

ORDINANCE NO. 17-01 - 10

AN ORDINANCE ESTABLISHING
ORDINANCE VIOLATIONS BUREAU

WHEREAS, the Town Council of the Town of Borden, Indiana, believes that an Ordinance Violations Bureau is necessary for the Town of Borden, Indiana; is in the best interest of the health, safety, and welfare of the citizens of Borden, Indiana; and

WHEREAS, the Town Council now believes it is in the best interest of the health, safety, and welfare of the citizens of the Town to adopt a fine schedule for ordinance violations paid through the Ordinance Violations Bureau, and further believes the schedule of fines set forth below are reasonable and appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BORDEN, INDIANA:

ARTICLE 1. ESTABLISHMENT

There is hereby established an ordinance violations bureau for the acceptance of written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than the statutory limit set forth in I.C. § 33-36-2 et seq.

ARTICLE 2. ADMINISTRATION OF BUREAU

The Clerk-Treasurer of the Town of Borden shall be the violations clerk of said ordinance violations bureau and, pursuant to I.C. § 33-36-3-1, shall be authorized to accept the payments of fines pursuant to this chapter.

ARTICLE 3. PAYABLE FINES DECLARED

(A) All local ordinance violations, as hereinafter may be designated by proper schedule and identified throughout the several sections of this code, are hereby now determined to be payable offenses, subject to admission before the violations clerk, which shall be the violations clerk or his/her designee, and each violator may elect to pay a fine directly to the office of the clerk, ordinance violations bureau, without the necessity of appearing in court.

(B) If a person charged with a violation of a municipal ordinance or a code violation, as hereafter may be designated, wants to exercise the right to trial, the person shall appear before the violations clerk and deny the violation or enter a written denial with the violations clerk.

(C) A person charged with an ordinance or code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk. Upon an admission, the violations clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established.

(D) Any person cited for violations of the ordinance or code provisions shall be entitled to pay the fine at the violations bureau within 30 days of the issuance of the citation.

(E) Any person paying a fine at the ordinance violations bureau shall execute a waiver of right to trial and admission of the violation.

ARTICLE 4. FAILURE TO SATISFY CIVIL PENALTY OR FAILURE TO DENY OR ADMIT VIOLATION

(A) The violations clerk shall report to the Town Attorney for the Town of Borden in accordance with I.C. § 33-36-3-5, if a person:

(1) Denies an ordinance or code violation subject to the provisions of this article; or

(2) Fails to satisfy a civil penalty assessed by the violations clerk after having entered an admission of violation; or

(3) Fails to deny or admit the violation subject to the provisions of this article.

(B) Proceedings in court shall then be initiated against the person for the alleged ordinance violation.

(C) If the citation has not been paid at the violations bureau within 90 days of the date of issuance, the violation shall be filed in a court of competent jurisdiction and the matter will be set for initial appearance.

ARTICLE 5. ORDINANCE VIOLATION NOT CONSTITUTING JUDGMENT

Except as otherwise provided, an ordinance violation admitted under this chapter does not constitute a judgment for the purposes of I.C. § 33-37, and ordinance violation cost fees may not be collected from the defendant under I.C. § 33-37-4. In addition, an ordinance violation processed by the bureau may not be considered for the purposes I.C. § 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

ARTICLE 6. SCHEDULE OF ORDINANCE VIOLATIONS

The Town Council of the Town of Borden, Clark County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau, and subject to the enforcement jurisdiction of the officers of the Borden Town Marshal authorized or empowered to enforce the municipal codes of the Town of Borden:

The Town of Borden regulations and Code of Ordinance provisions identified in the schedule in this section (each hereinafter referred to as "Bureau Ordinances") shall be within the jurisdiction of the Bureau subject to the civil penalties listed to the right of each Bureau ordinance pursuant to I.C. 33-36-3-1. Each civil penalty is assessed per violation.

<u>Violation</u>	<u>Fine/Penalty</u>
Solicitation without a permit or license	\$100.00
Open Burning	\$100.00
Littering	\$100.00
Open Container	\$100.00
Junk Vehicles	\$100.00
Failure to Remove Trash	\$100.00
Loitering	\$100.00
Other Miscellaneous Violations	\$100.00

ARTICLE 8. PENALTIES AND PAYABLE OFFENSES

Any person, entity or organization who shall violate any town ordinance, except where otherwise stated, shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the ordinance violations clerk of the ordinance violation bureau in the amount set forth in the admissions clerk payable offenses schedule.

Upon failure to pay any penalty herein prescribed or set forth any other ordinance, the person shall be charged pursuant to the provisions set forth.

ARTILCE 9. MISCELANEOUS PROVISIONS.

(A) All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinance are hereby ratified, re-established, and confirmed. Any provision contained in any prior ordinance that conflicts with the Schedule of Fines provided in Section 6 is hereby repealed. The Schedule of Fines provided in Section 6 shall supersede any other fines set forth for those violations.

(B) The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope of intent of the clauses to which the headings pertain.

(C) If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

ARTILCE 10. EFFECTIVE DATE.

The Ordinance shall be in full force and effect from and after its passage and due publication.

Passed and adopted on this 10 day of January, 2017.

BORDEN TOWN COUNCIL:

Rudy Cook TOB
Rudy Cook

Paul Brewer TOB
Paul Brewer

Ruth Sparks Sec. TOB
Ruth Sparks

ATTEST:

Mindi Holmes
Mindi Holmes, Clerk-Treasurer