 10-137. (Ord. No. 1, 1967, § 1131.10, 7-6-67)

Sec. 10-190 Loading, Off-Street.

See Table 3 in Appendix and Sec. 10-137. (Ord. No. 1, 1967, § 1131.11, 7-6-67)

Sec. 10-191 Outdoor Storage.

a. General.

All areas used for outdoor storage within a Commercial District shall be screened from public view. Said screening must be maintained in a neat, substantial, and safe condition at all times. Fences or walls must be painted or stained unless constructed of masonry or rustproof metal. Dead portions of any live natural screening shall be promptly removed.

b. Definitions.

For the purpose of this Section, the following words and terms shall be interpreted and defined as follows:

(1) **Outdoor Storage.** An area devoted to the keeping or storing of goods, merchandise, equipment, raw materials, lumber, scrap, junk, containers, debris and any similar commercial material which is not enclosed within a building.

(2) **Public View.** Visibility of any outdoor storage area from any public street, park, or other public place, any residential zone, or any permitted ground floor residential use within three hundred feet (300') of any outdoor storage area.

(3) **Exempted Uses.** Those areas within a Commercial District used as trailer sales, service stations, garden shops, vegetable stands, parking lots and automobile sales shall not be considered as outdoor storage areas.

Sec. 10-192 Residential Non-Conforming Lot of Record.

a. Residential Non-Conforming Lot of Record. A lot of record that does not conform to the minimum lot size requirements as set out in Sec. 10-187, and was recorded on or before November 3, 1967.

b. In R-l, Single Family Residential Districts, a single family dwelling and customary accessory buildings may be built on:

(1) A non-conforming single lot of record;

(2) A non-conforming lot formed by combining two (2) or more lots of record having continuous frontage; or

(3) A non-conforming lot formed by combining lot(s) of record or other lot(s) of record or portions of lot(s) of record having continuous frontage; after the effective date of adoption or amendment of this Ordinance. In R-2 Two-Family Residential Districts and R-3 General Residential Districts, a single family and customary accessory buildings or a two-family dwelling and customary accessory buildings may be built on:

(A) A non-conforming single lot of record;

(B) A non-conforming lot formed by combining two (2) or more lots of record having continuous frontage; or

(C) A non-conforming lot formed by combining lot(s) of record with other lot(s) of record or portions of lot(s) of record having continuous frontage;

after the effective date of adoption or amendment of this ordinance. Lot lines as shown on a recorded plat may be adjusted to increase the area of a single non-conforming lot. A lot whose area is increased by such an adjustment is not required to meet the minimum lot sizes required by Sec. 10-187. A lot whose area is decreased by such an adjustment is no longer considered to be a non-conforming lot of record.

c. For all Residential Districts, no new dwelling unit shall be less than twenty-three feet (23') in width.

Sec. 10-193 Residential Facilities for the Mentally Ill.

No residential facility for the mentally ill shall be located within one thousand feet (1,000') of another residential facility for the mentally ill, as measured between lot lines. (Gen. Ord. No. 18, 1997, 2-12-98)

Sec. 10-194 through Sec. 10-197 Reserved for Future Use.

Division IX. Planned Unit Development.

Sec. 10-198 Intent and Purpose.

The Planned Unit Development District, as defined in Sec. 10-93, is designed to encourage innovative and creative design and facilitate use of the most advantageous construction techniques in the development of land. The district provides more flexibility in land use regulations by consolidating the procedures of the subdivision regulations and the amendment procedures of the Zoning Ordinance.

The district regulations insure ample provision for efficient use of open space, promote high standards in the design and construction of developments, and further the purposes of the Comprehensive Plan.

The Planned Unit Development District will permit the developer to propose a total development plan which can be considered as to its overall merits under a unified procedure. Rezoning to and development under this district will be permitted only in accordance with a detailed development plan and after approval of the plan by the Plan Commission in accordance with the procedures and standards contained in this Planned Unit Development Ordinance. All submittals shall be made in the name of the owner of the subject property or his duly authorized agent. (Gen. Ord. No. 7, 1995, § 1. (1132.01), 10-5-95)

Sec. 10-199 Permitted Uses.

Uses permitted in a Planned Unit Development District may include and shall be limited to:

a. Dwelling units in detached, semi-detached, attached, or multi-storied structures, or any combination thereof; and

b. Non-residential uses of a religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the Planned Unit Residential Development.

c. No commercial use, nor any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve. (Gen. Ord. No. 7, 1995, § 1, (1132.02), 10-5-95)

Sec. 10-200 Establishment of a Planned Unit Development District.

a. Procedure.

A Planned Unit Development District shall be established by amending the Zoning District Map. The Plan Commission may, by resolution to the City Council, recommend approval of a Planned Unit Development District on any parcel or tract of land which is suitable for and of sufficient size to be planned and developed or redeveloped as a unit and in a manner consistent with the intent and purpose of this Division and with the Comprehensive Plan of the City. Rezoning and development under the Planned Unit Development procedure will be permitted only in accordance with a detailed development plan and after approval of the plan by the Plan Commission in accordance with the standards of this district.

b. Pre-application Conference.

Prior to the filing of a preliminary proposal as required below, the developer is compelled to submit to the Planning Department and the Zoning Administrator general information

including sketch plans describing the proposed development. The purpose of this conference is to afford the developer an opportunity to avail himself of the advice and assistance of the Planning Department before preparation of a preliminary proposal.

The Planning Department shall review the preliminary proposal taking into consideration information regarding the terrain of the site and any unique natural features of the site. In doing so, the review may include, but not be limited to, the following:

(1) Protection of unique topographical features on the site, including, but not limited to slopes, streams and natural water features;

(2) Protection and preservation of wooded areas, individual trees of significant size, wetland, or other environmentally sensitive features;

(3) Development of common open space and recreational areas (passive or active) accessible to the residents or users of the Planned Unit Development District by way of sidewalks, footpaths or combines walkways/bikeways;

(4) A more efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle access;

(5) Creation of innovative residential and business environments;

(6) Minimize the alteration of the natural site features through the design and situation of individual lots, streets and buildings;

(7) Diversity and originality in lot layout;

(8) Utilization of individual building designs which achieve an enhanced relationship between the development and the land; and,

(9) Relationship to surrounding properties. (Gen. Ord. No. 7, 1995, § 1, § 1132.03, 10-5-95)

c. Preliminary Proposal.

An application for approval of a Planned Unit Development shall first be presented in the form of a preliminary proposal and shall be filed with the City Clerk, who shall, within forty-eight (48) hours after receipt of same, transmit same, including all documents relating thereto, to the Plan Commission and shall notify the President of the Plan Commission and the City Council, in writing, of such receipt and transmittal. A filing fee of Twenty Five Dollars ($25.00) in the form of a certified check, made payable to the City of Terre Haute, shall accompany said application.

The purpose of a preliminary proposal is to establish a frame of reference for the Plan Commission to consider the merits of the proposed Planned Unit Development as it relates to the

official Comprehensive Plan and to afford a basis for determining whether or not the proposal is consistent with the purpose and intent of the Planned Unit Development District.

The preliminary proposal for a Planned District Development shall be submitted in triplicate copies and shall comprise but not necessarily be limited to the following:

(1) A written explanation of the general character of the project and the manner in which it is planned to take advantage of the flexibility of these regulations.

(2) A legal description of the property proposed to be developed.

(3) A plat of survey prepared by a registered engineer or land surveyor or a map, either of which should show a generalized plan of the proposed Planned Unit Development sufficient to confirm the proposed development. The Plan Commission, when approving a preliminary proposal, shall not be bound by the location of anything shown on a map if, when placed on a plat or survey, there is any conflict or difference. The map or plat or survey shall indicate:

(A) The approximate residential density proposed for the entire project and, if the project is to be comprised of well defined areas of varying types of residential development, the approximate density for each such area;

(B) The proposed height and bulk of buildings;

(C) The approximate percentage of the project land area to be covered by buildings and streets;

(D) The approximate number of institutional building units, dwelling units or combination of units proposed for the project, including a breakdown of the number of one (1), two (2) and three (3) or more bedroom units;

(E) Traffic circulation features within and adjacent to the project;

(F) Areas designated for common open space whether to be dedicated to the public or to be privately maintained;

(G) Amenities to be provided within the proposed project;

(H) Existing zoning of the project size and adjacent properties; and

(I) Generalized plan for utilities which will serve the project.

Within thirty-five (35) days of receipt by the Plan Commission of a preliminary proposal, the Plan Commission shall conduct a public hearing on the proposal to rezone the subject property to the Planned Unit Development District.

Within twenty-five (25) days after the public hearing the Plan Commission shall act to recommend to the City Council that it:

(1) Take action indicating a favorable disposition toward rezoning of the subject property to the Planned Unit Development District for a development project of the nature being proposed, subject to approval of the preliminary plat for the project, or

(2) Reject the proposal. In either case, the Plan Commission shall set forth the reasons for its recommendation, and may, in the event of a favorable recommendation, specify particular items and conditions which should be incorporated in subsequent plat submittals.

Upon receipt of the Plan Commission's recommendation, the City Council shall act within thirty (30) days after its next regular stated meeting by resolution to either:

(A) Reject the proposal, or

(B) Accept the proposal.

The acceptance may be conditional and if so, shall specifically state what additions or deletions from the proposed development as submitted shall be made in the preliminary plat.

Any such conditions may include, but are not limited to, allowable density, height, bulk and, location of buildings, provisions for open space and ratios of dwelling unit types to be included in the project. The City Council after recommendation from the Plan Commission shall approve a preliminary plat which complies with the proposal as accepted and conforms otherwise to the requirements for a preliminary plat as hereinafter set forth.

d. Preliminary Plat.

Within six (6) months after the adoption by the City Council of a favorable resolution relative to a preliminary proposal, a preliminary plat of the Planned Unit Development project shall be submitted to the Plan Commission as required by the subdivision regulations. If the preliminary plat is approved unamended by the Plan Commission, it may also serve as the final plat.

Additional supporting material beyond that required by the subdivision regulation for a preliminary plat shall include a development schedule indicating:

(1) Stages in which project is intended to be built with emphasis on _____???;

(2) Area;

(3) Number and sizes of dwelling units including a breakdown of the number of one (1), two (2) and three (3) or more bedroom units;

(4) Land use;

(5) The use, approximate height, bulk, and location of buildings and other structures, floor area ratio;

(6) Public facilities such as open space to be developed with each stage;

(7) The overall design of each stage shall be shown on the plat and through supporting graphic material;

(8) Approximate date for beginning and completion of the Planned Unit Development Project or each stage thereof;

(9) A draft of agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open space;

(10) Location map showing the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land uses of adjacent properties;

(11) Legal description of real estate;

(12) Boundary lines of the proposed Planned Unit Development;

(13) Location and name of all existing and proposed public or private roads, access easements and rights-of-way within two hundred feet (200') of the real estate;

(14) Location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the Planned Unit Development.

(15) Drainage Plan for all watersheds in and around the proposed Planned Unit Development, indicating the general drainage pattern of lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all stormwater runoff including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the Planned Unit Development, and all existing and proposed detention facilities;

(16) An erosion control plan for all area of site disturbance;

(17) All improvements to access road system; and

(18) Sidewalk plan or alternate plan road system. (Gen. Ord. No. 7, 1995, § 1, § 1132.03, 10-5-95)

e. Zoning Amendment.

Upon approval of the preliminary plat, in accordance with Sec. 10-199 Permitted Uses, the Plan Commission shall proceed to amend the zoning map by rezoning the subject property to a Planned Unit Development District classification. The public hearing held at the time of the preliminary proposal shall satisfy all hearing requirements for the rezoning action. The newly created zoning classification of Planned Unit Development District shall be valid only for the preliminary plat and supporting material upon which the amendment was based, copies of which shall be kept on file in the office of the City Clerk. (Gen. Ord. No. 7, 1995, § 1, (1132.03), 10-5-95)

f. Final Plat.

If the zoning amendment is approved by the City Council, final plats shall be prepared for each stage according to the development schedule as referenced in Sec. 10-200d.(l) and (8). A reasonable time period for submittal of the final plat shall be agreed upon by the developer and the Plan Commission. In addition to information required by the subdivision regulations, the final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans as well as such information the Plan Commission may require. Such supporting material shall include a statement from a bank or other lending institution indicating that financing for the preliminary plat and supporting material, except that the Plan Commission may permit minor variations from the approved site development plan, at this time or during construction, which do not change the concept or intent of the approved preliminary plat. Major changes in number or sizes of dwelling units or height of buildings, reduction of proposed open space, changes in the development schedule, or final governing agreement, provisions, or covenants, or resubdivision may be approved only by submission of a new preliminary plan or applicable supporting material to the Plan Commission. The determination of what is a major change shall be made by the Plan Commission. (Gen. Ord. No. 7, 1995, § 1, § 1132.03, 10-5-95)

Sec. 10-201 Continuing Control.

a. Recording of Final Plat and Supporting Material.

The Planned Unit Development project shall be developed only according to the approved final plat and supporting materials. Upon approval of the final plat and supporting materials by the Plan Commission, the City Clerk shall record said final plat; no filing fee will be charged other than that prescribed in the applicable subdivision control ordinance. The recorded plat and material shall be binding on the applicants, their successors and assigns, and shall limit and control the uses of premises and location of structures in the Planned Unit Development project. Major changes in the recorded final plat and supporting material approved by the Plan Commission during construction shall be recorded upon completion of the Planned Unit Development project. The City Council and Plan Commission shall consider the approval of a final plat for a Planned Unit Development approval subject to revocation if construction falls more than one (1) year behind the approved development schedule submitted as supporting material with the preliminary plat. The developer may be granted an extension of time at the discretion of the Plan Commission.

b. Abandonment, Revocation or Repeal Prior to Final Plan.

In the event that a development plan is given preliminary approval and thereafter, but prior to approval of a final development plan, the developer shall:

(1) Choose to abandon said plan and shall notify the Plan Commission in writing, or

(2) Shall fail to file a final plat within the required time period, then the preliminary plan shall be deemed to be revoked.

When a preliminary plan is revoked, all that portion of the preliminary plan for which final approval has not been given shall be subject to those provisions of the zoning ordinance that were applicable thereto immediately prior to the approval of the preliminary plan, as they may be amended. The Plan Commission may recommend an ordinance repealing the Planned Development District for that portion of the development that has not received final approval and re-establish the zoning ordinance provisions of the zoning ordinance that were applicable thereto immediately prior to the approval of the preliminary plan, as they may be amended. The Plan Commission may recommend an ordinance repealing the Planned Unit Development District for that portion of the development that has not received final approval and re-establish the zoning ordinance provisions that would otherwise be applicable.

c. Abandonment or Failure To Complete after Final Plan Approved.

In the event that a final development plan or part thereof is approved and thereafter the developer shall:

(1) Abandon part or all of said development plan and shall notify the Plan Commission in writing, or

(2) Shall fail to complete the planned development or part thereof, within the period of time agreed upon, then no development or further development shall take place on the property included in the development plan until after the said property has been reclassified by enactment of an amendment to the Zoning District Map,

d. Development Not Meeting Approved Development Plan.

If the development of the Planned Unit Development fails to meet the approved development plan at any stage, the Plan Commission or City Council shall initiate proceedings to repeal the Planned Unit Development District, and to rezone the property to the district classification it held immediately prior to being zoned Planned Unit Development. (Gen. Ord. No. 7, 1995, § 1, §1132.03, 10-5-95)

Sec. 10-202 Standards for Use of Land.

a. The following standards shall be followed in a Planned Unit Development:

(1) The Plan may provide for a variety of housing types.

(2) Height of particular buildings shall not be a basis for denial or approval of a Plan, provided any structures in excess of sixty-five feet (65') shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.

(3) Architectural style of buildings shall not be a basis for denying approval of a Plan.

(4) A Plan may provide for a greater number of dwelling units per acre than would be permitted by the regulations otherwise applicable to the site as provided for in Table 8 Minimum Lot and Floor Area - Requirements for Dwellings. Under no circumstances may the number of dwelling units per acre be increased in excess of the twenty-five percent (25%) permitted in Sec. 10-204 Bonus Provisions. The developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Plan Commission in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be compensated for in accordance with Sec. 10-204 b. Bonus Provisions.

(5) The size and configuration of the proposed site shall not be a basis for denying approval of a Planned Unit Development. The approval of a Planned Unit Development will be based on the site plan or design.

(6) The Plan Commission may approve the Planned Unit Development only if they find that the development plan contains areas to be allocated for common open space which satisfy the following standards governing the usability and quality of common open space:

(A) The location, shape, size, and character of the common open space must be suitable for the Planned Unit Development.

(B) Common open space must be used for amenity or recreational purposes and may not be used for parking areas and service or maintenance facilities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

(C) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

The development schedule which is a part of the development plan must coordinate the improvement of the common open space, the construction of

buildings, structures, and improvements in the common open space, and construction of residential dwellings in the Planned Unit Development.

(D) The construction and provision of all of the common open space and recreational facilities which are shown on the final plat must proceed at the same rate as the construction of dwelling units.

(e) The unit of measurement to be used in calculating the number of dwelling units per acre of land shall be NET DENSITY as defined in Sec. 10-277 b. (Gen. Ord. No. 7, 1995, §1, § 1132.05, 10-5-95)

Sec. 10-203 Special Considerations.

Coordination Requirements and Modifications of Specifications.

It is the intent of the Planned Unit Development Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of the Planned Unit Development as set forth under this Division. The plans and plats required under this Planned Unit Development Ordinance must be submitted in a form which will satisfy the requirements of the subdivision control ordinance for the preliminary and final plans and plats required under those regulations. However, the uniqueness of each proposal for a Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, ways for public utilities, curbs, gutters, sidewalks, street lights, public parks, storm water drainage, water supply and distribution, and sanitary sewers established in the subdivision ordinance adopted and amended from time to time, shall be subject to modifications or waived. The Plan Commission may therefore waive or modify the specifications otherwise applicable for a particular facility where the Plan Commission finds that such specifications are not required in the interests of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the entire community.

Sec. 10-204 Bonus Provisions.

a. Purpose.

The purpose of bonus provisions is to offer incentives to developers which would assist in retaining natural amenities and provide a more livable, healthier and safer environment.

b. Number of Permitted Dwelling Units.

The number of permitted dwelling units may be increased up to twenty-five percent (25%); provided, however, that the percentages for each unit listed below, if applied cumulatively, does not exceed more than twenty-five percent (25%).

(1) OPEN SPACE:

10% Useable open space provided it equals 25% of site area which is not covered by buildings, parking area, or streets (public or private). Such open space must be landscaped.

2% Dedication of public park site, and such site may be considered part of the site dwelling unit density.

(2) SITE PLANNING DESIGN:

2% Excellence in use of existing topography and/or land contouring.

2% Excellence in siting buildings and building groupings which may include variations in building setbacks.

2% Provision in design for courtyards, gardens and patios.

4% Right-of-way provisions for riding, hiking, bicycling and pedestrian ways.

(3) LANDSCAPING AND SCREENING:

3% Provision of a landscaped buffer strip at least ten feet (10') wide on all peripheral lot lines with a less restricted use or provision of a masonry wall or solid fence, five feet (5') high on all peripheral lot lines with less residential use.

4% Excellence in quality and amount of standard tree and shrub planting, including peripheral and interior screen planting.

(4) FACILITIES AND AMENITIES:

5% Swimming pool.

3% Tennis courts (1% for each court).

2% Use of sculpture, fountains, plazas, and similar features in design.

(5) TRAFFIC AND PARKING:

5% Provision of fifty percent (50%) of all required parking in an enclosed structure or structures.

2% Parking lot design which includes landscaping, planting and location.

1% Provision of reservoir parking area.

(6) The Plan Commission may grant the increase in density after reviewing the proposals requesting increased density as provided for under this Section. Issuance of building and occupancy permits shall be based in part on the conformance with the proposed amenities that the increased density was granted. Non-conformance shall be reason for revoking building or occupancy permits.

(7) The Plan Commission may also vary the density when dealing with proposed Planned Unit Development's possessing a special purpose or uncommon circumstances, such as public housing and housing for the elderly, low and moderate income housing, and said variation of density shall be at the discretion of the Plan Commission.

Sec. 10-205 and Sec. 10-206 Reserved for Future Use.

Division X. Commercial Districts.

Sec. 10-207 Uses, Permitted.

a. General.

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of the following:

(1) Uses lawfully established on the effective date of this Comprehensive Zoning Ordinance;

(2) Special uses allowed in accordance with the provisions of Sec. 10-208;

(3) Planned Developments because of their unique characteristics and nature shall be processed in accordance with Sections 10-257 and 10-262.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of this Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VII governing non-conforming uses.

For the purpose of this Division X, uses lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Sec. 7-9.

b. Preamble for the C-l District.

The neighborhood commerce district is designed solely for use of persons residing in abutting residential neighborhoods to permit convenience shopping, and therefore such uses as

are necessary to those limited basic shopping needs which occur daily or frequently so as to require shopping facilities in close proximity to places of residence are permitted.

In order to limit the volume of vehicular and pedestrian traffic in and about neighborhood shopping areas to a level consistent with their purpose and location, business establishments are restricted to a gross floor area of five thousand (5,000) square feet each.

c. Uses, Permitted - C-l Neighborhood Commerce District.

(1) Uses permitted in the C-l zone are subject to the following requirements:

(A) One-family dwelling unit shall not be permitted below the second floor and must be occupied by the owner or proprietor as accessory to the commercial ground floor permitted use.

(B) All business establishments shall be retail or service establishments dealing directly with consumers.

(C) Business establishments are limited to a gross floor area of five thousand (5,000) square feet each with the exceptions as listed in Sec. 10-136 h. reference* "Gross Building Floor Area."

(D) All business, servicing, or processing, except for off-street parking, off-street loading, and service stations shall be conducted within completely enclosed buildings.

(E) Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted.

(F) Excludes professional dancing or live entertainment.

(G) Not more than ten (10) employees or twenty-five (25) mechanical horsepower may be employed.

(2) The following uses are permitted in the C-l District:

(A) Accessory uses.

(B) Barber shops.

(C) Beauty shops.

(D) Branch banks.

(E) Business and professional offices.

(F) Clothes pressing establishments.

(G) Colleges and universities, but not business colleges or trade schools.

(H) Drug stores.

(I) Dry cleaning and laundry receiving stations where processing is to be done elsewhere.

(J) Grocery stores, meat markets, bakeries, delicatessens, food stores.

(K) Hardware stores.

(L) Hobby, art, and school supply stores.

(M) Ice storage for retail.

(N) Launderettes, automatic, self-service only, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed sixteen (16) pounds capacity each.

(O) Nursery schools, non-boarding, in a single-story building.

(P) Restaurants.

(Q) Service stations.

(R) Shoe and hat repair.

(S) Signs as regulated by Sec. 10-141.

(T) Soda fountains. (Ord. No. 1, 1967, § 1133.01, 7-6-67)

(U) Temporary buildings or vehicles for construction purposes, for a period not to exceed the lawful duration of such construction.

(V) Variety stores.

(W) Animal emergency clinic and/or veterinary clinic - no outside pens permitted.

(X) Convenience stores.

(Y) Professional offices.

d. Preamble for the C-2 District.

The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of "comparison shopping" and is limited to providing only one (1) store for each type of business.

In order to limit the volume of vehicular and pedestrian traffic in and about the community commerce areas to a level consistent with their purpose and location, business establishments are restricted to a (gross) floor area often ten thousand (10,000) square feet each. In order to preserve the character and purpose of and lessen vehicular traffic in neighborhood school park units, community commerce shall not be permitted to locate or expand unless they are located at the intersection of major streets, a major street and an expressway, or of expressways. No new community commerce areas shall be located along Federal highways or primary state highways (as this is contrary to the need creating community commerce zones).

e. Uses, Permitted - C-2 Community Commerce District.

(1) Uses permitted in the C-2 Zone are subject to the following requirements:

(A) Dwelling units and lodging rooms are expressly prohibited, as this classification shall provide complete separation between living units such as dwelling units, hotels, motels, etc. Further, any area contingent or abutting a Residential District shall be buffered by an open space or off-street parking area with a minimum fifty foot (50') width measured at right angles to the residential property line.

(B) All business establishments shall be retail or service establishments dealing directly with consumers, except for wholesale establishments where storage of merchandise is limited to sample only. All goods produced on the premise shall be sold at retail on the premises where produced.

(C) Business establishments are limited to a gross floor area of fifteen thousand (15,000) square feet each with the exceptions as listed in Sec. 10-136 h. reference* "Gross Building Floor Area."

(D) All business, servicing, or processing except for off-street parking, off-street loading, and service stations, shall be conducted within completely enclosed buildings.

(E) Establishment of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles is not permitted.

(F) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards as set forth for the M-l and M-2 Districts in Sec. 10-143 provided that

performance standards shall in every case be applied at the boundaries of the lot on which any such activities are conducted.

(2) Uses, Permitted - C-2 Zone.

(A) The following uses are permitted in the C-2 Zone; and except as may be allowed for Planned Developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

(1) Accessory uses.

(2) Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks.

(3) Any use permitted in the C-l Zone except as otherwise provided in this Chapter.

(4) Antique shops.

(5) Art galleries, but not including auction rooms.

(6) Banks and financial institutions.

(7) Bicycle sales, rental, and repair stores.

(8) Blue-printing and photostatting establishments.

(9) Books and stationery stores.

(10) Camera and photographic supply stores.

(11) Candy and ice cream stores.

(12) Carpet and rug stores.

(13) Catering establishments.

(14) China and glassware stores.

(15) Clubs and lodges (non-profit and fraternal organizations).

(16) Currency exchange.

(17) Custom dressmaking.

(18) Department stores.

(19) Dry goods stores.

(20) Electrical and household appliance stores, including radio and television sales and repair.

(21) Exterminating shops.

(22) Feed stores.*

(23) Florist shops.

(24) Frozen food stores, including locker rental in conjunction therewith.

(25) Furniture stores, including upholstering when conducted as a part of the retail operations and subordinate to the principal use.

(26) Furrier shops, including the incidental storage and conditioning of furs.

(27) Garden supply and seed stores.

(28) Gift shops.

(29) Haberdasheries.

(30) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and is subordinate to the principal use.

(31) Jewelry stores, including watch repair.

(32) Laboratories, medical and dental, research and testing.*

(33) Leather goods and luggage stores.

(34) Loan offices.

(35) Locksmith shops.*

(36) Medical and dental clinics.

(37) Meeting halls.*

(38) Millinery shops.

(39) Municipal or privately-owned recreation buildings or community-center.

(40) Musical instrument sales and repair.

(41) Newspaper distributors for home delivery and retail sale.

(42) Office supply stores.

(43) Offices, business and professional.

(44) Optometrists.

(45) Paint and wallpaper stores.

(46) Photography studios, including the developing of film and pictures when conducted as part of the retail business on the same premises.

(47) Physical culture and health services, gymnasiums, reducing salons, masseurs and public baths.*

(48) Picture framing, when conducted for retail trade on the premises only.*

(49) Plumbing showrooms and shops.*

(50) Post offices.

(51) Printing establishments.

(52) Public libraries.

(53) Radio broadcasting stations.

(54) Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

(55) Restricted protection and repair limited to the following: art needle work, clothing-custom manufacturing and alterations, for retail only, jewelry, from precious metals and stones; watches; dentures; and optical lenses.*

(56) Schools, music, dance or business.*

(57) Secondhand stores and rummage shops.

(58) Sewing machine sales and service, household machines only.

(59) Shoe stores.

(60) Sporting goods stores.

(61) Tailor shops.

(62) Theatres, including drive-in theatres.

(63) Ticket agencies.

(64) Tobacco shops.

(65) Toy shops.

(66) Wearing apparel stores.

(67) Typewriter and adding machine sales and service.

(68) Undertaking establishment, funeral parlors.

(69) Automobile repair garages.

(70) Car washes.

(71) Vending machines.

(72) Taxi cab business, office and service.

(73) Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

f. Preamble - C-3 District.

The Regional Commerce Zone is designated for all residents in the region of Terre Haute, Indiana, and is not a limited community commerce area (or shopping center); consequently, it shall permit a wide variety of business, commerce, and services with some degree of limited warehousing for those establishments allowed in area. It shall be a major shopping center, definitely limited to specific locations and characterized by large establishments generating large volumes of vehicular traffic. The development is characterized by its provision of some degree of comparison shopping and a complete lack of any attempt to draw pedestrian traffic.

There is no limitation placed upon the maximum size obtainable of any store.

In order to properly provide access to the shopping center and not violate neighborhood school park units and compound the movement of traffic on the thoroughfare system, it shall be located only along expressways, high-class major streets and secondary state highways, however, it may be located in close proximity to a Federal highway or primary state road where equal consideration is given to the protection of the character of the highways and the vehicular service to the shopping center. In all cases the access to the center shall be adequate but limited as recommended by the Planning Commission. No access to the shopping center shall be within one

hundred fifty feet (150') of another intersection at grade of a Federal highway, state highway, expressway, high-class major street, or any combination thereof. The shopping center shall not in any circumstances be located or permitted to expand on more than one side of a thoroughfare.

No regional shopping center shall be permitted to locate on a local street, or on a collector street; except that a collector street may be created coincident with and for the purpose of serving said shopping center.

g. Uses, Permitted - C-3 Regional Commerce District.

(1) Uses permitted in the C-3 Zone are subject to the following requirements:

(A) Dwelling units, lodging rooms, motels, and mobile home parks are not permitted in the C-3 Zone except as they may be permitted by the Planning Commission, with the approval of the Common Council, may vary the requirements of this Division in order to comply with the spirit and meaning as denned in Division I, Sec. 10-20, "Title, Intent, and Purpose." In all cases the regional shopping center shall be submitted to the Planning Commission as a Planned Development. (See Sections 10-257 and 10-262.)

(B) A regional shopping center shall have a minimum separation from other uses and/or zones as follows:

1.	Other Regional Shopping Center	10 miles
2.	Central Business District	2 miles
3.	Limited Community Commerce	2 miles
4.	Neighborhood Commerce	1 mile
5.	Single-Family Residence, buffer strip separation	450 feet
6.	Two-Family Residence, buffer strip separation	300 feet
7.	Apartments, buffer strip separation	150 feet

8. If within one (1) mile of industry or one-half (½) mile of agriculture and/or institutional uses, the preliminary plan shall be submitted to the Commission so that any necessary adjustments can be made for the proper protection of the existing uses and the proposed uses.

(C) The following uses are permitted in the C-3 Zone:

1. Any use permitted in the C-2 Zone.

2. Pet shops.

3. Live professional entertainment and dancing.

4. Schools, commercial or trade, when not involving any danger of fire or explosion nor of offensive noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences.

5. Auction rooms.

6. Recreation establishments including: commercial, private, outdoor, and public.

7. Commercial amusements providing they do not create a public nuisance and meet the performance standards set out in Sec. 10-143 Performance Standards for Industrial Districts.

8. Automobile sales and service (minor and major repairs).

9. Farm equipment sales and service.

h. Preamble.

The Restricted Central Business District Zone is designed to accommodate basic retail, wholesale and office uses characteristic of the major shopping street and financial section of the Central Business Area. It is the main retail area for Terre Haute and the economic region and is characterized by high volumes of both vehicular and pedestrian traffic.

i. Uses, Permitted - C-4 Restricted Central Business District (CBD Core).

(1) Uses permitted in the C-4 Zone are subject to the following requirements:

(A) Dwelling units and lodging rooms and motels are not permitted except as otherwise provided herein.

(B) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(C) Establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.

(D) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards as set forth in Sec. 10-143, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

(2) Uses, Permitted - C-4 Zone.

(A) The following uses are permitted in the C-4 Zone except as may be allowed for planned developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

1. Any use permitted in the C-3 Zone unless otherwise set forth or superseded hereinafter. However, restrictions on ground floor location for any use designated with an asterisk (*) in the C-3 zone shall not apply unless such use is designated hereinafter with an asterisk.

2. Apartment hotel and hotels, no other type of dwelling unit is permitted.

3. Employment agencies.

4. Machinery Sales, with no repair or servicing, provided that storage and display of machinery, except of household appliances and office machines such as typewriters, shall be restricted to floor samples.

5. Printing and publishing.

6. Recording studios.*

7. Schools (as permitted in the C-3 Zone, Subsection g.(1)(C)4.

8. Theatres, excluding drive-in theatres.

9. Travel bureaus and transportation ticket offices.

10. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).

j. Preamble C-5.

The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

k. Uses, Permitted - C-5 General Central Business District (CBD).

(1) Uses permitted in the C-5 Zone are subject to the following requirements:

(A) Dwelling Units and lodging rooms and motels are not permitted except as otherwise provided.

(B) All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.

(C) All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform with the Performance Standards established for industrial districts in Sec. 10-143.

(2) Performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. The following uses are permitted in the C-5 Zone except as may be allowed for Planned Developments, uses designated with an asterisk (*) shall not be located on the ground floor within fifty feet (50') of any street.

(A) Any use permitted in the C-4 Zone unless otherwise set forth or superseded hereinafter; however, restrictions on ground floor location for any use designated with an asterisk (*) in the C-4 Zone shall not apply unless such use is designated hereinafter with an asterisk (*).

(B) Motor vehicle sales, of vehicles not over 1½ ton capacity.

(C) Recording studios.

(D) Television studios.

(E) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use) where storage of merchandise is not limited to floor samples only.

(F) Mini warehouses.

l. Preamble C-6.

The Strip Business Zone is a business use created primarily for transient's needs, but with some subjugated business uses serving neighborhood needs. It shall therefore be located only along major streets or expressways of the planning area and in addition shall be limited to Federal or state primary highways in densely developed areas only and not along "Limited" or "Controlled" access highways.

m. Uses, Permitted - C-6 Strip Business.

(1) Uses permitted in the C-6 Zone are subject to the following requirements:

(A) Same as for C-l Zone as provided in Sec. 10-207 c. (1).

(2) The following uses are permitted in the C-6 Zone:

(A) Banks.

(A) Barber shops.

(C) Camera and photographic supply stores.

(D) Candy and ice cream stores.

(E) Drug stores.

(F) Dry cleaning stores.

(G) Gift shops.

(H) Grocery stores, meat markets, bakeries, delicatessens, and food stores.

(I) Ice storage for retail.

(J) Municipal or privately owned recreation buildings or community centers.

(K) Post offices.

(L) Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

(M) Service stations.

(N) Soda fountains.

(O) Sporting goods stores.

(P) Tobacco shops.

(Q) Motel and as accessory uses: dining facilities with or without a bar serving alcoholic beverages, or swimming pool.

(R) Automobile sales and service (major and minor repairs).

(S) Signs as regulated by Sec. 10-141.

(T) Landscape, nurseries, garden supply, and seed stores.

(U) Business and professional offices.

n. Reserved for Future Use.[192]

o. Reserved for Future Use.

q. Preamble C-8.

The C-8 Downtown Business District Area is intended to be the city's major center for government, finance, offices, retailing, professional offices, health care facilities, services, and higher density residential; and to provide goods and services for a maximum concentration of pedestrian oriented traffic. All properties and uses within the area bounded by:

> Cherry Street, from Wabash River to 9th Street, 9th Street, from Cherry Street to Wabash Avenue, Wabash Avenue, from 9th Street to the railroad tracks along 10th Street, railroad tracks, from Wabash Avenue to Poplar Street, Poplar Street, from the railroad tracks to the Wabash River, Wabash River, from Poplar Street to Cherry Street,

excluding the C-9 area, are hereby defined as the Downtown Business District, and shall comply with the requirements described for the C-8 Downtown Business District.

r. Uses.

(1) Establishments for the retailing of goods and merchandise such as but not limited to food, groceries, clothing, hardware, toiletries, furniture, furnishings, meals, alcoholic beverages, package stores, vehicles, including accessories and servicing, jewelry, appliances, books, boutiques, farmer's markets – including seasonal fruit, vegetable and plant sales – antiques and similar establishments.

(2) Establishments for the sale or provision of services such as, but not limited to personal appearance or care, finance, legal, insurance, real estate, accounting, clothing and goods repair, offices, printing, parking, parking garages and facilities, entertainment, recreation, hotels, food and drink, apartments, and similar establishments.

(3) Establishments for community cultural and educational purposes such as, but not limited to, museums, libraries, churches, schools, art galleries, theaters, boutiques, art and photography studios, picture framing, printing, publishing, recreation and community centers, public safety buildings and other similar institutions and establishments.

(4) The ground floor of any building may not be used for residence or significant warehousing/storage.

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[192] Editor's Note. Subsections n. and o., C-7 Uses permitted in a Commercial Entertainment District, were deleted from the Code by General Ordinance No. 8, 2006, passed on June 8, 2006. This ordinance created the adult business zoning regulations located at Sec. 10-272, et seq.

(5) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards as set forth in Sec. 10-143, provided that performance standards shall in every case be applied at the boundaries of the lot on which such activities take place.

s. Accessory Uses Permitted in C-8.

Accessory uses are allowed when they are clearly incidental and subordinate to an adjoining permitted principal use. Wholesaling, warehousing, or light industry will be considered only in mixed-use properties with public and pedestrian oriented ground level facilities complying with this Division.

t. Dimensional Requirements.

(1) Modifications to existing nonconforming buildings, including parking lots and accessory uses, shall be exempt from the dimensional requirements contained herein, provided however that any modification to a building's façade must comply with item t. (d). A modification shall be defined as an addition with its own footprint having an area no more than fifty percent (50%) of the existing area of building, parking lot, or accessory use being modified.

(2) All new construction shall have its primary entrance facing the front property line. This entrance must be readily apparent as a prominent architectural component as well as displaying the street number. Lots fronting more than one street shall designate one street as the front property line. Plan submittals to the City shall clearly designate the front property line.

(3) A minimum of sixty percent (60%) of the ground-level front façade width must be located within five feet (5') of the front property line.

(4) Front ground level facades parallel to the front property line, and any façade parallel to and within twenty feet (20') of a street right-of-way, shall have no more than ten (10) consecutive linear feet without a window, door, display opening, or other prominent architectural feature.

(5) Rear setback is five feet (5') minimum.

v. Sign Provisions.

The following sign provisions shall apply to the Downtown Business District only:

(1) PERMIT REQUIRED. No sign, except as described herein, shall be painted, constructed, erected, remodeled, relocated, or expanded until an application (containing information as required) is made, and a permit issued by the Building Inspector.

(2) PERMIT EXCEPTIONS. The following operations, permanent, or temporary signs shall not require a sign permit:

(A) Operations. The changing of copy on an approved sign or marquee specifically designed for use of replaceable copy; and the painting, repainting, cleaning, and other normal maintenance and repair of a conforming sign, unless a structural change is made.

(B) Permanent Signs. The following signs which generally are permanent in nature:

1. OFFICIAL SIGNS. Signs of a constituted governmental body, including traffic signs and signals, historical markers, informational directions, official notices, governmental flags or emblems, property identification, or recreational activity signs.

2. DIRECTIONAL OR LOCATION SIGNS. Small signs, not exceeding two (2) square feet in area for property street address number, public telephones and restrooms, parking areas, freight entrances, underground public utilities, and similar directional or location signs.

3. OWNERSHIP. One name and address identification sign, not to exceed two (2) square feet in area, for a property owner or occupant.

4. DECORATIONS. Seasonal displays not advertising a product, service, or entertainment.

(C) Temporary Signs. The following signs which shall exist for only a limited time period, and which shall be removed at the Building Inspector's direction:

1. OFFICIAL NOTICES AND CAMPAIGNS. Official Notices of government, to be removed within ten (10) days of notice action date;

2. POLITICAL CAMPAIGN SIGNS, not to exceed one (1) per property, thirty-two (32) square feet and three (3) months time duration; and

3. CIVIC, PHILANTHROPIC, EDUCATIONAL, OR RELIGIOUS CAMPAIGN SIGNS, not to exceed thirty-two (32) square feet and three (3) months time duration.

(3) PROHIBITED SIGNS. The following signs are prohibited:

(A) By Other Laws. Any sign prohibited by any other law or regulation of any level of government.

(B) Traffic Hazards. Any sign which may interfere with, mislead, or confuse traffic through use of improper wording, graphics, location, size, shape, or color, and thereby interfere with traffic signals, control signs, or other aspects of safe street driving conditions. No sign shall use the words STOP, GO, CAUTION, YIELD, etc., when such would be confused with traffic signs or devices. Also prohibited

are signs, any part of which is in motion, flutters, rotates, or otherwise moves, except for the hands of a clock or a weathervane.

(B) Obstruction. Any sign that obstructs any window, door, fire escape, ladder, or opening intended for light or air, or for ingress to or egress from any building; and any sign placed in windows or glass walls that cover more than twenty percent (20%) of the glass area to which they are attached. No sign shall project beyond property lines.

(D) Lighting. Any lighting arrangement of exposed tubes or strings of lights; any sign or illumination that causes direct glare upon an unrelated building; and any sign displaying flashing or intermittent lights or changing colors, except that signs indicating time, temperature, and barometric pressure may be permitted by the Building Inspector if they do not interfere with public safety or create a traffic hazard.

(E) Trees and Poles. No signs shall be attached to trees; and no sign shall be attached to a utility pole except for official governmental notices or warning signs.

(F) Portable Signs. Portable signs shall be prohibited, including the display of such on a vehicle. This shall not be deemed, however, to prohibit advertising on vehicles which is not otherwise prohibited by law.

(G) Outdoor Advertising Signs. Outdoor advertising signs which advertise products or businesses not connected with the site on which they are located, are prohibited.

(4) NONCONFORMING SIGNS. Signs in conformance with previous regulations, but not presently in conformance, may remain erected only so long as the then existing use, which they identify or advertise, remains. No nonconforming sign shall be enlarged or reconstructed.

(5) SIGNS REQUIRING A PERMIT. Signs which are permitted, and which require a sign permit, are governed by the following provisions:

(A) Sign Area. Permitted sign area for properties housing only one (1) tenant shall not exceed one and one-half (1½) square feet of area per linear foot for the first one hundred (100) linear feet of frontage, and no such sign shall exceed two hundred (200) square feet in area. When a property houses more than one (1) tenant, the above provisions shall apply to each tenant's frontage. Signs may be wall-mounted, freestanding, or marquee-mounted.

(B) Building Wall-Mounted Sign. Building wall-mounted signs may be located anywhere on the surface of the building, but shall not project more than one foot (1') into the public right-of-way and shall not exceed more than four feet (4') above the lowest point of the roof.

(C) Freestanding Sign. One (1) freestanding sign may be permitted per establishment frontage, not to exceed thirty-five feet (35') in height, and shall not project more than one foot (1') into the public right-of-way.

(D) Marquees. Signs may be on the vertical face of a marquee, but shall not extend below the lower edge or the upper edge of the marquee, nor exceed seven feet (7') in height. The bottom of the marquee sign shall be no less than ten feet (10') above a walkway, or grade at any point.

(E) Height Clearance. All signs shall have a minimum clearance of ten feet (10') above a walkway and fifteen feet (15') above a driveway or alley.

(F) Sign Content. Signs shall be limited to identifying or advertising the property, the individual enterprises, the products or services, or the entertainment available on the same property where the sign is located.

w. Off Street Loading Provisions.

The uses established hereafter shall conform to the following off-street loading provisions, including the standards of Sec. 10-207 x.

(1) On Same Lot. All required off-street loading spaces shall be located on the same lot as the use served; except that required off-street loading spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Building Inspector.

(2) Location. No loading space or berth shall be located within forty feet (40') of the nearest point of intersection of the edges of the roadway or the curbs of any two (2) streets.

(3) Relation to Parking. No required off-street loading area shall be used to satisfy the space requirement for any off-street parking facilities, and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.

(4) Street Access. All off-street loading space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Building Inspector.

(5) Loading Area Dimensions. All off-street loading areas shall be no less than fifteen feet (15') wide, twenty-five feet (25') long and fifteen feet (15') high, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve feet (12').

(6) Lighting and Landscaping. All lighting and lighting fixtures used to illuminate off-street loading areas shall be sufficient for the purpose intended and shall not present glare or traffic safety hazards; and any landscaping requirements shall be complied with fully and designed for protection from vehicle maneuvering.

(7) Combination of Uses, or Uncertainty. Loading facilities shall be provided on the basis of the sum of spaces where a combination of uses exist as set forth hereinafter; and where the uncertainty exists, the Building Inspector shall impose the maximum requirement for the general type of use involved.

(8) Maximum Spaces. Notwithstanding the standards set forth, in no instance shall more than five (5) off-street loading spaces be required for a given use or building except as may be determined by the Building Inspector.

x. Standards for Off-Street Loading Spaces.

	USE	STANDARD
1.	Bowling alley and other similar commercial Recreational establishment	F
2.	Business service and supply service establishment	C
3.	College or university	F
4.	Dwelling, multiple family	G
5.	Eating establishment	D
6.	Financial institution	C
7.	Funeral chapel, funeral home	F
8.	Hospital	F
9.	Hotel, motel	F
10.	Nursing or convalescent facility	F
11.	Office	C
12.	Personal service establishment	B
13.	Repair service establishment	C
14.	Retail sales establishment	B
15.	School	F
16.	Scientific research and development establishment	C
17.	Vehicle sale, rental and service establishment	A
18.	Warehousing establishment	A
19.	Wholesale trade establishment	E

* Standards:

Standard A: One space for the first 5,000 square feet of gross floor area, plus one space for each additional 30,000 square feet or major fraction thereof.

Standard B: One space for the first 10,000 square feet of gross floor area, plus one space for each additional 15,000 square feet or major fraction thereof.

Standard C: One space for the first 10,000 square feet of gross floor area, plus one space for each additional 20,000 square feet or major fraction thereof.

Standard D: One space for the first 10,000 square feet of gross floor area, plus one space for each additional 25,000 square feet or major fraction thereof.

Standard E: One space for the first 10,000 square feet of gross floor area, plus one space for each additional 30,000 square feet or major fraction thereof.

Standard F: One space for the first 10,000 square feet of gross floor area, plus one space for each additional 100,000 square feet or major fraction thereof.

Standard G: One space for the first 25,000 square feet of gross floor area, plus one space for each additional 100,000 square feet or major fraction thereof.

y. Off-Street Parking Provisions.

(1) There shall be no parking required for individual establishments in the C-8 Downtown District, except as noted hereinafter. This will encourage the establishment of new enterprises which would find it especially difficult to provide parking on relatively small building lots.

(2) Rather, private enterprise construction of major parking facilities, with governmental cooperation, which would more efficiently provide for the parking needs generated by various sized downtown activities shall be encouraged.

(3) All surface parking lots require a five foot (5') minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") and forty-two inches (42") in height, plus a minimum of one (1) tree per twenty-five (25) linear feet. Landscape plans shall be approved by the City Landscape Architect. Automobile access to any parking lot from the front property right-of-way is prohibited unless an alley entry or side yard ingress/egress is not practical, as determined by the City Engineer.

z. Variance from C-8 Requirements.

Applications for variances are permitted from any provision of Sec. 10-207 t. through y. except for the provisions of Subsection (t) (Dimensional Requirements), but even those Dimensional Requirements may be varied for certain new construction as set forth in Sec. 10-261.

aa. Preamble to C-9.

The C-9 Pedestrian Core Area is intended to be the City's most pedestrian oriented area, with an emphasis on arts, cultural heritage, shopping and pedestrian amenities. All properties with front property lines on either side of Wabash Avenue between 3rd and 9th, the south side of

Cherry from 3rd to 9th, the streets running between Cherry and Wabash from 3rd to 9th, and either side of 7th Street between Cherry and Poplar, shall comply with the requirements indicated for the C-9 Pedestrian Core Area.

bb. Uses.

Same as C-8.

cc. Accessory Uses.

Same as C-8.

dd. Dimensional Requirements.

(1) Modifications to existing nonconforming buildings, including parking lots and accessory uses, shall be exempt from the dimensional requirements contained herein, provided however that any modification to a building's façade must comply with item dd.(4). A modification shall be defined as an addition with its own footprint having an area no more than fifty percent (50%) of the existing area of the building, parking lot, or accessory use being modified.

(2) All new construction shall have its primary entrance facing the front property line. This primary entrance must be readily apparent as a prominent architectural component as well as displaying the street number. Lots facing more than one street shall designate one street as the front property line. Plan submittals to the City shall clearly designate the front property line. Lots bordering on Wabash Avenue must designate Wabash Avenue as the front property line.

(3) Buildings shall be set on the front property line. This may be increased to ten feet (10') at the building entrance, or if the additional space is landscaped for outdoor retail dining.

(4) Front ground level facades shall have no more than ten (10) consecutive linear feet without a window, door, display opening, or other prominent architectural feature, and not more than fifty percent (50%) of the area between the height of two feet (2') and ten feet (10') shall be solid or opaque. Buildings on street corner intersections shall designate one of the two (2) frontages as the primary façade, facing the front property line, and shall comply with the frontage requirements above. The other, or secondary, façade, shall comply with the frontage requirements of C-8.

(5) Rear setback is five feet (5') minimum.

(6) Side yard setbacks shall not be more than five feet (5') from side property lines except that one side yard setback may be a maximum of twenty feet (20').

(7) Building Height, Minimum. The minimum height is twenty-four feet (24'), measured on the front façade of the building.

ee. Sign Provisions.

Same as C-8.

ff. Off-Street Loading Provisions.

Same as C-8.

gg. Standards for Off-Street Loading Spaces.

Same as C-8.

hh. Off-Street Parking Provisions.

(1) There shall be no parking required for individual establishments in the C-9 Area, except as noted hereinafter. This will encourage the establishment of new enterprises which would find it especially difficult to provide parking on relatively small building lots.

(2) Any off-street parking or loading area shall be located behind the building that it serves. Under no circumstances shall surface parking be a primary use on a lot located along Wabash Avenue or 7th Street.

(3) All surface parking lots require a five foot (5') minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") to forty-two inches (42") height, plus one (1) tree per twenty (25) linear feet. Landscape plans shall be approved by the City Landscape Architect. Automobile access to any parking lot from the front property right-of-way is prohibited unless an alley entry or side yard entry/exit is not practical, as determined by the City Engineer.

ii. Variance From C-9 Requirements.

Applications for variances are permitted from any provision of Sec. 10-207 dd. through hh. except for the provisions of Subsection dd. (Dimensional Requirements), but even those Dimensional Requirements may be varied for certain new construction as set forth in Sec. 10-261.

Sec. 10-208 Uses, Special.

Upon application to the Board of Zoning Appeals, the following uses may be permitted as special uses in the districts listed hereafter in accordance with the provisions of Sec. 10-264. (Gen. Ord. No 13, 2000, 6-8-00)

a. Special Uses - C-l and C-2 Districts.

(1) Churches.

(2) Convents, monasteries, rectories, parish houses.

(3) Health centers.

(4) Hospitals and sanitariums.

(5) Municipal or privately-owned recreation buildings or community centers.

(6) Open or enclosed accessory off-street parking facilities, for the storage of private passenger automobiles, when located elsewhere than on the same zoning lot as the principal use served.

(7) Parking lots or garages, other than accessory, for the storage of motor vehicles under one (1) ton capacity.

(8) Parks and playgrounds.

(9) Public utility and public services uses, including:

(A) Bus turn-arounds (off-street).

(B) Electric sub-stations.

(C) Fire stations.

(D) Police stations.

(E) Public art galleries and museums.

(F) Public libraries.

(G) Railroad passenger stations.

(H) Railroad right-of-way.

(I) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.

(J) Water filtration plants.

(K) Water reservoirs.

(10) Radio and television towers.

(11) Stadiums, auditoriums, and arenas.

(12) Roof signs in excess of thirty-five feet (35') from curb level.

(13) Kiddie parks (outdoors). (Ord. No. 1, 1967, § 1133.02 (a)(b)(l)-(13), 7-6-67)

(14) Taverns.

c. Special Uses - C-3, C-4, and C-5 Districts.

(1) Same as for C-l, item (1) through (11).

(2) Roof signs in excess of fifty feet (50').

(3) Outdoor amusement establishments, fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas, shall be located in excess of one hundred fifty feet (150') of a Residence District Boundary.

(4) Heliports.

(5) Liquor stores, package goods only.

(6) Adult oriented business as defined in Sec. 10-273. (Gen. Ord. No. 8, 2006, 6-8-06)

d. Special Uses C-6 District.

(1) Liquor stores.

(2) Motel recreation facilities, when reserved for guest use only.

(3) Taverns.

(4) Temporary buildings or vehicles for construction offices or storage sheds, for a period not to exceed the lawful duration of said construction. No tents are permitted. All temporary buildings must meet good construction practices and be maintained so as to not harm the aesthetic values of the neighborhood.

(5) Adult oriented business as defined in Sec. 10-273. (Gen. Ord. No. 8, 2006, 6-8-06)

e. Special Uses - C-8 and C-9 Districts.

(1) Drive-through lanes to serve customers in waiting motor vehicles, as an accessory use contiguous to the primary use, provided that:

(A) Adequate stacking distance, as approved by the City Engineer, shall be provided that does not interfere with any public right-of-way;

(B) Screening, other than berms, between thirty inches (30”) and forty-two inches (42”) in height, shall be provided to abate headlights from reaching windows and doors of adjacent buildings;

(C) No electronic speaker devices shall be audible beyond the property being served by them between the hours of 10:00 p.m. and 7:00 a.m.

(2) Lodging houses and motels which satisfy all other requirements of this Chapter, provided that:

(A) No outdoor recreation facilities are located adjacent to any public street right-of-way; and

(B) All buildings and outdoor recreation facilities are at least one hundred fifty feet (150’) from any residentially zoned district or any other residential property containing four (4) or more residential units.

(3) Bus turn-arounds (off street).

(4) Parking structures which satisfy all the requirements of this Chapter and are located along a public right-of-way or adjacent to an existing use.

(5) Surface parking lots not adjacent to the parcel containing the primary use served by said parking lots.

(6) Uses which require an excessive number of parked vehicles, such as arenas, movie cinemaplexes, or stadiums.

Sec. 10-209 Building Lines, Thoroughfare Plan Requirements.

For all Commercial Districts see Table 1, titled “Thoroughfare Plan Requirements”. (Ord. No. 1, 1967, § 1133.03, 7-6-67)

Sec. 10-210 Building Lines, Alley or Rear Yard.

For all Commercial Districts see Sec. 10-136, titled “Bulk and Density Requirements”. (Ord. No. 1, 1967, § 1133.04, 7-6-67)

Sec. 10-211 Building Lines, Interior Side Yards.

For all Commercial Districts see Sec. 10-135, titled “Bulk and Density Requirements”. (Ord. No. 1, 1967, § 1133.05, 7-6-67)

Sec. 10-212 Floor Area Ratio, Maximum.

The floor area for a building on a lot shall be calculated as defined in Sec. 10-136 h. and shall be limited by the F.A.R. District in which said lot is incorporated as shown on the zoning maps. Any principal building F.A.R. may be less than or equal to the F.A.R. District in which it is located but shall not exceed said factor. (Ord. No. 1, 1967, § 1133.06, 7-6-67)

Sec. 10-213 Floor Area, Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1133.07, 7-6-67)

Sec. 10-214 Lot Size Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1133.08, 7-6-67)

Sec. 10-215 Signs.

No single non-flashing sign shall exceed four hundred (400) square feet in area, and no flashing sign shall exceed two hundred (200) square feet in area. The gross surface area required of signs is shown in Table 5 in Appendix. See Sec. 10-141. (Ord. No. 1, 1967, § 1133.09, 7-6-67)

Sec. 10-216 Parking, Off-Street.

See Table 4 in Appendix and Sec. 10-137. (Ord. No. 1, 1967, § 1133.10, 7-6-67)

Sec. 10-217 Loading, Off-Street.

See Table 3 in Appendix and Sec. 10-137. (Ord. No. 1, 1967, § 1133.11, 7-6-67)

Sec. 10-218 Outdoor Storage.

a. General. All areas used for outdoor storage within a Commercial District shall be screened from public view. Said screening must be maintained in a neat, substantial, and safe condition at all times. Fences or walls must be painted or stained unless constructed of masonry or rustproof metal. Dead portions of any live natural screening shall be promptly removed.

b. Definitions. For the purpose of this Section, the following words and terms shall be interpreted and defined as follows:

(1) **Outdoor Storage.** An area devoted to the keeping or storing of goods, merchandise, equipment, raw materials, lumber, scraps, junk, containers, debris and any similar industrial material which is not enclosed within a building.

(2) **Public View.** Visibility of an outdoor storage area from any public street, park, or other public place, any residential zone, or any permitted ground floor residential use within three hundred feet (300') of an outdoor storage area.

(3) **Screened.** Visual separation of an area by the erection or establishment of buildings, fences, shrubbery or walls, separately or in combination of sufficient height and density to exclude such area from public view.

Sec. 10-219 through Sec. 10-224 Reserved for Future Use.

Division XI. Industrial Districts.

Sec. 10-225 Uses, Permitted.

a. General.

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of the following:

(1) Uses lawfully established on the effective date of this Comprehensive Zoning Ordinance, or

(2) Special uses allowed in accordance with the provision of Sec. 10-226.

(3) Planned Developments because of their unique characteristics and nature shall be processed in accordance with Sections 10-258 and 10-263.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of this Comprehensive Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VII governing nonconforming uses.

For the purpose of this Division, uses lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Chapter 7, Article 1.

Activities involving the storage or manufacture of materials or products which decompose by detonation are permitted only in the M-l District and then only when licensed by the Bureau of Fire Prevention. Further, such materials or products shall not be stored or manufactured within two hundred feet (200') of any boundary of a Residence, Commercial, or M-l District. The list of materials or products which decompose by detonation, when in sufficient concentrations includes, but is not limited to, the following:

(A) Acetylides.

(B) Azides.

(C) Chlorates.

(D) Dynamite.

(E) Blasting Gelatin.

(F) Fulminates.

(G) Anhydrous Hydrazine.

(H) Ammonium Nitrates.

(I) Dinitroresorcinol.

(J) Dinitrotoluene.

(K) Guanidine.

(L) Gun cotton (Cellulose Nitrate with nitrogen content in excess of 12.2% or Pyroxylin).

(M) Hexamine.

(N) Nitroglycerin.

(O) Petn (Pentaerythritoltetranitrate).

(P) Picric Acid.

(Q) Tetryl (Trtnitrophenylmethyltramine).

(R) Cylonite or Hexogen (Cyclotrimethylene Trinitramine).

(S) Dinol.

(T) Petryl.

(U) TNT (Trinitrotoluene).

(V) Perchlorates (when mixed with carbonaceous material).

(W) Black powder.

(X) Fireworks.

(Y) Permanganates.

(Z) Peroxides (except Hydrogen Peroxide in concentrations of 35% or less in aqueous solution.).

b. Preamble M-1 District.

It is the purpose of this classification to provide for complete separation of residential and commercial areas, from industrial areas for the mutual protection of both industrial and residential, and commercial uses. It is recognized that for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses, this goal must be paramount in the consideration thereof and special uses not clearly of manufacturing or industrial nature must be incidental to an established industrial facility.

The Light Industrial zone classification provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards as contained in Sec. 10-143.

c. Uses, Permitted - M-l Light Industry District.

The following uses are permitted, provided that all business, servicing, or processing shall take place within completely enclosed buildings, unless otherwise indicated hereinafter and except for establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles and off-street loading and parking as regulated in Sec. 10-137.

(1) Any production, processing, cleaning, servicing, testing, repair, or storage of material, goods, or products which shall conform with the performance standards set forth in Sec. 10-143 (except such uses as are specifically excluded), and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat. Within three hundred feet (300') of a Residence District, all storage except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) as specified in Sec. 10-172 e. for junkyards.

(2) Automobile laundries.

(3) Building materials sales.

(4) Contractor or construction office, shops, and yards; such as:

(A) Building.

(B) Cement.

(C) Electrical.

(D) Heating, ventilating and air conditioning.

(E) Roofing.

(F) Masonry.

(G) Painting.

(H) Plumbing.

(I) Refrigeration.

(5) Fuel and ice sales, if located in completely enclosed buildings.

(6) Garages and parking lots, for motor vehicles.

(7) Public utility and public service uses, including:

(A) Bus terminals, bus garages, bus lots.

(B) Electric sub-stations.

(C) Fire stations.

(D) Gas utility service sub-stations.

(E) Police stations.

(F) Railroad passenger stations.

(G) Railroad rights-of-way.

(H) Telephone exchanges, microwave relay towers, and water filtration plants.

(I) Water filtration plants.

(J) Water pumping stations.

(K) Sewage or storm water pumping stations.

(8) Signs as regulated in Sec. 10-141.

(9) Trade schools.

(10) Accessory uses.

d. Preamble M-2 District.

It is the purpose of this classification to provide for complete separation of residential and commercial areas from industrial areas for the mutual protection of both industry and residential and commercial uses. It is recognized that to provide for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion. In the granting of special uses permits, this goal must be paramount in the consideration and special uses not clearly of a manufacturing or industrial nature must be incidental to an established industrial facility.

The Heavy Industrial zone classification provides for both light and heavy industrial and manufacturing uses. Large masses of land are provided in this classification for those industries needing large acreage for production processing, expansion, or for meeting the industrial performance standards.

e. Uses, Permitted - M-2 Heavy Industry District.

The following uses are permitted either indoors or outdoors, provided that within three hundred feet (300') of a Residence District all business, servicing, or processing shall take place within completely enclosed buildings, unless otherwise indicated and except for off-street parking and loading as regulated in Sec. 10-172. Within three hundred feet (300') of a Residence District, all storage, except of motor vehicles, shall be within completely enclosed buildings or may be located out-of-doors if it is effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet (8') in height.

(1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in Sec. 10-178 (except such uses as are specifically excluded from the City of Terre Haute).

(2) The keeping, raising, breeding, and maintaining of farm and other animals for research, development, experimentation and testing in connection with a permitted use.

(3) Any other use permitted in the Light Industrial District.

f. Preamble M-P Industrial Park District.

The Industrial Park Zone classification is developed to provide for unique arrangements of uses and to promote both long and short term industrial development. It is an industrial planned development. It is of such substantial different character from other developments that the Plan Commission shall review each application and special requirements may be waived or imposed in order to promote properly planned industrial parks.

g. Uses Permitted M-P District.

Each application must be submitted to the Plan Commission because of the unique characteristics of industrial planned developments. Special conditions may be imposed or existing requirements may be waived in keeping with the intent and purpose of this zoning ordinance.

Sec. 10-226 Uses, Special.

a. General.

Upon application to the Board of Zoning Appeals, the following uses may be permitted as Special Uses in the districts listed hereafter in accordance with the provisions of Sec. 10-264. (Gen. Ord. No. 13, 2000, 6-8-00)

b. Special Uses M-1 District.

(1) Storage of over twenty-five pounds (25 lbs.) of fifty percent (50%) TNT, or its equivalent, and reasonable distances from Residence and Commercial Districts may be imposed.

(2) Heliports.

(3) Open or enclosed accessory off-street parking facilities for the storage of private passenger automobiles, when located elsewhere than on the same zoning lot as the principal use served and subject to the provisions of Sec. 10-172.

(4) Radio and television broadcasting stations and offices, and radio and television towers.

(5) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.

(6) Parks and playgrounds.

(7) Stadiums, auditoriums, and arenas.

(8) Theatres of the automobile drive-in type.

(9) Outdoor amusement establishments, fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto such as stadiums and arenas, which shall be located in excess of one hundred twenty-five feet (125') from a Residence District.

(10) Adult oriented business as defined in Sec. 10-273. (Gen. Ord. No. 8, 2006, 6-8-06)

c. Special Uses M-2 District.

(1) Any special use allowed in the M-l District.

(2) Extractive industries.

(3) Dumping or disposal of garbage, refuse, or trash, with limitations and qualifications to be established by the Commission.

(4) Incinerators, municipal.

(5) Junk yards.

(6) Slaughtering houses or rendering plants.

(7) Radioactive materials manufacture, storage, or processing, other than minute quantities of isotopes used for quality control or teaching purposes.

(8) Composting of vegetative matter with limitations and qualifications to be established by the Commission.

(9) Storage of construction aggregate materials.

d. Special Uses M-P District.

All Industrial Park uses are special uses.

Sec. 10-227 Building Lines, Thoroughfare Plan Requirements.

For all Industrial Districts see Table 1, titled "Thoroughfare Plan Requirements". (Ord. No. 1, 1967, § 1135.03, 7-6-67)

Sec. 10-228 Building Lines, Alley or Rear Yard.

For all Industrial Districts see Sec. 10-136, no rear yard setbacks other than alley setbacks required. (Ord. No. 1, 1967, § 1135.04, 7-6-67)

Sec. 10-229 Building Lines, Interior Side Yards.

For all Industrial Districts, no interior side yards required. (Ord. No. 1, 1967, § 1135.05, 7-6-67)

Sec. 10-230 Floor Area Ratio, Maximum.

The floor area ratio for a building on a lot shall be calculated as defined in Sec. 10-136 h. and shall be limited by the F.A.R. District in which said lot is incorporated as shown on the

zoning maps. Any principal building F.A.R. factor may be less than or equal to the F.A.R. District in which it is located but may not exceed said factor. (Ord. No. 1, 1967, § 1135.06, 7-6-67)

Sec. 10-231 Floor Area, Minimum.

See Table 8 in Apendix, no limitation on industrial buildings. (Ord. No. 1, 1967, § 1135.07, 7-6-67)

Sec. 10-232 Lot Size, Minimum.

See Table 8 in Appendix no limitation on industrial buildings. (Ord. No. 1, 1967, § 1135.08, 7-6-67)

Sec. 10-233 Signs.

No single non-flashing sign shall exceed four hundred (400) square feet in area, and no flashing sign shall exceed two hundred (200) square feet in area. The gross surface area required of signs is shown in Table 5 in Appendix. See Sec. 10-176. (Ord. No. 1, 1967, § 1135.09, 7-6-67)

Sec. 10-234 Parking, Off-Street.

See Table 4 in Appendix and Sec. 10-172. (Ord. No. 1, 1967, § 1135.10, 7-6-67)

Sec. 10-235 Loading, Off-Street.

See Table 3 in Appendix and Sec. 10-172. (Ord. No. 1, 1967, § 1135.11, 7-6-67)

Sec. 10-236 through Sec. 10-239 Reserved for Future Use.

Division XII. Open Space Districts.

Sec. 10-240 Uses, Permitted.

a. General

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified with the exception of:

(1) Uses lawfully established on the effective date of this Comprehensive Zoning Ordinance.

(2) Special uses allowed in accordance with the provisions of Sec. 10-241.

(3) Planned Developments because of their unique characteristics and nature shall be processed in accordance with Sections 10-258 and 10-263.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of this Comprehensive Zoning Ordinance and rendered nonconforming by the provisions thereof shall be subject to the regulations of Division VI. For the purposes of this Division XII uses lawfully established on the effective date of this Comprehensive Zoning Ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Chapter 7, Article 1.

The Open Space District is a transitional zone between land uses of distinct character. Except for the Flood Plain District, it is a zone in which rezoning will be necessitated by future development trends as will be brought out by periodic planning studies. In general, the growth pattern is denoted by change from: general farming, to residential farming, to suburban, to residential or business, or industrial usage. The Plan Commission, through its studies, shall be charged with the responsibility of petitioning the Council for rezoning, on a district by district basis only, when developing trends so indicate.

b. Preamble O-1 Agricultural.

The Agricultural District includes that large area of land which is predominately either general farming, residential farming, or farm land undergoing a change into suburban usage. It does not include new subdivisions but only suburban homes that are scattered or exist in small clusters.

c. Uses Permitted - O-1 Agricultural.

(1) Agricultural uses, including nurseries and truck gardens.

(2) Any use, special or permitted, in an R-l District.

(3) Farm animals.

(4) Orchards.

(5) Clubs or lodges.

(6) Home Occupations.

(7) Kennels.

(8) Mobile Homes, (Trailer) Park District as provided for in Sec. 10-180 e.

(9) Private, outdoor, and public recreation facilities (non-commercial).

(10) Signs.

(11) Tourist Home.

(12) Heliports.

(13) Airports. (Ord. No. 1, 1967, § 1137.01, 7-6-67)

Sec. 10-241 Uses, Special.

a. General.

Upon application to the Board of Zoning Appeals, the following uses may be permitted as special uses, in the districts listed hereafter in accordance with the provisions of Sec. 10-264. (Gen. Ord. No. 13, 2000, 6-8-00)

b. Uses, Special O-1.

Any use not listed as a permitted use which is in keeping with the district classification and the intent and meaning as defined in Sec. 10-240 a. and b., however; this provision is not intended to circumnavigate the requirement to rezone when rezoning is indicated. (Ord. No. 1, 1967, § 1137.02, 7-6-67)

Sec. 10-242 Building Lines, Thoroughfare Plan Requirements.

For all Open Space Districts see Table 1, titled, "Thoroughfare Plan Requirements." (Ord. No. 1, 1967, § 1137.03, 7-6-67)

Sec. 10-243 Building Lines, Alley or Rear Yard.

For all Open Space Districts see Sec. 10-136; no rear yard setbacks other than alley setbacks required. (Ord. No. 1, 1967, § 1137.04, 7-6-67)

Sec. 10-244 Building Lines, Interior Side Yards.

For all Open Space Districts, no interior side yards required. (Ord. No. 1, 1967, § 1137.05, 7-6-67)

Sec. 10-245 Floor Area Ratio, Maximum.

The floor area ratio for a building on a lot shall be calculated as defined in Sec. 10-171 h. and shall be limited by the F.A.R. district in which said lot is incorporated as shown on the zoning maps. Any principal building F.A.R. factor may be less than or equal to the F.A.R. district in which it is located, but may not exceed said factor. (Ord. No. 1, 1967, § 1137.06, 7-6-67)

Sec. 10-246 Floor Area, Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1137.07, 7-6-67)

Sec. 10-247 Lot Size, Minimum.

See Table 8 in Appendix. (Ord. No. 1, 1967, § 1137.08, 7-6-67)

Sec. 10-248 Signs.

All signs shall be permitted and the size of said signs shall be permitted to enlarge their areas and dimensions by one hundred percent (100%). The gross surface area required of signs as shown in Table 5 in the appendix may be increased one hundred percent (100%). See Sec. 10-176. (Ord. No. 1, 1967, § 1137.09, 7-6-67)

Sec. 10-249 Parking, Off-Street.

No off-street parking required. (Ord. No. 1, 1967, § 1137.10, 7-6-67)

Sec. 10-250 Loading, Off-Street.

No off-street loading required.

Sec. 10-251 Minimum Width of Dwelling Units.

For an Agricultural District, no new dwelling unit shall be less than twenty-three feet (23') in width.

Division XIII. Penitentiaries.

Sec. 10-252 Uses, Permitted.

a. General. The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified, with the exception of uses lawfully established on the effective date of this comprehensive zoning ordinance.

No building or tract of land shall be devoted to any use other than a use permitted hereinafter on the zoning district in which such building or tract of land shall be located. Uses already established on the effective date of the Comprehensive Zoning Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Division VI governing non-conforming uses.

For the purposes of this Division XIII, uses lawfully established on the effective date of this ordinance shall be deemed to include those lawfully established after such effective date under a building permit issued prior thereto in the manner prescribed in Chapter 7, Article 1.

b. Uses, Permitted. Facilities for the incarceration of persons ordered detained by local, state or federal officials. (Gen. Ord. No. 32, 2002, 1-9-03)

Sec. 10-253 Requirements.

In the special ordinance to approve the Penitentiary zoning classification the petitioner shall:

a. Provide a detailed preliminary map of the property identifying acreage, terrain, and the location of the planned improvements; and

b. Provide details of the number of prisoners to be housed at the facility and the square footage of housing area needed to accommodate the planned population; and

c. Provide details of the level of security to be provided; and

d. Provide details of the anticipated number of employees required for the facility; and

e. Provide details of the anticipated utility needs including, but not necessarily limited to, the sewage capacity needed; and

f. Provide details of all fencing, landscaping, etc. to screen or otherwise protect abutting properties from adverse effect to public health, safety and welfare and/or property values. (Gen. Ord. No. 32, 2002, 1-9-03)

Sec. 10-254 Approval.

a. Except as otherwise provided herein, the procedure for approval of a rezoning to a penitentiary classification shall follow the same administration procedure as set forth in Sec. 10-263 a. Text Amendment or Partial Repeal of the Text.

b. The Area Plan Commission shall recommend to the City Council such terms and conditions, including but not limited to, set back, parking and other requirements as are deemed appropriate and consistent with the facility contemplated. A zoning classification as a Penitentiary shall be conditioned upon compliance with the terms and conditions finally approved by the City Council as part of the grant of the zoning classification. (Gen. Ord. No. 32, 2002, 1-9-03)

Division XIV. Administration.

Sec. 10-255 Statement of Purpose.

a. The administration of this Comprehensive Zoning Ordinance is vested in three (3) offices of the City of Terre Haute as follows: Bureau of Zoning, Board of Zoning Appeals, Area Planning Department.

b. This Section shall first set out the authority of each of these three (3) offices and then shall describe the procedures and substantive standards with respect to the following administrative functions:

(1) Issuance of Improvement Location Permits;

(2) Issuance of Certificates of Use and Occupancy;

(3) Variations;

(4) Appeals;

(5) Amendments;

(6) Special Uses;

(7) Fees; and

(8) Penalties. (Ord. No. 1, 1967, § 1141.01, 7-6-67)

Sec. 10-256 Bureau of Zoning.

a. There is established a Bureau of Zoning in the Building Inspector's Department which shall be known as the "Bureau of Zoning". Said Bureau shall be appointed by the Commission. The Zoning Administrator may be removed by the Commission for cause. Such other employees of the Office of Zoning Administrator shall be appointed as shall be needed for the administration of this Article.

b. Duties of the Office of Zoning Administrator.

The Zoning Administrator shall enforce this Comprehensive Zoning Ordinance, and in addition thereto and in furtherance of said authority he shall:

(1) Issue all Improvement Location Permits, and make and maintain records thereof;

(2) Issue all Certificates of Use and Occupancy, and make and maintain records thereof;

(3) Conduct inspections of buildings, structures, and uses of land to determine Compliance with the terms of this Comprehensive Zoning Ordinance;

(4) Maintain permanent and current records of the Comprehensive Zoning Ordinance, including, but not limited to all maps, amendments, special uses, variations, appeals and applications therefore;

(5) Provide and maintain a public information bureau relative to all matters arising out of this Comprehensive Zoning Ordinance;

(6) Receive, file, and forward to the City Clerk all applications for amendments to this Comprehensive Zoning Ordinance.

(7) Transmit to the Planning Commission his recommendations together with those of the Area Planner on all amendments.

(8) Receive and maintain copies from the Board of Zoning Appeals of all final determinations of the Board on variations, variations in the nature of special uses, appeals, and other matters upon which the Board of Zoning Appeals has been required to act.

(9) Maintain permanent and current records of nonconforming uses. (Ord. No. 1, 1967, § 1146.02, 7-6-67)

Sec. 10-257 Board of Zoning Appeals.[193]

a. Establishment. A Board of Zoning Appeals is authorized to be established. The membership of the Board shall be in accordance with the Acts of the Indiana Legislature, 1947, titled "An Act for the Development Through Planning and Zoning, of Urban and Rural Areas", and as said act may be amended from time to time.

b. Membership and Terms. The Board shall consist of five (5) citizen members. The members shall be appointed for the following terms:

One (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and two (2) for a term of four (4) years.

The terms shall expire on the first day of January of the first, second, third, or fourth year, respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of four (4) years. If a vacancy occurs by resignation or otherwise, among the members of the Board, the Mayor shall appoint a member for the unexpired term.

c. Duties of the Board of Zoning Appeals. The Board shall:

(1) Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of this Comprehensive Zoning Ordinance.

[193] *I.C.* § 36-7-4-900, *et seq*., address the Board of Zoning Appeals.

(2) Permit and authorize exceptions to the district regulations only in the classes of cases or in particular situations as specified in this Comprehensive Zoning Ordinance.

(3) Hear and decide special exceptions; herein called Special Uses upon which the Board is required to act.

(4) Authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising its powers, the Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer or board from whom the appeal is taken.

The Board shall fix a reasonable time for the hearings of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties.

The Board may require the party taking the appeal to assume the cost of public notices and due notice to interested parties.

Upon the hearing, any party may appear in person, by agent, or by attorney. (Ord. No. 1, 1967, § 1141.03, 7-6-67)

Sec. 10-258 Area Planning Department.

The director of the Area Planning Department shall have the following duties under this Comprehensive Zoning Ordinance:

a. To review all applications for amendments, to make an investigation relative thereto and to make recommendations thereon and to forward to the Commission said recommendations.

b. Planned Developments as hereinbefore defined are of such substantially different character from other amendments that qualifications are set forth to guide the recommendations of the Director of Area Planning.

c. The Director of Area Planning Department may recommend, and the City Council may authorize by proper amendment, that there be one or more types of use in the area of such development, such as:

(1) That the uses permitted shall be for the purpose of developing an integrated site plan;

(2) That the intensity of use permitted by such amendment is necessary or desirable and is appropriate to the primary purpose of the development;

(3) That the uses permitted are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.

d. To receive from the Board of Zoning Appeals all applications for variations or exceptions in the nature of a special use, to make an investigation relative thereto and to make recommendations to said Board.

e. To initiate, direct, and review, from time to time, a study of the provisions of the Comprehensive Zoning Ordinance, and to make reports on the recommendations of the Commission on the status and effectiveness of this Comprehensive Zoning Ordinance to the Mayor and the City Council not less frequently than annually.

f. To promulgate rules, regulations, and procedures from time to time relating to proposed Planned Development Amendments and other rules, regulations, and procedures to proposed text amendments to the Comprehensive Zoning Ordinance, for Terre Haute, Indiana, from time to time.

Sec. 10-259 Improvement Location Permits.

a. Except as hereinafter provided no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of this City unless the application for such permit has been examined by the Office of the Zoning Administrator and has affixed by the Office of the Zoning Administrator that the proposed building or structure complies with all the provisions of this Comprehensive Zoning Ordinance.

In the event that an application has affixed to it the certificate of an architect or civil engineer licensed by the State of Indiana that the building or structure and the proposed use thereof complies with all the provisions of this ordinance respecting performance standards, for manufacturing and similar uses, the Zoning Administrator shall upon receipt of such application approve and authorize the issuance of Improvement Location Permit provided all other relevant provisions of this Comprehensive Zoning Ordinance are complied with, which permit shall be valid for all purposes. However, within fifteen (15) days after the date of such approval, the Zoning Administrator shall examine said application and shall advise the architect or civil engineer in writing if the building structure, or use thereof does not in fact comply with the performance standards. Failure of the architect to show compliance within thirty (30) days of such notification shall be cause for revocation of the Improvement Location Permit.

b. Every application for a building permit shall be accompanied by:

(1) A plat in duplicate, of the piece of parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor or Civil Engineer of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the registered or recorded plat of such land; and

(2) A plat, in duplicate, drawn to scale in such form as may be, from time to time, prescribed by the Zoning Administrator, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Comprehensive Zoning Ordinance.

One (1) copy of each of the two (2) plats shall be attached to the application for a building permit when it is submitted to the Office of the Zoning Administrator for an Improvement Location Permit and shall be retained by the Zoning Administrator for the life of this ordinance as a public record.

Sec. 10-260 Certificate of Use and Occupancy.

a. No building, or addition thereto, constructed after the effective date of this Article and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this Comprehensive Zoning Ordinance shall be used for any purpose, until a Certificate of Use and Occupancy has been issued by the Office of the Zoning Administrator. No change in a use other than that of a permitted use in a District shall be made until a Certificate of Use and Occupancy has been issued by the Office of the Zoning Administrator. Every Certificate shall state that the use is in conformity with the provisions of Planning and Zoning Code and Building Code subject to any special conditions specified.

b. Every application for a building permit shall be deemed to be an application for a Certificate of Use and Occupancy.

c. No Certificate of Use and Occupancy for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued until inspected and certified by the Office of the Zoning Administrator to be in conformity with the plans and specifications upon which the Certificate of Use and Occupancy was based. No Certificate of Use and Occupancy for a building or addition thereto, constructed after the effective date of this ordinance shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Office of the Zoning Administrator to be in compliance with all the applicable standards of the zoning district in which it is located.

Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months during the completion of any addition or during partial occupancy of the premises.

A Certificate of Use and Occupancy shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Office of the Zoning Administrator is notified in writing that the building or premises is ready for occupancy. (Ord. No. 1, 1967, § 1141.06, 7-6-67)

Sec. 10-261 Variations.

The Board of Zoning Appeals shall determine and vary the regulations of this Comprehensive Zoning Ordinance in harmony with their general purpose and intent, only in the specific instance hereinafter set forth, where the Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Comprehensive Zoning Ordinance.

Pursuant to Sec. 10-207 as it pertains to Zones C-8 and C-9, applications for variances are not permitted with respect to Dimensional Requirements [10-207 t. and 10-207 dd.] unless the application for variance is sought to permit construction of a new, fully enclosed structure of at least 30,000 square feet. Nothing in this provision shall otherwise prohibit an applicant from seeking a variance from any other provision of the Comprehensive Zoning Ordinance as it applies to Zones C-8 and C-9. The provision is adopted to prohibit the seeking of variances from Dimensional Requirements only for structures of less than 30,000 square feet. (Gen. Ord. No. 5, 2009, 5-14-09)

a. An Application for a Variation shall be filed with the Board of Zoning Appeals. The application shall contain such information as the Board may provide from time to time, by rule. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than ten (10) days before the hearing, in one (1) or more newspapers of general circulation in the City of Terre Haute. The published notice may be supplemented by such additional form of notices as the Board by rule may provide.

b. The Board of Zoning Appeals shall not vary the regulation of this Article as authorized in Sec. 10-261 c. hereof, unless it shall make findings based upon the evidence presented to it in each specific case that: (Gen. Ord. No. 13, 2000, 6-8-00)

(1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;

(2) The plight of the owner is due to unique circumstances; and

(3) The variation, if granted, will not alter the essential character of the locality.

For the purpose of implementing the above rules, the Board shall also, in making its determination whether there are practical hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:

(A) The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

(B) The conditions upon which the petition for a variation is based would not be applicable, generally, to the other property within the same zoning classifications;

(C) The purpose of the variation is not based exclusively upon a desire to make money out of the property;

(D) The alleged difficulty or hardship has not been created by any person presently having an interest in the property;

(E) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(F) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set out in this Sec. 10-261 to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Comprehensive Zoning Ordinance.

c. The Board may authorize such variances from the terms of this Article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this Article shall be observed and substantial justice done.

Sec. 10-262 Appeals.

a. An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board, or bureau aggrieved by a decision of the Office of the Zoning Administrator. The application for appeal shall be filed with the Board of Zoning Appeals and shall be taken within such time as shall be prescribed by the Board by a general rule. A Notice of Appeal specifying the grounds thereof shall be filed with the Office of the Zoning Administrator.

b. An appeal shall stay all proceedings in the furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after the Notice of Appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board may affirm or may, upon the concurring vote of three (3) members, reverse, wholly or in part, or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken.

The Zoning Administrator shall receive and maintain complete records of all actions of the Board relative to appeals and shall keep the Building Commissioner and the Bureau of Zoning informed on a current basis of the disposition of each case. (Ord. No. 1, 1967, § 1141.08, 7-6-76)

Sec. 10-263 Amendments.

a. The regulations imposed and the districts created under the authority of this Comprehensive Zoning Ordinance may be amended from time to time by ordinance, but no such amendments shall be made without a public hearing before the Planning Commission. (Ord. No. 1, 1967, §1141.09 (a), 7-6-76)

b. Procedures for repeal and replacement of their entire ordinance.

(1) Area Plan Commission must initiate the proposal.

(2) The Plan Commission must prepare the proposal in compliance with *I.C.* § 36-7-4-601 elements.

(3) The Plan Commission and the Legislative Body must comply to *I.C.* § 36-7-4-603 elements.

(4) The Plan Commission must give notice and hold a public hearing as provided by *I.C.* § 36-7-4-604.

(5) The Plan Commission must certify new ordinance only after it has received a favorable recommendation from the Plan Commission. *I.C.* § 36-7-4-605.

(6) At the first regular meeting of the legislative body, after the Plan Commission certifies the proposal, the legislative body shall either:

(A) Adopt, reject, or amend the proposal; or

(B) Decide to further consider the proposal, in which case the proposal may be scheduled for a further hearing at any regular or special meeting of the legislative body within ninety (90) days after certification. In any event, the legislative body shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal under *I.C.* § 36-7-4-605.

(7) If the legislative body proceeds under Sec. 10-263 b.(6)(a), it shall give notice under *I.C.* § 5-14-1.5-5 of its intention to consider the proposal at that meeting. If the legislative body proceeds under Sec. 10-263 b.(6)(b) to schedule a further hearing it shall publish a notice of the hearing in accordance with *I.C.* § 5-3-1, announce the hearing during a meeting, and enter the announcement in its memoranda and minutes. The notice and announcement must state: (Gen. Ord. No. 13, 2000, 6-8-00)

(A) The date, time, and place of the hearing;

(B) That it pertains to an original zoning ordinance;

(C) That written objections to the proposal filed with the clerk of the legislative body or with the county auditor at or before the hearing will be heard; and

(D) That the hearing may be continued from time to time as may be found necessary.

(8) The recommendation of the Plan Commission concerning the proposal must be on file in the Commission's Office for public examination for at least ten (10) days before any hearing scheduled under Sec. 10-263 b.(6)(b). On completion of the hearing, the legislative body shall consider the proposal. (Gen. Ord. No. 13, 2000, 6-8-00)

(9) If the legislative body adopts the proposal, the ordinance takes effect as other ordinances of the legislative body.

(10) If the legislative body fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(11) If the legislative body rejects or amends the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body as follows:

(A) If the Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the Commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the Commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the Commission certifies its disapproval. If the legislative body fails to confirm its action under this subdivision, then the ordinance takes effect in the manner provided in Sec. 10-263 b.(10). *I.C.* § 36-7-4-606. (Gen. Ord. No. 13, 2000, 6-8-00)

c. Text Amendment or Partial Repeal of the Text.

(1) The Plan Commission or the legislative body may initiate the proposal.

(2) The Plan Commission must prepare the proposal so that it is consistent with *I.C.* § 36-7-4-601.

(3) If the proposal is initiated by the legislative body instead of the Plan Commission, the proposal must be referred to the Commission for consideration and recommendation before any final action is taken by the legislative body. The Plan Commission shall within sixty (60) days of initiating or receiving the proposal hold a public hearing.

(4) The Plan Commission and the legislative body must give reasonable regard to:

(A) The Comprehensive Plan;

(B) Current conditions and the character of current structures and uses in each district;

(C) The most desirable use for which the land in each district is adapted;

(D) Conservation of property values throughout the jurisdiction; and

(E) Responsible development and growth.

(5) The Plan Commission must (before it certifies a proposal to the legislative body) give notice of a hearing by publication under *I.C.* § 5-3-1. The notice must state:

(A) The time and place of the hearing;

(B) A summary of the subject matter contained in the proposal (not the entire text) that describes any new changed provisions. (If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions)

(C) Where a copy of the proposal is on file for examination before hearing;

(D) That written objections to the proposal that are filed with the secretary of the Commission before the hearing will be considered;

(E) That oral comments concerning the proposal will be heard; and

(F) That the hearing may be continued from time to time as may be found necessary.

(6) The Plan Commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The Commission shall by rule determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

(7) The hearing must be held by the Plan Commission at the place stated in the notice. The Commission may also give notice and hold hearings at other places within the county where the distribution of population or diversity of interests of the people indicate that the

hearings would be desirable. The Commission shall adopt rules governing the conduct of hearings under this Section.

(8) A zoning ordinance may not be held invalid on the ground that the Plan Commission failed to comply with the requirements of this Section if the notice and hearing substantially complied with this Section.

(9) The files of the Plan Commission concerning proposals are public records and shall be kept available at the Commission's Office for inspection by any interested person.

(10) Within ten (10) business days after the Commission determines its recommendation (if any) the Commission shall certify the proposal to the legislative body. The Commission may make a favorable recommendation, unfavorable recommendation, or no recommendation.

(11) The legislative body shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal to them.

(12) If the proposal receives a favorable recommendation from the Plan Commission, these procedures apply:

(A) At the first regular meeting of the legislative body after the proposal is certified (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under *I.C.* § 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(B) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(C) If the legislative body fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(D) If the legislative body rejects or amends the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body as follows:

1. If the Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the Commission's report of approval with the legislative body or the end of the forty-five (45) day period.

2. If the Commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands only if

confirmed by another vote of the legislative body within forty-five (45) days after the Commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance takes effect in the manner provided in Sec. 10-262 c.(12)(c).

(13) Each zoning ordinance adopted under Sec. 10-263 may be vetoed by the Mayor of the City of Terre Haute.

(A) The Mayor must exercise the veto:

1. In a case in which the Common Council adopts (as certified) the proposal, within ten (10) days after the Common Council acts;

2. In a case in which the Common Council amends the proposal and the Plan Commission approves the amendment or fails to act, within fifty-five (55) days after the proposal is returned to the Plan Commission for its consideration;

3. In a case in which the Common Council amends the proposal and confirms its original amendment by another vote, within ten (10) days after the Common Council confirms its original amendment; or

4. In a case in which the proposal is to take effect because of Common Council's failure to act within a period of days, within ten (10) days after the expiration of that period.

(B) If a city zoning ordinance is not vetoed under Sec. 10-263 c.(13)(a), it takes effect without any action being taken by the Mayor of the City.

(C) If a city zoning ordinance is vetoed under Sec. 10-263 c.(13)(a), it is defeated unless the Common Council, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds (2/3) vote.

(14) This Subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the Plan Commission.

(A) At the first regular meeting of the legislative body after the proposal is certified (or at any subsequent meeting within the ninety (90) day period), the legislative body shall give notice under *I.C.* § 5-14-1.5-5 of its intention to consider the proposal at the meeting.

(B) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(C) If the legislative body rejects the proposal or fails to act on it within ninety (90) days after certification, it is defeated.

(D) If the legislative body amends the proposal, it shall be returned to the Plan Commission for its consideration with a written statement of the reasons for the amendment. The Commission has forty-five (45) days in which to consider the amendment and report to the legislative body as follows:

1. If the Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the Commission's report of approval with the legislative body or the end of the forty-five (45) day period.

2. If the Commission disapproves the amendment, the action of the legislative body on the original amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the Commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance is defeated as provided in Sec. 10-263 c.(14)(c).

d. Map Amendments.

(1) The Plan Commission, the legislative body, or fifty percent (50%) of the property owners may initiate a proposal to change a classification on a zoned map.

(2) An application for an amendment to any regulation of this ordinance shall be filed with the City Clerk and a copy of said amendment shall be forwarded to the Zoning Administrator at that time. An application for an amendment to the zone maps shall be accompanied by a notarized affidavit by the applicant affirming that the applicant is the owner of record of the property for which the change is proposed including proof of ownership. The City Clerk shall file all applications with the City Council at its next regular meeting. The application shall be in such form and accompanied by such information as shall be required from time to time by the Commission. An application for a Planned Development shall be considered as an amendment except as otherwise provided in this ordinance. (Gen. Ord. No. 11, 1994, As Amended, § 1141.09 (d)(2), 11-10-94)

(3) The ordinance shall be processed in the following manner;

(A) The proposal shall first be sent to the legislative body as new business;

(B) Fees shall be paid in accordance with Sec. 10-265;

(C) The proposal shall be referred to the Plan Commission for their consideration and recommendation before any final action is taken by the legislative body.

(D) On receiving or initiating the proposal, the Commission shall, within sixty (60) days, hold a public hearing;

(E) The Plan Commission shall give notice of the hearing by publication under *I.C.* § 5-3-1. The notice must state:

1. The time and place of the hearing;

2. The geographic area that is the subject of the zone, the zone map change. (This does not require the identification of any real property by metes and bounds);

3. A description of the proposed change in the zone maps;

4. Where a copy of the proposal is on file for examination before hearing;

5. That written objections to the proposal that are filed with the secretary of the Commission before the hearing will be considered;

6. That oral comments concerning the proposal will be heard; and

7. That the hearing may be continued from time to time as may be found necessary.

(4) The Plan Commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The Commission shall by rule determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

(5) The hearing must be held by the Plan Commission at the place stated in the notice. The Commission may also give notice and hold hearings at other places within the county where the distribution of population or diversity of interests of the people indicate that the hearings would be desirable. The Commission shall adopt rules governing the conduct of hearings under this Section.

(6) A zoning ordinance may not be held invalid on the ground that the Plan Commission failed to comply with the requirements of this Section if the notice and hearing substantially complied with this Section.

(7) The files of the Plan Commission concerning proposals are public records and shall be kept available at the Commission's Office for inspection by any interested person.

(8) The Plan Commission may certify the proposal to the Legislative Body with a favorable recommendation, an unfavorable recommendation, or no recommendation.

(9) The Plan Commission within ten (10) business days after it determines its recommendation certify the proposal to the legislative body.

(10) The legislative body shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal to them.

(11) If the Plan Commission's recommendation is favorable, the legislative body may, at its first regular meeting, or at any subsequent meeting within the ninety (90) day period, may adopt, or reject the proposal. The legislative body shall give notice under *I.C.* § 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(A) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(B) If the legislative body rejects the proposal, it is defeated.

(C) If the legislative body fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(12) Each zoning ordinance adopted under Sec. 10-263 may be vetoed by the Mayor of the City of Terre Haute.

(A) The Mayor must exercise the veto:

1. In a case in which the Common Council adopts (as certified) the proposal, within ten (10) days after the Common Council acts;

2. In a case in which the Common Council amends the proposal and the Plan Commission approves the amendment or fails to act, within fifty-five (55) days after the proposal is returned to the Plan Commission for its consideration;

3. In a case in which the Common Council amends the proposal and confirms its original amendment by another vote, within ten (10) days after the Common Council confirms its original amendment; or

4. In a case in which the proposal is to take effect because of Common Council's failure to act within a period of days, within ten (10) days after the expiration of that period.

(B) If a city zoning ordinance is not vetoed under Sec. 10-263 c.(13)(A), it takes effect without any action being taken by the Mayor of the City.

(C) If a city zoning ordinance is vetoed under Sec. 10-263 c.(13)(A), it is defeated unless the Common Council, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds (2/3) vote.

(13) If the Plan Commission's recommendation is unfavorable or no recommendation is given, the legislative body may, at its first regular meeting or at any subsequent meeting within a ninety (90) day period, adopt or reject the proposal.

(A) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(B) If the legislative body fails to act on the proposal within ninety (90) days after certification it is defeated.

(14) The Plan Commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of any proposal that is defeated.

(15) Any ordinance which causes property to be rezoned that is enacted into law shall be filed for taxation in the Office of the Auditor of Vigo County and shall be recorded in the Office of the Recorder of Vigo County by the Clerk of the City of Terre Haute. After recording, the records office of Vigo County shall release said ordinance to Vigo County Area Planning Department. The Area Planning Department shall distribute the original ordinance to the Clerk's Office of the City of Terre Haute and a receipt of distributions to the County Assessor's Office.

e. Spot zoning, as defined in this Comprehensive Zoning Ordinance shall not be approved by the City Council nor by the Commission, as it is contrary to the Comprehensive Development Plan.

f. Notice shall be given in the following manner:

(1) Person attempting to rezone property shall have a conference with the City Zoning Administrator or his designated agent at least two (2) weeks prior to the posting of notice, to discuss posting procedures.

(2) The City Zoning Administrator's Office shall, following this conference, develop the necessary notice to be posted.

(3) The City Zoning Administrator's Office shall have the responsibility of posting notice of the rezoning request. Such notice shall be posted in a manner that the notice faces each dedicated street adjacent to the property seeking the rezoning. (Gen. Ord. No. 6, 1997, § 1141.09 [f], 6-16-97)

(4) The City Zoning Administrator's Office shall post such notice at least ten (10) days prior to the scheduled public hearing before the Area Plan Commission.

(5) The petitioner shall be required to pay Twenty Five Dollars ($25.00) posting costs to the City Controller's Office prior to the scheduled public hearing. (Gen. Ord. No. 6, 1997, § 1141.09 [f], 6-16-97)

(6) Following the rezoning decision, the City Zoning Administrator's Office shall remove the posted notice no later than five (5) days following the rezoning decision by the Common Council.

(7) The content of the posted notice shall include, but not be limited to, the following information:

(A) The address of the property being considered for rezoning.

(B) The present and proposed zoning classification and description.

(C) The date of the scheduled public hearings.

(D) The place of the scheduled public hearings.

(E) City office to contact for further information.

(8) The posted notice shall be printed in such a manner that it is visible and legible to the public.

(9) A certificate issued by the City Zoning Administrator's Office or a receipt from the City Controller's Office to the effect that the aforementioned posting requirements have been met shall be held to be evidence of the petitioner's compliance with this Article.

(10) Said certificate or receipt shall be presented to the Plan Commission by the Zoning Administrator or his designated agent at the time of the public hearing before the Area Plan Commission.

(11) A proposed zoning amendment shall be considered to be invalid where there is a failure to comply with the provisions of this ordinance.

Sec. 10-264 Variations in the Nature of Special Uses. (Herein called *USES, SPECIAL)*

a. The development and execution of a Comprehensive Zoning Ordinance is based upon the division of the City into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristic, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such variations in the nature of special uses fall into two categories:

(1) Uses either municipally operated, or operated by publicly regulated utilities or uses traditionally affected with a public interest; and

(2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. (Ord. No. 1, 1967, § 1141.10 (a), 7-6-67)

b. An application for a special use shall be filed and processed in the same manner as prescribed for variance under Sec. 10-261 and shall be determined based on a reasonable regard to the same factors considered by the Plan Commission and the Legislative Body provided in Sec. 10-263 c.(4) for amendments to the Comprehensive Zoning Ordinance. Approval of a special use need not be recorded, but must be noted on the zoning maps. Fees shall be consistent with the fees established by the Board of Zoning Appeals in Sec. 10-265 b. (Gen. Ord. 13, 2000, 6-8-00; Gen. Ord. No. 25, 2000, 1-11-01)

c. The Board of Zoning Appeals shall impose such conditions as deemed necessary to protect adjoining property owners. Conditions must be sufficient clarity to inform the applicant of the limitations upon the use of his land to protect nearby owners. A special use does not become effective until the conditions are fulfilled and it may be revoked if the conditions are not complied with. The policing job is the province of the Building Inspector. The matter of non-compliance with the conditions imposed can be placed before the Common Council only on appeal from a ruling by the Building Inspector. (Gen. Ord. No. 13, 2000, 6-8-00)

Sec. 10-265 Fees.

The following regulations apply to improvement location permits and all filing fees:

a. An improvement location permit issued for a principal use or building shall also include any accessory use or building that was contained in the application for a Certificate of Use and Occupancy provided the accessory use or building is established at the same time on the same lot as the principal.

b. Upon adoption of this ordinance, it shall be required that the following fees, payable to the Plan Commission, shall apply at the time of application for each:

Improvement Location Permit	$ 2.00
Petition to Rezone a Lot	$20.00
Exception Application	$20.00
Variance Application	$30.00
Conditional Use Application	$20.00
Special Use Application	$20.00
Copy of Zoning Ordinance	$ 6.00
Copy of Additional Zoning Maps	$ 6.00

Petitioner shall, at the time of application for rezoning a lot within the City of Terre Haute, deposit in the Office of the City Clerk a check payable to the Recorder of Vigo County in amounts sufficient to pay fees required for the recording of said ordinance. The Clerk shall hold said check pending vote by the Common Council of the City of Terre Haute on said ordinance. If said ordinance is passed by the Common Council, the check shall be deposited with the Recorder

of Vigo County, by the Clerk of the City of Terre Haute, for the purpose of recording said ordinance. If the ordinance is not passed by the Common Council the Clerk shall return said check to the petitioner.

c. There shall be no refund of any fee for any reason whatsoever.

d. Governmental agencies, bodies and utilities are expressly exempted from item b. above.

e. Each new commission member shall initially receive two (2) free copies of this Comprehensive Zoning Ordinance, and thereafter one (1) copy for each additional year of membership.

f. The Director and the Zoning Administrator shall each initially receive six (6) copies and six (6) copies each year thereafter.

g. No fees shall be charged for:

(1) Improvement Location Permit;

(2) Petition to Rezone a Lot;

(3) Exception Application;

(4) Variance Application;

(5) Conditional Use Application; or

(6) Special Use Application for property located in those areas outside the City limits.

Sec. 10-266 Zoning Violation Certificates.

A zoning violation certificate shall be developed and issued as the legal notification to all violators of this Comprehensive Zoning Ordinance. It may be served in person to the owner of the land involved or by certified mail. The following form represents the minimum information required on all certificates, but in no way limits the format or content of certificates that may be devised from time to time.

Sec. 10-267 Reserved for Future Use.

Division XV. Wellhead Protection District.

Sec. 10-268 Intent and Purpose.

Pursuant to the Federal Safe Drinking Water Act, 42 U.S.C. 13-18-17-6, the Indiana Water Pollution Control Board has promulgated rules requiring that Community Water Supply

Systems develop a wellhead protection program for the purpose of protecting the public water supply from contamination and for providing for safe drinking water in emergency conditions. Pursuant to 327 IAC 8-4.1-1 *et seq*. and as part of the Wellhead Protection Program, Community Public Water Supply Systems must delineate Wellhead Protection Areas around Community Public Water Supply System wellheads, identify potential contaminant sources, form a local planning team, and complete a Wellhead Protection Plan. The Common Council of the City of Terre Haute has deemed it necessary for the public health, safety and quality of life of the citizens of Terre Haute, Indiana that wellhead protection issues be afforded due consideration in development within the delineated Wellhead Protection Areas.

The intent of this District is to guide development in those areas where an aquifer has been identified as deserving of detailed standards because of the existence of a wellhead providing potable water to the local water utility. (Gen. Ord. No. 25, 2003, 9-11-03)

Sec. 10-269 Establishment of Wellhead Protection District.

Two Wellhead Protection Overlay Districts are hereby established as overlay zoning classifications. Land hereafter zoned "Wellhead Protection District 1" shall bear the map designation of "WPD-1" along with the applicable symbol for the existing zoning classification. Land hereafter zoned "Wellhead Protection District-5" shall bear the map designation of "WPD-5" along with the applicable symbol for the existing zoning classification.

The area shown in Table 9 shall be known as the Wellhead Protection Overlay District 1 (one-year time-of-travel) and Wellhead Protection Overlay District 5 (five-year time-of-travel). (Gen. Ord. No. 25, 2003, 9-11-03)

Sec. 10-270 Definitions.

a. Construction of Language. The language of this Division shall be interpreted in accordance with the following regulations:

(l) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this Division and any illustration or diagram, the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Words used in the present tense shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) A "building" or "structure" includes any part thereof.

(6) The phase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either...or”, the conjunction shall be interpreted as follows:

(A) “And” indicates that all the connected items, conditions, provisions, or events shall apply.

(B) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(C) “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

b. The words in the text or illustrations of this Division XV shall be interpreted in accordance with the following definitions:

(1) **Abandoned Well.** A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

(2) **Above Ground Storage Tank.** Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is less that ten percent (10%) beneath the surface of the ground. Flow-through process tanks are excluded from the definition of above ground storage tanks.

(3) **Aquifer.** An underground geological formation that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

(4) **Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

(5) **Council.** The Terre Haute City Common Council.

(6) **Commitment.** An official agreement concerning and running with the land as recorded in the office of the Vigo County Recorder.

(7) **Condition.** An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the technically qualified person.

(8) **Connected Piping.** All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

(9) **Containment Area.** An above ground area with floors and sidewalk that have been constructed of a material that will prevent migration of fluids into the ground water.

(10) **Development Plan.** As enabled by 1400 SERIES-DEVELOPMENT PLANS *I.C.* § 36-7-4-1400 through *I.C.* § 36-7-4-1499.

(11) **Extremely Hazardous Substance.** A substance identified pursuant to 42 *USC* 11002 and 11004 (40 *CFR* 355 Appendix A).

(12) **Excavation.** The breaking of ground, except common household gardening, ground care and agriculture activity.

(13) **Fuel Dispensing Facility.** Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.

(14) **Ground Water.** Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.

(15) **Hazardous Substance.** A substance as defined by 42 *USC* 9601 (14).

(16) **Interstitial Monitoring.** A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

(17) **Legally Established Non-Conforming Use.** Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.

(18) **Liquid.** A liquid is a substance or mixture that is fluid at 20 degrees C (68 degrees F).

(19) **Liquid Transfer Area.** An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential ground water contaminant to and from a facility.

(20) **Objectionable Substances.** Substances that are:

(A) of a quantity and a type; and

(B) present for a duration and in a location;

so as to damage waters of the state. This definition excludes hazardous substances, extremely hazardous substances, petroleum and mixtures thereof.

(21) **Permitted Use.** Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

(22) **Potential Ground Water Contaminant.** Any material, which because of its toxicity and mobility in ground water poses significant hazard to the quality of ground water resources used for public water supply.

(23) **Premises.** A platted lot or part thereof or un-platted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, casement, or drainage way.

(24) **Release.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, ground water, drinking water supply, land surface, subsurface strata.)

(25) **Shop Area.** A production or repair area equipped with tools and machinery.

(26) **Site Plan.** The Plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed locations and conditions of the lot including as required by the Improvement Location Permit section of the Unified Zoning Ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.

(27) **Storage.** The long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles, or junk.

(28) **Structure.** A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

(29) **Surface Impoundment.** A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

(30) **Tank.** A tank is a stationary device designed to contain an accumulation of liquids and which is constructed of non-earthen materials, for example, concrete, steel, or plastic that provides structural support.

(31) **Underground Storage Tank.** One (1) tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks, the volume of which, including the volume of the underground connected pipes, is at least ten percent (10%) beneath the surface of the ground, regulated under 329 *IAC* 9. Notwithstanding the exceptions in 329 *IAC* 9-l-l(b) and *I.C.* § 13-11-2-241, for the purpose of this Division an underground storage tank also includes:

(A) A tank which that it contains hazardous waste as regulated under subtitle C of the Federal Solid Waste Disposal Act.

(B) A tank that it is used to store heating oil for consumptive use on the premises where stored.

(32) **Vehicle and Equipment Repair Area.** An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.

(33) **Well.** A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Sec. 10-271 Uses.

Principal Permitted Uses. All buildings, structures or land uses may be erected, altered, enlarged or used if they meet the requirements of both the underlying zone classification and the wellhead protection district overlay zone. In the case of conflict, the most stringent requirement shall control.

Development Standards for the Wellhead Protection Overlay Districts: Land within the WPD-1 and WPD-5 are subject to the following requirements:

a. Prohibitions.

(1) New facilities with underground storage tanks will not be permitted in WPD-1.

(2) Class V injection wells (as defined in 40 *CFR* 146) shall be prohibited *except* for the following:

(A) Air conditioning return flow wells used to return to the supply aquifer non-contact water used for heating or cooling a heat pump; and

(B) Non-contact cooling water return flow wells used to inject water previously used for cooling; and

(C) Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants; and

(D) Non-contact water from wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power.

b. General Standards.

(1) All known abandoned wells shall be identified and sealed pursuant to 312 *IAC* 13-10.

(2) The following spills shall be reported pursuant to 327 *IAC* 2-6.1:

(A) Spills of hazardous substances or extremely hazardous substances when the amount spilled exceeds one hundred pounds (100 lbs.) of the reportable quantity, whichever is less.

(B) Spills of petroleum when the amount spilled exceeds fifty-five (55) gallons.

(C) Spills of objectionable substances.

(3) All sanitary facilities shall be connected to the municipal sanitary sewer system. Floor drains must be connected to sanitary sewers or routed to a temporary holding area for removal.

(4) All trash dumpsters must be water tight, or placed on an impervious surface that contains any leakage or diverts runoff to a temporary holding area for removal.

(5) All areas that may be used for the storage of potential groundwater contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the ground water.

(6) All vehicle and equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of a material which forms an effective barrier to the migration of fluids and other material into groundwater.

(7) While being stored, water-soluble solids must be kept dry at all times.

(8) Sludges that could release liquids or water-soluble solids must be contained so that neither could enter ground water.

(9) The transfer area for the bulk delivery of liquid potential ground water contaminants shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:

(A) The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the groundwater for a seventy-two (72) hour period.

(B) The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, and other openings that jeopardize the integrity of the area.

(10) Surface impoundments, ponds, or lagoons shall only be established for:

(A) Stormwater detention and retention; and

(B) Recreation or landscape purposes.

c. Above Ground Storage of Potential Ground Water Contaminants.

(1) Above ground storage tanks holding more than forty (40) gallons of any liquid potential ground water contaminant for more than twenty-four (24) hours must be in a location or a secondary containment area capable of preventing any release from the tank from reaching the ground water table for a seventy-two (72) hour period. The secondary containment shall be constructed to meet at least one of the following requirements:

(A) A storage tank designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.

(B) Diversionary systems that direct the discharge to treatment or temporary holding areas until it can be properly removed.

(C) A secondary containment area with dikes, berms, retaining walls, or trenches, and a floor that must over the entire area within.

(2) A secondary containment area must be capable of containing one hundred and ten percent (110%) of the largest tank plus enough freeboard to contain precipitation generated by a twenty-five (25) year/twenty-four (24) hour rain event. A storage tank designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring is an acceptable alternative.

(3) The secondary containment structure must be properly maintained and shall be free of vegetation, cracks, open drains, siphons or other openings that jeopardize the integrity of the structure.

(4) Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited, or that stormwater is removed within seventy-two (72) hours to maintain system capacity.

d. Special Requirements.

(1) The following restrictions apply to new, outdoor storage areas in WPD-1:

(A) No above ground storage tanks or aggregates thereof of liquid potential groundwater contaminants greater than one thousand (1000) gallons are allowed.

(B) No storage of water-soluble solids of more than six thousand (6000) pounds is allowed in any one containment area.

(2) Detention and retention ponds in WPD-1 shall meet one of the following criteria:

(A) They are constructed in a manner that provides an effective barrier to the migration of potential groundwater contaminants into groundwater.

(B) They are existing developed site features and, if expanded, are designed to prevent the migration of potential groundwater contaminants into the aquifer.

(3) In WPD-1 district, the requirements of 329 *IAC* 9-2-1.1 and 329 *IAC* 9-3.1 apply to existing USTs which are replaced or upgraded.

(4) In the WPD-5 district, the requirements of 329 *IAC* 9-2-1.1 and 329 *IAC* 9-3.1 apply to existing USTs that are replaced or upgraded; and USTs installed at new fuel dispensing facilities.

(5) The three (3) methods of leak detection as described in 329 *IAC* 9-7-4 (3), (7), and (8), and 329 *IAC* 9-7-5 must be performed on all new or replaced USTs and piping. Additional methods used to comply must meet the requirements set out in 329 *IAC* 9-7-4(8).

e. Other Requirements.

Any person, company applying for a commercial or industrial building permit within the WPD-1 and WPD-5 must provide the City Building Inspection Department with a site plan as defined in this Division. Said site plan must then be forwarded to Indiana American Water for their inspection and comments. Indiana American shall provide such written comments within five (5) business days of receiving the proposed site plan for development. Comments from Indiana American Water shall be forwarded to the City Building Inspection Department. If said comments have not been received within the allotted time period the City may issue a building permit if the proposal complies with all other ordinances/regulations. (Gen. Ord. No. 25, 2003, 9-11-03)

Division XVI. Adult Oriented Businesses.

Sec. 10-272 Purpose and Intent.

a. The Common Council finds there is substantial evidence from other communities that an adult oriented business may result in increased crime in the vicinity; there may be harmful effects on minors exposed to the adult oriented business resulting in a deterioration of family values; there may be a deterioration of the quality of surrounding businesses; there may be a decrease in property values of the surrounding area; there may be increased parking problems, litter and general urban blight in the surrounding area; and dispersal of such adult oriented businesses is necessary to prevent intensification of negative secondary effects and harmful effects upon minors.

b. The Common Council finds that use of its zoning authority is a reasonable, legal, and legitimate use of its police powers to minimize these adverse effects while not unreasonably denying access by adults to adult oriented materials or the distribution of such materials.

c. It is the intent of this ordinance to regulate adult oriented businesses to promote the health, safety, and general welfare of the citizens of the City. (Gen. Ord. No. 8, 2006, 6-8-06)

Sec. 10-273 Definitions.

For the purpose of this ordinance, adult oriented businesses and other related terms are defined as follows:

a. **Adult Arcade.** An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons per machine at any one (1) time, in which a substantial portion, thirty-percent (30%), or more of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" as specified in *I.C.* § 35-49-2-2 (and as it may from time to time be amended) and/or represents or displays "sexual conduct" as defined in *I.C.* § 35-42-4-4 (and as it may from time to time be amended).

b. **Adult Bookstore/Novelty Store/Video Store.** A commercial establishment which has a substantial, thirty-percent (30%) or more, portion of its revenues, floor space, or advertising associated with the sale or rental for any form of consideration of any one (1) or more of the following:

(1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CDs, DVDs, or other forms of visual or audio representation which meet the definition of "harmful to minors" under *I.C.* § 35-49-2-2 (and as it may from time to time be amended) and/or represent or display "sexual conduct" as defined in *I.C.* § 35-42-4-4 (and as it may from time to time be amended);

(2) instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in *I.C.* § 35-42-4-4 (and as it may from time to time be amended).

c. **Adult Cabaret.** A nightclub, bar, restaurant, or similar establishment which features live performances which meet the definition of "harmful to minors" as set forth in *I.C.* § 35-49-2-2 (and as it may from time to time be amended) and/or represents or displays "sexual conduct" as defined in *I.C.* § 35-42-4-4 to a clientele who pays any form of consideration for such live entertainment.

d. **Adult "Juice" Bar.** An adult cabaret which does not serve alcoholic beverages.

e. **Adult Motion Picture Theater.** An indoor or outdoor facility with a capacity of six (6) or more persons, where for any form of consideration films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion, thirty-percent (30%) or more of the total revenues derived from or substantial time, thirty-percent (30%) or more is devoted to the showing of such material which meets the

definition of "harmful to minors" as defined in *I.C.* § 35-49-2-2 (and as it may from time to time be amended), and/or displays "sexual conduct" as set forth in *I.C.* § 35-42-4-4 (and as it may from time to time be amended) for observation by patrons.

f. **Adult Theater.** A theater, concert hall, auditorium, or similar establishment, either indoor or outdoor, which for any form of consideration regularly features live performances, a substantial portion, thirty-percent (30%) or more of the total presentation time is distinguished or characterized by an emphasis on activities which meet the definition of "harmful for minors" as set forth in *I.C.* § 35-49-2-2 and/or "sexual conduct" as set forth in *I.C.* § 35-42-4-4.

g. **City Park**. Property owned by the City of Terre Haute and designated for use as a park or recreational area.

h. **Minor.** Any individual under the age of eighteen (18) years, as defined by *I.C.* § 35-49-1-4.

i. **Negative Secondary Effects.** Those unintended consequences injurious to the surrounding areas and/or harmful to minors which communities have found to result from an adult oriented business being in the area such as increased crime in the vicinity, deterioration in the quality of surrounding businesses, decrease in property values in surrounding areas, increased parking problems, increased litter, increased general urban blight in the vicinity, etc.

j. **Nude Model Studio.** A place where a person who appears in a state of nudity is observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any other form of consideration for such display is characterized by an emphasis on activities which meet the definition of "harmful to minors" as set forth in *I.C.* § 35-49-2-2 (and as it may from time to time be amended) and/or "sexual conduct" as set forth in *I.C.* § 35-42-4-4 (and as it may from time to time be amended). This definition shall not apply to state recognized colleges, universities, or art schools.

k. **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of covered male genitals in a discernibly turgid state.

l. **Peep Show Facility.** An establishment utilizing a device operated manually, mechanically, magnetically, electrically, or electronically which exhibits, displays, projects, or illuminates photographed, videotaped, or magnetically reproduced images, or exposes live entertainment to the viewer, in a booth or stall, which entertainment is distinguished or characterized by an emphasis on matters depicting "sexual conduct" as defined by *I.C.* § 35-42-4-4 (and as it may from time to time be amended) or nudity for observations by patrons thereof.

m. **Sexual Encounter Center.** An enterprise that as one of its business purposes offers for any form of consideration:

(1) physical contact in the form of wrestling or tumbling between persons of the opposite sex;

(2) activities between male and female persons and/or persons of the same sex where one or more persons appear in a state of nudity or where the activities of (1) or (2) herein are characterized by an emphasis on activities which meet the definition of "harmful to minors" as set forth in *I.C.* § 35-49-2-2 (and as it may from time to time be amended) and/or "sexual conduct" as set forth in *I.C.* § 35-42-4-4 (and as it may from time to time be amended).

Sec. 10-274 Standards for Location of Adult Oriented Business.

a. Such businesses are to be zoned as Special Uses within C-3, C-4, C-5, C-6, M-1, and M-2 zoning areas.

b. Such businesses may not be located within:

(1) five hundred feet (500') of any property zoned for residential use; (Gen. Ord. No. 1, 2007, 2-8-07)

(2) five hundred feet (500') of any religious institution, public or private school containing any grade K-12;

(3) five hundred feet (500') of any City Park;

(4) five hundred feet (500') of any child care/daycare facility; or

(5) five hundred feet (500') of any other adult oriented business as defined above.

c. The distances shall be measured by following a straight line without regard to intervening buildings, structures, or other obstacles, from the nearest point of the property upon which the proposed special use is to be located to the nearest point of the property or land use boundary line from which the proposed land use is to be separated. The applicant shall provide with his petition for a Special Use a certified copy of measurements by a land surveyor registered by the State of Indiana showing the proposed land use is properly separated.

d. All business, except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings.

e. Such adult oriented business must comply with all other zoning requirements specific to the special use in the authorized zoning classification, i.e. signage, hours of operations, set-backs, etc.

Sec. 10- 274-1 Parking Regulations.

Parking requirements for the aforementioned adult oriented businesses are as follows:

a. All parking must be sufficiently lighted to reveal the interior of vehicles and must be located to the front and/or sides of the establishment.

b. Required Parking Spaces.

1. Adult Arcade. One (1) parking space for each two (2) customer seats or arcade devices (whichever is greater) plus one (1) parking space for each employee of the largest working shift.

2. Adult Bookstore/Novelty Store/Video Store. One (1) parking space for each two hundred feet (200') of floor space.

3. Adult Cabaret or Adult Juice Bar. One (1) parking space for each two (2) customer seats plus one (1) parking space for each employee of the largest working shift.

4. Adult Motion Picture Theater. One (1) parking space for each four (4) seats plus one (1) parking space for each employee of the largest working shift.

5. Adult Theater. One (1) parking space for each four (4) seats plus one (1) parking space for each employee of the largest working shift.

6. Nude Model Studio. One and one-half (1 ½) parking spaces for each two (2) customers or students plus one (1) parking space fore each employee of the largest working shift.

7. Peep Show Facility. One (1) parking space for every two (2) customers plus one (1) parking space for each employee of the largest working shift.

8. Sexual Encounter Center. One (1) parking space for every two (2) customers plus one (1) parking space for each employee of the largest working shift.

Sec. 10-274-2 Permit Required.

a. Permit Required. Prior to doing business, all such adult oriented businesses shall obtain a permit from the City of Terre Haute Board of Public Works and Safety.

b. Permit Fee. There is no application or annual fees required for an adult oriented business permit.

c. Permit Application. All applications for such permit shall be on forms designated by the Board of Public Works and Safety and shall include the following information:

(7) The full name and address of business;

(8) The full name, business address and home address of business owner and business manager;

(9) A telephone number at which the City of Terre Haute can reach the manager and/or owner during business hours of operation.

(10) Statement of the manager and or owner that the business is in full compliance with all federal, state and local laws, including zoning regulations.

(11) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.

d. Change of Information. Such business shall promptly notify the Board of Public Works and Safety in writing of any change of information contained in the application form.

e. Permit Non-transferable. Such permit shall be for the specific business location and is not transferable to another business or business location.

f. Violation To Operate without a Permit. It shall be a violation of this article to operate, or permit to operate an adult oriented business unless a permit has been obtained therefore from the Board of Public Works and Safety.

g. Denial of Permit. A permit to operate an adult oriented business may be denied based on any of the following:

(6) Applicant omitted required information on application;

(7) Applicant made any materially false statement on his application for permit;

(8) The premises sought to be permitted fails to comply in any manner with any applicable laws or ordinances, including zoning laws or ordinances;

(9) A special use has not been granted by the Board of Zoning Appeals;

(10) Applicant has been previously denied a permit for violation of federal, state or local laws; or

(11) A permit has been previously suspended or revoked from the business owner and or manager for violations of federal, state or local laws;

f. Denial, Suspension, or Revocation of Permit.

(1) The Board of Public Works and Safety may deny, suspend, or revoke any permit issued under the provisions of this Article upon complaint being made by a federal, state, or local law enforcement officer or an authorized representative of the City that the business is being operated in violation of State or Federal law or of the provisions of this Article.

(2) Upon notification by the Board of Public Works and Safety of a denial, suspension, or revocation of a permit, the applicant or permittee may, within ten (10) days, request a hearing by written notice to the Board of Public Works and Safety. During those ten (10) days, a currently permitted business may remain open. If no hearing is requested, the adult oriented business permit shall stand denied or revoked.

(3) When a hearing is set by the Board of Public Works and Safety the applicant or permittee shall receive, with not less than twenty (20) days written notice, a notice of the allegation of non-compliance, as well as the time and place where the hearing will be held. A current permitted adult oriented business may remain open until notified of the hearing results or thirty (30) days whichever is less.

(4) At a hearing conducted pursuant to this Section, the applicant or permittee shall have the right to be represented by counsel, to present witnesses, to testify and cross examine any other witness and to subpoena witnesses. All proceedings shall be conducted under oath.

(5) The President of the Board of Public Works shall preside at the hearing and the Board shall make the final decision.

(6) If any decision adverse to the applicant or permittee is made by the Board of Public Works and Safety after a hearing as provided above, the Board shall provide to the applicant or permittee a written reason for such decision, as well as a notice that the applicant or permittee has the right to pursue any legal remedies available under Indiana law.

Sec. 10-274-3 Miscellaneous Regulations.

a. Entry to the establishment must face the primary street which establishes the business' address.

b. All signage must be in accord with the Code and shall contain only the name of the establishment without reference to the sexual nature of the business and approved by the Engineer's Office – Inspection Division, prior to installation.

c. No sound devices may be utilized which do not meet the specifications of the Code.

d. No fencing or visual screening shall be installed to prevent full view of the parking lot from the primary street of the business.

e. The business must be in full compliance with all other provisions of the Code.

Sec. 10-274-4 Enforcement, Violations and Penalties.

a. It shall be the duty of the Terre Haute Police Department and the Engineer's Office – Inspection Division to enforce this Article.

b. The City of Terre Haute, the Board of Public Works and Safety or any designated enforcement official may institute a suit for injunction in the circuit court to restrain an individual or business from violating the advisory planning law or the area planning law, as the case may be, or of an ordinance adopted under the advisory planning law or the area planning law, as the case may be.

c. If the City of Terre Haute or the Board of Public Works and Safety is successful in its suit, the respondent shall bear the cost of the action. A change of venue may not be granted in such suit. (*I.C.* § 36-7-4 Sec. 1015)

d. Each day of non-compliance with the provisions of this Division constitutes a separate and distinct ordinance violation. Judgment of up to Two Thousand Five Hundred Dollars ($2,500.00) per day may be entered for a violation of any provision of this Division.

TABLE 1

THOROUGHFARE PLAN REQUIREMENTS - (MINIMUMS)			
E – EXPRESSWAY			
RESIDENTIAL (R)	BUSINESS (C)	INDUSTRIAL (M)	OPEN (O)
B.L. - 140	B.L. - 120	B.L. - 120	B.L. - 150
R.W. - 120	R.W. - 120	R.W. - 120	R.W. - 120
C.C. - 88	C.C. - 88	C.C. - 88	C.C. - 88
T.R. - 16 + 16	T.R. - 16 + 16	T.R. - 16 + 16	T.R. - 16 + 16
S.W. - 0	S.W. - 0	S.W. - 0	S.W. - 0
M – MAJOR			
RESIDENTIAL (R)	BUSINESS (C)	INDUSTRIAL (I)	OPEN (O)
B.L. - 120	B.L. - 100*	B.L. - 120	B.L. - 122
R.W. - 100	R.W. - 100	R.W. - 100	R.W. - 100
C.C. - 76	C.C. - 76	C.C. - 76	C.C. - 76
T.R. - 7 + 7	T.R. - 6 + 6*	T.R. - 12 + 12	T.R. - 12+12
S.W. - 5+ 5	S.W. - 6 + 6	S.W. - 0	S.W. - 0
C – COLLECTOR			
RESIDENTIAL (R)	BUSINESS (C)	INDUSTRIAL (M)	OPEN (O)
B.L. - 110	B.L. - 90	B.L. -110	B.L. - 110
R.W. - 60	R.W. - 80*	R.W. - 80	R.W. - 80
C.C. - 40	C.C. - 64	C.C. - 64	C.C. - 64
T.R. - 5 + 5	T.R. - 0*	T.R. - 8 + 8	T.R. - 8 + 8
S.W. - 5 + 5	S.W. - 8 + 8*	S.W. - 0	S.W. - 0
THOROUGHFARE PLAN REQUIREMENTS (MINIMUMS)			
L – LOCAL			
RESIDENTIAL (R)	BUSINESS (C)	INDUSTRIAL (M)	OPEN (O)
B.L. - 110	B.L. - 80	B.L. - 80	B.L. - 110
R.W. - 60	R.W. - 60*	R.W. - 60	R.W. - 60
C.C. - 40	C.C. - 40	C.C. - 40	C.C. - 40
T.R. - 6 + 6	T.R. - 5 + 5*	T.R. - 10 + 10	T.R. - 6 + 6
S.W. - 4 + 4	S.W. - 5 + 5*	S.W. - 0	S.W. - 4 + 4

Legend:

B.L. - Building Line
R.W. - Right-of-Way (Property Line)
C.C. - Roadway Inside Curb to Inside Curb
T.R. - Tree Row
S.W. - Sidewalk

* Applies mainly to C.B.D. for Neighborhood Commercial, apply abutting residential requirements.

Notes:

1. One hundred ten feet (110') between B.L.s is the shortest distance that will provide proper sight distance.

2. Information contained in Table 1, "The Thoroughfare Plan Requirements", not otherwise mentioned in this ordinance, is provided to give guidance and clarification to the Board of Zoning Appeals as to VARIANCES, EXCEPTIONS, and AMBIGUITY as to interpretation of intent and meaning.

3. On boulevards and divided highways, where a physical barrier type curb exists creating an island of thirty feet (30') or more in width, the B.L. setbacks from the centerline of the roadway on the right shall apply to the property on the right and the ones to the left, to the property to the left.

4. All dimensions are in feet and are to be symmetrical about right-of-way center lines.

TABLE 2

District	Maximum F.A.R. Ratio Permitted
R-l	0.3, 0.5
R-2	0.5, 0.7 (0.9 to apply to corner lots and special conditions only)
R-3	0.7, 0.9, 2.0, 4.0, 6.0, 8.0
C-l & 6	0.5, 0.7, 0.9
C-2	0.9, 2.0, 0.7
C-3	0.9, 2.0, 0.7
C-4	5.0, 7.0, 9.0
C-5	0.9, 2.0, 6.0, 10
M-l	0.9, 2.0, 4.0
M-2	0.9, 2.0, 4.0, 6.0
M-P	0.5, 0.7, 0.9, 2.0
O-1	0.0, 0.1, 0.3, 0.9, 2.0, 6.0, 10
O-2	0.0

The following, and only the following, maximum F.A.R. factors shall be applied to zoned districts:

a. 0.0, 0.1, 0.2, 0.3, 0.5, 0.6, 0.7, 0.8, 0.9. All corner lots in districts with F.A.R. factors in this range may be increased by 0.1 upon approval of the Board of Zoning Appeals and proper recording upon the zoned maps.

b. 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10 F.A.R. by Districts.

TABLE 3

Off-Street Loading Space Requirements

Uses	Square Feet of Total Floor Area	Required Off-Street Loading Berths
1. Schools	for each 15,000	1
2. Hospitals (In addition to space for ambulance)	for 10,000 - 300,000 for each additional 300,000 or major fraction thereof	1 1 additional
3. Undertakers and Funeral Parlors	For each 5,000	1
4. Hotels and Offices	for each 10,000	1
5. Commercial, Wholesale, Manufacturing, Storage	10,000 - 25,000 25,000 - 40,000 40,0000 - 60,000 60,000 - 100,000 for each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

SIZE AND LOCATION: Each loading space shall not be less than ten feet (10') in width, twenty-five feet (25') in length and fourteen feet (14') in height, and may occupy all or part of a required yard, except as otherwise provided in this Zoning Ordinance.

TABLE 4

Schedule of Minimum Off-Street Parking Requirements.
(Gen. Ord. No. 18, 2004, As Amended, 11-9-04)

RESIDENTIAL USE	*PARKING SPACES REQUIRED*
Single Family Detached Dwelling	Two (2) Spaces per dwelling unit
Multi-Family Dwellings	Based on the number of bedrooms: Efficiency - 1 space per unit 1 Bedroom - 1.5 Spaces per unit 2 Bedroom - 2 spaces per unit 3 Bedroom - 3 spaces per unit 4 Bedroom - 4.5 spaces per unit
Day Care Home	One (1) space per six (6) children, plus the spaces required for the dwelling unit
Fraternities and Sororities	One space per bedroom
Rooming House	Two (2) spaces plus one (1) space for each room for rent
Hotel/Motel	One (1) space per guest room
Convalescent, Nursing or Rest Home	One (1) space per two (2) beds
Bed and Breakfast	One (1) space per guest room, plus the spaces required for the dwelling unit
OFFICE and INSTITUTIONAL USE	
Animal Hospitals and Veterinarian's Offices	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Banks/Financial Offices	Four (4) spaces per one thousand (1,000) square feet of gross floor area
Fire Stations	One (1) space per bed in the living quarters
Government Institutions	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Office, Business and Professional	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Hospital/Sanitarium	One space per two beds plus one and one-half (1.5) spaces per one (1) emergency room bed
Police Stations	Three spaces per one thousand (1,000) square feet of gross floor area plus adequate number to allow one (1) space per company vehicle, as determined by the Police Chief
Religious Institution	One (1) space per four seats when fixed, or 1 space per fifty (50) square feet of seating area in main sanctuary or auditorium where removable seats are used

Library	Two spaces per one thousand (1,000) square feet of gross floor area
Medical Offices and Clinics	Thirteen (13) spaces per doctor
Dental Offices and Clinics and other health	Seven (7) spaces per dentist/practitioner
Mortuary/Crematorium	One (1) space per thirty-two (32) square feet of area in parlor and assemble rooms
EDUCATIONAL USES	
Day Care Center/Nursery	One (1) space per each employee plus one (1) space per six pupils based on maximum capacity
K-8"1 Grades	One (1) space per fifteen (15) students
High School	One (1) space per four (4) students
College University	One (1) space per two (2) employees plus one (1) space per four (4) students based on maximum capacity
Dance/Music/Gymnastics	Adequate pick-up/drop-off areas plus one (1) space per 2.5 students based on maximum capacity at any given time
Business/Trade Schools	One (1) space per two (2) students, based on maximum capacity
CULTURAL/ENTERTAINMENT USES	
Amusement Establishment	Five (5) spaces per one thousand (1,000) square feet of gross floor area
Arena/Stadium	One (1) space per six (6) seats
Bowling Alley	Five (5) spaces per lane
Club/Lodge	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Community Center	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Conference Center	One (1) space per four (4) seats; plus one (1) space per two hundred and fifty (250) square feet of general assembly area
Cultural Facilities	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Golf Course	Five spaces per hole plus one (1) space per two (2) employees
Parks, Botanical gardens, arboreta, and similar open space uses	One (1) space per ten thousand (10,000) square feet of outdoor lot area, plus one (1) space per one thousand (1,000) square feet of indoor floor area
Public Swimming Pools or Natatorium	One (1) space per thirty (30) square feet of water surface area
Tennis Courts	Two (2) spaces per court

Auditoriums and Theaters, movie and live Recreation Center, Gym/Health Club	One (1) space per two hundred (200) square feet of gross floor area
COMMERCIAL/RETAIL SERVICE USES	
Shopping Center (up to 200,000 square feet)	Four and one-half (4.5) spaces per one thousand (1,000) square feet of gross floor area
Wholesale business	Thirty (30) spaces per one thousand (1,000) square feet of customer service area
Furniture and Appliances	Two (2) spaces per one thousand (1,000) square feet of gross floor area
Liquor Stores	Two (2) spaces per one thousand (1,000) square feet of gross floor area
Auto Sales	One (1) space per one thousand (1,000) square feet of display area
Recreational Vehicle, Mobile Home and Marines Sales	One (1) space per two thousand (2,000) square feet of sales area
Restaurant/Tavern	Eight (8) spaces per one thousand (1,000) square feet of gross floor area plus one space per five (5) customer seats outside the principal structure
Brewpubs	Eight (8) spaces per one thousand (1,000) square feet of gross floor area plus one (1) space per five customer seats outside the principal structure for all area accessible to the public and one (1) space per employee on the largest shift for areas not accessible to the public
Drive-through Facility	Eight (8) spaces per one thousand (1,000) square feet of gross floor area plus five (5) stacking spaces for the first drive through point of service and two (2) stacking spaces for each additional drive through lane
Automobile Repair and Service	Four (4) spaces per one thousand (1,000) square feet of service area
Car Wash	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces
Laundromat/Dry Cleaners	Five (5) spaces per one thousand (1,000) square feet of gross floor area
Retail, Heavy - including but not limited to food stores, bakeries, department stores, drug stores, video rental, beauty shops, barbers, and other personal services	Six (6) spaces per one thousand (1,000) square feet of gross floor area

Retail, Light - including but not limited to specialty shops, household or equipment repair, clothing or shoe repair, interior decorating shops	Three (3) spaces per one thousand (1,000) square feet of gross floor area
INDUSTRIAL USES	
Warehouse	One (1) space per each employee on the largest shift
Auto Salvage Yard	One (1) space per each employee on the largest shift
Contractor's Office	Three (3) spaces per one thousand (1,000) square feet of gross floor area plus an adequate number to allow one (1) space per company vehicle as deter-mined by sit plan review
Manufacturing, Assembly and Other Industrial Process Facilities	One (1) space per each employee on the largest shift
Breweries	One (1) space per employee on the largest shift, plus one (1) space per four seats in any tasting room or visitor facility open to the public
TRANSPORTATION/COMMUNICATION	
Airport	Ten (10) spaces per gate plus one (1) space per one thousand (1,000) square feet of hanger space
Radio/TV/Studio	One (l) space per employee

TABLE 5

Signs, Billboards & Awnings
(See Sec. 10-141)

MAXIMUM AREA OF SIGNS IN RESIDENTIAL AND SPECIAL PURPOSE DISTRICTS		
TYPE OF SIGN	SIZE OF SIGN	OTHER PROVISIONS
Accessory to Parking Lot	9 square feet for identity of area; 2 square feet for each entrance or exit	Must be located on property
Artisans (mechanics, plumbers, and others)	12 square feet	To be removed promptly upon completion of work
Development	32 square feet	Only 1 sign per 5 lots advertised. Only 100 feet from an occupied residence unless owner and occupant approve
Directional	6 square feet	Not over 4 foot long; only 1 sign for 300 feet of street frontage
Farm Products	6 square feet	Only when products are on sale
Home Occupations	2 square feet	Must be attached to the dwelling
Institutional (schools, colleges, churches & others)	20 square feet for each Primary Use	Must be located on property
Private, Driveways, Trespassing	2 square feet	Must be located on property
Sale or Rental	3 square feet	Must be located on property

TABLES 6 AND 7

PARTICULATE MATTER AND DETERMINATION

STEP1. Determine the maximum emission in pounds per hour for each source of emission and divide this figure by the number of acres of lot area; thus obtaining a gross hourly emission rate per hour.

a. **STEP 2.** Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 6 and 7, thus obtaining the net rate of emission in pounds per hour per acre of each source.

b. **STEP 3.** Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means.

TABLE 6

ALLOWANCE FOR HEIGHT OF EMMISSION*	
Height of emission above grade (feet)	Correction (Pounds per hour per acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400 and Above	0.50

TABLE 7

ALLOWANCE FOR VELOCITY OF EMISSION*	
Exit Velocity Up (feet per second)	Correction (pounds per hour per acre)
0	0
20	0.03
40	0.09
60	0.16

80	0.24
100 and Above	0.50

TABLE 8

iv) Zoning and Subdivision Regulations

Minimum Lot and Floor Area Requirements (for dwellings)			
Zone	F.A.R.	Floor Area/D.U. in Square Feet	Min. Lot Area/D.U. in Square Feet
R-l	0.3 0.5	1100 768	7200* 6600*
R-2	0.5 0.7*	512 450	7200* 6600*
R-3	0.7 2.0 4.0 6.0 8.0	512 512 450 384 384	1000 500 500 100 100
R-T	0.3	181	4000
C-l C-6	0.5 0.7 0.9	768 (Only when accessory to commercial) 768 768	3300 3300 3300
C-2	ALL	No New Dwelling Units Permitted	
C-3	0.9 2.0	512 (only when accessory to commercial) 512	1000 1000
C-4	ALL	No New Dwelling Units Permitted	
C-5	0.9 2.0 6.0 10	288 Apartment Units Only 288 288 288	NONE NONE NONE NONE
M-1, M-2 M-P	ALL	No New Dwelling Units Permitted	
O-1	ALL	No New Dwelling Units Permitted	
O-2	0.1	1200	43,560 (1 ACRE)

***Since 1970**

NOTES: No new single family dwelling in any district shall be less than 768 square feet and associated lots shall be greater than 6600 sq. ft. No new two-family dwelling in any district shall be less than 900 sq. ft. and associated lot shall be greater than 6600 sq. ft.

All floor area listed in this table is the net livable area per D.U.

MINIMUM LOT AND FLOOR AREA REQUIREMENTS (FOR DWELLINGS)

Lot width, depth and area shall be at or above the following minimums:

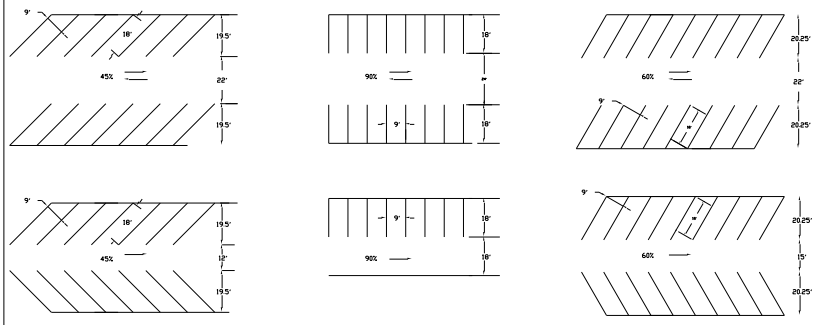
Type of Development	Both Sewer * Public Water Available to be Used	Neither Sewer nor Public Water Available	Sewer Only	Public Water Only
Single-Family	50’ A.L.W.* 5,500 Sq. Ft.	100’ A.L.W.* 20,000 Sq. Ft.	60’ A.L.W.* 10,000 Sq. Ft	90’ A.L.W.* 20,000 Sq. Ft.
Two-Family	50’ A.L.W.* 6,600 Sq. Ft.	110’ A.L.W.* 22,000 Sq. Ft.	70’ A.L.W.* 10,000 Sq. Ft.	100’ A.L.W.* 20.000 Sq. Ft.

*A.L.W. - Average Lot Width

Exhibit "A"

TABLE 9

Size of Required Parking Spaces & Aisles.



Parking Angle	Parking Space Width	Parking Space Length	Aisle	Single Loaded Module Width	Double Loaded Module Width
Parallel	8.0	22.0	12.0/22.0*	20.0/30.0*	28.0/38.0*
0°-45°	8.5	18.0	12.0/22.0*	51.5/41.5*	51.0/61.0*
46°-60°	9.0	18.0	15.0/22.0*	35.25/42.25*	55.5/62.25*
61°-90°	9.0	18.0	18.0/24.0*	36.0/60.0*	51.25*

Two-Way Traffic Authorized

*Note: Required parking for stall angles other than thoses contained in the above table may be interpolated fromthe table.

*Note: For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.

ARTICLE 3. SUBDIVISION CONTROL ORDINANCE.[194]

Division I. Background Information.

Sec. 10-275 Purpose.

The purpose of these regulations is to protect and promote the public health, safety, and general welfare and to provide for:

a. The proper arrangement of streets or highways in relation to existing or planned streets or highways;

b. Adequate and convenient open space for traffic, utilities, access for fire fighting apparatus, recreation, light and air;

c. Guidance of public and private policy and action in order to assure adequate and efficient water, sewerage, schools, parks, drainage, and other public requirements and facilities;

d. Establishment of reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of general public;

e. Establishment of reasonable standards and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;

f. Prevention of the pollution of air and water, provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty and topography, and the value of the land;

g. Administration of the regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat;

h. The planning of a subdivision is the joint responsibility of the subdivider and the Vigo County Area Plan Commission, the former having the prime responsibility for the creation of desirable, stable neighborhoods that become an integral part of the entire county. Subdivision design and utility can enhance or depreciate the character and potentialities of the surrounding areas and stabilize or endanger an individual's investment.

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[194] Editor's Note: The original Subdivision Control Ordinance was passed by Vigo County Area Plan Commission on June 12, 1973; and subsequently revised on March 4, 1981 and July 6, 1988. Gen. Ord. No. 7, 1995 passed October 4, 1995 is the last ordinance included.

The Commission has the responsibility of helping the subdivider achieve a high standard of excellence in the planning of his subdivision and of informing all subdividers of the minimum standards and requirements for subdivision development within Vigo County.

Sec. 10-276 Authority.

The Planning Act of 1957 as amended by *I.C.* §§ 36-7-4-100 through 1200. (Public Law 309, Acts of 1981) "An Act Authorizing the Establishment of Area Planning Department and Through Their Administration the Development, Through Planning, of Urban and Rural Areas" enables the city, county and towns to adopt regulations governing plats, replats and subdivision of land within their respective jurisdictions. The ordinance shall specify the standards by which the Commission shall determine whether a plat qualifies for approval. The ordinance must include standards for:

a. Minimum width, depth, and area of lots within the subdivision;

b. Street widths, grades, curves, and the coordination of subdivision streets with existing and planned streets and highways;

c. The adequate provision of water, sewer, and other municipal services; and

d. The allocation of areas to be used as streets, parks, schools, public and semi-public buildings, homes, and utilities.

Sec. 10-277 Definitions.[195]

As used in this Article, the following terms shall have the meanings ascribed to them:

Alley. A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Block. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

Bond. Any form of security including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Plan Commission whenever a bond is required by these regulations.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

[195] *I.C.* § 36-7-1-1, sets forth planning and development definitions.

City, County,Town. The city (county/town) having jurisdiction of the parcel of land under consideration. The word city shall include town.

Commission.[196] The Area Plan Commission for Vigo County.

Comprehensive Plan or Master Plan.[197] A plan for the public development of the community, prepared and adopted by the Commission, pursuant to State Law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall show the general location and extent of present and proposed physical development, including, but not limited to housing, industrial and commercial uses, streets, parks, schools, and other community facilities.

County. The County of Vigo, Indiana.

Construction Plan. The maps, drawings and textual descriptions accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements enumerated in this ordinance as a condition of the approval of the plat.

Covenant. A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

Cul-De-Sac. The vehicular turn-around at the end of the stem.

Cul-De-Sac Stem. A short minor street, having one end open to motor traffic.

Culvert. A drain pipe that channels water under a bridge, street, or driveway.

Dedication. The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Definitions, Generally. The following definitions represent the meanings of terms as they are used in these Subdivision Regulations; the singular number includes the plural and the plural, the singular. The word SHALL is mandatory. The word MAY is permissive. The word should may be interpreted by the Commission as either mandatory or permissive depending upon the detailed circumstances of each specific application.

Density. A unit of measurement; the number of dwelling units per acre of land.

a. **Gross Density.** The number of dwelling units per acre of the total land to be developed, including public right-of-way.

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[196] *I.C.* § 36-7-4-200 series addresses the Commission.

[197] *I.C.* § 36-7-4-500 series addresses the Comprehensive Plan.

b. **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding all rights-of-way and public sites, including but not limited to roadways, alleys, parking areas, sidewalks, and drainage areas.

Developer. The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

Director. Executive Director as defined herein or his designed staff member.

Driveway. A private road giving access from a public way to a building on abutting grounds. For the purpose of this ordinance a driveway can be an easement of ingress and egress to a public way when grounds do not abut a public way.

Easement. An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

Escrow. The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

Executive Director. The Executive Director of the Area Planning Department as prescribed by law.

Flood or Floodwater.[198] The water of any lake or water course which is above the banks and/or outside the channel and banks of such water course.

Flood Hazard. Any flood plain district, floodway district, floodway fringe district, AO zone or any combination there as identified by the Federal Emergency Management Agency in an approved study.

Flood Plain (FP) District. An area adjoining a river or stream which may be covered by floodwaters and has been identified as approximate one hundred (100) year flood boundaries by the Federal Emergency Management Agency in an approved study.

Floodway (FW) District. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one tenth foot (1/10') and has been identified as approximate one hundred (100) year flood boundaries by the Federal Emergency Management Agency in an approved study.

Floodway Fringe (FF) District. The areas covered by floodwaters which are adjacent to the floodway but are not of sufficient motion or volume to be considered part of the floodway

[198] Editor's Note: § 10-1 through § 10-15 of this *Terre Haute City Code* set forth specific unified floodplain control regulations.

and has been identified as approximate one hundred (100) year flood boundaries by the Federal Emergency Management Agency in an approved study.

Frontage. The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

Grade. The slope of a road, street, or other public way, specified in terms of percentage (%). Example: One foot (1') of rise in one hundred foot (100') would be a one percent (1%) grade.

Governmental Engineer.

a. The County Highway Engineer or his designated representative for the unincorporated area of Vigo County;

b. The City Civil Engineer or his designated representative for the City of Terre Haute; and

c. A registered professional engineer or his designated representative for the appropriate incorporated town within Vigo County.

Improvements. Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, and street trees.

Jurisdiction. Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under State Planning Legislation.

Land Surveyor. Any person who is licensed in the State of Indiana to practice professional land surveying.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership for building development.

Marker. A long lived object set in the ground to perpetuate a lot or other secondary subdivision property corner.

Mobile Home Subdivision. A division of land into lots for the purpose of occupant ownership and placement of mobile homes thereon.

Monument. Any permanent marker either of stone, concrete, cast iron, heavy galvanized iron pipe, (recognizable or readily identifiable) or steel rods, used to identify the boundary lines of any tract, parcel lot or street lines.

Non-Dedicated (Roads). Any street or road that is private and not the responsibility of the City or County to perform maintenance on said street or road, and which meet the minimum geometric standards as set forth in this Article.

Non-Residential. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site (Off-Premises). Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Space. A public or private outdoor area expressly set aside for the use and benefit of the public.

Owner. Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to the land as recorded with the Vigo County Recorder sought to be subdivided under these regulations.

Performance Bond. An amount of money or other negotiable security paid by the subdivider or his surety to the County Commissioners or City Clerk which guarantees that the subdivider will perform all actions required by the Plan Commission regarding an approved plat, and provides that if the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

Planned Unit Development. A subdivision designed as a combination of residential, commercial and/or industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two (2) or more principal buildings.

Plat, Secondary. The final and formal presentation of the map, plan for record of a subdivision and any accompanying material as described in these regulations.

Plat, Primary. The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision which is submitted to the Commission for approval.

Public Utilities. All persons, firms, corporations, co-partnerships, or municipal authorities providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

Residential Development. A tract of land that has a house or houses built thereon since the effective date of this Article July 16, 1973. For the purpose of this Article the placement of a mobile home constitutes residential development.

Resubdivision (Replat). A change in a map for an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot lines; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses. Right-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Right-of-Way Width, Street. The distance between property lines measured at right angles to the center line of the street.

Roadway. Way of ingress and egress which serves two (2) or more parties which is greater than one hundred feet (100') in length. An ingress/egress which is less than one hundred feet (100') in length may, at the discretion of the Commission, be considered a roadway.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by deed, contract, or other written approval.

Sectionalizing. A process whereby an applicant seeks secondary plat approval on only a portion of a plat which has previously been granted primary approval.

Screening. Any means of protecting an area of land from the adverse visual and audible effects of another area.

Setback. The distance between a building and the next street right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is an imaginary line established by the zoning ordinance or subdivision ordinance that requires all buildings to be set back a certain distance from property lines.

Shoulder. That portion of a roadway between the outer edge of the through traffic pavement and the curb or the point of intersection of the slope lines at the outer edge of the roadway and the fill, ditch, or median slope, for the accommodation of stopped vehicles, for emergency use, and for lateral support.

Streets or Roads. These are general terms denoting a public way for purposes of vehicular and pedestrian travel, including the entire area within the right-of-way. In rural areas, or in urban areas where there is comparatively little access and egress, a way between prominent termini is usually called a highway or road. A way in an urban area, with or without provisions made for curbs, sidewalks, and paved gutters, is ordinarily called a street.

Subdivider. Any person, individual, firm, partnership, association, corporation, estates, trust, or any other group or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider.

Subdivision.[199]

a. Division of any tract of land by the owner or his agent into lot(s) for the purpose of commercial, industrial, or residential development.

b. A redivision of any lot or tract of land by the owner or his agent into additional lots for the purpose of commercial, industrial, or residential development. These regulations shall not apply to the following:

(1) An adjustment of lines as shown on a recorded plat or lot of record which does not reduce the area frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements or this subdivision ordinance and does not increase the original number of lots;

(2) A division of land for agricultural use;

(3) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;

(4) The exchange of land for the purpose of straightening property boundary lines which does not result in the creation of a buildable lot;

(5) The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than five (5) lots fronting on an existing street, not including any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Thoroughfare Plan, Zoning Ordinance, or these regulations.

Thoroughfare Plan. A plan and maps established by the governing body, pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads, functionally classified public facilities, utilities and desirable future infrastructure. The plan is approved, adopted and established by law and any amendments or additions, including those resulting from the filing and approval of subdivision plats, are adopted by the governing body as a continuous updating of the Plan.

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[199] *I.C.* § 36-7-4-700 series addresses Subdivision Control.

Topographic Plat. Contour lines delineating elevations superimposed over the subdivision lot and street layout and to indicate existing features, structures, drainage ways, etc., and proposed change of drainage.

Tract. An area of land having a separate legal description which said legal description existed prior to the original effective date of this Article.

Utilities. Installations for transmission of water, sewage, gas, electricity, telecommunications and storm water, and similar facilities providing service to and used by the public.

Variance. A modification of the strict terms of the relevant regulations of this Article.

Sec. 10-278 and Sec. 10-279 Reserved for Future Use.

Division II. General Provisions.

Sec. 10-280 Official Title.

The regulations shall be known as "Subdivision Control Ordinance for the Vigo County Area".

Sec. 10-281 Administration.

These subdivision regulations shall be administered by the Area Plan Commission for Vigo County.

Sec. 10-282 Interpretation.

The provisions of these subdivision regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety and general welfare of the respective jurisdictional areas. The regulations are not intended to repeal, abrogate, annul or in any manner interfere with any existing laws, covenants or rules provided. Should these regulations impose a greater restriction than is provided by existing laws, covenants or rules, the provision of these regulations shall prevail.

Sec. 10-283 Jurisdiction.

These subdivision regulations shall be applicable to all subdivisions hereinafter made of land located within the governmental jurisdictions of Vigo County when adopted by ordinance by their respective legislative bodies. No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have received the approval by the Area Plan Commission.

Sec. 10-284 Modification of Administrative Provisions.

The Area Plan Commission may at its discretion modify any and all provisions relating to administrative procedures, filing procedures, etc., in order to improve its services to the public.

Sec. 10-285 Fees.

The Plan Commission shall establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed plats. An applicant shall pay the specified fee upon the filing of an application for approval. *I.C.* § 36-7-4, Sec. 704 original Chapter 115 of this Article contains the schedule of fees. Check or money order shall be made payable to the Area Plan Commission for Vigo County.

Sec. 10-286 Effective Date.

This Article became effective for each jurisdictional governmental area effective July 16, 1973; Unincorporated Areas of Vigo County, Indiana and the City of Terre Haute, Indiana, December 28, 1988; the Towns of Riley, Seelyville, and West Terre Haute, Indiana, February 15, 1989.

Sec. 10-287 Severability and Repealer.

a. The provisions of this Article are considered severable, and if any provision is found to be unconstitutional it is the intention of the adopting authorities that the remainder shall have full force and effect.

b. If any section, provision, or part of this Article is adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

c. All ordinances or parts of ordinances in conflict with the provisions of this Article are repealed.

Sec. 10-288 Proposed Subdivision Plat, Hearing, Notice.

a. A person desiring the approval of a plat shall submit a written application for approval in accordance with procedures prescribed by the legislative body in the Subdivision Control Ordinance. (*I.C.* § 36-7-4. Sec. 703). Upon receipt of an application or primary approval, the Plan Commission staff shall review the application for technical conformity with the standards fixed in the Subdivision Control Ordinance. Within thirty (30) days after receipt, the staff shall announce the date for a hearing before the Plan Commission and provide for notice in accordance with (*I.C.* § 36-7-4. Sec. 706). The Plan Commission shall by rule prescribe procedures for setting hearing dates and for the conduct of hearings (*I.C.* § 36-7-4. Sec. 705). After the staff has announced a date for a hearing before the Plan Commission or Plat Committee, it shall:

(1) Notify the applicant in writing;

(2) Give notice of the hearing by publication in accordance with *I.C.* § 5-3-1; and

(3) Provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The Plan Commission shall by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice. *(I.C.* § 36-7-4. Sec. 706)

b. If after the hearing, the Plan Commission determines that the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings and a decision granting primary approval to the plat. The decision must be signed by an official designated in the Subdivision Control Ordinance.

c. If after hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the official designated in the Subdivision Control Ordinance.

Sec. 10-289 Grandfather Clause.

This Article shall not apply to any unrecorded subdivision, or land included within such subdivision, as to which a plat has been prepared by a registered land surveyor, or other person licensed by the State of Indiana to prepare such plats of subdivisions, provided that there shall have been a bona fide sale or transfer of a lot, parcel or tract thereof, prior to the effective date hereof, which sale or transfer shall have been made or induced after reference to such plat, and proved further that the owner or owners of the remaining lots, parcels, tracts or land remaining unsold on the effective date hereof shall file with the Area Plan Commission of Vigo County and in the Office of the Recorder of Vigo County, Indiana, his, her, their, or its affidavit showing such facts, within thirty (30) days after the effective date hereof, to which affidavit there shall be attached a copy of such plat.

Sec. 10-290 Appeals.

Every decision of the Area Plan Commission shall be subject to review by *certiorari.*

Sec. 10-291 Annual Review.

The Area Plan Commission shall review the problems encountered during implementation of the ordinance at least once every year. The review shall be open to the public and shall be held during a meeting advertised ten (10) days in advance. Any recommendations determined by this review shall be submitted by the Area Plan Commission to the appropriate legislative bodies for their consideration.

Sec. 10-292 through Sec. 10-294 Reserved for Future Use.

Division III. Compliance Regulations.

Sec. 10-295 Proceedings before Approval.

There shall be no sales or development prior to approval. No person, firm, or corporation proposing to make a subdivision within the jurisdiction of the Commission shall enter into any contract for the sale of, or shall offer to sell, any lots in said area, or shall proceed with any construction work on the proposed subdivision, including grading, until the person, firm, or corporation has obtained from the Commission written approval of a primary plat of the proposed subdivision according to the procedures herein outlined. No transfer of title shall be made until secondary approval has been granted and plat duly recorded.

Sec. 10-296 Compliance Required.

No subdivision of land shall be permitted unless in accordance with these Subdivision Regulations.

Sec. 10-297 Certificate of Occupancy.

No Certificate of Occupancy shall be issued by the Building Inspector, or his agent, for any structure on any subdivision lots prior to installation and completion of all required improvements, including grading, as shown on the development plans and approved by the Plan Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of road for public maintenance.

Sec. 10-298 Application of Regulations.

In planning and developing a subdivision, the subdivider or his agent shall comply with the general principles and requirements set forth in these regulations, and in every case shall pursue the procedures outlined in this ordinance with the following exceptions:

a. SUBDIVISION ON AN EXISTING IMPROVED STREET OF SUFFICIENT WIDTH. In a subdivision of five (5) or less lots wherein lots abut existing improved streets of sufficient width the Commission may approve or reject the subdivision according to the standards set forth herein and may waive the requirements for topographic, street, utility and storm drainage. Approval of the primary and secondary plats may be concurrent in such instances.

b. VARIANCES.

(1) Where the Area Plan Commission finds that undue hardships or practical difficulties may result from strict compliance with these regulations and/or that the purposes of these regulations may be better served by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Area Plan Commission shall not approve variances unless, based upon the evidence presented to it in each specific case, it is found that:

(A) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;

(B) The conditions upon which the request for a variance is based is peculiar to the property for which the variance is sought and are not applicable generally to other property;

(C) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner will result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. Financial hardship alone does not constitute grounds for a variance;

(D) The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare or Major Street Plan which may be in effect at the time.

(2) In those instances when the requested variance will have an impact on the design, construction, and maintenance of public facilities, all appropriate public agencies shall be notified and shall be given ample time to comment in writing to the Area Plan Commission.

(3) The Area Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(4) Before approval of a request for a variance is given a petition for any variance shall be submitted in writing, by the Subdivider, at the time that the plat is filed with the Executive Director. The petition shall state fully the grounds for the application for a variance and all of the facts which were relied upon by the petitioner. Each request shall make reference to the specific chapter, section and paragraph of the ordinance from which a variance is requested.

Sec. 10-299 through Sec. 10-301 Reserved for Future Use.

Division IV. Remedies and Enforcement.[200]

Sec. 10-302 Violations and Penalties.

Any person who violates a provision of this Article or any regulations herein contained, shall be guilty of an ordinance violation and, upon conviction, shall be fined not less than Ten Dollars ($10.00) and not more than Three Hundred Dollars ($300.00) for each day's violation. [NOTE: these penalties are suggested as being reasonable and can be varied where conditions seem to warrant.]

Sec. 10-303 Remedy.

[200] *I.C.* § 36-7-4-1000 series addresses remedies and enforcement.

a. The Plan Commission, the Board of Zoning Appeals, or any designated enforcement official may institute a suit for injunction in the circuit court to restrain an individual or a unit of government from violating the advisory planning law or the area planning law, as the case may be, or of an ordinance adopted under the advisory planning law or the area planning law, as the case may be.

b. The Plan Commission or Board of Zoning Appeals may also institute a suit for a mandatory injunction, directing an individual or a unit of government to remove a structure erected in violation of the advisory planning law of the area planning law, as the case may be, or of an ordinance adopted under the advisory planning law or the area planning law, as the case may be.

Sec. 10-304 Enforcement.

a. If the Plan Commission or the Board of Zoning Appeals is successful in its suit, the respondent shall bear the cost of the action. A change of venue from the county may not be granted in such a suit. (*I.C.* § 36-7-4 Sec. 1015)

b. STATUS OF STRUCTURES ERECTED IN VIOLATION.

(1) AREA PLANNING. In an action or proceeding by the municipality or county for the taking, appropriation, or condemnation of land, or in an action against the municipality or county, no compensation or damages may be awarded for the taking of or injury to any structure erected in violation of the advisory planning law or the area planning law, as the case may be.

(2) AREA PLANNING. Furthermore, no compensation or damages may be awarded for the taking of or injury to any structure erected in violation of:

(A) An ordinance adopted under the area plan law; or

(B) Any prior ordinance superseded by an ordinance adopted under the area planning law. (*I.C.* § 36-7-4, Sec. 1017)

Sec. 10-305 Reserved for Future Use.

Division V. Preapplication Conference.[201]

Sec. 10-306 Purpose.

Subdividers are encouraged to seek advice from the Area Planning Department on site location, development programs and technical assistance on land planning, prior to submission, of a primary application. The developer should avoid spending time and money in making

[201] Editor's Note: § 6-103-8 entitled, "Certificate of Compliance" was deleted by the Vigo County Area Plan Commission on July 6, 1988.

detailed plans or expensive exhibits until the Department's advice has been obtained from the preapplication conference. No fee is involved for this service.

Sec. 10-307 Handouts to Prospective Subdividers.

The subdivider shall be provided a set of documents, maps and other material as the Commission deems necessary in order to expedite the processing of his applications. The documents shall be provided at regular department prices.

Sec. 10-308 Preliminary Sketch Plan.

A Preliminary Sketch Plan should be prepared and submitted to the Department at the Preapplication Conference. It is not necessary for the sketch to be prepared by a registered land surveyor as it may be prepared by the landowner. The sketch must be reasonably accurate as to scale and the dimensions of the parts must add up to the dimensions of the whole. The sketch may be in pencil or ink on white paper. The subdivider must be prepared to leave at least one (1) copy with the Department. The preferred scale is 1" = 50' (one inch equals fifty feet).

Sec. 10-309 Reserved for Future Use.

Division VI. Application Review and Hearing Procedures.

Sec. 10-310 Primary Plat Review and Hearing Major Subdivisions.

a. Major subdivisions are subject to a two (2) step approval process. Physical improvements to the land to be subdivided are authorized by a conditional use permit. Sale of lots (transfer of title) is permitted only after Secondary (Final) approval is granted.

b. All primary subdivision applications and plats shall be reviewed by the Area Planning Department.

c. *APPLICATION*. The subdivider shall file an application with the Executive Director for approval of the primary plat. The application shall:

(1) Be made in duplicate and presented at least three (3) weeks prior to a regular meeting of the Commission;

(2) Be made on forms available at the Office of the Planning Department;

(3) Be accompanied by a fee of Fifty Dollars ($50.00) plus One Dollar ($1.00) per lot and a Ten Dollar ($10.00) legal advertisement fee;

(4) Include all land which the applicant proposes to subdivide and all land immediately adjacent to or that directly opposite from the street frontage, with the current use stated on the plat;

(5) Be accompanied by the original, or a reproducible copy, and a minimum of seven (7) copies of the primary plat as described in these regulations;

(6) Be accompanied by the original, or reproducible copy of the proposed subdivision plat, topographic map and/or any other supporting documents together with a minimum of seven (7) copies of each exhibit.

d. Primary subdivision applications and plats which do not conform to the established subdivision standards, but which specifically request variances from the published standards, shall be submitted to the Area Plan Commission for public hearing and consideration. Said variances to comply with Sec. 10-298 b. of this Article.

e. All primary subdivision applications and plats shall be submitted to the Area Plan Commission for public hearing and consideration. The applicant or his designated representative shall be present at the public hearing.

f. NOTICE OF PUBLIC HEARING. Upon receipt of an application for primary approval, the Plan Commission staff shall review the application for technical conformity with the standards fixed in this Subdivision Control Ordinance. Within thirty (30) days after receipt, the staff shall announce the date for a hearing before the Plan Commission and provide for notice. The Plan Commission shall, by rule, prescribe procedures for setting hearing dates and for the conduct of hearings. After the staff has announced a date for a hearing before the Plan Commission it shall:

(1) Notify the applicant in writing;

(2) Give notice of the hearing by publication in accordance with *I.C.* § 5-3-1; and

(3) Provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The Plan Commission shall by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

g. PRIMARY PLAT APPROVAL. After the Area Plan Commission has reviewed the primary plat, construction plans, reports received from the Subdivision Committee, Technical Committee and other agencies, and has heard any testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Area Plan Commission shall by written finding approve, conditionally approve, or disapprove the primary plat. This decision must be signed by the president and attested by the secretary of the Commission. The Commission shall also determine how secondary approval is to be granted. The Executive Director shall return one (1) copy of the proposed preliminary plat and construction plans to the developer with the date of approval, conditional approval or disapproval with the reasons therefore, in writing, accompanying the plat.

h. The Area Plan Commission shall take and maintain minutes of all hearings. Said minutes shall include, but not be limited to, all pertinent comments from Commission members,

other agencies and from the public. All official dissentions, objections and protests shall be recorded. The Commission shall maintain, as a public record, complete minutes of all hearings.

i. In granting primary approval, the Plan Commission shall determine if the plat or subdivision qualifies for primary approval under the standards prescribed in this ordinance.

j. As a condition of primary approval of a plat, the Plan Commission may specify:

(1) The manner in which public ways shall be laid out, graded, and improved;

(2) A provision for water, sewage, and other utility services;

(3) A provision for lot size, number, and location;

(4) A provision for drainage design; and

(5) A provision for other services as specified in this Article.

k. A participating legislative body in this subdivision ordinance may reserve the power to waive any condition that is imposed upon primary approval by the Plan Commission under Sec. 10-310 j. Each participating legislative body shall prescribe the procedure under which a person may apply for a waiver of condition under this Subsection.

l. At the discretion of the Executive Director and prior to the primary hearing before the Plan Commission, the applicant may be required to meet with a technical committee to review proposed construction plans.

The Technical Committee shall be comprised of:

- Administrative Assistant Board of Health
- Highway Engineer, City or County
- County Surveyor
- Building Inspector, City or County
- Soil Conservation Representative Director Area Planning Department
- Applicable Utility Administrators
- Fire District Representatives

Recommendations of this Technical Committee shall be presented to the Plan Commission for their consideration.

m. REVIEW PROCESS. The Executive Director shall immediately refer plans to the appropriate agencies of the affected participating jurisdictions for review. Once these agencies indicate their approval of the construction plans or ten (10) working days have elapsed since their distribution without a written response, the Executive Director shall stamp the plans approved and return one (1) set to the applicant. In no event shall secondary approval (of the final plat) be given prior to approval of the construction plans. If additional information or an extension of time is required before approval can be given, the agency must give written notice within five (5) working days after the receipt of the plans. The notice shall state the information requested or reasons for extensions.

n. INSTALLATION OF IMPROVEMENTS. The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this Article and before secondary approval may be cause for denial of secondary approval.

o. Before actual construction of buildings begins it shall be the responsibility of the Area Planning Department to notify the Building Inspector of any limitations or conditions imposed by the Plan Commission in their granting of approval for a plat. The notification shall be incorporated into any clearance slip or conditional permits issued. It shall be the responsibility of the Building Inspector to enforce compliance with those limitations or conditions.

p. PUBLIC IMPROVEMENTS AND PERFORMANCE BOND.

(1) COMPLETION OF IMPROVEMENTS. Subsequent to primary plat approval but before the secondary plat is signed by the president and secretary of the Commission, all applicants shall be required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, drainage elements, waterlines, street signs, and other public improvements on the individual lots of the subdivision as required in this Article, specified in the primary subdivision plat, and as approved by the Area Plan Commission.

(2) The Area Plan Commission, in its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the secondary subdivision plat, and that, in lieu thereof, the applicant shall post bond securable to Vigo County, hereinafter referred to as performance bond, in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements.

(3) That in lieu of such a bond, the developer may submit a certified check made payable to Vigo County in an amount equivalent to one hundred ten (110%) percent of the estimated cost of completion of the uncompleted portion of required public improvements. Any such checks shall be held by the County Auditor.

(4) That in lieu of such a bond the subdivider may submit a certificate of deposit made out to Vigo County and the developer, to be held by the County Auditor and in an amount

equivalent to one hundred ten percent (110%) of the cost of completion of the uncompleted portion of required public improvements.

(5) That in lieu of such a bond the subdivider may submit a certificate that said funds are on deposit with a utility company governed by the Public Service Commission.

(6) That in lieu of such a bond the subdivider may submit documentation that funds are on deposit with a state or federally insured bank and allocated for specific subdivision improvements. Said amount shall be in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the uncompleted portion of required public improvements.

(7) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Area Plan Commission Attorney as to form, sufficiency, and manner of execution as set forth in this Article. The period within which required public improvements must be completed shall be specified by the Area Plan Commission in the resolution approving the primary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to the amount. The Area Plan Commission may, upon proof of difficulty, grant an extension of the maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Area Plan Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

q. EFFECTIVE PERIOD OF PRIMARY PLAT APPROVAL. Unless extended, the approval of a primary plat shall be effective for a period of two (2) years at the end of which time secondary approval on the subdivision must have been obtained and certified by the president and secretary of the Area Plan Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new primary plat for approval subject to all new zoning restrictions and subdivision regulations. Upon request of the applicant, the Area Plan Commission may extend the approval of a primary plat in increments of one (1) year beyond an expiration date without further notice and public hearing.

r. ZONING ORDINANCES. Every plat shall conform to existing zoning ordinances and subdivision regulations applicable at the time of approval, except that any subdivision which has received primary plat approval shall be exempt from any subsequent amendments to the zoning ordinance which would otherwise render the plat non-conforming as to size, shape or use.

Sec. 10-311 Primary Plat Review and Hearing Minor Subdivisions.

a. Should the Executive Director, upon examination of the application, determine that the proposed division is a minor subdivision, then the subdivider shall follow procedures outlined in this Section.

b. After a review of a minor subdivision, the Executive Director shall determine whether or not the application meets the minimum requirements of this Article. A meeting shall

be scheduled within thirty (30) days from receipt of the application with the Executive Committee or the Plan Commission for a review of approval or disapproval.

c. The Executive Committee of the Area Plan Commission or the Plan Commission may approve or disapprove minor subdivisions without public notice and hearing.

d. The application procedures shall be as outlined in Sec. 10-310 c. (1 through 6) - Primary Plat Review.

e. The application process for minor subdivisions shall be processed as expeditiously as possible. However, either the Executive Director, Executive Committee, or the applicant may at any time refer the application to the major subdivision approval process.

f. Not more than a total of five (5) lots may be created out of one (1) tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.

g. If the subdivision is disapproved, the Executive Director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

h. The approval of any plat is contingent upon the plat being recorded within ninety (90) days after the plat is dated and signed by the president and attested by the secretary of the Commission.

i. Primary and secondary approval may be concurrent.

Sec. 10-312 Secondary Plat Review and Hearing Secondary Approval.

a. A plat of a subdivision may not be filed with the Auditor, and the Recorder may not record it, unless it has been granted secondary approval and signed and certified by the president and secretary of the Area Plan Commission. The filing and recording of the plat is without legal effect unless approved by the Plan Commission.

b. The Vigo County Recorder may not record a plat of any subdivision within Vigo County unless the plat has been approved in accordance with this Article.

c. No notice or hearing is required for secondary approval. The Plan Commission may grant secondary approval of a plat or may delegate to the Executive Committee or the staff the authority to grant such secondary approval.

d. Application procedures when secondary approval is required by the Plan Commission:

(1) Be made in duplicate forms available at the Office of the Executive Director;

(2) Be made in duplicate and presented at least three (3) weeks prior to a regular meeting of the Area Plan Commission;

(3) Be accompanied by a fee of Twenty-five Dollars ($25.00);

(4) Be accompanied by the original and a minimum of seven (7) copies of the final plat which shall comply substantially with the primary plat as approved;

(5) Be accompanied by a minimum of seven (7) copies of completed final construction plans and/or topographic plat as described in these regulations. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.

e. Application procedures when secondary approval is granted by the Executive Committee or the Executive Director:

(1) All of Sec. 10-312 d. shall apply with the exception of Sec. 10-312 d.(2).

f. ENDORSEMENTS BY OTHER PUBLIC AUTHORITIES. The secondary subdivision plat shall be accompanied by endorsements from appropriate authorities to assure the Area Plan Commission that the plat is in compliance with all rules, regulations, and requirements of local and state authorities, as set forth in primary approval.

g. Final plans shall be submitted in accordance with specifications for secondary plat Sec. 10-351.

h. APPROVAL PROCEDURE:

(1) When approval is required by the Area Plan Commission:

Upon receipt of a formal application and all supporting documents, the Executive Director shall assign a docket number and place the application for secondary approval on the agenda of the next scheduled meeting of the Area Plan Commission providing the submittal of the application is in compliance with Sec. 10-312.

(2) When approval is delegated to the Executive Committee:

Upon receipt of a formal application and all supporting documents, the Executive Director shall review the application to determine if all the requirements of the Area Plan Commission's primary approval have been met. After the Executive Director has determined that all requirements have been met, he shall set a hearing date for the Executive Committee of the Area Plan Commission.

(3) When approval is delegated to the Executive Director:

Upon receipt of a formal application and all supporting documents, the Executive Director shall review the application to determine if all the requirements of the Area Plan Commission's primary approval have been met. After the Executive Director has determined that all requirements have been met, he shall certify this to the president and secretary of the Area Plan Commission, who shall then endorse the plat.

i. No secondary approval shall be endorsed on the plat until a review has indicated that all requirements of the Area Plan Commission approval have been met.

j. VESTED RIGHTS. No vested rights shall accrue to any plat by reason of primary or secondary approval until the actual signing of the plat by the president of the Area Plan Commission, and attest action by the secretary.

(1) All requirements, condition, or regulations adopted by the Area Plan Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the secondary plat by the president and attested to by the secretary.

(2) Where the Area Plan Commission has required the installation of improvements prior to signing of the secondary plat, the Area Plan Commission shall not unreasonably modify the conditions set forth in the secondary approval.

k. RECORDING OF PLAT.

(1) The president and secretary will sign the original mylar, drafting paper of the subdivision plat which is to be recorded with the County Recorder. Said signed plat, after recording, shall be returned to the Area Planning Department which in turn will be released to the surveyor who prepared the plat.

(2) It shall be the responsibility of the subdivider or applicant to file the plat with the County Recorder within ninety (90) days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record in miscellaneous records, any recommendations so deemed necessary by the Area Plan Commission. Otherwise, the plat shall be considered void. The subdivider shall pay recording fees.

l. SECTIONALIZING OF PLATS.

(1) Subsequent to granting primary plat approval of a subdivision, the Area Plan Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Area Plan Commission may require that the performance bond or other instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for secondary plat approval. The same policy shall apply to installation of improvements.

(2) The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed but may defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Area Plan Commission, shall be granted secondary approval.

(3) In the event of approval of sectionalizing such sections as having been approved by the Area Plan Commission, the plat shall be filed with the County Recorder within ninety (90) days of the date of secondary plat signature.

(4) Approval of a plat does not constitute acceptance by any governmental unit having jurisdiction of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, a governmental unit having jurisdiction may accept any such offer of dedication by resolution of the legislative body or by actually exercising control over and maintaining such facilities.

(5) All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

Sec. 10-313 and Sec. 10-314 Reserved for Future Use.

Division VII. Lot Specifications.

Sec. 10-315 General Requirements.

PLATS. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

a. All applicable statutory provisions;

b. Any local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdictions in effect;

c. The official Comprehensive Plan, Thoroughfare Plan, and Capital Improvements Program of the local government, including all public facilities, open space and recreation plans, as adopted;

d. The rules, regulations and standards of the County and State Board of Health, the Natural Resources Commission, and other appropriate state agencies;

e. The rules, regulations and standards of the Indiana State Highway Commission if the subdivision or any lot contained therein abuts a state highway;

f. All applicable planning and regulatory guideline, including access control or driveway manuals, parking and traffic control ordinances, and other applicable guides legally adopted and published by the local governmental units;

g. The "Indiana Manual on Uniform Traffic Control Devices" for installation of traffic control devices.

Sec. 10-316 Lots.

a. Special consideration shall be given to lot sizes and shapes where private individual sanitary systems (Septic Tanks) are to be used. Particularly acute is the problem of lotting where both private septic systems and water systems are to be developed on the same lot. Because of sever soils, lots larger than prescribed herein may be a necessity.

b. In all instances the capability to adequately accommodate the dwelling unit, water system, sanitary system and access shall take precedence over minimum lot sizes and minimum lot frontage. At no time shall the buildable area be reduced below two thousand five hundred (2,500) square feet.

c. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets. In general, the lot shape should be square or trapezoidal.

Sec. 10-317 One and Two-Family Lot Size Minimums.

a. *SIZE.* Lot width, depth, and area shall be controlled by the provisions of the Zoning Ordinance or the following minimums:

b. Subdivisions with Conventional Construction.

TABLE A

RESIDENTIAL LOT SIZE REQUIREMENTS

Type of Development	Both Sewer & Public Water Available To Be Used	Neither Sewer Nor Public Water Available	Sewer Only	Public Water Only
Single Family	50' A.L.W.* 5,500 Sq. Ft.	100' A.L.W.* 20,000 Sq. Ft.	60' A.L.W.* 10,000 Sq. Ft.	90' A.L.W.* 20,000 Sq. Ft.
Two-Family	50' A.L.W.* 6,600 Sq. Ft.	110' A.L.W.* 22,000 Sq. Ft.	70' A.L.W.* 10,000 Sq. Ft.	100' A.L.W.* 20,000 Sq. Ft.

* A.L.W. = Average Lot Width

c. Mobile Home Subdivision (sale of lots) shall be the same as single family. "Double wide" units shall be regarded as prefabricated conventional construction for the purpose of this Article.

d. The average lot width should, for most purposes, be the minimum frontage also. However, at no time shall the minimum frontage be less than required for a driveway with adequate radii for ingress and egress.

e. All lots shall abut on a public or an approved private (non-dedicated) street.

f. Where lots abut a private (non-dedicated) street or roadway, the lot lines shall extend to the center of the right-of-way; however, the lot measurements shall be made from the right-of-way line or the outer edge of easement, whichever is greater.

Sec. 10-318 Flood Hazard Areas.

a. For any proposed subdivision that is located within a flood plain, as determined by Flood Hazard Maps supplied by Federal Emergency Management Agency, the developer or subdivider shall provide the Area Plan Commission and the Indiana Department of Natural Resources with all the documents required by these regulations, and in addition, shall provide the Area Plan Commission and Indiana Department of Natural Resources with such supporting documentation and justifications as may be required, to comply with local state and federal regulations.

b. No subdivision or any part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively, significantly increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, the Area Plan Commission shall limit development to that part.

c. The subdivider or developer shall demonstrate conclusively to the Area Plan Commission that the proposed development will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of public ways or drainage channels; and that all approvals, permits and reviews have been received from the Indiana Department of Natural Resources when required.

Sec. 10-319 Lot Arrangements.

a. The lot arrangements shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and other regulations and in providing safe driveway access to buildings on such lots from an approved street.

b. Lot dimensions shall comply with the minimum standards of the zoning ordinance, where applicable.

c. Double frontage and reverse frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

d. Lots shall not generally derive access exclusively from an arterial or a major collector street. Where driveway access from an arterial or major collector street may be necessary for several adjoining lots, the Area Plan Commission may require that such lots be served by a common and combined driveway in order to limit possible traffic hazards on such street.

e. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

f. Topsoil disturbed during subdivision grading operations shall not be removed from residential lots or used as soil, but shall be redistributed so as to provide at least four inches (4") of depth in the area between the sidewalks and curbs, and shall be stabilized by seeding or planting.

Sec. 10-320 Number and Acreage of Lots by Purpose.

The subdivider shall tabulate the total number of lots by purpose (such as single-family, two-family, multi-family, commercial, etc.) and specify the net acreage assigned to each purpose.

Sec. 10-321 Lot Lines.

Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided. The interior angles of the lots should be as orthogenic as practicable.

Sec. 10-322 Building Line Setbacks.

a. Building line setbacks shall be as follows unless specified in a zoning ordinance:

- Interior Lot Lines, five feet (5');
- Street Side Lot Lines, twenty-five feet (25'); and
- Rear Lot Lines, eleven feet (11').

The street side building line setback shall be measured from the outer line of the required five feet (5') wide easement where the right-of-way is forty feet (40') in width. No building, foundation, or other structural component shall infringe on these setback limits except roof overhangs and gable ends with the permitted encroachment limited to two feet (2'). In addition, unenclosed stoops or entrances may encroach on the street side setback in an amount not to exceed ten feet (10').

b. These limitations do not apply to Planned Unit Development (P.U.D.) where P.U.D. and conventional development occur in the same subdivision.

Sec. 10-323 Easements.

Suitable easements shall be provided for the installation and maintenance of utilities. Such easements may be located as may be required to properly serve the utilities, but shall, whenever possible, be along road and/or side lot lines. Utility easements shall not be less than ten feet (10') in total width, equally divided between adjacent lots, where such exist, and shall provide reasonable continuity from block to block. Easements shall be for specific purposes and so stated on the plat.

Sec. 10-324 Density.

When density requirements are set forth in the zoning ordinance, the subdivider shall calculate the following:

a. The ratio of street right-of-way area to the gross (Tract) area;

b. The ratio of Dwelling Units to the gross (Tract) area (Gross Density - D.U./acre);

c. The ratio of Dwelling Units to the net (Tract area minus right-of-way) area (Net Density - D.U./acre minus right-of-way).

Sec. 10-325 Block Arrangements.

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, water courses, and industrial, commercial areas, and railroad right of-ways.

b. Whenever practical, blocks along arterials and major collector streets shall not be less than one thousand feet (1,000') in length. As a general rule, blocks in other residential areas shall not be more than one thousand three hundred twenty feet (1,320') nor less than four hundred forty feet (440') in length.

c. In long blocks the Area Plan Commission may require an easement through the block to accommodate utilities, drainage facilities or pedestrian walkways.

d. Where blocks are developed along arterial streets and/or highways that shall contain alleys, those alleys shall run parallel to said arterial and not perpendicular or radial to it so as to create an intersection between the arterial and alley.

Sec. 10-326 Staking Requirements.

a. All major subdivision boundary corners shall be marked with a monument. Monuments shall be firmly set, substantial and not subject to settlement, frost heave, or other

movement. The monument shall be permanent and of such a nature, configuration and/or marking as to permit absolute, unquestionable identification.

b. Monuments shall be detectable with a ferrous metal finder. All monuments shall have a dowel or other permanent point marker and the surface shall have a chiseled, incised or embedded identification. All monuments shall be solid, without openings or voids.

c. Monuments of stone or concrete shall be not less than four inches (4") in the least dimension and shall be nearly square or round. Encased monuments, i.e., concrete in metal pipe or metal casing shall not be less than three inches (3") in diameter. Solid metal cast iron or other fabricated monuments shall be not less than one and one-half inches (1½") in any least dimension and shall expose a surface not smaller than three inch (3") diameter or equivalent area at the surface. Monuments shall extend to a depth of not less than thirty inches (30") below final ground surface level.

d. Intermediate corners, lot corners, reference and/or radius points shall be solid iron rods not less than five-eighths inch (5/8") in diameter, iron pipe not less than three-quarter inch (3/4") in diameter or other accepted long-lived identifiable object which is firmly set, free from movement and which can be located with a ferrous metal detector. Markers shall extend not less than thirty inches (30") into solid ground.

e. All monuments and markers of a subdivision shall be of a similar type material.

f. The location of all markers shall be determined and set by the land surveyor as his field work progresses. The location and type of material shall be shown on the secondary plat of the subdivision before recording. Monument shall be described for accurate identification.

g. The quality of draftsmanship for all subdivision plats should bear a reasonably professional appearance and reveal clear and correct information necessary for use in re-establishing boundary lines, corners and other pertinent information to the original locations. All subdivision plats shall be drawn to a scale which when reduced to half size shall discern clearly this information contained thereon.

Sec. 10-327 through Sec. 10-329 Reserved for Future Use.

Division VIII. Street Specifications.

Sec. 10-330 General Provisions.

a. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Sec. 10-330 b.

(1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;

(2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;

(3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

b. The classification of streets shall be as follows:

(1) MINOR. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than twenty (20) dwelling units and is expected to or does handle up to one hundred sixty (160) trips per day.

(2) LOCAL. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least twenty-one (21) but no more than forty (40) dwelling units and is expected to or does handle between one hundred sixty (160) and three hundred twenty (320) trips per day.

(3) SUBCOLLECTOR. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least forty-one (41) but not more than one hundred (100) dwelling units and is expected to or does handle between three hundred twenty (320) and eight hundred (800) trips per day.

(4) COLLECTOR. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

(5) ARTERIAL. A major street in the City's street system that serves as an avenue for the circulation of traffic into, out, or around the city and carries high volumes of traffic.

(6) MARGINAL ACCESS STREET. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

c. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for an those likely to need or desire access to the property in its intended use. Access shall be limited to well defined areas. Unlimited access not permitted. Anyone wishing to connect a private roadway or driveway onto a public street within Vigo County shall be required to obtain a Driveway Permit. It is the intent of this

Article to adopt the same driveway permit standards as established in the Indiana Department of Highways Driveway Permit Handbook. A Permit Bond is established for all commercial drives and new roadways into subdivisions.

d. Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

Driveway entrances and other openings onto streets within the Area Planning jurisdiction shall comply to local or state requirements and be constructed so that:

(1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

e. The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "SURROUNDING STREETS") as provided in this Section.

f. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

g. Subcollector, local and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

h. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this Subsection, no temporary dead-end street in excess of one thousand feet (1,000') may be created unless no other practicable alternative is available.

i. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Sec. 10-347, and street grades shall conform as closely as practicable to the original topography.

j. The maximum grade at any point on a street constructed without curb and gutter shall be six percent (6%). On streets constructed with curb and gutter the grade shall not excess

six percent (6%) unless no other practicable alternative is available. However, in no case *may* streets be constructed with grades that, in the professional opinion of the governmental engineer, create a substantial danger to the public safety. Minimum grade of five tenths (0.5) shall be maintained for proper drainage.

k. MAINTENANCE OF RIGHT-OF-WAY. The owner of each lot abutting on a subdivision street shall maintain the surface area from the edge of his property to the edge of the roadway. (Edge of the roadway in this instance shall mean the lotside face of curb and gutter or the lotside edge of shoulder.) The maintenance shall be limited to normal lot or yard maintenance and protective measures to check erosion. This does not give lot owners authority to alter or block drainage elements.

l. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(1) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "LIMITED ACCESS HIGHWAY" by the appropriate highway authorities, provisions shall be made for a MARGINAL ACCESS ROAD, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

(2) Alleys shall be discouraged in residential districts, but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least twenty-two feet (22') in width.

m. Intersections of more than two (2) streets at one point should be avoided.

n. The following classifications of streets may be constructed with four foot (4') wide shoulders and drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of six percent (6%). Such streets shall be constructed to meet the criteria indicated in the table that follows, except that all streets constructed within the corporate limits of the City of Terre Haute, Indiana shall comply to Sec. 10-332 j.(l).

Street Type	*** Minimum Right-of-Way Width (in feet)**	**Minimum Pavement Width (in feet)**
Minor	50	18
Local	50	20
Subcollector	55	22
Collector	60	24
Arterial	80 - 120	12' per lane 10' min. shoulder

* Minimum width of right-of-way may have to be increased to facilitate proper drainage swales or for utilities.

o. Except as otherwise provided in Sec. 10-330 n. all streets shall be constructed with curb and gutter and shall conform to Sec. 10-335 g.(6). Only standard ninety degree (90º) curb may be used, except that roll-type curb shall be permitted along minor and local street within residential subdivisions.

Street Type	*** Minimum Right-of-Way Width (in feet)**	**Minimum Pavement Width (in feet), excluding curbs**
Minor	40	20
Local	40	22
Subcollector	50	24*
Collector	60	28*
Arterial	80 - 120	12’ per lane plus 8’ for on-street parking

* Additional pavement width may be required based on speeds exceeding 30 mph.

p. Whenever a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet (10’) in width to provide such access.

q. The general layout of streets shall be in the following manner:

(1) Subcollector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

(2) Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

(3) All permanent dead-end streets (as opposed to temporary dead-end streets) shall be developed as cul-de-sacs in accordance with the standards set forth in Sec. 10-330 q.(4). Except where no other practical alternative is available, such streets may not extend more than eight hundred eighty feet (880’) (measured to the center of the turnaround).

(4) The right-of-way of a cul-de-sac shall have a radius of fifty feet (50’). The radius of the paved portion of the turnaround (measured to the centerline of the pavement) shall be thirty-five feet (35’), and the pavement width shall be twelve feet (12’) without curb and gutter or eighteen feet (18’) with curb and gutter. The unpaved center of the turnaround area shall be landscaped and shall have a positive drainage outlet under the roadway.

(5) Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Article.

(6) Streets shall be laid out so that residential blocks do not exceed one thousand feet (1,000'), unless no other practicable alternative is available.

r. Streets shall intersect as nearly as possible at right angles, and no two (2) streets may intersect at less than sixty degrees (60°). Not more than two (2) streets shall intersect at any one (1) point, unless the governmental engineer certifies to the Area Planning that such an intersection can be constructed with no extraordinary danger to public safety.

s. Whenever possible, proposed intersections along one (1) side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one hundred fifty feet (150').

t. Except when no other alternative is practicable or legally possible, no two (2) streets may intersect with any other street on the same side at a distance of less than four hundred feet (400') measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand feet (1,000').

u. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in Street Specifications, and all such facilities shall be completed in accordance with these standards.

v. Except as otherwise provided in this Section, all lots created after the effective date of this Section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Sec. 10-331 c. For purposes of this Subsection, the term "PUBLIC STREET" includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this Article and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such right-of-way.

w. Architecturally integrated residential subdivisions containing twenty-five (25) or more dwelling units may be developed with private roads that do not meet the public street standards of this Article so long as:

(1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards, and

(2) No road intended to be private is planned to be extended to serve property outside that development.

Sec. 10-331 Provisions for Private Roads.

a. Architecturally integrated subdivisions containing any number of dwelling units may be developed with private roads that do not meet the public street and sidewalk standards of this Article but that are not intended for dedication to the public so long as:

(1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards, and

(2) No road intended to be private is planned or expected to be extended to serve property outside the development, and

(3) The subdivider demonstrates to the reasonable satisfaction of the Plan Commission that the private roads will be properly maintained.

b. A subdivision in which the access requirement of Sec. 10-331 c. is satisfied by a private road that meets neither of the public street standards may be developed so long as not more than three (3) lots have been created out of that same tract.

The intent of this Subsection is primarily to allow the creation of not more than three (3) lots developed for single-family residential purposes. Therefore, the Plan Commission may not approve any subdivision served by a private road authorized by this Subsection in which one or more of the lots thereby created is intended for:

(1) Two-family or multi-family residential use, or

(2) Any other residential or nonresidential use that would tend to generate more traffic than that customarily generated by three (3) single-family residences.

To ensure that the intent of this Subsection is not subverted, the Plan Commission, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road be smaller than the permissible size of lots on which two-family or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this Section be recorded before final plat approval.

c. PRIVATE STREETS (NON-DEDICATED). The Area Plan Commission, at its discretion, may waive the requirements that the applicant complete and dedicate roads, or waive the requirements for bonding and paving on rural residential subdivisions consisting of twelve (12) lots or less. Said private roads shall be constructed to meet the geometric standards as set forth in this ordinance except paving requirements.

All private (non-dedicated) roads approved under this Subsection shall comply to Sec. 10-331 d. below.

d. No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

(1) "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Vigo County Subdivision Ordinance."

(2) "The policy of the County of Vigo is that, if the County or City improves streets that were never constructed to the standards required in this ordinance for dedicated streets, then one hundred percent (100%) of the cost of such improvements shall be assessed to abutting landowners."

e. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road.

f. All private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this Article.

g. Whenever the Plan Commission finds that a means of pedestrian access is necessary from the development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet (10') to provide such access.

Sec. 10-332 Provisions for Public Roads.

a. Street names shall be assigned by the developer subject to the approval of the Planning Department. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Sec. 10-332 b.).

b. Street names shall include a suffix such as the following:

(1) CIRCLE. A short street that returns to itself.

(2) COURT. A cul-de-sac or dead-end street.

(3) LOOP. A street that begins at the intersection with one (1) street and circles back to end at another intersection with the same street.

(4) STREET.

(5) PLACE.

(6) AVENUE.

(7) DRIVE.

c. Building numbers shall be assigned by the Area Planning Department.

d. All bridges shall be constructed in accordance with the standards and specifications of the Indiana Department of Highways.

e. Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Division IX – Utilities and Drainage.

f. A sight prism shall be provided at all intersections. This prism is an imaginary envelope in which no obstruction may be erected which will interfere with the vision of approaching drivers. The sight prism shall exist at all quadrants of each intersection in a subdivision. The prism is measured along the centerline of the approach roadways. The length of each leg of the sight prism shall be one hundred ten feet (110') measured from the intersection of the two (2) centerlines. The prism begins at one and one-half feet (1½') above the centerline and extends to a height of fifteen feet (15').

g. Minimum curb radius at street intersections shall be eighteen feet (18'). Minimum curb radius at private driveways shall be ten feet (10').

h. SIGNS. The subdivider shall provide, at each street intersection, substantial, legible, permanent street signs. Signing shall be done in accordance with Sec. 10-332 b. The cost of placing signs will be borne by the developer.

i. PYLONS. At the entrance of all subdivisions, the developer or owner shall cause to be erected a pylon or sign that will display the official subdivision name.

j. SIDEWALKS. Subdivisions which are characterized as being urban, which are contiguous with or extensions to existing subdivisions which have sidewalks and curbs, shall be provided with street curbs and pedestrian walks, and shall be dedicated along with the road.

(1) The following criteria shall apply to all subdivisions within the corporate limits of the City of Terre Haute.

(A) Subdivisions which have three (3) lots or more per acre shall have sidewalks along both sides of the street for pedestrian use.

(B) Sidewalks shall be constructed within the dedicated unpaved portions of the right-of-way of all streets. Sidewalk construction shall comply to Sec. 10-335.

(C) Concrete curbs are required for all new streets.

(2) Whenever curb and gutter construction is used with sidewalks on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points

of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the published standards of the appropriate state agency.

k. CURBS. Street curbs and walks may also be required in those areas where the absence of such improvements would create a hazard to the area environment and to the health, safety, and welfare of its residents. If said curbs are required, they shall be dedicated along with the road.

Sec. 10-333 Thoroughfare Plan.

a. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such locations; however, a street lying wholly within a subdivision and not designated as following an existing road or establishing property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuing of traffic movement.

b. In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west section lines of such section, it is the intent of the Official Thoroughfare Plan and this Ordinance that Feeder Streets be established on such section lines where feasible.

c. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an irregular alignment or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Official Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

Sec. 10-334 Opening or Widening of Thoroughfare Streets.

Whenever a street classified in the Official Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Official Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half (½) of the right-of-way designated for such street, measured at ninety degrees (90º) to the centerline thereof. In most instances, the subdivider will not be expected to develop all the elements of the road system contained in the designated standard profile (such as the construction of a four-lane divided facility). He will, however, be required in all cases to provide the necessary right-of-way.

Sec. 10-335 Specifications.

a. GENERAL.

(1) All new streets, public or private (non-dedicated), within a subdivision shall be designed to meet the geometric standards set forth elsewhere within this Article and the construction of streets shall equal or exceed the minimum requirements set forth herein, except that within the corporate limits of the City of Terre Haute all road and drainage design shall be in accordance with the Standards and Specifications of the City of Terre Haute. (Gen. Ord. No. 28, 2000, 12-17-00)

The standards herein incorporated are considered minimum. Increased construction standards may be required for public dedicated roads as required by local governmental units.

(2) The developer of a subdivision shall be responsible for the design, development, construction and maintenance of all streets within an approved subdivision. This responsibility shall include, but not be specifically limited to, traffic, pavement, walks, curbs, and drainage.

(3) All construction traffic shall when at all possible, be routed to major county roads and remain off internal subdivision roads.

(4) Whenever it is determined by the governmental engineer that an existing county road has been damaged due to heavy construction loads attributed to new development, repairs may be required by the developer of the new subdivision per recommendations of the governmental engineer.

(5) The developer's responsibility for maintenance of streets shall be continuous until:

(A) The street is offered to and accepted by the local governmental agency, or

(B) The street is offered to and accepted by a private agency (such as a homeowners association) having adequate resources and/or authority to levy funds for the maintenance of said streets.

b. DRAWINGS AND SPECIFICATIONS.

(1) The developer shall prepare and submit for approval drawings of the proposed street or streets within the subdivision as specified in this Article. Street drawings shall present the following information as a minimum:

(A) Proposed street plan and profile showing existing ground profile;

(B) Typical cross-section;

(C) Cross-section;

(D) Proposed drainage and drainage relief; includes sizes for all pipe culverts under roadways and proposed driveways;

(E) Soil conditions at the site.

(2) The developer shall certify that the streets within the subdivision will be built in compliance with the requirements set forth in this ordinance, or he shall request specific construction.

c. INSPECTIONS.

(1) The Area Plan Commission shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion.

(2) If the local governmental engineer finds, upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications.

d. TESTING.

(1) The Area Plan Commission may require physical testing of material placed in streets, walks, curbs, and other appurtenances during construction. Such testing, if required, shall be done by an agency acceptable to the Area Plan Commission. The cost for testing and the submission of test reports shall be borne by the developer.

(2) Certification may be used as evidence of quality where appropriate.

e. STREET CONSTRUCTION - GENERAL.

(1) The standards set forth herein for the construction of streets within subdivisions are minimum standards.

(2) The minimum construction standards set forth herein shall apply equally to public streets and private (non-dedicated) streets, except that surfacing of private (non-dedicated) streets may be waived on private streets that the Plan Commission approved in accordance with Sec. 10-331 c.

(3) Construction methods and materials for streets and appurtenances, unless specifically expected or revised by this ordinance, shall comply with all appropriate provisions of the current edition of the INDIANA DEPARTMENT OF HIGHWAY STANDARD SPECIFICATIONS, hereinafter referred to as the STANDARD SPECIFICATIONS.

(4) The Area Plan Commission shall secure and maintain copies of the Standard Specifications, as issued to be held available to the public for study and reference.

f. STREET CONSTRUCTION - INCREASED CONSTRUCTION STANDARDS.

(1) The Commission may direct additional study and design for the construction of streets within a subdivision where the recommendations of the Vigo County Soil Conservation Service cannot eliminate the unstable ground and drainage conditions that are known to exist.

(2) The developer, if so required by the Area Plan Commission, shall submit data, plans and specifications for the construction of streets and drainage prepared and sealed by a licensed professional engineer in the State of Indiana. Upon approval by the Area Plan Commission, the specific design and specifications, so submitted, shall become the minimum standards for the subdivision.

g. STREET CONSTRUCTION - MINIMUM CONSTRUCTION STANDARDS.

(1) SUBGRADE.

(A) All vegetation, organic material, trash, rubble, and topsoil shall be removed from the area to be paved.

(B) Pavement construction shall not be placed upon soft or yielding subgrades.

(C) The City or County Engineer may require inspection of the subgrade prior to further work.

(D) The City or County Engineer may require testing and compaction of the subgrade in accordance with the procedures set forth in the Standard Specifications, except that one hundred percent (100%) of maximum dry density per AASHTO T99 shall be changed to ninety-five percent (95%).

(2) BASE COURSE.

(A) Shall be sense-graded, compacted aggregate similar and equal to Standard Specifications size 53, Type 0, or size No. 2 crushed limestone or equivalent as approved by the local governmental engineer.

(B) Compacted thickness of any base course application shall be not less than two inches (2”) nor more than four inches (4”).

(C) Base course shall be not less than eight inches (8”) in total compacted thickness per Standard Specifications except that one hundred percent (100%) is changed to ninety-five percent (95%).

(D) The top four inch (4”) course shall be a minimum of No. 53 crushed limestone.

(E) Base course for use under rigid pavement may be reduced to less than minimum standard thickness provided that evidence of suitability of the subgrade is

established and a variance approved by the Area Plan Commission. Said variance shall be obtained by the appropriate governmental agency and be accepted by them. Said variance shall be the responsibility of the developer.

(3) FLEXIBLE PAVEMENT.

(A) Shall be hot asphalt emulsion or hot asphalt concrete not less than three inches (3") total compacted thickness, (two inch [2"] inch base course and one inch [1"] surface) placed upon a prepared base course).

(B) Materials, mix and application shall be in compliance with the appropriate requirements of the Standard Specifications.

(C) Finish and finish tolerances shall be in compliance with the Standard Specifications.

(4) RIGID (PLAIN CONCRETE) PAVEMENT.

(A) Shall be not less than six inches (6") in thickness placed upon a prepared base course. Five inch (5") minimum for minor and local streets in residential subdivisions.

(B) Concrete shall contain not less than six (6) bags of cement per cubic yard, shall have a compressive strength at twenty-eight (28) days of not less than four thousand (4000) pounds per square inch and shall not have less than four percent (4%) nor more than six percent (6%) air entrained.

(C) The preparation, placement, finish and curing of the concrete shall be in compliance with the appropriate provisions of the Standard Specifications.

(D) Longitudinal joints shall be constructed in all pavement more than one (1) lane in width, tie bars may be required.

(E) Transverse contraction joints shall be placed at intervals not to exceed twenty feet (20'). Transverse joints may be sawed or formed. All joints shall be sealed as specified by the governmental engineer.

(F) Load transfer devices may be required at contraction joints if specified by the governmental engineer.

(5) WALKS, PORTLAND CEMENT CONCRETE.

(A) All walks shall be of portland cement concrete as specified for rigid pavement.

(B) Walks shall be not less than four inches (4") thick, four feet (4') in width, and placed upon a prepared subgrade or base.

(C) Preparation, placement, finish and curing of walks shall be in compliance with the appropriate provisions of the Standard Specifications.

(D) Transverse joints shall be sawed, tooled, or formed in all walks at intervals of not more than five feet (5').

(E) All walks shall have a finish surface which will not become slippery.

(6) CURBS, PORTLAND CEMENT CONCRETE.

(A) All curbs and gutters shall conform to IDOH standard specifications for combined curb and gutter. Maximum joint spacing shall be sixteen feet (16') or shall match joints in concrete pavement when concrete pavement is used.

(B) Whenever individual lot accessways are installed, the entire curb and gutter section shall be removed to the nearest joint, and a depressed curb shall be installed.

(C) No material is to be placed upon the curb and gutter to allow lot access.

Sec. 10-336 through Sec. 10-339 Reserved for Future Use.

Division IX. Utilities and Drainage.

Sec. 10-340 General Provisions.

a. Adequate drainage and utilities shall be provided to all subdivisions. It is the intent of this Article to provide for uniform placement of utilities and drainage elements within rights-of-way and easements.

b. In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Sec. 10-341 Sewage Disposal System.

a. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

b. Whenever it is legally possible and practicable in terms of topography to connect a lot with a sanitary sewer line by running a connecting line not more than three hundred feet

(300') from the lot to such line, then no use of sewage disposal service may be made of such lot unless connection is made to such line.

c. Connection to such sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed three hundred feet (300') in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and after, diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

d. For purposes of this Section, a lot is "SERVED" by sanitary sewer line if connection is required by this Section.

e. Primary responsibility for determining whether a proposed development will comply with the standard set forth in Sec. 10-341 often lies within an agency other than the Plan Commission, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed Sec. 10-341 f. Whenever any such agency requires detailed construction or design drawings before giving it official approval to the proposed sewage disposal system, the authority issuing a permit under this Article may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Sec. 10-341. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

f. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Plan Commission whether the proposed sewage disposal system complies with the standard set forth in Sec. 10-341.

IF	THEN
(1) Lots within the subdivision to be served by simple connection to existing public sanitary sewer lines or lines of a previously approved private system.	No further certification is necessary.
(2) Lots within the subdivision are to be served by the public sanitary sewer system but the developer will be responsible for installing the necessary additions to the City system.	The Sanitary District Engineer must certify to the Plan Commission that the proposed system meets the sanitary district's specifications and will be accepted by the sanitary district. (A "Preconstruction Agreement" must be obtained from the Board of Public Works and Safety.)
(3) Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters.	The County Health Department (CHD) must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision primary plat can probably be

	served and each lot on a major or minor subdivision secondary plat can be served by an on-site disposal system.
(4) Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters.	The Department of Environmental Management (DEM) must certify that the proposed system complies with all applicable state regulations. (A "Permit to Discharge" must be obtained from DEM.)

Sec. 10-342 Water.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs, of such use or subdivision lot and that complies with all applicable health and fire protection regulations.

a. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to an existing approved municipal or community water supply, where such system is available within one thousand feet (1,000) radius of the tract boundaries. Where a public water main is accessible, the subdivider shall install adequate water facilities including fire hydrants, subject to the specifications of the State and Local authorities.

b. An individual water supply may be installed on each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health (refer to Bulletin No. S.E. 7, Safe Water Supplies, current issue) if Sec. 10-342 a.(l) does not apply. The responsibility of individual water supplies, will be that of the developer for each lot.

c. The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the Indiana State Board of Health (refer to Regulations HSE 5, I.S.B.H.). Upon completion of the water supply installation the plans for such system as built shall be filed with the Area Plan Commission.

d. The location of all water supply improvements (including fire hydrants) shall be shown on the primary plat, and the cost of providing and installing shall be included in the performance bond.

Sec. 10-343 Fire Protection.

a. Every development that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. Design standards shall conform to the National Fire Protection Association (NFPA) standards or local requirements.

b. The presumption established by this ordinance is that to satisfy the standard set forth in Sec. 10-343 a., fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than five hundred feet (500') of

hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if in his professional opinion another arrangement more satisfactorily complies with the standard set forth in Sec. 10-343 a.

c. The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this Section. In general, fire hydrants shall be placed six feet (6') behind the curb line of publicly dedicated streets that have curb and gutter.

d. The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two and one-half inch (2 ½") hose connections and one (1) four and one-half inch (4 ½") hose connection. The two and one-half inch (2 ½") hose connections shall be located at least twenty-one and one-half inches (21 ½") from the ground level.

All hydrant threads shall be national standard threads or specifications approved by the District Fire Chief.

e. Water lines that serve hydrants shall be at least six inch (6") lines, when possible, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

f. The location of the hydrants and size of the mains shall be indicated on the topographic plat and shall conform to accepted standards and shall be reported to the appropriate township trustee or agency responsible for fire protection. The developer's responsibility for maintenance of the hydrants shall be continuous until the hydrants are accepted by the local governmental agency. The local governmental agency shall accept maintenance of fire hydrants within a reasonable period of time.

Sec. 10-344 Gas Lines.

Where public gas is to be used, the size and location of all transmission and distribution lines shall be indicated. Where the location is not explicitly defined, the Commission may designate the location of all lines in public right-of-way utility easements.

Sec. 10-345 Electrical Systems.

a. All electrical transmission line locations within residential subdivisions shall be approved by the Commission.

b. All electrical distribution lines within the public right-of-way shall be approved by the Commission as to their locations.

c. All electrical sub-stations within the subdivision or immediately adjacent to the subdivision shall be adequately landscaped to provide visual screening.

d. Where underground distribution and/or service is to be provided at the lot fronts, a utility easement for either or both the distribution lines and transformer pit shall be provided within the front yard setback area.

Sec. 10-346 Telephone and Cable TV.

a. Where applicable, telephone and cable TV lines shall be located on the same poles as the electrical distribution system.

b. All telephone or cable TV lines placed within the public right-of-way shall be approved by the Commission as to location in the right-of-way.

Sec. 10-347 Storm Drainage.[202]

a. The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and/or whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided.

b. In a subdivision where curbs and gutter are not provided, the subdivider shall furnish one (1) of the following types of improvements to facilitate roadside drainage and to assure suitable entrances for private driveways which are proposed to intersect the roadway.

(1) A twenty feet (20') long corrugated (non-spiraled) pipe or plastic pipe placed at all driveways, sized according to the calculated amount of storm water flow, but not less than twelve inches (12") in diameter. Minimum cover over any culvert will be twelve inches (12"), or

(2) A properly dipped or swaled concrete pavement, fourteen feet (14') in length, eight feet (8') in width and six inches (6") thick, designed so as not to create a hazard to the underparts of automobiles, at the entrance of each driveway.

c. Open ditches are permitted in special cases if approved by the Commission. They should be used, however, only when no other recourse is available.

d. In any subdivision where surface or subsurface drainage runoff must flow over or run through adjacent lot(s), the subdivider shall provide adequate easements for said drainage way and shall petition to the Drainage Board for their acceptance of maintenance or the easement and maintenance responsibility shall be turned over to a private agency (such as a homeowners association) which has authority to levy funds to maintain said drainage system.

e. The following shall apply when the responsibility of maintenance for drainage areas is that of the Drainage Board:

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[202] *I.C.* § 36-9-27-1 *et seq.*, address County drainage issues.

(1) In order to ensure the maintenance of properly designed and installed drainage systems, the following paragraphs shall be required as a provision of the restrictive covenants of all secondary plats. Said signed copy of this covenant shall be filed with the County Surveyor.

(A) Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Vigo County Drainage Board. Property owners must maintain these swales as sodded grassways, or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts are installed.

(B) Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage, after which time, if no action is taken, the Vigo County Drainage Board will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.

f. The Vigo County Drainage Board will accept petitions for urban drains. The County Surveyor shall review construction drawings submitted. The design standards will be in accordance with the approved standards of the Vigo County Surveyor. The Vigo County Drainage Board shall follow procedures as established in the Drainage Code of Indiana for assessments and maintenance of all drainage areas accepted by them.

g. The Vigo County Drainage Board will not have jurisdiction or provide maintenance on individual lots for surface swales or subsurface tile drains.

h. DESIGN STANDARDS. Run-off quantities shall be computed for the area of the parcel under development plus the area of the watershed flowing into the parcel under development. Methods acceptable to the Vigo County Surveyor shall be used for calculations.

(1) The minor drainage system (such as inlets, manholes, street gutters, roadside ditches, swales, sewers and small channels which collect storm water run-off must accommodate a ten (10) year rainfall intensity without flooding to the tops of the curbs; provided, however:

(A) Open channels carrying greater than thirty (30) cubic feet per second shall be capable of accommodating a fifty (50) year rainfall intensity within the drainage easement, and

(B) Culverts shall be capable of accommodating a twenty-five (25) year rainfall intensity when crossing under a road which;

1. Carries a higher volume of traffic than other adjacent routes, or has the potential for carrying such volumes, and

2. Is a part of a pattern of arterial routes for the entire urban area, and

3. Is oriented primarily to moving traffic rather than to serving abutting land use.

(2) THE MAJOR DRAINAGE SYSTEM. Drainage systems carrying runoff from an area in excess of one (1) square mile shall be designed in accordance with Indiana Department of Natural Resources Standards.

(3) Where the Vigo County Drainage Board is responsible for maintenance of the drainage system, access easements of twenty-five feet (25') from the bank on each side of the open channel must be dedicated to the Vigo County Drainage Board.

i. The subdivider shall provide a drainage plan. The plan shall show as a minimum:

(1) Size and location of all drainage elements;

(2) Contouring for drainage, with calculations for culvert and channel size;

(3) Storm water basins if they are to be provided;

(4) Drainage of all street right-of-way;

(5) Drainage of all public land, dedicated public land and utility easements;

(6) Type of storm and runoff calculations.

j. Where a subdivision is traversed by an existing water course, drainage way, channel or stream, adequate area shall be reserved as an easement for maintaining, cleaning and improving the drainage way. The drainage way easement shall be of a width sufficient to accommodate the drainage way as improved for subdivision use.

k. The right-of-way for all legal drains shall conform to Section 601 of the Indiana Drainage Code.

l. SUBSURFACE DRAINAGE.

(1) Lots on soils having a severe limitation for development due to seasonal high water table as determined by the National Cooperative Soil Survey of Vigo County shall be developed where practicable so that each lot can be provided with an outlet for perforated subsurface drainage tile. When it is impossible for each lot to have an outlet for subsurface drainage tile on their own lot then the developer shall cause to be installed a public perforated subsurface drainage system that each lot can connect to. Such public tile system shall be required where two (2) or more lots are dependent upon the subsurface tile for overcoming the seasonal high water table. Adequate easements shall be provided for maintenance.

(2) Where a sealed storm drainage system is installed on severe soils, one (1) subsurface outlet into the storm sewer shall be provided for each lot to connect subsurface drainage tile.

m. In addition to the above stated requirements, the following shall apply to all subdivisions within the corporate limits of the City of Terre Haute, Indiana.

(1) GENERAL. The Plan Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff. The drainage system shall be separate and independent of any sanitary sewerage system. Storm sewers, where required, shall be designed according to the methods recommended by the local City Engineer. A copy of the design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than four hundred feet (400') in any gutter. Surface water drainage patterns shall be shown for each lot and block.

(2) REQUIREMENTS FOR STORM SEWERS. The applicant shall be required by the Plan Commission to carry away by pipe, where practicable, any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

(3) Where a public storm sewer or natural outlet is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters subject to the specifications of the local Governmental Engineer.

(4) Where conditions exist that would require a storm sewer size larger than what is normally required for a particular size subdivision, the local government shall bear the additional cost for the oversized facility, over and above what would be required for the subdivision alone.

(5) If the Commission determines that a connection to a public storm sewer will eventually be provided as shown in existing local plans and programs, the developer shall make arrangements for future storm water disposal in the subdivision, by a public sewerage system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

Sec. 10-348 Combined Sewers Prohibited.

The use of a single sewer system for both sanitary and storm effluent is prohibited.

Sec. 10-349 Reserved for Future Use.

Division X. Specifications for Documents.

Sec. 10-350 Primary Plat.

a. GENERAL.

The primary plat shall be prepared by a licensed land surveyor at a scale of not more than one inch (1") equals one hundred feet (100'). It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing in the Office of the County Recorder, but shall not be larger than twenty-seven by thirty-six inches (27" X 36"). The map prepared for the primary plat may be drawn on drafting paper or reproducible mylar.

b. NAME OF SUBDIVISION.

(1) Name of the existing subdivision if property is within an existing subdivision.

(2) Proposed subdivision name if not within a previously platted subdivision.

c. OWNERSHIP.

(1) Name and address, including telephone number of legal owner(s) of the property or their agent.

(2) Citation and location of any existing legal right-of-way or easements affecting the property.

(3) Existing covenants to which the property is subject, if any.

(4) Name and address, telephone number, and registration number and seal of the professional engineer and/or surveyor responsible for subdivision design, for the design of public improvements, and for surveys.

d. DESCRIPTION. Location of property by lot or section, township, range and civil township (metes and bounds), with acreage.

e. Graphic scale, north arrow and date shall be included.

f. FEATURES. The primary plat shall show the following:

(1) Location of property lines, existing easements, burial grounds, railroad right-of-way, watercourses, and existing wooded areas, and names of all existing and/or platted streets or other public ways within the tract.

(2) The location of property with respect to surrounding property and streets, including the uses of all adjoining property, the names of adjoining developments, and names of adjoining streets.

(3) Location, size, invert elevations, and slopes of existing sewers, water mains, culverts and other underground structures within the tract and existing permanent buildings and utility poles on the tract.

(4) Approximate topographic contours shown at five foot (5') intervals in rolling or hilly terrain and two foot (2') intervals in level terrain, referenced to sea-level datum and an established bench mark (may be waived on minor subdivisions).

(5) The intended location and width of proposed streets and traffic control devices.

(6) Proposals for connection with existing water supply and sanitary sewer systems, or alternative means of providing water supply and sanitary waste disposal and treatment; preliminary provisions for collecting and discharging surface water drainage.

(7) The intended location, dimensions, and areas of all proposed or existing lots.

(8) The intended location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(9) The location of temporary stakes to enable the local officials to find and appraise features of the proposed layout in the field, if needed.

(10) Whenever the primary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than one (1") inch equals two hundred feet (200'), a sketch of the entire holdings, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.

(11) All easements and any limitations of such easements.

(12) Building setback lines with dimensions.

(13) Lot areas in square feet.

(14) Typical features of driveway entrances.

(15) Zoning or land use regulations which may apply to the land.

(16) Ratios, if required by Zoning Ordinance:

(A) Street right-of-way to gross area of tract;

(B) Dwelling Unit to gross area of tract;

(C) Dwelling Unit to net area of tract.

Sec. 10-351 Secondary Plat.

a. GENERAL.

The secondary plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one inch (1") equals one hundred feet (100'). The sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing in the Office of the County Recorder, but shall not be larger than twenty-seven by thirty-six inches (27" x 36"). The map prepared for the secondary plat shall be drawn on drafting paper or reproducible mylar.

b. FEATURES. The secondary plat shall show the following:

(1) The dimensions of all boundary lines of the property expressed in feet and hundredths of a foot, the bearings of all lines to a minimum of one-half (½) minute. Location by Section, Quarter Section, Township, Range, Civil Township, County and State.

(2) The location and width of all proposed right-of-way, easements, alleys, and other public ways, and building setback lines. Street names and/or numbers to be indicated.

(3) The locations, dimensions, and areas of all proposed or existing lots including dimensions of all lot lines expressed in feet and hundredths of a foot, and bearings of all lines to a minimum of one-half (½) minute.

(4) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of dedication or reservation.

(5) The name(s) and address(es) of the owner of land to be subdivided; the name and address of the subdivider, if other than the owner; and the name, seal, registration number and address of the land surveyor and/or engineer. Also, citation of last instrument conveying title to each parcel of property involved, giving grantor, grantee, date, and land record reference.

(6) Legal description of subdivision.

(7) The date, north arrow, and scale.

(8) Sufficient data acceptable to the local Governmental Engineer to determine readily the location, bearing, and length of lines for reproduction of such lines upon the ground.

(9) The location of all proposed and existing monuments.

(10) Name of the subdivision.

(11) Lot areas in square feet.

(12) Protective covenants attached to plat.

(13) NOTICE OF HIGH AIRCRAFT NOISE LEVELS ON SECONDARY PLAT.

For subdivisions located within any noise overlay zone as established by the zoning ordinance or noise contour maps as adopted by the Terre Haute International Airport F.A.R. PART 150 NOISE COMPATIBILITY STUDY NOISE EXPOSURE MAPS a notice of potentially high aircraft noise levels shall be affixed to and recorded with secondary plat. The notice shall be worded as follows:

"NOTE: All or part of this subdivision is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use. Contact the Vigo County Area Planning Commission or the Terre Haute International Airport for information regarding the most recently calculated levels of current and forecast aircraft noise levels on the property."

(14) A block of space shall be set aside on the secondary plat for the following information and endorsements;

- plat certification,
- subdivision dedication, instrument execution, public notice, certification, and
- endorsements from Notary Public, Recorder, and Auditor.

(15) The lack of information under any time specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a secondary plat.

Sec. 10-352 through Sec. 10-354 Reserved for Future Use.

Division XI. Soil and Land Use Data.

Sec. 10-355 Subsurface.

The following information shall be presented with the Primary Plat:

a. SOIL CONDITIONS.

The subdivider may submit percolation data as to location, and the rates of each test hole. In addition, soil types having severe limitations or soil absorption sewage disposal systems, as designated by the National Cooperative Soil Survey, shall not be used for soil absorption sewage disposal facilities unless the Area Plan Commission, the Vigo County Soil and Water Conservation District representatives and the Vigo County Board of Health representative agree that such planned corrective measures have been taken so as to enable adequate and safe sewage disposal. The developer will be notified during the Pre-application Conference of those areas possessing severe limitations upon soil absorption sewage disposal systems.

b. SUBSURFACE STRATA.

The location and results of tests made to ascertain subsurface soil, rock, and ground water conditions will be documented.

c. GROUND WATER.

The depth to ground water shall be reported to the Commission unless test pits area dry at a depth of five feet (5').

Sec. 10-356 Surface Conditions.

a. NATURAL FEATURES.

Natural features such as water courses, marshes, rock outcropping, lakes, wooded areas, isolated preservable trees one foot (1') or more in diameter shall be identified on a plan drawing.

b. MAN-MADE FEATURES.

Man-made features such as houses, barns, shacks, electrical transmission lines, and other significant features shall be identified on a plan drawing.

Sec. 10-357 Conditions on Adjacent Land To Be Reported.

a. TOPOGRAPHY.

(1) Approximate direction and gradient of ground slope, including any embankments or retaining walls.

(2) Character and location of major buildings, railroads, power lines, towers and other nearby non-residential land uses or adverse influences.

(3) Approximate area of off-site water shed draining into tract.

b. OWNERS.

(1) Owners and present usage of adjacent land.

(2) Identification of adjacent platted land by subdivision plat name, recording data, and number.

c. ZONING.

Zoning on and adjacent to the tract if applicable.

d. PUBLIC IMPROVEMENT.

Proposed public improvements, such as highways or other major improvements planned by public authorities for future construction on or near the tract.

Sec. 10-358 Sediment Control.

When development is proposed in areas designated by Vigo County Soil and Water Conservation District as being prone to sedimentation and erosion, the developer must submit with his preliminary plat, a statement that sediment and erosion control methods shall be provided prior to any clearing, grading, or construction. The developer after consultation with Vigo County Soil and Water Conservation District representatives and Area Planning representatives will submit two (2) copies of his proposed plan for sediment and erosion control.

The Area Planning Department shall request a review by the Soil and Water Conservation District for their recommendations before approval of the primary plat.

Sec. 10-359 Landscaping.

a. Landscaping is encouraged in order to enhance the aesthetics of the subdivision.

b. The subdivider shall submit his proposal and schedule for landscaping to the Commission prior to filing the secondary plat.

c. Use of protective screening is necessary in securing a reasonably effective physical barrier between different types of land uses. Appropriate use of fences, wall or plant materials, or in combination may be required by the Area Plan Commission.

d. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other materials of any kind shall be buried in any land or left deposited on any lot or street at the time the buildings are ready for occupancy.

Sec. 10-360 and Sec. 10-361 Reserved for Future Use.

Division XII. Fees.

Sec. 10-362 Establishment and Schedule.

This subdivision ordinance establishes a uniform schedule of fees proportionate to the cost of checking and verifying the proposed plats. An applicant shall pay the specified fee in full at the time of filing his application by check or money order in accordance with the Schedule of Fees below. The check or money order shall be made payable to Vigo County.

v) TABLE B

SCHEDULE OF FEES
PRIMARY AND SECONDARY APPLICATION SCHEDULE OF FEES

	Type of Intensity of Subdividing	Primary Application Dollars	Secondary Application Dollars
1	New Subdivision (See No. 5)	$50 and $1 per lot or dwelling unit whichever is greater	$25 per plat
2	Resubdivision (See No. 5)	$50 and $1 per lot or dwelling unit whichever is greater	$25 per plat
3	Partial Mapping	$50 and $1 per lot mapped	$25 per plat
4	Legal Advertising (Major Only)	$10	
5	Private Driveways Accessing Subdivision Street Where New Development Occurs (Fees apply in addition to No. 1, 2 & 3 in this Schedule)	$5 per inspection (one driveway and $1 for each additional driveway in the same subdivision)	First inspection is free, $5 for each call back per driveway

* PREAPPLICATION CONFERENCE - NO CHARGE

Sec. 10-363 and Sec. 10-364 Reserved for Future Use.

Division XIII. Release of Bonding.

Sec. 10-365 Assurance for Completion.

a. As provided in Sec. 10-310 p. the subdivider has the option of either installing all required public improvements prior to secondary approval of the plat, or in lieu of installation, posting a bond in an amount sufficient to assure completion of said improvements.

b. POSTING OF PERFORMANCE BOND.

The Area Plan Commission, at its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a performance bond.

c. COMPLETION OF IMPROVEMENT.

(1) The applicant shall build and pay all costs for temporary improvements required by the Area Plan Commission and shall maintain same for the period specified by the Area Plan Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the local government a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(2) For a subdivision for which no performance bond has been posted, if the improvements are not completed within the period specified by the Area Plan Commission in the resolution approving the plat, the approval shall be deemed to have expired, and secondary plat void.

d. ACCEPTANCE OF DEDICATION OFFERS.

(1) Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Board of Public Works and Safety, Town Board or Board of County Commissioners.

(2) The approval by the Plan Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street easement, or other public area shown on said plat.

e. RELEASE OR REDUCTION OF PERFORMANCE BOND.

(1) The Governing Body shall not accept dedication of required improvements, nor release nor reduce a performance bond, until the Governmental Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed.

(2) A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the dedicated public improvements bear to the total public improvements for the plat. In no event shall a performance bond be reduced below ten percent (10%) of the principal amount until all improvements have been completed and accepted.

Sec. 10-366 Deferral or Waiver of Improvements.

The Area Plan Commission may defer or waive at the time of secondary approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.