

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapters:

- 1.25 Town Marshal**
- 1.30 Drug-free workplace**
- 1.33 Old-Age and Survivors' Insurance Coverage**
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Chapter 1.25

TOWN MARSHAL

Sections:

- 1.25.010 Appointment**
- 1.25.020 Duties**
- 1.25.030 Assistance to other law enforcement agencies**

1.25.010 Appointment. The Town Board of the Incorporated Town of Marengo, Crawford County, Indiana, does hereby grant a permanent commission of Town Marshal to William J. McDaniel in consideration of his past services to the town and community. (Res. unnumbered, Mar. 7, 1977)

1.25.020 Duties. William J. McDaniel shall continue to have full police powers and will be subject to call to active service for and in behalf of the Town in the event of illness of any officer of the town or in case of emergency or should the need arise for other related matters. (Res. unnumbered, Mar. 7, 1977)

1.25.030 Assistance to other law enforcement agencies. That in any such event, William J. McDaniel shall assist the Indiana State Conversation Officers, Indiana State Police, Crawford County Sheriff Department, and other government and law enforcement related agencies. (Res. unnumbered, Mar. 7, 1977)

Chapter 1.30

DRUG FREE WORKPLACE

Sections:

1.30.010 Certification

1.30.010 Certification.

STATE OF INDIANA DRUG-FREE WORKPLACE CERTIFICATION

This certification is required by Executive Order No. 90.5, April 12, 1990, issued by the Governor of Indiana. Pursuant to its delegated authority, the Indiana Department of Administration is requiring the inclusion of this certification in all contracts with and grants from the State of Indiana in excess of \$25,000. No award of a contract or grant shall be made, and no contract, purchase order or agreement, the total amount of which exceeds \$25,000, shall be valid unless and until this certification has been fully executed by the Contractor or Grantee and attached to the contract or agreement as part of the contract documents. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract payments, termination of the contract or agreement and/or debarment of contracting opportunities with the State for up to three (3) years.

The Grantee certifies and agrees that it will provide a Drug-free workplace by:

- (1) Publishing and providing to all of its employees a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and
- (2) Establishing a drug-free awareness program to inform employees about
 - A. the dangers of drug abuse in the workplace;
 - B. the Contractor's policy of maintaining a drug-free workplace;
 - C. any available drug counseling, rehabilitation, and employee assistance programs; and
 - D. the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;

- (3) Notifying all employees in the statement required by subparagraph (1) above that as a condition of continued employment the employee will
 - A. abide by the terms of the statement; and
 - B. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction;
- (4) Notifying in writing the contracting State Agency and the Indiana Department of Administration within ten (10) days after receiving notice from an employee under subdivision (3)B. above, or otherwise receiving actual notice of a conviction;
- (5) Within thirty (30) days after receiving notice under subdivision (3)B. above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace:
 - A. take appropriate personnel action against the employee, up to and including termination;
 - B. require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency; and
- (6) Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (1) through (5) above.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION.

TOWN OF MARENGO
 Printed Name of Organization

CF-97-103
 Grant ID Number

 Signature of Authorized Representative

6-8-98
 Date

JOHN PIERSON, TOWN COUNCIL PRES.
 Printed Name and Title

Chapter 1.33

OLD-AGE AND SURVIVORS' INSURANCE COVERAGE

Sections:

1.33.005	Preamble
1.33.010	Election of coverage
1.33.020	Covered positions
1.33.030	Compliance with Federal provisions
1.33.040	Effective when

1.33.005 Preamble. Pursuant to action taken by this Governing Body a preliminary survey was made by the State Agency of the O.A.S.I. which State Agency has reported that the estimated employer's cost of coverage in the Old-Age and Survivors' Insurance program will be _____ per cent of TOTAL COVERED SALARY AND WAGES TO BE PAID FOR THE YEAR 19__ plus approximately \$35 Annual Administration Costs. (Res. 2, Preamble, Jan. 12, 1965)

1.33.010 Election of coverage. Be it resolved, that the Governing Body of MARENGO CIVIL TOWN, MARENGO, INDIANA, hereby elects coverage under the OLD-AGE AND SURVIVORS' INSURANCE as provided by Chapter 313, Acts of 1951, as amended, and as they may be amended, and as they may be implemented by regulations of the State Agency. (Res. 2, S1, Jan. 12, 1965)

1.33.020 Covered positions. The following positions are hereby designated as those which are to be covered. All positions except: (here insert optional exclusions desired and adopted by the Governing Body):

- All positions of an emergency nature
- Part time positions
- Positions whose compensation is on a fee basis
- Elected executive officials
- Elected legislative officials
- Elected judicial officials

(Res. 2, S2, Jan. 12. 1965)

1.33.030 Compliance with Federal provisions. For the purpose of carrying out the provisions of Title II, Section 218, of the Federal Social Security Act and amendments thereof, the agreement entered into between the State Agency with the approval of the Governor and the Social Security Administrator is made a part of this Resolution and shall constitute an integral part of the Federal agreement between this Political Subdivision and the State Agency and shall become a part of the agreement or modification of the agreement between the State and the Social Security Administrator. The Governing Body hereby explicitly agrees that it will fully perform the obligation of a Political Subdivision under said (Federal-State) agreement and Chapter 313, Acts of 1951, as amended and as they may be

amended, and as they may be implemented by regulations of the State Agency. (Res. 2, S3, Jan. 12. 1965)

1.33.040 Effective when. This Ordinance shall be in full force and effect upon passage and approval, for all intents and purposes, except that active coverage shall begin as of the 1st day of January, 1964. (Res. 2, S4, Jan. 12. 1965)

Chapter 1.40

DEPARTMENT OF PARKS AND RECREATION

Sections:

- 1.40.010 Re-established under IC 36-10-3**
- 1.40.020 Definitions**
- 1.40.030 Members**
- 1.40.040 Terms**
- 1.40.050 Election of Officers**
- 1.40.060 Powers and duties**
- 1.40.070 Records of former board**
- 1.40.080 Compensation for Board Members**
- 1.40.090 Removal of a member**
- 1.40.100 Meetings**
- 1.40.110 Operation, control, management of Town parks**
- 1.40.120 Repealer**

1.40.010 Re-established under IC 36-10-3. Pursuant to the provisions of IC 36-10-3, there is hereby re-established a Marengo Park and Recreation Board. (Ord. unnumbered, S1, Dec. 10, 2000)

1.40.020 Definitions. Definitions as used in this ordinance:

- (1) “Board” refers to the Marengo Park and Recreation Board.
- (2) “Department” refers to the Department of Parks and Recreation of the Town of Marengo, Indiana.
- (3) “District” means that area being within the jurisdiction of the department which is the territory lying within the corporate boundaries of the Town of Marengo, Indiana as such boundaries may change from time to time. (Ord. unnumbered, S2, Dec. 10, 2000)

1.40.030 Members. The Town of Marengo Park and Recreation Board is hereby re-established to be composed of four (4) members. Four members are appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party. (Ord. unnumbered, S3, Dec. 10, 2000)

1.40.040 Terms. Upon re-establishment of the Board, the terms of the members initially appointed shall be:

- (1) One (1) member for a term ending the First Monday in January, 2001

- (2) One (1) member for a term ending the first Monday in January, 2002
- (3) One (1) member for a term ending the first Monday in January, 2003
- (4) One (1) member for a term ending the first Monday in January, 2004

As a term expires, each new appointment shall be made for a term of four (4) years. All members shall continue in office until a successor is appointed. If an appointment is not made by the first Monday in April, the incumbent is automatically appointed to serve another term. A new member shall be appointed to serve the remainder of any unexpired term due to a vacancy. All members of the Board shall be residents of the Town. Neither a municipal executive nor a member of the Town Council may serve on the Board. (Ord. unnumbered, S4, Dec. 10, 2000)

1.40.050 Election of Officers. At its first meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. unnumbered, S5, Dec. 10, 2000)

1.40.060 Powers and duties. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. unnumbered, S6, Dec. 10, 2000)

1.40.070 Records of former board. The intent of this Ordinance is to comply with IC 36-10-3 and therefore no rights or duties of the present Park and Recreation Board shall be affected by adoption of this Ordinance and all books, papers, documents, rights, duties and other property of the former Board are transferred to and shall become the property, right or duty of the Board created herein. (Ord. unnumbered, S7, Dec. 10, 2000)

1.40.080 Compensation for Board Members. The compensation and per them allowances for members of the Board shall not exceed those limits established by IC 36-10-3 and other applicable laws of the State of Indiana. (Ord. unnumbered, S8, Dec. 10, 2000)

1.40.090 Removal of a member. A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the Town Council shall appoint a hearing officer. The persons to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Ord. unnumbered, S9, Dec. 10, 2000)

1.40.100 Meetings. All meetings of the Board are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

Special meetings of the Board may be called by the President or by any two (2) members by written request to the Secretary. The Secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. unnumbered, S10, Dec. 10, 2000)

1.40.110 Operation, control, management of Town parks. There is hereby created a Department of Parks and Recreation of the Town of Marengo, Indiana, pursuant to the provisions of IC 36-10-3 to operate, control, and manage the town parks now owned by the Town of Marengo and any and all similar parks hereafter established by and for the use of the town and its citizens, together with all of the recreation facilities situated therein, and to control and conduct such recreation programs and activities for the citizens of this community as its governing board may deem appropriate, all pursuant to the provisions of IC 36-10-3.

The Department shall consist of a Park and Recreation Board, a Director, and such other personnel that the Board may determine to be necessary for the proper operation and management of said Department. (Ord. unnumbered, S11, Dec. 10, 2000)

1.40.120 Repealer. All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance is repealed, specifically Ordinance 01-1984. (Ord. unnumbered, S12, Dec. 10, 2000)

Chapter 1.46

FAIR HOUSING ORDINANCE

Sections:

1.46.010	Policy statement
1.46.020	Definitions
1.46.030	Unlawful practice
1.46.040	Discrimination in the sale or rental of housing
1.46.050	Discrimination in residential real estate-related transactions
1.46.060	Discrimination in the provision of brokerage services
1.46.070	Interference, coercion, or intimidation
1.46.080	Prevention of intimidation in Fair Housing cases
1.46.090	Exemptions
1.46.100	Administrative enforcement of Ordinance
1.46.120	Separability of provisions

1.46.010 Policy statement. It shall be the policy of the Town of Marengo to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. (Ord. 06-08-98, S1, June 8, 1998)

1.46.020 Definitions. The definitions set forth in this Section shall apply throughout this Ordinance:

- (1) “Dwelling” means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- (2) “Family” includes a single individual (I.C. 22-9.5-2-9), with the statue of such family being further defined in subsection (8) of this Section.
- (3) “Person” (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporation, partnership, association, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title II of the United States Code, receivers, and fiduciaries.
- (4) “To rent” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 1.46.040, 1.46.050, 1.46.060, 1.46.070 or 1.46.080 of this Chapter or I.C. 22-9.5-5.
- (6) “Handicap” means, with respect to a person:
- A. A physical or mental impairment which substantially limits one or more of such person's major life activities,
 - B. A record of having such an impairment, or
 - C. Being regarded as having such an impairment,
 - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 - E. Any other impairment defined under I.C. 22-9.5-2-10.

The term “handicap” shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term “handicap” include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)].

- (7) “Aggrieved person” includes any person who (I.C. 22-9.5-2-2):
- A. Claims to have been injured by a discriminatory housing practice; or
 - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (9) “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (10) “Complainant” (I.C. 22-9.5-2-4) means a persons, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 06-08-98, S2, June 8, 1998)

1.46.030 Unlawful practice. Subject to the provisions of subsection (2) of this section, Section 1.46.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.46.040 of this Chapter shall apply to:

- (1) All dwelling except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in Section 1.46.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on this behalf, 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. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.46.040(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. 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.
- (3) For the purposes of Subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

- A. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. He has, within the preceding twelve months, participated as agent, other than in the sale of his own person residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- C. He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 06-08-98, S3, June 8, 1998)

1.46.040 Discrimination in the sale or rental of housing. As made applicable by Section 1.46.030 and except as exempted by Sections 1.46.030(2) and 1.46.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available to for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. That buyer or renter;
 - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

3. Any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. That person; or
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) All the doors designed to allow passage into and within all premises with such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

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

- i An accessible route into and through the dwellings;
- ii Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- iii Reinforcements in bathroom walls to allow later installation of grab bars; and
- iv Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph C.3(c).

E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 06-08-98, S4, June 8, 1998)

1.46.050 Discrimination in residential real estate-related transactions.

(1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(2) As used in this section, the term “residential real estate-related transaction” means any of the following:

A. The making or purchasing of loans or providing other financial assistance:

- 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
- 2. Secured by residential real estate.

- B. The selling, brokering, or appraising of residential real property.

Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 06-08-98, S5, June 8, 1998)

1.46.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any 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, handicap, familial status or national origin. (Ord. 06-08-98, S6, June 8, 1998)

1.46.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.46.030, 1.46.040, 1.46.050, or 1.46.060 of this chapter. (Ord. 06-08-98, S7, June 8, 1998)

1.46.080 Prevention of intimidation in Fair Housing cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a), or
 - B. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services,

organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10.00 than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 06-08-98, S8, June 8, 1998)

1.46.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance (Chapter) to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this ordinance (chapter) shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance (chapter) prohibit 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, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (3)
 - A. Nothing in this ordinance (chapter) regarding familial status shall apply with respect to housing or older persons.
 - B. As used in this section, "housing for older persons" means housing:
 1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 2. Intended for, and solely occupied by, persons 62 years of age or older; or
 3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 06-08-98, S9, June 8, 1998)

1.46.100 Administrative enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the commission as set forth in subsection (2) hereof shall be vested in the Chief Elected Official of the Town of Marengo, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Marengo, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this ordinance, herein elects to refer all formal complaints of violation of the articles of this ordinance by complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Marengo, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- (3) All executive departments and agencies of the Town of Marengo, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- (4) The Chief Elected Official of the Town of Marengo, Indiana, or the Chief Elected Official’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 06-08-98, S10, June 8, 1998)

1.46.120 Separability of provisions. If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 06-08-98, S12, June 8, 1998)