TITLE 3

PUBLIC PEACE AND SAFETY

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Chapter:

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Chapter 3.10

ACCIDENT REPORT FEE

Sections:

3.10.010 **Accident report fee**
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3.10.030 **Use of fund**

3.10.010 Accident report fee. The Town of Santa Claus shall charge a fee of $10.00 for each accident report requested and a $10.00 fee plus actual photograph processing fees incurred when an accident report is requested along with corresponding photographs. (Ord. 2005-13, Dec. 14, 2005) (Ord. 1993-22, S1, 1993) (Ord. 1991-07, S1, 1991)

3.10.020 Accident Report Account. The fees charged for the accident reports shall be deposited into the Law Enforcement Continuing Education Fund in accordance with I.C. 9-29-11-1 as was amended on July 1, 1993. (Ord. 1993-22, S2, 1993) (Ord. 1991-07, S2, 1991)

3.10.030 Use of fund. That the money received may be used for continuing education and training of law enforcement officers employed by the town and for equipment and supplies for law enforcement purposes, and any other purpose allowable within the Law Enforcement Continuing Education Fund. (Ord. 1993-22, S3, 1993) (Ord. 1991-07, S3, 1991)

Chapter 3.12

VEHICLE UNLOCKING FEE

Sections:

3.12.010	**Authorization to unlock vehicles**
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3.12.030	**Unlocking fee**
3.12.040	**Receipt of fee**
3.12.050	**Deposit of fee**

3.12.010 Authorization to unlock vehicles. The Santa Claus Police Department shall be authorized to unlock vehicle doors at the request of the vehicle's operator. (Ord. 1992-14, S1, 1992)

3.12.020 Disclosure and Release Form. Prior to unlocking the door, the owner, if available, or if not then the operator of said vehicle shall be given a Disclosure and Release Form, a copy of which follows as Exhibit "A". The owner or operator shall sign an acknowledgment of the Disclosure and Release Form. (Ord. 1992-14, S2, 1992)

3.12.030 Unlocking fee. For each vehicle unlocked, the Town Police Department shall access a $10.00 "unlocking fee" from the owner or operator. (Ord. 1992-14, S3, 1992)

3.12.040 Receipt of fee. All moneys received by said officers shall be further evidenced by a numbered receipt signed by the officer and the owner/operator of the subject vehicle and of which a carbon copy will be retained by said officer. (Ord. 1992-14, S4, 1992)

3.12.050 Deposit of fee. All moneys collected shall be submitted to the Town Clerk-Treasurer for deposit at the end of the officer's shift or on the next business day at the Clerk's Office at Santa Claus Town Hall. (Ord. 1992-14, S5, 1992)

EXHIBIT "A"

TOWN OF SANTA CLAUS, INDIANA

RELEASE

In consideration of the assistance of the Town of Santa Claus, Indiana and its employees in opening my locked automobile or truck door, I hereby release the Town of Santa Claus, Indiana and its employees of any liability for damages caused, if any, during the opening of the automobile or truck door. The fee for this service is $10.00.

DATE: _____

_____
OWNER'S SIGNATURE

ADDRESS AND PHONE NUMBER

_____

_____

_____

OFFICER'S SIGNATURE

_____

DESCRIPTION OF VEHICLE

_____

Chapter 3.16

GUN PERMIT FEE

Sections:

3.16.010 Application fee
3.16.020 Receipts
3.16.030 Law Enforcement Continuing Education Fund

3.16.010 Application fee. Indiana Code 35-47-2-3 requires that law enforcement agencies that accept handgun license applications collect the following application fees:

(1) From a person applying for a four (4) year handgun license, a ten dollar ($10.00) application fee, five dollars ($5.00) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar ($50.00) application fee, thirty dollars ($30.00) of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar ($40.00) application fee, thirty dollars ($30.00) of which shall be refunded if the license is not issued. (Ord. 2006-05, Aug. 14, 2006) (Ord. 1993-19, S1, 1993)

3.16.020 Receipts. That the Town Marshall shall keep receipts and shall pay all monies collected for said receipts into the Town Clerk on a daily basis. (Ord. 1993-19, S2, 1993)

3.16.030 Law Enforcement Continuing Education Fund. That said funds shall be applied to the Law Enforcement Continuing Education Fund, for expenditure as described and allowed per Town Ordinance 1992-15. (Ord. 1993-19, S3, 1993)

Chapter 3.17

PROHIBITING POSSESSION OF WEAPONS UPON TOWN PROPERTIES

Sections:

3.17.010 Definitions
3.17.020 Restrictions
3.17.030 Exceptions
3.17.040 Penalty
3.17.050 Severability
3.17.060 Repeal
3.17.070 Effective Date

3.17.010 Definitions. As used in this Ordinance the terms "Weapon" includes, but is not limited to, any of the following:

(1) "Deadly weapon" as defined by I.C. §35-41-1-8.

(2) "Firearm" as defined by I.C. §35-47-1-5.

(3) "Electric stun weapon" as defined by I.C. §35-47-8-1.

(4) "Stun gun" as defined by I.C. §35-47-8-2.

(5) "Taser" as defined by I.C. §35-47-8-3.

(6) "Destructive Device" as defined by I.C. §35-47-5-2-4.

(7) "Weapon of Mass Destruction" as defined by I.C. §35-41-1-29-4.

(8) Any other object that in the manner in which it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury, as defined by I.C. §35-41-1-25. (Ord. 2005-04, S1, May 9, 2005)

3.17.020 Restrictions. Except as provided in Section 3.17.030, a person shall not possess on or about his or her person a weapon within the Town Hall of the Town of Santa Claus, the Town of Santa Claus Wastewater Treatment Plant, Santa Claus Community Center upon real estate owned or controlled by the Santa Claus Parks and Recreation Department and/or upon real estate owned by the Town of Santa Claus, Indiana. (Ord. 2005-04, S2, May 9, 2005)

3.17.030 Exceptions. The following person are exempt from this Ordinance: Law enforcement officers, as defined by I.C. §35-41-1-17; Indiana Department of Correction officers and probation officers who are in the Town Hall of the Town of Santa Claus, the Town of Santa Claus Wastewater Treatment Plant, Santa Claus Community Center upon real estate owned or controlled by the Santa Claus Parks and Recreation Department and/or upon real estate owned by the Town of Santa Claus, Indiana for official business and duly

authorized to carry deadly weapons, or those otherwise authorized, in writing, to carry weapons upon such property by the Town Marshal. (Ord. 2005-04, S3, May 9, 2005)

3.17.040 Penalty. Any person violating Section 3.17.020 shall be subject to a fine not to exceed $2,500. Any person violating Section 3.17.020 shall also be subject to having the firearm or weapon confiscated by the proper law enforcement officials. (Ord. 2005-04, S4, May 9, 2005)

3.17.050 Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any part to be void, unconstitutional or ineffective for any cause shall not affect any other part of this Ordinance. (Ord. 2005-04, S5, May 9, 2005)

3.17.060 Repeal. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. (Ord. 2005-04, S6, May 9, 2005)

3.17.070 Effective Date. This Ordinance shall take effect upon passage, after publication as required by law. (Ord. 2005-04, S7, May 9, 2005)

Chapter 3.19

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Sections:

3.19.010 Nationwide approach
3.19.020 Standardized Procedures
3.19.030 Coordinated Efforts
3.19.040 Enhancement of local readiness
3.19.050 Integration
3.19.060 Establishment of NIMS as the standard

3.19.010 Nationwide approach. The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size, or complexity. (Ord. 2006-08, Whereas, Nov. 13, 2006)

3.19.020 Standardized Procedures. To facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized technology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters. (Ord. 2006-08, Whereas, Nov. 13, 2006)

3.19.030 Coordinated Efforts. It is necessary and desirable that the Town of Santa Claus departments and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management. (Ord. 2006-08, Whereas, Nov. 13, 2006)

3.19.040 Enhancement of local readiness. The NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Town of Santa Claus' ability to utilize federal funding to enhance local readiness, maintain first responder safety and streamline incident management processes. (Ord. 2006-08, Whereas, Nov. 13, 2006)

3.19.050 Integration. The Incident Command System components of NIMS are already an integral part of various management activities throughout the Town of Santa Claus. (Ord. 2006-08, Whereas, Nov. 13, 2006)

3.19.060 Establishment of NIMS as the standard. The Town of Santa Claus Town Council, does hereby establish the National Incident Management System (NIMS) as the Town of Santa Claus standard for incident management. (Ord. 2006-08, S1, Nov. 13, 2006)

Chapter 3.22

PROHIBITING ABANDONED VEHICLES ON PUBLIC AND PRIVATE PROPERTY

Sections:

3.22.005 Nuisance
3.22.010 Definitions
3.22.020 Prohibitions
3.22.030 Penalties
3.22.040 Payment of Fine
3.22.050 Remedies Cumulative
3.22.060 Exemptions

3.22.005 Nuisance. Abandoned vehicles on the public ways and property and on private property may constitute a nuisance within the Town of Santa Claus, Indiana. (Ord. 2007-05, Whereas, Sept. 10, 2007)

3.22.010 Definitions.

"Abandoned vehicle" when used in conjunction with this Chapter shall mean:

(1) Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon, a valid unexpired registration plate permitting its operation upon the highways of the State of Indiana.

(2) Any vehicle which is parked or is located upon public premises continuously without being moved for a period of seven (7) days except as lawfully parked adjacent to the legal or temporary residence of the owner.

(3) Any vehicle parked or located on public premises illegally or in such manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle, traffic on a public right-of-way, street or highway.

(4) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises for more that forty-eight (48) hours.

(5) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left unattended on public premises for more than three (3) days.

(6) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on private premises within the view of public premises or private premises owned by another person for a period of more than thirty (30) days. (Ord. 2007-05, S1, Sept. 10, 2007)

3.22.020 Prohibition.

(1) No person shall permit a vehicle owned by him to become an Abandoned Vehicle, as defined in Section 3.22.010.

(2) No person shall permit an Abandoned Vehicle, as defined in Section 3.22.010, to be located upon premises owned or under the control of such person. (Ord. 2007-05, S2, Sept. 10, 2007)

3.22.030 Penalties. Any person, firm, association, corporation or other entity found to be in violation of this Ordinance shall be subject to a fine in the sum of thirty dollars ($30.00). Each vehicle found to be in violation, and each day each vehicle is found to be in violation shall constitute a separate violation of this Ordinance. (Ord. 2007-05, S3, Sept. 10, 2007)

3.22.040 Payment of Fine. Any person, firm, association, corporation or other entity charged with a violation of this Ordinance may mail or deliver to the Town Clerk-Treasurer the applicable fine, together with a copy of the citation issued to such person, within thirty (30) days following issuance thereof. Delivery of payment and a copy of the citation shall indicate that the charged party wishes to plead guilty to such violation.

If any fine for a violation of this Ordinance remains unpaid for a period of thirty (30) days following issuance of a citation for such violation, the Town Attorney shall immediately institute proceedings in any court of competent jurisdiction to collect such fine and abate, enjoin or otherwise take appropriate action to prevent and/or remove the Abandoned Vehicle in violation of this Ordinance. In any such action, the person in violation of this Ordinance shall be liable for and shall be required to pay any and all court costs and attorneys' fees and other expenses incurred by the Town in bringing and prosecuting the action. (Ord. 2007-05, S4, Sept. 10, 2007)

3.22.050 Remedies Cumulative. Any and all remedies provided in this Ordinance shall be cumulative and not exclusive of any and all remedies provided in this Ordinance or otherwise provided by law. (Ord. 2007-05, S5, Sept. 10, 2007)

3.22.060 Exemptions. This Ordinance shall not apply to the following:

(a) A vehicle upon property which is properly zoned, licensed and operating as a "Junk Yard" or "Automotive repair, parts or body shop" as defined in the Town of Santa Claus Zoning Ordinance, as amended, and which otherwise is in compliance with all applicable federal, State and local laws, rules, regulations and ordinances.

(b) Any vehicle which is owned by and stored for a member of the United States armed forces on active duty assignment. (Ord. 2007-05, S6, Sept. 10, 2007)

Chapter 3.64

DISPOSAL OF TRASH AND GARBAGE

Sections:

3.64.010 Definitions
3.64.020 Deposit in Public Places Unlawful
3.64.030 Container and Dumpster Requirements
3.64.070 Separability

3.64.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) "Trash" means all rubbish and refuse including, but not limited to, glass bottles and containers, broken glass, beer and soft drink cans, rubber products, metals, rags, household appliances and furniture, construction debris and automotive parts.

(2) "Garbage" means all organic household waste, offal, animal and vegetable matter prepared or intended for use as food.

(3) "Town" shall mean those areas which are under the jurisdiction of the Town of Santa Claus, Indiana.

(4) "Container" within meaning of this ordinance, shall mean a one hundred (100) gallon or less storage container to be used for the collection of trash and/or garbage by a resident or independent hauler.

(5) "Dumpster" within the meaning of this ordinance, shall mean a mechanically emptied storage container larger than one hundred (100) gallons in capacity to be used for the collection of trash and or garbage by an independent hauler.

(6) "Yard Wastes" shall mean, but not be limited to, grass clippings, weeds, leaves, tree limbs and branches, organic matter of any kind. (Ord. 2008-03, S2.6.4.1, Apr. 14, 2008)

3.64.020 Deposit in Public Places Unlawful. No person may throw or deposit any trash, garbage or yard wastes of any kind upon any street, sidewalk, gutter, alley or other public place within the Town of Santa Claus, Indiana or permit any such articles to accumulate upon any lot or parcel, public or private in the Town of Santa Claus. (Ord. 2008-03, S2.6.4.2, Apr. 14, 2008)

3.64.030 Container and Dumpster Requirements.

(1) No trash or garbage shall be place along the curbs, roadways or alleyways of the Town of Santa Claus for pick up or disposal unless the same has been

placed in a plastic bag or Container or Dumpster and covered or otherwise secured to prevent the contents from being accessed by vermin or other animals, being blown from the container by wind or otherwise being distributed in such a manner as to constitute a nuisance or littering.

(2) No containers as described in Section 3.64.030 herein, shall be permitted to remain along the curbs, roadways or alley ways of the Town of Santa Claus for a period longer than twenty-four (24) consecutive hours.

(3) No Dumpster shall be permitted in any residential zone, except that Dumpsters shall be allowed in the R-3 District for Multi-Family Dwellings. Dumpsters may also be used for the temporary use for properly-permitted construction, deconstruction or remodeling activities, for a period not to exceed thirty (30) days, which period may be extended by the Administrator if the Administrator determines that the continued use of such Dumpster will maintain the site of such activity to be maintained in a cleaner and more organized condition, provided that any temporary use of such Dumpster shall otherwise meet the requirements of this section. All Dumpsters used in any District shall be screened from view from any public ways or adjacent property whenever possible, shall be maintained in a clean and orderly condition, and shall be covered, screened or otherwise maintained to prevent the contents from being accessed by vermin or other animals, being blown from the container by wind or otherwise being distributed in such a manner as to constitute a nuisance or littering. (Ord. 2008-03, S2.6.4.3, Apr. 14, 2008)

3.64.070 Separability. If any section, subsection, clause, phrase or portion of this ordinance shall for any reason be 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 thereunder. (Ord. 2008-03, S2.6.4.7, Apr. 14, 2008)