

ORDINANCE NO. 2000-52-CM

AN ORDINANCE TO ESTABLISH AN ORDINANCE VIOLATIONS BUREAU AND SCHEDULE OF ORDINANCES SUBJECT TO ADMISSION OF VIOLATION

WHEREAS, the State Legislature has adopted legislation, IC 33-6-3 -1 *et seq.*, providing the authority and the manner for the legislative body of a county to establish an ordinance violations bureau; and

WHEREAS, the Board of Commissioners of Tippecanoe County considers it in the best interest of the County to establish such a bureau for the acceptance of appearances of waivers of trial, admissions of certain ordinance violations and the payment of civil penalties of One Hundred Dollars (\$100. 00) or less; and

WHEREAS, the Board of Commissioners of Tippecanoe County finds that the Clerk of the Tippecanoe Circuit Court is the appropriate person to administer the said bureau; and

WHEREAS, the Board of Commissioners of Tippecanoe County further finds that only certain ordinance violations should be subject to the violations bureau procedure.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT:

Section 1: There shall be created an Ordinance Violations Bureau pursuant to IC 33-6-3-1 *et seq.*, for the County of Tippecanoe.

Section 2: The Clerk of the Tippecanoe Circuit Court is appointed and shall serve as the Violations Clerk, who administers the Bureau. The following officers and employees of the County of Tippecanoe are duly authorized to issue uniform tickets (in the same form as the uniform traffic tickets now in use for traffic violations) upon having good cause to believe a violation of an Ordinance listed herein has occurred:

- (a) Executive Director of County Highway Department and duly authorized designees.
- (b) County Building Commissioner and duly authorized designees.
- (c) County Surveyor and duly authorized designees.
- (d) Tippecanoe County police officers and special deputies.
- (e) County Health Officer and duly authorized designees.

Designees shall be **as indicated on the attached Exhibit A** and duly authorized when designated in writing by the Board of Commissioners.

Section 3: The Clerk of the Tippecanoe Circuit Court and the Clerk's staff shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as provided below.

Section 4: The following schedule of ordinances (hereinafter "Ord.") shall be subject to the Jurisdiction of the Ordinance Violations Bureau and violations of said ordinances and code provisions shall be subject to the civil penalty set forth:

Code Section or Ordinance	Description of Violation	Fine	Enforced
<u>BI</u>			
5-83	Highway Access Standards Ordinance	\$100	Hw
5-84	Highway Oiling/Treatment Ordinance	\$100	Hw
2000-32-CM	Building Code	\$100	B
94-17-CM	Vector Control Ordinance	\$100	He
99-30-CM	Private Sewage Disposal Ordinance	\$100	He
94-18-CM	Food Ordinance	\$100	He
88-40-CM, as amended by 89-37-CM, 90-12-CM, 92-18-CM, 93-18-CM, 94-04-CM, 94-53-CM, and 94-54-CM	General Ordinance Establishing Storm Drainage and Sediment Disposal	\$100	Su, Hw
2000-51-CM	Providing Hours of Operation for Tippecanoe County Parks and Fairgrounds and Regulating Traffic Therein	\$100	Sh

Trash, Debris and other obstructions \$100 He, Hw, Su
to Roads, Sewers and Drains

Sh=Sheriff, Su=Surveyor, B=Building Commissioner, Hw=Highway Dept., He=Health Officer

In the event litigation is instituted by the County in order to enforce any of the Ordinances or to collect the fine which are a part of this Ordinance Violations Bureau, if the County prevails, it is entitled to recover, in addition to any fine imposed, court costs and costs of litigation including a reasonable attorney fee. Each day on which a violation occurs shall be a separate violation.

Section 5: This Ordinance provides penalties which are additional and alternative to existing penalties for Ordinance Violations. The County may proceed under the penalty schedule set forth in this Ordinance or proceed under existing Ordinances. All existing Ordinances remain in full force and effect. **Section 6:** The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance. **Section 7:** That this Ordinance shall be in full force and effect on the ___ day of its second publication after passage and approval according to law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read in full for the first time, and adopted this 6th day of July, 2000, by the following vote:

VOTE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

Ruth Shedd Yes Ruth Shedd, President

John Knochel Yes John Knochel, Vice President

Kathleen Hudson Yes Kathleen Hudson, Member

ATTEST:

Robert A. Plantenga, Auditor Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read in full for the second time, and adopted this ___ day of ___, 2000, by the following vote:

VOTE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

Ruth Shedd Ruth Shedd, President

John Knochel John Knochel, Vice President

Kathleen Hudson Kathleen Hudson, Member

ATTEST:

Robert A. Plantenga, Auditor Tippecanoe County

EXHIBIT A

Designees of County Building Inspectors: Five (5) Building Inspectors
Designees of Executive Director of County Highway Department: Two (2) Technicians II
Designees of County Surveyor: To be designated at a later date.
Designees of County Health Officer: Administrator and Chief Environmentalist.