

TOWN OF MORGANTOWN, INDIANA

AMENDED ORDINANCE NO. 2021-07

AN ORDINANCE CREATING AN ORDINANCE VIOLATIONS BUREAU

WHEREAS, as authorized by and pursuant to Indiana Code Section 33-36-2-1, the legislative body of an Indiana municipal corporation may establish, by ordinance or code, an ordinance violations bureau;

WHEREAS, the Town of Morgantown, Indiana (the “Town”) is a municipal corporation;

WHEREAS, the legislative body of the Town is the Morgantown Town Council (“Town Council”);

WHEREAS, the Town Council has decided that the Town would be best served by an Ordinance Violations Bureau;

WHEREAS, the Town Council adopted Ordinance 2021-07 to create an ordinance violations bureau, but now needs to clarify who may serve as Violations Clerk and collect fines.

ACCORDINGLY, BE IT ORDAINED, by the Town Council of the Town of Morgantown, as follows:

Section 1. An Ordinance Violations Bureau is hereby established for the Town of Morgantown, Indiana, pursuant to Indiana Code 33-36-2-1.

Section 2. The Town’s Clerk Treasurer and violations clerks appointed by the Clerk are hereby designated as Violations Clerks of the Morgantown Ordinance Violations Bureau pursuant to Indiana Code 33-36-2-1.

Section 3. The Town’s Violations Clerks may accept: written appearances; waivers of trial; admissions of violations; and payments of civil penalties, not to exceed two hundred fifty dollars (\$250), for admitted ordinance violations listed on the schedule appearing in section 4 of this Ordinance, as may be amended from time to time.

Section 4. The Morgantown Town Council hereby designates, as violations eligible for admission and voluntary payment of assessed penalties to the Morgantown Violations Clerk, the violations and penalties scheduled below:

SCHEDULE OF VIOLATIONS AND FINES

VIOLATION	FINES
-PROHIBITED PARKING-Chapters 72, 75 and Ordinance 2019-03	\$15.00
-GOLF CARTS AND OTHER OFF ROAD VEHICLES Chapter 73 and Ordinance 2017-01	\$50.00
-NUISANCE-Section 92.03	\$50.00
-ABANDONED VEHICLES-Section 92.03	\$50.00
-OPEN BURNING-Section 92.02	\$50.00
-ANIMALS-Chapter 91	\$25.00
-BACKYARD CHICKENS-Ordinance 2020-09	\$50.00
-STREET EXCAVATIONS-Chapter 93	\$100.00
-SOLICITORS-LICENSING-Chapter 111	\$50.00

("Scheduled Violations")

Section 5. A person charged with a violation of a Scheduled Violation is eligible to admit the violation and pay to the Violations Clerk, within 10 calendar days of the date of the violation, the applicable fine.

Section 6. A person charged with a Scheduled Violation retains all rights and may choose not to admit the violation or pay the fine.

Section 7. A person charged with a Scheduled Violation may exercise the right to trial by appearing before the Violations Clerk and denying the violation or by filing with the Violations Clerk a written denial, or by not responding at all.

Section 8. If a person charged with a Scheduled Violation: denies the violation; fails to timely pay the fine assessed, after having entered an admission of the violation; or neither denies nor admits the violation, the charge shall be referred to the Morgantown Town Attorney who will file in the Morgan County Circuit/Superior Court an enforcement action against the person charged.

Section 9. The fines corresponding to each Scheduled Violation, as set forth above, are applicable only if a person charged with a violation timely admits the violation and pays to the Violations Clerk the full amount of the fine assessed. If a greater fine for an

ordinance violation is prescribed by a Town Ordinance or in the Town Code, the Town may seek to recover up to the maximum fine for any Scheduled Violation not timely admitted or corresponding fine not timely paid.

Section 10. The admission of an ordinance violation under this Ordinance does not constitute a judgment for the purposes of Indiana Code 33-37 and ordinance violation costs may not be collected from a defendant under Indiana Code 33-37-4.

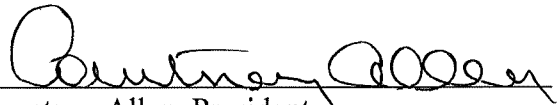
Section 11. All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for under procedures provided for by the Indiana State Board of Accounts.

This Ordinance shall be in full force and effect upon passage and required publication.

All other ordinances and provisions of ordinances of the Town of Morgantown in conflict herewith are hereby repealed.

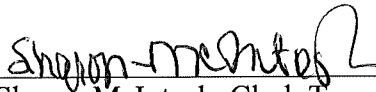
Introduced and adopted, by unanimous consent and vote by at least four (4) member of the Morgantown Town Council, present, in person, on May 8, 2023.

MORGANTOWN TOWN COUNCIL



Courtney Allen, President
Morgantown Town Council

Attest:



Sharon McIntosh, Clerk Treasurer