

CHAPTER 32: CITY ORGANIZATIONS

Section

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§ 32.01 VOLUNTEER FIRE DEPARTMENT.

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

VOLUNTEER FIRE COMPANY. A company or association organized for the purpose of answering fire alarms and extinguishing fires, the members of which receive no compensation or nominal compensation for their services.

VOLUNTEER FIREFIGHTER. A firefighter:

- (a) Who has volunteered to assist, either without compensation or for a nominal compensation, in fighting all fires occurring within the corporate boundaries of the unit of which he or she is an assigned member;
- (b) Who has made application, in writing, for membership in the volunteer fire company;
- (c) Who, by virtue of that application, is elected or appointed to membership in that volunteer fire company;
- (d) Whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire company and that has been approved by the proper officers of the unit; and
- (e) Who, at the time of his or her election or appointment, has taken and signed a pledge to comply with all orders that are given by the Chief, Assistant Chief, or other officer in charge of the volunteer fire company relative to any matter pertaining to the work of the volunteer fire company. A unit may enter into an agreement with one or more volunteer fire companies that maintain adequate firefighting service for the use and operation of firefighting apparatus and equipment owned by the

volunteer fire company, including the service of the operators of the apparatus and equipment, so that the private and public property of the unit is saved from destruction by fire.
(Prior Code, § I-1-4)

(B) *Volunteer fire company.* A fire company is considered to be a volunteer company even if:

(1) A unit pays nominal compensation to one or more members of the company;

(2) A unit provides for the payment of nominal compensation to one or more members of the company;

(3) A unit pays a prescribed amount for each fire that a firefighter assists in extinguishing; or

(4) A unit pays a prescribed amount for each call to which a firefighter responds.

(Prior Code, § I-1-4)

(C) *Number of firemen.* The Volunteer Fire Department shall consist of 25 people including the Chief, Assistant Chief, and other officers. Each member of the Volunteer Fire Department shall have submitted a written application to join the Department. Each applicant shall be elected to fill a vacancy by the membership of the Fire Department and ratified by the City Council.
(Prior Code, § I-4-1A)

(D) *Chain of command.* When a volunteer fire company is responding to a fire call and there is no other Fire Department with overriding jurisdiction present, the Fire Chief, or in his or her absence the ranking officer, shall direct all non-fire equipment and emergency activities at the scene until a law enforcement officer arrives at the scene.

(Prior Code, § I-1-4)

(Ord. 23,1982. passed - -)

Statutory reference:

Related provisions, see I.C. 36-8-12-2; I.C. 36-8-12-3; I.C. 36-8-12-12

§ 32.02 ADVISORY PLAN COMMISSION.

(A) *Establishment of the city's Advisory Plan Commission.* The City Council hereby establishes the city's Advisory Plan Commission ("Plan Commission") under I.C. 36-7-4-207.

(B) *Members.* The Plan Commission shall consist of seven members who shall be appointed as follows:

(1) Three members appointed by the City Council who must be elected or appointed municipal officials, or employees in the municipal government of the city; and

(2) Four citizen members appointed by the Mayor, of whom not more than two may be of the same political party.

(C) *Qualifications of citizen members.* The four citizen members appointed by the Mayor must be residents of the city. Each citizen member shall be appointed because of the member's knowledge and experience in community affairs, the member's awareness of the social, economic, agricultural, and industrial problems of the area, and the member's interest in the development and integration of the area. A citizen member may not hold other elective or appointive office in municipal, county, or state government.

(D) *Term.*

(1) The term of office of a member who is appointed by the City Council is coextensive with the member's term of office or employment, unless the City Council appoints another member to serve at its first regular meeting in any year.

(2) The citizen members appointed by the Mayor shall initially be appointed for the following terms of office: two members for a term of three years; and two members for a term of four years. Each member's term expires on the first Monday of January of the third or fourth year respectively, after the year of the member's appointment. When an initial term of office of a citizen member expires, each new appointment of a citizen member is for a term of four years. A citizen member serves until his or her successor is appointed and qualified. A citizen member is eligible for reappointment.

(E) *Removal of citizen members.* The appointing authority may remove a citizen member of the Plan Commission for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the citizen member at his or her residence of address. A citizen member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the Circuit or Superior Court of the county. The Court may, pending the outcome of the appeal, order the removal or stay the removal of the citizen member.

(F) *Vacancies.* If a vacancy occurs among the Plan Commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member.

(G) *Statutory provisions incorporated by reference.* The provisions of I.C. 36-7-4 governing the powers, duties, and procedures of municipal advisory plan commissions, and as may be amended from time to time, are herein incorporated by reference.

(Ord. 2009-1, passed 5-11-2009; Ord. 2017-5, passed 10-10-2017)

§ 32.03 PUBLIC WORKS SUPERINTENDENT.

Duties of the Superintendent shall include maintenance and operation of the entire Department, including, but not limited to, administration, planning, procurement, labor, billing, collection, and construction. Necessary purchases for operation and maintenance shall be at the budgetary limitations based upon recommendation of the Clerk-Treasurer. Major operational and maintenance problems or

new construction shall be subject to approval of the Board of Works and City Council based on laws governing the same.

(Prior Code, § I-1-6)

Statutory reference:

Related provisions, see I.C. 36-4-9-8

§ 32.04 ORDINANCE VIOLATIONS BUREAU.

(A) The Clerk-Treasurer shall be the Violations Clerk. The Deputy Clerk-Treasurer shall be the Deputy Violations Clerk. As used herein, "Violations Clerk" shall include the Deputy Violations Clerk. The Violations Clerk shall be the administrator of the Ordinance Violations Bureau.

(B) The Violations Clerk has all powers, rights, and duties set forth in I.C. 33-36-3-1. Without limitation upon his or her statutory powers, rights, and duties, the Violations Clerk may accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than \$100 in all ordinance violations cases, subject to the schedule below.

(C) Schedule of violations and the amount of civil penalty that are subject to admission before the Violations Clerk is as follows:

<i>Violation</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
Animal nuisance	\$10	\$20	\$30
Bicycle	\$25	\$50	\$75
Curfew	\$25	\$50	\$100
Golf cart	\$25	\$50	\$75
Gross weight limit	\$25	\$30	\$40
Leash law (\$10 per day for storage)	\$25	\$30	\$50
Loitering	\$25	\$30	\$40
Noise	\$60	\$70	\$80
Parking of semi's, semi trailers, large trucks and vans on public streets	\$25	\$30	\$50
Public nuisances	\$25	\$25	\$25
School parking on A, Wood, Walker, and Vincennes streets	\$20	\$30	\$40

<i>Violation</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
Semi traffic on Church Street	\$20	\$30	\$40
Two-hour parking	\$5	\$25	\$50
Unlawful discharge of firearm or gun	\$25	\$25	\$25

(D) All ordinances of the city that impose fines or civil penalties of not more than \$100 are subject to admission of violation before the Violations Clerk. The amount of civil penalty prescribed by each applicable ordinance shall be assessed of each violator who elects to admit a violation under this section. Each offense and/or each date of each offense shall constitute a separate violation for the purpose of collection under this section.

(E) Civil penalties and fines shall be paid to, receipted by, and accounted for by the State Board of Accounts. Payment of civil penalties and fines may be made by a violator in person or by mail.

(F) A person charged with an ordinance or code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the Violations Clerk. Upon such an admission, the Violations Clerk shall assess and receive from the violator the amount prescribed by the applicable ordinance.

(G) If a person charged with a violation wants to exercise the right to trial, the individual shall appear in-person before the Violations Clerk and deny the violation, or shall enter a written denial with the Violations Clerk.

(H) If a person denies an ordinance or code violation, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to admit or deny the violation, the Violations Clerk shall report this fact to the City Attorney or other official having the responsibility to prosecute ordinance violation cases for the city. Proceedings in court against the violator then may be initiated for the alleged ordinance violation.

(I) All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the city as provided by law.

(J) (1) An ordinance violation admitted under this chapter does not constitute a judgment for the purposes of I.C. 33-37. An ordinance violation costs fee may not be collected from the defendant under I.C. 33-37-4.

(2) An ordinance violation processed under this chapter may not be considered for the purposes of I.C. 33-37-7-5 or I.C. 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

(3) All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the city as provided by law.

(Prior Code, § I-1-11) (Ord. 04-2, passed 2-9-2004)

Cross-reference:

General penalty, see § 10.99

Statutory reference:

Related provisions, see I.C. 33-6-3-1

§ 32.05 DEPARTMENT OF PARKS AND RECREATION.

(A) Pursuant to and under the provisions of I.C. 36-10-3, there hereby is created a municipal Department of Parks and Recreation.

(B) The Department of Parks and Recreation consists of the Park and Recreation Board (or "Board"). The Board shall be composed of four members appointed by the Mayor on the basis of the member's interest in and knowledge of parks and recreation. Board members shall serve without compensation. No more than two members shall be of the same political party. A Board member can be removed as set forth in I.C. 36-10-3-1 et seq.

(C) (1) Upon establishment of the Park and Recreation Board, the terms of the Board members who are appointed initially shall be:

- (a) One member for a term of one year;
- (b) One member for a term of two years;
- (c) One member for a term of three years; and
- (d) One member for a term of four years

(2) As a term expires, each new appointment shall be made by the Mayor for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. If the Mayor does not make an appointment for a new term by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Mayor shall appoint a new member to serve for the remainder of the unexpired term.

(D) At Park and Recreation Board's first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the president's absence or disability. The Board may select a secretary from within or without its own members.

(E) The Park and Recreation Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in I.C. 36-10-3-1 et seq.

(F) The Park and Recreation Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

(Ord. 1992-1, passed 2-10-1992)