

**TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: ABANDONED VEHICLES

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### § 90.01 PURPOSE.

The Town Council finds that abandoned vehicles are a public nuisance and a safety and health hazard.

### § 90.02 DEFINITIONS.

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

#### ***ABANDONED VEHICLE.***

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property without being moved for 24 hours;
- (3) A vehicle located on public property in any manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;

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(5) 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;

(6) A vehicle that has been removed by a towing service or the town upon request of an officer enforcing a statute or ordinance other than this chapter, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days of the vehicle's removal; and

(7) A vehicle that is at least 3 model years old, 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 division, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

(8) A vehicle:

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

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

(c) 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.

(I.C. 9-13-2-1)

***AUTOMOBILE SCRAPYARD.*** A business organized for the purpose of scrap metal processing, vehicle wrecking, or operating a junkyard.

(I.C. 9-13-2-8)

***BUREAU.*** Unless otherwise indicated, refers to the state Bureau of Motor Vehicles.

(I.C. 9-13-2-16)

***FISCAL BODY.*** The Town Council.

(I.C. 9-13-2-63)

***OFFICER.*** The Town Marshal, his or her designee, or a member of the Town Police Department.

(I.C. 9-22-1-2)

***OWNER.*** Except as otherwise provided in I.C. 9-31, means a person, other than a lienholder, that:

(1) Holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) Is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.

(I.C. 9-13-2-121)

**PARTS.** All components of a vehicle that, as assembled, do not constitute a complete vehicle.  
(I.C. 9-13-2-122)

**PRIVATE PROPERTY.** All property other than public property.  
(I.C. 9-13-2-136)

**PUBLIC PROPERTY.** A public right-of-way, street, highway, alley, park, or other state, county, or municipal property.  
(I.C. 9-13-2-144)

**TOWING SERVICE.** A person that engages in moving or removing abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.  
(I.C. 9-13-2-179)

**VEHICLE.** For purposes of I.C. 9-22 and I.C. 9-32, the term refers to a vehicle of a type that must be registered under I.C. 9-18-2 (before its expiration) or I.C. 9-18.1, other than an off-road vehicle or a snowmobile under I.C. 9-18-2.5 (before its expiration) or I.C. 9-18.1-14.  
(I.C. 9-13-2-196(c))

### § 90.03 EXCEPTIONS.

This chapter does not apply to:

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

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

(C) A vehicle located on a vehicle sale lot.

(D) A vehicle located upon property licensed or zoned as an automobile scrapyard.

(E) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8.

(F) A golf cart.

(G) An off-road vehicle.  
(I.C. 9-22-1-1)

**§ 90.04 RESPONSIBILITY OF OWNER.**

The owner of an abandoned vehicle or parts is:

(A) Responsible for the abandonment; and

(B) Liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts under this chapter.

(I.C. 9-22-1-4)

**§ 90.05 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER.**

When an officer discovers a vehicle in the possession of a person other than the owner of the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place determined by the officer.

(I.C. 9-22-1-5)

(B) (1) If the owner or lienholder under division (C) below does not appear and pay all costs; or

(2) The owner of a vehicle cannot be determined by a search conducted under I.C. 9-22-1-19;

the vehicle is considered abandoned and must be disposed of under this chapter.

(I.C. 9-22-1-7)

(C) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.

(I.C. 9-22-1-8)

**§ 90.06 DISCOVERY OF VEHICLE ABANDONED ON PRIVATE PROPERTY.**

(A) (1) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(a) Obtain the assistance of an officer under I.C. 9-22-1-18 to have the vehicle removed;

or

(b) Personally arrange for the removal of the vehicle by complying with division (A)(2) and division (B) of this section.

(2) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(a) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.

(b) That the vehicle is considered abandoned.

(c) That the vehicle will be removed after 24 hours.

(d) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(e) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 24 hours.

(I.C. 9-22-1-15)

(B) If after 24 hours the person who owns a vehicle believed to be abandoned on private property has not removed the vehicle from the private property, the person who owns or controls the private property on which the vehicle is believed to be abandoned may have the vehicle towed from the private property.

(I.C. 9-22-1-16(a))

(C) Notwithstanding division (B), in an emergency situation a vehicle believed to be abandoned on private property may be removed immediately. As used in this subsection, *EMERGENCY SITUATION* means that the presence of the vehicle believed to be abandoned interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

(I.C. 9-22-1-16(b))

(D) A towing service that tows a vehicle under division (C) of this section shall give notice to the town that the abandoned vehicle is in the possession of the towing service.

(I.C. 9-22-1-17)

### § 90.07 REMOVAL OF ABANDONED VEHICLES.

(A) An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

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(1) The date, time, officer's name, Town Police Department, and address and telephone number to contact for information;

(2) That the vehicle or parts are considered abandoned;

(3) That the vehicle or parts will be removed after 72 hours;

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle; and

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(a) Thirty-six hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or

(b) Seventy-two hours for any other vehicle.

(I.C. 9-22-1-11)

(B) If a vehicle or a part tagged under division (A) of this section is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

(I.C. 9-22-1-12)

(C) (1) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts is less than:

(a) One thousand dollars; or

(b) In a municipality that has adopted an ordinance under division (C)(2), the amount established by the ordinance;

the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the storage yard. A towing service or storage yard may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under I.C. 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyards or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency or storage yard disposing of the vehicle shall retain the original records and photographs for at least 2 years. If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.



(2) The legislative body of a municipality (as defined in I.C. 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under division (A). However, the market value established by the ordinance may not be more than \$750. (I.C. 9-22-1-13)

(D) (1) If in the opinion of the officer the market value of the abandoned vehicle or parts is at least:

(a) one thousand dollars; or

(b) In a municipality that has adopted an ordinance under division (C)(2) above, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(2) After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service. (I.C. 9-22-1-14)

(E) Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in divisions (A) through (D) of this section. (I.C. 9-22-1-18)

**§ 90.08 DISPOSAL OF ABANDONED VEHICLES.**

(A) (1) Within 72 hours after removal of a vehicle to a storage yard or towing service under §§ 90.06, 90.07 or 90.09 of this chapter, I.C. 9-22-6, the town or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(2) The town or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than 72 hours after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

(a) The name, address, and telephone number of the town or towing service.

(b) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.

(c) The earliest possible date and location of the public sale or auction.

(3) The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the Bureau of Motor Vehicles. Notwithstanding I.C. 9-22-1-4, the town or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this division may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

(I.C. 9-22-1-19)

(B) The Bureau shall dispose of the vehicle as permitted by state law.

### **§ 90.09 TOWING CONTRACTS.**

To facilitate the removal of abandoned vehicles or parts, the town may employ personnel; acquire equipment, property, and facilities; and enter into towing contracts for the removal, storage, and disposition of abandoned vehicles and parts.

(I.C. 9-22-1-31)

### **§ 90.10 LIABILITY FOR LOSS OR DAMAGE.**

The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

(A) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed;

(B) The town;

(C) A towing service;

(D) An automobile scrapyard;

(E) A storage yard; and

(F) An agent of a person or entity listed in divisions (A) through (E) above.

(I.C. 9-22-1-32)

## CHAPTER 91: ANIMALS

Section

### *General Provisions*

- 91.01 Definitions
- 91.02 Limitation on keeping certain animals; sanitation

### *Dogs*

- 91.15 Prohibited conduct; owner responsible
- 91.16 Running at large prohibited
- 91.17 Dogs in heat; confinement

## **GENERAL PROVISIONS**

### **§ 91.01 DEFINITIONS.**

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

**AT LARGE.** Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain, or otherwise.

**DOG.** Any member of the canine family, 6 months of age or over, male or female.

**OWNER.** Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care, or permits it to remain on or about the premises owned or occupied by him or her.

**§ 91.02 LIMITATION ON KEEPING CERTAIN ANIMALS; SANITATION.**

(A) It shall be unlawful to have or keep any goats, sheep, swine or pigs, horses, mules, ponies, cattle, rabbits, chickens, ducks, geese, turkeys, guineas, or other farm animals or fowl within 200 feet of any residence, other than the residence of the person so keeping or having these animals.

(B) No person shall cause or allow any stable or place where any animal or fowl is, or may be, kept to become unsanitary.

Penalty, see § 10.99

***DOGS*****§ 91.15 PROHIBITED CONDUCT; OWNER RESPONSIBLE.**

It shall be unlawful for any owner to fail to exercise proper care and control of his or her dog or dogs so as to prevent the following actions by it or them:

(A) Molesting of passersby;

(B) Chasing of passing vehicles;

(C) Attacking other domestic animals;

(D) Trespassing upon private property or school property;

(E) Damaging private or public property;

(F) Habitual barking or loud and continued noise; or

(G) Unnecessary foul or noxious odors which offend people in the neighborhood.

Penalty, see § 10.99

**§ 91.16 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful to permit any dog to run at large within the corporate limits of the town. Any dog running at large within the town shall be impounded.

Penalty, see § 10.99

**§ 91.17 DOGS IN HEAT; CONFINEMENT.**

Every female dog in heat shall be confined in a building or secure enclosure in any manner that the dog cannot come into contact with another dog except for planned breeding.

Penalty, see § 10.99



## CHAPTER 92: NUISANCES

Section

### *Weeds*

- 92.01 Definitions; exclusions
- 92.02 Owners responsible for trimming, removal and the like
- 92.03 Filing complaint
- 92.04 Notice of violations
- 92.05 Appeals
- 92.06 Abatement by town
- 92.07 Liability
  
- 92.99 Penalty

### **WEEDS**

#### **§ 92.01 DEFINITIONS; EXCLUSIONS.**

(A) For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DESTRUCTION ORDER.** The notice served by the enforcement authority on the property owner of the ordinance violation.

**ENFORCEMENT AUTHORITY.** The town executive, or in cases of appeal, the Town Council.

**PROPERTY OWNER.** The person occupying the property, the holder of legal title or a person having control over the property of another, like a right-of-way, easement, license or lease.

**RANK VEGETATION.** The uncontrolled, uncultivated growth of annuals and perennial plants.

**WEEDS, GRASSES.** Includes Canada thistle, thistles, johnson grass, sorghum, alum [i.e., allium], bur cucumber, and shattercane, but shall not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(C) The Indiana Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants and crops.

#### **§ 92.02 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.**

All property owners within the corporate limits of the town shall be required and be financially responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 10 inches in average height, and in no event, exceeds 15 inches maximum height on at least 20% of the surface area of the property.

#### **§ 92.03 FILING COMPLAINT.**

Any person, including the town, who believes there is property located within the corporate limits of the town which has growing plant matter in violation of this division, shall make a written complaint signed, dated and filed with the Town Clerk-Treasurer. If the town makes the complaint, an employee, officer, or Council member of the town shall file the complaint in all respects as set out above.

#### **§ 92.04 NOTICE OF VIOLATIONS.**

(A) Upon receiving notice of the probable existence of weeds in violation of this division, a person designated by the enforcement authority shall make an inspection and prepare a written report to the enforcement authority regarding the condition. The enforcement authority, upon concluding that there is a probable belief that this division has been violated, shall forward written notification in the form of a destruction order, to the property owner and/or the person occupying the property, as that information is contained within the records of the Town Clerk-Treasurer or any other town agency. The notice shall be served in writing by certified mail. The notice shall provide that within 7 calendar days after the receipt of the notice that the designated violation shall be removed by the property owner and/or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the Town Clerk-Treasurer.

(2) Certified mailing to the Town Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.



**§ 92.05 APPEALS.**

(A) The property owner may appeal by filing written notice of objections with the enforcement authority within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the enforcement authority. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this division, and should not be subject to destruction under the division.

(B) An appeal by the property owner shall be brought before the Town Council and shall be decided by a majority vote of the Council members in attendance and them being at a regularly scheduled or special meeting of the Town Council.

**§ 92.06 ABATEMENT BY TOWN.**

In the event that the property owner shall fail to comply with the destruction order within 7 calendar days and has not filed a notice within 48 hours to the Clerk-Treasurer of an intent to appeal, the enforcement authority may employ the services of town employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

**§ 92.07 LIABILITY.**

(A) Except as provided in division (B) below, if the owner of real property fails to pay a bill issued under I.C. 36-7-10.1-3 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 I.C. 36-7-10.1-3 within the time specified in the ordinance, the municipality or county may bring an action in an appropriate court to collect the amount of the bill, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the municipality or county obtains a judgment under this division (B), the municipality or county may obtain a lien in the amount of the judgment on any real or personal property of the owner.

(I.C. 36-7-10.1-4)

**§ 92.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to § 10.99.

(Ord 3-1998, passed 3-9-1998)



## CHAPTER 93: STREETS AND SIDEWALKS

Section

### *Excavations and Construction*

- 93.01 Opening permit required
- 93.02 Application and cash deposit
- 93.03 Restoration of pavement
- 93.04 Barriers around excavations
- 93.05 Warning lights
- 93.06 Sidewalk construction

### *Obstructions*

- 93.20 Unloading on street or sidewalk
- 93.21 Street and sidewalk obstruction
- 93.22 Materials on street or sidewalk

## ***EXCAVATIONS AND CONSTRUCTION***

### **§ 93.01 OPENING PERMIT REQUIRED.**

It shall be unlawful for any person, other than an authorized town official, to make any opening in any street, alley, sidewalk, or public way of the town unless a permit to make the opening has been obtained prior to commencement of the work.

Penalty, see § 10.99

### **§ 93.02 APPLICATION AND CASH DEPOSIT.**

Each permit for making an opening shall be confined to a single project and shall be issued by the authorized town official. Application shall be made on a form prescribed by the Town Council, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and

any other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the authorized town official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

### **§ 93.03 RESTORATION OF PAVEMENT.**

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the authorized town official, and in accordance with rules, regulations, and specifications approved by the Town Council.

(B) Upon failure or refusal of the permittee to satisfactorily fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the town may proceed without notice to make any fill and restoration and the deposit referred to in § 93.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate town fund, except any part demanded and paid to the permittee as the difference between the deposit and the charges of the town for restoration services performed by it. If the amount of the services performed by the town should exceed the amount of the deposit, the Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

### **§ 93.04 BARRIERS AROUND EXCAVATIONS.**

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way, shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 10.99

### **§ 93.05 WARNING LIGHTS.**

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season, shall install and maintain at least 2 illuminated red lamps, which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least 1 additional lamp for each added 50 feet, or portion thereof, excavated or obstructed.

Penalty, see § 10.99

**§ 93.06 SIDEWALK CONSTRUCTION.**

It shall be the duty of the authorized town official to supervise construction or repair of sidewalks within the town. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the Town Council for approval. When the specifications are approved, the Town Council shall advertise for proposals to do all the work which may be ordered by the town in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding 1 year, with the lowest responsible bidder, who shall faithfully perform the work. The Mayor, if authorized by Town Council, may make separate contracts for the different kinds of work with different parties.

***OBSTRUCTIONS***

**§ 93.20 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the town by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 10.99

**§ 93.21 STREET AND SIDEWALK OBSTRUCTION.**

No person shall obstruct any street, alley, sidewalk, or other public way within the town by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 10.99

**§ 93.22 MATERIALS ON STREET OR SIDEWALK.**

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 10.99



## CHAPTER 94: FAIR HOUSING

### Section

- 94.01 Policy
- 94.02 Definitions
- 94.03 Unlawful practice
- 94.04 Discrimination in sale or rental of housing
- 94.05 Discrimination in residential real estate related transactions
- 94.06 Discrimination in provision of brokerage services
- 94.07 Interference, coercion or intimidation
- 94.08 Prevention of intimidation in fair housing cases
- 94.09 Exemptions
- 94.10 Administrative enforcement

### § 94.01 POLICY.

It shall be in the policy of the Town of Monrovia to provide, within constitutional limitation, fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1974, as amended, and I.C. 22-9.5-1-1 *et seq.*  
(Ord. 1-1998, passed 2-23-1998)

### § 94.02 DEFINITIONS.

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

**AGGRIEVED PERSON.** Any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
  - (2) Believes that that person will be injured by a discriminatory housing practice that is about to occur.
- (I.C. 22-9.5-2-2)

**COMMISSION.** The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.* (I.C. 22-9.5-2-3)

**COMPLAINANT.** A person, including the Commission, who files a complaint under I.C. 22-9.5-6. (I.C. 22-9.5-2-4) (Ord. 1-1998, passed 2-23-1998)

**DISABILITY.**

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits 1 or more of that person's major life activities;

(b) A record of having an impairment;

(c) Being regarded as having an impairment;

(d) An impairment described or defined, pursuant to the federal Americans with Disabilities Act of 1990; or

(e) Any other impairment defined under state law.

(2) The term **DISABILITY** shall not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802; nor does the term **DISABILITY** include an individual solely because that individual is a transvestite.

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 94.04 through 94.08, or I.C. 22-9.5-5.

**DWELLING.** Any building, structure, or part of a building or structure, that is occupied as, or designed or intended for, occupancy as a residence by 1 or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure, that is occupied as, or designed or intended for, occupancy as a residence by 1 or more families.

(I.C. 22-9.5-2-8)

**FAMILIAL STATUS.** One or more individuals (who have not attained the age of 18 years) being domiciled with a parent, or another person having legal custody of that individual, or the written permission of the parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.



**FAMILY.** A single individual with the status of that family being further defined in **FAMILIAL STATUS** above.

(I.C. 22-9.5-2-9)

**PERSON.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, jointstock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(I.C. 22-9.5-2-11)

**TO RENT.** To lease, to sublease, to let and otherwise to grant for a consideration, the right to occupy the premises owned by the occupant.

(I.C. 22-9.5-2-13)

**Editor's Note:**

*I.C. 22-9.5-2-10, upon which § 94.02 is based in part, was repealed by Pub. Law 99, § 224, 2007.*

### § 94.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below, § 94.09, and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in § 94.04, shall apply to:

(A) All dwellings, except as exempted by division (B) below and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) below, nothing in § 94.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than 3 single-family houses at any 1 time; provided that in the sale of any single-family house by a private individual, owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption shall apply only to 1 sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than 3 single-family houses at any 1 time. The sale or rental of any single-family house shall be excepted from application of this section, only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson, or person; or

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 94.04(C) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance as necessary to perfect or transfer this title.

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(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other, if the owner actually maintains and occupies 1 of the living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in 3 or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in 2 or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, 5 or more families.  
(Ord. 1-1998, passed 2-23-1998)

**§ 94.04 DISCRIMINATION IN SALE OR RENTAL OF HOUSING.**

As made applicable by § 94.03, and except as exempted by §§ 94.03(B) and 94.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(C) To make, print, or publish, or cause to be made, printed, or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination, based on race, color, religion, sex, disability, familial status or national origin, or an intention to make any preference, limitation, or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin, that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available;

(E) For profit, to induce, or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry, or perspective entry, into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin; and/or

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with any dwelling, because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(c) Any person associated with that person.

(3) For purposes of this subsection, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by that person if the modifications may be necessary to afford that person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford that person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings, for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in any manner that:

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1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into, and within all premises within the dwellings, are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within the dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements Americans With Disabilities Act of 1990, being 42 U.S.C. 12101 *et seq.* and of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of division (F)(3)(c)3.

(5) Nothing in this division requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.  
(Ord. 1-1998, passed 2-23-1998)

### § 94.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

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

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.

(Ord. 1-1998, passed 2-23-1998)

**§ 94.06 DISCRIMINATION IN PROVISION OF BROKERAGE SERVICES.**

It shall be unlawful to deny any person access to, or membership, or participation, in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of the access, membership, or participation, on account of race, color, religion, sex, disability, familial status or national origin.

(Ord. 1-1998, passed 2-23-1998)

**§ 94.07 INTERFERENCE, COERCION OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 94.03 through 94.06.

(Ord. 1-1998, passed 2-23-1998)

**§ 94.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, disability, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(B) Any person because he or she is or has been, or in order to intimidate that person or any other person, or any class of persons from:

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(1) Participating, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations or facilities described in the Americans with Disabilities Act, being 42 U.S.C. 12101 *et seq.*; or

(2) Affording another person or class of persons opportunity or protection so to participate.

(C) Any citizen because he or she is or has been, or in order to discourage a citizen, or any other citizen, from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 1-1998, passed 2-23-1998)

**§ 94.09 EXEMPTIONS.**

(A) Exemptions defined or set forth under I.C. 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) below.

(B) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to those persons, unless membership in that religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least 1 person 55 years of age or older per unit.

**§ 94.10 ADMINISTRATIVE ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) below hereof shall be vested in the Chief Executive Officer of the Town of Monrovia, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Monrovia, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of this chapter by complainants to the Indiana Civil Rights Commission (Commission) for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Chief Elected Officer of the Town of Monrovia, Indiana, shall refer all complaints to the Commission as provided for under division (A) above to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the Town of Monrovia, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further the purposes.

(D) The Chief Executive Officer of the Town of Monrovia, Indiana, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting that information.

(Ord. 1-1998, passed 2-23-1998)





## **CHAPTER 95: PARKS AND RECREATION**

### Section

#### 95.01 Golf cart usage during Monrovia Festival

#### **§ 95.01 GOLF CART USAGE DURING MONROVIA FESTIVAL.**

(A) All persons and/or groups who wish to use a golf cart(s) during the Monrovia Festival shall be required to obtain a permit from the Town Clerk-Treasurer prior to the use. Permits shall be readily available at the Monrovia Municipal Center by filling out a form listing the owner of the cart, its intended use, and signing a release of liability form. Permits may be obtained during regular business hours, but must be obtained no later than the Wednesday prior to the beginning of the Festival.

(B) Anyone operating a golf cart without having obtained the permit shall be subject to a fine not exceeding \$100, and shall be asked to remove the cart from the street immediately.  
(Ord. 13-1997, passed 8-25-1997)

