

## Chapter 1 – GENERAL PROVISIONS

### Sec. 1-7. – General Penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a violation ~~or a misdemeanor~~ by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, or a violation ~~or a misdemeanor~~ by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a Town officer or Town employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine of not more than \$2,500.00. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(d) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

~~(e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.~~

~~(e) If a person is financially unable to pay a fine at the time of imposition of the fine, the fine shall be payable to the clerk of the superior court of the county in monthly installments of \$5.00. The first payment is due 30 days after imposition of the fine. Upon default in payment of any such installment, the entire balance of the fine shall be immediately due and payable.~~

**Sec. 1-8. - Ordinance Violations Bureau; payment of civil penalties.**

- (a) The ~~O~~office of ~~the~~ ~~C~~lerk-~~T~~reasurer of the ~~t~~Town shall constitute an ~~O~~rdinance ~~V~~iolations ~~B~~bureau for the acceptance of written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than \$250.00, as permitted by I.C. 33-36-3-2.
- (b) The ~~C~~lerk-~~T~~reasurer of the ~~t~~Town shall be the administrator of the ~~O~~rdinance ~~V~~iolations ~~B~~bureau and shall be known as the Violations Clerk.-
- (c) All ordinances and Code provisions, as hereinafter may be designated by proper schedule and identified throughout this Code, are now determined to be payable offenses, subject to admission before the Violations Clerk, and each violator may elect to pay the fine directly to the Office of the Clerk-Treasurer, Ordinance Violations Bureau, without the necessity of appearing in court.
- (d) If a person cited for a violation of an ordinance or Code provision, as hereinafter may be designated, wants to exercise the right to trial, then that person shall appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk.
- (e) A person charged with a violation of an ordinance or Code provision is entitled to a trial before a court as provided by law unless the person waives the right to a trial and enters an admission of the violation with the Violations Clerk. Upon an admission, the Clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established in this chapter.
- (f) Any person cited for a violation of an ordinance or Code provision shall be entitled to pay the fine at the Violations Bureau within 30 days of issuance of the citation.
- (g) Any person paying a fine at the Ordinance Violations Bureau shall execute a waiver of the right to trial and an admission of the violation.
- (h) The Violations Clerk shall report to the person having the responsibility to prosecute ordinance violations for the Town of Munster, if a person:
  - (1) Denies an ordinance or Code violation subject to the provisions of I.C. 33-36;
  - (2) Fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation; or
  - (3) Fails to deny or admit the violation subject to the provisions of I.C. 33-36, then who shall initiate proceedings against the person in a court having jurisdiction over the alleged ordinance violation.

Proceedings in court shall then be initiated against the person for the alleged ordinance violation.

- (i) If the citation has not been paid at the Violations Bureau within 30 days of the date of issuance, the violation shall be filed with the Clerk of the Superior Court and the matter will be set for initial appearance.
- (j) Except as otherwise provided, an ordinance violation admitted under this chapter does not constitute a judgment for purposes of I.C. 33-37 and ordinance violation cost fees may not be collected from the defendant under I.C. 33-37-4. In addition, an ordinance violation processed by the Violations Bureau may not be considered for the purposes of I.C. 33-37-7-5 or 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.
- ~~(e)(k)~~ The following is a schedule of ~~T~~Town ordinances and provisions of this Code which shall be subject to ~~admission of violation the jurisdiction of before~~ the ~~ordinance V~~violations ~~bureau~~Clerk in the Ordinance Violations Bureau in the Town of Munster: and the initial violation within a calendar year of such ordinances and Code provisions shall be subject to the civil penalty set forth:

<del>Ordinances or</del> <del>Code Provisions</del>	Subject	Civil <del>Penalty</del> <del>Penalty</del>
<del>§ 6-4</del>	Unlicensed pet	\$25.00
<del>§ 6-5</del>	Animal running at large	<del>\$</del> 50.00
<del>§ 10-1</del>	Failure to obtain business registration	<del>\$</del> 50.00
<del>Ch. 10, art. IV, div. 2</del>	Unlicensed contractor or subcontractor	<del>\$</del> 50.00
<del>10-221</del>	Transient merchant without license	<del>\$</del> 50.00
<del>Ch. 14, art. III</del>	<del>Alarm and alarm systems</del> <del>Alarm systems (not otherwise specified)</del>	<del>\$</del> 25.00
<del>§ 14-65</del>	<del>False alarms (after two in any calendar year)</del>	<del>\$</del> 25.00
<del>§ 18-31 (5)</del>	Maintenance of junk or abandoned motor vehicle	<del>\$</del> 50.00
<del>Ch. 18, art III</del>	<del>Smoke-free air regulations for workplaces and public places (1<sup>st</sup> and 2<sup>nd</sup> offense only)</del>	<del>1<sup>st</sup> offense: \$100.00;</del> <del>2<sup>nd</sup> offense: \$200.00</del>
<del>Ch. 26, art. II</del>	All violations of the building code resulting in a red tag	<del>7</del> 50.00
<del>§ 26-71</del>	Construction of accessory building or building addition without permit	<del>2</del> 50.00
<del>§ 26-511(4)</del>	<del>Home occupations</del>	<del>50.00</del>
<del>§ 26-892</del>	<del>Parking-commercial vehicles in residential zones</del>	<del>50.00</del>
<del>Ch. 26, art. VI, div. 8</del>	<del>Off-street parking and loading</del>	<del>50.00</del>
<del>§ 26-1031</del>	Erection of sign without permit	<del>25.00</del>
<del>Ch. 26, art. VI, div. 11</del>	<del>Satellite receiving dishes</del>	<del>25.00</del>

<u>§ 30-1</u>	Graffiti removal	<u>\$25.00</u>
<u>§ 30-4</u>	Improper advertising or posting <u>of advertisements</u>	<u>\$50.00</u>
<u>§ 30-8</u>	<u>Regulation of consumer fireworks</u>	<u>\$100.00</u>
<u>§ 34-64</u>	<u>Failure to comply with orders of enforcement officer in a park or recreational area</u>	<u>\$100.00</u>
<u>§ 34-73</u>	<u>Failure to respond to warning signal of Lightning Prediction System in the parks and recreational areas</u>	<u>\$250.00</u>
<u>Ch. 34, art. III, div. 4</u>	<u>Violation of a rule or regulation in a park or recreational area</u>	<u>\$100.00</u>
<u>§ 38-72</u>	<u>Improper storage, deposit, or accumulation of refuse</u>	<u>\$250.00</u>
<u>§ 38-147</u>	Unauthorized collection of recyclables <u>materials</u>	<u>\$100</u> <del>50</del> .00
<u>§ 38-175</u>	Odors from compost containers, <del>per day</del>	<u>\$25.00</u>
<u>§ 46-3</u>	Snow <u>and ice</u> removal <u>from sidewalks</u>	<del>25</del> <u>\$100</u> .00
<del>Ch. 46, art. II</del>	<del>Street lighting</del>	<del>50.00</del>
<u>Ch. 54, Art. IV</u>	Parking violations	<del>20.00</del> <u>\$50.00</u>
	<del>Within 48 hours of issuance</del>	<del>15.00</del>
	<del>After two days but not exceeding 5 days</del>	<del>20.00</del>
	<del>After 5 days</del>	<del>25.00</del>
	<del>After 30 days</del>	<del>50.00</del>
	<del>Begin license suspension</del>	
	<del>After three or more unpaid tickets</del>	
<u>§ 62-<del>112</del>113</u>	Failure to trim weeds	<u>\$50.00</u>

~~(d) Any person cited for violations of the ordinance or Code provisions listed in subsection (c) of this section shall be entitled to pay the fine set out in subsection (c) at the violations bureau within 30 days of issuance of the citation.~~

~~(e) Any person paying a fine at the ordinance violations bureau shall execute a waiver of right to trial and an admission of the violation.~~

~~(f)(l) (f) Any person intending to contest a violation within the jurisdiction of the ordinance violations bureau shall execute a written denial of the violation, and thereafter the alleged violation shall be filed with the clerk of the court having jurisdiction over such violation and the matter shall be set for trial.~~