

CHAPTER 115

VIOLATIONS AND PENALTIES

115-1. Definitions of Violations, Fixing of Penalties

Ordinance violations shall be defined by this Code and the other ordinances of Monroe County, and the penalties, judgments and other liabilities for ordinance violations shall be fixed by this Code and the other ordinances of Monroe County, the state law or both.

115-2. Violations Not Specifically Defined as an Ordinance Violation

If a person violates a provision of this Code or other ordinance of Monroe County and the violation is not specifically defined or classified as an ordinance violation, the person commits a Class E Ordinance Violation.

115-3. Penalties for Violations

(A) For a violation of a provision of this Code or any other ordinance of Monroe County, a judgment of not more than:

(1) Two Thousand Five Hundred Dollars (\$2,500.00) may be entered for the person's first violation constituting a Class A Ordinance Violation and Seven Thousand Five Hundred Dollars (\$7,500.00) for a second or subsequent violation of the same provision of this Code or ordinance;

(2) One Thousand Dollars (\$1,000.00) may be entered for the person's first violation constituting a Class B Ordinance Violation and Three Thousand Dollars (\$3,000.00) for a second or subsequent violation of the same provision of this Code or ordinance;

(3) Five Hundred Dollars (\$500.00) may be entered for the person's first violation constituting a Class C Ordinance Violation and One Thousand Five Hundred Dollars (\$1,500.00) for a second or subsequent violation of the same provision of this Code or ordinance;

(4) One Hundred Dollars (\$100.00) may be entered for the persons first violation constituting a Class D Ordinance Violation and Three Hundred Dollars (\$300.00) for a second or subsequent violation of the same provision of this Code or ordinance; and

(5) TwentyFive Dollars (\$25.00) may be entered for the person's first violation constituting a Class E Ordinance Violation and Seventy-Five Dollars (\$75.00) for a second or subsequent violation of the same provision of this Code or ordinance).

(B) For a violation of this Code or any other ordinance of Monroe County:

(1) the judgment authorized in subsection (A);

(2) all other penalties, judgments and liabilities authorized by this Code, an ordinance of Monroe County and a statute of this state; or

(3) both;

may be entered or applied.

115-4. Enforcement

This Code and any other ordinances of Monroe County shall be enforced in accordance with the authority and procedures established by state statute, including, but not limited to, IC 3616, and by this Code and relevant County ordinances, resolutions, orders or rules. In the event litigation is instituted by the County to enforce any provision of this Code or other ordinance, the County's cost of litigation, including reasonable attorneys fees, may be sought in a judgment against the person cited for the violation, when permitted by law. Each day during which a violation occurs shall be a separate violation of that code provision or ordinance subject to an additional civil penalty for each day.

115-5. Monroe County Ordinance Violations Bureau

(A) The Monroe County Ordinance Violations Bureau ("OVB") is hereby established subject to the provision of IC 33-36-1-1, et seq.

(B) The Monroe County Treasurer is hereby designated as the Violations Clerk of the OVB. The Violations Clerk may accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than two hundred fifty dollars (\$250.00) for Monroe County Code and ordinance violation notices or citations issued pursuant to this Section, subject to the schedule set forth below in subsection (C).

(C) For a violation of the code provisions and ordinances identified by Monroe County Code section numbers and descriptions in the schedule below, the Violations Clerk, or agents designated in Subsection (K), may accept payment of a civil penalty in the amounts designated on the code or ordinance violation notice or citation issued by an enforcement officer of the designated department or office in accordance with the schedule. If no dollar amount is indicated as a penalty for a code provision violation listed on the schedule, the enforcement officer may determine the amount of the penalty to charge within the range \$25 to \$250 based on his/her determination of the severity of the violation, subject to any applicable statute or regulation.

Penalty/2 nd	Code	Description of Violation	1 st
	Dept.		
\$100	C, Sh	261-1 Skates & skateboards on Co. property	\$25 to
		263-1 Firearms in Co. buildings	
\$25/\$100		C, Sh	
		265-1 Smoking on Co. property	
\$25/\$100		C, Sh	
		305 Board of Health regulations	

	He	340	Food market regulations	
	He	341	Food service establishment regulations	
	He	342	Vending machine regulations	
	He	350	Travel trailer park & camp regulations	
	He	355	Pool facility regulations	
	He	360	Solid waste disposal regulations	
	He	363-2	Abandoned cistern & tank regulations	
	He	364	Hazardous waste facility permits	\$100
	He	365	Private sewage disposal system regulations	
	He	370-2	Smoking in public places	\$25 to
\$100	He, Sh	370-4	No Smoking signage requirements	\$25 to
\$100	He, Sh	370-5	Smoking in vehicles with children	\$25 to
\$100	He, Sh	380-2	Noise regulations	
	Sh	430	Building Code regulations	\$50 to
\$250	B	432-15	Unsafe Buildings regulations	\$100 to
\$250	B	440-5	Unconfined dog in heat	\$100
	A, Sh	440-6	Vicious dog	
\$100/\$250	A, Sh	440-7	Public nuisance animal	\$100
	A, Sh	440-8	At Large animal impoundments	\$25
	A, Sh	440-9	Animal bite impoundments	\$100
	A, Sh	440-10	Failure to immunize against rabies	\$25
\$250	A, Sh	440-11	Wild or exotic animal requirements	\$100 to
\$100	A, Sh	440-12	At large dog	\$25 to
\$100	A, Sh	440-13	At large cat	\$25 to
	A, Sh	440-14	At large livestock	\$100
	A, Sh	440-15	At large wild or exotic animal	\$250
	A, Sh	440-16	Domestic pets – care requirements	

	\$25/\$100	A, Sh	
		440-17	Domestic livestock – care requirements
	\$25/\$100	A, Sh	
		440-18	Abuse of an animal \$250
	A, Sh	440-21	Animals as prizes \$100
	A, Sh	441-2	Commercial animal establishment licenses \$100
	A, Sh	441-7	Sale and transfer of animal regulations \$100
	A, Sh	442-2	Pets prohibited in certain county buildings
	\$25/\$100	A, Sh	
		442-3	Control of dog activity on county property
	\$25/\$100	A, Sh	
		451-3	Excessive false alarms \$25 to
\$50	Sh	452-4	Prohibited automatic dialing devices \$100
	Sh	451-5	Intentional false alarms
	Sh	472-2	Electronic messaging while driving \$25
	Sh	475-1	Prohibited parking in county lot \$25
	Sh	480	Excessive vehicle weight
	Sh	495-1	Facilitating an abandoned vehicle \$100
	Sh, PI	510	Weights and measures requirements
	W&M	605	Park Operation regulations
	Sh, Pa	702-2	Prohibited aircraft parking
	\$100/\$250	Ap, Sh	
		755-1	Unpermitted road cuts or alterations \$250
	Hw	761	Storm water facilities for new construction
	Hw	817-1	Actions prohibited by zoning ordinance \$250
	PI	850-13	Action prohibited by subdivision ordinance \$250
	PI	890	Airport zoning requirements
	PI	891-1	Tampering with survey monuments \$250
	Su		

Persons cited for a violation may be charged the 2nd penalty amounts indicated in the above schedule (i.e. the amount after /) for any additional violations they have that occur after another violation of the same code provision or ordinance. For penalty amounts indicated in the above schedule as a range (i.e. \$__ to \$__) the enforcement officer may determine the amount of the penalty to charge within that range based on his/her determination of the

severity of the violation.

Designated enforcement departments or offices: Sh = Sheriff, He = Health, Sw = Solid Waste Management, B = Building, C = Courthouse Maintenance, A = Animal Control, PI = Planning, W&M = Weights and Measures, Pa = Parks, Hw = Highway, Su = Surveyor, Ap = Airport.

For purposes of this Section, an enforcement officer is any county employee authorized by state law or the Monroe County Code to issue a notice, citation or complaint for the violation of an ordinance, including but not limited to: all law enforcement officers, animal control officers, the Building Commissioner and building inspectors, the Zoning Administrator and zoning inspectors, the Health Officer and Health Department inspectors, sanitarians and educators, Highway Department engineers, the Park Superintendent and the Karst Park Caretaker, Courthouse maintenance/security staff, the Weights and Measures Inspector, the Monroe County Surveyor, the Airport Director and compliance officers of the Monroe County Solid Waste Management District.

(D) A person cited for a violation of a code provision or ordinance subject to this Section 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 imposed as a civil penalty for the violation in accordance with Subsection (C). If a person charged with a violation subject to this Section wants to exercise the right to a trial, the person shall appear before the Violations Clerk and deny the violation or enter a written denial with the Violations Clerk. Waivers, admissions and denials must be filed with the Violations Clerk within ten (10) days of the date of the issuance of the code or ordinance violation notice or citation. The County Attorney shall prepare or approve the forms enforcement officers use for violation notices and citations and all forms deemed necessary, by the Violations Clerk, to process a code or ordinance violation through the procedures set forth in this Section.

(E) If a person:

(1) denies a code or ordinance violation before the Violations Clerk or enters a written denial with the Violations Clerk;

(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 before the time that a late payment fee becomes applicable under the procedures of Subsection (H); the Violations Clerk shall report this fact to the Monroe County Attorneys' Office and the department or office issuing the notice or citation.

(F) All sums collected by the Violations Clerk as civil penalties for ordinance or code violations shall be accounted for and paid into the Monroe County General Fund as provided by law.

(G) An ordinance or code violation admitted under this section does not constitute a judgment for the purposes of IC 33-37. If a persona admits the violation with the Violations Clerk and pays the civil penalty assessed by the

Violations Clerk or denies the violation before the Violations Clerk and a court enters judgment for that person on the violation, an ordinance violation costs fee may not be collected from the defendant under IC 33-37-4.

- (H)** If a person fails to admit the violation with the Violations Clerk and pay or enter into an agreement to pay the civil penalty assessed by the Violations Clerk, or does not deny the code or ordinance violation before the Violations Clerk, or does not enter a written denial with the Violation Clerk within ten (10) days of the date of the issuance of the code or ordinance violation notice or citation, a twenty dollar (\$20) late payment fee shall be added to the penalty payable upon a voluntary admission and the Treasurer shall arrange for a judgment to be sought to collect penalties for the violation. If this Code provides for an administrative appeal of a violation notice or citation and if an appeal of a notice or citation is timely and properly filed, the late payment fee shall not be added to the penalty to be paid until ten (10) days following the date of the resolution of this administrative appeal process. The County Attorney may authorize an extension of the time when the late payment fee is applied, when its determined that circumstances do not provide sufficient time for a person to adequately respond to a notice or citation within ten (10) days.
- (I)** The Violations Clerk and the department of office issuing the notice or citation shall be notified when the County Attorney files a complaint in court on an ordinance violation that has been subject of an OVB notice or citation. After thirty (30) days of the issuance of the notice or citation for the violation and of the resolution of any timely and properly filed administrative appeal of the notice or citation, or upon receiving notification from the County attorney of a complaint being filed in court, the Violations Clerk shall not accept an admission of a violation or voluntary payment of a civil penalty for that violation without the consent of the County Attorney.
- (J)** The County Attorney may amend or dismiss and replace any notice, citation or complaint issued pursuant to this Section with a complaint brought under authority of other sections of this Chapter and Code, in order to seek a different civil penalty or remedy in court than that provided by this Section.
- (K)** All employees of the Treasurer's Office shall serve as agents for purposes of exercising the authority of the Violations Clerk under this Section subject to the direction of the Treasurer.

[end of chapter]