

**AN ORDINANCE OF
THE TOWN COUNCIL OF THE TOWN OF KIRKLIN, INDIANA
AMENDING THE KIRKLIN TOWN CODE BY THE ADDITION OF
CHAPTER 36 ESTABLISHING AN ORDINANCE VIOLATIONS BUREAU**

Findings

The Town Council of the Town of Kirklin, Indiana finds as follows:

To more effectively and efficiently process violations of local traffic code provisions, nuisance provisions and other general regulations of the Kirklin Town Code, the Town Council finds that it is advantageous and in the best interest of the citizens of the Town of Kirklin to establish an Ordinance Violations Bureau.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KIRKLIN, OF THE STATE OF INDIANA, AS FOLLOWS:

Section One. The Kirklin Town Code is hereby amended by the addition of a new chapter, Chapter 36, as follows:

CHAPTER 36: ORDINANCE VIOLATIONS BUREAU

Section

- 36.01 Creation
- 36.02 Duties
- 36.03 Notice
- 36.04 Admissions
- 36.05 Denials
- 36.06 Schedule Of Penalties Adopted By Reference

§36.01 CREATION.

(A) An Ordinance Violations Bureau shall be established to assist with the clerical work for ordinance violation cases issued by the town for violations of Title VII and Chapters 90, 91, 92, 93, 110, and 130 of the town code or any other provision of the town code which provides for a fine pursuant to §10.99. The provisions of this chapter shall not apply to violations of titles or chapters of the town code other than as provided herein.

(B) Said Bureau shall be established within the Clerk-Treasurer's office and shall be maintained and operated by the Clerk-Treasurer's office under the supervision of the Clerk-Treasurer.

§36.02 DUTIES.

(A) The Ordinance Violations Bureau shall receive all citation payments made pursuant to a violation of Title VII and Chapters 90, 91, 92, 93, 110, and 130 of the town code and/or any violation of the town code for which a fine may be assessed pursuant to §10.99 of the town code and appropriately account for said payments.

(B) The Ordinance Violations Bureau shall accept designated fines and issue receipts for payments of citations issued under these titles between the hours of 9:00 a.m. and 3:00 p.m. Tuesday through Thursday at the Clerk-Treasurer's office located in the town hall.

(C) The Ordinance Violations Bureau shall keep records and submit summarized quarterly reports to the Town Council of all notices issued and citations issued for violations of ordinances in the town, of all fines collected by the Ordinance Violations Bureau, and of the final disposition of each case. These records shall also be maintained to show all types of violations and the totals of each. These records shall be public records.

(D) The Ordinance Violations Bureau shall keep an easily accessible record of all violations for which any person has been convicted during the preceding 12 months, whether guilt was determined by admission through the Bureau or in the appropriate court.

§36.03 NOTICE.

Any law enforcement officer who issues an ordinance citation for violation of Title VII and Chapters 90, 91, 92, 93, 110, and 130 of the town code and/or any violation of the town code for which a fine may be assessed pursuant to §10.99 shall serve a copy of the citation upon the person alleged to have violated the town code and serve another copy of the citation on the Ordinance Violations Bureau. The law enforcement officer shall also serve upon the person alleged to have violated the town code under the above mentioned provisions a notice and waiver form setting forth the amount of the fine, the deadline for payment of the fine, the procedure for admitting the violation and paying the fine, and the procedure for denying the violation.

§36.04 ADMISSIONS.

Any person served with a citation shall have the option of paying the fine within the time specified in the notice and waiver form to the Ordinance Violations Bureau upon entering an admission to the violation and upon waiving appearance in court. If the person who is issued a citation wishes to admit the allegation and pay the appropriate fine, said person shall either mail or personally deliver the notice and waiver form along with a money order in the amount of the appropriate fine payable to the "Town of Kirklin" to the Clerk-Treasurer's office. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau shall give a receipt for the fine acknowledging payment thereof.

§36.05 DENIALS.

If the person who is issued the violation citation wishes to deny the violation or fails to pay the violation within 30 days of the date of the violation, the citation shall be dismissed from the Ordinance Violations Bureau and shall be re-filed with the County Prosecuting Attorney's Office or the Town Attorney for filing as a separate cause of action in the appropriate court.

§36.06 SCHEDULE OF PENALTIES ADOPTED BY REFERENCE.

The schedule of penalties is adopted and incorporated as a part of this chapter as if set out in full herein.

Section Two. Severability.


If any part or provision contained in this ordinance is adjudged to be invalid, such adjudication shall not affect the validity of portions of this ordinance not invalidated.

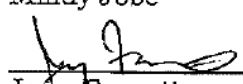
Section Three. Emergency Declaration.

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the citizens of the Town of Kirklin, Indiana, and shall take effect upon its adoption at the earliest date permitted under the laws of Indiana.


ADOPTED by the Town Council of the Town of Kirklin on this 15th day of April, 2024, after unanimous consent was given to consideration of this ordinance on the date of its introduction.

TOWN COUNCIL OF THE TOWN OF
KIRKLIN, INDIANA


Mindy Jobe


Jerry Faucett


Walt Minnick


Craig Hudzinski


Brent Stetler

ATTEST:


Tara Walker, Clerk-Treasurer

