

Title 1

IMPLEMENTARY AND GENERAL PROVISIONS

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Chapter 1.01

IMPLEMENTARY PROVISIONS

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- 1.01.030** **Legislative intent to exercise general powers.**
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1.01.010 Short title – General citation.

This code shall be known and may be cited as “The Clermont Municipal Code,” and any such citation or reference shall mean and include all supplements, supplementary ordinances, and amendments thereto. [1984 Code § 1-1-1.]

1.01.020 Citation of specific provisions.

A specific title included in this code may be cited by its title number; a specific chapter may be cited by its chapter number and the number of the title in which it is included; a specific section may be cited by the number of the section, the number of the chapter in which it is included, and the number of the title in which that chapter is included. Citations may be formal, spelling out the specific title, chapter, and section; or they may be informal, indicating only the numerals of the title, chapter, and section in that order, each such numeral interspersed by a period (.). For example, this section may be cited formally as "Clermont Municipal Code, Title 1, Chapter 1, Section 20" or it may be cited informally as "CMC 1.01.020." Either formal citation or informal citation is equally valid and meaningful, and both shall be construed to mean and include any supplements, supplementary ordinances, or amendments to the title, chapter, or section so cited, unless the citation expressly indicates otherwise. [1984 Code § 1-1-2.]

1.01.030 Legislative intent to exercise general powers.

It is declared to be the legislative intent of the Town Council, pursuant to the enactment of this code, to invoke and exercise all lawful powers vested in or incumbent on the town council of a town to enact ordinances and to provide through legislation for the governance of the municipal corporation and its governmental jurisdiction, including but not necessarily limited to the following powers:

- a. All powers vested expressly by the Constitution and laws of Indiana;
- b. All general or residual powers conferred on the governing body of a town by IC [36-1-3](#), [36-1-4](#), [36-8-2](#), [36-9-2](#), and [36-10-2](#), or by another law;
- c. All implied powers incumbent on a municipality through the operation of common law, such as are necessary or helpful to the purposes for which a municipal corporation is created.

Whenever any provision of this code is a provision of any ordinance enacted prior to the enactment or taking effect of this code, whether included in original or in substantially restated form, such a provision is intended and shall be construed to have been reaffirmed and reenacted concurrently with the enactment of this code, and shall be interpreted and applied in light of the above described powers as they are now in effect and incumbent on or vested in

the Town Council, irrespective of whether any such provision could or might have been held invalid at the time it was originally enacted for want of the lawful authority of the Town Council to have enacted such a provision at that time. [1984 Code § 1-1-3.]

In addition to the general authority of the Town of Clermont to retain all of its authority as set out above the Town of Clermont, a town located wholly within the boundaries of the consolidated City of Indianapolis, Indiana, has retained the following areas of governmental interest and supervision, which it exercises through its Town Council and designated agents, employees, consultants and independent contractors: 1. Public works, including street construction, repair, maintenance, lighting, snow removal and other matters relating to the streets or land within the public rights-of-way. 2. Public service and public safety relating to the health, safety and well being of its citizens, including police protection supplementing such protection available through the principal police agencies of Marion County, Indiana, and fire protection as arranged through the Wayne Township Fire Department, or other similar governmental agency providing such service.

1.01.040 Reenacted or restated provision – Interpretation.

All provisions included in this code which are followed by a derivational reference in brackets ([]) are reenacted or restated provisions of ordinances in effect at the time of the adoption of this code. Except as provided in CMC [1.01.030](#), such reenacted or restated provisions are included in and adopted as part of this code with the legislative intent to preserve the original meaning and effect of all such provisions without a substantive change therein. For purposes of interpretation, construction, or resolution of any dispute over the meaning and application of any reenacted or restated provision, it shall be valid to refer to and rely upon the text and context of the original ordinance or ordinances from which the reenacted or restated provision, or part thereof, derives, but including all ordinances amendatory thereto, notwithstanding the fact that such original ordinances may have been repealed pursuant to CMC [1.01.070](#). [1984 Code § 1-1-4.]

1.01.050 Continuity of effect of provisions.

It is the legislative intent of the Town Council in adopting this code to preserve the continuity of effect of all reenacted or restated provisions included herein; and nothing in the reenactment or restatement, reallocation of context, or codification of any such provisions, nor in the repeal of any original ordinance or ordinances per se in which the provision was originally incorporated as provided by CMC [1.01.070](#), shall be construed to nullify, terminate or render unlawful any official action performed, proceeding begun, governmental or corporate entity created, transaction made, or any contractual obligation, indebtedness, or other legal obligation or liability incurred by or to the Town under proper authority or operation of any such reenacted or restated provision prior to its inclusion in and the taking effect of this code.

[1984 Code § 1-1-5.]

1.01.060 Publication of municipal code.

This code is declared to be a public document, and the Clerk-Treasurer shall provide for the making of printed copies thereof in booklet form, and for the publication of such copies by the Town or by a private publisher so that any person who desires to obtain a copy for his own use and information may do so. The production of the printed code in booklet form and publication thereof by making copies available for public acquisition and distribution as provided in this section is for the purpose of and shall be construed to fulfill all printing and publication requirements as provided by IC [36-1-5-5](#) and [36-5-2-10\(b\)\(1\)](#). If the printed code is published and made available by and through the Town, the Clerk-Treasurer shall establish and collect a charge for each copy, which charge shall be sufficient to recoup the costs to the Town incurred for the printing of the code volume and the administrative costs of publication. If the printed code is published and made available by and through a private publisher, the private publisher may establish and charge a reasonable price for each copy of the code ordered by a member of the public. In addition to such publication as provided above, at least one copy of the printed code shall be filed and kept in the office of the Clerk-Treasurer, and the Clerk-Treasurer shall permit any person wishing to do so to examine the code or make copies of any part thereof as provided by IC [5-14-3-3](#) and [5-14-3-8](#). [1984 Code § 1-1-6.]

1.01.070 General repeal of prior ordinances.

All ordinances or parts thereof, excepting those set forth and expressly saved in CMC [1.01.080](#), having been enacted prior to the adoption of this code are hereby repealed, such repeals being effective upon the taking effect of this code. [1984 Code § 1-1-7.]

1.01.080 Ordinances or parts saved from general repeal.

The following enumerated or described ordinances or parts of ordinances are not repealed by CMC [1.01.070](#), and shall remain in full force and effect until their natural expiration or until they are expressly repealed by another ordinance:

- a. The ordinance for appropriations and tax levies for fiscal year 2024 , and any ordinances amendatory or supplementary thereto;
- b. Any act fixing the salaries and wages of Town officers and employees for fiscal year 2024 ;
- c. Any other ordinance, whether explicitly or generally described, which is expressly incorporated by reference into this code. [1984 Code § 1-1-8.]

1.01.090 Code effectiveness.

This code shall take effect on the first day of January , 2024 [1984 Code § 1-1-9.]

Chapter 1.05 GENERAL PROVISIONS

Sections:

- [1.05.010](#) **Definitions.**
- [1.05.020](#) **Other construction of terms.**
- [1.05.030](#) **Extrinsic legal citations.**
- [1.05.040](#) **Status of titles and headings.**

- 1.05.050 Status of derivational references.**
- 1.05.060 Incorporation of material by reference.**
- 1.05.070 Conflicting or contradictory provisions – Resolution.**
- 1.05.080 Conflict of code provisions with statutory provisions.**
- 1.05.090 Relationship to ordinances of other municipal corporations.**
- 1.05.100 Amendment and repeal – Procedure – Limitation of effect.**
- 1.05.110 Code supplements – Publication.**
- 1.05.120 Effectiveness of supplementary ordinances.**
- 1.05.130 Severability.**

1.05.010 Definitions.

The following terms are commonly used throughout this code, and shall uniformly have the indicated meanings unless the particular title or chapter in which they are used defines a different meaning, or unless the context clearly indicates a broader, more narrow, or otherwise different meaning:

Definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Abandoned vehicle” means the following:

- (a) A vehicle located on public property illegally.
- (b) A vehicle left on public property without being moved for 24 hours.
- (c) A vehicle located 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.
- (d) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours.
- (e) 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.
- (f) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an 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.

(g) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days. For purposes of this definition, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

(h) A vehicle:

(i) That was repaired or stored at the request of the owner;

(ii) That has not been claimed by the owner; and

(iii) For which the reasonable value of the charges associated with the repair or storage remain unpaid more than 30 days after the date on which the repair work is completed or the vehicle is first stored.

“Code,” “this code” or “this code of ordinances” means this municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

“Computation of time” means the time within which any act provided by law is to be done and shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded and the next day shall be included.

“Corporate limits” or “town limits” means the legal boundaries of the town of Clermont, except as otherwise provided by law.

“County” means Marion County, Indiana.

“*Delegation of Authority*”. Whenever a provision appears requiring the head of a department or some other town officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

“*Joint Authority*”. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

“*Law*”. The term “law” when used in reference or respect to any matter means any provision of the United States or Indiana Constitutions, federal or state statute, any applicable and enforceable federal or state regulations or administrative law, any applicable local ordinance or enforceable regulation, and the common law.

“May” means the act referred to is permissive.

“Month” means a calendar month.

Nontechnical and Technical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

“Oath” means an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Officer,” “office,” “employee,” “commission,” or “department” means an officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or a part of the building or land, either alone or with others.

“Person” extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause which prescribes and imposes a penalty, the term “person” or “whoever” as applied to any unincorporated entity shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

“Personal property” means every species of property except real property.

“Preceding” or “following” means next before or next after, respectively.

“Property” means real and personal property.

“Public place” means any street or highway, sidewalk, park, school yard or open space adjacent thereto and any lake or stream.

“Quorum” means a majority of the elected members of the town council, a board, commission or committee holding office, unless otherwise specifically provided in this code.

“Real property” means lands, tenements, and hereditaments and all chattels real.

“Shall” means the act referred to is mandatory.

“Sidewalk” means that portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for use of pedestrians.

“Signature” or “subscription” includes a mark when the person cannot write.

“State” means the state of Indiana.

“Street” means, except as provided in the traffic code, the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right.

“Subchapter” means a division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

“Tenant” or “occupant,” applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

“Town,” “municipal corporation,” or “municipality” means the town of Clermont, Indiana.

“Town council” means the town council of the town of Clermont, Indiana.

“Weeds and other rank vegetation” means the uncontrolled or uncultivated growth of grass, weeds, or other vegetation that exceeds a height of 12 inches. As defined the term “weeds and other rank vegetation” does not include ornamental landscaping and/or agricultural crops, such as hay and pasture.

“Wholesale,” “wholesaler,” or “wholesale dealer” means the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

“Written” means any representation of words, letters, or figures, whether by printing or otherwise.

“Year” means a calendar year, unless otherwise expressed.

In general, and except as otherwise stipulated or made clear from the context, all words and phrases used in this code are intended to have their generally accepted and understood meanings; except that certain terms having gained a specialized or technical legal meaning, and when used in a technical legal context, shall be construed to have their generally accepted and understood legal meaning to the extent that any such legal meaning differs from the common meaning. [1984 Code § 1-2-1.]

1.05.020 Other construction of terms.

Other construction or interpretation of terms or usages of words shall be governed by the following rules, except where clearly inapplicable by virtue of the context:

- a. *Gender*. All words having a masculine, feminine, or neuter connotation shall be construed to mutually entail and include each other.
- b. *Singular/Plural*. The use of a singular form shall be construed to include the plural form, and vice versa.
- c. *Tense*. The use of past, present, or future tenses mutually entail and include each other.
- d. *Mandatory/Permissive Usage*. The terms “shall” or “must” are mandatory, while “may” is permissive or conditional; however, the negation of all three terms is prohibitory or proscriptive.
- e. *Official Titles*. Whenever an official title (e.g., Clerk-Treasurer) is used, it means or refers to a person or body ex officio, and not to an individual personality or particular membership or constituency, and applies to whomever then occupies that office or then constitutes the membership. Unless otherwise indicated, an official title also refers to that office, board, commission, or similar entity of and for the Town of Clermont. [1984 Code § 1-2-2.]

1.05.030 Extrinsic legal citations.

A citation designated “IC” refers to the title, article, chapter, and section, as denoted by the numerals following the reference, of the Indiana Code; and unless otherwise noted is a reference to the Indiana Code of 1982, and also refers implicitly to any supplements or acts of the General Assembly amendatory thereto. In general, all legal citations are of common and generally understood form and shall be construed to have their usual meanings for purposes of reference. [1984 Code § 1-2-3.]

1.05.040 Status of titles and headings.

The titles and heading provided for any title, chapter, section, or subsection of this code are intended for guidance and reference purposes only, and are not substantive parts of the code or individual provision to which they apply. A title or heading shall not be construed to limit, govern, or condition the scope or meaning of the substantive text included within the title, chapter, section, or subsection to which the title or heading applies. [1984 Code § 1-2-4.]

1.05.050 Status of derivational references.

Derivational references included in brackets at the end of any provision of this code are for purposes of reference only and indicate that the provision is a reenacted or restated provision of an ordinance of the Town previously adopted and in effect at the time the provision was incorporated into and adopted as part of this code, as described by IC [36-1-5-6](#). However, the inclusion of the provision and enactment thereof as part of this code is sufficient in itself, and any error in, omission from, or any other fault in a derivational reference shall not be construed to invalidate nor impair the operation of any substantive provision included in this code. [1984 Code § 1-2-5.]

1.05.060 Incorporation of material by reference.

When the text of any materials is incorporated into and made a substantive part of any provision of this code or a supplementary ordinance by reference, rather than being directly set forth, such materials are declared to be and are made public documents, and two copies of each such complete document or of that portion thereof so incorporated by reference shall be kept on file in the office of the Clerk-Treasurer and made available for public inspection and copying in the same manner as other public documents. However, this requirement does not apply to instances where a statute or similar law or written regulation, already being promulgated as a public document, is cited or referenced merely for the purpose of establishing legal basis or authority, legal procedure, or legal precedent incident to the implementation or administration of a provision of this code; nor to instances where some document or portion thereof is not incorporated as an actual substantive part of the provision, but is cited or referred to merely for the purpose of establishing administrative guidelines, standards, or procedures incidental to the administration of the substantive parts of the provision. [1984 Code § 1-2-6.]

1.05.070 Conflicting or contradictory provisions – Resolution.

In the event that two provisions of this code or any supplementary ordinance are conflicting, mutually contradictory, or cannot consistently stand together and be coherently applied, either in general or with respect to any particular matter, then the most recently enacted provision

shall prevail and be applied. In the case of any two such conflicting provisions of this code which are reenacted or restated provisions of any prior ordinances, the most recently enacted provision is that provision which was formerly part of the most recently adopted prior ordinance, notwithstanding the fact that such prior ordinance per se may have been repealed.

[1984 Code § 1-2-7.]

1.05.080 Conflict of code provisions with statutory provisions.

This code is in all respects subordinate to the laws of the state of Indiana, except to the extent that any law expressly makes a provision of this code superior; and except in such case, if any provision of this code is found to be prohibited by or in conflict with a provision of any state statute, whether the statute was enacted prior or subsequent to the enactment of the prohibited or conflicting code provision, then the provision of the statute shall prevail.

However, nothing in this section shall be construed to prevent the Town Council from enacting any provision which is collateral or supplementary to a statute; and any such provision shall be invalid only if and to the extent that it is overtly inconsistent with a prescriptive or proscriptive provision of the statute, preempts the actual field of operation of a statute, impairs or denies a right, privilege, or power conferred on any person by a statute, prevents or impairs any person from performing a duty or other act required to be performed by a statute, or contravenes the purpose for which a statute was enacted by the General Assembly; but provided further, that no such collateral or supplementary provision shall fix or apply a penalty of fine or other forfeiture for any act or condition which is also a penal violation of any statute. [1984 Code § 1-2-8.]

1.05.090 Relationship to ordinances of other municipal corporations.

In the event the provisions contained in this code conflict with another law, such conflict shall be governed by, and according to the following order, the provisions of (1) the Constitution of the United States, (2) any federal law passed in pursuance thereof, (3) the Constitution of the State of Indiana, (4) the Indiana Code, (5) the municipal code of the consolidated city of Indianapolis and Marion County (hereinafter referred to as the “municipal code of the city and Marion County”), (6) the Clermont Municipal Code.

The provisions of this code are intended to be separate from, supplementary, and in addition to the requirements of any applicable ordinances or regulations imposed by any other municipal corporation or agency thereof having concurrent jurisdiction over the area within the corporate limits of the Town of Clermont, including but not necessarily limited to the consolidated City of Indianapolis, the Marion County Health and Hospital Corporation, the Indianapolis Sanitary District, and the Metropolitan Thoroughfare District. In the event that any applicable ordinance or regulation of any such other municipal corporation or agency is found to govern any matter also governed by Town ordinance, the ordinance or regulation of the other municipal corporation shall be deemed to preempt, control, have priority over, and be enforced in lieu of the Town ordinance provision only if:

- a. A statute gives such other municipal corporation or agency exclusive power over the subject matter governed by the Town ordinance; or
- b. The applicable ordinance or regulation of the other municipal corporation or agency requires a stricter standard of compliance than the applicable Town ordinance; or
- c. The Town ordinance or provision and the provisions of the applicable ordinance or regulation of the other municipal corporation or agency are in conflict, but only if and to the extent that the two provisions cannot reasonably and consistently stand and be applied together, and the mere fact that any two such provisions govern the same or similar subject matter shall not alone imply the existence of a conflict.

However, nothing in this section is intended to prevent or restrict the proper authorities of any other municipal corporation or agency from applying and enforcing their applicable ordinances or regulations within the Town of Clermont; nor to prevent or restrict the proper authorities of the Town of Clermont from applying and enforcing an applicable ordinance or regulation of another municipal corporation or agency in lieu of a Town ordinance if, in their discretion, they deem such alternative application and enforcement to be more suitable and expeditious under the circumstances. [1984 Code § 1-2-9.]

1.05.100 Amendment and repeal – Procedure – Limitation of effect.

The Town Council may add, amend, or repeal any title, chapter, section, or other part of this code by adopting a supplementary ordinance setting forth the addition, amendment, or repeal

and specifying the title, chapter, section, or other part of the code to which the addition, amendment, or repeal applies. The repeal of any title, chapter, section, or other part shall be specific and not generally phrased; and any supplementary provision enacted with the intent to replace any existing provision of the code shall include or be accompanied by a provision expressly identifying and repealing the provision intended to be replaced. The repeal of any current provision does not work to revive any prior provision which was repealed and replaced by the current provision being repealed; nor does the amendment or repeal of a provision serve to nullify, invalidate, terminate, or render unlawful any official act performed, proceeding begun, transaction made, contract or other legal obligation entered into, or liability incurred by or to the Town by virtue of the proper operation of the amended or repealed provision prior to the taking effect of the amendment or repeal. A supplementary ordinance adding, amending, or repealing a provision of this code shall be adopted in the same manner as other ordinances, except to the extent that an applicable special procedure for adoption is prescribed by this code or statute. [1984 Code § 1-2-10.]

1.05.110 Code supplements – Publication.

The Town Council shall from time to time provide for the compilation of supplement volumes incorporating or reflecting any additions to, amendments, or repeals of the provisions of this code enacted subsequent to its original adoption. A code supplement volume shall be published in the same manner as the original code as provided by CMC [1.01.060](#). [1984 Code § 1-2-11.]

1.05.120 Effectiveness of supplementary ordinances.

Unless a supplementary ordinance includes a provision delaying its effectiveness to a specified date, or provides for or increases the penalty for violation of any penal provision of this code and is so required to be published or promulgated before taking effect pursuant to IC [36-5-2-10\(b\)](#), then the supplementary ordinance shall be effective and the code shall be considered as concurrently amended, upon the passage, signature, and recording of the supplementary ordinance as provided by law. If a supplementary ordinance is required to be published or promulgated in accordance with IC [36-5-2-10\(b\)](#), it shall not be effective until:

- a. The ordinance or substantive digest thereof setting forth the penalties is published in accordance with IC [36-5-2-10\(b\)](#) and [5-3-1](#); or
- b. The provisions of the supplementary ordinance are included in a code supplement volume which is compiled and published in accordance with CMC [1.05.110](#), as provided by IC [36-5-2-10\(b\)\(1\)](#); or
- c. A provision of the supplementary ordinance declares an emergency and copies of the adopted ordinance are posted in accordance with IC [36-5-2-10\(b\)\(2\)](#). [1984 Code § 1-2-12.]

1.05.130 Severability.

All titles, chapters, sections, or other portions of this code are severable from each other as to matters of validity. [1984 Code § 1-2-13.]

Chapter 1.10 CODE ENFORCEMENT

Sections:

- 1.10.010 General enforcement policy.**
- 1.10.015 General Penalty Designated
- 1.10.020 Responsibility for enforcement – Duty of Town Marshal.**
- 1.10.030 Enforcement by other officials, boards, or commissions.**
- 1.10.040 Reserved
- 1.10.050 Issuance and service of citation by mail.**
- 1.10.060 Reserved
- 1.10.070 Reserved
- 1.10.080 Reserved
- 1.10.090 Statute of limitations on issuance of citation.**
- 1.10.100 Further rules and procedures for enforcement.**

1.10.010 General enforcement policy.

Whenever any provision of this code requires or mandates any person to perform some act or to bring about or maintain some circumstance or state of affairs; or prohibits, restrains, or regulates the behavior of any person or the commission of any act or the bringing about or maintaining of any circumstance or state of affairs on the part of any person; and a penalty of fine or some other procedure to compel compliance with the provision is prescribed in this code, then such provision shall be considered an enforcement provision. Unless some different procedure is expressly set forth and prescribed by the particular title, chapter, or section of this code containing the enforcement provision, the enforcement of any such provision shall be administered in accordance with the provisions of this chapter. [1984 Code § 1-3-1.]

1.10.015 General Penalty Designated

(1) Any person, firm, corporation, or other entity who violates any provision of this code for which another penalty is not specifically provided shall be subject to a fine not exceeding \$2,500 for the first violation and not more than \$7,500 for a second or subsequent violation. Notwithstanding the foregoing, the penalty for violating an ordinance regarding traffic or parking shall not exceed \$2,500.

(2) Each day a violation exists shall be considered a separate violation, and a court may assess a fine for each day the violation exists. [Ord. 18-04, 2018.]

1.10.020 Responsibility for enforcement – Duty of Town Marshal.

Unless some other official, board, commission, or similar entity is expressly designated as the primary enforcement officer or authority responsible for the administration and enforcement of a particular enforcement provision, it is the duty of the Town Marshal to take all steps necessary for the effective enforcement and bringing about of compliance with all enforcement provisions. Whenever the Town Marshal, based upon his own vigilance or upon the information or complaint of any other official or any citizen, has probable cause to believe that a violation or failure to comply with any enforcement provision has occurred or is occurring, he shall with due diligence investigate the matter, ascertain the facts, and collect such testimony, information, or other evidence as in his judgment may be necessary to support the facts. If, incident upon such

investigation, the Town Marshal determines with a degree of certainty sustained by a preponderance of the evidence that some known person has violated or failed to comply with, or is violating or failing to comply with, any enforcement provision, he shall issue and serve upon the alleged offender, in person or by mail if so provided, a citation for the violation comprising a complaint and summons to appear and answer to the charge of the violation as hereafter prescribed in this chapter; or else he shall initiate or cause to be initiated such other enforcement procedures as may alternatively be prescribed in the event of a violation of the particular enforcement provision. [1984 Code § 1-3-2.]

1.10.030 Enforcement by other officials, boards, or commissions.

Whenever in this code any official, board, commission, or similar entity is given responsibility instead of or concurrent with that of the Town Marshal for the administration and enforcement of any enforcement provision, he or they shall perform the same duties and functions with respect to the enforcement of the provision as are prescribed for the Town Marshal under CMC [1.10.020](#), and the term “enforcement officer” shall mean and include such other officials, boards, commissions, or similar entities or their properly authorized agents. [1984 Code § 1-3-3.]

1.10.050 Issuance and service of citation by mail.

Whenever it is found by an enforcement officer that any identifiable person has violated or is violating any enforcement provision, or is liable and accountable for such violation, but said person cannot be conveniently confronted and served in person with a citation as provided in CMC [1.10.040](#), then it is permissible for the enforcement officer to issue the citation for violation and cause it to be served by registered or certified mail with return receipt of delivery to the last known address of the alleged offender. When a citation is served in this manner, the person upon whom it is served is not required to execute a notice to appear nor to deposit any security as guarantee for appearance as would or might otherwise be required pursuant to CMC [1.10.060](#), but in addition to any other information and notices to be included with the citation as hereafter provided, a citation served by mail shall include a statement that failure to appear in court at the time and place indicated to answer the charge or to compromise and to

settle the complaint within the allotted time may subject the offender to further proceedings and additional costs. [1984 Code § 1-3-5.]

1.10.090 Statute of limitations on issuance of citation.

Pursuant to the provisions of IC 34-28-5-1(c)(2), , no citation for the violation of any enforcement provision of this code shall be issued and served if more than two (2) years has elapsed since the alleged violation has occurred. [1984 Code § 1-3-9.]

1.10.100 Further rules and procedures for enforcement.

The Clerk-Treasurer, the Town Attorney, the Town Marshal, and the chief officer of any other department, board, commission, or similar agency which has been given responsibility for the administration and enforcement of any enforcement provision of this code, may stipulate or prescribe any other rules or procedures, not inconsistent with law, applicable state regulations, court procedures, or the expressed provisions of this chapter, as they may deem necessary or desirable to promote the orderly, efficient, and expeditious carrying out of their respective enforcement duties; and the rules and procedures so stipulated and prescribed by such officers shall have the same effect and force as if they had been expressly adopted and made a part of the provisions of this chapter. [1984 Code § 1-3-20.]

Chapter 1.15

ORDINANCE VIOLATIONS BUREAU AND FINES

Sections:

1.15.010 Ordinance Violations Bureau and fines.

1.15.010 Ordinance Violations Bureau and fines.

- a. There is established within the Town an Ordinance Violations Bureau to be administered by a Violations Clerk, who shall be appointed from time to time by the Town Council. In the absence of such appointment, the Violations Clerk shall be the Clerk-Treasurer of the Town.
- b. The Ordinance Violations Bureau and the Violations Clerk shall have all of the authority provided by statute (IC [33-36-2-1](#) et seq.) and as the same may be amended from time to time.
- c. Fines for certain violations of the Clermont Municipal Code as well as the code sections or code chapters with reference to the subject matter for which an Ordinance Violations Clerk or Bureau may accept payment of civil penalties of not more than \$100.00 in ordinance violation cases are as follows:

Code Section/Chapter	Ordinance Subject Matter	Penalty Amount
	Operating Destructive Vehicle on Street or Sidewalk	\$75.00
	Interference with Flow of Storm or Rainwater on a Street or Roadway of the Town	100.00
	Speed Over 30 mph Tansel Rd N of 136	75.00
	Speed Over 35 mph – Other Streets	75.00
	Speed Over 25 mph – Urban Streets	75.00
	Speed Over 25 mph – School Zone	75.00
	Failure to Stop at Sign or Signal	75.00

Code Section/Chapter	Ordinance Subject Matter	Penalty Amount
	Chapter 6.15 CMC Violations – Penalty	75.00
	Driving Wrong Way on One-Way Street	75.00
	Parking on Traveled Portion of Street	50.00
	Specific No Parking Zones Designated	50.00
	Unlawful Parking of Truck Tractors and Semitrailers	100.00
	Direction of Parking Prescribed	50.00
	Prohibited Motor Vehicle Obstructing Sidewalk	50.00
	Parking of Trailers Prohibited – Exception	50.00
	Improper U-Turn	75.00
	Driving Across Sidewalk – Curb	75.00
	Failure to Stop Before Entering Street	75.00
	Cross Center Line Pass of Two-Way Street	75.00

Code Section/Chapter	Ordinance Subject Matter	Penalty Amount
	Noise – Exhaust	50.00

d. As, and when, the Clermont Town Council may pass and enact additional ordinances which carry civil penalties of not more than \$100.00 for violation thereof, these, too, shall, without further amendment or enabling ordinances, be included with the sections listed above for which the Violations Clerk may accept civil penalties. [Ord. 20200813-01 §§ 7, 8, 2020; Ord. 20171012-1 §§ 5, 6, 2017; Ord. 20170209 §§ 9, 10, 2017; Ord. 20150108-01 §§ 1 – 4, 2015.]

Title 2

GOVERNMENT ADMINISTRATION AND TOWN JURISDICTION

Chapters:

- 2.05 General Administrative Policies**
- 2.10 Town Council**
- 2.15 Town Marshal and Police Department**
- 2.20 Salary Schedule**
- 2.25 Mileage Reimbursement**
- 2.30 Bonds**
- 2.35 Uniform Internal Control Standards**
- 2.40 Purchasing Agency, Rules and Policies**
- 2.45 Investments and Payments Authorized**
- 2.50 Forms of Payment**
- 2.55 Funds**
- 2.60 Fees**
- 2.65 Promotion of Business**
- 2.70 Town Property Inventory**
- 2.75 Public Records**

Chapter 2.05

GENERAL ADMINISTRATIVE POLICIES

Sections:

- 2.05.010 Powers and duties of Town officials.**
- 2.05.020 Official agency.**
- 2.05.030 Indemnification of Town officials and employees.**
- 2.05.040 Nonincluded official entities.**

2.05.010 Powers and duties of Town officials.

All officers, officials, boards, commissions, or other official entities of the Town government shall be construed to have:

- a. All powers or duties prescribed for or conferred on any particular such officer, official, board, commission, or other official entity by statute;
- b. All powers or duties expressly prescribed or conferred thereupon by a provision of this code;
- c. All powers or duties implied by the nature of and necessary or helpful to the proper and efficient fulfillment of their governmental or corporate function or duties of office, including but not necessarily limited to the power to prescribe administrative rules or procedures for the governance of their respective offices, departments, agencies, or functions to the extent not inconsistent with nor preempted by a provision of this code or a statute, or by an applicable and mandatory state or federal administrative regulation.

To the extent provided by this section, the fact that a particular power or duty is not expressly set forth in this code and conferred on an officer, official, board, commission, or other official entity does not of itself imply that the power or duty does not exist or has been considerably denied or withheld. [1984 Code § 2-1-1.]

- d. The Town of Clermont expressly retains all powers as may be exercised by a town as well as by an “included town” under Indiana Home Rule statute.

2.05.020 Official agency.

Any purely ministerial power or function vested in any officer, board, commission, or other entity by a provision of this code may be delegated to and exercised or performed by a deputy or other authorized agent or representative of the authority in whom the ministerial power or function is vested, except that no person shall be permitted to receive or handle public funds or other monies in the custody of the Town unless they are properly bonded or expressly so authorized by law. The delegation of a ministerial power or function does not relieve the principal authority in whom it is vested of responsibility for proper and timely performance. Any power or function vested in an officer, board, commission, or other entity which involves the exercise of official discretion shall be performed or exercised only by or under the immediate supervision of the authority in whom it is vested, and it may not be delegated unless a provision of this code or law expressly so permits. [1984 Code § 2-1-2.]

2.05.030 Indemnification of Town officials and employees.

No official, Council member, or employee of the Town who, in good faith and without malice, recklessness, gross negligence, or intent of personal gain, goes about the exercise of his lawful powers or performance of his lawful duties on behalf of the Town shall thereby be made and held personally liable for any damage or loss to the Town or to another person arising out of such exercise or performance, and any suits against such person arising therefrom shall be defended by the Town Attorney until their final conclusion at the expense of the Town. The Town shall assume liability for any judgements against the official, Council member, or employee; or the Town Attorney, with the consent of the Town Council, may compromise and settle any such claim, complaint, or suit. [1984 Code § 2-1-3.]

2.05.040 Nonincluded official entities.

This code is not necessarily comprehensive and all-inclusive with respect to existing governmental officers, officials, or other official entities. The fact that any such existing officer, official, or other official entity is not created by or set forth by an expressed provision of this code does not imply that the entity does not lawfully exist nor that it is intended to be

terminated or abolished; and to the extent that any such entity is lawfully extant at the time of the adoption and taking effect of this code, the same shall continue in existence thereafter unless expressly terminated or abolished by subsequent action of the Town Council or other authority competently empowered. [1984 Code § 2-1-4.]

[This chapter was added by Ord. [190](#), Sec. 5]

Chapter 2.10

TOWN COUNCIL

Sections:

- 2.10.010 Town legislative body elected at large.**
- 2.10.020 Reserved
- 2.10.030 Town Council President – Election – Term – Vacancy.**
- 2.10.040 Absence or incapacity of President – Essential government functions.**
- 2.10.050 Emergency authority of Town Council President.**
- 2.10.060 Town Council in continuous session – Meetings.**
- 2.10.070 Public notice of meetings.**
- 2.10.080 Notice to Council members and Clerk-Treasurer.**
- 2.10.090 Agenda – Control of agenda.**
- 2.10.100 Reserved
- 2.10.110 Effectiveness of adopted ordinances, resolutions, or orders.**
- 2.10.120 Records of proceedings.**
- 2.10.130 Speaking rights and privileges.**
- 2.10.140 Order – Contempt of Town Council – Penalties.**
- 2.10.150 Other rules of procedure – Priority.**

2.10.010 Town legislative body elected at large.

- a. The Town legislative body districts are hereby abolished and all members of the Town legislative body shall henceforth be elected at large.

b. The terms of office of the members of the legislative body currently in office shall not be affected by the ordinance codified in this section and each of them shall fill out their respective terms of office as provided by state statute or until their successors are elected and qualify.

[Ord. 375 §§ 1, 2, 2012; Ord. 256 §§ 1 – 5, 7, 2002; Ord. 253, 2002; Ord. 236 §§ 1 – 5, 1998; Ord. 210 § 1, 1994; 1984 Code §§ 2-2-1, 2-2-2.]

2.10.020 Reserved

2.10.030 Town Council President – Election – Term – Vacancy.

The Town Council shall annually, at its first meeting of the year, elect a President for the ensuing year. The term of the President of the Town Council shall be one year. However, in the event that the office of President becomes vacant for any reason, the Town Council at its next regular or special meeting thereafter shall elect a new President to serve the remainder of the vacating President's term. [1984 Code § 2-2-3.]

2.10.040 Absence or incapacity of President – Essential government functions.

a. In the case when the President of the Town Council is unable to act due to illness or other disability then the most recent past President of the Council shall be authorized to act with the authority of the Town Council President until such time as the President is able to resume his or her duties or, in the case of a permanent vacancy in the office of the Council President, until the Council President is replaced by vote of the remaining members of the Town Council, whichever is earlier.

b. The following are the essential governmental functions of the Town of Clermont:

- (1) Providing for the general public safety of the Town's citizens, residents, businesses, travelers, and the general public while in and near the Town;
- (2) Providing for the public roadways and rights-of-way within the Town boundaries;
- (3) Providing for the fiscal stability of the Town and its finances and to ensure the prompt payment of the Town's just expenses and other financial obligations of the Town;

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- (4) Providing for the proper accounting and safekeeping of Town property and assets;
 - (5) Providing for the payment of salary and benefits and required withholding for Town employees;
 - (6) Providing for the Town parks and Town cemeteries;
 - (7) Providing for the proper budgeting for Town operations, expenses, and revenues necessary for the proper and efficient operation of the Town;
 - (8) Providing for continuity of Town government for the benefit of the Town's citizens, residents, businesses, travelers, and the general public during times of emergency.
- c. The following are the employees and/or contractors necessary to carry out the above stated essential governmental functions of the Town of Clermont:
- (1) The Clerk-Treasurer or his or her designee in the event of the Clerk-Treasurer's inability to perform the functions of office;
 - (2) The Town Marshal or his or her deputies in the event of the Town Marshal's inability to perform the functions of office;
 - (3) The President of the Town Council or his or her successor as designated by ordinance in the event of the Council President's inability to perform the functions of office;
 - (4) The Street Commissioner or his or her designee in the event of the Street Commissioner's inability to perform the functions of office;
 - (5) The Police Commissioner or his or her designee in the event of the Police Commissioner's inability to perform the functions of office;
 - (6) Any contractors acting pursuant to contract awarded by the Town Council for any projects and/or work for the Town. [Ord. 20200409-01 §§ 1 - 4, 2020; 1984 Code § 2-2-4.]

2.10.050 Emergency authority of Town Council President.

- a. As the Executive Officer of the Town of Clermont ("Town") the President of the Town Council ("President") in emergency situations ("emergencies") shall be vested with the authority to take

certain actions on his or her own authority to protect the public safety, health and welfare of the Town, its people, the public, its properties and all other assets.

b. For purposes of the authority granted by this section, emergencies shall be defined to include, but expressly not limited to, severe weather, fire, power failure, earthquakes, tornadoes, floods, epidemics, pandemics and other national, regional or local emergencies and other emergencies of a similar nature as well as any emergency declared by, or executive order issued by, the Governor of the state of Indiana.

c. When the President declares an emergency in accordance with this section the President may take the following actions:

- (1) Prohibit the use and/or occupancy of any or all public facilities and/or public properties owned or operated by the Town or a portion thereof;
- (2) Restrict the use or occupancy of any or all public facilities and/or properties owned or operated by the Town or a portion thereof; and
- (3) Order any other reasonable rules regarding the Town's employees, its assets and the public needed for the protection of such persons and assets.

d. The actions taken by the President in accordance with this emergency authority shall remain in place until the earlier of the following:

- (1) The action(s) are modified or cancelled by the President; or
- (2) The next meeting of the Clermont Town Council, including both a special meeting or a regular scheduled meeting.

e. In the event the emergency actions by the President are still in force at the next meeting of the Town Council, the Town Council at the meeting shall take one of the following actions:

- (1) Cancel the actions taken by the President;
- (2) Modify and supersede the actions taken by the President; or
- (3) Allow the actions of the President to stand. [Ord. 20200409-02 §§ 1 – 5, 2020.]

2.10.060 Town Council in continuous session – Meetings.

The Town Council shall have no definite session or sessions during the year, but shall be considered in continuous session for the conduct of the executive and legislative business of the Town government. Such continuous session shall consist of the following meetings or assemblies of the Council:

- a. *Regular Meetings.* Except as hereafter provided, the Town Council shall convene regular general meetings at the Town Hall in the Town of Clermont at 7:00 p.m. on the second Thursday of each month. Any business proper to the Town Council may be conducted at a regular meeting subject to any requirements for advance notice of particular business as provided by law or ordinance. However, the President of the Town Council may change the starting time or place of a regular meeting upon proper notice given as hereafter provided; or may postpone a regular meeting to another specified day and time, but not for more than seven days without the consent of all other members of the Council;
- b. *Budget Meetings.* The Town Council shall convene to approve and pass a budget, appropriations, and tax levies for the next ensuing year as provided by Indiana law. , As required by statute prior to the adoption meeting, they shall convene and conduct a public hearing on the budget. Either the public hearing or the meeting to adopt the budget, or both, may be scheduled and conducted as part of a regular meeting as provided by subsection [\(a\)](#) of this section, or may be scheduled and conducted as special meetings as provided by subsection [\(c\)](#) of this section; but in any event the public hearing and budget meeting shall be scheduled and fixed a sufficient time in advance to permit timely publication and notice as required by state statute. ;
- c. *Special Meetings.* The President of the Town Council may convene a special meeting of the Town Council in an emergency or whenever in his opinion there exists pressing or important business which would best be conducted at a formal meeting of the Council but which cannot conveniently await the next regular meeting. However, the business to be conducted at a special meeting need not be limited to the purpose for which the meeting is called, and any other business proper to the Council may also be conducted, unless:

- (1) A statute requires that a particular item of business may only be conducted at a regular meeting; or

(2) The Town Council has adopted a by-law or standing rule which stipulates that only business relating to the announced purpose of a special meeting may be conducted; but if so stipulated as a standing rule, the Council may also provide for its suspension as circumstances may warrant; or

(3) The nature of the proposed additional business is such that a statute or Town ordinance requires that published notice or other special notice be given in advance of any meeting at which the business is conducted, and such notice has not been given; or

(4) The special meeting is to be conducted as a confidential executive session closed to the public, and is thereby limited to the purposes permitted by IC [5-14-1.5-6](#);

d. *Informal Business Meetings.* The President of the Town Council may, at any convenient time and place, call an informal assembly of the Council members for the purposes of discussing or taking action on any executive or administrative business of the Town, including the adoption of executive orders; holding of hearings or review of appeals; or discussion or preliminary action on pending or proposed legislation; provided, that final action on any such ordinance or resolution may only be taken at a formal regular or special meeting. A confidential executive session closed to the public may be conducted under this subsection as well as under subsection (c) of this section, but must be limited to the purposes permitted by IC [5-14-1.5-6](#).

All meetings of the Town Council, other than confidential executive sessions when permitted, shall be open to the public at all times to the extent reasonably permitted by the capacity of the meeting place. [1984 Code § 2-2-5.]

2.10.070 Public notice of meetings.

Public notice of Town Council meetings conducted pursuant to CMC [2.10.060](#) shall be given by the Clerk-Treasurer as required by state statute.

2.10.080 Notice to Council members and Clerk-Treasurer.

No special notice is required under this section in the case of a regular meeting or a meeting established and conducted in accordance with CMC [2.10.060\(a\)](#) or (b). However, if the time or

place of a meeting is changed, or in the case of a special or informal business meeting, the Town Council President shall give written or verbal notice of the meeting to the Clerk-Treasurer and other Council members at least 48 hours in advance, if possible, but otherwise as soon in advance as practical; and in all events the Clerk-Treasurer must be notified sufficiently in advance to fulfill any applicable requirements for public notice as provided by CMC [2.10.070](#). However, failure to give notice to a Council member does not compromise the validity of any action taken at a meeting if:

- a. The member gives a written waiver of notice, either before or after the meeting; or
- b. Attends the meeting anyway. [1984 Code § 2-2-7.]

2.10.090 Agenda – Control of agenda.

A formal written agenda may be prepared and used by the Town Council at any of its meetings. If such an agenda is employed, it shall be prepared in advance by the Clerk-Treasurer and copies shall be provided in advance to each Council member and one copy posted outside the meeting place.

2.10.100 Reserved

2.10.110 Effectiveness of adopted ordinances, resolutions, or orders.

An adopted ordinance, resolution, or order is only effective when signed by the President of the Town Council and the Clerk-Treasurer, and recorded in the office of the Clerk-Treasurer. However, the signatures of the President and Clerk-Treasurer are attestatory only, and not a discretionary approval of the content of an act, and the President or Clerk-Treasurer shall have no power to refuse to sign except on the following grounds:

- a. That the document presented to them to sign is not a true and accurate copy of the document actually adopted by the Council; or

b. That the document was not properly and lawfully adopted in accordance with applicable provisions of statute, Town ordinance, or the Council's adopted rules of procedure. [1984 Code § 2-2-10.]

2.10.120 Records of proceedings.

The Clerk-Treasurer shall be the recording secretary for all meetings of the Town Council, including informal business meetings and executive sessions, and shall attend all meetings in person or by deputy to make and keep minutes and records of the proceedings; however, in the necessary absence of the Clerk-Treasurer, the Town Council may temporarily appoint another person to keep its minutes. The minutes shall include at least the following:

- a. The date, time, and place of the meeting;
- b. A list of the Council members present and absent;
- c. The general substance of matters proposed, discussed, or decided;
- d. A record of the number of "yes" and "no" votes on each matter decided by vote, and if a roll call vote is used, the vote of each member by name shall be recorded.

The minutes shall be filed and on record in the office of the Clerk-Treasurer within a reasonable period of time, and available for public inspection and copying; except that in the case of an executive session, the public need only be informed of the general subject or subjects discussed. [1984 Code § 2-2-11.]

2.10.130 Speaking rights and privileges.

The following persons shall have a right to speak, upon proper recognition by the presiding officer, at a Town Council meeting:

- a. Any member of the Council;
- b. The Clerk-Treasurer;
- c. The Town Attorney;

- d. Any other Town official present for purposes of Town business;
- e. Any principal or directly interested party, or their legal counsel, at any administrative, investigatory, or appeal hearing;
- f. Any member of the public present at a public hearing.

In other cases, members of the public in attendance at a meeting may observe or record the proceedings, but shall have no right to actively participate except by consent of the Council. However, nothing in this section may be construed to give any person a right or privilege to question or cross-examine any Council member or other participant in a meeting, except for a witness at an investigatory or appeal hearing to the extent provided by law or ordinance, but such a member may voluntarily yield to a question. [1984 Code § 2-2-12.]

2.10.140 Order – Contempt of Town Council – Penalties.

The presiding officer at any meeting of the Town Council is granted all powers reasonably necessary to maintain order and decorum at a meeting, including the power to summarily evict any person, other than a member of the Council, who persistently, and after fair warning, acts in any disruptive and disturbing way contrary to the rules of Council or ordinary standards of orderly behavior. No requirement of public access shall be construed to impair the proper use of this power in accordance with this section, and the presiding officer may invoke the aid of the Town Marshal or other law officer to enforce the order. Any person who:

- a. So behaves in a disruptive or disturbing manner; or
- b. Refuses to obey the proper and lawful rules of procedure as adopted by the Town Council; or
- c. Refuses to appear or produce documents at an investigatory hearing when so ordered pursuant to IC [36-1-4-12](#);

May be held guilty of contempt of the Town Council, and pursuant to IC [36-1-4-13](#), and upon conviction, shall be fined in an amount not less than \$50.00 nor more than \$100.00. The provisions of this section may be applied to a member of the Town Council, but only by unanimous consent of the other members present, and for proper and extreme cause, and not

for frivolous, vexatious, or political purposes, nor with intent to deprive the member's constituents of just representation with respect to any matter. [1984 Code § 2-2-13.]

2.10.150 Other rules of procedure – Priority.

The conduct of business at any meetings of the Town Council shall be conducted in accordance with:

- a. First, with any procedural requirements of state law, including in particular, but not exclusively, the following:
 - (1) IC [36-5-2-9.2](#), defining a quorum as a majority of all elected members of the Council;
 - (2) IC [36-5-2-9.4](#), defining the meaning of "majority vote" and "two-thirds vote" to mean that proportion of all the members of the Council;
 - (3) IC [36-5-2-9.8](#), requiring that unanimous consent of the members present be given to put upon its passage any ordinance on the same day or at the same meeting at which it is first introduced;
 - (4) IC [36-5-2-10\(b\)](#), requiring that an ordinance prescribing a penalty be published or promulgated by posting before becoming effective;
 - (5) IC [36-5-2-10.2](#), requiring the attestation by signature, dating and official recording of an ordinance by the Clerk-Treasurer;
- b. Secondly, with the rules of procedure established by this chapter, or by the provisions of other applicable ordinances with respect to a particular matter of business; and
- c. Thirdly, with any specific by-laws which the Town Council hereafter adopts by resolution, and which once adopted may not be suspended and may be amended only by a unanimous vote of all the members of the Council; and
- d. Fourthly, by any standing rules adopted by resolution, but which may be suspended by a two-thirds affirmative vote of the members present; and
- e. Fifthly, by Robert's Rules of Order, to the extent not inconsistent with the foregoing rules.

However, informal rules may be observed at an informal business meeting or executive session except as to voting, and to the extent not inconsistent with state law. [1984 Code § 2-2-14.]

[Section 1 of this chapter in the 1984 Code was formerly Ord. [133](#), Sec. 1, 5/10/66, as amended by Ord. [190](#), Sec. 1; Section 2 was formerly Ord. [168](#), Sec. 1, 10/28/71; Sections 3 and 4 were formerly Secs. 1 and 2 of a resolution adopted 1/11/60, and reenacted as an ordinance and amended by Ord. [190](#), Sec. 2; Sections 5 – 14 were added by Ord. [190](#), Sec. 3]

Chapter 2.15

TOWN MARSHAL AND POLICE DEPARTMENT

Sections:

- 2.15.010 Police reserves unit established – Ratification of prior actions.**
- 2.15.020 Special Reserve Marshals – Status – Direction.**
- 2.15.030 Special Reserve Marshals – Rules and procedures.**
- 2.15.040 Special Reserve Marshals – Minimum training standards for members.**
- 2.15.050 Compensation of Special Reserve Marshals – Limitation.**
- 2.15.060 Police officer uniform requirements.**
- 2.15.070 Appointment of Deputy Town Marshals.**
- 2.15.080 Appointment of police officers.**
- 2.15.090 Reserved
- 2.15.100 Off-duty use of police vehicles.**

2.15.010 Police reserves unit established – Ratification of prior actions.

There is hereby established, pursuant to IC [36-8-3-20](#), a police reserves unit under the Office of the Town Marshal. Police reserve officers shall be volunteers. . The number of Police reserve officers shall be determined from time to time by the Town Marshal with the approval of the Town Council. Pursuant to the powers of the Town Council under IC [36-1-4-16](#), all actions heretofore taken by any officer of the Town in establishing or administering a police reserves

unit, and all actions taken by any member of such unit, are hereby fully ratified, validated, and legalized. [1984 Code § 2-3-1.]

2.15.020 Police Reserve Officers – Status – Direction.

Police Reserve shall not be considered Deputy Marshals, but shall have all police powers of Deputy Marshals except as otherwise limited by CMC [2.15.030](#). Police Reserve Officers shall at all times be under the direction of the Town Council and Town Marshal, and shall be subordinate to and under command of the Town Marshal, any Deputy Marshal, or any other regular law enforcement officer performing law enforcement functions within the Town. [1984 Code § 2-3-2.]

2.15.030 Police Reserve Officers – Rules and procedures.

The Town Marshal shall be empowered to make rules for the administration and conduct of the police reserves unit, including specification and/or limitation of their powers and duties, and assignment of individual duties. The Marshal may also prescribe training requirements and a reasonable probationary period to be fulfilled before a person is appointed to full membership in the police reserves unit. However, the following limitations apply:

- a. Appointment of Police Reserve Officers shall be subject to approval of the Town Council;
- b. No Police Reserve Officer shall exercise any law enforcement powers nor wear a police badge or uniform until having been duly sworn in as a law enforcement officer by the Clerk-Treasurer or other official empowered to administer official oaths;
- c. No Police Reserve Officer appointed after June 30, 1993, shall, more than one year after such appointment, be assigned or permitted to exercise any law enforcement powers involving control or direction of members of the public nor making of arrests unless he has successfully completed either the minimum pre-basic training requirements for law enforcement officers or the town marshal basic training program as required by IC [5-2-1-9](#) and as established by the Law Enforcement Training Board of the state of Indiana. [1984 Code § 2-3-3.]

2.15.040 Police Reserve Officers – Minimum training standards for members.

The Town Council hereby authorizes and directs the Town Marshal to set up a training school for Police Reserve Officers, establishing minimum standards thereunder, as determined by the Marshal and the Law Enforcement Training Board from time to time, including the minimum standards for courses of study, attendance requirements, equipment, and facilities with the understanding and direction of the Town Council that such study shall include any training mandated or required by the Law Enforcement Training Board in compliance with IC 5-2-1.

However, a Police Reserve Officer shall not be required to participate in the Town training program prescribed under provisions of this section if he has successfully completed or is currently enrolled in the minimum basic training program or town marshal basic training program conducted by the Law Enforcement Training Board of the state of Indiana. [1984 Code § 2-3-4.]

2.15.050 Compensation of Police Reserve Officers – Limitation.

The Town Marshal is authorized to and shall submit, from time to time, his proposal as to the manner of compensation, if any, for Police Reserve Officers. However, it is stipulated that the Town Council shall in no event approve any form of such compensation other than that authorized by IC [36-8-3-20\(f\)](#). [1984 Code § 2-3-5.]

2.15.060 Police officer uniform requirements.

The Marshal of the Clermont Police Department shall file with the Town Council a drawing or photograph and a worded description, including the color, of the official uniform, hat, and insignia to be worn by Clermont police officers while on duty. After the drawing or photograph and worded description of the uniform, hat, and insignia is filed with the Town Council, the uniform, hat, or insignia may not be changed by the Clermont Police Department without approval of the Town Council. [Ord. 213, 1994.]

2.15.070 Appointment of Deputy Town Marshals.

If an additional Deputy Marshal is needed to assist in the performance of the duties of the Office of the Town Marshal (also referred to as the Clermont Police Department), or if a vacancy in an existing Deputy Marshal position arises, the Town Marshal (also referred to as the Police Chief) may appoint a new Deputy Marshal upon being directed to do so by the Town Council. The Town Council may prescribe procedures consistent with the Town's duly adopted rules, regulations and employment policies that the Town Marshal shall use in the process of recruiting and evaluating candidates for appointment to the position. The Town Marshal's appointment of an individual to the position is subject to the approval of the Town Council. No appointment of a Deputy Marshal is final until the Town Council has accepted the appointment. The number of Deputy Marshals employed by the Town of Clermont shall exclusively be determined by the Town Council. [Ord. 218 § 1, 1995.]

2.15.080 Appointment of police officers.

a. The Clermont Town Council hereby authorizes the following positions for the Clermont Police Department:

- (1) One Town Marshal.
- (2) Two Deputy Town Marshals.
- (3) Forty Police Reserve Officers.

b. The persons appointed as Clermont Reserve Police Officers shall be recommended by the Clermont Police Chief for approval and appointment by the Clermont Town Council. [Ord. 20190509-01 §§ 1, 2, 2019; Ord. 249, 2002.]

2.15.090 Reserved

2.15.100 Off-duty use of police vehicles.

- a. The Town Marshal and the full time deputy town marshals may be allowed the off-duty use of a Clermont Police vehicle with the approval of the Town Marshal.

**Chapter 2.20
SALARY SCHEDULE**

Sections:

2.20.010 Salary payment schedule established.**2.20.010 Salary payment schedule established.**

The officers of the Town shall have their salaries paid in accordance with the following schedule:

- a. The Town Marshal and Deputy Marshal – every two weeks;
- b. The Clerk-Treasurer – monthly;
- c. Each Town Council member – quarterly;

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In the event that any officer should leave office for any reason, including death, in the middle of a salary period, that officer or his estate shall be paid the amount of salary accrued to the date of his leaving office, as prorated on a daily basis from the beginning of the payment period, on the payment date when such officer would normally have been entitled to such payment in accordance with the above schedule; and, if necessary, the Clerk-Treasurer is hereby authorized to submit a claim in the name of and on behalf of such officer or his estate to provide for such payment. [1984 Code § 2-4-1.]

Chapter 2.25

MILEAGE REIMBURSEMENT

Sections:

2.25.010 Mileage reimbursement.

2.25.010 Mileage reimbursement.

In the event an employee or official of the Town of Clermont is required to use his/her personal vehicle for Clermont business, such employee or official shall be reimbursed for mileage at a rate equal to what is allowed by the federal government as outlined in Publication 15 of the current year that the completed claim is presented. [Ord. 267, 2007; Ord. 252, 2002; Ord. 211, 1994.]

Chapter 2.30

BONDS

Sections:

2.30.010 Bonds.

2.30.010 Bonds.

a. In compliance with IC [5-4-1-5.1](#), [5-4-1-18](#), and [5-4-1-19](#) requiring that the elected Town Clerk-Treasurer be bonded to protect the said Town's assets, it is required that the Clerk-Treasurer's be equal to \$30,000.00 for each \$1,000,000 of receipts.

b. The amount may not be less than \$30,000.00 nor more than \$300,000.

c. As with past practices the bonding of the Town's Clerk-Treasurer shall be an incurred expense of the Town. The bond will be part of the Town's insurance package that is to be paid for out of the Town's General Fund. The bond at the present time shall be set at \$30,000.00 .

[Ord. 220 §§ 1 – 3, 1996.]

Chapter 2.35

UNIFORM INTERNAL CONTROL STANDARDS

Sections:

2.35.010 **Established.**

2.35.020 **Policy.**

2.35.010 **Established.**

- a. The Town finds that its mission as related to an internal control system is as follows:
 - (1) Provision of a democratic governmental structure at the grassroots level;
 - (2) Provision of services as determined through the political process including but not limited to police, fire, streets, roads, economic development, and parks;
 - (3) Promotion of government efficiency, accountability, reliability and transparency; and
 - (4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors.
- b. The Town finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:
 - (1) Operations objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.
 - (2) Reporting objectives which involve the filing of financial and nonfinancial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

(3) Compliance objectives involve the adherence to law and regulations including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as AIM among others, as appropriate for the Town of Clermont in that it has no full-time employees other than its elected officials and its Town Marshal and deputies.

c. The Town adopts and directs the minimum level of internal control standards and internal control procedures for an internal control system that includes the following five standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

- (1) Control environment.
- (2) Risk assessment.
- (3) Control activities.
- (4) Information and communication.
- (5) Monitoring.

d. The Town adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the Town government:

- (1) *Control Environment.*
 - (i) The oversight body and management demonstrate a commitment to integrity and ethical values.
 - (ii) The oversight body oversees the Town's internal control system.
 - (iii) Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the Town's objectives.
 - (iv) Management demonstrates a commitment to attract, develop and retain competent individuals.

(v) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) *Risk Assessment.*

(i) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

(ii) Management identifies, analyzes and responds to risk related to achieving the defined objectives.

(iii) Management considers the potential for fraud when identifying, analyzing and responding to risks.

(iv) Management identifies, analyzes and responds to significant changes that could impact the internal control system.

(3) *Control Activities.*

(i) Management designs control activities to achieve objectives and respond to risks.

(ii) Management designs the Town's information system and related control activities to achieve objectives and respond to risks.

(iii) Management implements control activities through policies.

(4) *Information and Communication.*

(i) Management uses quality information to achieve the Town's objectives.

(ii) Management internally communicates the necessary quality information to achieve the Town's objectives.

(iii) Management externally communicates the necessary quality information to achieve the Town's objectives.

(5) *Monitoring.*

(i) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

(ii) Management remediates identified internal control deficiencies on a timely basis.

e. The Town adopts the internal control standards above so as to establish an effective internal control system for the Town through its design, implementation and operation.

f. The Town directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the Town, promote reliability, accountability and transparency of financial and nonfinancial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the Town.

g. The Town authorizes the Clerk-Treasurer, the Council President, and the Police Chief (Fiscal Committee) together with the advice of the Town Attorney to review the current internal control system of the Town and adopt a policy for the future internal control system, subject to the approval of the Town Council, to be effective after June 30, 2016, and perform an annual review, or more if determined necessary for compliance with this section.

h. The personnel, whether an official or employee, of the Town whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the Town now and as modified in the future.

i. The personnel of the Town, both elected and appointed, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures determined necessary by the Town and shall cooperate with the Town fiscal officer or designee so that the fiscal officer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law.

j. The Town authorizes the Fiscal Committee, subject to the approval of the Town Council, to determine the position and person who are the personnel referred to in subsections [\(h\)](#) and [\(i\)](#) of this section and notify such personnel.

k. The Town Council delegates to the Fiscal Committee, subject to Town Council approval, the authority and/or duties including creating the internal control systems policy.

l. All elected and appointed officials and employees of the Town are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the Town.

m. An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the internal control system commits a violation thereof and may result in the discipline, including termination, of the employee.

n. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation and the mandated certifications of the internal control system may be subject to any action allowed by law.

o. This section may be implemented by any and all of the following actions or such others as authorized by this Council: (1) posting a copy of the ordinance codified in this section in its entirety, in at least one of the locations in the Town where it posts employer posters or other notices to its employees; (2) providing a copy of the ordinance codified in this section to its employees and elected and appointed officials; (3) providing or posting a notice of the adoption of the ordinance codified in this section; or (4) any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials. [Ord. 20160512-01 §§ 1 – 15, 2016.]

2.35.020 Policy.

The Town Council hereby approves the Oversight Committee's suggested internal controls standards as the official policy of the Town of Clermont for safeguarding the funds and other assets of the Town, a complete copy of which is attached to the ordinance codified in this section as Exhibit "A." [Ord. 20161208-02 § 1, 2016.]

Chapter 2.40

PURCHASING AGENCY, RULES AND POLICIES

Sections:

2.40.010 Established.**2.40.010 Established.**

- a. The Town Council shall serve as the purchasing agency for the Town.
- b. The Town Council, as the Town's purchasing agency, shall have all the powers and duties authorized under IC [5-22](#), as may be supplemented from time to time by ordinances and policies adopted by the Town Council.
- c. The Town Council shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the Town of Clermont.
- d. The Town Council designates the Clermont Clerk-Treasurer, the Town Marshal and each Town Council member individually as purchasing agents for the Town subject to any and all limitations on their authority as established by statute or established policy or procedure of the Town.
- e. Subject to the policies and procedures of the Town, purchasing agents may purchase supplies with an estimated cost of less than \$5,000.00 on the open market without inviting or receiving quotes.
- f. The provisions of IC [5-23](#) (Public-Private Agreements) are adopted for use by the Town.
- g. The following are the required purchasing rules for Indiana:
 - (1) *Purchase of Supplies Manufactured in the United States.* Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town Council determines that:
 - (i) The supplies are not manufactured in the United States in reasonably available quantities;
 - (ii) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

- (iii) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (iv) The purchase of supplies manufactured in the United States is not in the public interest. [Ord. 235 §§ 1 – 7, 1998.]

Chapter 2.45

INVESTMENTS AND PAYMENTS AUTHORIZED

Sections:

- 2.45.010 Investment of Town monies authorized.**
- 2.45.020 Payment of membership dues to organizations authorized.**
- 2.45.030 Payment of claims in advance of Council approval.**

2.45.010 Investment of Town monies authorized.

The Clerk-Treasurer may invest surplus monies of, or on deposit with, the Town and not required for immediate expenditure. Investments may be made in any security or investment instrument authorized by IC [5-13-1](#), but subject to any public depository distribution requirements as provided by IC [5-12-1-17\(c\)](#), if applicable to the investment. Investment shall be made in instruments having sufficient liquidity to permit the Town to meet its expenditure requirements in a timely manner, and shall not be made in any security maturing in more than one year from the date of the investment unless the Clerk-Treasurer determines on a reasonable basis that all monies so invested are not likely to be required for a longer period of time. The Clerk-Treasurer may sell or otherwise liquidate an investment if the investment monies should prove to be needed to pay the expenses of the Town, in order to make a more advantageous investment, or to forestall principal devaluation. Unless otherwise provided by law, applicable state or federal administrative regulations, or Town ordinance, investments shall be made from total monies on deposit rather than by specific fund, and all earnings or amounts of capital gain realized from the investment shall accrue to the General Fund, and only the amount of original principal shall be returned to the fund of origin. To the extent not inconsistent with the foregoing requirements of this section, monies from different funds may

be combined and put in a single investment if a financial advantage to the Town would result. When any investment is made in accordance with this section and applicable laws, the Clerk-Treasurer shall not be held personally liable for any loss of principal which may incidentally result from the making or necessary sale or liquidation of the investment. Any actions heretofore taken by the Clerk-Treasurer in accordance with the provisions of this section are hereby fully ratified, validated and legalized. [1984 Code § 2-4-2.]

2.45.020 Payment of membership dues to organizations authorized.

The Town Council may budget and appropriate funds from the General Fund or from other funds to provide membership for the Town and the elected and appointed officials, and members of the Town's boards, departments or agencies, in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations. The Town Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs. [1984 Code § 2-4-3.]

2.45.030 Payment of claims in advance of Council approval.

The Clerk-Treasurer may make claim payments in advance of the Council's review and allowance for the following types of expenses which are certified by the Clerk-Treasurer:

- a. Property or services purchased or leased from:
 - (1) The United States government; or
 - (2) An agency or a political subdivision of the United States government.
- b. License fees or permit fees.
- c. Insurance premiums.
- d. Utility payments or utility connection charges.

- e. Federal grant programs if:
 - (1) Advance funding is not prohibited; and
 - (2) The contracting party provides sufficient security for the amount advanced.
- f. Grants of state funds authorized by statute.
- g. Maintenance agreements or service agreements.
- h. Lease agreements or rental agreements.
- i. Principal and interest payments on bonds.
- j. Payroll.
- k. State, federal, or county taxes.
- l. Expenses that must be paid because of emergency circumstances.
- m. Expenses described in an ordinance.

Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer and the Town Council shall review and allow the claim at the body's or Council's next regular or special meeting following the preapproved payment of the expense. [Ord. 378, 2014; Ord. 241, 1999.]

Chapter 2.50

FORMS OF PAYMENT

Sections:

- 2.50.010** **Credit cards.**
- 2.50.020** **Electronic funds transfer system.**

2.50.010 Credit cards.

- a. The administration of the Town shall be and is authorized to secure and to maintain a credit card in the name of the Town for use by properly authorized Town employees and/or officials in carrying out the business of the Town.
- b. The Clerk-Treasurer may apply for such cards as reasonably deemed necessary to carry out the purposes of this section. Upon receipt of such, the Clerk-Treasurer shall provide the Town Council with the name of the issuer of the credit card, the card number, the credit limit, and the account expiration date. The Clerk-Treasurer shall also provide the names of any merchants, vendors or service providers where such credit card is expected to be used on a regular basis and include a description of the types of expected purchases. Such list may be changed from time to time as reasonably required.
- c. The Clerk-Treasurer is designated as the custodian of such credit cards. The Clerk-Treasurer shall maintain a log indicating Town employees and officials desiring temporary possession and use of a credit card. Any employee and/or official desiring use of such credit card shall enter his/her name upon the log indicating the purpose for such use and the expected return date. Upon return of such card, the user shall enter his/her name, along with the receipt, total amount of the expenditure, the nature of each expenditure, and any other details as may be required by the Clerk-Treasurer for proper accounting purposes.
- d. Any claims not properly documented pursuant to this section shall be returned to card user for correction. If any interest or penalty is incurred due to the late filing or the failure to furnish proper documentation by an employee or official, the employee or official shall be personally liable for paying the additional interest or penalty.
- e. Only necessary expenses incurred by the employee or official for travel, lodging and meals and other items in connection with carrying out the Town's business shall be charged by use of the card. No expenses shall be incurred by use of the card for items or services for personal use of any nature.
- f. Upon proper documentation after receipt of the card, the Clerk-Treasurer shall properly assign charges made by use of the credit card to the appropriate budget fund for accounting purposes. Insofar as possible, the Clerk-Treasurer shall endeavor to pay the monthly statement associated with the use of the card in full so that finance charges are minimized or not incurred.

g. If the credit card is to be retained at a merchant's location the Clerk-Treasurer will provide the merchant a list of all authorized users and authorized uses. [Ord. 243 §§ 1 – 7, 2000.]

2.50.020 Electronic funds transfer system.

a. The Town Council through application of Home Rule hereby authorizes the Clerk-Treasurer to implement an electronic funds transfer system (EFTS) for the payment of as many Town financial obligations as possible as well as for transfers of funds to any state agency or other unit of government.

b. To contract with a bank(s) or other financial institution(s) as are authorized by the state as state depositories to effectuate said electronic funds transfers.

c. The Clerk-Treasurer is further authorized to transact the Town's business with a financial institution or a public pension or retirement fund administered by the Indiana public retirement system through the use of electronic funds transfer.

d. The Clerk-Treasurer shall maintain an itemized list, or ledger, of each and every such EFT made specifying the payee, amount paid, the purpose for the payment, the date paid, the fund from which the payment is made, the date the expenditure was approved or appropriated by the fiscal body, and any such other information as may be required by the State Board of Accounts (SBOA) in regard to EFTs as utilized by local units of government and to maintain adequate documentation of the individual transactions so that they may be audited as provided by law. [Ord. 20180614 §§ 1 – 4, 2018.]

Chapter 2.55 FUNDS

Sections:

2.55.010 General Fund as presumptive depository.

2.55.020 Special Deposit Fund.

2.55.030 Reserved

2.55.040 Gifts and donations – Donation Fund.

2.55.050 Cumulative Capital Improvement Fund created.

2.55.060 Rainy Day Fund.

2.55.010 General Fund as presumptive depository.

All monies received by the Town, irrespective of source or intended use, shall accrue to and be deposited in the General Fund of the Town unless the nature, source, or intended use of such monies is such that a provision of this code, or of law, or of an applicable state or federal administrative regulation specifies that they accrue to and be deposited in some other fund.

[1984 Code § 2-4-4.]

2.55.020 Special Deposit Fund.

There is hereby created a Special Deposit Fund which shall be used for the purpose of depositing and accounting for monies presumptively collected and held by the Town only on a temporary basis, such as a security deposit or bond, cash performance bond, any conditional and potentially refundable permit application fees, or monies collected by the Town as trustee or agent for another party. The Clerk-Treasurer may issue warrants from the Special Deposit Fund to make refunds, reimbursements, and payments to persons to whom monies on deposit in the fund are lawfully and properly owing without appropriation. Whenever any monies on deposit in the Special Deposit Fund escheat to the Town or become eligible for permanent possession by the Town, the Clerk-Treasurer shall transfer and credit such monies to the General Fund, or to another appropriate fund as provided by law or ordinance. Monies in the Special Deposit Fund may be invested in securities of sufficiently short term or liquidity to permit timely payments from the fund as they come owing. [1984 Code § 2-4-5.]

2.55.030 Reserved**2.55.040 Gifts and donations – Donation Fund.**

The Town may accept cash gifts, donations, bequests, or endowments either for general use or for purposes limited and specified by the donor. Donations for general use may be accepted by the Clerk-Treasurer immediately; donations for limited and specified purposes must be approved by the Town Council before acceptance. There is hereby created a special nonreverting fund to be known as the Donation Fund into which the Clerk-Treasurer shall receipt and deposit all cash gifts, donations, bequests, or endowments. Within the Donation Fund, the Clerk-Treasurer shall set up individual accounts for each donation, and subaccounts if necessary, and shall determine and apply a suitable system of account labeling and memoranda sufficient to limit authorization and expenditure, and to provide a detailed accounting thereof, in accordance with the intent, conditions and requirements of the donor. Monies credited to each account may only be expended for the purpose or purposes intended by the donor, and only upon a proper claim allowed and endorsed by the Town Council. If the donor or grantor has set forth a specific and well-defined purpose for which monies are to be expended, such specification shall be considered a lawful appropriation of the monies, and the same. [1984 Code § 2-4-7.]

2.55.050 Cumulative Capital Development Fund created.

There is hereby created a Cumulative Capital Development Fund, into which shall be paid all proceeds allotted to the Town of Clermont in accordance with the provisions of IC [6-7-1-30.1\(d\)](#). Such monies shall only be appropriated and expended from such fund for the purposes authorized by IC [6-7-1-31.1\(a\)](#). However, in accordance with IC [6-7-1-31.1\(b\)](#), the Town Council may adopt a resolution providing for the transfer of any unappropriated monies in the CCI Fund to the General Fund at any time; or, for purposes of budgeting, the Town Council may adopt a nonrescindable resolution providing for the transfer to the General Fund of all or any portion of the estimated receipts to the CCD Fund for the ensuing budget year; and any such monies so transferred to the General Fund may be budgeted, appropriated, and expended for any purpose for which other General Fund monies may be used. [1984 Code § 2-4-8.]

2.55.060 Rainy Day Fund.

- a. The Clermont Town Council may transfer any and all monies in the General Fund accounts to the Rainy Day Fund, at the end of each calendar year.
- b. The purpose of the Rainy Day Fund will be for general operating and capital expenses. [Ord. 257, 2002.]

Chapter 2.60

FEES

Sections:

2.60.010 Reserved

2.60.020 General police report fee – Disposition of proceeds.

2.60.010 Reserved

2.60.020 General police report fee – Disposition of proceeds.

For copies of all disclosable police reports, other than motor vehicle accident reports as provided by CMC [6.45.020](#), including but not limited to those required to be disclosed pursuant to IC [5-14-3-5](#), a charge shall be collected which is as nearly as possible equal to the actual cost of making each copy page, including an allowance for personnel time expended, as established with reasonable accuracy and so fixed by the Clerk-Treasurer. The receipts from this fee shall be credited to the Police Report Fund in an account separate from the accident report account, and may be budgeted and appropriated for police equipment or to subsidize the general operating budget of the Town Marshal's Office. [1984 Code § 2-4-10.]

[Section 1 of this chapter in the 1984 Code was formerly a resolution adopted 12/9/82, reenacted as an ordinance and amended by Ord. [192](#), Sec. 1; Section 2 was added by Ord. [192](#), Sec. 4; Section 3 was formerly

Ord. [184](#), 9/82; Sections 4 – 8 were added by Ord. [192](#), Sec. 3; Section 8 was formerly Ord. [127](#), Sec. 1, as amended by Ord. [192](#), Sec. 2; Sections 9 and 10 were added, respectively, by Ord. [192](#), Secs. 5 and 6]

Chapter 2.65

PROMOTION OF BUSINESS

Sections:

[2.65.010](#) **[Promotion of business.](#)**

2.65.010 Promotion of business.

The Town shall be authorized to budget and appropriate funds from the General Fund of the Town, to pay the expenses of or to reimburse Town officials or representatives, as the case may be, for expenses incurred in promoting the best interest of the Town of Clermont. Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, expenses 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 a civic or governmental nature deemed by the Council to be in the interest of the Town. [Ord. 2-2-15, 1993.]

Chapter 2.70

TOWN PROPERTY INVENTORY

Sections:

[2.70.010](#) **[Town property inventory.](#)**

2.70.010 Town property inventory.

All property owned by the Town shall be inventoried at its acquisition cost except the following:

- a. Any and all consumable item(s) shall not be inventoried.
- b. Any single item with a purchase cost of less than \$1,000.00 shall not be listed as an inventoried item. [Ord. 263, 2005.]

Chapter 2.75

PUBLIC RECORDS

Sections:

2.75.010 **Public records.**

2.75.010 **Public records.**

a. Any person may inspect and copy the public records of the Town of Clermont and any department of the Town during the regular business hours of the Town Hall (if the Town Hall has regular business hours). A request for inspection or copying must:

- (1) Identify with reasonable particularity the record being requested; and
- (2) Be in writing or on a form provided by the Town.

b. Any request for access to records of the Town shall be directed to any of the following persons: (1) The Town Council President or (2) the Clerk-Treasurer as follows:

President of the Clermont Town Council

P.O. Box 34296

Clermont, Indiana 46234

Clerk-Treasurer of the Town of Clermont

P.O. Box 34296

Clermont, Indiana 46234

c. A fee for the copying of any requested records by the Town on Town equipment shall be \$0.10 per page for copies that are not color copies or \$0.25 per page for color copies (if color copying is available on the Town's copier) and shall be paid by the person or entity requesting the copy of the record. [Ord. 380 §§ 1 – 3, 2014.]

Title 3

PUBLIC SERVICES AND FACILITIES

Chapters:

- 3.05** **Excavation or Disturbance of Public Rights-of-Way**
- 3.10** **Fire Hydrants**
- 3.15** **Drainage Ditches**
- 3.20** **Public Streets and Thoroughfares**
- 3.25** **Sewer Connection – Residual Provisions**

Chapter 3.05

EXCAVATION OR DISTURBANCE OF PUBLIC RIGHTS-OF-WAY

Sections:

- 3.05.010** **Definitions.**
- 3.05.020 Permit required – Fees.
- 3.05.030 Option to require surety.
- 3.05.040 Violations – Penalties - Injunction

3.05.010 **Definitions.**

The meaning of terms in this chapter shall be as follows:

“Excavation” shall mean the digging up, cutting into or excavation of the surface or subsurface of all public rights-of-way within the Town.

“Permit” shall mean a written authorization from the Town permitting excavation of a public right-of-way.

“Public right-of-way” shall mean any street, sidewalk, alley, easement or other right-of-way within the Town of Clermont.

“Public sewer” shall mean a sanitary sewer in which all owners of abutting property have equal rights to connect and which is controlled by the Town of Clermont, the Indianapolis Sanitary

District, Citizens Energy Group or any other municipal corporation or governmental agency.

[1984 Code § 3-3-1.]

3.05.020 Permit required – Fees.

No person shall excavate or in any way disturb the surface or subsurface of any public right-of-way within the Town at any time, or in any manner, without first obtaining a permit. However, no additional permit or permit fee as provided in this section shall be required of any person to whom the Town has granted any general franchise, and who excavates or disturbs the right-of-way for the purposes described and authorized by such franchise and in accordance with its provisions. A permit shall be granted if the person seeking the permit complies with all of the terms and conditions of this chapter and pays a fee to the Town to be computed as follows:

a. Any person desiring a permit for the purpose of installing, repairing, or modifying any private sewer or drain connecting or to be connected onto a public sewer within the Town shall pay a permit fee as follows:

(1) To service a tract of land which at the time of application is totally within the Town, a fee of \$_____.00 unless the person has already obtained such permit pursuant to the provisions of Ordinance [154](#), and in that event no permit fee will be required; or

(2) To service a tract of land which is not totally within the Town at the time of application, a fee of \$0.0248 per square foot for the property to be served which is outside the Town.

The area to be connected will be described in the permit and no area or parcel outside of the area described shall be connected.

b. Any person desiring a permit for the purpose of excavating or in any way disturbing the surface or subsurface of any public right-of-way within the Town of Clermont for any purpose other than those described in subsection [\(a\)](#) of this section shall pay a permit fee of \$_____.00 to the Town. [1984 Code § 3-3-2.]

3.05.030 Option to require surety.

If the Town Council so requests, the person seeking the permit must file with the application:

- a. A bond (with a surety acceptable to the Town) to insure that the public right-of-way will be returned to the same condition as it was prior to the excavation; and/or
- b. A public liability bond in the minimum sum of \$ _____ for injury to one person and \$ _____ for injury to more than one person, and \$ _____ for damage to property.

The bonds will run to the Town and will insure that the person seeking the permit, his successors or assigns, will keep the Town harmless from any and all claims, damages, demands, judgments and expenses arising out of the granting of the permit and the excavation for which the permit was granted. The bonds will insure that the person to whom the permit is granted will at all times maintain the public way in such a condition, both before and after the excavation is made, that the same may be used by the public and will not cause injury to the public. [1984 Code § 3-3-3.]

3.05.040 Violations – Penalties – Injunction.

Any person violating any of the provisions of this chapter shall be fined an amount not less than \$_____.00 nor to exceed \$_____.00, and each day a violation occurs or continues shall be considered a separate offense. The Town may also seek an injunction to enjoin any violation of this chapter. [1984 Code § 3-3-4.]

[This chapter was formerly Ord. [155](#), Secs. 1 – 5, 8/20/68; as amended by Ord. [159](#), Secs. 1 and 2, 5/13/69; as further amended by Ord. [174](#), Sec. 1, 12/12/74; and as further amended by Ord. [186](#), Sec. 2]

Chapter 3.10 FIRE HYDRANTS

Sections:

- 3.10.010 Damaging or tampering with fire plugs or hydrants prohibited.**
- 3.10.020 Opening of fire protection systems prohibited.**
- 3.10.030 Exceptions – Authorized persons.**

3.10.040 Violations – Penalty – Liability.**3.10.010 Damaging or tampering with fire plugs or hydrants prohibited.**

It shall be unlawful for any person to destroy, damage, or tamper with any of the following fire protection facilities:

- a. Any fire plug or fire hydrant owned, operated, or maintained by the Town of Clermont, by any other governmental authority or public firefighting agency, or by any public water supply utility, for purposes of public fire protection; or
- b. Any fire plug, fire hydrant, or fire sprinkler system maintained by the owner of any private building or premises for the purpose of providing fire protection to such premises, except under authorization of the owner or person in charge of those premises, and to the extent not inconsistent with the requirements of any applicable laws, ordinances, or regulations requiring the maintenance of such private fire protection system. [1984 Code § 3-4-1.]

3.10.020 Opening of fire protection systems prohibited.

It shall be unlawful for any person to open any fire plug, fire hydrant, or fire sprinkler system by which water is drawn from the public water supply of the Town of Clermont. [1984 Code § 3-4-2.]

3.10.030 Exceptions – Authorized persons.

The acts prohibited by this chapter shall not apply if done under the direction of the Town Marshal, Clerk-Treasurer, a member of the Town Council, the superintendent of the applicable public water supply utility or his duly authorized representative, a member of the Wayne Township Fire Department, or any member of any duly authorized firefighting agency. Furthermore, nothing in this chapter shall be construed to prevent any person, in an actual emergency, from using or activating, or attempting to use or activate, any emergency hose,

hydrant or fire sprinkler system for purposes of combating a fire pending the arrival of qualified firefighting personnel. [1984 Code § 3-4-3.]

3.10.040 Violations – Penalty – Liability.

Any person violating any of the provisions of this chapter shall be liable for a fine not less than \$25.00 nor exceeding \$50.00. Each violation shall constitute a separate offense. In addition, any such person shall be liable for any costs incurred by the Town for the repair or other restoration of any public fire protection facility damaged through the act of violation. [1984 Code § 3-4-4.]

[This chapter was formerly Ord. [143](#), Secs. 1 – 4, (undated) 1967; as amended by Ord. [186](#), Sec. 3]

Chapter 3.15 DRAINAGE DITCHES

Sections:

- 3.15.010 Obstruction prohibited without permission.**
- 3.15.020 Violations – Penalties.**
- 3.15.030 Proper placement of drainage piping.**
- 3.15.040 Reserved.**

3.15.010 Obstruction prohibited without permission.

No person may, without written permission of the Town Council, stop, obstruct, or attempt to obstruct the passage of water in any drainage ditch or into any culvert or catch basin within the Town. [1984 Code § 3-5-1.]

3.15.020 Violations – Penalties.

Any person violating the provisions of CMC [3.15.010](#) shall be fined not less than \$100.00 nor more than \$500.00. Each day that a violation continues shall constitute a separate offense. [1984 Code § 3-5-2.]

3.15.030 Proper placement of drainage piping.

The Town Council has determined that the proper placement of drainage piping in drainage ditches extending along public rights-of-way helps to keep ditches free from obstructions and to effectively handle the passage of water that flows into such ditches. Additionally, property owners frequently realize benefits from enclosed drainage ditches. In light of the potential mutual benefits to the owners of individual properties with drainage ditches and to owners of properties throughout the Town, the Town Council has established a program whereby, if certain conditions are met, the Town will provide the labor for the placement of drainage piping and will lay appropriate fill material in drainage ditches after the piping has been put in place.

[Ord. 240, 1999; 1984 Code § 3-5-2 [3-5-3].]

3.15.040 Reserved.

Chapter 3.20

PUBLIC STREETS AND THOROUGHFARES

Sections:

- [3.20.010 Scattering of foreign matter prohibited.](#)**
- [3.20.020 Destructive vehicles prohibited.](#)**
- [3.20.030 Tampering with street monuments or markers prohibited – Permit.](#)**
- [3.20.040 Impeding flow of storm water.](#)**
- [3.20.050 Burning of rubbish on street pavement prohibited.](#)**
- [3.20.060 Violations – Penalties – Liability.](#)**
- 3.20.070 Reserved.**

3.20.080 Construction of driveway and culvert curbs within the public right-of-way.**3.20.010 Scattering of foreign matter prohibited.**

No person shall permit any vehicle under their ownership or control to deposit on any sidewalk, street or public place within the Town of Clermont any dirt, mud, sand, gravel, cement, petroleum products, harmful chemical substances, scrap paper, garbage or any other trash or material or substance which would render the sidewalk, street or public place unclean, unsightly, unsafe or unusable. [1984 Code § 3-6-1.]

3.20.020 Destructive vehicles prohibited.

No person shall permit any vehicle under their ownership or control to operate on the street or sidewalks of the Town if such vehicle seriously damages or destroys the streets of the Town. [1984 Code § 3-6-2.]

3.20.030 Tampering with street monuments or markers prohibited – Permit.

It shall be unlawful for any person to remove, move, alter, or tamper with any monuments, stakes, spikes or other means of identification (hereinafter referred to as “monuments”) placed upon a right-of-way of the Town for street purposes by officers or employees of the Town, or so placed at the direction of officials of the Town. If any such monument shall cause a hazardous situation or inconvenience, a resident of the Town may apply to the Clerk-Treasurer for a permit to replace or alter such monument, and the Clerk-Treasurer may, in his jurisdiction, issue such permit in order to relieve a situation of hazard or extreme inconvenience. [1984 Code § 3-6-3.]

3.20.040 Impeding flow of storm water.

a. It shall be unlawful for the owner, occupier, possessor, or any other person or entity in control of any real estate abutting a street, curb or right-of-way of the Town to install, erect, interfere with, or place any substance, material or interference located in the public right-of-way that will impede the flow of storm water over, in, or upon the street, curb and/or right-of-way of the Town. Any such interference of the water flow as described in this section shall constitute a public nuisance.

b. In addition to the fines for a violation of this section any such owner, occupier, possessor, or any other person or entity or the Town may remove any such any substance, material or interference located in the public right-of-way that will impede the flow of storm water over, in, or upon the street, curb and/or right-of-way of the Town.

c. In the event any such substance, material or interference located in the public right-of-way is not removed by such owner, occupier, possessor, or any other person or entity of the abutting real estate within 10 days' written notice the Town may remove any such any substance, material or interference located in the public right-of-way that will impede the flow of storm water over, in, or upon the street, curb and/or right-of-way of the Town at the expense of the owner, occupier, possessor, or any other person or entity of the abutting real estate. As provided in IC [36-1-6-2](#) the owner, occupier, possessor, or any other person or entity of the abutting real estate shall be liable to the Town for the cost to have such impediment removed and said expense of the removal shall become a lien upon the real estate. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located.

d. The Town may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with this section, including administrative costs and removal costs.

(1) A bill issued under subsection [\(c\)](#) and/or [\(d\)\(2\)](#) of this section is delinquent if the owner of the real property fails to pay the bill within 30 days after the date of the issuance of the bill.

(2) Whenever the Town determines it necessary, the officer charged with the collection of fees and penalties for the Town shall prepare:

(i) A list of delinquent fees and penalties that are enforceable under this section, including:

(A) The name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

(B) A description of the premises, as shown on the records of the county auditor; and

(C) The amount of the delinquent fees and the penalty; or

(ii) An instrument for each lot or parcel of real property on which the fees are delinquent.

(3) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC [36-2-7-10](#).

e. This section may be enforced through a proceeding before an administrative body of the Town as provided in IC [36-1-6-9](#).

(1) Violations of this section may be enforced through an administrative proceeding.

(2) The administrative body before which the proceeding may be brought is the Town Council.

(3) In a proceeding to enforce an ordinance brought before an administrative body designated under subsection [\(e\)\(2\)](#) of this section:

(i) A violation of the ordinance must be proven by a preponderance of the evidence; and

(ii) The administrative body may not impose a penalty other than a fine in an amount within the limit set forth in IC [36-1-3-8\(a\)\(10\)](#).

(4) A person who receives a penalty may appeal the order imposing the penalty to a court of record with subject matter jurisdiction in Marion County.

(5) An appeal under this subsection [\(e\)](#) from an order imposing a penalty must be filed not more than 60 days after the day on which the order is entered.

f. The fine for a violation of this section shall be up to \$100.00 to be paid to the Ordinance Violations Bureau. [Ord. 20200813-01 §§ 1 – 6, 2020; 1984 Code § 3-6-3.1.]

3.20.050 Burning of rubbish on street pavement prohibited.

No person may at any time build any fire or burn any trash, brush, leaves, or other combustibles upon any paved street or public sidewalk of the Town. [1984 Code § 3-6-4.]

3.20.060 Violations – Penalties – Liability.

Any person who violates any of the provisions of this chapter shall, upon conviction, be fined not less than \$25.00 nor more than \$50.00.

3.20.070 Reserved.

3.20.080 Construction of driveway and culvert curbs within the public right-of-way.

The following limitations will be imposed on driveway and culvert curbs constructed within the Town public right-of-way:

- a. Curbing installed along the sides of driveways and as end walls for culverts shall terminate at least 12 inches from the edge of the street pavement or shall be no higher than the street pavement edge for the 12 inches adjacent to the street pavement.
- b. However, if the street has a curb the driveway or culvert curbs may connect to the street curbing and be the same height as the street curbing.
- c. All curbs must comply with the federal Americans with Disabilities Act, and all zoning and other ordinances of Marion County. [Ord. 254, 2002.]

[This chapter was formerly Ord. [99](#), Secs. 1 – 3, 12/12/60; Ord. [148](#), Secs. 1 – 3, 2/5/68; and Ord. [170](#), Secs. 1 and 2, 2/10/72; all as amended by Ord. [186](#), Secs. 4 – 8]

Title 4

PUBLIC HEALTH AND SAFETY

Chapters:

- 4.05** **Solid Waste Disposal**
- 4.10** **Abatement of Weeds and Rank Vegetation**
- 4.15** **Unlawful Noises and Noise Pollution**
- 4.20** **Dogs and Domestic Animals**
- 4.25** **Firearms and Dangerous Projectiles**
- 4.30** **Curfew Hours for Juveniles**
- 4.35** **Playing in Public Streets and Highways**

Chapter 4.05

SOLID WASTE DISPOSAL

Sections:

- 4.05.010** ***Repealed.***
- 4.05.020** **Temporary storage of garbage – Authorized containers.**
- 4.05.030** **Violations – Penalties.**
- 4.05.040** **Definitions.**
- 4.05.050** **Depositing waste.**
- 4.05.060** **Vehicles dropping contents on streets.**
- 4.05.070** **Property abutting public way.**
- 4.05.080** **Permitting property to become unsightly.**
- 4.05.090** **Correction of conditions.**
- 4.05.100** **Penalty for violation.**
- 4.05.110** **Nuisance abatement.**

4.05.010 Depositing garbage or trash on property prohibited.

Repealed by [Ord. 239](#). **4.05.020 Temporary storage of garbage – Authorized containers.**

No person shall temporarily store garbage except in a covered, receptacle with a tight-fitting lid.
[1984 Code § 4-1-2.]

4.05.030 Violations – Penalties.

Any person who violates any of the provisions of this chapter shall be fined not less than \$25.00 nor more than \$50.00 for each violation, and any day that a violation continues shall be deemed a separate offense. [1984 Code § 4-1-4.]

4.05.040 Definitions.

“Litter” shall mean and include any uncontainerized waste which, if deposited within the Town otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the Town. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or noxious or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

“Person” shall mean and include any natural person, firm, limited liability company (LLC), partnership, association, corporation, company, or not-for-profit organization.

“Public place” shall mean and include any and all streets, boulevards, avenues, lanes, alleys, sidewalks, easements or other rights-of-way or public ways, and parks, squares, plazas, grounds and buildings, whether publicly or privately owned. [Ord. 20210114-01, 2021; 1984 Code § 4-1.5.]

4.05.050 Depositing waste.

No person shall place litter or throw any paper, organic waste, trash, or refuse of any kind on any public way, including sidewalks and streets, or other public facility, including parks.

a. Littering on Premises of Another.

(1) It shall be unlawful for any person to cast, place or deposit any litter upon real property owned by another, without the consent of the owner or lessee of such real property.

(2) Whenever any person shall be charged with a violation of this section, it shall be a sufficient allegation of an ordinance violation to state that such person deposited the litter described in subsection [\(a\)\(1\)](#) of this section upon property of which he was not then the owner or lessee. It shall be a matter of affirmative defense for the person to show that he had permission of the owner or lessee to so deposit such litter, if such was the case. [Ord. 20210114-01, 2021; 1984 Code § 4-1.5-1.]

4.05.060 Vehicles dropping contents on streets.

a. Any person who transports in any vehicle or in any other manner upon any public place any loose material or articles likely to sift, fall, spill or be blown upon the public way or place shall not overload the vehicle and shall cover the contents or shall convey the contents in tightly secured and covered boxes or containers. In case any of the contents thereof shall be blown, be spilled, fall or become scattered in any public way or place, such person shall cause all fallen substances to be immediately gathered up and removed. It shall be a violation of this section to cause or allow such loose material or articles to be blown, be spilled, fall or become scattered upon the public way or place.

b. The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the Ordinance Violations Bureau in accordance with this code. All second and subsequent violations in the calendar year are subject to the penalties provided herein through the enforcement procedures set out in the Indiana Code. [Ord. 20210114-01, 2021; 1984 Code § 4-1.5-2.]

4.05.070 Property abutting public way.

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit the accumulation of litter thereon or on any adjacent public place.

No real property owner, or occupier, shall permit their real property which abuts on a public way to become unsightly, unclean, unsanitary, unsafe, or dangerous to users of the public way or other public facility. Violations of this section include, but are not limited to, allowing accumulation of litter or waste, storage of unsightly or offensive personal property such as old, abandoned or partially dismantled automobiles and automobile parts; allowing growth of grass or weeds to a height greater than 12 inches; allowing the property owner's vegetation to obstruct or interfere with the use of the public roadway or sidewalks; allowing houses, buildings or other structures to remain in a state of disrepair.

No real property owner shall allow any dead, dying and/or damaged tree located on their real property which abuts on a public way and which if the tree (or any part thereof) were to fall could land on the public right-of-way. Any such tree (or part thereof) shall be removed by the real property owner so as to prevent damage or injury to the general public. [Ord. 20210114-01, 2021; 1984 Code § 4-1.5-3.]

4.05.080 Permitting property to become unsightly.

It shall be the duty of any person owning or controlling a house, or other building or premises, including vacant lots, visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit the accumulation of litter thereon or on any adjacent public place.

No real property owner shall permit their real property to become unclean, unsanitary, or dangerous to the health of inhabitants of surrounding property, or of the health of the general

community. Real property shall be maintained in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises.

Violations of this section shall include, but are not limited to, allowing accumulation of litter or waste; allowing houses, buildings or other structures to remain in such a state of disrepair as to provide a habitat for vermin and other such dangerous bacteria, animals or insects. [Ord.

20210114-01, 2021; 1984 Code § 4-1.5-4.]

4.05.090 Correction of conditions.

The Town Council may order the real property owners to correct conditions which violate CMC [4.05.050](#) through [4.05.080](#). If the real property owner fails to comply with such order in the time prescribed, the Council may have the conditions corrected, and place on the owner's real property a lien for the cost of correction in accordance with the statutory procedure provided for in the Indiana Code, and the owner shall also be liable for the fine prescribed in CMC [4.05.100](#). [Ord. 20210114-01, 2021; 1984 Code § 4-1.5-5.]

4.05.100 Penalty for violation.

a. Except as otherwise provided herein, a person's first and second violations of this chapter in a 12-month period shall be subject to admission of violation and payment of the designated civil penalty of \$100.00 through the Ordinance Violations Bureau. All second and subsequent violations in the calendar year are subject to the penalties provided herein through the enforcement procedures set out in the Indiana Code.

b. Except as otherwise provided herein, any person found to have committed a violation of any section of this chapter shall upon such finding be punished by a fine of not more than \$2,500. Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder.

c. In addition to the foregoing penalties, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this chapter.

[Ord. 20210114-01, 2021; 1984 Code § 4-1.5-6.]

4.05.110 Nuisance abatement.

Violations of CMC [4.05.050](#) through [4.05.080](#) are declared to be nuisances and the Town Council is authorized to abate them.

a. *Civil Action to Recover Costs of Abatement.* Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the 10-day period, the Town may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees. [Ord. 20210114-01, 2021; 1984 Code § 4-1.5-7.]

[This chapter was formerly Ord. [90](#), Secs. 1, 2, and 3, 5/11/59, as amended by Ord. [193](#), Sec. 2; and Ord. [170](#), Sec. 1, 2/10/72, as amended by Ord. [186](#), Sec. 8]

Chapter 4.10

ABATEMENT OF WEEDS AND RANK VEGETATION

Sections:

- [4.10.010](#) Unlawful maintenance of weeds and vegetation.**
- [4.10.020](#) Standards of compliance.**
- [4.10.030](#) Reserved.**
- [4.10.040](#) Reserved.**
- [4.10.050](#) Reserved.**

4.10.010 Unlawful maintenance of weeds and vegetation.

It is unlawful for the owner of any lot or parcel of land within the Town, whether improved or unimproved, to permit to grow and remain thereon any weeds, thistle, brush, undergrowth, or rank vegetation of any kind whatsoever in violation of the standards established by CMC [4.10.020](#). It is the duty of the owner of such property to cut or to require a leaseholder or other person in charge of the premises to cut and remove and dispose in a proper manner all such weeds and rank vegetation at sufficient intervals to keep the property in compliance with the standards set by CMC [4.10.020](#). [1984 Code § 7-7-1.]

4.10.020 Standards of compliance.

A lot or parcel will be adjudged in noncompliance with the requirements of this chapter if, at any time during the year:

- a. It is a tract between any public sidewalk and a public street, and weeds or other rank vegetation (including lawn grass) has been permitted to grow to a height of more than twelve (12) inches; or
- b. It is an improved lot or parcel, and weeds or other rank vegetation (including lawn grass) has been permitted to grow to a height of more than six inches; or
- c. It is a vacant and unimproved lot or parcel, other than natural forestlands, wetlands, or agricultural pasturelands, and weeds or other rank vegetation has been permitted to grow to a height of more than one foot. [1984 Code § 7-7-2.]

4.10.030 Reserved.**4.10.040 Reserved.****4.10.050 Reserved.****Chapter 4.15****UNLAWFUL NOISES AND NOISE POLLUTION**

Sections:

- 4.15.010 Unlawful noises designated.**
- 4.15.020 Horns and signaling devices.**
- 4.15.030 Instruments, machines, and amplifying devices.**
- 4.15.040 Exhausts.**
- 4.15.050 Defect in vehicle or load.**
- 4.15.060 Drums.**
- 4.15.070 Pile driver and hammers.**
- 4.15.080 Lawn mowers and leaf blowers.**

4.15.090 Explosive Devices and Consumer Fireworks**4.15.010 Unlawful noises designated.**

Except as otherwise provided in this chapter, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the Town. The following acts, and others deemed disturbing, are hereby declared to be loud, disturbing and unnecessary noises and in violation of this chapter. [Ord. 228, 1996.]

4.15.020 Horns and signaling devices.

The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the continued or repeated use of any such signaling device which causes traffic to be held up for any reason, or in any parade, or in any group of vehicles. [Ord. 228 § 1, 1996.]

4.15.030 Instruments, machines, and amplifying devices.

Playing, using, or operating, or permitting to be played, used or operated, any musical instrument, loudspeaker, sound amplifier, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for the convenient hearing for the person or persons using such machine or device, and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such machine or device in such a manner as to be plainly audible at a distance

of 25 feet from the building, structure, or vehicle, in which it is located, shall be evidence of a violation of this chapter. [Ord. 228 § 2, 1996.]

4.15.040 Exhausts.

The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle, or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom. [Ord. 228 § 3, 1996.]

4.15.050 Defect in vehicle or load.

The use of any automobile, motorcycle, or other kind of vehicle so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises. [Ord. 228 § 4, 1996.]

4.15.060 Drums.

The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale, except in a parade or place for which a permit has been granted. [Ord. 228 § 5, 1996.]

4.15.070 Pile driver and hammers.

The operation between the hours of 8:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliances where the use of is accompanied by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility. [Ord. 228 § 6, 1996.]

4.15.080 Lawn mowers and leaf blowers.

The operation, between the hours of sunset and sunrise, of any noise-creating lawn mower and leaf blower, power fan, or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the mower, blower, or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise. [Ord. 228 § 7, 1996.]

4.15.090 Consumer Fireworks

4.15.090 Consumer fireworks exemptions.

Consumer fireworks are those as defined in IC [22-11-14-1](#). The use of consumer fireworks shall only be permitted with the town limits of Clermont at the following days and times:

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

It shall be unlawful and a violation to use, detonate or discharge consumer fireworks within the town at any date and/or time not set out above.

4.15.050 Violation – Penalty.

Any person found violating CMC [4.15.090](#) or any other provision of this chapter shall be fined a minimum civil penalty of \$75.00 for each violation.

Chapter 4.20

DOGS AND DOMESTIC ANIMALS

Sections:

4.20.010 Leashing of dogs, cats and other domestic pets.

4.20.010 Leashing of Dogs, Cats and other domestic pets.

It shall be unlawful for the owner or any other person having the possession, care, custody or control thereof to permit any dog, cat or other domestic pet to run at large upon public streets or walks or parks or upon private property, other than the dog, cat or other domestic pet owner's private property, unless such dog, cat or other domestic pet be attached to a leash of not more than 10 feet in length, of sufficient strength to restrain such dog, cat or other domestic pet and said dog, cat or other domestic pet shall be kept under the control of the person accompanying it. [1984 Code § 4-4-6.]

4.20.020 Violation – Penalty.

Any person found violating CMC 4.20.010 or any other provision of this chapter shall be fined a minimum civil penalty of \$75.00 for each violation.

Chapter 4.25

FIREARMS AND DANGEROUS PROJECTILES

Sections:

- 4.25.010** **Definitions.**
- 4.25.020** **Exceptions.**
- 4.25.030** **Discharge or use restricted within Town limits.**
- 4.25.040** **Reserved.**
- 4.25.050** **Reserved**
- 4.25.060** **Violations – Penalties.**

4.25.010 **Definitions.**

As used herein, the following terms shall have the meanings indicated:

Air Gun. The term “air gun” means a rifle, pistol, or other device for propelling a bullet, pellet, dart, BB shot, or similar projectile by means of compressed air or other gas, or by means of a spring or similar device under tension which creates a charge of compressed air when released.

Dangerous Projectile. The term “dangerous projectile” means any projectile discharged from an air gun or firearm; but also means any other object which is purposely hurled or thrown by any means, and which by virtue of its sharpness, heaviness, velocity, or explosive or incendiary character, can reasonably be foreseen as potentially causing harm to persons or property, whether or not any such harm is actually caused or intended.

Firearm. The term “firearm” means any rifle, pistol, shotgun, flare gun, or other device for propelling a solid projectile by means of an explosive charge.

Loaded Condition. A firearm is considered to be in a loaded condition when there is a live shell, cartridge, or firing charge in the firing chamber or in any connected clip, revolving barrel, or similar feeding device to the firing chamber; an air gun is considered in a loaded condition when it contains a charge of compressed gas or spring under tension, and also a projectile in the firing chamber or ready to be fed to the firing chamber by a connected feeding device. [1984 Code § 4-6-1.]

4.25.020 Exceptions.

Nothing herein shall be deemed to restrict the carrying nor proper use of a firearm, air gun, or dangerous projectile by any of the following persons:

- a. A police officer or other person lawfully authorized to exercise police power and acting within the context of and to the extent necessary to perform his police functions;
- b. A member of the armed forces of the United States or of an allied military force acting within the context of and to the extent necessary to perform his military duties;
- c. A person duly licensed under or expressly permitted by the laws of the state to carry a firearm, except merely for the purpose of hunting;
- d. A person acting in the defense of his own life, limb, or property or that of another person, to the extent commonly deemed reasonable and justifiable by law. [1984 Code § 4-6-2.]

4.25.030 Discharge or use restricted within Town limits.

- a. Except as otherwise provided herein, it shall be unlawful for any person within the corporate limits of the Town to:
 - (1) Discharge any firearm, other than discharge of a blank cartridge used for signaling or ceremonial purposes at athletic or similar events, otherwise than on an authorized firing range;
 - (2) Discharge any air gun in any public place or public establishment other than a shooting gallery or similar facility designed and intended for such use, or in any outdoor area on private premises unless such area is physically so designed and protected as to make it clearly improbable that any projectile could fly into any public area or neighboring premises;
 - (3) Discharge, hurl, or throw any other dangerous projectile:
 - (i) So that it traverses a street or other public thoroughfare;

- (ii) In any public place or establishment in such a way that persons assembled or passing there, or any valuable property, would be imperiled by such action;
- (iii) On private property in any reckless manner whereby such projectile is likely to fly into a public place or onto the premises of another.

b. It shall be unlawful for any person who is not a law enforcement officer to intentionally display a firearm at a public meeting for the purpose of threatening or intimidating any other person at the public meeting except when it is reasonably necessary to display said firearm to prevent serious injury to any person. [Ord. 273 §§ 1, 2, 2011; 1984 Code § 4-6-3.]

4.25.040 Reserved

4.25.050 Reserved

4.25.050 Violation – Penalty.

Any person found violating CMC 4.25 or any provision of this chapter shall be fined a minimum civil penalty of \$75.00 for each violation.

[This chapter was formerly Ord. [195](#), Secs. 1 – 6, 4/26/84]

Chapter 4.30

CURFEW

Sections:

- [4.30.010](#) Curfew declared.
- [4.30.020](#) Children 15 through 17 years of age.
- [4.30.030](#) Children less than 15 years of age – Requirements for detention or custody.
- [4.30.040](#) Exceptions and defenses.
- [4.30.050](#) Parent or guardian responsibility.
- [4.30.060](#) Violation – Penalty.

4.30.010 Curfew declared.

It is unlawful for any parent, guardian, or other person having the legal custody and control of any minor person to permit such minor, if under the age of 18 years, to be or remain in or upon any of the streets, alleys, parks or other public places within the town limits in violation of this chapter.

It is unlawful for any child under the age of 18 years of age to be or remain in or upon any of the streets, alleys, parks or other public places within the town limits in violation of this chapter.

The town council has determined that the times specified in IC [31-37-3-2](#) and [31-37-3-3](#) are later than are reasonable for public safety under the conditions found to exist in the town of Clermont and therefore the town council has decided, by ordinance, to advance the curfew time within the jurisdiction of the town as provided in IC [31-37-3-4](#).

4.30.020 Children 15 through 17 years of age.

(1) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

- (a) Between 11:00 p.m. and 6:00 a.m. on Saturday or Sunday;
- (b) After 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- (c) Before 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (a) The child has violated this section; and
- (b) There is no legal defense to the violation. [Added during 2020 recodification.]

4.30.030 Children less than 15 years of age – Requirements for detention or custody.

(1) It is a curfew violation for a child less than 15 years of age to be in a public place after 11:00 p.m. or before 6:00 a.m. on any day.

(2) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (a) The child has violated this section; and
- (b) There is no legal defense to the violation. [Added during 2020 recodification.]

4.30.040 Exceptions and defenses.

(1) A grace period of 30 minutes shall be allowed for such minors to reach their respective homes.

(2) It is a defense to a violation under this chapter that the child was emancipated:

- (a) Under IC [31-37-19-27](#) or [31-6-4-15.7](#) (before its repeal);
- (b) By virtue of having married; or
- (c) In accordance with the laws of another state or jurisdiction;

at the time that the child engaged in the prohibited conduct.

(3) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (a) Accompanied by the child's parent, guardian, or custodian;
- (b) Accompanied by an adult specified by the child's parent, guardian, or custodian;
- (c) Participating in, going to, or returning from:
 - (i) Lawful employment;
 - (ii) A school sanctioned activity;
 - (iii) A religious event;
 - (iv) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (v) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article [1](#), Section [31](#) of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or
 - (vi) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults;

(d) Participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or

(e) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

4.30.050 Parent or guardian responsibility.

It shall be unlawful for any parent or any other person standing in the relationship of parent or guardian of any person or persons under the age of 18 years to permit said person to be upon said street or public places in the town of Clermont in violation of this chapter.

4.30.060 Violation – Penalty.

Any person found violating any provision of this chapter shall be fined a minimum civil penalty of \$75.00 for the violation.

Chapter 4.35

PLAYING IN PUBLIC STREETS AND HIGHWAYS

Sections:

4.35.010 **Playing in public streets and highways.**

4.35.010 Playing in public streets and highways.

a. No person, regardless of age, shall play any games or utilize the public streets and highways for any purpose other than for which the streets and highways have been designed, namely, the flow of vehicular traffic; and vehicular parking as permitted by ordinance.

b. *Penalty for Violation.* Anyone violating this section shall be fined not more than \$100.00. [Ord. 251, 2002.]

Title 5 BUSINESS AND COMMERCE

(Reserved)

Title 6 VEHICLES AND TRAFFIC

Chapters:

- 6.05 General Provisions and Definitions**
- 6.10 Town Speed Limits**
- 6.15 Intersections**
- 6.20 Directional Control**
- 6.25 Parking Regulations and Restrictions**
- 6.30 Rules of the Road**
- 6.35 Special Vehicles and Traffic Regulations**
- 6.40 Wrecked and Abandoned Vehicles**
- 6.45 Vehicle Registration and Reports**
- 6.50 Pedestrian Regulations**

Chapter 6.05 GENERAL PROVISIONS AND DEFINITIONS

Sections:

- 6.05.010 Applicability and jurisdiction.**
- 6.05.020 General definitions.**

6.05.030 Reserved

6.05.040 Authority to erect traffic control signs and signals.

6.05.050 Exemptions – Street maintenance vehicles – Emergency vehicles – Police directions.

6.05.060 Determination of liability.

6.05.010 Applicability and jurisdiction.

In general, and except as otherwise expressly provided, the regulations and requirements set forth in this title shall apply, and violations shall be enforced and subject to penalties as Town ordinance violations, in the case of:

a. All public streets, alleys, parking lots, or other publicly maintained ways and places designed for vehicular use and travel within the corporate limits of the Town, except the following:

(1) Any street or highway included in and maintained as part of the state highway system, wherein the regulation and control of traffic is exclusively under the jurisdiction of the Indiana Department of Transportation ; or

(2) Any thoroughfare, as defined by IC [36-7-1-20](#), which has been lawfully designated and incorporated into the Metropolitan Thoroughfare System and Metropolitan Thoroughfare District of Marion County, wherein the authority and jurisdiction to regulate traffic lies with the authorities of such District pursuant to IC [36-9-6.5](#); or

(3) Any street or highway forming the eastern boundary of another county, wherein exclusive jurisdiction for the operation of such street or highway lies with the authorities of such other county pursuant to IC [8-17-1-45](#);

Provided, however, that nothing in this subsection shall be construed to prevent the proper authorities of the Town, pursuant to the reasonable exercise of its general police powers, from enforcing any law, ordinance, or regulation duly enacted and promulgated by the authorities described in subsection [\(a\)\(1\)](#), [\(a\)\(2\)](#), or [\(a\)\(3\)](#) of this section and applicable to any such streets, highways, or thoroughfares lying within the corporate limits of the Town; and

b. The provisions of this title, subject to any further particular stipulations, shall also apply to any privately owned and maintained commercial drives, thoroughfares, or parking areas

wherein the Town has entered into a contract with the owner thereof to provide and enforce traffic regulations.

6.05.020 General definitions.

In general, words and terms as used in this title shall have the meanings ascribed to them by IC 9-13-2 through supplemented or modified as follows:

"Illegally parked vehicle" shall mean any vehicle parked on any public property or right-of-way, including property or right-of-way described in CMC [6.05.010\(a\)\(1\)](#), [\(a\)\(2\)](#), and [\(a\)\(3\)](#), or upon any private property described in CMC [6.05.010\(b\)](#), in violation of any applicable law, ordinance, or regulation.

Parking. The term "parking" shall include the act of stopping or standing any vehicle, whether occupied or unoccupied, excepting only for the following purposes:

- (1) In obedience to a traffic control sign or signal or an authorized officer directing traffic;
- (2) To avoid a collision;
- (3) To yield right-of-way to another vehicle or pedestrian when so required by law or ordinance;
- (4) When necessary to temporarily stop and leave a vehicle because of mechanical disability or accident; but provided, that a police officer may require the towing away of such vehicle as though it were illegally parked if deemed necessary for public safety or convenience, and the owner shall be liable for all costs of towing and storage in the same manner as hereafter provided in the case of an illegally parked vehicle but shall not be liable for any penalties;
- (5) For the reasonably expeditious loading or unloading of passengers, not to exceed five minutes; and provided, that the vehicle remains attended by a driver;
- (6) For the reasonably expeditious loading or unloading of cargo from a truck, not to exceed 20 minutes without the authorization of a police officer or the Street Commissioner; and provided, that the vehicle is attended by a driver and there exists no off-street parking area or loading facility adequate to accommodate the necessary purposes of the vehicle.

Pleasure Vehicle. The term “pleasure vehicle” shall mean any camper, camper-trailer, RV, dirt bike, dune buggy, other off-road vehicle (except construction or farm machinery), racing cars, and similar vehicles designed and normally used primarily for recreational or sporting purposes.

School District. The term “school district” shall refer to any street, including a street or highway described in CMC [6.05.010\(a\)\(1\)](#) during such times as children are present, which is adjacent to the perimeter of a lot or parcel on which a public or private elementary or secondary school is located, and a distance of 300 feet along such street in either direction from such perimeter.

Sidewalk. The term “sidewalk” shall include any publicly maintained walkway intended primarily for pedestrian travel, including but not limited to a sidewalk as described by IC [9-13-2-167](#), but exclusive of a street crosswalk.

Traveled Portion of a Street. The term “traveled portion of a street” shall mean all paved areas of the right-of-way, except such areas along the curb or lateral edge of the pavement where the presence of signs, parking meters or delineated parking spaces clearly indicates that such areas are set aside for purposes of parking or loading.

All other words and terms shall generally be construed to have their usual meaning in common parlance. [1984 Code § 6-1-2.]

6.05.030 Reserved.

6.05.040 Authority to erect traffic control signs and signals.

The Town Council or Street Commissioner may cause standard traffic control signs and signals to be erected and maintained, of such type and placed in such manner as prescribed by the Uniform Traffic Control Manual of the state of Indiana, as required by IC 9-21-1-4 or as otherwise deemed necessary for the proper and fair enforcement of the provisions and requirements of this title. [1984 Code § 6-1-4.]

6.05.050 Exemptions – Street maintenance vehicles – Emergency vehicles – Police directions.

Street maintenance vehicles, while actually engaged in work on the surface of the streets, and authorized emergency vehicles while actually performing their emergency duties and functions, shall be exempt from the traffic control regulations imposed by this title with respect to streets and other public ways under Town jurisdiction to the same extent and subject to the same stipulations and limitations whereby such vehicles are exempt from equivalent or similar state traffic regulations with respect to highways under state jurisdiction pursuant to IC9-21-1-6 through 9-21-1-8. No act performed at the direction of a police officer directing traffic shall be deemed a violation of any provision of this title. [1984 Code § 6-1-5.]

6.05.060 Determination of liability.

Unless otherwise expressly provided, the person found to be actually operating any vehicle at the time a violation occurs shall be liable for any moving traffic violation as defined in this title. Unless otherwise expressly provided, liability for any nonmoving violation of this title shall be determined as follows:

a. If any vehicle in nonmoving violation of this title is attended by a driver, the driver shall be assumed liable for the violation and shall be issued the citation. For purposes of administering this subsection, the driver shall be presumed to be:

- (1) Any person having a valid driver's license and who is seated in the driver's seat of the vehicle, whether or not the motor is running;
- (2) Any person who admits to being the driver of the vehicle;
- (3) Any person who was observed by an enforcement officer or is identified by witnesses to have been operating the vehicle at the time the violation was committed.

b. If any vehicle in nonmoving violation of this title is so found unattended by a driver, the citation shall be issued in the name of the registered or acknowledged owner or lessee of the vehicle, who shall be presumed liable for the violation; however, it is a defense if the owner or

lessee can show that the vehicle was stolen or was otherwise being used without his knowledge and consent at the time the violation was committed. [1984 Code § 6-1-6.]

[This chapter was added by Ord. [187](#), Sec. 1]

Chapter 6.10

TOWN SPEED LIMITS

Sections:

6.10.010 **Town speed limits established.**

6.10.020 **Violations – Penalty.**

6.10.010 **Town speed limits established.**

Except when a special hazard exists that requires lower speed for compliance with IC [9-21-5-1](#), the limitations specified in this section or any amendment thereto shall be maximum lawful speeds, and no person shall drive a vehicle on a street, alley, or highway within the jurisdiction of the Town at any speed in excess of such maximum limits.

a. Except as provided hereafter, a speed limit of 25 miles per hour is established in the following described areas:

- (1) In any urban district;
- (2) In any school district;

b. A speed limit of 30 miles per hour is established in the following described area:

- (1) On that portion of Tansel Road from its intersection with Crawfordsville Road (Highway 136) to its intersection with the north Town boundary, for all vehicles traveling north and south. [Ord. 212, 1994; 1984 Code § 6-2-1.]

6.10.020 Violations – Penalty.

Any person violating the speed provisions of this chapter shall be fined in a sum of \$_____.00. [1984 Code § 6-2-2.]

[This chapter was formerly Ord. [183](#), Secs. 2 and 3, 10/14/82; as amended by Ord. [187](#), Sec. 3]

Chapter 6.15 INTERSECTIONS

Sections:

- 6.15.010 General stopping regulation.**
- 6.15.020 Preferential streets – Two-way stops designated.**
- 6.15.030 Designation of three-way and four-way stop intersections.**
- 6.15.040 Violations – Penalty.**

6.15.010 General stopping regulation.

When stop signs are erected, as herein provided, at or near the entrance of any intersection, or any officer is stationed there to direct traffic, every driver of a vehicle shall stop (meaning complete cessation of movement) such vehicle at such sign or at a clearly marked stop line before entering the intersection; except that when directed to proceed by a police or traffic officer, or by a traffic control signal then and there installed and in operation, such stopping at any street, or place, now or hereafter so designated, shall not be required. [1984 Code § 6-3-1.]

6.15.020 Preferential streets – Two-way stops designated.

When signs are erected giving notice thereof, vehicles must stop before entering preferential streets at the following intersections, except where a traffic control signal is in operation or an officer directs otherwise:

STOP STREET	at intersection with	PREFERENTIAL STREET
30th Street		Tansel Road
Elizabeth Street		30th Street
30th Street		Raceway Road
Mabel Street		30th Street
Kathleen Street		Raceway Road
Kathleen Street		Tansel Road
Gasaway Boulevard		Raceway Road
Gasaway Boulevard		Tansel Road
Ben Hur Avenue		Tansel Road
Church Street		Ben Hur Avenue
Anderson Street		Ben Hur Avenue
Ben Hur Avenue		Raceway Road
Hamilton Street		Tansel Road
Hamilton Street		Church Street
Key Lane		Tansel Road
2nd Avenue		Center Street
First Avenue (northbound only)		Center Street
Center Street		First Avenue
Church Street		Key Lane

[Ord. 20200109-1 §§ 3, 4, 2020; Ord. 20171012-1 §§ 2, 3, 2017; Ord. 246 § 1, 2000; 1984 Code § 6-3-2.]

6.15.030 Designation of three-way and four-way stop intersections.

Any vehicle approaching any of the following intersections shall be brought to a full and complete stop at the place where the roadway upon which such vehicle is traveling meets the prolongation of the nearest property line of the other street or highway forming the respective intersection:

Mabel Street and Kathleen Street

Elizabeth Street and Kathleen Street

Woodale Road and Railwood Drive

Kathleen Street and Thomas Road

Roby Drive and Thomas Road

Gasaway Boulevard and Mable Street

Gasaway Boulevard and Elizabeth Street

[Ord. 20200109-1 §§ 5, 6, 2020; Ord. 246 § 2, 2000; 1984 Code § 6-3-3.]

6.15.040 Violations – Penalty.

Any person found to have violated any provision of this chapter shall be fined \$75.00. [Ord. 20200109-1 § 7, 2020; Ord. 20171012-1 § 4, 2017; 1984 Code § 6-3-4.]

[This chapter was formerly Ord. [85](#), Secs. 1, 3, 4, 5, and 7, 7/8/57; as amended by Ord. [108](#), Sec. 1, 6/11/62, by Ord. [174](#), Sec. 1, (undated) 1975, by Ord. [178](#), Sec. 1, 10/14/76, and by Ord. [181](#), Secs. 1 and 2, 6/9/77; and as further amended by Ord. [187](#), Sec. 5]

Chapter 6.20

DIRECTIONAL CONTROL

Sections:

- 6.20.010** **One-way streets designated.**
- 6.20.020** **Violations – Penalty.**

6.20.010 **One-way streets designated.**

The following streets or alleys are declared to be one-way with traffic to be traveling only in the direction indicated:

- a. Anderson Street, in a southerly direction only between Crawfordsville Road and Ben Hur Avenue. [1984 Code § 6-4-1.]

6.20.020 **Violations – Penalty.**

Any person operating a vehicle along any street described in CMC [6.20.010](#) other than in the direction indicated shall, upon conviction, be fined in the sum of \$25.00. [1984 Code § 6-4-2.]

[This chapter was formerly Ord. [170/152A](#), Secs. 3 and 4, (undated) 1972; as amended by Ord. [187](#), Sec. 6]

Chapter 6.25

PARKING REGULATIONS AND RESTRICTIONS

Sections:

- 6.25.010** **Parking on traveled portion of streets generally prohibited.**
- 6.25.020** **Motor vehicles obstructing sidewalks prohibited.**
- 6.25.030** **Specific “no parking” zones designated.**
- 6.25.040** **Parking of large vehicles prohibited.**

- 6.25.050 Direction of parking prescribed.**
- 6.25.060 Stopping to load or unload passengers or cargo.**
- 6.25.070 Parking of trailers prohibited – Exception.**
- 6.25.080 Enforcement procedure – Ticketing – Towing of vehicles.**
- 6.25.090 Violations – Penalty.**

6.25.010 Parking on traveled portion of streets generally prohibited.

Except for the marked parking area on Crawfordsville Road and as permitted Andeson Street, it shall be illegal for any person to park any vehicle on the traveled portion of any street in the jurisdiction of the Town of Clermont in any business or residence district. [1984 Code § 6-5-1.]

6.25.020 Motor vehicles obstructing sidewalks prohibited.

It shall be unlawful to park a vehicle so as to create an obstruction to pedestrian use of a sidewalk. If any part of a vehicle, or objects in or on that vehicle, extend more than one foot over a sidewalk from its edge, that vehicle will be considered a pedestrian obstruction. [Ord. 234, 1998; 1984 Code § 6-5-1.5.]

6.25.030 Specific “no parking” zones designated.

It shall be unlawful to park any vehicle on or along the streets in the following indicated areas:

Street	Side	Area
Tansel	East	From U.S. 136 north to the intersection of Hamilton Street
Tensel	East	From U.S. 136 south for a distance of 50 ft.

Street	Side	Area
Tansel	West	From U.S. 136 north for a distance of 30 ft.
Tansel	West	From U.S. 136 south to the intersection of Ben Hur Avenue
Ben Hur	North	From Tansel Road west to the intersection of Church Street
Ben Hur	South	From Tansel Road west to the intersection of Church Street
Church	East	From U.S. 136 north to the intersection of Hamilton Street

[1984 Code § 6-5-2.]

6.25.040 Parking of large vehicles prohibited.

a. It shall be unlawful for the owner, operator or driver of any truck with more than two axles (including the truck-tractor of a semitrailer), bus, truck-tractor, recreational vehicle, semitrailer, or for the person in charge of any of the foregoing, to park such vehicle or apparatus on, or to permit it to be parked or to stand upon, any street or alley in the Town for a period of time longer than one hour, except household or other moving or delivery trucks while actually loading or unloading property for adjacent residences or service trucks of persons while engaged in service calls at adjacent residences.

b. In addition to the fines for a violation of this section any such truck tractor, semitrailer, recreational vehicle, bus or truck found in violation may be towed as provided in CMC [6.25.080](#).

c. *"Recreational Vehicle" Defined.* The term "recreational vehicle" as used in this section shall have the same definition for the term "recreational vehicle" as set out in IC [9-13-2-150\(a\)](#).

- d. *"Semitrailer" Defined.* The term "semitrailer" as used in this section shall have the same definition as is set out in IC [9-13-2-164\(a\)](#).
- e. *"Truck Tractor" Defined.* The term "truck tractor" as used in this section shall have the same definition as for the term "tractor" as set out in IC [9-13-2-180](#).
- f. *"Truck" Defined.* The term "truck" as used in this section shall have the same definition as is set out in IC [9-13-2-188\(a\)](#). But the term shall not include a pickup truck with or without a camper shell.
- g. The fine for a violation of this section shall be up to \$100.00 to be paid to the Ordinance Violations Bureau. [Ord. 20170209 §§ 2 – 8, 2017; 1984 Code § 6-5-2.5.]

6.25.050 Direction of parking prescribed.

It shall be unlawful to park any vehicle other than on the right half of the road, except in the case of a one-way street, and with the front of the vehicle facing the direction of travel. [1984 Code § 6-5-3.]

6.25.060 Stopping to load or unload passengers or cargo.

The temporary stopping of vehicles for the purpose of loading or unloading passengers or cargo is governed by the following regulations:

- a. No vehicle shall stop with its left side to the curb, except in alleys or on a one-way street.
- b. All vehicles while loading or unloading goods, wares, merchandise, or material within the business district or other congested area between the hours of 8:00 a.m. and 7:00 p.m. must stand parallel to the curb and as close thereto as possible.
- c. Any vehicle awaiting at the curb and not engaged in loading or unloading shall promptly give way to another vehicle desiring to load or unload goods, wares, merchandise, or other material.

d. No vehicle shall be left standing in any alley within the business district or other congested area between the hours of 10:00 a.m. and 7:00 p.m. longer than is necessary for the purpose of loading or unloading goods, wares, merchandise, or other material.

e. Buses and all vehicles used in carrying passengers for a fare shall stop on the near side of any intersecting street or streets, and not on the far side, for the purpose of taking on or discharging passengers. [1984 Code § 6-5-4.]

6.25.070 Parking of trailers prohibited – Exception.

It shall be unlawful for any person to park any trailer on any street, alley, or other public place. However, emergency or temporary stopping for a period of not longer than one hour is permitted, subject to the restrictions of all other applicable traffic and parking regulations. [1984 Code § 6-5-5.]

6.25.080 Enforcement procedure – Ticketing – Towing of vehicles.

Upon the discovery of any violation of this chapter or other traffic laws the Town Marshal or any duly authorized deputy is directed to place upon the vehicle in question a ticket for citation of violation of this chapter. Whenever any police officer finds a vehicle stopped, standing or parked upon any street contrary to the provisions of this chapter, such officer is hereby further authorized to require the driver or other person in charge of the vehicle to move the same. If any person so directed shall fail or refuse to move said vehicle or if such vehicle is unattended, then such officer is hereby authorized to provide for removal of such vehicle in the same manner as is provided in Chapter [6.40](#) CMC for the removal and keeping of an abandoned vehicle, except that 72 hours' notice shall not be required. The owner or lessee of the vehicle shall be liable for all costs of such removal, and the person who performs the functions of the towing and storage shall have a possessory lien on the vehicle until payment of the cost thereof. [1984 Code § 6-5-6.]

6.25.090 Violations – Penalty.

Any person violating any of the provisions of this chapter shall be liable to a fine of \$100.00.

[1984 Code § 6-5-7.]

[This chapter was formerly Ord. [32](#) (part), 7/6/36; Ord. [123](#) (part), 7/13/65; Ord. [65](#), 5/10/54; Ord. [122](#), Sec. 1, (undated); Ord. [141](#), Secs. 1 and 2, 7/11/67; Ord. [171](#), (undated) 1972; Ord. [172](#), (undated) 1974; and Ord. [175](#), 3/13/75; all as amended by Ord. [187](#), Secs. 7, 9, 10, 11, 12, 13, 14, and 15]

[Compiler's Note: As to CMC [6.25.010](#), IC [9-4-1-112](#) imposes a similar regulation but is only applicable outside a business or residence district as defined by IC [9-4-1-18](#). CMC [6.25.010](#) is therefore supplemental to the state law]

Chapter 6.30 RULES OF THE ROAD

Sections:

- [6.30.010](#) U-turns prohibited in business or congested areas.**
- [6.30.020](#) Backing in street restricted.**
- [6.30.030](#) Driving across sidewalks or curbs.**
- [6.30.040](#) Stopping required before entering street from private drive.**
- [6.30.050](#) Passing prohibited on two-way street with marked centerline.**
- [6.30.060](#) Violations – Penalty.**

6.30.010 U-turns prohibited in business or congested areas.

No vehicle shall make a complete turn in a business district or a congested portion of a street.

[1984 Code § 6-6-1.]

6.30.020 Backing in street restricted.

No vehicle shall back in any street if at the time there is another vehicle approaching upon the street within a distance of 50 feet. [1984 Code § 6-6-2.]

6.30.030 Driving across sidewalks or curbs.

No person shall drive a motor vehicle across a public sidewalk or curb at a place other than a regularly established driveway. [1984 Code § 6-6-3.]

6.30.040 Stopping required before entering street from private drive.

No person shall drive a motor vehicle onto a public street from a private drive without first bringing the vehicle to a complete stop. [1984 Code § 6-6-4.]

6.30.050 Passing prohibited on two-way street with marked centerline.

No person shall drive a motor vehicle across and to the left of any marked centerline on any street, other than a one-way street. [1984 Code § 6-6-5.]

6.30.060 Violations – Penalty.

Any person violating any of the provisions of this chapter shall be fined \$100.00. [1984 Code § 6-6-6.]

[This chapter was formerly Ord. [32](#) (part), 7/6/36; and Ord. [66](#) (part), 5/10/54; both as amended by Ord. [187](#), Secs. 13 and 17, respectively]

[Compiler's Note: Respecting CMC [6.30.010](#), U-turns are also prohibited by state law (IC [9-4-1-76](#)) under some circumstances. Respecting CMC [6.30.050](#), IC [9-4-1-69](#) prohibits passing in some circumstances. In such circumstances, violation of these provisions would require enforcement as state, rather than Town, violation. Respecting CMC [6.30.040](#), IC [9-4-1-84](#) requires only that a vehicle entering a public street from a private drive yield to any approaching vehicles]

Chapter 6.35

SPECIAL VEHICLES AND TRAFFIC REGULATIONS

Sections:

- 6.35.010 Trucks and heavy vehicles – Weight limits.**
- 6.35.020 Operation of Bicycles.
- 6.35.040 Parking of boats, campers and trailers restricted.**
- 6.35.050 Reserved

6.35.010 Trucks and heavy vehicles – Weight limits.

It shall be illegal for any person to operate any vehicle in excess of 10 tons gross weight on any street within the jurisdiction of the Town of Clermont. Any person violating any provisions of this section shall be subject to a fine of \$25.00 for each offense. The Town Council may bring such civil actions as they deem appropriate to obtain an injunction to enjoin the violation of this section. [1984 Code § 6-7-1.]

6.35.020 Operation of bicycles.

The following regulations apply to the operation of bicycles on any sidewalk, street or other public place:

- a. All bicycles shall be equipped with a bell or horn audible for at least 100 feet, which bell or horn must be sounded not less than 50 feet from any pedestrian or vehicle about to be met upon a sidewalk, street, or other public place.

- b. All bicycles shall be equipped with a headlight, which shall be lighted and visible for at least 200 feet ahead at all hours when motor vehicles are required by law to have lights thereon.
- c. No bicycle shall be operated by coasting with feet off the pedals or the hands off the handlebars.
- d. No person except the operator may ride on a bicycle.

Any person found violating this section, after one warning by the Town Marshal, shall be liable to a fine of \$25.00. The parents, guardian or person controlling any such minor shall supervise the use of the sidewalks, streets, and other public places for bicycle riding by such minor and, after one warning by the Town Marshal of a violation by such minor of this section, such parent, guardian, or other controlling person shall be liable for the fine heretofore prescribed. [1984 Code § 6-7-2.]

6.35.030 Reserved.

6.35.040 Parking of Campers, Boats and Trailers restricted.

It shall be unlawful for any person to place, park or cause to be placed or parked any boat, camper or trailer within the corporate limits of the Town of Clermont. However, the provisions of this section shall not apply if:

- a. The boat, camper or trailer is parked within a garage or other type of structure so as to be completely enclosed from view; provided, that said garage or structure is built in conformity with building code of the Town of Clermont then in effect; or
- b. The boat, camper or trailer:
 - (1) Is parked to the rear of any residential structure located on the lot or parcel of real estate upon which the said boat, camper or trailer is parked; and
 - (2) Does not encroach upon either the front, side or rear setback line of the lot or parcel of real estate upon which it is parked; and
 - (3) Is no closer than 10 feet to the boundary of the lot or parcel of real estate upon which it is parked.

Any person violating this section shall be liable to a fine of \$100.00, and each day that a violation continues shall be deemed a separate offense. [1984 Code § 6-7-4.]

6.35.050 Reserved

A violation committed, that violation shall be a separate offense. The Town of Clermont, through its Town Council and Town Attorney, shall also have the right to institute appropriate civil actions or proceedings in law or equity to prevent, restrain and abate any violation of this section. [1984 Code § 6-7-5.]

[This chapter was formerly Ord. [60](#), Secs. 2 – 5, 4/13/53; Ord. [64](#), Secs. 1, 3, and 4, 5/11/53; Ord. [72](#), Secs. 2 and 3, 7/11/55; Ord. [129](#), Secs. 1, 2, and 3, 12/14/65; and Ord. [156](#), Secs. 1 – 4, 10/8/68; all as amended by Ord. [187](#), Sec. 18]

[Compiler's Note: Respecting CMC [6.35.020](#), the operation of bicycles is also governed to an extent by state law (IC [9-4-1-93](#) through [9-4-1-101](#)); however, IC [9-4-1-93\(c\)](#) limits applicability to highways (i.e., every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and also including many sidewalks per IC [9-4-1-14\(d\)](#)), or to paths set aside for the exclusive use of bicycles. Since the scope of the Town regulations apply to any sidewalk or other public place without limitation, the Town ordinance is therefore more general and inclusive than the statute, and to such extent is supplemental to rather than duplicative of the statutory provisions. However, an enforcement officer would need to determine in the particular instance whether a violation were one of statute, which would have to be cited and prosecuted as such, or concerns only the applicability of the Town ordinance requirements. In particular, the following should be noted: IC [9-4-1-99](#) requires bicycles to be equipped with a bell or other signal (except a siren or whistle) audible for 100 feet, but does not require the use of such device, as does CMC [6.35.020\(a\)](#); IC [9-4-1-100](#) requires equipment with both front and rear lights visible for 500 feet, but such requirement applies only if the bicycle is actually operated during darkness; IC [9-4-1-95\(b\)](#) limits riders to "the number for which it is designed and equipped." There would currently appear to be no state provision concerning the restriction provided by CMC [6.35.020\(c\)](#), which is uniquely a Town requirement. However, conversely, state law does provide some additional regulations and restrictions not currently covered at all by Town ordinance. These include the applicability of all rights and duties provided in the case of a motor vehicle when a bicycle is being operated on a roadway, which would include the obligation to observe and comply with all state traffic regulations (IC [9-4-1-94](#)); a prohibition against hitching rides on motor vehicles (IC [9-4-1-96](#)); a prohibition against riding more than two abreast in a roadway (IC [9-4-1-97](#)); a prohibition against carrying packages so as to prevent the rider from keeping both hands on the handlebars; and brake equipment requirements (IC [9-4-1-101](#))]

Chapter 6.40

WRECKED AND ABANDONED VEHICLES

Sections:

- 6.40.010** **Definitions.**
- 6.40.020** **Enforcement authority.**
- 6.40.030** **Unlawful leaving or keeping of abandoned, wrecked, or junk vehicles.**
- 6.40.040** **Exceptions to restrictions – Permitted storage.**
- 6.40.050** **Enforcement procedure – Licensed motor vehicles.**
- 6.40.060 Reserved
- 6.40.070** **Procedure for removal and storage – Recovery – Costs.**
- 6.40.080** **Penal violations – Penalties.**

6.40.010 **Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Abandoned vehicle” shall mean any vehicle which is, or reasonably appears to be:

- (1) Located on public property illegally; or
- (2) Left on public property continuously for three days without being moved, except as hereafter provided; or
- (3) Located on public property in such a way as to constitute a hazard or obstruction to the movement of pedestrians or vehicular traffic on a public right-of-way; or
- (4) Is left on private property without the consent of the owner or person in control of that property for more than 48 hours; or
- (5) Is six or more model years old and mechanically inoperable, and is left on private property in a location visible from public property for more than 30 days, except as hereafter provided; or
- (6) Which, not otherwise being an abandoned vehicle as heretofore defined, has been removed by the Town or a private towing service under authority of an officer enforcing

any statute or Town ordinance providing for the impoundment and storage of the vehicle, and the vehicle is not claimed or recovered by the owner or agent within 15 days.

“Licensed motor vehicle” shall mean any motor vehicle or a part or appurtenance thereof, designed to be operated on the public streets and highways and required to be licensed for such use by the Indiana Bureau of Motor Vehicles, whether or not a particular vehicle is actually so licensed or so used.

“Property” shall mean any real property within the Town which is not a street or highway.

“Public property” shall mean any property owned, leased, or controlled by easement by the Town or other public authority, including the entire right-of-way of a public street or highway.

“Street or highway” shall mean the entire width between the boundary lines of every publicly maintained thoroughfare when any part thereof is open to the use of the public for purposes of vehicular travel, including public alleys.

“Vehicle” shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

“Wrecked/junk vehicle” means any vehicle which, because of accident, age, misuse, mechanical or structural deterioration, or dismantling and removal of necessary parts, has become inoperable or incapable of safe operation as a vehicle and is:

- (1) Left on public property; or
- (2) Left on private property in public view, except as hereafter provided. [1984 Code § 6-8-1.]

6.40.020 Enforcement authority.

The Town Marshal, Street Commissioner and their authorized deputies or representatives shall have power to enforce the provisions of this chapter. [1984 Code § 6-8-2.]

6.40.030 Unlawful leaving or keeping of abandoned, wrecked, or junk vehicles.

It is unlawful and a violation of this chapter, except as hereafter permitted, for any person to:

- a. Abandon any vehicle, or leave any vehicle within the Town at any place, or for such time, or under such circumstances that the vehicle reasonably appears to be an abandoned vehicle;
- b. Leave any wrecked or junk vehicle on any street or highway within the Town;
- c. Leave or permit to be left for more than 48 hours any abandoned, wrecked, or junk vehicle on property which they own or over which they have charge and control. [1984 Code § 6-8-3.]

6.40.040 Exceptions to restrictions – Permitted storage.

It is permissible to keep, park, or store a wrecked, junk, or abandoned vehicle, and the prohibitions and restriction of this chapter do not apply, in the following circumstances:

- a. If kept, parked, or stored by any person lawfully engaged in the junk business, the garage, body shop, or other vehicle repair business, auto sales business, or other lawful business in a properly zoned area, in which such vehicles are kept, parked, or stored upon the private premises of the business as a necessary and ordinary incident to the conduct of such business; or
- b. The vehicle is kept in an enclosed area on private premises out of public view; or
- c. The vehicle is an antique vehicle registered pursuant to IC9-18.1-5-5, and would not be considered an abandoned, wrecked, or junk vehicle except for its being mechanically inoperable; or
- d. A licensed motor vehicle which is operable and has a valid Indiana license plate will not be considered an abandoned vehicle if it is legally parked on a public street within one block of the residence of the registered owner or lessee of the vehicle, notwithstanding the fact that the vehicle may be left so parked for a continuous period of more than three days without being moved; or

- e. An operable vehicle may be stored or parked on public property for a continuous period of more than three days if it is owned or leased, or is properly authorized by, the public authority having charge over the public property; or
- f. An operable licensed motor vehicle may be legally parked on a public street, or an inoperable vehicle may be stored on private property, notwithstanding the provisions of CMC [6.40.010](#) (subsection (2) or (5) of the definition of “abandoned vehicle,” or “wrecked/junk vehicle”) if it is parked or stored as the property of a member of the armed forces of the United States who is on active duty assignment and absent from the community for that purpose; or
- g. The vehicle is kept in an appropriate storage place or depository maintained or authorized by the Town or by the Indiana Bureau of Motor Vehicles. [1984 Code § 6-8-4.]

6.40.050 Enforcement procedure – Licensed motor vehicles.

If any enforcement officer finds a wrecked, junk, or abandoned vehicle which is a licensed motor vehicle or part thereof, being kept, parked, or stored in violation of this chapter, the enforcement officer shall forthwith begin action to abate the violation and remove the offending vehicle or part thereof in accordance with the procedures prescribed by IC 9-22-1 and by this section. If the vehicle is determined to be an abandoned vehicle as defined by CMC [6.40.010](#), other than by subsection (6) of that definition, the enforcement officer shall attach a tag to the vehicle of the type and in the manner described by IC9-22-1-11, and if the vehicle is not removed and properly disposed of by the owner or agent within 72 hours, the enforcement officer shall then proceed to have the vehicle removed and towed or taken to a safe place of storage as provided by IC9-22-1. The enforcement officer shall then prepare and forward an abandoned vehicle report to the Indiana Bureau of Motor Vehicles in accordance with IC9-22-1. The Bureau of Motor Vehicles shall then take charge of the matter as provided by IC 9-22-1. However, if the offending vehicle is determined by the enforcement officer to be a wrecked or junk vehicle as defined by CMC [6.40.010](#), but is not also a prima facie abandoned vehicle in accordance with the definition of “abandoned vehicle” in CMC [6.40.010](#), then the enforcement officer shall attach the same notice tag and after 72 hours shall, if necessary, cause the offending vehicle or parts to be removed and stored in the same manner as an abandoned vehicle as heretofore provided, but shall not file an abandoned vehicle report with the Bureau of Motor Vehicles until 15 days have elapsed since the vehicle was removed

and it has not been claimed and redeemed from storage by the lawful owner or agent; but if said 15 days have elapsed, the enforcement officer shall declare the impounded vehicle to be an abandoned vehicle in accordance with subsection (6) of the definition of “abandoned vehicle” in CMC [6.40.010](#), and shall forthwith prepare and file an abandoned vehicle report with the Bureau of Motor Vehicles as provided above, and the matter shall thereafter be administered in the same manner as in the case of any other abandoned vehicle. [1984 Code § 6-8-5.]

6.40.060 Reserved

6.40.070 Procedure for removal and storage – Recovery – Costs.

When feasible, a vehicle or parts thereof becoming subject to removal and storage pursuant to CMC [6.40.050](#) or [6.40.060](#) shall be so removed and stored by the Town using Town equipment, personnel, and storage facilities. However, if it is not feasible to do so, the enforcement officer shall call upon the services of a private towing and storage service with which the Town has a contract to tow and store impounded vehicles. On or before December 31st of each year, the Town Council shall:

- a. Adopt a resolution fixing the rates and charges to be assessed for the towing and storage of an impounded vehicle when removed and stored by the Town during the ensuing calendar year, which charges shall be reasonably related to the estimated actual costs incurred by the Town; and
- b. If deemed necessary, the Town Council shall make and enter into a contract with one or more private vehicle towing and storage services to remove and store impounded vehicles when so directed by an authorized enforcement officer during the ensuing year. The contract may be made effective for more than one year, and shall stipulate the following:
 - (1) The rates and charges to be assessed by the private towing service for removing and storing impounded vehicles, which shall not exceed the rates and charges which the towing service would usually charge for the removal and storage of a vehicle of equivalent type, weight, and size in the ordinary course of its business;

- (2) That, in the case of a licensed motor vehicle, the towing and storage charges are the liability of the owner of the impounded vehicle, or of the Indiana Bureau of Motor Vehicles from the state abandoned vehicle account if the vehicle is not recovered by the owner and is sold pursuant to law, and that such charges are not a liability of the Town;
- (3) That, in the case of any vehicle other than a licensed motor vehicle, the towing and storage charges are the liability of the owner of the impounded vehicle and that in the event the vehicle is not recovered and charges paid by the owner within one year, the Town shall be liable for such charges only to the extent of any net proceeds realized from the sale of the vehicle by the Town as provided in CMC [6.40.060](#);
- (4) That the owner of the impounded vehicle is liable for any damages resulting from the removal or storage thereof to the extent provided by IC9-22-1, and that the private towing service, and not the Town, is liable for any other damages arising out of the removal and storage operation to the same extent that it would be liable for such damages in the course of any usual and ordinary towing operation undertaken in the normal conduct of its business;
- (5) That the towing and storage service will keep and store the vehicle only in accordance with all provisions of law governing the management of impounded vehicles.

The owner, lessee, or an authorized agent may recover an impounded vehicle only upon payment of the costs provided pursuant to this section and owing to the Town or to a private towing and storage service, as the case may be, for the removal and storage of the impounded vehicle. [1984 Code § 6-8-7.]

6.40.080 Penal violations – Penalties.

Any person who knowingly leaves or maintains a wrecked, junk, or abandoned vehicle, or knowingly permits such vehicle to be left or maintained on their property, in violation of CMC [6.40.030](#) commits a penal Town ordinance violation, and upon conviction shall be liable to a fine of \$100.00, and each day that a violation continues shall be deemed a separate offense. If more than one vehicle is so left, maintained, or permitted, then each such vehicle shall be deemed a separate instance of violation. Penalties as provided by this section shall be in

addition to any towing or storage costs for which a person may be liable under this chapter.
[1984 Code § 6-8-8.]

[This chapter was formerly Ord. [188](#)]

Chapter 6.45

VEHICLE REGISTRATION AND REPORTS

Sections:

6.45.010 **Out-of-state motor vehicle verification – Fee.**

6.45.020 **Reserved.**

6.45.010 Out-of-state motor vehicle verification – Fee.

Whenever the Town Marshal is requested to verify the title and registration of an out-of-state motor vehicle pursuant to the registration of the vehicle in Indiana, a fee of \$5.00 shall be paid to the Town by the person making the request before the verification is performed. The fee is nonrefundable, and shall be deposited in the General Fund of the Town. [1984 Code § 6-9-1.]

6.45.020 Reserved.

Title 7

LAND USE AND BUILDINGS

(Reserved)

Tables

Statutory References
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Statutory References

for Indiana Cities and Towns

The statutory references listed below refer the code user to state statutes applicable to Indiana cities and towns. They are current through July 1, 2015.

General Provisions

Incorporation of towns. IC [36-5-1](#)

Classification of municipalities. IC [36-4-1](#)

Annexation, deannexation. IC [36-4-3](#)

Merger of municipalities. IC [36-4-2](#)

Dissolution or change of name of towns. IC [36-5-1-12](#) et seq.

General municipal powers. IC [36-1-3](#), [36-1-4](#)

Extraterritorial powers. IC [36-8-2-13](#)

Home rule. IC [36-1-3](#)

City ordinances and resolutions. IC [36-4-6-11](#) et seq.

Town ordinances and resolutions. IC [36-5-2-9.2](#) et seq.

Codification of ordinances. IC [36-1-5](#)

Enforcement of ordinances. IC [36-1-6](#)

Punishment for ordinance violations. IC [36-1-3-8](#)

Publication of notices. IC [5-3](#)

Suffrage and elections. Indiana Const. Art. [2](#) and IC [3](#)

Administration and Personnel

Division of city powers. IC [36-4-4](#)

City executive. IC [36-4-5](#)

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City departments, boards and appointed officers. IC [36-4-9](#)

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City deputies and employees. IC [36-4-11](#)

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Town marshal. IC [36-5-7](#)

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Regional planning commissions. IC [36-7-7](#)

Local civil rights commissions. IC [22-9-1-12.1](#)

Safety boards. IC [36-8-3](#)

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License revocation, cities. IC [36-4-5-5](#)

License revocation, towns. IC [36-5-4-11](#)

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Exemption from vending and peddling license fees. IC [25-25-2-1](#)

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State Code Citation Table

This table lists Indiana State Code sections that are cited in the Clermont Municipal Code. Thus, IC 3-13-9 is cited in CMC 2.10.020.

State Citation	Code Section
IC 3-13-9	2.10.020
IC 5-2-1-9	2.15.030
IC 5-3-1	1.05.120
	2.10.070
IC 5-4-1-5.1	2.30.010
IC 5-4-1-18	2.30.010

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IC 5-4-1-19	2.30.010
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IC 5-13-1	1.10.190
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IC 5-14-1.5-5(b)(2)	2.10.070
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IC 6-7-1-30.1(d)	2.55.050
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IC 6-7-1-31.1(a)	2.55.050
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IC 6-7-1-31.1(b)	2.55.050
IC 8-17-1-45	6.05.010
IC 9-3-1-3	6.45.020
IC 9-4-1-2 – IC 9-4-1-21	6.05.020
IC 9-4-1-14(d)	6.05.020
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IC 9-4-1-18	Ch. 6.25
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IC 9-4-1-84	Ch. 6.30
IC 9-4-1-90	Ch. 6.50
IC 9-4-1-93 – IC 9-4-1-101	Ch. 6.35

State Citation	Code Section
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IC 9-4-1-94	Ch. 6.35
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IC 9-4-1-97	Ch. 6.35
IC 9-4-1-99	Ch. 6.35
IC 9-4-1-100	Ch. 6.35
IC 9-4-1-101	Ch. 6.35
IC 9-4-1-112	Ch. 6.25
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IC 9-4-1-131(b)(3)	1.10.060
IC 9-4-1-131(c)	1.10.060
IC 9-4-1-131(d)	1.10.060
IC 9-4-1-131(e)	1.10.060
IC 9-4-1-131(f)	1.10.060
IC 9-4-1-131(g)	1.10.150
IC 9-4-7-4(b)	1.10.100
IC 9-4-7-6(a)	1.10.060

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IC 35-45-3-2	3.20.060
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IC 35-46-3-2(c)	4.20.100
IC 36-1-3	1.01.030
IC 36-1-3-8(8)	6.05.030
IC 36-1-3-8(a)(10)	3.20.040
IC 36-1-4	1.01.030
IC 36-1-4-12	2.10.140
IC 36-1-4-13	2.10.140
IC 36-1-4-16	2.15.010
IC 36-1-5-5	1.01.060
IC 36-1-5-6	1.05.050
IC 36-1-6-2	1.10.180
	3.20.040
IC 36-1-6-4	1.10.180
IC 36-1-6-9	3.20.040
IC 36-1-11	1.10.190
IC 36-1-11-6	6.40.060
IC 36-1-11-7	6.40.060

State Citation	Code Section
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IC 36-1-11-8	6.40.060
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IC 36-1-11-9	6.40.060
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IC 36-2-7-10	3.20.040
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IC 36-5-2-9.2	2.10.150
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IC 36-5-2-9.4	2.10.150
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IC 36-5-2-9.8	2.10.150
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IC 36-5-2-10.2	2.10.150
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IC 36-5-2-10(b)	1.05.120
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	2.10.150
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IC 36-5-2-10(b)(1)	1.01.060
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	1.05.120
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IC 36-5-2-10(b)(2)	1.05.120
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IC 36-7-1-20	6.05.010
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IC 36-7-2	1.01.030
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IC 36-7-10-3(b)	4.10.040
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IC 36-8-2	1.01.030
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IC 36-8-3-20	2.15.010
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IC 36-8-3-20(f)	2.15.050
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IC 36-9-2	1.01.030
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State Citation	Code Section
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IC 36-9-6.5	6.05.010
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IC 36-10-2	1.01.030
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Cross-Reference Table

This table provides users with the current disposition of sections from the 1984 Code. Thus, 1984 Code Section 1-1-1 currently appears in this code as CMC 1.01.010.

1984 Code	Herein
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1-1-1	1.01.010
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1-1-2	1.01.020
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1-1-3	1.01.030
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1-1-4	1.01.040
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1-1-5	1.01.050
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1-1-6	1.01.060
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1-1-7	1.01.070
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1-1-8	1.01.080
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1-1-9	1.01.090
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1-2-1	1.05.010
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1-2-2	1.05.020
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1-2-3	1.05.030
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1984 Code	Herein
1-2-4	1.05.040
1-2-5	1.05.050
1-2-6	1.05.060
1-2-7	1.05.070
1-2-8	1.05.080
1-2-9	1.05.090
1-2-10	1.05.100
1-2-11	1.05.110
1-2-12	1.05.120
1-2-13	1.05.130
1-3-1	1.10.010
1-3-2	1.10.020
1-3-3	1.10.030
1-3-4	1.10.040
1-3-5	1.10.050
1-3-6	1.10.060
1-3-7	1.10.070
1-3-8	1.10.080
1-3-9	1.10.090

1984 Code	Herein
1-3-10	1.10.100
1-3-11	1.10.110
1-3-12	1.10.120
1-3-13	1.10.130
1-3-14	1.10.140
1-3-15	1.10.150
1-3-16	1.10.160
1-3-17	1.10.170
1-3-18	1.10.180
1-3-19	1.10.190
1-3-20	1.10.200
2-1-1	2.05.010
2-1-2	2.05.020
2-1-3	2.05.030
2-1-4	2.05.040
2-2-1, 2-2-2	2.10.010
2-2-3	2.10.030
2-2-4	2.10.040
2-2-5	2.10.060

1984 Code	Herein
2-2-6	2.10.070
2-2-7	2.10.080
2-2-8	2.10.090
2-2-9	2.10.100
2-2-10	2.10.110
2-2-11	2.10.120
2-2-12	2.10.130
2-2-13	2.10.140
2-2-14	2.10.150
2-3-1	2.15.010
2-3-2	2.15.020
2-3-3	2.15.030
2-3-4	2.15.040
2-3-5	2.15.050
2-4-1	2.20.010
2-4-2	2.45.010
2-4-3	2.45.020
2-4-4	2.55.010
2-4-5	2.55.020

1984 Code	Herein
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2-4-6	2.55.030
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2-4-7	2.55.040
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2-4-8	2.55.050
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2-4-9	2.60.010
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2-4-10	2.60.020
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2-5-1 – 2-5-5	Not codified
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3-1-1 – 3-1-6	Not codified
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3-2-1 – 3-2-15	Not codified
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3-3-1	3.05.010
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3-3-2	3.05.020
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3-3-3	3.05.030
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3-3-4	3.05.040
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3-4-1	3.10.010
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3-4-2	3.10.020
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3-4-3	3.10.030
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3-4-4	3.10.040
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3-5-1	3.15.010
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3-5-2	3.15.020
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3-5-2 [3-5-3]	3.15.030
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1984 Code	Herein
3-5-3 [3-5-4]	3.15.040
3-6-1	3.20.010
3-6-2	3.20.020
3-6-3	3.20.030
3-6-3.1	3.20.040
3-6-4	3.20.050
3-6-5	3.20.060
3-6-6	3.20.070
3-7-1	3.25.010
3-7-2	3.25.020
3-8-1 – 3-8-9	Not codified
4-1-1	Repealed by 239
4-1-2	4.05.020
4-1-3	Not codified
4-1-4	4.05.030
4-1.5	4.05.040
4-1.5-1	4.05.050
4-1.5-2	4.05.060
4-1.5-3	4.05.070

1984 Code	Herein
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4-1.5-4	4.05.080
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4-1.5-5	4.05.090
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4-1.5-6	4.05.100
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4-1.5-7	4.05.110
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4-2-1 – 4-3-4	Not codified
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4-4-1	4.20.010
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4-4-2	4.20.020
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4-4-3	4.20.030
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4-4-4	4.20.040
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4-4-5	4.20.050
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4-4-6	4.20.060
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4-4-7	4.20.070
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4-4-8	4.20.080
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4-4-9	4.20.090
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4-4-10	4.20.100
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4-4-11	4.20.110
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4-4-12	4.20.120
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4-5-1 – 4-5-5	Not codified
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4-6-1	4.25.010
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1984 Code	Herein
4-6-2	4.25.020
4-6-3	4.25.030
4-6-4	4.25.040
4-6-5	4.25.050
4-6-6	4.25.060
5-1-1 – 5-6-2	Not codified
6-1-1	6.05.010
6-1-2	6.05.020
6-1-3	6.05.030
6-1-4	6.05.040
6-1-5	6.05.050
6-1-6	6.05.060
6-2-1	6.10.010
6-2-2	6.10.020
6-3-1	6.15.010
6-3-2	6.15.020
6-3-3	6.15.030
6-3-4	6.15.040
6-4-1	6.20.010

1984 Code	Herein
6-4-2	6.20.020
6-5-1	6.25.010
6-5-1.5	6.25.020
6-5-2	6.25.030
6-5-2.5	6.25.040
6-5-3	6.25.050
6-5-4	6.25.060
6-5-5	6.25.070
6-5-6	6.25.080
6-5-7	6.25.090
6-6-1	6.30.010
6-6-2	6.30.020
6-6-3	6.30.030
6-6-4	6.30.040
6-6-5	6.30.050
6-6-6	6.30.060
6-7-1	6.35.010
6-7-2	6.35.020
6-7-3	6.35.030

1984 Code	Herein
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6-7-4	6.35.040
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6-7-5	6.35.050
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6-8-1	6.40.010
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6-8-2	6.40.020
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6-8-3	6.40.030
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6-8-4	6.40.040
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6-8-5	6.40.050
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6-8-6	6.40.060
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6-8-7	6.40.070
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6-8-8	6.40.080
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6-9-1	6.45.010
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6-9-2	6.45.020
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6-10-1	6.50.010
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7-1-1 – 7-6-2	Not codified
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7-7-1	4.10.010
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7-7-2	4.10.020
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7-7-3	4.10.030
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7-7-4	4.10.040
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7-7-5	4.10.050
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Ordinance Table

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. "Not codified" indicates that the ordinance could have been codified but was not for some reason (e.g., superseded by a later enactment, codified in a separate publication). "Special" means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy).

1 – 10	(Not on record)
11	(Repealed by 196)
12, 13	(Not on record)
14	(Superseded)
15	(Repealed by 107)
16 – 23	(Not on record)
24	(Superseded)
25 – 27	(Not on record)
28	(Repealed by 187)
29	(Not on record)

30	(Repealed by 173)
31	(Not on record)
32	(Superseded)
33	(Repealed by 107)
34 – 42	(Not on record)
43	(Superseded)
44 – 49	(Not on record)
50	(Superseded)
51	(Repealed by 107)
52	(Not on record)
52-A	(Repealed by 198)
53	(Repealed by 186)
54	(Repealed by 197)

55	1952 approp. (Repealed by 222)
56	(Superseded)
57	(Superseded)
58	(Repealed by 107)
59	(Superseded)
60	(Superseded)
61	(Superseded)
62	(Repealed by 186)
63	(Repealed by 186)
64	(Superseded)
65	(Superseded)
66	(Superseded)
67	(Not on record)

68	(Repealed by 123)
69	(Not on record)
70	(Repealed by 198)
71	(Repealed by 198)
72	(Superseded)
73	(Repealed by 193)
74	(Not on record)
75	(Repealed by 186)
76	(Repealed by 186)
77	(Repealed by 198)
78	(Repealed by 187)
79	(Superseded)

79A	(Repealed by 186)
80	(Repealed by 186)
81	(Repealed by 197)
82	(Repealed by 186)
83	Interfund loan (Repealed by 221A)
84	(Repealed by 198)
85	(Superseded)
86	(Not on record)
87	Interfund loan (Repealed by 221A)
88	1959 salary ord. (Repealed by 223)
89	Interfund loan (Repealed by 221A)

90	(Superseded)
91	(Repealed by 133)
92	Salary ord. (Repealed by 224)
93	(Repealed by 187)
94	(Repealed by 123)
95	(Superseded)
96	(Superseded)
97	(Superseded)
98	(Not on record)
99	(Superseded)
100	(Voided)
101	(Superseded)
102	(Superseded)

103	(Repealed by 186)
104	(Repealed by 186)
106	Salary ord. (Obsolete)
107	(Superseded)
108	(Superseded)
109	(Superseded)
110	1963 approp. (Repealed by 222)
111	Salary ord. (Repealed by 225)
112	(Superseded)
113	(Superseded)
114	1964 approp. (Repealed by 222)
115	(Repealed by 197)

116	(Not on record)
117	(Repealed by 197)
118	Salary ord. (Repealed by 225)
119	(Not on record)
119A	Amends Ord. 103, waterworks (Obsolete)
120	Salary ord. (Obsolete)
120A	(Repealed by 186)
121	(Not on record)
122	(Superseded)
123	(Superseded)
124	1966 approp. (Repealed by 222)

125	Condemns right-of-way (Special)
126	Sewer loan (Repealed by 221A)
127	(Superseded)
128	Approp. (Repealed by 226)
129	(Superseded)
130	Approp. (Repealed by 226)
131	(Repealed by 197)
132	Salary ord. (Repealed by 225)
133	(Superseded)
133A	(Not on record)
134	(Superseded)

135	(Repealed by 224)
136	(Superseded)
137	Salary ord. (Repealed by 225)
138	(Superseded)
139	Town of Speedway ordinance (Not valid)
140	(Repealed by 224)
141	(Superseded)
142	(Repealed by 188)
143	(Superseded)
144	(Not on record)
145	(Superseded)
146	(Repealed by 224)

147	(Repealed by 186)
148	(Superseded)
149	(Repealed by 186)
150	(Repealed by 186)
151	(Repealed by 186 and 227)
151A	(Renumbered as 171)
152	(Repealed by 186 and 227)
152A	(Renumbered as 170)
153	(Repealed by 186)
154	(Repealed by 186)
155	(Superseded)
156	(Superseded)

157	(Not on record)
158	(Superseded)
159	(Superseded)
160	(Superseded)
161	(Superseded)
162	1970 approp. (Repealed by 222)
163	Interfund loan (Repealed by 226)
164	Amends Ord. 103, waterworks (Obsolete)
165	Interfund transfer (Repealed by 226)
166	(Superseded)
167	1972 approp. (Repealed by 222)

168	(Superseded)
169	(Not on record)
170	(Superseded)
170(2)	(Superseded)
171	(Repealed by 245)
172	(Superseded)
172(2)	(Superseded)
173	(Superseded)
174	(Superseded)
174(2)	(Superseded)
175	(Superseded)
176	(Repealed by 187)
176(2)	(Repealed by 187)
177	(Repealed by 187)

178	(Superseded)
179	(Superseded)
180	(Superseded)
181	(Superseded)
181A	(Repealed by 222)
182	Cablevision franchise (Repealed by 222)
183	(Superseded)
184	(Superseded)
185	(Superseded)
186	(Superseded)
187	(Superseded)
188	(Superseded)
189	(Superseded)
190	(Superseded)

191	(Superseded)
192	(Superseded)
193	(Superseded)
194	(Superseded)
195	(Superseded)
196	(Superseded)
197	(Superseded)
198	(Superseded)
199	(Superseded)
200	(Repealed by 231)
201	Adopts Clermont Municipal Code (1984 Code)
202	(Not received)

203	Interlocal agreement with Marion County for collection of fines and costs for ordinance violations (Special)
204	Law enforcement continuing education fund (Special)
205	Amends § 6-5-2, parking on Bridgeport Road (Repealed by 244)
206	(Repealed by 223 and 244)
207	Abolishes drug abuse fund (Special)
208	(Not received)
209	(Repealed by 223)
2-2-15	Promotion of business (2.65)

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- | | |
|-----|---|
| 210 | Amends § 2-2-1,
wards (2.10) |
| 211 | Mileage
reimbursement
(2.25) |
| 212 | Amends § 6-2-1,
speed limits
(6.10) |
| 213 | Police officer
uniform
requirements
(2.15) |
| 214 | (Repealed by
223) |
| 215 | Salaries and
fringe benefits
(Special) |
| 216 | Salaries and
fringe benefits
(Special) |
| 217 | Grants cable
television
franchise
(Special) |
| 218 | Appointment of
deputy
marshals (2.15) |
-

- 219 (Not received)
- 220 Town clerk-treasurer's bond ([2.30](#))
- 221A Repeals Ords. 83, 87, 89, 126 and Resos. 1966-1 and 1967-3 (Repealer)
- 222 Repeals Ords. 55, 110, 114, 124, 162, 167, 181A and 182 (Repealer)
- 223 Repeals Ords. 88, 206, 209, 214, 215 § 1, 216 § 1 and Salary Resos. 1984 and 1985 (Repealer)
- 224 Repeals Ords. 92, 135, 140 and 146, billing clerk and traffic officer (Repealer)

225	Repeals Ords. 111, 118, 132 and 137, salaries (Repealer)
226	Repeals Ords. 128, 130, 163 and 165 (Repealer)
227	Repeals Ords. 151 and 152 (Repealer)
228	Unlawful noises and noise pollution (4.15)
229	(Not received)
230	(Not received)
231	Repeals Ord. 200 and Res. 1985-1 (Repealer)
232	Curfew hours for juveniles (4.30)
233	(Not received)

- 234 Adds § 6-5-1.5,
obstructing
sidewalks ([6.25](#))
- 235 Designates
purchasing
agency;
purchasing
rules and
policies ([2.40](#))
- 236 Adopts
staggered
terms for
council
members ([2.10](#))
- 237 (Not received)
- 238 (Not received)
- 239 Adds § 4-1-1.5;
repeals § 4-1-1,
litter control
and property
maintenance
(Repealed by
20210114-01)
- 240 Adds §§ 3-5-2
[3-5-3] and 3-5-
3 [3-5-4],
drainage
enclosure
projects ([3.15](#))

241	Adds § 2-5-1.5, payment of claims in advance of council approval (2.45)
242	(Not received)
243	Credit card usage (2.50)
244	Repeals Ord. 205, parking on Bridgeport Road (Repealer)
245	Repeals Ord. 171, parking on Church Street (Repealer)
246	Amends Ords. 85 and 7-90-1, preferential streets; two- way stops designated (6.15)
247	(Not received)
248	(Not received)

- 249 Authorizes
appointment of
police officers
([2.15](#))
- 250 (Not received)
- 251 Prohibits
playing in public
streets and
highways ([4.35](#))
- 252 Mileage
reimbursement;
supersedes
Ord. 211 ([2.25](#))
- 253 Ward
boundaries;
supersedes § 2-
2-1 ([2.10](#))
- 254 Construction of
driveway and
culvert curbs
within public
right-of-way
([3.20](#))
- 255 Defines
boundaries
within which
full-time police
officers must
live ([2.15](#))

256	Increases number of council members; supersedes Ord. 236 (2.10)
257	Establishes rainy day fund (2.55)
258	(Not received)
259	Off-duty use of police vehicles by full-time officers (2.15)
260	(Not received)
261	Establishes Wayne Township – Clermont fire protection territory (Special)
262	(Not received)
263	Inventory policy (2.70)
264	(Not received)

265	(Not received)
266	Withdrawal from Wayne Township – Clermont fire protection territory (Special)
267	Mileage reimbursement; supersedes Ord. 252 (2.25)
268	(Not received)
269	(Not received)
270	(Not received)
271	Town council standards (2.10)
272	(Not received)
273	Repeals § 4-6- 3(d), firearms (4.25)
274 – 374	(Not received)

375	Election of legislative body members at large (2.10)
376	(Not received)
377	(Not received)
378	Adds § 2-5-1.5, payment of claims in advance of council approval (2.45)
379	2015 salaries and benefits (Special)
380	Public records (2.75)
20150108-01	Violations bureau; fines for violations (1.15)
20151210	2016 salaries and benefits (Special)
20160512-01	Internal control system (2.35)

20161208-01	Funds transfer to rainy day fund (Special)
20161208-02	Internal control standards (2.35)
20170209	Adds § 6-5-2.5, parking of truck tractors, semi- trailers and other large vehicles (1.15 , 6.25)
20171012-1	Amends §§ 6-3- 2 and 6-3-4, preferential streets; two- way stops designated (1.15 , 6.15)
20171214-1	2018 salaries and benefits (Special)
20180614	Payment of town expenses through electronic funds transfer system (2.50)

20181213-1	2019 salaries and benefits (Special)
20190509-01	Number of reserve police officers (2.15)
20191212-1	2020 salaries and benefits (Special)
20200109-1	Amends §§ 6-3-2 and 6-3-4, preferential streets; four-way stops designated (6.15)
20200409-01	Continuity of government (2.10)
20200409-02	Authority of town council president during emergency (2.10)

20200813-01 Adds § 6-3-3.1,
interference
with flow of
storm or
rainwater on
streets or
roadways ([1.15](#),
[3.20](#))

20210114-01 Adds § 4-1-1.5;
repeals Ord.
239, litter
control and
property
maintenance
([4.05](#))

This website is for demonstration or proofing purposes only. It is not necessarily endorsed by Town of Clermont and should not be relied upon for the content of any document.

The Clermont Municipal Code is current through Ordinance 20210114-01, passed January 14, 2021.

Disclaimer: The Clerk-Treasurer's Office has the official version of the Clermont Municipal Code. Users should contact the Clerk-Treasurer's Office for ordinances passed subsequent to the ordinance cited above.

[Town Website: clermont.in.gov](http://clermont.in.gov)

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ENFORCEMENT PROCEDURES – ORDINANCE VIOLATIONS BUREAU

Sections:

- 11.10.010 Violations subject to admission and payment.
- 11.10.020 Schedule of code provisions and penalties.
- 11.10.030 Notice, manual and automated ordinance violation citations.
- 11.10.040 Form of manual and automated ordinance violation citations.
- 11.10.050 Service of citation.
- 11.10.060 Duty to appear.
- 11.10.070 Procedure on admission of violation.
- 11.10.080 Procedure on denial of violation, failure to appear or failure to pay.
- 11.10.090 Limitations.

11.10.010 Violations subject to admission and payment.

Violations of the code (or ordinance) provisions set forth in the schedule in CMC [11.10](#) are designated as subject to admissions of violation and payment of the designated civil penalty in an amount not exceeding any limitation under IC [33-36-2-3](#) in accordance with the procedures of this title.

11.10.020 Schedule of code provisions and penalties.

The following code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
1.10.010(1)	Code violation generally	Max \$2,500 (1st violation) or \$7,500 (subsequent violations)
1.10.010(1)	Traffic or parking violation	Max \$2,500
5.05.090	Door-to-door solicitation violation	\$75.00 per day
6.05.110(7)	Vicious animal violation	\$75.00
6.05.170	Animal control violation	\$75.00
8.05.020	Littering violation	\$75.00

Code Section	Subject Matter	Civil Penalty
8.10.050	Failure to remove weeds or other rank vegetation	\$75.00
8.12.020	Hazardous excavation violation	\$75.00
8.15.050	Burning violation – first violation	\$75.00
8.20.070	Abandoned vehicle	\$75.00
9.05.010(2)	Public nuisance violation	\$75.00
9.10.070	Curfew – first offense	\$75.00
9.15.050	Firearms violation	\$75.00
9.25.020	Disturbing the peace	\$75.00
10.10.030	Truck, commercial, recreational vehicle	\$20.00
10.10.040	Trailer	\$20.00
10.10.090	Parking violation – paid within 10 days	\$20.00
10.10.090	Parking violation – paid within 11 to 20 days	\$40.00
10.10.090	Parking violation – paid within 21 days	\$60.00

[Added during 2020 recodification.]

11.10.030 Notice, manual and automated ordinance violation citations.

Any official, authorized to issue citations for violations scheduled in CMC _____, shall at the time of giving notice of such violation advise the alleged violator that such violation may be admitted and, if admitted, is subject to payment of a fixed civil penalty under this chapter. Such information may be printed on such notice citation. A copy of the manual citation shall be filed with the ordinance violations bureau by the issuing officer no later than noon of the next business day following its issuance. Failure to file the citation or transfer the data shall not affect its validity or the alleged violator's option to admit the violation and pay the fixed civil penalty.

11.10.040 Form of manual and automated ordinance violation citations.

For violations subject to the procedures of this chapter, citations shall be numbered and contain the following information:

- (1) The date and time of issuance;
- (2) The specific violation of which citation is made;
- (3) The date and location of the violation;
- (4) The name and address of the person alleged to have committed the violation, if known or readily obtainable;
- (5) The license plate number of the motor vehicle and the name and address of its owner if the violation involves a motor vehicle and the owner's name and address are known;
- (6) The signature of the official issuing the citation, which may be affixed manually or electronically, or the official's name and code number in computer generated form;
- (7) The badge number, if any, of the official; and
- (8) The duty of the alleged violator to appear.

11.10.050 Service of citation.

A citation of a violation subject to this chapter shall be served by the issuing official upon the alleged violator; service may be as follows:

- (1) If the alleged violator is present, it shall be delivered personally to the alleged violator.
- (2) If the alleged violator is not present and the violation involves specific premises, it shall be served on the owner or other person in possession of the premises either in person or by first class mail.
- (3) If the alleged violator is not present and the violation involves a motor vehicle, it shall be delivered either to any competent person in possession or in charge of the motor vehicle or, if no such person is present, to the owner or operator of the motor vehicle by posting or attaching the written citation and notice in a conspicuous space upon the vehicle. [Added during 2020 recodification.]

11.10.060 Duty to appear.

Any person upon whom a citation is issued pursuant to this chapter shall appear in person or by attorney at the ordinance violations bureau, or such other place as is approved by the violations clerk, to either admit or deny the violation within 10 days of the date of issuance of the citation. For purposes of this section, payment of the designated civil penalty within 10 days of the date of issuance of the citation fulfills the duty to appear in person or by attorney and shall be deemed an admission of the violation.

11.10.070 Procedure on admission of violation.

If a violation subject to this chapter is admitted to the ordinance violations bureau, the civil penalty specified in this chapter for such violation shall be paid to the court in a manner authorized by the court.

11.10.080 Procedure on denial of violation, failure to appear or failure to pay.

If a person upon whom a citation is served pursuant to this chapter:

- (1) Appears and denies the violation; or
- (2) Fails to appear and either admit or deny the violation within 10 days of issuance of the citation; or
- (3) Fails to pay the specified civil penalty within 10 days after admitting the violation,

the violations clerk shall report such circumstances to the town marshal for appropriate administrative or judicial proceedings against such person. [Added during 2023 recodification.]

11.10.090 Limitations.

The civil penalties specified in this chapter shall apply only to violations admitted as provided herein and shall be considered offers in compromise. If judicial proceedings are initiated for such violation, the specific penalties for such violation or the general penalties of CMC _____ shall be applicable to the violation. [Added during 2023 recodification.]

ORDINANCE 20210114-01

**AN ORDINANCE AMENDING CLERMONT MUNICIPAL CODE (CMC) 4-1-1 TO
PROHIBIT LITTERING
AND TO REQUIRE THE UPKEEP OF PRIVATE PROPERTY**

WHEREAS the Town Council has determined that to maintain the aesthetic appearance of Town, preserve property values, and to protect the safety of the general public as they use the roadways and sidewalks of the Town certain actions of littering, and the removal of dead, damaged, or dying, trees which could fall and cause damage or injury to the public as they travel on the roadways and sidewalks of the Town; and

WHEREAS, there is a need to establish the fine for violations of this Chapter of Clermont Municipal Code (CMC) as well as to designate a violation of this code Chapter is a violation for which the Clerk/Treasurer through the Ordinance Violations Bureau (OVb) may accept payment of civil penalties of not more than one hundred dollars (\$100.00) in ordinance violation cases; and

WHEREAS, the Town Council determines that there is a need to amend the Clermont Municipal Code to preserve property values, assure the safety of the general public using the town rights-of-ways; and

WHEREAS, It is hereby declared to be the purpose of this chapter to eliminate litter in order to protect public safety, health and welfare and enhance the environment of the people of the town.

NOW THEREFORE, IT IS HEREBY ORDAINED THAT:

That the Municipal Code the Town of Clermont, be amended, by repealing Ordinance 239 Sec. 1, of Article 4, Chapter 1 and adding a new Chapter 1.5 which shall read as follows:

Chapter 1.5: Litter Control and Property Maintenance.

"Litter" shall mean and include any un-containerized waste which, if deposited within the town otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the town. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or noxious or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

"Person" shall mean and include any natural person, firm, Limited Liability Company (LLC), partnership, association, corporation, company, or not-for-profit organization.

"Public place" shall mean and include any and all streets, boulevards, avenues, lanes, alleys, sidewalks, easements or other rights-of-way or public ways, and parks, squares, plazas, grounds and buildings, whether publicly or privately owned.

Sec. 1: Depositing Waste.

No person shall place litter or throw any paper, organic waste, trash, or refuse of any kind on any public way, including sidewalks and streets, or other public facility, including parks.

Sec. 1.1 - Littering on premises of another.

(a) It shall be unlawful for any person to cast, place or deposit any litter upon real property owned by another, without the consent of the owner or lessee of such real property.

(b) Whenever any person shall be charged with a violation of this section, it shall be a sufficient allegation of an ordinance violation to state that such person deposited the litter described in subsection (a) upon property of which he was not then the owner or lessee. It shall be a matter of affirmative defense for the person to show that he had permission of the owner or lessee to so deposit such litter, if such was the case.

Sec. 2 - Vehicles dropping contents on streets.

(a) Any person who transports in any vehicle or in any other manner upon any public place any loose material or articles likely to sift, fall, spill or be blown upon the public way or place shall not overload the vehicle and shall cover the contents or shall convey the contents in tightly secured and covered boxes or containers. In case any of the contents thereof shall be blown, be spilled, fall or become scattered in any public way or place, such person shall cause all fallen substances to be immediately gathered up and removed. It shall be a violation of this section to cause or allow such loose material or articles to be blown, be spilled, fall or become scattered upon the public way or place.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with this Code. All second and subsequent violations in the calendar year are subject to the penalties provided herein through the enforcement procedures set out in the Indiana Code.

Sec. 3: Property Abutting Public Way.

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit the accumulation of litter thereon or on any adjacent public place.

No real property owner, or occupier, shall permit their real property which abuts on a public way to become unsightly, unclean, unsanitary, unsafe, or dangerous to users of the public way or other public facility. Violations of this Section include, but are not limited to, allowing accumulation of litter or waste, storage of unsightly or offensive personal property such as old, abandoned or partially dismantled automobiles and automobile parts. Allowing growth of grass, or weeds to a height greater than twelve (12) inches. Allowing the property owner's vegetation to obstruct or interfere with the use of the public roadway or sidewalks. Allowing houses, buildings or other structures to remain in a state of disrepair.

No real property owner shall allow any dead, dying and/or damaged tree located their real property which abuts on a public way and which if the tree (or any part thereof) were to fall could land on the public right of way. Any such tree (or part thereof) shall be removed by the real property owner so as to prevent damage or injury to the general public.

Sec. 4: Permitting Property to Become Unsightly.

It shall be the duty of any person owning or controlling a house, or other building or premises, including vacant lots, visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit the accumulation of litter thereon or on any adjacent public place.

No real property owner shall permit their real property to become unclean, unsanitary, or dangerous to the health of inhabitants of surrounding property, or of the health of the general community. Real property shall be maintained in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises. Violations of this Section shall include, but are not limited to, allowing accumulation of litter or waste, allowing houses, buildings or other structures to remain in such a state of disrepair as to provide a habitat for vermin and other such dangerous bacteria, animals or insects.

Sec. 5. Correction of Conditions.

The Town Council may order the real property owners to correct conditions which violate Sections 1 through 4 of this chapter. If the real property owner fails to comply with such order in the time prescribed, the Council may have the conditions corrected, and place on the owner's real property a lien for the cost of correction in accordance with the statutory procedure provided for in the Indiana Code, and the owner shall also be liable for the fine prescribed in Section 6 of this Chapter.

Sec. 6. Penalty for Violation.

(a) Except as otherwise provided herein, a person's first and second violations of this chapter in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty of \$100.00 through the ordinance violations bureau. All second

and subsequent violations in the calendar year are subject to the penalties provided herein through the enforcement procedures set out in the Indiana Code.

(b) Except as otherwise provided herein, any person found to have committed a violation of any section of this chapter shall upon such finding be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder.

(c) In addition to the foregoing penalties, the town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this chapter.

Sec. 7: Nuisance Abatement.

Violations of Sections 1 through 4 of this chapter are declared to be nuisances and the Town Council is authorized to abate them.

(a) *Civil action to recover costs of abatement.* Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the Town may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees.

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AYE

Noxy Baxter
 Sara Miller
 Michael Abram

Michael A. Beam
Printed: Michael A. Beam
Council President

Mark Neri
Clerk-Treasurer

Ordinance No. 20230608-01

**ORDINANCE AMENDING ORDINANCE 235 TO AUTHORIZE SMALL PURCHASES
BY TOWN DEPARTMENT HEADS**

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body; and

WHEREAS, the Town of Clermont, (the "Town") in Marion County, is a governmental body under the Act; and

WHEREAS, the Act authorizes the Clermont Town Council (the "Council") to establish a purchasing agency for the Town; and

WHEREAS, the Council did on July 9, 1998 adopt Ordinance 235 the Town Council as the purchasing agency for the Town; and

WHEREAS Ordinance 235 further designated the Clermont Clerk-Treasurer, Police Chief and each Town Council member individually as purchasing agents for the Town subject to any and all limitations on their authority as established by statute or established policy or procedure of the Town; and

WHEREAS, the Council did on July 14, 2022 adopt Resolution Number 20220714-R1 regarding Requests for Proposals as well as set out additional Town policy regarding Town purchases; and

WHEREAS, the Council now finds that it would be helpful and efficient to allow individual council members to or department heads to make small purchases of goods and services on behalf of their individual departments; and

WHEREAS, in recognition of the above, the Council now determines that Ordinance Number 235 adopted on July 9, 1998, should be amended to add the following provisions.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Town Council of Clermont, Indiana, that Clermont Ordinance 235 is hereby amended to add the following provisions (Sections 8 through Section 14) to the existing ordinance 235:

Section 8. The Town council member who is appointed as the commissioner for a town department shall have authority to make purchases of supplies, equipment and services in amounts not to exceed the amount of five thousand dollars (\$5,000.00) per purchase. Any such purchases shall be made only for town purposes.

Section 9. Upon entering into any such purchase the commissioner or purchasing agent shall then provide the Clerk-Treasurer of the Town with the invoice for any such purchase which shall then be provided to the full council for approval at its next regular meeting.

Section 10. Any such supplies, equipment or services must meet the specifications and needs of the purchasing governmental body and must be purchased at a fair market price.

Section 11. The terms of this ordinance shall in no way be construed to allow an individual purchasing agent to make a purchase that conflicts with the Indiana Code 36-1-21 or the Town's ordinance concerning Contracting with a Unit unless the purchase is approved by the full Town Council, prior to the purchase, and the appropriate Conflict of Interest Statement is approved by the Council and filed in the Marion County Clerk's Office and with the State Board of Accounts (SBOA).

Section 12. The terms of this ordinance shall in no way be construed to allow a individual purchasing agent to make a purchase or enter into any contract or agreement which would be a conflict of interest or a prohibited action under IC 35-44.1-1-4. This provision shall not apply if the purchase, contract or agreement is not in violation of IC 35-44.1-1-4^(c).
4(c)

Section 13. Any conflict which may be determined to exist between the terms of Ordinance 235, adopted July 9, 1998, and this amendment shall be construed so that the terms of this amendment control the resolution of said conflict.

Section 14. This amendment to Ordinance 235 is effective upon passage and signing by the town executive.

AYE

NAY

Michael A. Beam
Susan M. Toff
Frank Lemire

Passed and adopted this 8th day of JUNE, 2023.

Michael A. Beam
Michael Beam, Council President

ATTEST:

Larry Beiter
Larry Beiter
Clerk-Treasurer

ORDINANCE NO. 235

**AN ORDINANCE DESIGNATING THE TOWN'S PURCHASING AGENCY AND
ESTABLISHING CERTAIN PURCHASING RULES AND POLICIES**

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town Council of the Town of Clermont is a governmental body under the Act;

WHEREAS, the Act requires the Town Council to designate the purchasing agency for the Town;

WHEREAS, the Town Council chooses to designate itself as the purchasing agency for the Town;

WHEREAS, as the Town's purchasing agency, the Town Council has the authority to designate persons to act as purchasing agents for the Town;

WHEREAS, Town Council has determined who shall be a purchasing agent for the Town; and

WHEREAS, The Act also requires governmental bodies to adopt certain purchasing rules and procedures for expenditures of public funds.

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

Section 1. The Town Council shall serve as the purchasing agency for the Town.

Section 2. The Town Council, as the Town's purchasing agency, shall have all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by ordinances and policies adopted by the Town Council.

Section 3. The Town Council shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the Town of Clermont.

Section 4. The Town Council designates the Clermont Clerk-Treasurer, Police Chief and each Town Council member individually as purchasing agents for the Town subject to any and all limitations on their authority as established by statute or established policy or procedure of the Town.

Section 5. Subject to the policies and procedures of the Town, purchasing agents may purchase supplies with an estimated cost of less than \$25,000.00 on the open market without inviting or receiving quotes.

Section 6. The provisions of Indiana Code 5-23 (Public-Private Agreements) are adopted for use by the Town.

Section 7. The following are the required purchasing rules for Indiana:

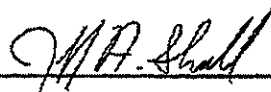
Purchase of Supplies Manufactured in the United States. Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town Council determines that:

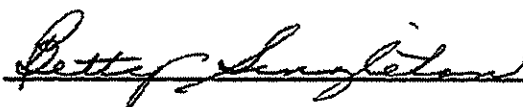
- (A) the supplies are not manufactured in the United States in reasonably available quantities;
- (B) the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (C) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (D) the purchase of supplies manufactured in the United States is not in the public interest.

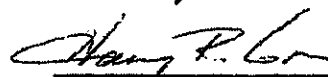
Section 8. This Ordinance is effective upon passage

Adopted by the Town Council of the Town of Clermont, Indiana, this 9th day of July 1998.

TOWN COUNCIL OF CLERMONT, INDIANA







ATTEST:



ORDINANCE NO. 20230810-01

ORDINANCE ESTABLISHING THE TOWN OF CLERMONT TREE ORDINANCE AND TREE BOARD

WHEREAS, Indiana Code Sections 36-1-3-1 et. seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, trees increase property values, enhance the economic vitality of business areas, and beautify the community, and also in consideration of public safety and numerous environmental benefits, the Town Council of the Town of Clermont, Indiana, finds that it is in the public interests of the Town of Clermont to establish and create a tree ordinance;

WHEREAS, the quality of life in Clermont is directly correlated to the quality of its natural environment, including its trees; and

WHEREAS, programs and policies to encourage proper tree care, planting, and protection are critical to maintaining and improving the town's natural environment; and

WHEREAS, the Town of Clermont finds that the best mechanism for comprehensively dealing with tree quantity and quality of trees in town is a Tree Board capable of receiving funds from other units of government, utility companies, and other sources; and

WHEREAS, the Clermont Town Council wishes to solicit the ongoing assistance of individuals with knowledge and experience relating to trees and their care; and

WHEREAS, pursuant to the authority vested by Indiana Code Sections 36-1-3-1 et. seq. and Indiana Code Sections 36-5-2-1 et. seq., the Town Council of the Town of Clermont desires to establish a Tree Ordinance and Tree Board for the Town of Clermont, Indiana, subject to the provisions hereinafter stated;

NOW, THEREFORE, BE IT ORDAINED, ORDERED AND RESOLVED by the Town Council of the Town of Clermont, Indiana, as follows:

Section 1. Title, Purpose, and Intent

1.1 This Ordinance shall be known as the Town of Clermont Tree Ordinance.

1.2 It is the Purpose of this Ordinance to regulate the work on and planting and maintenance of trees on public property and in the public rights of way, to encourage proper selection and planting, and to assure compatibility with other infrastructure such as utilities, sidewalks, and streets.

1.3 It is the Intent of this Ordinance to establish the responsibilities of the Town and its residents toward trees subject to these provisions and to assure those regulations and policies maintain and increase the tree canopy within the Town.

Section 2. Definitions and Interpretations

2.1 Crown is herein defined as the above-ground parts of a tree consisting of the branches, stems, buds, fruit, and leaves. It is also referred to as "canopy."

2.2 Town Trees are herein defined as Trees, excluding Street Trees, in public parks in the Town of Clermont and in all other areas owned by the Town of Clermont.

2.3 Maintenance is herein defined as the trimming, care, pruning, protection, treating, and preservation of trees.

2.4 Owner is herein defined as the Person in whom is vested the ownership, dominion, or title of property.

2.5 Person is herein defined as any individual, partnership, corporation or other entity.

2.6 Right of Way is herein defined as a strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities, or other special public uses. Right of way may be held in the form of easement or fee.

2.7 Street Trees are herein defined as Trees located within the right-of-way of all public streets, avenues, alleys, and ways within the Town of Clermont.

2.8 Trees are herein defined as perennial woody plants, ordinarily with one (1) main stem or trunk, which develops many branches, and which ordinarily grows to a height of twenty (20) feet or more.

2.9 Top or Topping is herein defined as the severe cutting back to stubs of Tree limbs, branches, or stems larger than three (3) inches in diameter, or more than two (2) years old, at an indiscriminate location within the Tree's crown so as to remove the normal canopy and disfigure the tree. Such points are usually between branches, leaving stubs. Topping is not synonymous with tree trimming or pruning in general.

2.10 Town is herein defined as the Town of Clermont, Indiana.

2.11 Town Council is herein defined as the Town Council of the Town of Clermont, Indiana.

2.12 Tree Lawn is herein defined as the land lying between the boundary of the public street and private property, except such portion covered by sidewalk or used as a walkway. It is also referred to as "tree plot area."

2.13 Utilities is herein defined to mean both public and private utility companies.

2.14 For purposes of this Ordinance, the singular shall include the plural and the plural shall include the singular, unless the context requires otherwise.

Section 3. Policy of Replacement of Tree Stock

3.1 It is the Policy of the Town to maintain and expand the tree cover of the Town as a whole and of individual streets and neighborhoods in particular by planting trees in accordance with urban forestry best practices and those determined by the Tree Board. Overall, the Town's annual goal shall be to plant at least 20 percent more trees than it removes, in order to maintain a planting-to-removal ratio of at least 1.2 to 1. Once a tree has been removed, it shall be replaced, wherever possible, at or near its original location as soon as the planting season permits. Further, an ongoing program of replacing previously removed trees and of planting in new areas shall be conducted.

Section 4. Tree Lawn Area Maintenance

4.1 The Town shall have all the right and authority granted to municipalities under law to require the owners of parcels of land adjacent to a public street to maintain and improve the street tree lawn area. Such maintenance and improvement shall include but is not limited to grass mowing, brush collection, landscape bed maintenance, and litter removal.

4.2 The surface of tree lawn areas shall be as level as practicable, and the grade thereof shall be the top lines of the sidewalk and curb. No Person shall pave, gravel, remove, or otherwise convert existing grassed tree lawn areas without the expressed written consent of the Clermont Town Council, which shall take into consideration the drainage functions of the tree lawn area before approving the conversion.

Section 5. Creation and Establishment of a Tree Board

5.1 The Tree Board shall consist of at least five (5) members appointed by the Clermont Town Council. Two (2) of the members shall be non-voting and current members of the Town Council, the town manager, or another employee of the Town. The remaining members shall be voting members and shall elect one of their members to serve as the chairperson of the Tree Board. All members shall serve a term of two (2) years. The voting members shall serve without compensation. All members serve at the pleasure of the Clermont Town Council. A majority of the members must be residents of Clermont, Indiana.

Section 6. Term of Appointment

6.1 The terms of the people appointed to the Tree Board shall be two (2) years. The members of the Tree Board shall serve at the pleasure of the Town Council and may be removed and/or replaced at any time by the Town Council. In the event a vacancy shall

occur during the term of any member, the successor shall be appointed by the Town Council for the unexpired portion of the term.

Section 7. Compensation

7.1 Members of the Tree Board shall serve without compensation.

Section 8. Mission of the Tree Board

8.1 It shall be the mission of the Tree Board to:

- A. Monitor Clermont's urban forest
- B. Provide tree-related educational opportunities
- C. Develop, maintain, and support efforts to increase the quantity and quality of trees in and around Clermont, including but not limited to seeking grants and partners to facilitate tree care and planting programs
- D. Create and manage Clermont tree planting program(s)
- E. Recommend to the Clermont Town Council potential tree-related policy and ordinance creation or revisions
- F. Inform residents and contractors of the existence of the town's policies and ordinances and to communicate potential violations to the town
- G. Provide research and recommendations to the Clermont Town Council regarding tree complaints, issues, proposals or initiatives related to the town's tree-related policies and ordinances
- H. Assist with the annual application to apply for or renew the town's Tree City USA designation

Section 9. Powers, Duties, and Responsibilities of the Tree Board

9.1 The Tree Board shall have the duty and responsibility and shall be empowered to study, investigate, counsel, and participate in the care, preservation, pruning, planting, replanting, removal, and disposition of Street Trees and Town Trees.

9.2 The Tree Board shall develop a written three (3) year plan addressing the care, preservation, pruning, planting, replanting, removal, and disposition of Street Trees and Town Trees. The plan shall also include a section that addresses the town's private tree canopy as well. Such plan shall be presented every three (3) years to the Town Council, and upon acceptance and approval by the Town Council, such plan shall constitute the official comprehensive tree plan for the Town.

9.3 The Tree Board, when requested by the Town Council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. The Tree Board shall also have such other powers, duties, and responsibilities as are delegated to the Tree Board pursuant to the terms and provisions of this Ordinance.

9.4 At least once per year, the Tree Board shall provide a progress report regarding its activities to the Clermont Town Council. The report shall include the cost and benefits of its activities and may include other pertinent information.

9.5 The Tree Board may accept donations and grants to conduct its mission. To achieve such, the Tree Board may file for incorporation as a not-for-profit organization under the laws of the State of Indiana and for tax-exempt status under the Internal Revenue Code; however, it shall not be required to do so. Prior to filing for incorporation, the articles of incorporation and corporate bylaws shall be submitted to the Clermont Town Council for approval. Additionally, the articles of incorporation and corporate bylaws shall contain a provision, which requires approval by the Clermont Town Council of any subsequent amendment to the articles of incorporation, or corporate bylaws, which change the composition, or manner of selection of the membership.

Section 10. Operation of the Tree Board

10.1 The Tree Board shall adopt organizational bylaws to manage the Board's affairs, which shall be submitted to the Clermont Town Council for approval. Additionally, the bylaws shall contain a provision, which requires approval by the Clermont Town Council of any subsequent amendment to said organizational bylaws, which changes the composition, or manner of selection of the membership.

10.2 The Tree Board shall hold meetings, choose its own officers, make its own rules and regulations, and keep a record of all of its proceedings consistent with the requirements of Indiana statutes governing the operations of public agencies including the Indiana Open Door Law and the Indiana Access to Public Records Law. A majority of the members of the Tree Board shall constitute a quorum for the transaction of any business.

10.3 The Tree Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Tree Board may schedule additional meetings as needed.

Section 11. Planting of Street Trees and Town Trees

11.1 Size of Trees. As a part of the comprehensive tree plan to be accepted and approved by the Town Council, the Tree Board shall designate Trees as very small, small, medium, or large Trees and shall determine the standard of measurement used in classifying Trees as very small, small, medium, or large Trees.

11.2 Species of Trees. As a part of the comprehensive tree plan to be accepted and approved by the Town Council, the Tree Board shall maintain a list of official Street Tree species and Town Tree species for the Town according to the size designations of small, medium, or large Trees. Following the acceptance and approval of the comprehensive tree plan, only the approved Street Tree species and Town Tree species may be planted in their respective areas according to the size designations unless the prior written

approval of the Tree Board is obtained. In the event that an area qualifies as both a Street Tree area and a Town Tree area, then the Tree species from either list may be used.

11.3 Spacing of Street Trees. The spacing of Street Trees shall be determined by the Tree Board or the Town in accordance with the size designations determined under subsection 11.1 above and the Tree species.

11.4 Distance from Curbs and Sidewalks. The distance that Street Trees and Town Trees may be planted from curbs or curb lines and sidewalks shall be determined by the Tree Board or the Town in accordance with the size designations determined under subsection 11.1 above and the Tree species. The minimum distance from any Street or Town Tree's center to a sidewalk or curb shall be 2 feet.

11.5 Distances from Street Corners and Fire Hydrants. Street Trees and Town Trees shall be planted no closer than thirty (30) feet to any street corner, measured from the point of nearest intersecting curbs or curb lines and no closer than ten (10) feet to any fire hydrant.

11.6 Distances from Utilities. Street Trees and Town Trees, except those designated as small or very small Trees, may not be planted under or within ten (10) lateral feet of any overhead utility line, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility line.

Section 12. Removal and Replacement of Trees

12.1 Subject to the authority of the State of Indiana with respect to the right of way of any state highway, the Town shall have the authority to plant, prune, maintain, and remove Street Trees and Town Trees as may be determined to be necessary for the public safety or for the preservation and enhancement of the symmetry and beauty of the Street Tree and Town Tree areas.

12.2 The Town may remove or cause or order to be removed any Street Tree or Town Tree or part thereof which is dead or diseased; which is affected by any injurious fungus, insect, or other pest; which is in an unsafe condition; or which by reason of its nature or location is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or utilities. In such cases, excluding emergencies, the Tree Board shall be consulted in writing prior to removal. Once consulted, the Tree Board shall provide a written response to the request within 10 working days. If a written response is not received within 10 working days, then the removal may occur and the Town may invoice the responsible party under the process set out in subsections 22.3, 22.4 and/or 22.5.

12.3 If a Street Tree or part of a Street Tree is deemed in need of removal by the Tree Board or Town Council, the adjacent property owner shall be notified in writing by the Tree Board or the Town of the need for the removal.

12.4 If removal of a Street Tree or Town Tree is necessary for construction purposes on an adjacent property, the adjacent property owner shall pay for complete tree removal at their own cost and a replacement tree or trees of equal value planted on site or at a location owned or controlled by the Town, and determined by the Town.

12.5 In certain locations, Street Trees or Town Trees have been planted in close proximity to public sidewalks. Roots of such Trees may have caused damage to a public sidewalk, whose repair may require cutting of these roots. In such cases, the Tree Board shall be consulted in writing prior to cutting any roots. The Town shall first seek a solution that affects the tree roots as minimally as feasible, so as to preserve both the tree's health and the sidewalk, which may include altering the sidewalk's route, width, or material used. In the event a public sidewalk cannot be repaired or replaced without the removal of such a Tree, the Tree may be removed after written consultation with the Tree Board. Once consulted, the Tree Board shall provide a written response to the request within 10 working days. If a written response is not received within 10 working days, then the roots of the Street Tree or Town Tree or the entire Tree may be removed.

12.6 Property owners may file a request with the Tree Board for a Street Tree to be planted adjacent to their property at a twenty-five percent (25%) cost share (Town's portion being seventy-five percent (75%) of the cost). In its determination, the Tree Board shall consider the following factors and award Street Trees under this section in its discretion:

- A. Whether funding is available for this purpose;
- B. Whether a Street Tree had been removed at or near the location;
- C. Whether the Tree can be planted in a location without negatively affecting the nearby streets, alleys, sidewalks, utilities, building and other Trees; and
- D. The order in which requests were filed.
- E. If the Town removes a Street Tree for road widening purposes or utility construction, the Town shall plant a replacement Street Tree at or near the location of the removal, and at the Town's expense.

Section 13. Damaging or Injuring Trees

13.1 Unless approved or authorized by the Tree Board or Town, it shall be unlawful for any Person to:

- A. Damage, cut, carve, or injure any Street Tree or Town Tree;
- B. Attach any sign, wire, or injurious material to any Street Tree or Town Tree. However, wires or other supports used to stabilize Trees shall not be deemed to be unlawful; or
- C. Cause any gaseous, liquid, or solid substance harmful to Trees to come in contact with roots, leaves, or bark of any Street Trees or Town Trees.

Section 14. Tree Topping Prohibited

14.1 In accordance with Section 744-503 General Landscaping Standards, Part S. Maintenance, of the Municipal Code of the Consolidated City of Indianapolis and Marion County, tree topping is prohibited on all Trees within the town.

Section 15. Street Tree or Town Tree Topping and Removal

15.1 It shall be unlawful for any Person to Top or remove any Street Tree or Town Tree unless approved or authorized by the Tree Board or Town Council. Prior to any Topping or removal, the Tree Board or Town shall review and investigate the request and shall approve or deny the request. Utilities are not exempted from this section.

Section 16. Tree Clearances

16.1 The owner of any Tree overhanging any right of way within the Town shall prune the branches so that such branches

- A. Shall not obstruct the light from any street lamp,
- B. Shall not obstruct the view of any street intersection,
- C. Shall not obstruct the visibility of any traffic control device or sign, and
- D. Allow for a clear space of eight (8) feet above the surface of a public sidewalk and fourteen (14) feet above the surface of a street.

16.2 The owner shall perform the pruning at the owner's expense within thirty (30) calendar days after receiving a written notice from the Town. In the event the owner fails to comply with the notice, the Town shall have the authority to perform the pruning and to charge the cost of pruning to the owner, and invoice the responsible party under the process set out in subsections 22.3, 22.4 and/or 22.5.

16.3 Nothing contained herein shall prohibit the Town from performing the pruning without notice and charging the cost thereof to the owner in the event that it is determined that an emergency exists. The Tree Board shall make such recommendations as it deems appropriate to assist the Town in implementing this section.

Section 17. Dead, Damaged or Diseased Tree Removal on Private Property

17.1 The Town shall have the authority to remove or cause or order to be removed any dead, damaged, or diseased Trees on private property within the Town or any Trees which are affected by any injurious fungus, insect, or other pest on private property within the Town when it is determined that such Trees may constitute a hazard to the public or persons, property, or Trees at adjacent properties within the Town. The owner shall remove such Trees or parts thereof at the owner's expense within sixty (60) calendar days after the date of service of notice from the Town. In the event the owner fails to comply with the notice, the Town shall have the authority to remove such Trees

and to charge the cost of removal to the owner, and invoice the responsible party under the process set out in subsections 22.3, 22.4 and/or 22.5.

17.2 Nothing contained herein shall prohibit the Town from removing any such Tree or part thereof without notice and charging the cost thereof to the owner in the event that it is determined that an emergency exists. The Tree Board shall make such recommendations as it deems appropriate to assist the Town in implementing this Section. The Town may invoice the responsible party under the process set out in subsections 22.3, 22.4 and/or 22.5.

Section 18. Removal of Stumps

18.1 All stumps of removed Street Trees and Town Trees shall be eliminated below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 19. Interference with Official Action

19.1 It shall be unlawful for any Person to prevent, delay, or interfere with any agents or employees of the Town or of the Tree Board while engaging in and about the care, preservation, pruning, planting, replanting, removal, and disposition of any Street Trees, Town Trees, or other Trees as authorized in this Ordinance.

Section 20. Arborists Hired By Town

20.1 It shall be unlawful for any Person to engage in the business or occupation of the care, preservation, pruning, planting, replanting, removal, and disposition of Street Trees or Town Trees or other Trees as authorized by this Ordinance on behalf of the Town without first filing evidence of liability insurance in the minimum amounts of Five Hundred Thousand Dollars (\$500,000) for injury and property damage combined indemnifying the Town or any person injured or damaged as the result of the pursuit of such endeavors as herein described. For purposes of this section, utility companies, Town employees, and volunteers of the Tree Board or Town shall not be considered to be engaged in the business or occupation of the care, preservation, pruning, planting, replanting, removal, and disposition of Street Trees or Town Trees or other Trees as authorized by this Ordinance on behalf of the Town.

20.2 Except in the case of an emergency, the Town shall not hire an arborist or tree service to conduct Street Tree or Town Tree pruning or trimming without first receiving an assessment and recommendation of the subject tree(s) by an arborist possessing the "ISA Certified Arborist" certification through the International Society of Arboriculture (ISA).

20.3 Except as may be specified otherwise in this Ordinance, all maintenance of Street Trees and Town Trees shall conform to the American National Standards Institute (ANSI)

A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

Section 21. Public Nuisance

21.1 All Trees within the Town that are determined by the Town to constitute a public hazard or threat to health, safety, life, or property may be declared to be a public nuisance. The Town Council may order removal of such nuisances or other violations of this Ordinance and invoice the responsible party under the process set out in subsections 22.3, 22.4 and/or 22.5.

Section 22. Enforcement and Penalties

22.1 This Ordinance shall be enforced by the Town Council of the Town of Clermont or its authorized agents. Any Person who is found to have violated any provision of this Ordinance shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each separate offense. Each day that a violation exists with respect to any provision of this Ordinance shall constitute a separate offense.

22.2 Any person who has been found by the Tree Board to have violated any provision of this Ordinance shall have a right to appeal against the decision of the Tree Board to the Clermont Town Council. Any appeal of a decision of the Tree Board shall be in writing and shall set out, with particularity:

1. the decision of the Tree Board being appealed;
2. the legal standing or right of the person making the request to do so;
3. the decision of the Tree Board on the request;
4. the date of the decision of the Tree Board;
5. why the Tree Board's decision should be changed;

Any such request to appeal a decision of the Tree Board shall be mailed within thirty (30) days of the Tree Board decision, by US Mail, postage prepaid, certified mail return-receipt requested to:

Clermont Clerk-Treasurer
9049 Crawfordsville Rd.
Indianapolis, IN 46234

Upon receipt of the requested appeal the Clermont Clerk-Treasurer shall place the appeal on the agenda of the next upcoming council meeting and copies of the appeal shall be emailed by the Clerk-Treasurer to all members of the town council. The appeal shall heard at the next upcoming council meeting but in no case sooner than ten (10) days after the appeal has been received by the Clermont Clerk-Treasurer. The person appealing the Tree Board decision shall be notified, in writing, by the Clerk-Treasurer of

the date, time and location of the appeal hearing. The appeal hearing by the Clermont town council may be continued at the discretion of the Clermont Town Council. The person filing the appeal may be represented by counsel if they so choose.

The Clermont Town Council shall have continued authority to revise, modify and/or rescind any policy relating to the Clermont Tree Board at any time with or without notice.

22.3 In the event that a person responsible for a property fails to correct a condition of the property which constitutes a violation of Sections 15, 16, 17, 18 and/or 19 within the time specified in said sections the town may take action to abate the violation(s) or nuisance(s), as the case may be, as follows:

- (1) The Town Marshal shall be responsible for the administration of the ordinance.
- (2) Written Notice of Violation shall be issued to the owner at the last address of the owner(s) for the property as indicated in the records of the county auditor on the date of the notice mailed and to the occupier of the real property, at the address of the real property in violation, by personal service or first class U.S. mail or equivalent service as provided in IC 1-1-7-1.
- (3) In the event the violation is not corrected by the owner, or occupier, within fourteen (14) days of the Notice of Violation then the Town Marshal, the Marshal's designee or a contractor may enter the real estate and take action necessary to abate the violation at the cost of the property owner.
- (4) In the event the Town Marshal, the Marshal's designee or contractor carries out the abatement of the violation then the Clerk/Treasurer shall issue an invoice to the owner at the last address of the owner(s) for the property as indicated in the records of the county auditor on the date of the notice and to the occupier of the real property, at the address of the real property in violation. The Notice of Violation may be delivered by personal service or by first class U.S. mail (at the address as set out above) for the costs incurred by the Town to abate the violation plus an administrative charge for the abatement.
- (5) In the event the owner or occupier do not pay the amount of the invoice within fourteen (14) days of the date of the mailing of the invoice plus the amount of the civil violation then an enforcement action may be filed against the owner and occupier in any court of competent jurisdiction.
- (6) The procedure for appealing a Notice of Violation or a civil penalty shall be that the owner or occupier shall mail a written denial of the violation to the Clerk/Treasurer of Clermont within ten (10) days of the date of Notice of Violation or Civil penalty. In the event the Notice of Violation or Civil Penalty are

sent to the owner(s) and occupier(s) of the real estate by U.S. Mail then the owner(s) and/or occupier(s) shall have an additional three (3) days to file their denial or appeal.

If an initial Notice of the Violation of an ordinance adopted under this section was provided by certified mail, first class mail, or equivalent service under IC 1-1-7-1, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail, first class mail, or equivalent service as required. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality, or its contractors.

22.4 Failure of real property owner to pay bill; methods of collection

(a) Except as provided in subsection (b), if the owner of real property fails to pay a bill issued under section 3 of this chapter within the time specified in the ordinance, the department specified in the ordinance shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the municipality or county.

(b) If the owner of real property fails to pay a bill issued under section 3 of this chapter within the time specified in the ordinance, the municipality may bring an action in an appropriate court to collect the amount of the invoice, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the municipality obtains a judgment under this subsection, the municipality may obtain a lien in the amount of the judgment on any real or personal property of the owner.

22.5 Disbursement of bill collections to general fund of department enforcing ordinance

Notwithstanding section 4 of this chapter, the municipality may provide that the amounts collected shall be disbursed to the general fund of the department specified to enforce the ordinance.

Section 23. Severability

23.1 The provisions of this Ordinance are hereby declared to be severable. If any provision contained in this Ordinance shall be declared to be invalid or void for any reason, such declaration shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

Section 24. Effective Date and Repealing Effect

24.1 This Ordinance shall take effect upon adoption and publication in accordance with the requirements of law. This Ordinance supersedes the provisions of other town ordinances or parts thereof in conflict herewith.

Approved and Adopted at the duly noticed and regularly scheduled meeting of the Clermont Town Council held this 10 day of August, 2023.

YEA

Michael A. Beam
Aaron M. Taylor
Frank LeMura

NAY

Michael A. Beam

Michael Beam
President of the
Clermont Town Council

ATTEST:

Larry Beiter

Larry Beiter
Clerk-Treasurer of the
Town of Clermont

Ordinance No. 20240613-01

**ORDINANCE OF THE CLERMONT TOWN COUNCIL ADOPTING CHANGES
RECOMMENDED BY THE OVERSIGHT COMMITTEE TO THE TOWN'S
POLICY OF INTERNAL CONTROL STANDARDS**

The Clermont Town Council (the "Council") met at its duly called meeting of the date set forth below, such meeting being regularly scheduled meeting of the Council and such meeting being called pursuant to the Council's notice stating the time, place and purpose of the meeting, and the following Ordinance was made seconded and adopted by a majority of the Council members which constituted a majority of the Council:

WHEREAS, the Clermont Town Council having previously adopted its Ordinance for compliance with the Uniform Internal Control Standards for Indiana Political Subdivisions in accordance with IC 5-11-1-27 Effective July 1, 2016 & contemplating an accompanying policy; and

WHEREAS, the Town's Oversight Committee having prepared and presented to the Council its suggested Town of Clermont's Internal Controls Standards; and

WHEREAS, the Ordinance provides that the Town's Oversight Committee should review the town's internal controls policy and make recommendations to the town council for changes as may be necessary or advisable to the town; and

WHEREAS, the Town's Oversight Committee met on December 18, 2023, and made suggestions for changes to the Town of Clermont's Internal Controls Policy and that the suggested changes should be presented and recommended to the town council for the council's review and adoption; and

WHEREAS that said Oversight Committee's suggested changes recommended to the council are set out in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, the Oversight Committee has integrated its recommended changes in the town's internal controls standards policy into Exhibit "B" attached hereto and made a part hereof, said Exhibit "B" and recommends the adoption of Exhibit "B" as the updated Internal Controls Standards Policy for the Town of Clermont.

IT IS THEREFORE ORDAINED, by the Clermont Town Council, as follows:

1. That the Town Council hereby approves the Oversight Committee's suggested and recommended changes to the town's Internal Controls Standards Policy as the official Policy of the Town of Clermont for safeguarding the funds and other assets of the Town. A complete and integrated copy, with the Oversight Committee's suggested and recommended changes to the town's Internal Controls policy is attached hereto as Exhibit "B".

2. That the Town Council finds that it is in the best interests of the Town of Clermont to approve and ratify the recommended changes presented to the Town Council by the Oversight Committee.

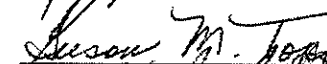
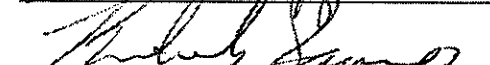
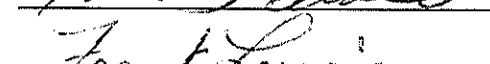
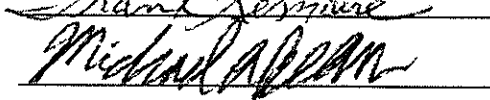
3. That the Town Council hereby adopts the Oversight Committee's recommended changes to the town's Internal Controls Standards as the official Policy of the Town of Clermont all as set out in Exhibit "B" attached hereto and made a part hereof.

4. That the Internal Controls Standards as adopted by the town council in Ordinance number 2016-0512-01 is hereby amended as set out herein.

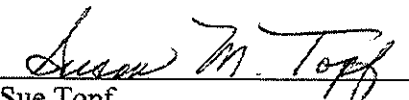
5. That the provisions of this Ordinance become effective upon passage.

Yea:

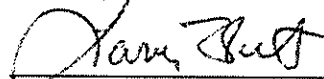
Nay

Approved and Adopted this 13th day of June, 2024.


Sue Topf
Council President

ATTEST:


Larry Beiter
Clerk/Treasurer

Ordinance No. 20240613-02

**ORDINANCE OF THE CLERMONT TOWN COUNCIL OF MARION COUNTY,
INDIANA, REPEALING ORDINANCE NUMBER 263 CONCERNING ITS
CAPITAL ASSET POLICY AND ADOPTING A NEW ORDINANCE FOR ITS
CAPITAL ASSET POLICY**

The Town Council of Clermont of Marion County, Indiana (the "Council") met at a duly called and authorized meeting of the Council of the date set forth below, a quorum being present, such meeting being regularly scheduled meeting of the Clermont Town Council and such meeting being called pursuant to the Council's notice stating the time, place and purpose of the meeting received by all the Council Members, and the following ordinance was moved, seconded and adopted by a majority of the elected Council members which constituted a majority of the Clermont Town Council:

WHEREAS on November 10, 2005, the Town adopted a Capital Asset policy by adoption of Ordinance number 263; and

WHEREAS the cost of living and the costs in general have increased significantly since the adoption of Ordinance number 263 and having a minimum threshold value of Two Hundred Fifty Dollars (\$250.00) in no longer realistic; and

WHEREAS the Town Council finds it is in the best interests of the Town that the Capital Asset policy of the Town be amended by repeal of ordinance 263 and adoption a new ordinance which increases the minimum threshold value for tracking of capital assets of the Town to One Thousand Dollars (\$1000.00) per item based on acquisition costs; and

IT IS THEREFORE ORDAINED, by the Clermont Town Council that:

1. That Ordinance 293 adopted on November 10, 2005, is hereby repealed.
2. Consumable item(s) shall not be inventoried.
3. The minimum amount of any single item(s) to be recorded in the official Town Asset Report is One Thousand dollars (\$1,000.00). This value is to be based on the purchase price of any item(s) considered to be owned by the town of Clermont.
4. This Ordinance shall be in full force and effect upon adoption by the Town Council

YEA

NAY

Susan M. Topf
Kathy D'Amico
Frank Lorraine
Michael D'Amico
[Signature]

Approved and Adopted this 13th day of June, 2024.

Susan M. Topf
Sue Topf
President of the Clermont
Town Council

ATTEST:

Larry Beiter
Larry Beiter
Clerk Treasurer of the Town of Clermont

ORDINANCE NO. 20240613-03

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
CLERMONT, INDIANA, AUTHORIZING REIMBURSEMENT OF TOWN
OFFICIALS OR EMPLOYEES FOR MILEAGE DRIVEN**

The Town Council of Clermont of Marion County, Indiana (the "Council") met at a duly called and authorized meeting of the Council of the date set forth below, a quorum being present, such meeting being regularly scheduled meeting of the Clermont Town Council and such meeting being called pursuant to the Council's notice stating the time, place and purpose of the meeting received by all the Council Members, and the following ordinance was moved, seconded and adopted by a majority of the elected Council members which constituted a majority of the Clermont Town Council:

WHEREAS, at various times members of the town council and other town employees may be required to use their private vehicles for the legitimate conduct of town business; and

WHEREAS, such officials or employees should not be required to bear the expense personally; and

WHEREAS, the town on July 11, 2002 previously adopted Ordinance Number 252 to provide for such mileage reimbursement and setting a reimbursement rate for such reimbursements; and

WHEREAS, over time the cost of vehicles, wear and tear as well as gasoline have increased substantially and the Town Council finds that the reimbursement rate should also be increased so as to more realistically reflect the costs of a vehicle's operation; and

WHEREAS, it is determined by the Town Council that Ordinance 252 shall be amended as follows and any such reimbursements for personal use of the official's or employees shall be as follows:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Clermont, Indiana as follows:

1. Ordinance 252 adopted on July 11, 2002, shall be amended to provide as set out below:
2. Officials and/or employees of the town shall be reimbursed for mileage incurred in their personal vehicle for town business shall be at the deductible mileage rate currently allowed by the Internal Revenue Service (IRS) for business use of a personal vehicle.
3. Any such reimbursement request shall be presented on a form provided by the Clerk-Treasurer setting out the date of vehicle use, the number of miles driven for town business and the nature of town business. The town official or

employee shall affirm under the penalties of perjury that the statements made on the reimbursement request are true and accurate.

4. The Clerk-Treasurer may require additional information and justification from the requestor prior to requesting the council's approval of the reimbursement.
5. It shall be the responsibility of the official or employee to justify the milage was incurred on behalf of the town.
6. The request for milage reimbursement shall be submitted to the Clerk-Treasurer within ninety (90) days of the date of the trip for which milage reimbursement is requested.
7. Such milage reimbursement shall be permitted only for trips of more than five (5) miles, one way.
8. This resolution shall be effective upon adoption.

YEA

NAY

Susan M. Topf
Kimberly Saur
Frank Lemaire
Michael A. Seem
[Signature]

Approved and Adopted this 13th day of June, 2024.

Susan M. Topf
Printed: Sue Topf
President of the Clermont Town Council

ATTEST:

Larry Beiter
Larry Beiter
Clerk-Treasurer of the Town of Clermont

PERSONAL VEHICLE MILAGE REIMBURSEMENT REQUEST

The below stated town official or employee requests reimbursement for the personal use of said official or employee's personal vehicle use for town business:

Date of vehicle use: _____.

Nature of town business: _____.

Number of miles driven: _____.

By submitting this request the town official or employee below certifies that this request for milage reimbursement is true and correct.

Date Submitted: _____

Signature: _____

Printed Name: _____

Approved for reimbursement: _____