

MUNICIPAL CODE OF  
MILFORD JUNCTION, INDIANA

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TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 1  
ADMINISTRATION

CHAPTER 1  
PERSONNEL POLICIES

**1-1-1-1 Employment**

The Town Council shall be responsible for the hiring of all Town employees. The Department Heads shall have the responsibilities of interviewing all job applicants for their respective departments, and shall bring their recommendations to the Town Council. Appointments must be approved by the Town Council before hiring.

**1-1-2-1 Department Work Schedules**

a. Work Schedule - Milford Police Department: Five days on duty, two days off duty, with a written schedule presented to the Clerk-Treasurer and each member of the Town Council.

b. Work Day - Police Department: Twelve hours per shift-- eight hours on duty, four hours on call. Officers to shuffle eight hours through shift so that no set pattern can be determined by criminal element. Includes meal breaks at officer's discretion and work dictates and location up to officer's discretion.

c. Work Week - Street, Water and Sewer Departments: The normal work week for all employees shall be forty hours, five consecutive eight hour days, Monday through Friday, unless an emergency occurs, as defined by the Street and Utilities Superintendent and the Town Council.

d. Standard Work Day: Generally, the work day shall consist of eight working hours, 8:00 a.m. to 4:30 p.m. with two fifteen minute breaks and one thirty minute lunch break. Times may change as defined by the Street and Utilities Superintendent and Town Council.

#### **1-1-2-2 Wages and Overtime Compensation**

a. Wages: Wages shall be negotiated at the time of yearly budget planning and shall be set by Ordinance by the Town Council at the first regular meeting of the calendar year. Employees shall receive their wages on the fifteenth day and last day of each month. If the payday should fall on a weekend, payment shall be made on the Friday preceding the weekend.

b. Overtime Compensation for Employees: All employees of the Town of Milford shall be compensated and receive compensatory time at the rate of 1 ½ hours for each hour of employment in excess of forty hours per work week. Any employees receiving compensatory time off may accrue not more than 80 hours of compensatory time.

c. Eligibility and Authorization: Both salaried and hourly employees shall be compensated for overtime worked under this section of the Town Code. All overtime earned by any employee of the Town of Milford must be authorized by the employee's department head. Any overtime incurred by a department head shall be reported to the Town Council at the next regular council meeting.

#### **1-1-2-3 Employee Benefits**

a. Insurance: Health and Life insurance for the employee and family is fully paid for by the Town of Milford. Workman's

Compensation and Disability payment insurance is paid fully by the Town of Milford.

b. Uniforms: Uniforms for the Milford Police Department and the Water, Sewer and Street Department employees are provided by the Town of Milford.

c. Vacations: Employees shall be eligible for a paid vacation after being employed as a full time employee for one full year. The Town of Milford shall pay the employee at the regular straight time hourly base rate. Length of vacation and pay is as follows: each full time employee shall receive one (1) week of vacation after one full year of employment; two (2) weeks vacation after two (2) years of employment; three (3) weeks vacation after seven years of employment; and four (4) weeks of vacation after fifteen years of employment. Vacation days must be taken during the regular calendar year, January 1 through December 31. Vacation days cannot be accumulated and carried forward to the following regular calendar year. All vacation days must be approved by the Department Head and the Town Council.

d. Holidays: The Town of Milford shall pay employees for each of the designated holidays at their regular straight hourly base rate. When the holiday falls on a Sunday, the Town shall grant the following Monday as the holiday. When the holiday falls on Saturday, the Town shall grant the preceding Friday as the holiday. If the holiday occurs during a vacation, an additional day may be added to the vacation. Full time employees shall be granted eight (8) paid holidays per year as follows: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday following Thanksgiving Day and Christmas Day. One floating holiday to be observed at the mutual

convenience of the employee, Department Head, and the Town Council. If an employee works on any Holiday, he may take another day off at the same rate of pay. No holidays shall be carried to the following calendar year.

e. Sick Leave:

1. Each full time employee shall be allowed two weeks (5 working days each) sick leave, paid at the regular base rate of pay. Unused sick days shall not be carried forward to the next regular calendar year. Sick days are to be used solely for the purpose of:

- a. Illness or injury of the employee.
- b. Avoiding exposing others to illness.
- c. Illness or injury within the immediate family needing the assistance of the employee.

2. In order to qualify for sick leave pay, the employees must comply with the following conditions:

- a. On the first day of absence from work the employee or someone on their behalf shall notify the Department Head and Clerk-Treasurer of their absence.
- b. An employee may be required, after three (3) days of absence, to furnish a certificate from a licensed physician or practitioner to support their sick leave claim.
- c. When an employee receives Workman's Compensation or any other form of public insurance resulting from an injury or illness, the Town of Milford will pay the difference between the insurance and full pay. The employee must report the amount of

insurance and full pay. The employee must report the amount of payment and the period which it represents to the Clerk-Treasurer.

- d. Bereavement Leave: In the event of death in the immediate family, a full time employee shall be paid for three (3) days absence during the normal work week at their straight time hourly base rate. The immediate family includes the following: Spouse, Parents, Step-parents, Sisters, Brothers, Step-sisters, Step-brothers, Children, Step-children, Grandparents, Mother-in-law, Father-in-law, Sister-in-law, Brother-in-law, Grandchildren and Foster-children who reside in the employee's home. Additional time can be utilized with vacation or sick days upon approval of the Town Council. A newspaper obituary notice or other proof of death shall be required.
- e. Leave Without Pay: Employees who wish to take leave without pay, should make a request in writing to the Town Council, stating the reason and approximate length of leave.
- f. Court Time: If a Milford Police Officer has been requested to appear for a pretrial or trial by means of a request from the prosecutor's office or a subpoena from the court, and the pretrial or trial is on the officer's day off, and he must attend, the officer will be allowed to receive another

day off. Employees who are called for jury duty or are subpoenaed to appear in Court as a witness will be compensated by the Town of Milford for the difference between the payment received for such compulsory jury duty or court appearance and the payment that would have been received for the straight time hours at the hourly wage rate.

- g. Education: For the purpose of police training, one of the police vehicles will be used for transportation, if available. Cost of meals and overnight lodging if necessary, will be paid on receipt of all receipts and a signed claim voucher provided to the Clerk-Treasurer. Mileage for the use of a personal car will be paid according to the current salary ordinance if a police vehicle is not available. If an officer attends a required training session on his day off, he will receive another day off.

For the purpose of the Street, Water and Sewer Departments, education pertaining to the job, the Town of Milford will pay tuition, costs of meals, use of a Town vehicle, if available, and overnight lodging if necessary. Mileage for the use of a personal car will be paid according to the current salary ordinance if a town vehicle is not available. Receipts and a signed claim voucher, provided to the Clerk-Treasurer, is required for payment.

- h. Employee Benefits: Part time and seasonal employees are ineligible for paid vacations, holidays, sick leave and



bereavement leave. However, if agreeable with their immediate supervisor, they may take non-paid leave when necessary.

#### **1-1-2-4 Disciplinary Action**

Employee conduct and work performance will be grounds for disciplinary action. Disciplinary action taken by the Town Council, includes verbal and written warnings, suspension without pay, and termination of employment. Causes for disciplinary action include, but are not limited to:

- a. Drinking alcohol or taking narcotics or other illegal drugs on the job, or arriving on the job under the influence of such substances.
- b. Offensive language or conduct toward the public or other employees.
- c. Violation of any law.
- d. Stealing or destruction of municipal property.
- e. Fighting on the job.
- f. Unexcused tardiness.
- g. Unexcused absences.
- h. Insubordination.
- i. Employee appearance.
- j. Failure to follow instructions.
- k. Abusing or being wasteful of materials, property, or working time.
- l. Others as defined by the Town Council.

#### **1-1-2-5 Duties and Responsibilities of the Police Department**

a. The marshal is charged with executing the orders of the Town Council and with enforcing the laws of the town and the state and has the power and duty to serve all process issued by the Town Council. The marshal and appointed deputies must meet the state training requirements of the Law Enforcement Training Academy (I.C. 5-2-1).

b. The marshal must live within the Town of Milford corporate limits.

c. The deputy marshal and all part-time deputies must live within Kosciusko County.

d. The marshal or deputy is required to attend all regular Town Board meetings and other meetings pertaining to the Department.

e. The marshal is responsible to keep a current inventory of all police equipment and supplies.

#### **1-1-2-6 Use of Police Vehicles**

The police vehicle shall not be used for personal business out of the Town of Milford. If the officer on duty wishes to leave town while on call, the officer must notify the dispatcher regarding his location and a phone number where he can be reached. The vehicle may be used at the discretion of the officer while in the Town limits of Milford.

Transportation of passengers and family members or riders within the Town limits is allowed as long as the officer does not abuse the privilege. Passengers other than the police officer and prisoner must sign a waiver for the protection of the police officer and the Town of Milford. If complaints of abuses are received either by the department or the Town Council, a determination will be made by the department or the Town Council.

#### **1-1-2-7 Church Policy**

If an officer is working on Sunday and wishes to attend church services, he is allowed to do so, if he first advises the dispatcher of his location and of a telephone number where he can be reached in case of an emergency. If an officer attends church outside of the Town limits of Milford, he is to use his personal vehicle.

#### **1-1-2-8 Police Standards**

All full time officers of the Milford Police Department must meet the following minimum standards of physical, mental and moral fitness.

- a. Be a citizen of the United States of America.
- b. Officer shall have reached his or her 21<sup>st</sup> birthday.
- c. All officers shall meet the physical standards for completion of the approved course of training at the Indiana Law Enforcement Academy, including but not limited to, height, weight, strength, agility, and conditioning.
- d. Officers shall possess an acuity of vision correctable to 20/20 or better in each eye. Any officer possessing uncorrected visual deficiency to such an extent that in the opinion of the examining physician, he would be unable to safely perform police duties in the event of temporary loss of corrective glasses or lenses, shall be unacceptable. The officer shall have the ability to distinguish the colors of red, green and amber, and shall have no pathology of the eyes.
- e. Officers shall be free from any major impediments of the senses.
- f. Officers shall be a high school graduate as evidenced by a diploma issued by a high school accredited by the department or agency of a state authorized to accredit high schools. An equivalency diploma issued by such an accredited high school is acceptable.
- g. Officers shall at all times possess a valid driving license allowing operation of a motor vehicle in the State of Indiana.
- h. Officers shall be of good reputation and character.
- i. Officers shall not have been convicted of a felony of any crime involving moral turpitude.
- j. A dishonorable discharge from military service shall disqualify the officer and a discharge other than honorable may be grounds for rejection in accordance with standard (i) or (k) of this section.

k. All officers shall be free of any emotional or mental disability which would limit the ability to carry out normal police functions.

l. All officers of this department shall within the first year of employment successfully complete the minimum basic training course prescribed by the Indiana Law Enforcement Training Board.

**1-1-2-9 Political Affiliation**

The political affiliation of any applicant shall not be considered in either employment or promotion in rank, grade or position.

**1-1-2-10 Code of Ethics**

All members of the Milford Police Department, including members of the police reserve force, shall be subject to the following rules to the extent permissible under the law. All officers shall be subject to these rules and regulations and the code of ethics with the consent of the marshal and Town Board of Milford, Indiana. In the event that any time these rules and regulations or later amendments thereto are in conflict with the Indiana Code, these rules and regulations shall be deemed to have been amended to comply with the terms of later statutory enactments by the Indiana General Assembly. The Town Board appoints and supervises the town marshal. The Marshall is responsible to the Town Board for his and his officer's conduct. The marshal is by law the head of the Milford Police Department and is responsible for the administration and all operations of the department. All rules and regulations as authorized by the marshal, as well as general and special orders for the day to day operation of the department shall be approved by the marshal of his designee. The following code of Ethics is hereby established for all members of the Milford Police Department.

a. Regard themselves as members of an important and honorable profession and conduct themselves accordingly.

b. Be mindful that they are servants of the public that appoints the head of their department and provides their salaries and other occupational benefits.

c. Regard their office as a public trust and serve the public courteously, efficiently, and effectively at all times.

d. Recognize the limits of their authority and at no time use the power of their office for personal advantage.

e. Not solicit or accept any gratuity of any kind or nature that might limit their effectiveness as a law enforcement officer.

f. Cooperate with all other agencies of the executive, legislative and judicial branches of the government for the public welfare.

g. Be exemplary in their conduct, both public and private, and obedient to all laws of the town, county, state and country.

h. Be loyal and courteous to all superior officers who determine their courses of action and take responsibility for same.

i. Add to their effectiveness as police officers by continual study and inquiry for self-improvement.

j. Enforce the law and discharge all of their duties without favor or prejudice.

#### **1-1-2-11 Police Department General Policies**

a. All members of the department shall be courteous, civil, orderly and quiet, but firm, in the conduct of official business at all times and maintain command of their tempers.

b. All members shall live within their means and not incur debts they cannot pay as agreed.

c. All members shall refrain from public criticism of the person, character, orders and decisions of superior officers and fellow employees and shall not spread gossip or rumors about other members of the department.

d. Whenever searching prisoners, members shall search them thoroughly and never transport any prisoner before making such searches.

e. All prisoners being held for felonies shall be kept handcuffed at all times whenever being transported. Prisoners held for misdemeanors shall be handcuffed if deemed necessary according to their demeanor.

f. No female prisoner shall be transported unless a matron or female chaperon is present at all times except in emergencies when no matron or female chaperon is available. In such emergencies, two officers must be present unless one officer is relieved of this requirement by the marshal. Whenever no matron or female chaperon is present during such transportation, time and place of departure and arrival must be radioed in and logged.

g. It shall be the duty of all members of the department to report to the marshal and him to the Town Board any wilful act of misconduct known or believed to have been committed by another member of the department which might be detrimental to the good of the department.

h. All members of the department shall be available for call for extra duty at all times, except while on vacation.

i. All articles brought into the police station by civilians or other police departments or by members of the department for evidence purposes or for purposes of identification or safe keeping, shall be immediately tagged by

the member accepting same and placed in storage or a place provided for such items.

j. Members of the department shall not deprive any prisoner of his rights in any way and shall not violate the privacy of prisoner and counsel.

k. Prisoners taken to court and other places by members of the department shall be guarded at all times and no member of the department shall commit any act that might enable such prisoner to escape.

l. Whenever using department transmitters, standard, brief terminology shall be used in accordance with FCC regulations and recommended police signals and terminology. Only necessary transmission shall be made in accordance with the issued FCC license which permits only emergency transmissions of police business.

m. Members of the department shall not furnish bond for or pay any fine for any person outside of their immediate families nor suggest any attorney or bondsman, nor endorse or recommend anyone for parole nor report any department information to any attorney nor carry any message from any prisoner to any attorney.

n. Members of the department shall not appear as witnesses for defendants or in any civil case unless subpoenaed for same.

o. Whenever bringing prisoners into the jail, proper data concerning same shall be given the officer doing turnkey duty whose duty it shall be to make the proper entries in the prisoner log and prisoner files.

p. All reports required of all members of the department shall be legible, typewritten when necessary, accurate and turned in promptly.

q. All members of this department shall, when driving department vehicles, drive at all times as safely as possible under existing conditions. When on normal patrol, patrol speeds shall not exceed the speed limits as posted or maximum speed limits established by the State of Indiana in areas where the speed limit is not posted.

r. Emergency runs must be made with extreme caution with red lights and/or siren, and with the expectation that other vehicles will not grant the right-of-way.

s. All department equipment shall be used with care and good judgment and returned in a clean, workable condition. If deficiencies exist, the Marshall's attention shall be brought to same and he will make replacements or see that the equipment is repaired.

t. Members shall not discuss department business or display photos or documents of the department to any member of the public who has no personal connection with such matters; however, the department files shall be open to all other public departments except that which might be withheld by the marshal for good reason.

u. Members of the department shall at all times make every effort to cooperate with all officers from all other police agencies and assist them whenever possible and in every way possible. This shall also include assistance to agencies outside of the city limits if or when requested or needed. Cooperation shall also be provided to all Fire and E.M.S. departments and their officers, or any other state, federal, or county organizations whose job it is to work at an emergency situation. If it is any situation in which you are the officer in charge, you will not relinquish your duty except to a superior officer.



v. All members of the department shall complete all assigned tasks, except any unlawful act, as promptly and efficiently as is possible including the service of all papers directed to this department.

w. Whenever asked questions by the public to which they cannot furnish the answers because of lack of knowledge, such answers shall be obtained from the proper source and the person making such inquiry advised whenever such person is lawfully entitled to such information.

x. All members of the department shall give their names, title and badge number and display identification card or papers identifying them with the department, upon the request of any person inquiring about same.

y. All full time officers of this department may carry off duty weapons for their protection as long as they are familiar with the weapon they carry and have qualified with same. While carrying an off duty weapon it shall be carried so as not to be exposed to public view, unless the officer is working in a "plain" clothes detail or with permission of the marshal.

z. No officer of this department will carry a weapon with them if going out for the evening with the express purposes of "partying".

aa. No reserve officers may carry off duty or concealed weapons at any time unless they are in possession of an unlimited (personal protection) license which has been issued by the State of Indiana.

bb. All vehicles impounded or towed by officers of this department will be inventoried. An inventory sheet provided by this department for such purposes will be used and kept in the files. Locked personal items will not be opened and inventoried

unless it is "incident to the arrest". The owner of any items of value will be allowed to remove those items, if the items are not evidence or thought to be evidence, or if the owner of such items expressly forbids the removal of such items and they are not or thought to be evidence and the owner takes full responsibility for those items, then the officer will comply with the owner's request.

cc. Officers may impound or tow vehicles when:

1. The vehicle is stolen.
2. The vehicle is used in the commission of a crime.
3. The vehicle is improperly registered.
4. The vehicle is involved in an accident and needed for investigative purposes.
5. The vehicle is abandoned under I.C. 9-9-1.1
6. The vehicle is abandoned or parked in such a manner as to cause a traffic hazard.
7. The driver/owner is taken into custody.
8. If at an accident, the officer may tow a vehicle without impounding if necessary.

When a vehicle is impounded, the vehicle should not be released to anyone but the true owner, or someone authorized by such owner.

### **1-1-2-12 Discipline**

a. Oral Reprimand: A warning issued by the marshal, the Town Board, or a warning issued by any superior officer to a subordinate officer with the approval of the marshal, warning of an infraction of the rules of ethics, conduct, or law. An oral reprimand shall be given orally to the officer to be reprimanded in private. Only officers of a rank higher than the officer to be disciplined shall be present for the oral reprimand. No record of oral reprimands shall be maintained, nor shall oral reprimands be reflected or maintained in an officers personnel file. No suspension of an officer is permitted with an oral reprimand. Any other type of discipline or imposition of a

suspension with or without pay, or discharge from duty, will be brought before the Marshall and Town Board as is set forth in Title 36 of the Indiana Code.

b. The following acts, series of acts, misfeasance malfeasance and nonfeasance shall be considered as grounds for discipline of an officer:

1. Any conduct unbecoming an officer while on or off duty.
2. Any act of discourtesy to any person or use of any foul or abusive language without cause.
3. Any political activity of any kind or nature while in uniform, except for assigned escort duty.
4. Violation of any law.
5. Neglect of duty.
6. Violation of any rule or regulation issued by the Marshall.
7. Absent without leave.
8. Immoral conduct while on or off duty.
9. Failure to pay promptly all just debts.
10. Failure to obey promptly any lawful order of a superior officer.
11. Failure to cooperate with fellow officers or officers of any other law enforcement department, or courts.
12. Soliciting or accepting gratuities.
13. Using authority granted to an officer of the law for personal needs or gains.
14. Repeated demonstrations of poor judgment.
15. Refusal to take a polygraph test as may be ordered by the marshal.
16. Associating with persons of known bad repute without authorization by a superior officer.
17. Drinking to excess while off duty in public.
18. Drinking alcoholic beverages while on duty but not in uniform, without authorization by a superior officer.
19. Appearing for duty or working while under the influence of any intoxicating beverage or as evidenced by alcoholic beverage on breath.
20. The use of unreasonable or excessive force.

21. Testifying under oath untruthfully or intentionally misleading the search for truth.
22. Discharging a firearm in a place or at a time that would endanger innocent bystanders.
23. Failure to use reasonable care to avoid damage to any department vehicle or equipment.
24. Knowingly making any false statement in any required oral or written reports.
25. Removing without proper authorization, any department record, records or files.
26. Attempting to intimidate any witness or attempting to influence the testimony of any witness for any reason
27. Discussing departmental business or investigations with, or in the hearing of persons outside the department, except hearings before the Town Board, or in legal proceedings.
28. Maintaining outside employment without the prior permission of the marshal.

#### **1-1-2-13 Outside Employment and Business Pursuits**

Outside employment by any person, firm or corporation of a member of the Milford Police Department, that would necessitate the member of such department to be employed in the collection or bonding business is expressly forbidden at all times.

Employment with anyone or any business that would have or may have any conflict with police business is forbidden.

#### **1-1-2-14 Dress Code**

The uniform of the Milford Police Department will be the issue of the department and chose by the Marshall with the approval of the Town Board.

All officers on duty will be in complete uniform unless on special duty or authorized by the marshal. Winter uniform will be with tie on. Shoes will be black in color and will be polished. Hat is optional. Summer uniforms will be without tie. Any badges, patches, or other items attached to the uniform will be with the Marshall's approval only.

All officers shall be clean in appearance and neatly groomed. Hair will not be longer than the collar of their shirt. Sideburns will be no longer than the bottom of the ear. Fingernails will be neatly trimmed and clean. Full beards will not be tolerated. Mustaches must be trimmed and neat in appearance.

#### **1-1-2-15 Probationary Employees**

Probationary employees shall be all officers who have not completed one year of service with the Milford Police Department regardless of prior law enforcement experience.

Probationary officers may be discharged for misconduct at any time during the probationary year without right to a hearing before the marshal or Town Board. All probationary officers who are to become regular officers shall work the same work schedule as regular officers.

#### **1-1-2-16 Basic Skills to be acquired by Probationary Officers**

All probationary employees employed in the Milford Police Department to become regular police officers shall acquire within one year after his or her employment the following skills and knowledge:

- a. Maintenance and wearing of proper uniform.
- b. Filing of all reports of the department and be able to remove and properly replace all reports.
- c. Proper operation of department cameras and field cameras so as to take good pictures under all types of conditions.
- d. "Desk Operation", answering the telephone properly, courteously, obtaining all essential information from person making requests and complaints. Operation and logging of radio transmissions and prior transmissions in accordance with FCC an Accepted Police Standard of Terminology.

- e. Proper handcuffing and transporting of prisoners, use of leg irons, and the guarding of prisoners to and from and if needed while in court.
- f. Reports, when and for what required and proper typing of same.
- g. Traffic direction as per military standards.
- h. Investigation of traffic accidents and reporting of same.
- i. Proper safe operation and maintenance of department motor vehicles.
- j. Proper taking of original complaint in criminal offenses.
- k. Evaluation of such complaints and decision as to course of action.
- l. Protection of crime scene and preservation of evidence for investigators.
- m. Interviewing witnesses and suspects.
- n. Marking, tagging, and storing of evidence.
- o. Dusting for and lifting latent fingerprints and taking inked prints.
- p. Interrogation of suspects.
- q. Taking written statements from accused and witnesses.
- r. Preparation of evidence summary.
- s. Securing the indictment or charge by affidavit.
- t. Knowledge of the mechanics of arraignment.
- u. Testifying in court.
- v. Knowledge of the procedure in court trials.
- w. Surveillance and stakeout procedure.
- x. Proper methods of serving all papers directed to this department.
- y. Knowledge of the law of arrest.
- z. Knowledge of the law regarding searches and seizures.
- aa. Knowledge of the rights of prisoners.
- bb. Knowledge of the rights of police regarding prisoners.
- cc. Knowledge of proper handling and investigating juveniles.
- dd. Proper arrest and disposition of mental patients.
- ee. How and where to find traffic and criminal laws and how to read them.
- ff. Knowledge of essential elements in common traffic laws.
- gg. Knowledge of essential elements in common criminal laws.
- hh. Proper methods of searching prisoners.

- ii. Proper use of the nightstick and judo for self-defense.
- jj. Receipt and disbursement of severe weather information.
- kk. Knowledge of all city roads and locations, and knowledge of county roads in our area.
- ll. Knowledge as to how to obtain electric power cutoff in all areas of town and our area of the county.
- mm. Knowledge of county, city officials that work the area and their powers and duties and cooperation with them.
- nn. First Aid: each member shall obtain a standard first aid certificate from a certified instructor. First responder course completion to be a minimum allowable certification for full time officers.
- oo. Knowledge of services of FBI and ISP laboratories.
- pp. Handling of special details such as funerals, etc.
- qq. Knowledge of law pertaining to their right to stop motor vehicles.
- rr. Knowledge of law pertaining to impounding of vehicles and reports required.
- ss. Knowledge of law providing for the disposition of impounded and abandoned cars.
- tt. Detainment without arrest methods.
- uu. Qualify on pistol range and obtain "Marksman" or better rating twice each year with records of scores kept by marshal. Learn proper use of other department weapons, shotgun, tear gas, etc.
- vv. Knowledge as to when firearms and other deadly force may be used against others.
- ww. Knowledge of department rules and regulations.
- xx. Be able to determine the validity of arrest warrants and search warrants.
- yy. Mechanics to obtain arrest and search warrants.
- zz. Bond approval methods, cash, property, commercial.
- aaa. Requirements for origination radio messages and dispatches.
- bbb. Proper packing and transporting of evidence to labs for examination.

**1-1-2-17 Collection of Title Checks**

All members of the Milford Police Department, including the Town Marshall, are hereby authorized and required to collect the sum of \$5.00 for title checks conducted by them pursuant to IC 9-17-2-12 or any related section of Title 9 of the Indiana Code. All

such funds shall be paid into the general fund of the Town of Milford. Receipts shall be given to any person paying \$5.00 for any title check to any member of the Milford Police Department.

**1-1-2-18 Full Time Police Officer Requirements**

(a) Any persons wishing to become a full-time police officer must follow the procedure as set forth below to be considered for such a position:

(1) Written application shall be made on forms prescribed by the department. The application shall be filed with the department and accompanied by a \$25.00 fee.

(2) Completion of a physical agility test.

(3) Completion of a background investigation by the Town Marshall.

(4) Interview with the Town Marshall and other persons as authorized from time to time by the town council.

(5) Polygraph examination.

(6) Physical performed by a physician with an unlimited license to practice medicine.

(b) The Town Marshall may waive the procedures contained in Section (a), subsections (2) (3) (5) or (6) if the applicant provides proof of successful completion of substantially the same procedure as part of an applicant's prior application for a position as a full-time officer with this or another police department.

(c) Any person who has served as a Milford reserve police officer for at least 12 continuous months prior to application for a position as a full-time officer shall have the fee established under 1-1-2-18(a) (1) waived one time.



### **1-1-3-1 Responsibilities, Street, Water and Sewer**

#### **Superintendent**

- a. Superintendent is on call 24 hours per day, 365 days per year.
- b. The superintendent is required to live within Kosciusko County, Indiana.
- c. He is required to attend all regularly scheduled town board meetings and other meetings pertaining to the departments.
- d. He is responsible for the overall maintenance of town properties and town equipment excluding the police department.
- e. He is responsible for the operation of the street department.
- f. He is responsible for the operation of the water department.
- g. He is responsible for the operation of the sewer department.
- h. He is responsible for the supervision of all employees (both hired and volunteers) involved in the operation of the street, water and sewer departments.
- i. He also is responsible for all other duties, which are town related, that are requested by the Town Council.
- j. He is responsible for keeping the Town Board informed of all related happenings.

#### **1-1-3-2 Duties of each department.**

- a. Water Department: Superintendent shall:
  1. Acquire needed licenses as defined by the Indiana State Board of Health, to-wit: water treatment certification and distribution certification.
  2. Acquire the necessary additional training recommended by the Indiana Department of Environmental

Management or the Town Council in order to insure proper operation and maintenance pertinent to the water department.

3. Insure that the water department remains current and up to date on all policies and changes as outlined by either the Indiana Department of Environmental Management or the Environmental Protection Agency.

4. Make all needed tests and submit all samples as required by the Indiana Department of Environmental Management and the Environmental Protection Agency both daily and weekly.

5. Submit monthly status report as required by the Indiana Department of Environmental Management.

6. Maintain all records and maps as required by the Indiana Department of Environmental Management, Environmental Protection Agency and the Town Council.

7. Meter readings as required by the Town Ordinance.

8. Make all necessary meter installations and changes.

9. Insure proper maintenance of wells, pumps, hydrants, chlorinator, fluoride applicator, tower, standpipe, distribution system, buildings, lawns, and any other equipment related to the proper operation of the water department.

10. Hydrant flushing as needed.

11. Make all water taps as required.

12. Work with Clerk-Treasurer, as necessary, to insure continuous operation as best as possible.

13. To the best of his ability to insure that water ordinance is followed and all known violations are either corrected or brought to the attention of the Town Council.

14. Keep current inventory of equipment and supplies.

b. Sewer Department: Superintendent shall:

1. Acquire needed licenses as defined by the Indiana Department of Environmental Management, to-wit: Class 1 treatment plant operator.

2. Acquire the necessary additional training recommended by the Indiana Department of Environmental Management or the Town Council, in order to insure proper operation and maintenance of the Sewer Department.

3. Insure that the Sewer Department remains current and up to date on all policies and changes as outlined by either the Indiana Department of Environmental Management or the Environmental Protection Agency.

4. Make all needed tests as required by the Indiana Department of Environmental Management or the Environmental Protection Agency, daily, weekly and monthly.

5. Submit monthly status-test report as required by the Indiana Department of Environmental Management.

6. Maintain all records and maps as required by the Indiana Department of Environmental Management, Environmental Protection Agency, and the Town Council.

7. Observe and inspect all sewer taps.

8. Work with Clerk-Treasurer, as necessary, to insure continuous operations as best as possible.

9. To the best of his ability, insure that sewer ordinance is followed and all known violations are either corrected or brought to the attention of the Town Council.

10. Maintenance, both routine and emergency:

a. Sewer mains, both gravity and forced.

b. Lift stations.

c. Aeration ponds.

d. Storm sewers and catch basin.

- e. Man holes.
  - f. Buildings and equipment.
  - g. Mowing.
  - h. Weed control at treatment plant.
11. Keep current inventory of equipment and supplies:
- c. Street Department: Superintendent is responsible for:
- 1. Sweeping.
  - 2. Patching streets and alleys.
  - 3. Snow plowing and removal.
  - 4. Sidewalk plowing.
  - 5. Salt and sand where necessary.
  - 6. Street signs.
  - 7. Observe street lights for malfunction.
  - 8. Mosquito spraying.
  - 9. Grade alleys and road berm.
  - 10. Regravel alleys and berm where necessary.
  - 11. Mow all Town properties and roadsides.
  - 12. Paint curbs.
  - 13. Prepare street bids.
  - 14. Weed control.
  - 15. Maintain buildings and equipment.
  - 16. Submit yearly M.V.H. budget.
  - 17. Keep control inventory of all M.V.H. equipment and vehicles.

**1-1-3-3 Basic responsibilities of hourly employees.**

- a. Hourly employees shall:
- 1. Be able and willing to assist in operation of Street, Water and Sewer Departments.
  - 2. Be able to work eight (8) hour day, forty (40) hours per week, unless asked to alter schedule by the Street and Water and Sewer Superintendent and the Town Council.
  - 3. Be able to operate all town maintenance equipment in a satisfactory manner.
  - 4. All purchases made by hourly employees must be approved by the Superintendent.

5. Must live in close enough proximity to the Town of Milford Junction boundary limits to provide services and undertake responsibilities for their particular position. The Street and Water and Sewer Superintendent shall have discretion to make the determination of whether the individual hourly employee is in compliance with this subsection.

**1-1-3-4 Administration by Town Board**

The Town Council shall be responsible for the administration of all provisions outlined in this Article.

**1-1-4-1 Ordinance Violations Bureau**

a. The Town of Milford Junction, Indiana, shall have an Ordinance Violations Bureau, whose administrator shall be the Clerk-Treasurer of the Town.

b. The Ordinance Violations Bureau, through its administrator, shall have all powers given to such bureau and administrator pursuant to Indiana Code 33-6-3, including the power to accept admissions or denials of violations of Town ordinances, to accept costs and payment of fines for violations of Town ordinances, and to take such other action as is reasonably necessary to fulfill the powers and responsibilities of the Ordinance Violations Bureau and its administrator.

c. The Town Marshall, or the duly authorized deputies of the Town, shall provide the administrator of the ordinance Violations Bureau with copies of all notices of ordinance violations given to any persons.

d. If any person shall appear and deny violation of a Town Ordinance after receiving notice of same from the Town Marshall or the Marshall's deputies, or if a person shall fail to appear and either admit or deny violation of an ordinance after receiving such notice, the administrator of the Ordinance

Violations Bureau shall forward a copy of the notice of violation to the Town Attorney for enforcement of said violation under the provisions of Indiana Code 34-4-32.

e. The following is the schedule of ordinances subject to admission of violation before the Violation's Clerk, along with the penalty to be assessed to violators electing to admit the violation, pursuant to I.C. 33-6-3-2:

SCHEDULE OF VIOLATIONS WHICH CAN BE  
ADMITTED OR DENIED AT MILFORD ORDINANCE VIOLATIONS BUREAU

| CODE SECTION<br>PENALTY | VIOLATION      | ASSESSED |
|-------------------------|----------------|----------|
| 4-1                     | All Violations | \$20.00  |
| 4-2                     | All Violations | 10.00    |
| 3-7-3                   | All Violations | 50.00    |

**1-1-4-2 Accident Report Costs**

The Clerk-Treasurer is hereby required and authorized to collect a fee in the amount of \$5.00 for furnishing duplicate accident reports by the Town Marshal or his Deputy. The funds contained in that report shall be segregated in accordance with Indiana Law, and expended at the discretion of the Town Marshal for any purpose reasonably related to maintaining accident reports and records, or the prevention of accidents.

**1-1-5-1 Rainy Day Fund**

Section 1: The Town of Milford does hereby establish this ordinance for creation of a Rainy Day Fund for the Town.

Section 2: The Rainy Day Fund is entitled to receive payments from State payments and other sources, and to retain funds and make expenditures in accordance with State law.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 2  
DISCRIMINATION IN HOUSING PROHIBITED

CHAPTER 1

**1-2-1-1 Declaration of Policy**

Section 1. It is hereby declared to be the policy of the Town of Milford Junction in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons.

**1-2-1-2 Definitions**

When used herein:

a. "Real Property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

b. "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this chapter.

c. "Person" includes individuals, children, firms, associations joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

d. "Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

e. "Financial Institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

f. "Real Estate Broker" or "Real Estate Salesman" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

g. "Housing accommodation" or "Dwelling" means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.



h. "Mortgage Broker" means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Indiana Statutes.

i. "Open Market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### **1-2-1-3 Unlawful Practices**

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the Town of Milford Junction for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

a. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

b. To discriminate against a person in the terms, conditions, or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

c. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

d. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

e. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, or national origin, sex or place of birth; or

f. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.

g. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

h. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of

persons of any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

1. The lowering of property values in the area;
2. An increase in criminal or antisocial behavior in the area; or
3. A decline in the quality of school serving the area.

i. to make any misrepresentation concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the town of Milford Junction for the purpose of including or attempting to induce any such listing or any of the above transactions; or

j. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or attempting to induce the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

k. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings, hearing or conference under this chapter; or

l. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter; or any order issued thereunder; or

m. By canvassing, to commit any unlawful practices prohibited by this chapter; or

n. Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

o. For any bank, building, and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

p. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex or national origin.

#### **1-2-1-4 Exemptions**

This chapter shall not apply to:

a. A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.

b. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

c. Any single family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single family houses at any one time: Provided further, that in the case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single family houses at any one time: Provided further, that sale or rental of any such single family house shall be excepted

from the application of this chapter only if such house is sold or rented:

1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and

2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of this Chapter; but nothing in this provisions shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

d. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

#### **1-2-1-5 Procedure**

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the Clerk-Treasurer within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The Clerk-Treasurer, or his duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and in compliance with this chapter shall cause the

Clerk-Treasurer to forward the complaint and his findings to appropriate state and federal officials.

**1-2-1-6 Other Remedies**

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

**1-2-1-7 Penalties**

Any person violating any provision of this chapter shall, upon adjudication thereof, be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). In addition, any person violating this chapter may be punished as provided by any other applicable local, state or federal law.

**1-2-1-8 Severability of Invalid Provisions**

In case any one or more of the sections, subsections, clauses, or provisions of this chapter, or the application of such sections, subsections, clauses or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this chapter or the application of such sections, subsections, clauses or provisions to any other situation, circumstance or person, and it is intended that this chapter shall be constructed and applied as if such section or provision so held unconstitutional or invalid had not been included in this chapter.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 3  
TOWN ATTORNEY

CHAPTER 1

**1-3-1-1** The Council may appoint an attorney duly admitted to the practice of the law in the State of Indiana as the Town Attorney.

a. The Town Attorney shall serve at the pleasure of the Council.

b. The basic annual compensation of the Town Attorney shall be fixed by the Council.

c. For the basic annual compensation, the Town Attorney shall:

1. Attend the meetings of the Council unless otherwise excused.

2. Give legal advice to the officers, departments, boards, commissions, and other agencies of the town.

3. Maintain custody of the records of his office and turn them over to his successor in office.

4. Report, in writing, to the Council all matters that he considers important.

d. The basic annual compensation paid to the Town Attorney shall not include compensation for the following services:

1. The representation in or trial of any litigated matter in any court or before any local, state or federal administrative agency.

2. Prosecution of violators of town ordinances.



3. Representation of the Town with regard to any economic development, revenue or other type of bond issue.

4. Representation with regard to any grant or loan from any federal or state agency or department.

5. Any other matters agreed to in advance by and between the Council and the Town Attorney.

e. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 4  
APPOINTMENT OF DEPUTY MARSHALS

CHAPTER 1  
APPOINTMENT AUTHORIZED

**1-4-1-1 Appointment of Deputies**

The Town Marshall shall be and is hereby authorized to appoint Deputy Marshals as he may deem necessary and desirable and all Deputy Marshals duly appointed in executing the orders of the Board and enforcing the ordinances of the Town shall possess the powers and be subject to the liabilities of the Marshall.

**1-4-1-2 Bond Regulations by Town Trustees**

The compensation, term of service and amount of bond for all Deputy Marshals shall be regulated by the board of Town Trustees.

**1-4-1-3 Deputies Subject to Marshal's Order**

Deputy Marshals shall be subject to the orders of the Marshall and may be discharged at any time by the Marshall.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 5  
DEFERRED COMPENSATION PLAN

CHAPTER 1  
PLAN ESTABLISHED

**1-5-1-1 Plan Established**

The Town of Milford Junction hereby establishes the Town of Milford Deferred Compensation Plan for the voluntary participation of all eligible Town employees and elected officials.

**1-5-1-2 State Plan Adopted**

The Town will utilize the State's Plan Document and its investment options. The Town will contract with Indiana Deferred Compensation Plan, Inc. to be the exclusive Servicing Manager and Enroller.

**1-5-1-3 Administrator of the Plan**

The Town hereby appoints the Clerk-Treasurer as Administrator of the Plan, and authorizes said Clerk to make deductions from the pay of employees who voluntarily participate, and to make such other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expenses of collecting the employee's deferrals and other minor administrative matters, there is to be no cost or contribution by the Town to this Plan.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 6  
PAYMENT OF EXPENSES AUTHORIZED

CHAPTER 1  
PAYMENT OF CERTAIN EXPENSES AUTHORIZED

**1-6-1-1 Payments Authorized**

Section 1. The Town Clerk-Treasurer is hereby authorized to pay without specific Town Council approval the following classifications or types of claims:

- a. Employment taxes or deductions such as federal withholding, state withholding, FICA, P.E.R.F., and insurance.
- b. Utility expenses.
- c. Payroll.
- d. Water deposit refunds.
- e. Postage expense.
- f. Insurance premiums.

**1-6-1-2** At the first regular Town Council meeting following the payment of any claims paid pursuant to Section 1 above, the Town Clerk-Treasurer shall provide to the Town Council a written summarization of all such claims so paid.

**1-6-1-3** If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 6  
PAYMENT OF EXPENSES AUTHORIZED

CHAPTER 2  
CREDIT CARD USAGE

**1-6-2-1** The clerk-treasurer's office, water, wastewater, electric, street departments and town council shall be entitled to obtain such credit cards as may be necessary to allow them to more efficiently perform the duties assigned to them.

**1-6-2-2** Application for credit cards for any town office shall be made by the clerk-treasurer's office and the monthly statements to be received pursuant to such credit card agreement shall utilize the address of the clerk-treasurer's office.

**1-6-2-3** The clerk-treasurer's office, water, wastewater, electric, street departments and town council shall utilize such credit cards only for the business of the town and only when no other method of expenses will allow such officials to efficiently perform their duties.

**1-6-2-4** The clerk-treasurer shall pay the expenses charged to such credit cards in such a fashion as to avoid the payment of any finance charges.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 7  
MILEAGE EXPENSE

CHAPTER 1  
EXPENSE ALLOWED

**1-7-1-1 Mileage expenses allowed**

A town employee or official using his or her motor vehicle to travel unofficial business outside of the Town of Milford Junction, Indiana, subject to the approval of the Town Council, be allowed to claim mileage at the amount established by the annual salary ordinance. Only one mileage claim shall be allowed to the employer or official furnishing the transportation, although one or more persons may be transported during the claimed travel.

**1-7-1-2** The Clerk-Treasurer is hereby authorized and empowered, subject to the approval of the Council, to pay from the general fund, from funds not otherwise appropriated and without any previous appropriation made thereof, the cost of attending any seminars, schools or conferences held for the benefit of town employees or officials.

**1-7-1-3** If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 8  
GENERAL PROVISIONS

CHAPTER 1  
PUBLIC RELATIONS APPROPRIATIONS

**1-8-1-1 General Provisions**

The Board of Town Trustees are authorized to budget and appropriate funds from the General Fund of the Town, pursuant to I.C. 18-6-12-1, to pay the expenses of or to reimburse town officials for expenses incurred in promoting the best interest of the town. Such expenses may include, but not necessarily be limited to rental of meeting places, meals, decorations, memorabilia, awards, expense incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Trustees to be in the interest of the Town.

TITLE 1  
GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 9  
VOTING DISTRICTS

CHAPTER 1

**1-9-1-1** In order to clarify the question of the existence of voting districts within the town, the Town does now pass this ordinance to establish and codify those voting districts.

**1-9-1-2** There shall be three Wards within the Town of Milford Junction, Indiana, described as follows:

WARD I: All that portion of the Town East of the Centerline of Main Street (Old State Road 15)

WARD II: All that portion of the Town West of the Centerline of Main Street (Old State Road 15) and North of the Centerline of Emeline Street, and with such Centerline extended to the West Corporation Limits.

WARD III: All that portion of the Town West of the Centerline of Main Street (Old State Road 15) and South of the Centerline of Emeline Street, and with such Centerline extended to the West Corporation Limits.

**1-9-1-3** The Clerk Treasurer of the Town of Milford Junction, Indiana shall have a map of the Town with the wards identified herein available for public inspection during normal business hours.

**1-9-1-4** One council member shall be elected from each ward within the town. Every voter properly registered shall have the right to vote on all three council member positions, regardless of the ward in which the voter lives.



TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 1  
ZONING

CHAPTER 1  
COUNTY ZONING ADOPTED

**2-1-1-1 Adoption of County Zoning**

The Kosciusko County Code sections known, cited and referred to as the County Zoning Ordinance, the County Subdivision Control Ordinance and the County Mobile Home Park Ordinance are hereby adopted in full and incorporated herein.

CHAPTER 2  
REGULATION OF PARKING OF MOBILE HOMES AND HOUSE TRAILERS

**2-1-2-1** No person, organization, corporation or entity of any type shall park within the corporate limits of the Town of Milford, Indiana, any mobile home or house trailer without the written permit of the Town Council of said Town, except upon land which has prior to the effective date of this Ordinance been commonly used as a mobile home park, and for which all state licenses and permits are in full force and effect.

**2-1-2-2** No permit for the parking of any mobile home or house trailer shall be issued by the Board, except for a temporary permit as hereinafter provided, unless and until the Board determines that such mobile home or house trailer shall meet the following requirements and limitations:

(a) The mobile home or house trailer shall be at least 14 feet in width or shall contain a minimum of 840 square feet under one roof.

(b) The mobile home or house trailer shall be located on a lot of not less than 5,000 square feet in size.

(c) The mobile home or house trailer shall be connected to the town sewer system in accordance with applicable town ordinances. No mobile home or house trailer may share utility services or hookups with any other residence, mobile home, or house trailer.

(d) The tongue or pulling ring for any such mobile home or house trailer shall be removed and placed beneath said mobile home or house trailer or in such other place so as to not be visible from any public way, or permanently covered so as not to be visible from any public way.

(e) The mobile home or house trailer shall be placed upon a permanent foundation or a cement slab, with its wheels removed, and such slab shall be at least the same size as the mobile home or house trailer and at least 3-1/2 inches thick.

(f) The mobile home or house trailer shall have a full skirting on all sides, consisting of metal, fiberglass or similar construction material.

(g) The mobile home or house trailer shall be tied down in accordance with the requirements of the State of Indiana.

(h) There shall be provision made for off-street parking for at least two motor vehicles on the lot on which the mobile home or house trailer is located.

(i) In addition to the foregoing requirements and limitations, a storage shed containing a minimum of 100 square feet and placed on a concrete slab or foundation at least as large as the storage building shall be placed on the lot on which the mobile home or house trailer is located.

(j) The mobile home or house trailer was manufactured less than 10 years prior to the date on which the permit is issued.

**2-1-2-3** The Town Council of the Town of Milford, Indiana, may grant a temporary parking permit for a mobile home or house trailer not to exceed thirty (30) days for the parking of a mobile home or house trailer upon any land located within the Town of Milford, if upon investigation the Council finds that good and sufficient sanitary facilities will exist for said mobile home during said temporary period; provided, however, that only one of such temporary permits shall be issued to the owner of any land within the Town of Milford each year.

**2-1-2-4** No existing lot in the Town of Milford may be divided into an additional lot or lots for the purpose of locating a mobile home on any such lots.

**2-1-2-5** Any owner or occupant of any mobile home or house trailer shall also comply with all provisions of the water and sewer ordinances of the Town.

**2-1-2-6** This Ordinance shall not apply with respect to any mobile home or house trailer parked or located within the corporate limits of the Town of Milford prior to the passage of this Ordinance. However, if any such mobile home or house trailer is removed from the lot on which it is located, this Ordinance shall apply to any new or replacement mobile home or house trailer to be located on such lot.

**2-1-2-7** Any mobile home or house trailer parked in the corporate limits of the Town of Milford in violation of this Ordinance shall be deemed a nuisance and may be abated as such by the Town or any person or persons injured thereby, and the person, corporation, or any other entity violating this Ordinance shall be subject to a penalty of \$10.00 for each day

that said mobile home or house trailer remains so parked, which penalty shall be recoverable in any court of competent jurisdiction.

**2-1-2-8** If any section subsection, paragraph, sentence, clause or phrase of this Ordinance is for 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 ordinance. It is 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.

**2-1-2-9** This ordinance shall be in full force and effect from and after its passage.

TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 2  
ADDRESS NUMBERING SYSTEM

CHAPTER 1  
NUMBERING SYSTEM

**2-2-1-1 Address Numbers Established**

All lots in the Town of Milford Junction are hereby numbered by street and location and shall hereafter have and bear as the residence address of such lot a numbered street address determined as follows:

a) All streets running in a northerly-southerly direction shall be designed as "North" Street from the point where such street lays north of Catherine Street in said Town, and all such street shall be designated as "South" Street from the point where such street lays South of Catherine Street.

b) All streets running in an easterly-westerly direction shall be designated as "East" Street from the point where such street lays east of Main Street in said Town and all such streets shall be designated as "West" Street from the point where such street lays West of Main Street.

c) As used in this ordinance a town block shall mean that area completely enclosed by the intersection of three or more public streets in the town without skipping or passing by any such streets.

d) On easterly-westerly street proceeding East from Main Street the buildings and lots in the first block shall carry address numbers commencing with 100; in the second block East of Main Street, such numbers shall commence with 200 and the numbers in each additional block proceeding easterly shall

commence with the next highest 100; provided, however, that where such an easterly-westerly street has its western end at a point East of Main Street, the blocks proceeding easterly on such street shall be designated and commence with the appropriate hundred just as though such street had commenced at Main Street. The buildings and lots on all streets proceeding West on Main Street, all street proceeding north of Catherine Street, and all street proceeding South of Catherine Street shall be similarly numbered commencing with 100 and increasing by one hundred with each new block.

e) The lots and buildings on the West side of all northerly-southerly street shall bear odd numbers and the lots and buildings on the East side of all such street shall bear even numbers. The lots and buildings on the North side of all easterly-westerly streets shall bear odd numbers and the lots and buildings on the South side of all such streets shall bear even numbers.

f) On easterly-westerly streets proceeding East from Main Street, the first lot on the South side of a block shall bear the hundred designation of the block and the residence designation 02, and the next lot proceeding East shall be designated 04 and so on serially to the end of the block. The lots on the North side of such street shall be similarly serially designated commencing with 01. Lots proceeding westerly on easterly-westerly streets West of Main Street, lots proceeding northerly on northerly-southerly streets North of Catherine Street and lots proceeding Southerly on northerly-southerly streets South of Catherine Street shall be similarly numbered commencing in each new block with 02 and 01 on the appropriate sides of the street.

g) A residential or business building situated on a corner lot shall bear the number and street address applicable to the street upon which the entry way to such building is located.

h) Where more than one occupied building is situated on one lot or a building contains more than one business or apartment each of which are served by separate outside entrances, such additional buildings or additional quarters with separate entrances may be numbered with the lot number as hereinbefore provided plus a fractional number to designate the separate quarters.

TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 3  
CORPORATE BOUNDARIES OF MILFORD JUNCTION

CHAPTER 1  
CORPORATE BOUNDARIES DEFINED

**2-3-1-1 Corporate Boundaries**

The entire corporate boundaries of the Town of Milford Junction, Indiana, are hereby declared and defined to be that tract of land located in Kosciusko County, Indiana, within the following perimeter description, to-wit:

Commencing at the intersection of the East right-of-way line of the Penn Central Railroad, formerly the New York Central Railroad, and the center line of County Road 1150 North, proceeding thence Westerly on and along the center line of County Road 1150 North to its intersection with the West right-of-way line of Indiana State Highway 15; thence North to a point which would be on the center line of County Road 1300 North if such road were extended due West; thence East on and along the center line of County Road 1300 North if extended to its intersection with the East right-of-way line of Old State Road 15; thence South on and along the East right-of-way line of Old State Road 15 to the North right-of-way line of County Road 1250 North; thence East to a point in line with the East line of Schafer Street; thence South on and along the East line of Schafer Street and the extension of such line to the center of Turkey Creek to the point where it intersects the East right-of-way line of the Penn Central Railroad aforesaid; thence South on and along the East right-of-way line of said railroad to the place of beginning.

and all lands and territory not previously contained within the corporate boundaries of the Town of Milford Junction and contained with the aforesaid description, be and they are hereby annexed to and included in the corporate limits of said town.



TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 4  
ECONOMIC DEVELOPMENT COMMISSION

CHAPTER 1  
COMMISSION ESTABLISHED

**2-4-1-1 Economic Development Commission**

That pursuant and under IC 36-7-12 there is hereby created a new department of economic development to be known as the Town of Milford Junction Economic Development Commission (the "Commission").

a. The Commission shall consist of three (3) members to be appointed as follows:

1. One member by the President of the Town Board.
2. One member by the Town Council.
3. One member by the County Council.

b. No person shall be appointed as a member of the Commission who is not either a resident of the Town or employed in the Town.

c. The Commission shall consist of three members to be appointed to the following terms:

1. The member selected by the President shall serve for three (3) years.
2. The member selected by the Town Board shall serve for two (2) years.
3. The member selected by the County Council shall serve for one (1) year.
4. The respective successor members shall be selected and nominated in the same manner as the

original appointees and shall serve a term of four (4) years.

5. Any person so appointed who fails to qualify within ten (10) days after the mailing to him the notice of his appointment, or if any member after qualifying shall no longer qualify, die, resign, or vacate such office, or be removed, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and that member so appointed shall serve for the remainder of the vacated term.
6. Members of the Commission shall hold office after the expiration of their terms until their respective successors have been duly appointed and have qualified.

d. The nominations made by the County Council and the Town Board shall be transmitted to the President of the Town Board in writing within ten (10) days after the final passage of this ordinance and all members selected shall be appointed by said President within ten (10) days after receiving the nomination.

e. Members of the Commission shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

f. Each member of the Commission shall take and subscribe an oath of office in the usual form before entering upon his duties.

g. The commission, as originally appointed, shall meet within thirty (30) days after its appointment at a time and place designated by the president for the purpose of

organization and shall meet to reorganize in February of each succeeding year.

h. The Commission shall elect one (1) of its members as President, one (1) of its members as Vice President and one (1) of its members as Secretary, each of which officer shall serve from the date of his election until the 31st day of January next following his election or until his successor is elected and qualified.

i. A majority of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action.

j. The Commission shall adopt such Bylaws, rules and regulations as it may deem necessary for the proper conduct of its proceeding, the carrying out of its duties and the safeguarding of the funds and property placed in its custody by the Act.

k. Any member of the Commission shall be removed from office for the reasons specified in the Act and shall receive such judicial review as outlined in the Act.

l. The Commission shall have such powers and make such reports as are required by the Act.

m. The President of the Town Council shall be empowered to do all that is necessary to effectuate the purposes of this Ordinance.

TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 5  
CUMULATIVE CAPITAL IMPROVEMENT FUND

CHAPTER 1  
CUMULATIVE FUND

**2-5-1-1 Capital Improvement Fund**

In accordance with I.C. Section 6-7-1-31.1, there is hereby created a special Fund to be known as the Cumulative Capital Improvement Fund of Milford Junction into which the cigarette taxes allotted to Milford Junction by reason of the Indiana Cigarette Tax Law shall be deposited. Said Fund shall be a Cumulative Fund and all of the monies deposited into said 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.

a. The term "capital improvements" means the construction or improvement of any property owned by the Town of Milford Junction, including, but not limited to, streets, thoroughfares, and sewers and the retirement of general obligation bonds of Milford issued and the proceeds used for capital improvements. The term capital improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

TITLE 2  
ZONING, PLANNING AND DEVELOPMENT

ARTICLE 6  
DESIGN STANDARDS

CHAPTER 1

**2-6-1-1 Street Improvement Projects**

All public related street improvements shall be performed to meet the following minimum standards and requirements:

A) Residential Street Construction Standards:

1. Paved Surface Dimensions:

Roadside Ditch 20 feet

Curb and Gutter (back to back of curb) 30 feet Minimum of 50 foot right-of-way width.

Terminus diameter on cul-de-sac determined by maintaining the same dimension between the edge of the pavement and the dedicated right-of-way of the adjacent street. In effect provide the equivalent width for drainage between the pavement and right-of-way as is provided for along the adjacent street. Typical detail, see Figures 1 & 2 on Exhibits A & B infra.

Radius at intersecting streets 35 feet.

Radius of curve at center line of highway right-of-way 150 feet.

2. The Paved Surface Shall Consist of One of the Following Materials or combinations of materials:

a) Five (5) inches of Portland Cement Concrete (Class A-6 bags cement per cubic yard of concrete) placed on a 4 inch compacted granular subbase. Compacted granular base to be two (2) feet wider than pavement.

b) Five (5) inches of asphalt binder (black base) with one (1) inch type "B" surface course on a compacted subbase. Compacted subbase to be two (2) feet wider than the pavement.

c) Two (2) inches of hot mixed asphalt binder with one (1) inch of type "B" surface course on a six (6) inch compacted gravel base. Compacted gravel base is to be two (2) feet wider than asphalt.

d) Crown in pavement of one-fourth (1/4) inch per foot.

B) Industrial Street Construction Standards:

1. Paved Surface Dimension:

Width with curb and gutter - 32 feet back to back of curb.

Width without curb and gutter - 24 feet

Terminus diameter on cul-de-sac determined by maintaining the same dimension between the edge of the pavement and the dedicated road right-of-way of the adjacent street. In effect provide the equivalent width for drainage between the pavement and right-of-way as is provided for along the adjacent street. Radius at intersecting streets - 35 feet. Radius of curve at center line of highway right-of-way - 150 feet.

2. The Paved Surface shall consist of one of the following materials or combination of materials:

a) Six (6) inches of Portland Cement (Class A - 6 bags cement per cubic yard of concrete) placed on a six (6) inch compacted granular subbase. Compacted granular base to be two (2) feet wider than pavement. b) Six (6) inches of asphalt binder (black base) with One and One-Half (1 1/2) inches of type "B" surface course on a compacted subbase.

Compacted granular base to be two (2) feet wider than pavement.

c) Three and One-Half (3 1/2) inches of hot mix asphalt binder with One and One-Half (1 1/2) inches of type "B" surface course on a six (6) inch compacted gravel base. Compacted gravel base to be two (2) feet wider than asphalt.

d) Crown in pavement of One-Fourth (1/4) inch per foot.

C) General Street Construction Standards and Requirements:

1. All materials, mixtures, and workmanship shall conform to Indiana State Highway Specifications.

2. Newly dedicated streets not having curb and gutters shall provide the following:

a) Side ditch swales measuring a minimum of 18 inches deep from the edge of the pavement at a point five (5) feet inside the right-of-way line.

b) A minimum twelve (12) inch diameter culvert pipe at all driveways. Culverts to be sized according to amount of storm water flow.

c) Culverts under the roadway as required and shown on the street plans. Culverts to be sized by the developer through his Engineer and approved by the Town according to amount of storm water flow. (12 inch diameter minimum). All culverts shall extend at least five (5) feet beyond either edge of the paved roadway.

d) Relief of side ditches and swales along roadway through the use of off street retention basins or existing County drainage channels. Storm water retention using the roadside ditches will not be accepted.

e) The subdivider shall provide the subdivision with an adequate storm water sewer system whenever the evidence available to the Town indicates the natural surface drainage is inadequate. When the surface drainage is adequate, easement for such drainage shall be provided.

3. Any signs, shrubs, or tree plantings shall be installed in such a manner as to not be hazardous to traffic movement or highway maintenance and located outside of the dedicated public right-of-way.

4. The survey for both Residential and Industrial Developments is to include construction of Acceleration-Deceleration Lanes and/or Passing Lanes when required.

5. The Town shall enforce standards of street construction under these Design Standards and upon their recommendation the Town Board may set standards higher than the above minimum.

#### **2-6-1-2 Street Identification Signs**

It shall be the responsibility of the subdivider to provide the funds for the purchase of street identification signs and order said signs through the Town. The signs will be aluminum to prevent rust, six (6) inches in height and length to be legible with "Reflective Sheeting High Intensity Grade" and four (4) inch black letters. An aluminum bracket will be used to hold the sign blades and mounted on a two (2) inch galvanized round post ten (10) feet in length and installed so said sign will be not less than seven (7) feet above ground level and not less than five (5) feet from the edge of the pavement unless a curb is installed. If such curb exists the sign shall not be closer than two (2) feet inside the curb.

The Town will maintain the street identification sign or signs after said installation but will have the right to delay



the installation if no dwellings are constructed to save vandalism and other future maintenance costs. Under no circumstances will the Town allow other designs, styles, shapes or size street signs which must be kept uniform for police, fire and emergency calls for all residents on the Town street system.

### **2-6-1-3 Inspection of Construction Sites**

All street construction to be made under the provisions of these Design Standards shall be inspected during the course of construction by the governing authorities of the Town.

### **2-6-1-4 Exceptions and Variances**

When a subdivider can show that a provision of these Design Standards, if strictly adhered to, would cause unnecessary hardship and in the opinion of the Town Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such standards, the Town Board may authorize a variance or modification of the action in question. Such application shall be duly considered by the Town Board at the next regular scheduled monthly meeting. conversely, adverse site conditions, could require the Town to set standards higher than these minimums. Any variance or modification thus authorized shall be entered in the minutes of the Town Board and the reasoning on which the departure was justified, set forth.

TITLE 2  
REDEVELOPMENT COMMISSION

ARTICLE 7

Chapter 1

**2-7-1-1** Pursuant to Indiana Code 36-7-14 et seq. in order to provide opportunities for re-development by private enterprise of areas within the jurisdiction of the Town of Milford, the Town does now declare and establish a redevelopment commission.

**2-7-1-2** The Redevelopment Commission shall be established upon passage of this ordinance and shall consist of five members, and will be known as the Milford Redevelopment Commission.

**2-7-1-3 Powers.** The Redevelopment Commission shall have powers granted to it by State statutes under I.C. 36-7-14 et seq., and any successor statutes passed or to be passed regarding redevelopment commissions. All five members shall be appointed by the Town Council.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 1  
UNSAFE BUILDING LAW

CHAPTER 1

**3-1-1-1 Creation and Administration**

1. Under the provisions of Indiana Code 36-7-9, there is hereby established the Milford Junction Unsafe Building Law.

a. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Milford Junction Unsafe Building Law. All proceedings within the Town of Milford Junction 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 the Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of State Statute shall not act as a repeal of this ordinance.

b. All buildings or portions thereof within the Town of Milford Junction which are determined after inspection by the building commissioner to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

c. Wherever in the building regulations of the Town of Milford Junction or the Milford Junction 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 Town of Milford Junction, 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.

d. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Milford Junction, Indiana, by adding the following definition;

UNSAFE BUILDING:

Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist that life, health, property, or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed for new buildings of similar structure, purpose or location.

3. Whenever any portions 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.

4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damages property.

5. 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 (1/2) of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

6. Whenever any portion thereof has racked, 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.

7. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other use, is likely to partially or completely collapse.

8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

9. 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 of one-third (1/3) of the base.

10. 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.

11. 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 (a) an attractive nuisance to children; (b) freely accessible to persons for the purpose of committing unlawful acts; (c) or a harbor for vagrants, criminals, or immoral persons.

12. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this town, or of any law or ordinance of this state or county relating to the condition, location, or structure of buildings.

13. 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 sixty-six percent (66%) of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Commissioner to be a fire hazard.

16. 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.

17. Whenever any building or structure is in such a condition to constitute a public nuisance known to the common law or equity jurisprudence.

(e) The definition of "substantial property interest" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(f) All work for the reconstruction, alteration, repair, or demolition of building or other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwelling, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commissioner of the Town of Milford Junction, Indiana.

(g) An Unsafe Building Fund is hereby established in the operating budget of the Town of Milford Junction in accordance with the provisions of IC 36-7-9-14. (h) No person, firm, or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Building Commissioner of the Town of Milford Junction. Any person violating the provisions of this ordinance or IC-36-7-9-28 shall commit a Class C infraction for each day such violation continues.

(i) The Building Inspector of the Town of Milford Junction is hereby designated the Enforcement Authority in accordance with the provisions of IC-36-7-9-2.

(j) The Building Commissioner of the Town of Milford Junction is hereby designated the Hearing Authority in accordance with the provisions of IC-36-7-9-2.

(k) The amount of the average processing expense is determined to be \$750.00 in accordance with IC 36-7-9-12.

(l) Should any section, paragraph, sentence, clause or phase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.



TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 2  
WEEDS AND RANK VEGETATION

CHAPTER 2  
WEEDS AND RANK VEGETATION DECLARED NUISANCE

**3-2-1-1 Removal**

Weeds and other rank vegetation growing upon any real estate in the Town of Milford Junction are hereby declared a nuisance.

a. It shall be unlawful for any person to allow or permit any weeds or other rank vegetation to be or remain upon any property owned by such person. For the purpose of this ordinance ownership shall be determined to be the person or persons listed as owners on the tax duplicates covering said property filed in the Office of the Treasurer of Kosciusko County, Indiana.

b. On default of any owner to cut and remove such weeds, or to cause the same to be done, upon ten (10) days notice from the town Clerk-Treasurer, the council may cause such weeds or vegetation to be cut and removed. The town Clerk-Treasurer shall make a certified statement of the actual cost of the cutting and removal of said weeds or vegetation and cause the same to be served on the owner of said real estate.

c. If, after the lapse of ten (10) days after the service of said statement of costs, the owner fails to pay said sum to the Clerk-Treasurer of the Town of Milford Junction, a certified copy of the statement of costs shall be filed in the Auditor's Office of Kosciusko County for the placing of said amount on the tax duplicate against the lands of the landowner affected by said work for collection as taxes collected.

d. The notices required to be served under the provisions of this ordinance shall be served by the Town Marshall in the event the property owner is a resident of the Town of Milford Junction, or by registered mail addressed to the last known residence of the property owner in the event said property owner is a non-resident. It shall be sufficient for the purpose of this ordinance to address the notices required herein to the address of the owner as shown on the tax duplicates for said real estate on file in the office of the Treasurer of Kosciusko County, Indiana.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 3  
WEAPONS, EXPLOSIVE DEVICES AND FIREWORKS

CHAPTER 1  
WEAPONS AND EXPLOSIVE DEVICES

**3-3-1-1 Discharge of Weapons and Explosive Devices Prohibited.**

It shall be unlawful for any person to fire or discharge any common gun, shotgun, rifle gun, fowling piece, pistol, revolver, pellet gun, BB gun, bow and arrow, or firearm of any kind or description or fire or explode or set off any firecrackers or any other thing containing powder, or combustibles or explosive material or to shoot any animal, or animals within the town limits.

a. Any person violating Section 1 of this ordinance shall upon conviction be fined in any sum not exceeding Twenty-five Dollars (\$25.00).

(b) If any provision of this ordinance or the application thereof to any person or persons or circumstances is invalid, such invalidity shall not affect other divisions or applications of the ordinance which can be given effect without the invalid provisions or application and to this end the provisions of this ordinance are declared severable.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 3  
WEAPONS, EXPLOSIVE DEVICES AND FIREWORKS

CHAPTER 2  
WEAPONS AND EXPLOSIVE DEVICES

**3-3-2-1 Possession of Deadly Weapons on Town Property.**

No person shall possess any deadly weapon on town property owned by the Town of Milford, Indiana.

**3-3-2-2 Definition.**

"Deadly weapon" shall include the following:

- a. A loaded or unloaded firearm.
- b. A taser or stun gun type weapon.
- c. A weapon, device, instrument, material, or substance, animate or inanimate, that in its normal use is used for purposes which would cause or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

**3-3-2-3 Exceptions.**

This Ordinance does not apply to:

- a. Judicial officers or law enforcement personnel on active duty.
- b. Officers of the Town of Milford, both regular and reserve, whether or not they are on duty.
- c. Any other town employee as specifically designated by the town council.

**3-3-2-4 Penalties.**

Penalties for violation of this Ordinance shall be a fine to exceed One Hundred Dollars (\$100) for the first offense, and Two Thousand Five Hundred Dollars (\$2,500) per each subsequent offense. Each day a violation occurs shall constitute a separate offense.

**3-3-2-5 Seizure and Disposal.**

The Town Marshal of the Town of Milford and his deputies may seize any deadly weapon possessed in violation of this Ordinance, and said seizure will be made and hearing held on proper disposition of the weapon pursuant to Ind. Code § 35-47-3 et seq.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 3  
WEAPONS, EXPLOSIVE DEVICES AND FIREWORKS

CHAPTER 3  
WEAPONS AND EXPLOSIVE DEVICES

**3-3-3-1 Consumer fireworks.**

It shall be unlawful for any person to use, ignite or discharge consumer fireworks, as that term is defined under State law of Indiana, within the Town limits, except as follows:

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

**3-3-3-2 Penalties.**

Any person violating sections of this Ordinance shall upon conviction be fined in any sum not exceeding \$25.00.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 4  
TRASH, REFUSE AND GARBAGE

CHAPTER 1  
DECLARED TO BE A NUISANCE

**3-4-1-1 Declared to be a Nuisance**

It shall be unlawful for any property owner or person to cause, or to allow to be caused, an accumulation or scattering of trash, refuse or garbage upon his or her property or property occupied by said person, within the corporate limits of the Town of Milford Junction. Any such accumulation or scattering of trash, refuse or garbage is, and is hereby declared to be, a nuisance.

**3-4-1-2 Person Defined**

For the purposes of this Article, the term "person" means any individual or individuals, corporation, partnership, proprietorship or other firm.

**3-4-1-3 Definitions**

For the purpose of this Article the following terms shall have the following meanings:

a. "TRASH" shall mean all non-putrescible solid waste, including ashes, cardboard, paper, plastic, metal or glass food containers, rags, waste metal, small pieces of wood, rubber, bulk refuse, hazardous refuse, packing material, industrial waste, building waste, or like materials.

b. "GARBAGE" shall mean all putrescible animal solid, vegetable solid, and semi-solid waste resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

c. "REFUSE" shall mean all putrescible and non-putrescible solid and semi-solid waste, including garbage, rubbish, ashes, dead animals, offal and solid commercial industrial and institutional waste.

**3-4-1-4 Exception**

That this Article shall not be construed to prohibit the accumulation of trash, garbage, or refuse in a container designed or approved for the accumulation of trash, garbage, or refuse, prior to disposal.

**3-4-1-5 Penalty**

That anyone who shall violate the terms of this Article, creating a nuisance thereby, upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), and each day that said violation shall continue shall be a separate offense.



TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 5  
TRASH, REFUSE AND GARBAGE

CHAPTER 2  
RESTRICTIONS ON BURNING

**3-5-2-1 Restrictions**

That it shall be unlawful to burn any garbage, refuse or natural debris in the town of Milford Junction except in a covered incinerator; provided, however, that during the months of April, October and November leaves may be burned in the town, so long as no fire hazard is created and leaves are not burned upon paved sidewalks or paved streets.

**3-5-2-2 Penalty**

Whoever violates this ordinance shall be fined not more than \$100.00 for each offense by a court of competent jurisdiction. A separate offense shall be deemed committed on each day that a violation occurs or continues.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 6  
POTENTIALLY DANGEROUS DOGS

CHAPTER 1

**3-6-1-1 Purpose**

The purpose of this article is to protect human life in health and welfare by providing to the residents of the Town of Milford Junction, Indiana, protection from potentially dangerous dogs.

**3-6-2-1 Definitions**

The definitions contained herein shall be for the purposes of this article only.

**3-6-2-2 Animal Control Officer**

The Town Marshall, Deputy Town Marshall, and any person employed as Animal Control Officer by the Town shall all be considered Animal Control Officers with responsibilities and duties placed upon the Animal Control Officer herein.

**3-6-2-3 Attack Dog**

Any dog trained to attack upon command or signal.

**3-6-2-4 Potentially Dangerous Dog**

Any dog that inflicts a bite on a human being, has a history documented with any police agency of biting or attacking humans or domestic animals, is specifically trained as an attack dog, or is a guard or watch dog. This term shall not include any K-9 patrol dogs or police dogs or other dogs owned by Law Enforcement Agencies or law enforcement personnel specifically for use in their official capacity as law enforcement officers.

#### **3-6-2-5 Restraint**

The securing of an animal by a leash or confining the animal within the property limits of its owner or agent of its owner.

#### **3-6-3-1 Breeding**

It shall be illegal to breed a potentially dangerous dog within the Town limits of the Town of Milford Junction, Indiana.

#### **3-6-3-2 Penalties**

Any person who violates this chapter shall be fined \$200.00 for each incident of breeding, plus \$50.00 for every puppy produced as a result of breeding. In addition, the potentially dangerous dog shall be neutered by a veterinarian.

#### **3-6-4-1 Restrictions**

Any person who owns a potentially dangerous dog shall securely confine it or restrain the dog indoors or provide a securely enclosed or locked pen or structure outdoors. This kind of structure shall be sufficient to prevent the dog from escaping the limits of the structure. All such pens or structures may be maintained in a sanitary fashion, and must comply with all building and zoning regulations of the Town of Milford Junction.

#### **3-6-4-2 Fighting**

No person shall fight, bait, conspire to fight or bait, keep, train or transfer for the purpose of fighting or baiting, any potentially dangerous dog.

#### **3-6-4-3 Age Restrictions**

No person shall cause or permit a person less than 18 years of age to walk, run, exercise or transport any kind of potentially dangerous dog on public property.

#### **3-6-4-4 Restraint; Muzzles**

Any potentially dangerous dog present on public property must be muzzled and maintained on a leash while on public property.

#### **3-6-4-5 Penalties**

Any person violating the provisions of this chapter will be fined up to \$200.00.

#### **3-6-5-1 Time Periods**

Any owner of a potentially dangerous dog shall have 48 hours from acquiring ownership or from time to time the owner takes possession of the potentially dangerous dog, or from the time of the incident which triggers the applicability of the definition of a potentially dangerous dog to apply for a license for said animal.

#### **3-6-5-2 License Application**

The owner of a potentially dangerous dog or the person with possession thereof shall apply to the Town Clerk Treasurer's office for a license. Along with the application form, the applicant for said license shall provide as follows:

- a) Verification of the owner's name and current address.
- b) Proof of ownership of the animal.
- c) Copies of all current immunization and health records for the dog.
- d) Copies of all registrations and certificates issued for the dog.
- e) Proof that the applicant has insurance coverage of at least \$300,000.00 for any injury, damage or loss caused by the dog.
- f) One front view photograph and one side view photograph of the dog.

g) The name and address of the previous owner of the dog.  
h) Copies of any existing licenses for the potentially dangerous dog.

i) Licensing fee of \$20.00 per year.

j) Sworn statement that applicant agrees to inform the Town Clerk- Treasurer's Office of any notice or cancellation of the liability insurance previously mentioned here and within seven days of said cancellation.

k) Sworn statement to indicate that the applicant agrees to inform the Town Clerk-Treasurer's Office of any change of address or change of ownership of the dog within seven days of said change.

#### **3-6-5-3 Age Limitations**

No license shall be issued to any person under 18 years of age.

#### **3-6-5-4 Record Keeping: Tags; Display of Warning Sign:**

All dogs licensed under this article shall be issued a license number, and the entire contents of their license application and file shall be maintained in separate files by the Town Clerk-Treasurer. Also, a durable tag stamped with the license or permanent number and year of issuance shall be given along with a sign stating "Beware/Potentially Dangerous Dog", which sign must be prominently displayed by the owner of the dog where the dog is harbored and clearly visible from the street or alley immediately adjacent thereto.

#### **3-6-5-5 Renewal:**

All licenses issued under this article shall remain valid for a period of one year, and shall be renewed annually at a cost of \$10.00 per year upon the receipt of the Town Clerk-

Treasurer's Office of a sworn statement that all information concerning the potentially dangerous dog currently on file with the Town Clerk-Treasurer's Office is and remains accurate.

ARTICLE 3  
PUBLIC HEALTH AND SAFETY

TITLE 7  
OTHER NUISANCES

CHAPTER 1  
NOISE

**3-7-1-1** The following noises and/or actions are declared to be unlawful, and further declared to be public nuisances for which injunctive relief under Indiana Code 34-1-52-1 et seq. shall apply:

- (a) Any loud, unnecessary or unusual noises whatsoever which shall annoy, injure or endanger the comfort, peace, health or safety of others, unless the making of such noise is necessary for the protection or preservation of property, or for the health or safety of some person or persons.
- (b) The blowing of horns, whistles or any other attachments on any motor vehicles or bicycles, except when necessary as a warning of danger.
- (c) Loud noises created by the use of musical instruments except as permitted in authorized parades or public functions pursuant to permission of the Town of Milford.
- (d) Radios, stereos, tape players, compact disc players, or any loud noises by or from any motor vehicles or bicycles.

**3-7-1-2** The list of items above are separate and independent from each other, and should any section or type of noises outlined above be determined to be unconstitutional as to its limitation, then only that section shall be considered unconstitutional, and all remaining noises prohibited shall be considered severable from said unconstitutional provision.

**3-7-1-3** Anyone who shall violate the terms of this Chapter shall be fined in the sum not to exceed One Hundred Dollars (\$100.00) per offense, and in the case of any continuance noise in violation of this Chapter, every day that a violation shall continue shall constitute a separate offense.



ARTICLE 3  
PUBLIC HEALTH AND SAFETY

TITLE 7  
OTHER ANIMALS

CHAPTER 2

**3-7-2-1** It shall be unlawful for any person to own, keep or maintain any cow, horse, donkey, mule, pig, goat, sheep, goose, chicken, duck, or turkey upon any premises in the corporate limits of the Town.

**3-7-2-2** For the purposes of this ordinance "owner" means any person, firm, or corporation owing, harboring, or keeping any animal.

**3-7-2-3** Any person who violates any section of this Ordinance shall be fined in the sum of Ten Dollars (\$10.00), and each violation of each section of this Ordinance shall constitute separate offenses. Each day's violation of any section of this ordinance shall constitute a separate offense.

**3-7-2-4** The Town Council may grant a variance to any owner upon application and payment of a \$5 application fee. That variance shall expire after one year, but an owner may reapply on an annual basis for a new variance.

**3-7-2-5 Exceptions for Pre-Existing Livestock**

(a) This ordinance shall not apply to any livestock owned, kept, or maintained within the town limits as of the date of passage of this ordinance, which livestock are hereinafter referred to as "pre-existing livestock".

(b) Pre-existing livestock may be replaced by their owner upon transfer or death of the pre-existing livestock, as long as

one or more of the owners of the pre-existing livestock retains an ownership interest at the time of replacement.

(c) Replacement must take place within six (6) months of the transfer or death of the pre-existing livestock, and may not be in any greater number or type than the number or type of pre-existing livestock in existence as of the date of passage of this ordinance.

### **3-7-2-6 Exceptions for Pot-bellied Pigs**

(a) Pot-bellied pig means any of a breed of small pigs originating in southeastern Asia and having a straight tail, a pot belly, swayback, and black, white, or black and white coat.

(b) Only one pot-bellied pig will be allowed per residence.

(c) Pot-bellied pigs must be spayed or neutered by six months of age.

(d) Pot-bellied pigs must be kept as inside pets and not allowed to live outdoors.

**3-7-2-7** This Ordinance supersedes any sections of any other Ordinances of the Town of Milford Junction, Indiana, in conflict with the provisions hereof.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 7

CHAPTER 3

**3-7-3-1** It shall be unlawful for the owner of any dog to permit or to allow such dog to run at large within the town limits.

**3-7-3-2** For purposes of this chapter, a dog shall be deemed to be "at large" when a) the dog is off the property or premises of its owner or custodian, and b) not under the direct control of the owner or custodian or the custodian's agent, by a leash, cord, chain, or other similar devise.

**3-7-3-3** Violation of this chapter shall be punishable by a fine no less than \$10.00 or no more than \$50.00 per violation.

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 8  
REMOVAL OF SNOW AND ICE

CHAPTER 1

**3-8-1-1** - Occupants, owners required to clear ice and snow from sidewalks: The occupant, or owner if there is no occupant, of each and every building or lot within the town, fronting or bordering upon any street, shall clean the sidewalk in front of such building or lot of all snow or ice before the hour of 9:00 a.m. of each day, and keep the same clear of snow and ice.

**3-8-1-2** - Violation of this Chapter shall be punishable by a fine of no less than \$10.00 nor more than \$50.00 per day of violation.

*(Originally passed as Title 3, Article 7, Chapter 1. Codified as Title 3, Article 8, Chapter 1 due to duplication)*

TITLE 3  
PUBLIC HEALTH AND SAFETY

ARTICLE 8  
OBSTRUCTION OF THOROUGHFARES

CHAPTER 2

**3-8-2-1** Obstruction of thoroughfares. No person shall obstruct, by the person's presence or the presence of any objects, free passage on any sidewalks or driveways of the Town, Whether such activity shall be part of that person's business, hobby, or for any other purpose whatsoever.

**3-8-2-2** The Town Council has the authority to suspend the operation of this ordinance should a person make application to the Town for a permit for a sidewalk sale, town festival or celebration, or other appropriate temporary purpose. Such a suspension shall be for a specific period of time with specific dates and times noted on the request. No such suspension shall be granted for a period greater than five days.

**3-8-2-3** Violation of this ordinance shall be punishable by a fine of no less than ten dollars and no more than one hundred dollars.

TITLE 4  
MOTOR VEHICLES

ARTICLE 1  
RULES FOR VEHICULAR TRAFFIC

CHAPTER 1  
PREFERENTIAL TRAFFIC STREETS

**4-1-1-1** The following list of intersections shall have stop signs posted in order to control the flow of traffic within Milford Junction. Each intersection below shall have stop signs at all corners of the intersection if marked "4-way", and stop signs to halt the traffic on the subjective street in favor of traffic on the preferential street if so indicated. The list of such intersections is as follows:

| Intersection                     | 4-way | Preferential  | Subjective         |
|----------------------------------|-------|---------------|--------------------|
| Main/Section                     |       | Main          | Section            |
| Main/Catherine                   |       | Main          | Catherine          |
| Main/Syracuse                    | X     |               |                    |
| State Road 15/Section            |       | State Road 15 | Section            |
| State Road 15/Catherine          |       | State Road 15 | Catherine          |
| State Road 15/Fifth              |       | State Road 15 | Fifth              |
| State Road 15/Syracuse           |       | State Road 15 | Syracuse           |
| State Road 15/Turkey Creek Drive |       | State Road 15 | Turkey Creek Drive |
| State Road 15/First              |       | State Road 15 | First              |
| State Road 15/Fourth             |       | State Road 15 | Fourth             |
| State Road 15/Sixth              |       | State Road 15 | Sixth              |
| Main/Fourth                      | X     |               |                    |
| Main/First                       | X     |               |                    |
| Main/Turkey Creek Drive          |       | Main          | Turkey Creek Drive |
| Main/Emeline                     | X     |               |                    |
| Fourth/West                      |       | Fourth        | West               |
| Fourth/Henry                     |       | Fourth        | Henry              |
| Fourth/James                     |       | Fourth        | James              |
| Fourth/Maple                     |       | Fourth        | Maple              |
| Fourth/East                      |       | Fourth        | East               |
| Syracuse/West                    |       | Syracuse      | West               |

|                                  |                           |
|----------------------------------|---------------------------|
| Syracuse/Henry                   | Syracuse Henry            |
| Syracuse/James                   | Syracuse James            |
| Syracuse/Shaffer                 | SyracuseShaffer           |
| Syracuse/Kenwood                 | SyracuseKenwood           |
| Syracuse/East                    | Syracuse East             |
| Syracuse/Old State Road 15 North | SyracuseOld State Road 15 |

N.

|                   |                  |
|-------------------|------------------|
| Catherine/Maple   | Catherine Maple  |
| Catherine/West    | Catherine West   |
| Catherine/Henry   | Catherine Henry  |
| Catherine/East    | Catherine East   |
| Catherine/Shaffer | CatherineShaffer |
| Catherine/James   | Catherine James  |
| Emeline/Elm       | Emeline Elm      |
| Emeline/Maple     | Emeline Maple    |
| Emeline/West      | Emeline West     |
| Emeline/Henry     | Emeline Henry    |
| Emeline/James     | Emeline James    |
| First/Maple       | First Maple      |
| First/West        | First West       |
| First/Henry       | First Henry      |
| First/James       | First James      |
| Section/Maple     | Section Maple    |
| Section/West      | Section West     |
| Section/Henry     | Section Henry    |
| Section/Elm       | Section Elm      |
| West/Fifth        | West Fifth       |
| Henry/Fifth       | Henry Fifth      |
| East/Emeline      | East Emeline     |
| East/William      | East William     |
| East/Smith        | East Smith       |
| Elm/Catherine     | Elm Catherine    |
| Elm/First         | Elm First        |
| Shaffer/Smith     | Shaffer Smith    |
| Shaffer/Fourth    | Shaffer Fourth   |
| Elm/Fourth        | Elm Fourth       |

**4-1-1-2**

The driver of a vehicle shall stop in obedience to a stop sign as required herein at an intersection where a stop sign is

erected at one (1) or more entrances thereto and shall proceed cautiously, yielding to vehicles not so obliged to stop.

**4-1-1-3**

The driver of a vehicle approaching a yield sign shall in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

**4-1-1-4**

a) The thoroughfare running north and south parallel and immediately west of an adjacent to the Conrail railroad tracks between its intersection with Emiline Street and Catherine Street shall be designated for purposes of this section only as Railroad Street.

b) Railroad Street shall be a one-way thoroughfare, and all vehicle and traffic thereof shall travel in a Northerly direction only.

**4-1-1-5**

Any person violating any of the provisions of this Article shall upon conviction by a court of competent jurisdiction be fined in any sum not less than \$10.00, nor more than \$100.00 for each offense.



TITLE 4  
MOTOR VEHICLES

ARTICLE 2  
PARKING

CHAPTER 1  
MANNER OF PARKING

**4-2-1-1**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle on a two-way street and the right-hand or left-hand wheels of the vehicle on a one-way street within twelve inches of the curb or edge of the roadway, except as otherwise provided in this article; provided that in no event shall any part or portion of any vehicle, except bicycles, be permitted to extend over the outer edge of any curb or to touch any utility, light, or traffic device pole, at any time; provided however, that this section shall not be deemed to apply to utility, signal and street repair vehicles when the necessary performance of their primary function requires otherwise.

**4-2-1-2**

a) Angle parking shall be permitted on Main Street from a point Sixty (60) feet South of the intersection of said Main Street with Emeline Street North to the intersection of said Main Street to Catherine Street and said portion of Main Street above designated for angle parking shall be indicated by the posting of appropriate signs or markings.

b) No person shall park or stand a vehicle other than at the angle to the curb or the edge of said portion of Main Street indicated by such signs or markings.

**4-2-1-3**

Any person violating any one or more of the provisions of the foregoing sections shall be fined, upon conviction by a court of competent jurisdiction, the sum of Ten Dollars (\$10.00).

TITLE 4  
MOTOR VEHICLES

ARTICLE 5  
PARKING

CHAPTER 2  
OVERNIGHT PARKING PROHIBITED

**4-2-2-1**

It shall be unlawful for any person, firm or corporation to park a motor vehicle of any kind or description or to place any object upon Main Street in the Town of Milford Junction between the intersection on Main Street with Catherine Street on the North and one hundred (100) yards past the intersection of Main Street with Emeline Street on the South between the hours of 4:00 o'clock a.m. and 6:00 a.m.

**4-2-2-2**

Any person, firm or corporation who shall violate the provisions of Section 1 of this Chapter shall upon conviction by a court of competent jurisdiction be fined in the sum of Ten Dollars (\$10.00).

TITLE 4  
MOTOR VEHICLES

ARTICLE 2  
PARKING

CHAPTER 3  
PARKING RESTRICTIONS

**4-2-3-1**

It shall be unlawful for any person to park or leave standing any motor truck, automobile, motorcycle or any other vehicle on the Town parking lot behind the Town Hall in the Town of Milford Junction from 2:00 a.m. to 6:00 a.m.

**4-2-3-2**

It shall be unlawful for any person to park or leave standing any motor truck, automobile, or other vehicle for a period of more than one hour on the South side of Emeline Street from the southwest corner of its intersection with Main Street west to a point sixty-five (65) feet west of said southwest corner.

**4-2-3-3**

It shall be unlawful for any person to park any motor vehicle on the north side of West Emeline Street between Henry Street and the North-South Alley which lies between Main Street and Henry Street, in the Town of Milford Junction, Kosciusko County, Indiana.

**4-2-3-3.1**

It shall be unlawful for any person to park any motor vehicle in the first two parking spaces going west from Main Street on Catherine Street on the South side of Catherine Street, for more than 15 minute intervals.

**4-2-3-3.2**

It shall be unlawful for any person to park a motor vehicle on the South side of East First Street, between South Main Street and the Conrail Rail Road Tracks.

**4-2-3-3.3**

It shall be unlawful for any person to park a motor vehicle on Henry Street between its intersection with Fourth Street and a point 150 feet south of the intersection of Henry Street and Fourth Street.

**4-2-3-3.4**

It shall be unlawful for any person to park a motor vehicle on Henry Street between its intersection with Fourth Street and a point 150 feet south of the intersection of Henry Street and Fourth Street.

*(Passed as Section 3.3 - Codified as Section 3.4 due to duplication)*

**4-2-3-3.5**

It shall be unlawful for any person to park a motor vehicle on Catherine Street between its intersection with Main Street and its intersection with Shaffer Street.

**4-2-3-3.6**

It shall be unlawful for any person to park a motor vehicle on Catherine Street between its intersection with Henry Street and its intersection with Higbee Street, from Monday 2:00 a.m. to Sunday 2:00 a.m.

**4-2-3-3.7**

It shall be unlawful for any person to park a motor vehicle on West Emeline Street from South Elm Street to South Higbee Street, except on Sundays and on legal holidays during which school is not in session.

**4-2-3-3.8**

It shall be unlawful for any person to park a motor vehicle on the east side of North Main Street, beginning at the intersection of North Main Street and 4th Street for a distance of 369 feet north of that point. That prohibited area shall be marked for temporary unloading of commercial vehicles, which unloading shall not constitute violation of this section.

**4-2-3-4**

Any person, partnership, corporation, or firm who violated 4-2-3-1 of this Chapter shall be deemed guilty of a Class C Infraction and upon adjudication thereof shall be fined accordingly.

**4-2-3-5**

If any section, subsection, sentence, clause, phrase or portion of this Chapter 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 hereof.

TITLE 4  
MOTOR VEHICLES

ARTICLE 2  
PARKING

CHAPTER 4  
OBSTRUCTION OF PUBLIC ALLEYS

**4-2-4-1**

Whoever in any manner wrongfully obstructs any public alley in the Town of Milford Junction, Indiana, so as to prevent or impede traffic thereon shall, upon conviction by a Court of competent jurisdiction, be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00).

**4-2-4-2**

Any person leaving a motor vehicle parked in a public alley unattended by someone duly authorized by the laws of the State of Indiana to operate the same shall, upon conviction by a Court of competent jurisdiction, be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00).

**4-2-4-3**

If any provisions of this Chapter or the application thereof to any person or persons or circumstances is invalid, such invalidity shall not effect the Section or application of the Chapter which can be given effect without the invalid provision or application and to this end the provisions of the Chapter are declared severable.

TITLE 4  
MOTOR VEHICLES

ARTICLE 3  
SPEED LIMITS

CHAPTER 1  
SPEED LIMITS

**4-3-1-1**

It shall be unlawful for any person to drive or operate a motor vehicle on the following streets of Milford Junction, Indiana, at a speed in excess of Twenty (20) M.P.H.

a) West Catherine Street, from its intersection with State Road 15 (Higbee) to Elm Street;

b) Fourth Street from its intersection with State Road 15 (Higbee) to its intersection with Elm Street;

c) Elm Street from its intersection with Fourth Street to its intersection with West Section Street;

d) Maple Street from its intersection with Fourth Street to its intersection with Section Street;

e) Emeline Street from its intersection with State Road 15 (Higbee) to the West to Elm Street

f) Turkey Creek Lane from State Road 15 to South Main Street.

g) Section Street West from State Road 15 (Higbee Street) to Elm Street.

h) Lura Circle.

i) Matthews Drive

j) Kinwood Drive

k) First Street from State Road 15 (Higbee Street) West to Elm Street.



- l) Main Street from Emeline Street to Catherine Street.
- m) Sixth Street shall have a 20 mile an hour speed limit.
- n) Perry Drive.
- o) Fourth Street from its intersection with Elm Street to its intersection with Perry Drive.
- p) Smith Street
- q) Williams Street
- r) Alexis Drive
- s) Heide Lane

**4-3-1-1.5**

It shall be unlawful for any person to drive or operate a motor vehicle on the following streets of Milford Junction, Indiana at a speed in excess of 30 miles per hour:

- a) Syracuse Street.

**4-3-1-2**

It shall be unlawful for any person to drive or operate a motor vehicle on the following streets in Milford Junction, Indiana, at a speed in excess of 45 miles per hour.

- a) Main Street, from the south boundary of the Town at County Road 1150 North, to the Turkey Creek Bridge.

**4-3-1-3**

The speed limits as set forth in 4-3-1-1 of this Chapter shall be effective at all times both daylight and darkness.

**4-3-1-4**

That any person who violates the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall pay a fine in a sum not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

TITLE 4  
MOTOR VEHICLES

ARTICLE 4  
ILLEGAL TURNS

CHAPTER 1

**4-4-1-1**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction making what is referred to as a U-Turn at the intersection of Main and Emeline Streets and at the intersection of Main and Catherine Streets, nor shall the driver of any vehicle so turn upon Main Street from its said intersection with Emeline Street on the South to its said intersection with Catherine Street on the North.

**4-4-1-2**

Nor shall the driver of any vehicle upon any other portion of Main Street or any other street in the Town of Milford Junction so turn a vehicle unless and until such movement can be made in safety and without interfering with other traffic.

**4-4-1-3**

Any person violating any one or more of the provisions of the foregoing sections of this Article shall be fined not less than \$1.00 nor more than \$10.00 for each offense, in any court of competent jurisdiction.

TITLE 4  
MOTOR VEHICLES

ARTICLE 5  
ABANDONED VEHICLES

CHAPTER 1

**4-5-1-1 Definition:**

As used in this chapter, the following terms shall have the following meanings:

a) The term "vehicle" shall have the definition provided under Indiana Code 9-13-2-196, or any future amendment of said statute regarding the definition of the work "vehicle" for purposes of Title 9 of the Indiana State Code.

b) "Abandoned Vehicle":

1. A vehicle located on public property illegally.

2. A vehicle left on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

3. A vehicle that has remained on private property without consent of the owner or person in control of that property for more than 48 hours.

4. A vehicle from which the engine, transmission or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

5. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or ordinance other than this

chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days after the vehicle's removal.

6. A vehicle that is at least 3 model years old, is mechanically inoperable, and is left on private property continuously on a location visible from public property for more than 20 days.

c) Public Property:

Any public right-of-way, street, highway, alley, park or other property owned by the civil town of Milford Junction.

d) "Private Property":

All privately owned property which is not classified within the definition of public property.

e) "Owner":

Last known recorded title holder or holders to a vehicle according to the records of the Indiana Bureau of Motor Vehicles.

**4-5-1-2**

No person shall abandon a vehicle on any public premises or private property on a location which is visible from public property within the Town of Milford Junction, Indiana.

**4-5-1-3**

The owner of an abandoned vehicle is responsible for the abandonment and is thereby liable for all costs incidental to the removal, storage, and disposal of such vehicle or its parts.

**4-5-1-4**

The Town Marshall of the Town of Milford Junction or his deputies who shall find a vehicle or parts abandoned in violation of this chapter shall have such vehicle or parts

removed from any public premises or private premises to a storage area established by the Council of the Town of Milford Junction hereinafter provided. The Town Marshall shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts prior to having it removed. The Town Marshall, when he has reason to believe that a vehicle or parts have been abandoned in violation of this ordinance shall attach thereto in a prominent place a notice tag which shall contain the following information:

- a) That the vehicle or parts are considered abandoned.
- b) That the vehicle or parts will be removed after seventy-two (72) hours, impounded and subsequently disposed of.
- c) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal and if not paid, the owner's registration privileges will be suspended on that car.
- d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within seventy-two (72) hours.
- e) The date, time, officer's name, and the address and telephone number of the clerk-treasurer of the Town of Milford Junction to contact for information.

**4-5-1-5**

If the abandoned vehicle or parts are not removed within seventy-two (72) hours, the Town Marshall of the Town of Milford Junction shall prepare an abandoned vehicle report, listing such facts that might substantiate a market value of less than One Hundred Dollars (\$100.00). Photographs shall be taken by the Town Marshall. If the market value of the abandoned vehicle or parts is less than One Hundred Dollars (\$100.00), the Town

Marshall shall dispose immediately of the vehicle to an automobile scrap yard. The report and photographs shall be forwarded to the Bureau of Motor Vehicles.

**4-5-1-6**

If the market value of an abandoned vehicle or the parts thereof exceeds the sum of One Hundred Dollars (\$100.00), in the opinion of the Town Marshall, the Town Marshall, before placing a notice tag on the vehicle or parts, shall make reasonable efforts to ascertain the owner or person who may be in control of the vehicle or parts. After seventy-two (72) hours, the Town Marshall shall require the vehicle or parts to be towed to a storage area.

**4-5-1-7**

Within seventy-two (72) hours after removal of the abandoned vehicle to a storage area, pursuant to the preceding section, the Town Marshall shall prepare and forward to the Bureau of Motor Vehicles an Abandoned Vehicle Report containing a description of the vehicle, including the make, model, engine number, identification number and the number of the license plate and request that the Bureau of Motor Vehicles advise the Town Marshall of the name and most recent mailing address of the owner and any lien holder. Fifteen (15) days after the Bureau of Motor Vehicles mails its response to the Town Marshall, the Bureau of Motor Vehicles may dispose of the vehicle or parts. Provided, however, that if the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner, the vehicle may be disposed of without notice by the Town Marshall.

**4-5-1-8**

Forty-eight (48) hours after receiving a complaint of a private property owner or person in control of the real property that a vehicle has been left upon, and without the consent of the owner or person in control of said property, the Town Marshall shall follow the procedure set forth in Section 4 of this chapter.

**4-5-1-9**

The costs for removal and storage of an abandoned vehicle or parts not claimed by the owner or lienholder shall be paid from the abandoned vehicle account as hereinafter set forth.

**4-5-1-10**

The proceeds of sale of an abandoned vehicle or parts in connection with this chapter shall be credited against all costs incident to the removal, storage and disposal of the vehicle.

**4-5-1-11**

All proceeds from the sale of abandoned vehicles or parts that are sold by the Bureau of Motor Vehicles shall be deposited in the abandoned vehicle account by the Bureau of Motor Vehicles after proper allocation has been made for towing and storage charges to the Town of Milford Junction.

**4-5-1-12**

Section 12. The Town Board of Milford Junction shall annually appropriate sufficient moneys to the abandoned vehicle account for the purposes of this chapter. Said moneys shall remain in the account at the end of the year and shall not revert to the general fund.

**4-5-1-13**

Section 13. This chapter does not apply to:

a) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.

b) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

c) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

d) A vehicle located upon property licensed or zoned as an automobile scrap yard.

e) A vehicle registered and licensed under Indiana Code 9-7-6 as an antique vehicle.

**4-5-1-14**

Section 14. In no event shall the cost of towing or removal of the vehicle exceed the sum of One Hundred Dollars (\$100.00), nor shall the cost of storage exceed the sum of Five Dollars (\$5.00) per day. The storage charge shall be limited to the number of days of actual storage. The Town Council is hereby authorized to contract with any towing service or storage facility on an annual basis to provide towing or storage services for the Town of Milford Junction.



TITLE 4  
MOTOR VEHICLES  
ARTICLE 5  
CHAPTER 2

**4-5-2-1 Maintenance or repair of vehicles; public right-of-way**

Section 1. No person shall park a vehicle upon any street or highway, or any pedestrian right-of-way, including sidewalks, accessible to the public for the purpose of displaying the vehicle for sale, cleaning the vehicle, or providing any maintenance or repairs to the vehicle.

Section 2. Vehicle repairs may be made, which would otherwise violate this chapter, in an emergency which otherwise renders the vehicle inoperable and unable to be moved to a safe location, in which case the vehicle shall be repaired to a state sufficient as to make it operable and moveable from that location, at which point the vehicle shall be moved so that it does not violate this chapter.

Section 3. Violators of this offense may be punishable by a fine of \$50.00 per day for each day that a vehicle is in violation.

TITLE 4  
MOTOR VEHICLES

ARTICLE 6  
SPEED OF TRAINS

CHAPTER 1  
REGULATING SPEED OF TRAINS

**4-6-1-1** No person, firm or corporation shall operate or cause to be operated within or through the Town of Milford Junction, Indiana, any train, locomotive or other railroad car at a speed in excess of Twenty-five (25) miles per hour.

**4-6-1-2** Any person, firm or corporation who violates this Chapter may be fined in an amount not to exceed \$100 per violation.

**4-6-1-3** Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.

TITLE 4  
MOTOR VEHICLES

ARTICLE 7  
SKATEBOARDS

CHAPTER 1  
REGULATING USE OF SKATEBOARDS

**4-7-1-1** Skateboards

1. Definitions

a. Sidewalk: Shall include all sidewalks as laid out by the Town or reserved by customer usage for pedestrians.

b. Skateboard: Any board, platform, surface or other similar device, typically or normally propelled by human power and typically or normally having attached four wheels and used to carry or propel one or more individuals.

2. Violations

It shall be a violation of this article for any person to ride or operate a skateboard on any street or sidewalk within the business district within the Town of Milford.

3. Business district

For purposes of this article, the business district shall include Main Street from the 200 block north through the 200 block south, inclusive.

4. Fines

Any person violating any provision of this article shall be fined any sum not less than \$10.00 nor more than \$100.00 for each offense.

TITLE 4  
MOTOR VEHICLES

ARTICLE 8  
ENGINE BRAKES

CHAPTER 1  
OPERATION OF ENGINE BRAKES ("JAKE BRAKING")

**4-8-1-1 Prohibited Behavior**

Section 1. No vehicle shall use engine compression brakes or an engine retarder system to stop or slow down said vehicle if said system causes the vehicle's motor to race in such a manner as to cause the exhaust system to omit a loud, cracking, backfiring or chattering noise unusual to its normal operation, said practice being commonly known as "jake braking".

Section 2. This Ordinance shall not apply to fire fighting equipment provided such equipment is being operated in the course of responding to a fire or other legitimate emergency.

Section 3. Appropriate signs shall be placed at or near the town limit, and at other such places as determined by the Town Marshall and the street superintendent.

Section 4. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**4-8-1-2 Penalties**

Section 1. Violation of this Ordinance may be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

TITLE 4  
MOTOR VEHICLES

ARTICLE 9  
OFF-ROAD VEHICLES

CHAPTER 1

**4-9-1**        Definitions: When using this Ordinance, the following terms shall mean:

**4-9-1-1 Operate.** To ride in or on and control the operation of an off-road vehicle.

**4-9-1-2 Operator.** Every person who operates or is in actual physical control of an off-road vehicle.

**4-9-1-3 Off-Road Vehicle.** Means a motor driven vehicle capable of cross country travel:

- (1) Without benefit of a road or trail; and
- (2) On or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

The term includes the following:

- (1) A multiwheel drive or low pressure tire vehicle.
- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) Other means of transportation deriving motive power from a source other than muscle or wind.

The term does not include the following:

- (1) A farm vehicle being used for farming.

- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
- (4) A snowmobile.
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the Bureau of Motor Vehicles.
- (7) Any water craft that is registered under Indiana Statutes.

**4-9-1-4 Owner.** A person, other than a lien holder, having the property or title to an off-road vehicle to use or possession thereof.

**4-9-1-5 Person.** Any individual, partnership, corporation, the state and its agencies and sub-divisions, and any body of persons whether incorporated or not.

**4-9-1-6 Roadway.** That portion of a highway or street which is improved, designated or ordinarily used for vehicular travel.

**4-9-1-7 Sidewalk.** The portion of a street between the curblines, or the lateral lines of the roadway and the adjacent property lines intended for the use of pedestrians.

**4-9-1-8 Street Or Highway.** The entire width between the boundary lines of any way or place when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic.

**4-9-2-1 Operational Hours.** It shall be unlawful for any person to operate an off-road vehicle upon any place, street, highway

or private property within the town limits between 11:00 o'clock P.M. to 6:00 o'clock A.M. of each and every day of the week.

**4-9-2-2 Speed Restrictions.** It shall be unlawful to operate an off-road vehicle anywhere in the town limits at a speed greater than 15 miles per hour, except on private property owned or in control of the operator or unless permission is granted by the property owner to operators of off-road vehicles to operate upon said land at a higher rate of speed.

**4-9-2-3 Operation Generally.** Except as herein permitted and authorized, it is unlawful for any person to operate an off-road vehicle within the limits of the town:

1. An off-road vehicle may be operated within the limits of the town for purposes of coming into or leaving the town only, in the most right hand lane which is used for vehicular traffic in the same direction, of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel. Off-road vehicles may also be operated upon the ditch bottom, where lawfully permitted, or the outside bank of County State Highways where County Ordinances permit said travel or State law prevails within the town limits.
2. Off-road vehicles shall not be operated upon public sidewalks.
3. Off-road vehicles shall not be operated upon the private property of another without the specific permission of the owner or person in control of the property.

4. Off-road vehicles shall not be operated within the boundaries of any park within the Town of Milford, Indiana.

**4-9-2-4 Leaving Off-road Vehicle Unattended.** It is unlawful for the owner or operator to leave or allow an off-road vehicle to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition.

**4-9-2-5 Application of Other Laws.** The Town of Milford Traffic Ordinance shall apply to the operation of off-road vehicles on public streets and highways as herein defined in the Indiana State Statutes and all amendments thereto shall also apply except those provisions which, by their nature, have no application.

**4-9-2-6 Penalty.** A violation of this Article shall carry a fine in the amount of \$25.00.



TITLE 4  
MOTOR VEHICLES

ARTICLE 9  
OFF-ROAD VEHICLES

CHAPTER 2  
GOLF CARTS

**4-9-2-1** "Golf cart" means a four-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on the golf course.

**4-9-2-2** Golf carts may be operated on the streets and highways within the Town of Milford.

**4-9-2-3** Golf carts that are operated on the streets and highways of the Town of Milford:

- a. May only be operated by an individual with a valid driver's license.
- b. Shall display either a slow moving vehicle emblem in accordance with I.C. 9-21-9-3 or a red or amber flashing lamp in accordance with I.C. 9-21-9-4.
- c. May only be operated between sunrise and sundown.

**4-9-2-4** Nothing in this Ordinance shall be construed to conflict with or eliminate the operator of a golf cart from compliance with applicable state or federal law.

**4-9-2-5** Golf carts may not be operated on State Road 15 within the Town limits except to cross it at any intersection at an angle 90 degrees to State Road 15.

**4-9-2-6** The number of occupants of a golf cart shall be limited to six persons. The operator and occupants shall be properly seated at all times and no part of the body of the operator or

occupants shall extend outside the perimeter of the golf cart while the golf cart is in operation; provided however, the operator shall use proper traffic hand signals when required. No one under the age of two (2) years shall be permitted to be an occupant of a golf cart.

**4-9-2-7** Violation of this chapter shall be punishable by a fine of up to \$50.00 per violation. Each day that the golf cart is operated in violation of this chapter shall be considered a separate violation for purposes of imposition of a fine.

*(Originally passed as Title 4, Article 9, Chapter 1. Codified as Title 4, Article 9, Chapter 2 due to duplication)*

TITLE 5  
LICENSES

ARTICLE 1  
AMUSEMENT CENTERS

CHAPTER 1  
AMUSEMENT CENTERS

**5-1-1-1** That any person, partnership, association, corporation or other legal entity that shall maintain or offer for hire or pay for amusement to the general public, pinball and other electronic or mechanical games or video machines, hockey tables, table shuffleboard, pool tables, and billiard tables, or other sport or game devices in the Town of Milford Junction, Indiana, shall be subject to the requirements of this Ordinance and such establishments or places where such sport or game devices are located are hereby declared to be amusement center, and will hereinafter be referred to as amusement center.

**5-1-1-2** It shall be unlawful for any person, partnership, association, or other legal entity to maintain or offer for hire or pay to the general public, pinball and other electronic or mechanical games or video machines, hockey tables,, table shuffleboard, pool tables, or other sport or game devices within the corporate limits of the Town of Milford Junction without having first procured a license to do so in the manner hereinafter provided.

**5-1-1-3** Any such person, partnership, association, corporation, or other legal entity desiring to operate an amusement center as set out in Section 2, as of the effective date of this Ordinance, shall first make application to the Town Clerk-Treasurer of the Town of Milford Junction for a license to

operate an amusement center. The application for a license shall contain the following information:

- a) Name, age and address of applicant. This shall include the name, age and address of each partner, member, officer and director of any such partnership, association, corporation, or other legal entity applying for a license.
- b) A floor-plan of the proposed amusement center, showing outside dimensions, exits, relation of the building to the street seating storage, equipment, rest-room and other applicable details. The applicant will also state the name and address of the owner of the property where the amusement center is located.
- c) The name, age and address of the manager of the proposed amusement center.
- d) Whether the applicant (which shall include partners, members, officers, and directors of the applicant) or manager has ever been convicted as an adult of a felony or misdemeanor. If the applicant or manager has been so convicted, he shall state the date, charge and court of conviction.
- e) The applicant shall state in the application that to the best of their knowledge, they are persons of good moral character, and they will certify that if granted a license, they will comply in all respects with the terms of this ordinance.
- f) The applicant shall state whether the applicant or manager has ever held or been denied a business license of any type and shall give details thereof.
- g) The applicant's and manager's prior business activities and experience and the location of the same for the ten (10) years preceding the date of application.

The Town Clerk-Treasurer shall cause copies of each such application to be routed to the Town Council, the Town Marshall, the Building Inspector, and the Fire Chief of the Town of Milford, for review so that the welfare of the citizens of the Town of Milford Junction might be protected. The Building Inspector of the Town of Milford Junction shall cause an

inspection to be made of the amusement center building to determine if said building meets all applicable codes and regulations. The Fire Chief of the Town of Milford Junction shall also cause an inspection to be made of the amusement center building to determine the fire safety of the structure. In addition, the Town Marshall shall make his recommendation based upon his investigation of the applicant's character and conduct as a law-abiding person and shall consider past operation, if any, convictions of felonies and crimes involving moral turpitude and connections with criminal elements, taking into consideration the attraction such establishments have on those of tender years. Upon receipt of the recommendations of the Town Building Inspector, the Town Fire Chief, and the Town Marshall, the Town Clerk-Treasurer within thirty (30) days after the filing of the application shall either issue a license to the applicant or refuse in writing to issue a license to the applicant and shall specify the reasons for such refusal. The Town Clerk-Treasurer shall not issue a license for an amusement center where the Fire Chief of the Town of Milford Junction or the Building Inspector of the Town of Milford Junction certifies that the structure where the amusement center is located does not satisfy applicable standards, codes and regulations.

**5-1-1-4** Each application for such a license shall be accompanied by the sum of \$10.00 per machine or gaming device which the applicant declares will be placed in the amusement center.

**5-1-1-5** Each partner of a partnership, each officer of an association, and each officer and director of a corporation shall possess all other qualifications required of an individual applicant for an amusement center license.

**5-1-1-6** Licenses issued under this ordinance shall be renewable from year to year on the anniversary date thereof for the sum of Ten Dollars (\$10.00) per machine or gaming device contained in the amusement center upon re-application to the Clerk-Treasurer.

**5-1-1-7** The issuance of or rejection of an application by the Town Clerk-Treasurer shall be subject to the review and approval of the Town Council.

**5-1-1-8** No amusement center license may be assigned or transferred without the transferee applying to the Town Clerk-Treasurer and providing the Town Clerk-Treasurer with that information required of a new applicant and forwarding to the Town Clerk-Treasurer a transfer fee, payable to the Town of Milford Junction, Indiana, in the sum of Fifty Dollars (\$50.00). The transferee shall possess all the qualifications required of an individual applicant for an amusement center license.

**5-1-1-9** If at any time the applicant violates the terms of this ordinance or if at any time the Council of the Town of Milford Junction after hearing, declare the amusement center to be a nuisance, they may revoke the license heretofore issued.

**5-1-1-10** This chapter shall not apply to those establishments located within the corporate limits of the Town of Milford Junction that have a license issued by the Indiana Alcoholic Beverage Commission to sell alcoholic beverages.

**5-1-1-11** The applicant shall further authorize in the application for the issuance of an amusement center license that any police officer or other authorized town employee or agent may inspect the premises described in the application at any reasonable our during the period for which the license or any renewal thereof is held by the applicant.

**5-1-1-12** That it shall be unlawful for any person, partnership, association, corporation, or other legal entity operating an amusement center as described herein, to permit any person seventeen (17) years of age or younger to operate, play or use any pinball or other electronic or mechanical games or video machines, hockey tables, table shuffleboard, pool tables and billiard tables during those hours of the day when the Wawasee Community School Corporation is in session.

**5-1-1-13** Any person who shall violate any of the provisions of this ordinance or any provisions contained in any section thereof, upon conviction shall be fined any sum not less than Ten Dollars (\$10.00) and no more than One Thousand Dollars (\$1,000.00) for each offense.

**5-1-1-14** Should any part of this Ordinance be held invalid in any Court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

TITLE 5  
LICENSES

ARTICLE 3  
PEDDLING LICENSES

CHAPTER 1  
GARAGE SALES, RUMMAGE SALES AND  
OTHER CASUAL SALES

**5-3-1-1 Definitions**

As used in this Chapter:

a) Garage Sales shall mean and include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "flea market sale", or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

b) Goods are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

c) Persons shall mean and include individuals, partnerships, voluntary associations, and corporations.

**5-3-1-2 Permits and Fees:**

It shall be unlawful for any person to conduct a garage sale in the Town of Milford Junction without first filing with the Clerk-Treasurer the information hereinafter specified and obtaining from such Clerk-Treasurer a license to do so, to be known as a "Garage Sale License". The fee for such license shall be Two Dollars (\$2.00).

**5-3-1-3 Issuance of License:**

A garage sale license shall be issued to any one person or location only twice within a twelve (12) month period and no such license shall be issued for more than three (3) consecutive



calendar days. At least four (4) consecutive calendar days shall separate the issuance of a garage sale license from the last day of a prior garage sale held by the person applying or a garage sale to be held at the same location.

**5-3-1-4 Information to Be Filed:**

The information to be filed with the Clerk-Treasurer, pursuant to this ordinance, shall be as follows:

- a) The name of the person, firm, group, corporation, association, or organization conducting the sale.
- b) Name of the owner of the property on which said sale is to be conducted, and the written consent of the owner if application is other than the owner.
- c) The location at which the sale is to be conducted.
- d) The dates the same is to be conducted.
- e) The date and nature of any sale held at the proposed location within the past twelve (12) months.
- f) The date and nature of any sale conducted by the applicant within the past twelve (12) months.
- g) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
- h) A sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

**5-3-1-5 Persons and Sales Affected:**

The provisions of this Chapter shall not apply to or affect the following persons or sales:

- a) Persons selling goods pursuant to an order or process of a court of confident jurisdiction.
- b) Persons acting in accordance with their powers and duties as public officials.

c) Any persons selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

d) An organization or corporation organized for educational, religious, or charitable purposes.

e) Any person conducting a garage sale during days officially designated for the annual Milford Fest, which unless otherwise declared, shall be considered for purposes of this Chapter to be the Friday and Saturday immediately proceeding Memorial Day each year.

**5-3-1-6 Penalty:**

Any person conducting any such sale without being properly licensed therefore or who shall violate any of the other terms and regulations of this Chapter, shall, upon adjudication, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Each day that such sale shall continue without being duly licensed shall be considered a separate violation.

**5-3-1-7 Severability:**

If any section, subsection, sentence, clause, phrase or portion of this Chapter 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 holdings shall not effect the validity of the remaining portions thereof.

TITLE 5

LICENSES

ARTICLE 4

PEDDLING LICENSES

CHAPTER 1

PEDDLING LICENSES

**5-4-1-1 Unlawful Without License**

It shall be unlawful for any person, firm, corporation, or association, directly or indirectly, either as principal, agent, or otherwise, to vend, hawk, peddle, exhibit for sale or to take orders for immediate or future delivery of any goods, wares, or merchandise, in or about the street, alleys or public places of the Town, without first having procured a license to do so from the Clerk of the Town and paid the fees therefore as in this Chapter provided. The provisions of this Chapter shall not apply to:

- a) The sale of newspapers;
- b) Traveling wholesale merchants or agents and farmers who sell only to dealers in like commodities;
- c) Any person, firm, corporation or association maintaining and operating a fixed place of business in the Town and engaged in the sale at retail of such commodities at their place of business in the Town;
- d) Any not-for-profit corporation or any person engaged in the activity prescribed above on behalf of any not-for-profit corporation.

The provisions of this Chapter shall extend to and include any and all persons who shall perform any of the above acts either by foot or with the use of a vehicle or other conveyance.

#### **5-4-1-2 License Procedure**

Any person, firm, corporation, or association desiring to procure a license to carry on or perform any of the acts and things enumerated in Section 1 of this Chapter shall pay to the Clerk of the Town for its use the sum of Thirty-Five Dollars (\$35.00) for an annual license. In the case of any firm, corporation, or association, every individual person employed by or working for said firm, corporation, or association shall have an individual license. No license granted shall be transferable or negotiable by the licensee. The Clerk shall issue said license with the seal of the Town of affixed. The granting or denial of the license shall be subject for review by the Town Council, who may reject any such request for the procurement of said license.

#### **5-4-1-3 Penalty**

Any person, firm, corporation or association, violating any of the provisions of this Chapter shall be fined in any sum not exceeding Ten Dollars (\$10.00) for each offense. Provided, that each day or portion of a day, any of the acts or things specified in Section 1 hereof shall be carried out and performed without said license shall constitute a separate offense.

TITLE 5  
LICENSES

ARTICLE 5

CHAPTER 1  
STREET EXCAVATIONS

**5-5-1-1** Section 1. No opening or excavation shall be made into any street, alley, tree, lawn or public place, or into or through any pavement thereon, until an opening permit therefor shall be granted by the town. The permit shall define the nature of the work to be done. Several openings may be grouped upon a single permit, without additional fee, if the several openings are within sixty (60) days of the first opening, and if determined by the utilities commissioner to be of a single job function.

**5-5-1-2** Section 2. Any person desiring to make an opening or excavation described in section 1 shall file with the Clerk-Treasurer an application for a permit in duplicate on such forms as may be required by the town, which shall clearly state the location of the proposed opening, the purpose of the opening, the depth and dimensions of the opening, the estimated time for completion of the work, the name and address of the proposed permittee, and the name and address of the person or persons who will perform the work if other than the permittee or the employees of permittee, and such other information as may be required by the town.

**5-5-1-3** Section 3. Each such application to make an opening or excavation shall be accompanied with a fee of fifteen dollars (\$15.00); only one fee shall be charged for grouped opening.

**5-5-1-4** Section 4. Each such application to make an opening or excavation shall be accompanied by a bond which shall run to the Town of Milford Junction, Indiana, in the amount of five hundred dollars (\$500.00), and to maintain the same for a period of one year. Any funds received from such bond shall be used by the city for the completion of restoration and maintenance of such opening or excavation on the failure of the permittee to do so, including the restoration and maintenance of any of the town's sewer or water pipes underground.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 1  
MUNICIPAL SEWER LAW

CHAPTER 1  
DEFINITIONS

**6-1-1-1 Definitions:**

Section 1. As used in this Chapter:

a. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

b. "Superintendent" shall mean the Superintendent of Sanitation and Street Department, of the Town of Milford Junction, Indiana, or his authorized deputy, agent or representative.

c. "Sewage" shall mean 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.

d. "Sewer" shall mean a pipe or conduit for carrying sewage.

e. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

f. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

g. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

h. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

i. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

j. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sewage, except that it excludes cooling water unless the cooling water is mixed with industrial water.

k. "Cooling Water" shall mean water discharged from industrial, business or other establishments which is clean and unpolluted, has been used only for cooling, refrigeration or air conditioning purposes, and does not contain industrial waste.

l. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

m. "Property Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such 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.

n. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

o. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.



p. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20CC., expressed in parts per million by weight.

q. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

r. "Suspended Solids" shall mean 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.

s. "Natural Outlet" shall mean any outlet into a watercourse pond, ditch, lake or other body of surface or ground water.

t. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

u. "Person" shall mean any individual, firm, company, association, society, corporation or group.

v. "Shall" is mandatory; "May" is permissive.

w. "Area Under the Jurisdiction of the Town" shall be that territory situate in Kosciusko County, Indiana, outside of and beyond the corporate limits of the Town of Milford Junction, Indiana, and included within a point which lies four (4) miles from the nearest outermost line of the corporate limits of said Town but excluding any point within the corporate limits of another city or town and as provided for in I.C. subsection 18-1-1.5-21.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 2  
USE OF PUBLIC SEWERS REQUIRED

CHAPTER 1  
USE OF PUBLIC SEWERS REQUIRED

**6-2-1-1 Use of Privies, Septic Tanks Prohibited**

Section 1. As used in this Chapter:

a. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Town of Milford Junction or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, sewage, or industrial waster.

b. It shall be unlawful to discharge to any natural outlet within the Town of Milford Junction, or in any that are under the jurisdiction of said Town, any sewage, human or animal excrement, garbage, or industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

c. It shall be unlawful to discharge to any natural outlet or to any sanitary sewer in the Town of Milford Junction, or in any area under the jurisdiction of said Town, any cooling water except under the license of the Superintendent.

d. It shall be unlawful, except as hereinafter provided, to construct, use or maintain in the Town of Milford Junction, any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

e. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes,

situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, 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 Chapter, 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.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 3  
PRIVATE SEWAGE DISPOSAL

CHAPTER 1

**6-3-1-1 Private Sewage Disposal:**

a. Where a public sanitary or combined sewer is not available under the provisions of 6-2-1-1(e), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter.

b. Before commencement of construction of a private sewage disposal system, the owner shall first comply with the requirements of Ordinance 57-2, ordained and enacted by the Board of Commissioners of Kosciusko County, Indiana, on May 7, 1957, or any ordinance amending or replacing the same, and then before commencing construction filing a copy of the license or permit granted by the County Board of Health or its delegate, pursuant to said ordinance with the Superintendent.

c. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-1-1(e), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

d. With respect to any private sewage disposal system lawfully existing or constructed in an area under the jurisdiction of the Town, which area is later annexed to the Town, the owner shall comply with 6-2-1-1(d) of this Chapter, except, and unless otherwise required under the terms of 6-3-1-

1(e) of this Chapter, the owner may defer compliance with 6-2-1-1(e) of this Chapter, a period of time which will permit him to obtain four (4) years use of a private sewage disposal system, computing said term of four (4) years from the date that the same is first constructed and installed.

e. The exception provided in 6-3-1-1(d) of this Chapter permitting an owner to obtain four (4) years use of a private sewage disposal system is the privilege granted to an owner in recognition of the investment necessarily required by the owner at the time of construction of a private sewage disposal system, and the Town retains the right, to be exercised under the order of the Town Board, to require any owner entitled to said privilege, to comply with 6-2-1-1(e) of this Chapter under any circumstances, combination of circumstances deemed by the Town Board, to render the continued use and maintenance of any such private sewage disposal system inimical to the public health.

f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

g. In no case will a private sewage disposal system be used or maintained at any time or in any manner other than as permitted by the Kosciusko County Board of Health, its duly appointed health officer or by the State Board of Health or its delegate.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 4  
BUILDING SEWERS AND CONNECTIONS

CHAPTER 1

**6-4-1-1 Building Sewers and Connections:**

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 Superintendent.

b. There shall be three (3) classes of building sewer permits:

| <u>Type</u>   | <u>Fee Amount</u> |
|---|-------------------|
| 1. For residential service:                                   | \$ 300.00         |
| 2. For commercial service:                                    | \$ 500.00         |
| 3. For service to establishments producing industrial wastes: | \$1,000.00        |

In all cases, the owner of his agent shall make application on a form furnished by the Superintendent. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. The permit and inspection fees identified above shall be paid to the Town Clerk-Treasurer at the time the application is filed.

c. 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 Town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

d. A separate and independent 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 construed 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.

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

f. The building sewer shall be gray cast-iron pipe meeting the requirements of the American National Standards Institute, Inc., for cast-iron pipe, ANSII A21,6 (latest revision) and shall be made of 21/45 iron or equal; Ductile cast-iron pipe meeting the requirements of the American National Standards Institute, Inc., for ductile cast-iron pipe, ANSII A21.51 (latest revision) or equal; verified clay sewer pipe, fittings, and specials meeting the requirements of ASTM Designation C700 (latest revision) for Standard Strength clay pipe, and joints for vitrified clay sewer pipe shall conform to the latest requirements of ASTM Designation C425 (latest revision) for Compression Joints for Vitrified Clay Bell and Spigot Pipe using materials having resilient properties or equal; or other suitable material approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with either leaded or gasketed joints. Cast iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed

in filled or unstable ground, the building sewer shall be of cast iron soil pipe except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

g. No cast iron or clay pipe may be used as a sewage collection service unless approved by supt. If special approval is granted line f-k-1 applies on installation standards.

h. Approved recommended pipe shall be A.S.T.M.-D-3034 schedule #35: or A.S.T.M.-D-1785 schedule #40. Forced mains shall be constructed using ductile iron or A.S.T.M.-D-1785 schedule #40, 80, or 120. The size and slope of the building sewer shall be subject to the approval of the Supt. but in no event shall the size be less than (4) four inches. At the slope not less than a 5% grade unless approved by Supt.

i. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

j. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

k. All joints and connections in cast-iron pipe shall be made by one of the following approved methods:

1. Cast-iron pipe leaded joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one pouring and calked tight. No



paint, varnish, or other coatings shall be permitted on the joint material until after the joint has been tested and approved.

2. Cast-iron pipe gasketed joints shall be pressure sealed neoprene joint gaskets.

3. Notwithstanding (1) and (2) above, fittings shall meet the requirements of the American National Standards Institute, Inc., for cast-iron fittings, ANSII A21.10 (latest revision).

4. Notwithstanding (1), (2) and (3) above, joints shall meet the requirements of the American National Standards Institute, Inc., for rubber gasket joints, ANSII A21.11 (latest revision).

1. All joints in vitrified clay pipe or between such pipe and metals shall be made with one of the methods specified below:

1. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160°F.) degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

2. Joints for vitrified clay sewer pipe shall conform to the latest requirements of ASTM Designation C425 (latest revision) for Compression Joints for Vitrified Clay Bell and Spigot Pipe using materials having resilient properties.

m. No other joining material or method shall be used except upon special circumstances, then only with the written approval of the Superintendent.

n. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Superintendent. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45°) degrees. A forty-five (45°) degree 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 at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.

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

p. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to

protect the public from hazard, street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**6-4-2-1** A "cross connection" shall be defined as: any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Milford water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from the system to the other, the direction of flow depending on the pressure differential between the two systems.

**6-4-2-2** No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. Do interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Town of Milford may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town of Milford and by the Department of Environmental Management.

**6-4-2-3.** It shall be the duty of the Utilities Commissioner of the Town of Milford to cause inspections to be made of all properties served by the public water system where cross connections with the public water systems is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Utilities Commissioner of the Town of Milford.

**6-4-2-4.** Upon presentation of credentials, the representative of Utilities Commissioner of the Town of Milford shall have the

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

**6-4-2-5.** The Utilities Commissioner is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection (s) has been eliminated in compliance with the provisions of this ordinance. Inspections conducted under this chapter shall be conducted in accordance with standards

promulgated by the American Waterworks Association for the devices and systems covered under this chapter.

**6-4-2-6.** If it is deemed by the Town of Milford that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the Town of Milford and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an

opportunity for hearing within 10 days of such emergency discontinuance.

**6-4-2-7.** All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

**6-4-2-8.** Nothing in this ordinance shall be construed to supersede the State Uniform Plumbing Code.

**6-4-2-9.** This ordinance shall become effective ten (10) days after adoption hereof.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 5  
USE OF THE PUBLIC SEWERS

CHAPTER 1

**6-5-1-1 Use:**

a. No person shall discharge or cause to be discharged or introduced any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted industrial process waters, or any other inflow sources to any sanitary sewer.

b. Storm water 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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

c. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.

3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

4. Any garbage that has not been properly shredded.

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.

7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

8. Any waters or wastes containing suspended solids of such character and quantity that require unusual attention or expense is required to handle such materials at the sewage treatment plant.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

d. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the

Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

e. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

f. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

g. The admission into the public sewers of any waters or wastes having:

1. A five (5) day CBOD (Biochemical Oxygen Demand) greater than 225 parts per million, or
2. Containing more than 275 parts per million by concentration of suspended solids, or
3. Containing more than 18 parts per million of ammonia nitrogen, or
4. Containing more than 8 parts per million by concentration of total phosphorus, or
5. Containing more than 100 parts per million by concentration of fats, wax, grease or oils, or
6. Containing any quantity of substances having the characteristics described in 6-5-1-1(c), or
7. Having an average daily flow greater than 2% of the average daily sewage flow of the Town, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner



shall provide, at his expense, such preliminary treatment as may be necessary to:

a. Reduce the BOD (Biochemical Oxygen Demand) to 225 parts per million and the suspended solids to 275 parts per million by weight, or

b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in 6-5-1-1-(c), or

c. Control the quantities and rates of discharge of such waters or wastes. Plans specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, the IDEM and the Stream Pollution Control Board of the State of Indiana, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

h. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

i. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole 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 Superintendent. 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.

j. All measurements, test, and analysis of the characteristics of waters and wastes to which reference is made in 6-5-1-1-(c) and 6-5-1-1(f) shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in 6-5-1-1(h) or upon suitable samples taken at said control manhole.

k. No additional combined sewers may be constructed.

l. Any new construction lines or tributaries connecting to any combined sewer shall be designed to minimize or delay inflow contribution to the existing combined sewer. Any such additional construction shall be reviewed and approved by the utilities commissioner for the Town before construction commences.

m. For any new building, the inflow or clear water connection to any combined sewer shall be made separate and distinct from the sanitary waste connection to that sewer.

n. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 6  
PROTECTION FROM DAMAGE

CHAPTER 1

**6-6-1-1 Protection from Damage**

No 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, malicious trespass or other appropriate charge.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 7  
POWERS AND AUTHORITY OF INSPECTORS

CHAPTER 1

**6-7-1-1 Inspectors**

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Chapter.

**6-7-1-2 Penalties**

a. Any person found to be violating Article 2, 3, 4, 5, or 9 of this Title shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correct thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b. Any person who continues any violation beyond the time limit provided for in 6-7-1-2(a) is guilty of an infraction and upon conviction thereof shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c. Any person violating any of the provisions of Articles 2, 3, 4, 5, or 9 of this Title shall be liable to the Town for any expense, loss or damage occasioned to the Town or its residents by reason of such violation, together with all costs and attorneys fees required to enforce the terms of this Title.

### **6-7-1-3 Validity**

The invalidity of any section, clause, sentence, or provision of this Article shall not effect the validity of any part of this Article which can be given effect without such invalid part of parts.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 8  
DEPRECIATION FUND

CHAPTER 1

**6-8-1-1 Depreciation Fund**

Five percent (5%) of the proceeds from all Town utility meter collections shall be allocated to a "Depreciation Fund", which Fund shall be used for major repairs, for the betterment of the Town, and for the purchase of new equipment.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 8  
DEPRECIATION FUND

CHAPTER 2  
DEFINED

**6-8-2-1** Definitions

- a. TANGIBLE ASSETS: Assets that can be observed by one or more of the physical senses.
- b. FIXED ASSETS: Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This group is typically separated into classes according to the physical characteristics of the items (e.g. land, equipment, furniture and fixtures).
- c. CAPITAL OUTLAYS: Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or additional to the government's general fixed assets.
- d. MACHINERY AND EQUIPMENT: Machinery and equipment is an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.
- e. HISTORICAL COST: The cash equivalent price exchanged for goods or services at the date of acquisition.
- f. ENTERPRISE FUNDS: Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily

through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

#### **6-8-2-2 Land**

The Town will capitalize all land purchases, without regard to cost.

Exceptions to land capitalization are land purchased outright, as easement, or rights-of-way for infrastructure. Examples of infrastructure are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, and storm water collection.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinions), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers salary and benefits), such as demolishing buildings, excavation, clean-up, and/or inspection.

A department will record donated land at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

#### **6-8-2-3 Machinery and Equipment:**

The Town will capitalize and tag items with an individual value equal to or greater than \$750.00. Machinery combined with other machinery to form one unit with a total value greater than the above-mentioned limit will be one unit.

Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set-up, (including contractors and/or Town Works salary and benefits), which makes such equipment operate for its intended purpose will be capitalized.

Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:



1. Total costs exceeds \$750.00;
2. The useful life is extended two or more years, and
3. The total costs will be greater than the current book value and less than the fair market value.

A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above-procedures.

**6-8-2-4 Buildings:**

A department will capitalize buildings at full cost with no subcategories for tracking the costs of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting or sprinkler systems, or any part of the basic building. The department will include the cost of items designated or purchased exclusively for the building.

A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

1. The total cost exceeds \$5,000.00
2. The useful life is extended two or more years, and
3. The total cost will be greater than the current book value and less than fair market value.

Capital building costs will include preparation of land for the building, architectural and engineering fees, interest cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

A department will record donated buildings at fair market value on the date of transfer with any associated costs.

**6-8-2-5 IMPROVEMENTS OTHER THAN BUILDINGS:**

The definition of this group is improvements to land for better enjoyment, attached or not easily removed, that will have a life expectancy of greater than two (2) years, such as but not limited to: walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or streets that are of value to the public. Roads or drives upon Town-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon Town-owned land for use by the public and of the support of our facility are capital assets.

The Town's new improvements other than buildings will be capitalized only if it meets the following conditions:

1. The total costs exceeds \$5,000.00.
2. The useful life is greater than two years.

A department will capitalize improvements or renovations to the existing improvements other than buildings only if the result meet the following conditions:

1. The total cost exceeds \$5,000.00
2. The asset's useful life is extended two or more years, and;
3. The total cost will be greater than the current book value and less than fair market value.

A department will record donated buildings at fair market value on the date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

#### **6-8-2-6 Utilities:**

The enterprise funds of the Town of Milford shall include the municipally owned water and sewage utilities. Operation of these utilities shall require enterprise fund accounting and reporting.

#### **6-8-2-7 Recording And Accounting:**

The Town and its various departments shall classify capital expenditures as capital outlays within the funds from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Accounting manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording, valuation of assets shall be based on historical cost

or where the historical cost is indeterminable, by estimation for those assets in existence.

The Town's municipally owned utilities shall record acquisition of Fixed Assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded as the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

1. Assets acquired for lump-sum purchase price
2. Purchase on deferred payment contract
3. Acquisition under capital lease
4. Acquisition by exchange of nonmonetary assets
5. Acquisition by self-construction
6. Acquisition by donation or discovery

Some of these arrangements present special problems relating to the cost to be recorded, for example in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting usually will illustrate the recording of acquisitions of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical cost.

In addition, an asset register (prescribed form 211) shall be maintained to provide a detailed recording of the capital assets of the governmental unit.

#### **6-8-2-8 Accounting Controls:**

The Clerk-Treasurer shall use accounting controls designed and implemented to provide reasonable assurances that:

- a. Capital expenditures made by the Town, its various Departments and Utilities be in accordance with management's authorization as documented in the minutes.
- b. Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.

c. Adequate detail records be maintained to assure accountability for Town and Utility-owned assets.

d. Access to assets be permitted in accordance with management's authorization.

e. The recorded accountability for assets be compared with the existing assets at least every two (2) years and appropriate action be taken with respect to any differences.

**6-8-2-9 Effective Date:**

This Ordinance be in full force and effect from and after its passage by the Town Council.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 9  
PRIVIES, CESSPOOLS, SEPTIC TANKS AND  
UNAUTHORIZED SEWERS PROHIBITED

CHAPTER 1

**6-9-1-1 Town Well**

An article prohibiting the construction or maintenance of privies, cesspools, septic tanks and unauthorized sewers within two hundred (200) feet of Town wells, in the incorporated Town of Milford Junction, Indiana.

a. It shall be unlawful for any person or persons, partnership, corporation or other legal entity to construct or maintain any privy, cesspool, septic tank or any other source of contamination within two hundred (200) feet of any well, in the Town of Milford Junction, supplying water to any standpipe for sale and distribution to the residents of said Town.

b. It shall be unlawful for any person or persons, partnership, corporation or other legal entity to construct or maintain any sewer within two hundred (200) feet of any well supplying water to any standpipe for distribution to the residents of said Town, unless and until such sewer has been approved by the Indiana State Department of Public Health.

c. The provisions and prohibitions of a and b, above shall be enforceable by injunction proceedings in any court of competent jurisdiction in the State of Indiana.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 10  
SEWER RATES AND CHARGES

CHAPTER 1

**6-10-1-1 Rates and Charges Established**

**6-11-1-1 Wastewater Rates and Charges Established**

That there shall be and there is hereby established for the use of and the services rendered by the wastewater works system of the Town of Milford, Indiana (the "Town") the following rates and charges (fees), based on the amount of water used on the affected property supplied by said wastewater works system:

| <b>a. Wastewater Billing</b>      |                                  |          |           |  |
|-----------------------------------|----------------------------------|----------|-----------|--|
| <b>Rates Based on Water Usage</b> | <b>Rate per Thousand Gallons</b> |          |           |  |
| Quantity of Water Used Bi-Monthly | Phase I                          | Phase II | Phase III |  |
| First 4,000                       | \$8.20                           | \$9.06   | \$10.06   |  |
| Next 16,000                       | 6.90                             | 7.62     | 8.46      |  |
| Next 50,000                       | 5.81                             | 6.42     | 7.13      |  |
| Next 130,000                      | 4.54                             | 5.02     | 5.58      |  |
| Over 200,000                      | 3.27                             | 3.61     | 4.01      |  |
| <b>Minimum Bi-Monthly Bill</b>    | <b>Amount per Bill</b>           |          |           |  |
| Meter Size                        | Phase I                          | Phase II | Phase III |  |
| 5/8" - 3/4"                       | \$32.80                          | \$36.25  | \$40.25   |  |
| 1"                                | 49.45                            | 54.60    | 60.65     |  |
| 1 1/4"                            | 85.45                            | 94.35    | 104.75    |  |
| 1 1/2"                            | 131.75                           | 145.50   | 161.55    |  |
| 2"                                | 206.05                           | 227.60   | 252.70    |  |
| 3,,                               | 741.40                           | 819.40   | 910.25    |  |
| 4"                                | 1,318.20                         | 1,456.65 | 1,618.40  |  |
| 6"                                | 1,978.00                         | 2,185.05 | 2,427.50  |  |

b. Except as otherwise herein provided, wastewater fees shall be based on the quantity of water used on or in the property that is subject to such rates and charges, as the same is measured by the water meter therein used.

c. Residential, commercial, or industrial customers outside the town limits which are connected to the

wastewater works system shall pay an additional 15% outside surcharge on their total sewage bill.

**Wastewater Billing - Outside Users**

| Rates Based on Water Usage for Outside Users<br>Quantity of Water Used Bi-Monthly | Rate per Thousand Gallons |          |           |
|---|---------------------------|----------|-----------|
|   | Phase I                   | Phase II | Phase III |
| First 4,000   | \$9.43                    | \$10.42  | \$11.57   |
| Next 16,000   | 7.94                      | 8.76     | 9.73      |
| Next 50,000   | 6.68                      | 7.38     | 8.20      |
| Next 130,000  | 5.22                      | 5.77     | 6.42      |
| Over 200,000  | 3.76                      | 4.15     | 4.61      |

**Wastewater Billing — Outside Users** (cont'd)

| Minimum Bi-Monthly<br>Meter Size | Bill for Outside Users | Amount per Bill |          |           |
|----------------------------------|------------------------|-----------------|----------|-----------|
|                                  |                        | Phase I         | Phase II | Phase III |
| 5/8" — 3/4"                      |                        | \$37.75         | \$41.70  | \$46.30   |
| 1"                               |                        | 56.90           | 62.80    | 69.75     |
| 1 1/4"                           |                        | 98.30           | 108.55   | 120.50    |
| 1 1/2"                           |                        | 151.55          | 167.35   | 185.80    |
| 2"                               |                        | 237.00          | 261.75   | 290.65    |
| 3"                               |                        | 852.65          | 942.35   | 1,046.80  |
| 4"                               |                        | 1,515.95        | 1,675.15 | 1,861.20  |
| 6"                               |                        | 2,274.70        | 2,512.85 | 2,791.65  |

d. Billing for sewage fees shall be made on a monthly basis. A statement of sewage charges shall be mailed to each sewage customer on or about the first business day of the billing month, and such sewage charges shall be paid by the fifteenth day of the billing month. If a sewage user fails to pay such sewage fees on or before the fifteenth day of the first month following the period such fees were incurred, a penalty of ten percent of the bill shall be assessed and charged to the sewer user in addition to sewage fees billed. The Clerk Treasurer shall have the authority to convert any billing rates approved by the Town Council to a monthly rate for issuance of such bills.

e. Wastewater fees are payable by the owner of each lot, parcel or real property, or building that:

1. is connected with to the municipal wastewater works system; or
2. uses or is serviced by the wastewater works system.

f. Wastewater tap-on fees: The standard residential fee for tapping onto the Town's wastewater works system is \$550.00. The standard commercial fee for tapping onto the Town's wastewater works system is \$975.00. The standard industrial fee for tapping onto the Town's wastewater system is \$1,800.00. Residential, commercial, or industrial outside the Town limits that tap onto the Town's wastewater works system shall pay the following fees: Residential \$825.00, commercial \$1,462.50 and industrial \$2,700.00.

g. The Town Council shall make and enforce such by-laws and regulations as may be deemed necessary for the sale, economic and efficient management of the Town's wastewater works system and for the construction of and use of house wastewaters and connections to the wastewater works system, and for the regulation, collection, rebating and refunding of rates and charges.

h. The Town is hereby authorized to prohibit dumping of waste in the Town's wastewater works system which, in the Town's sole discretion, is harmful to the operation of the wastewater works, or to require methods of effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town.

i. The Town Council is hereby authorized to enter into special rate contracts with customers of the wastewater works for clearly definable reductions if cost to the wastewater works can be determined, and such reduction shall be limited to such reduced costs.

j. In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns



during the months of June and July, the billing for sewage service for residences and domestic users for said summer months shall be based upon the water usage for the previous months of December and January. In the event the water usage for said previous winter months is greater than the water usage for said summer months, then the billing for sewage services shall be computed on the actual bill is being rendered. Domestic and residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage is registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

k. In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times \$13.90 per billing period. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the

total number of mobile homes located and installed in said court plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

1. Except for billings to multiple users such as apartment houses, mobile home courts and housekeeping rooms, the rates and charges may be billed to the tenant or tenants occupying the properties served unless otherwise requested in writing by the owners but such billings shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served which are occupied by tenants shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examinations shall be made at the office at which said records are kept and during the hours that such office is open for business.

m). In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly and uses water from a non-municipal source which is not measured by a water meter or is measured by a meter not acceptable to the Town then the owner or other interested party, at his expense, shall, at the Town's request, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town.

n). Domestic users who do not have municipal waterlines within 300 feet of their property shall be charged a flat price of \$33.75 bimonthly.

*(Compiler's note: corrections made in numbering and lettering for above section to correct scrivener's errors).*

**6-10-1-2 Surcharges for excess discharge of chemicals or solids:**

a. In order that the Town may equitably charge the users of its facility, the Town may impose surcharges on the existence of certain suspended solids, chemicals, or waters with excess biochemical oxygen demand.

b. Surcharges are hereby established on all admission into the public sewers of any waters or waste in excess of the levels established under town code 6-5-1-1(G), as follows:

Inside Users

1. \$0.68 per pound for waste or waters with excess biochemical oxygen demand (BOD).
2. \$0.68 per pound for suspended solids.
3. \$1.75 per pound for ammonia nitrate.
4. \$2.70 per pound for excess phosphorus.
5. \$1.35 per pound for excess fats, wax, grease or oils whether emulsified or not.

Outside Users

1. \$0.78 per pound for waste or waters with excess biochemical oxygen demand (BOD).
2. \$0.78 per pound for suspended solids.
3. \$2.00 per pound for ammonia nitrate.
4. \$3.10 per pound for excess phosphorus.

5. \$1.55 per pound for excess fats, wax, grease or oils whether emulsified or not.

c. The determination of suspended solids, 5 day biochemical oxygen demand, and ammonia nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for Examination of Water, Sewage, and Industrial Wastes" as written by the American Waterworks Association, and shall be in conformance with current federal regulations regarding analysis of pollutants.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 11  
WATER METER DEPOSITS

CHAPTER 1

**6-11-1-1 Water Rates and Charges**

Water supplied by the water works system of the Town of Milford Junction shall be supplied at the following rates:

| Amounts used   | Rate per 1000 gallons |
|--|-----------------------|
| First 3,000 gallons  | 3,50                  |
| Next 8,700 gallons   | 2,80                  |
| Next 10,000 gallons  | 2,50                  |
| Next 16,700 gallons  | 2,10                  |
| Over 38,400 gallons  | gal x 1.40 + \$41.17  |
| Minimum bi-monthly bill based on 3000 gallons of water \$10,50 |                       |

**6-11-2-1 Billing**

Billing for water fees shall be made on a monthly basis. A statement of water charges shall be mailed to each water customer on or about the first business day of the billing month, and such water charges shall be paid by the fifteenth day of the billing month. If a water user fails to pay such water fees on or before the fifteenth day of the month following the period such fees were incurred, a penalty of 10 percent on the first \$3.00 of the unpaid billing and 3% on the balance of the unpaid billing in excess of \$3.00. The Clerk Treasurer shall have the authority to convert any billing rates approved by the Town Council to a monthly rate for issuance of such bills.

**6-11-3-1 Deposits**

Section 1. A water meter deposit of \$40.00 shall be required of every residence connected to the Town water works system.

Section 2. A water meter deposit of \$50.00 shall be required of every business connected to the Town water works system. If a business has two or more locations connected to the Town water works system, that business shall be billed for each separate tap-in as if each location was a separate business.

Section 3. The provisions of this article shall apply even if the meter used by the customer is privately purchased and not purchased from or owned by the Town.

**6-11-4-1 Miscellaneous Fees**

Section 1. Hydrants: Customers shall be charged \$225.00 per hydrant per year for the Town service in providing and maintaining the fire hydrant.

Sprinklers: Customers shall be charged \$225.00 per 6" sprinkler per year for the Town service in providing services to sprinkler systems as listed below.

Sprinklers

|     |          |
|-----|----------|
| 2"  | \$ 25.00 |
| 4"  | 138.50   |
| 6"  | 225.00   |
| 8"  | 400.00   |
| 10" | 625.00   |

Section 2. Turn off and Turn on Fees: The fee charge for turning off or turning on service to the property shall be \$10.00 for the first incident for a customer, and \$25.00 for every incident thereafter, effective March 13, 2012. This

amount shall be charged to customers whether such incident was voluntary or involuntary due to delinquency in payment.

Section 3. Water tap-on Fees (Standard): The standard for tap-on of a business or residence to the Town water works system is \$530.00. As part of the water tap on fee, the Town agrees to provide a tap in location from 3/4 inch to 1 inch in diameter from the Town water main to the customer. The Town will also be responsible for installation of a valve box at a convenient location near the property for turn on and turn off service, and a meter yoke with a shut off valve. The Town will further provide a 3/4 water meter with a remote box for the customer.

Section 4. Water Tap-in (greater than 1 inch). For every inch over a 1 inch tap required by the customer, there shall be an additional charge of \$500.00 per inch in addition to the standard fee of \$530.00. Any fraction of an inch over a whole amount of inches shall be considered an additional whole inch for the purposes of this charge. Any customer using or requiring a water tap fee of greater than 1 inch shall notify the Town, and the utilities commissioner shall approve the meter and the tap in before installation of same.

Section 5. Royalty fees: From time to time, the Town may agree to provide services to customers outside the Town limits. Any such customer shall be charged a royalty fee of \$1,000.00 in addition to any rates or charges otherwise specified herein.

#### **6-11-5-1 Testing**

Any customer of the water works system of the Town of Milford Junction may request that the Town test that customer's water meter for accuracy. Such a request may be made no more frequently than every four months. A meter shall be considered accurate if it falls between an A. W. W. A. rating of 97% to

103% accurate. If a meter is found to be reading accurately the customer shall be charged \$5.00 for the test. If the meter shall be found to be reading inaccurately, the Town shall provide a new meter free of charge, providing that the old meter was one that was provided to the customer by the Town. A letter of verification of the accuracy of the test will be signed by the property owner and the utilities commissioner. The Town shall have the right to test meters owned by the Town or by customers hooked into either the Town water works system upon 24 hours notice to the customer.

#### **6-11-6-1 Private Wells**

Section 1. All private residential wells shall be hooked to a water usage meter in order to establish a more accurate sewage rate for the Town. A metering device shall be provided by the Town at the expense of the property owner.

Section 2. All meters are to be a compound type, registered-remote meter. A meter of any other type may be approved for use by the utilities commissioner on a case by case basis.

Section 3. All meters shall register in gallons.

Section 4. The utilities commissioner shall have the right to test any well meters for accuracy upon 24 hours' notice to the property owner.

Section 5. All meters under this chapter shall be inspected by the utilities commissioner, and their location must be approved for use by the utilities commissioner. The meter location shall be in a meter pit or in a heated area.

Section 6. All residential property owners who have both a private well and Town water are still subject to the provisions of this chapter. All such property owners will need to have



check valves, a back flow preventer, or other mechanisms necessary to prevent any crossover between the private well system and the Town water works system.

Section 7. All meter pits shall be approved by the utilities commissioner, and shall require cast iron lids.

Section 8. It is a civil infraction not to have an appropriate meter as required under this Chapter, with each day that the customer is not in compliance constituting a separate offense and a separate fine.

Section 9. The provisions of this chapter shall not apply if the Town of Milford does not maintain a water main within 300 feet of the residential property owner's property.

Section 10. Private residential wells serving more than one dwelling shall be hooked to water usage meters that measure the water uses for each individual dwelling or user. The owner of such a private residential well may be granted a variance by the Town Council from the requirements of this section only after a public hearing and determination by the Town Council that the cost of installing water usage meters for each individual dwelling or user is such that it exceeds practical and reasonable investment. If such a variance should be granted, a flat rate will be charged per dwelling or user, and all sewage or water bills will be the responsibility of the owner of the private residential well, said rates to be determined in accordance with the general provisions of the sewer rate ordinance or the water rate ordinance used by the Town of Milford and amended from time to time.

#### **6-11-7-1 Miscellaneous**

Section 1. As a matter of policy, the customer of the water works system owns and is responsible for maintaining water

service from the valve box to the dwelling or business. This includes a responsibility for use of and maintenance of the water meter.

Section 2. If a water leak shall occur in that area of the property line for which the customer is responsible, the customer shall have ten (10) business days to make appropriate repairs. After the ten (10) business days have expired, and a leak still exists, the Town has the right to disconnect water to the customer until appropriate replacements or repairs are made. This provision shall apply regardless of the cause of the leak.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 12  
JURISDICTION OF THE INDIANA UTILITY  
REGULATORY COMMISSION

**6-12-1-1** Removal of the Town from jurisdiction of the Indiana Utility Regulatory Commission.

Section 1. The Town of Milford Junction, Indiana, hereby elects to remove itself from the jurisdiction of the Indiana Utility Regulatory Commission for purposes of rates and financing.

Section 2. The adoption date of this ordinance is a preliminary adoption pursuant to the revisions of I.C. 8-1.5-3-9.1. Final vote by the Town Board is scheduled for August 14, 1989.

Section 3. The Clerk/Treasurer of the Town is hereby authorized and instructed to comply with the provisions of I.C. 8-1.5-3.91 regarding notice of the meeting for a final vote on this ordinance, and notice provisions to utility rate payers and the Utility Regulatory Commission.

TITLE 6  
PUBLIC WORKS AND FACILITIES

ARTICLE 13

CHAPTER 1

**6-13-1-1 Application.**

This ordinance shall apply to all persons, firms, partnerships, corporations, company or organizations connected to the Town of Milford public water system or using water therefrom (hereafter, users).

**6-13-1-2 Declaration of Need.**

Upon determining that the Town of Milford public water system is in a condition of water shortage, the Town of Milford shall declare a water conservation emergency and establish the appropriate measures and the duration thereof.

**6-13-1-3 Conservation Measures.**

Practices that conserve water should be used at all times. Examples of conservation measures include.

a. Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation; Eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;

b. Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;

c. Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;

d. Repairing or replacing leaking water fixtures and service lines;

- e. Using appliances such as clothes washers and dishwashers only when they are full;
- f. Turning off the water while brushing teeth or shaving;
- g. Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- h. Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing;
- i. Covering swimming pools when not in use to reduce evaporation.

**6-13-1-4 Voluntary Conservation.**

During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The Town of Milford shall identify reasonable and meaningful conservation techniques and provide such information to users. The Town of Milford may also implement conservation pricing and prohibitions to encourage water conservation.

**6-13-1-5 Mandatory Conservation.**

During severe water shortages users shall be prohibited from selected water uses subject to reasonable terms, times and conditions as the governing body shall adopt and append to this document.

**6-13-1-6 Rationing.**

In addition to mandatory conservation measures users shall be limited during extreme water shortage to water use by the following schedule:

- a. Residential use shall be limited to 150 gallons per residential unit per day.
- b. Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential.

**6-13-1-7 Exceptions.**

The Town of Milford shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions.

**6-13-1-8 Notice.**

Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance.

Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door to door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States mail.

**6-13-1-9 Enforcement.**

Any user who violates Section 5 or 6 of this ordinance may be punished by a fine of not more than \$2,500. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 4 or 5 of this ordinance.

**6-13-1-10. Effective date.**

This ordinance shall be in full force and effect upon passage.

TITLE 7  
PARKS AND RECREATION  
ARTICLE I  
PARKS AND RECREATION ADVISORY COUNCIL  
CHAPTER I  
ADVISORY COUNCIL

**7-1-1-1 Creation and Administration**

That there is hereby established a Milford Parks and Recreation Advisory Council. The purpose of such Council shall be to study the subjects and problems specified by the Town Council and make recommendations to said Council thereon, as well as any other purposes and duties from time to time specified by said Town Council.

a. The Advisory Council shall consist of four (4) members to be appointed by the Council for the TOWN OF MILFORD JUNCTION.

b. 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.

c. All members shall be residents of the TOWN OF MILFORD JUNCTION.

d. Initial Appointments to such Council are as follows:

1. One member for a term of one year
2. One member for a term of two years.
3. One member for a term of three years.
4. One member for a term of four 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.

e. If a vacancy on the Council occurs, the Council for the TOWN OF MILFORD JUNCTION, shall appoint a person to serve for the remainder of the unexpired term.



TITLE 7  
PARKS AND RECREATION

ARTICLE II  
LIMITATIONS ON USE OF WAUBEE LAKE BEACH AREA

CHAPTER 1  
General Use-Restrictions

**7-2-1-1** Park hours will be sunrise to sunset.

**7-2-1-2** No person may possess any alcoholic beverages in the Waubee Lake Beach area.

**7-2-1-3** Fishing and swimming areas shall be marked by the Parks and Recreation Advisory Council, and all persons shall observe the restrictions as marked.

**7-2-1-4** No animals of any kind shall be allowed in the Waubee Lake Beach area.

TITLE 7  
PARKS AND RECREATION

ARTICLE II  
LIMITATIONS ON USE OF WAUBEE LAKE BEACH AREA

CHAPTER 2  
Vehicle, Boat, and Parking Restrictions

**7-2-2-1** No overnight parking of a boat or vehicle is permitted in the Waubee Lake Beach area.

**7-2-2-2** The Parks and Recreation Advisory Council shall post signs restricting certain areas for no parking, limited parking, handicapped parking, or pedestrian use as it sees fit.

**7-2-2-3** No motorcycles or mopeds are permitted between the fence and Waubee Lake.

TITLE 7  
PARKS AND RECREATION

ARTICLE II  
LIMITATIONS ON USE OF WAUBEE LAKE BEACH AREA

CHAPTER 3  
Penalties

**7-2-3-1** Any violation of the restrictions in this article is punishable by a fine of \$25.00.

TITLE 8  
GENERAL PROVISIONS

ARTICLE 1  
IMPLEMENTARY PROVISIONS FOR THE  
MUNICIPAL CODE OF MILFORD JUNCTION, INC.

CHAPTER 1  
REPEAL OF PRIOR LAWS

**8-1-1-1 Repeal**

Section 1: Repeal of prior laws. All ordinances enacted before the regular meeting of the Council of the Incorporated Town of Milford Junction on September 14, 1987, are hereby repealed, except that this repeal does not include the following:

- a. Ordinances of incorporation and their amendments.
- b. All ordinances providing for appropriations and their amendments: all ordinances and their amendments fixing salaries of employees and officials; as well as all ordinances and amendments concerning tax levies in force and in effect on September 14, 1987.
- c. The following special ordinances and their amendments: 77-1, 77-2-1, 79-4-1, 79-5-14, 81-7, 81-8, 84-8, 85-2, 85-5, 75-6, 797-11-12, 83-10, 83-15, 84-3, 87-3, and 87-4, and what is known as the Flood Control Ordinance.

**8-1-1-2 Invalid Ordinances**

Notwithstanding the inclusion in this Code of Ordinance Provisions declared repealed, unconstitutional or otherwise invalid by a court of competent jurisdiction, those provisions have only such force as they had before the enactment of this Code.

### **8-1-1-3 Preservation and Continuity**

This Code does not affect rights, privileges or liabilities accrued, remedies provided, duties imposed, penalties incurred or proceedings begun before the effectiveness of this Code.

### **8-1-1-4 Severability**

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

b. Except in the case of an ordinance or code section containing a nonseverability provision, each part and application of every chapter is severable. If any provision or application of a chapter is held invalid, the invalidity does not affect the remainder of the chapter or article unless:

1. the remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

2. the remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

This subsection applies to every section of this code, regardless of whether enacted before or after the passage of this subsection.

### **8-1-1-5 Effective Date**

Because an emergency exists for the immediate taking effect of this Code, it takes effect on passage.