

Morocco

Municipal Code

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Reproduction Standards

This reproduction of the *Morocco Municipal Code* attempts to duplicate the various styles from the original - within reason. In most cases, paragraph delineation and page formatting have been preserved. Font variations have been duplicated where practical (bold, italics, all capitals, etc.) but have not been adjusted to match various typewriters.

During the reproduction process, certain standards have been developed:

Void or Inactive Ordinances:

When an ordinance is clearly inactive or void, the first word of the title of the ordinance will be "(VOID)". This title appears in the Table of Contents and the Search Results panel.

[Example...](#)

Void ordinances have not been translated into text. Pictures of the pages of these ordinances are available for viewing.

Handwriting:

Handwritten text, typically used for entering the date of the ordinance, is indicated by a slightly larger font, underlined, in italics: Handwritten Text.

[Example...](#)

Signatures:

Signatures are indicated as handwritten text (larger font, underlined, in italics) and are also colored green: My Signature

[Example...](#)

References:

References between ordinances use standard HTML linkage techniques and style. For *backward* references such as an ordinance that amends or repeals an earlier ordinance, the link typically uses the text as found. More specific references to section numbers or paragraphs, for example, allow for more specific links.

[Example...](#)

Forward references do not contain text to represent the linkage; ordinances do not contain references to the future ordinances that will amend or repeal them. Therefore, Editor's Notes (below) are used to denote complementary *forward* links.

[Example...](#)

Editor's Notes:

When text has been added to a document - whether for clarification or to indicate a forward link - that text is indicated by an "Editor's Note". The notes are typically delineated as such, but are also in red. Note that links within a note will use the standard link color, although they are clearly contained within the note.

[Example...](#)

Archived Material:

When text has been removed or replaced - the *old* text may be available for viewing by selecting (clicking) a { *view archive* } link.

[Example...](#)

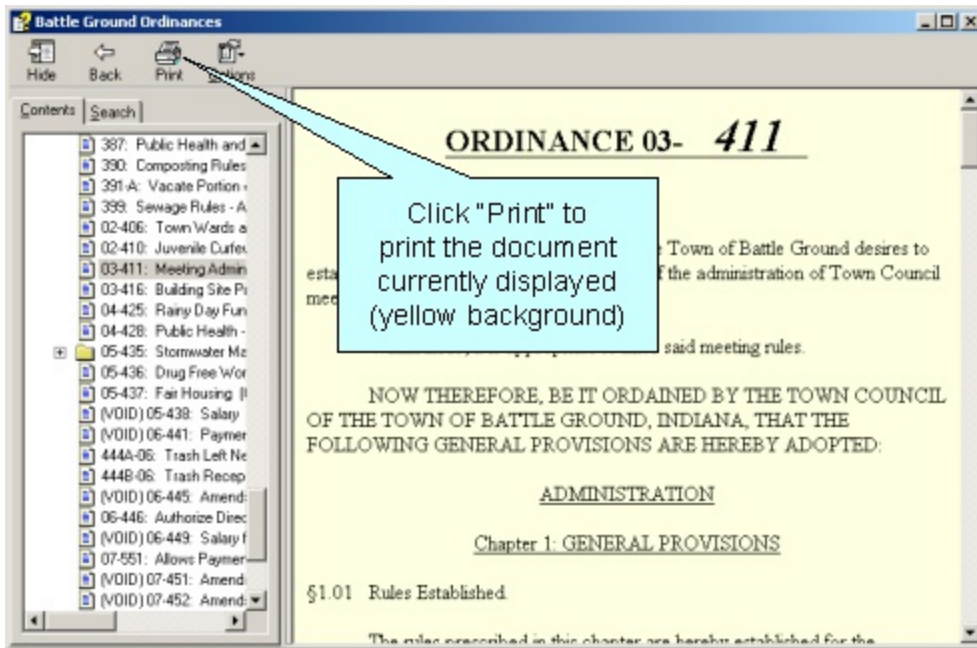
Please note that these *view archive* links do not print and, as bitmap images, they will not be found by search operations.

Usage Tips:

A few features of this production have been extremely valuable: *Print*, *Select* and *Search*.

Print

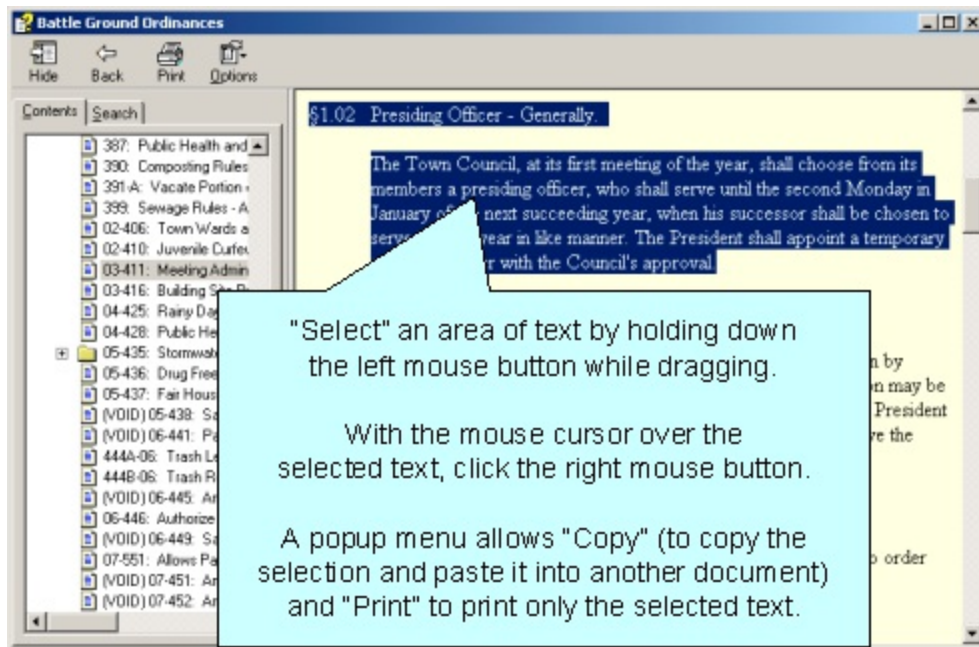
Ordinances or Resolutions may be printed simply by selecting the printer icon (see image below) from the upper left menu. The currently visible document will be directed to the default printer.



To print a portion of a document, refer to the *Select* section below.

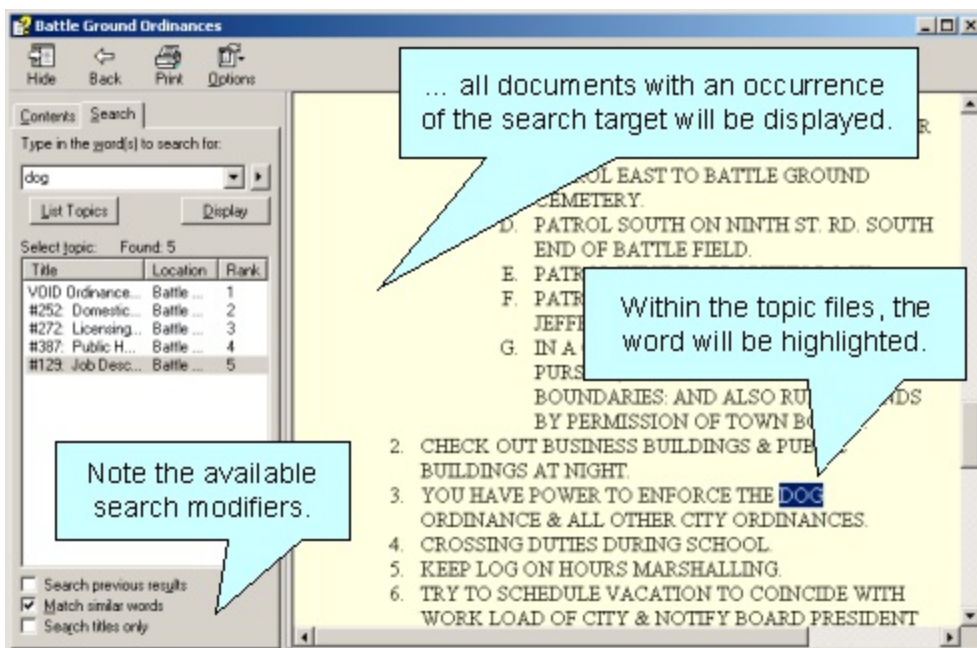
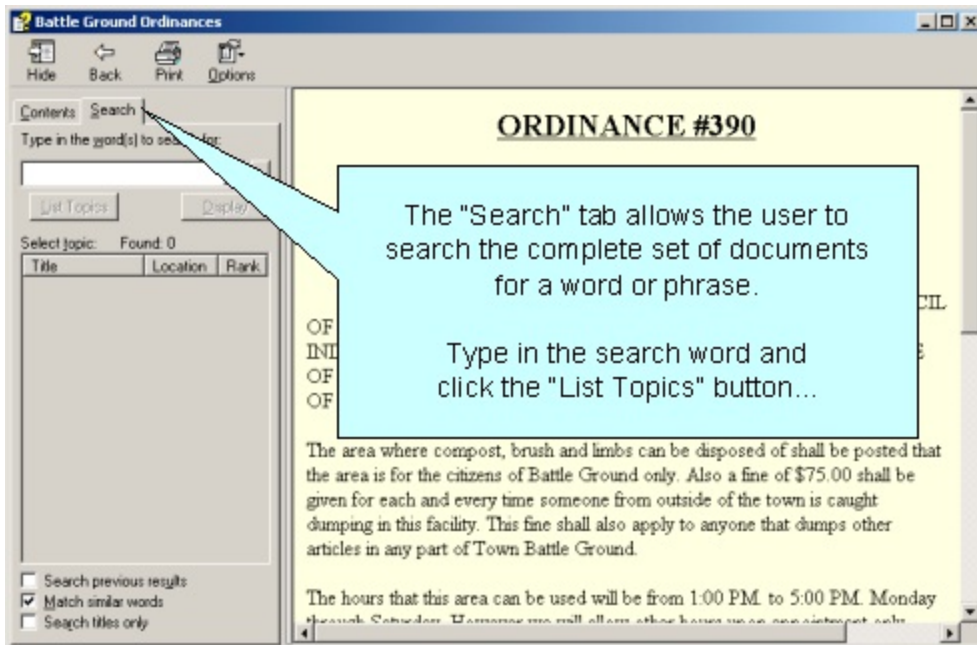
Select

A section of text may be "selected" when the entire document is not required.



Search

The "Search" function is one of the most powerful features of this production. "Search" for a word or phrase and all ordinances matching the search criteria will be listed.



Search Notes:

Standard Internet syntax is used for entering the word or phrase search targets. For example, a search for *Load Limits* (without quotes) will find all documents that contain *load* **or** *limits*.

A similar search for "*Load Limits*" will find only documents with the phrase *load limits*.

The "right arrow" button to the right of the search term allows modifiers such as "AND", "OR", "NEAR" and "NOT". A search for *Load AND Limits* will find documents with these two terms - whether the two words are together or not.

Search modifiers - at the bottom of the "Search" pane - allow subsequent searches on previous results. For example, the user may search for *Load* and then search for *Limits* on the results of the first search.

Version:

This is **Version 1.0** of the Morocco Ordinance Book, published on April 5, 2010. It includes materials through March 3, 2010.

There are two *Compiled Help Metafiles* (chm files) for this version:

MOROCCO.chm	Contains all of the <i>captured</i> ordinances and resolutions, indexed by topic and in chronological order. Inactive (void, expired, matured, replaced) ordinances and bond ordinances are available as digital images.
MOROCCO_small.chm	Contains the same materials as MOROCCO.chm - without the images. As a result, this version is MUCH smaller - suitable for a website, email, or - in most cases - everyday usage.

Production Contacts:

This publication of the *Morocco Municipal Code* was produced by:

Sunshine Publishing Inc.
Steve Egly, Prop.
R.R. 1, 502 Main Street
Battle Ground, IN 47920

(765) 418-7884

www.sunshine-publishing-inc.com

For questions regarding duplication of this material or publication/archiving of other public or private documents, please contact the publisher (above).

Questions regarding the content of this publication should be referred to:

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TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

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§ 10.01 TITLE OF CODE.

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections, shall be known and designated as the “Morocco Town Code,” for which designation “code of ordinances,” “codified ordinances” or “code” may be substituted. Code title, chapter and section headings do not constitute any part of the law as contained in the code.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing laws, amendments thereto and newly enacted laws. Any previously existing law or amendment thereto re-enacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws re-enacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and re-enacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of this code, as originally enacted or as added by amendment, are

not law and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section unless otherwise provided.

(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons unless otherwise declared in the section giving the authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

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

CLERK-TREASURER. The Clerk-Treasurer of the Town Council.

COUNCIL. The Town Council.

COUNTY. Newton County, Indiana.

HIGHWAY. Includes bridges, roads and streets unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee

or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and **FOLLOWING**. When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur unless some other section is designated.

TOWNSHIP. The township or townships in which the town is located.

WRITTEN and **IN WRITING**. Include printing, lithographing or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

YEAR. One calendar year unless otherwise expressly provided.
(I.C. 1-1-4-5)

§ 10.06 SEVERABILITY.

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a non-severability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever, in one section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless

the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated or, at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity; then such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity or the entity to which the duties, liabilities, powers and rights were transferred.

(I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday or a state holiday, it shall be excluded.

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture or liability incurred under the section unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture or liability.

(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, to the prosecution of offenses or for the recovery of penalties and forfeitures, contained in a law repealed and re-enacted by this code shall not be affected by the repeal and re-enactment; but all suits, proceedings and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

Statutory reference:

Periods of limitation, see I.C. 1-1-1-7

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (I.C. 36-5-2-2) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see I.C. 5-14-3-1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the city, published in 1987 and subsequently amended, the previous code section number shall be indicated in the history by "(1987 Code, §)."

§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

The violation of any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed

committed upon each day during which a violation occurs or continues.

Statutory reference:

Power to prescribe fines up to \$2,500 granted, see I.C. 36-1-3-8(a)(10)

TITLE III: ADMINISTRATION

Chapter

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 - [31.](#) OFFICERS; TOWN ORGANIZATIONS
 - [32.](#) FINANCE AND REVENUE; FUNDS
 - [33.](#) TOWN POLICIES
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-

CHAPTER 30: TOWN COUNCIL

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- [30.02](#) Elections of members

Procedure

- [30.15](#) Meetings; time and place
- [30.16](#) Special meetings; executive sessions
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30.20	Order of business
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30.23	Reconsideration of any actions taken
30.24	Sergeant-at-Arms
30.25	Speaking by Council members
30.26	Limits on debates
30.27	Order and decorum

Cross-reference:

Officers; Town Organizations, see [Chapter 31](#)

Pre-approved payment of claims, see [§ 32.01](#)

GENERAL PROVISIONS

§ 30.01 AUTHORITY TO SELL AND DISPOSE OF REAL ESTATE.

The Town Council shall have authority to sell and dispose of any real estate owned by the town in the manner following.

(A) Before any real estate owned by the town is sold, notice of the intention to sell the same shall be given by publication in a local newspaper by at least one publication at least ten days prior to the date of the proposed sale.

(B) The real estate shall be duly appraised by two licensed real estate brokers appointed by the Town Council and the real estate shall not be sold for less than the full appraised value and for cash.

(C) Taxpayers objecting to the proposed sale shall have the right to remonstrate against the same, but the decision of the Council shall be final.

(1987 Code, § 1-7)

§ 30.02 ELECTIONS OF MEMBERS.

(A) All legislative districts are abolished and all members of the Town Council are to be elected at large.

(B) (1) The Town Council are to be elected by the voters of the town.

(2) A member of the Town Council must reside within the town, as provided by Art. 6, § 6 of the Constitution of the State of Indiana and if a member of the Town Council who is elected by the voters

of the town will forfeit his or her office if the member ceases to be a resident of the town.
(Ord. passed 11-29-1990)

(See Also: [Ord. 1998-05](#), 3-8-2005, coordinating town election with county general election.)

PROCEDURE

§ 30.15 MEETINGS; TIME AND PLACE.

The regular meetings of the Town Council will be held on the second FIRST Tuesday of each month at the Town Hall at 7:00 p.m.
(Ord. 1996-4, passed 4-23-1996)

§ 30.16 SPECIAL MEETINGS; EXECUTIVE SESSIONS.

The Council President or a majority of the Council may call to order and conduct executive sessions and special meetings to which the general public is not allowed. The purpose of these meeting shall be to gather information, better inform the Council or to receive confidential information regarding the operation of town business or matters of personnel management.
(Ord. 1996-4, passed 4-23-1996)

§ 30.17 DUTIES OF PRESIDING OFFICER AT COUNCIL MEETINGS.

The Council President or his or her designee shall be the presiding officer of the Council. The presiding officer shall preserve order and decorum in all meetings of the Council. He or she shall have the right to speak on points of order in preference to the Council. The presiding officer shall decide on all questions of order. The presiding officer shall decide whether any question submitted to the Council for adoption or rejection is to be decided in the affirmative or the negative. He or she shall ask for yeas and nays on any question before the Council when a vote is necessary.
(Ord. 1996-4, passed 4-23-1996)

§ 30.18 CLERK-TREASURER; DUTIES.

The Clerk-Treasurer or his or her duly-appointed deputy shall attend all regular and special meetings of the Council. The Clerk-Treasurer shall keep an accurate journal of the proceedings of the Council. The Clerk-Treasurer shall keep a permanent file of all original papers, documents, reports and

correspondence filed with or submitted to the Council subject to the orders of the Council. The Clerk-Treasurer will also keep and maintain a separate file of duplicate copies of each ordinance and resolution introduced in order of introduction, identified by bill number.

(Ord. 1996-4, passed 4-23-1996)

(See Also: [Res. 2002-10-8](#), - -2002, regarding Building Permit Reports.)

§ 30.19 AGENDA.

(A) An agenda of the order of business of the regular meeting shall be prepared by the Clerk-Treasurer by Friday noon preceding the scheduled Council meeting.

(B) Prior to any regular meeting, persons wishing to introduce matters for the consideration of the Council shall do so in writing not later than Friday noon preceding the scheduled Council meeting. The requests shall include, at a minimum, the person's name, address and the nature of the business they intend to introduce before the Council.

(Ord. 1996-4, passed 4-23-1996)

§ 30.20 ORDER OF BUSINESS.

The order of business to be conducted by the Council shall be as follows unless determined otherwise by the presiding officer upon two-thirds vote of the Council:

(A) Call the meeting to order and establish a quorum;

(B) Approval of minutes of the previous meeting;

(C) Presentation and action on bill and claims;

(D) Deferred or unfinished business;

(E) New business;

(F) Reports of various departments; and

(G) Adjournment.

(Ord. 1996-4, passed 4-23-1996)

§ 30.21 VOTING.

(A) All votes upon passage of ordinances and resolutions, upon motions to suspend the rules, and

upon motions to reconsider shall be by voice vote either aye or nay.

(B) The presiding officer or any one Council member may demand a roll call vote upon any question to be voted upon by the Council and when the demand is made, the Clerk-Treasurer shall call roll.

(C) The Council may, by a majority vote of the members present, adopt any method for tabulating the voting including a random, alphabetical or seniority order for calling the roll.

(D) During a roll call on any question, it shall be out of order for any member to offer remarks as a member is voting other than a short and concise explanation for their vote. After a roll call vote, it shall be out of order for any member to offer any remark on the question that had been voted upon.
(Ord. 1996-4, passed 4-23-1996)

§ 30.22 DUTY TO VOTE.

Members should vote on all questions before the Council, but may abstain in voting on any issue in situations where there is a conflict of interest or for other good cause upon stating the nature of the conflict or cause. Any member may change a vote before the result is announced and afterwards, by leave of the Council, provided that, the change will not effect the result.
(Ord. 1996-4, passed 4-23-1996)

§ 30.23 RECONSIDERATION OF ANY ACTIONS TAKEN.

When any question has been once decided in the affirmative or negative, any member voting with the majority may move a reconsideration thereof at the same or next regular meeting; provided that, no such action shall be introduced at the next regular meeting unless the member intending to make the same shall be given written notice of the intention at the meeting at which the vote that they desired to have reconsidered was taken.
(Ord. 1996-4, passed 4-23-1996)

§ 30.24 SERGEANT-AT-ARMS.

The Sergeant-at-Arms shall be the Town Marshal or his or her deputy. He or she is charged with preserving order in the lobby outside the Council chambers and assisting the presiding officer in doing so within the chambers.
(Ord. 1996-4, passed 4-23-1996)

§ 30.25 SPEAKING BY COUNCIL MEMBERS.

Members shall confine their remarks to the questions under consideration and avoid personality conflicts to the greatest extent possible. Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reason entered into the record. This dissent or protest shall be in respectful language and may be filed in writing and presented to the Council not later than the next regular meeting following the date of the passage of the ordinance or resolution. (Ord. 1996-4, passed 4-23-1996)

§ 30.26 LIMITS ON DEBATES.

No member shall speak more than once on a question until every other member has had the opportunity to speak and shall be limited to three minutes. Debate cannot be closed as long as any member who has not exhausted the right to debate desires the floor, except by order of the Council which requires a two-thirds vote. At any time that two-thirds of the Council agrees that further debate is unnecessary or counterproductive, they shall so vote and debate on that point shall be closed. (Ord. 1996-4, passed 4-23-1996)

§ 30.27 ORDER AND DECORUM.

Any of the following shall be sufficient cause for the Sergeant-at-Arms, at the direction of the presiding officer, to remove any person from the Council chambers or meeting hall for the duration of the meeting:

- (A) Use of unreasonably loud, profane or disruptive language which obstructs the work or the conducting of the business of the Council;
- (B) The making of any loud or disruptive noise which obstructs the work or the conducting of the business of the Council;
- (C) Engaging in violent or disruptive action;
- (D) Willful injury of furnishings or of the interior of the Council chambers or meeting hall;
- (E) Refusal to obey the rules of conduct provided within this subchapter, including any limitations on occupancy and seating capacity;
- (F) Refusal to obey an order of the presiding officer or an order issued by a Council member which has been approved by a majority of the Council present;
- (G) Refusal to terminate discussion on any issue after the president has indicated that discussion of that issue has ended;

- (H) Argumentative conduct that, in the opinion of the President, delays the further business of the Council;
 - (I) Disruptive refusal to speak in turn, or for refusing to allow a Council or audience member to speak by talking over them; and/or
 - (J) Any other conduct of any kind or character deemed by the President or other person running the meeting to be disrespectful to the Council, disruptive of its business or which unnecessarily delays the work of the Council.
- (Ord. 1996-4, passed 4-23-1996)

CHAPTER 31: OFFICERS; TOWN ORGANIZATIONS

Section

General Provisions

[31.01](#) Old Age and Survivor's Insurance Plan

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[31.15](#) Town Marshal

Organizations

[31.25](#) Fire Department

[31.26](#) Economic Development Commission

GENERAL PROVISIONS

§ 31.01 OLD AGE AND SURVIVOR'S INSURANCE PLAN.

- (A) The governing body of the town hereby elects coverage under the Old Age and Survivors Insurance, as provided by Chapter 313, Acts of 1951.
- (B) All positions not covered by an existing retirement or pension plan are covered.
- (C) For the purpose of carrying out the provisions of Title II, § 218 of the Federal Social Security

Acts and Amendments thereof the agreement entered between the state agency with the approval of the Governor and the Social Security Administrator is made a part of this resolution and shall be termed as an agreement between the Political Sub-division and the State Agency and shall become a part of the agreement or modification of the agreement between the state and the Social Security Administrator.
(1987 Code, § 1-6)

OFFICERS

§ 31.15 TOWN MARSHAL.

- (A) It is hereby made the duty of the Marshal of the town to execute all orders of the Council, see that their ordinances are enforced and give the notice of any nuisance made or suffered in the town.
- (B) The Marshal shall arrest, with or without process, any person or persons, discovered or caught in the act of violating any ordinance of the town.
- (C) The Marshal may, with consent of the Council, appoint one or more deputies, being responsible for the correct discharge of their duties. The appointment shall be in writing and the Marshal shall report the same to the Council and the Council may approve or reject the same. If the appointment be approved, the Deputy thus appointed shall be sworn to the faithful discharge of his or her duties, which oath shall be administered by any person authorized to administer oath and shall be endorsed on the back of his or her appointment. Thereupon, the Deputy shall be empowered to action all respects as the Marshal, subject to his or her order and direction.
- (D) The Marshal shall keep an account of all moneys received by him or her for use of the town, pay the same to the Treasurer thereof on Saturday of each week, take his or her receipt therefor and report the same to the Clerk-Treasurer.
- (E) Every Marshal, on going out of office, shall deliver to his or her successor all writs, with his or her proceedings thereon endorsed, and also all property levied on and remaining unsold; and all delivery bonds; and take his or her successors receipt therefor, including, in different receipts, property under levy for taxes, and shall return the receipt forthwith to the Clerk-Treasurer who shall record the same in a book kept for that purpose, and carefully preserve the original, and shall, if required, give the Marshal a certified copy of the receipt. In case of the death of the Marshal, his or her personal representatives shall make such delivery without delay to his or her successor and shall take the receipts and make like returns to the Clerk-Treasurer.
- (F) Any Marshal or Deputy who shall make any false return of any writ or other instrument whereon a return is required or who shall fail to return the same on return day thereof, or who shall fail to perform any duties incumbent upon by ordinance or law; shall with his or her securities be liable on his or her bond to any person injured to the extent of the injury with 10% damages thereon.

(G) Any Marshal or Deputy who shall fail to pay over to the proper person any moneys within one month after the receipt of the same that he or she may, by virtue of his or her office, shall on demand be liable on his or her bond, to the party injured, for the money and 25 % in damages on the amount. (1987 Code, § 1-1)

ORGANIZATIONS

§ 31.25 FIRE DEPARTMENT.

The Morocco Volunteer Fire Department shall have 20 members.
(1987 Code, § 1-3)

§ 31.26 ECONOMIC DEVELOPMENT COMMISSION.

(A) Pursuant to authority granted by I.C. 36-7-12-1 *et seq.*, there is hereby created the Morocco Economic Development Commission which shall be in addition to existing executive departments of the town.

(B) The Economic Development Commission shall be under the control of a board of three members to be known as "Morocco Economic Development Commission." The members of the Commission shall be appointed and shall perform the duties and exercise the powers, all as set forth in I.C. 36-7-12-1 *et seq.*
(1987 Code, § 1-4)
(See Also: [Ordinance No. 02-05-2010](#), adopted 3/3/2010.)

CHAPTER 32: FINANCE AND REVENUE; FUNDS

Section

General Provisions

[32.01](#) Pre-approved payment of claims

Funds and Accounts

[32.15](#) Withholding Fund to Payroll Fund

- [32.16](#) Promotional Account
- [32.17](#) Cumulative Capital Improvement Fund
- [32.18](#) Public Employees Retirement Fund

GENERAL PROVISIONS

§ 32.01 PRE-APPROVED PAYMENT OF CLAIMS.

(A) The Clerk-Treasurer is authorized to make claim payments in advance of Council allowance for the following types of expenses:

- (1) Property or services purchased or leased from:
 - (a) The United States government; or
 - (b) An agency or a political subdivision of the United States government.
- (2) License fee or permit fee;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal grant programs if:
 - (a) Advance funding is not prohibited; and
 - (b) The contracting party provides sufficient security for the amount advanced.
- (6) Maintenance agreements or service agreements;
- (7) Grants of state funds authorized by statute;
- (8) Lease agreements or rental agreements;
- (9) Principal and interest payments on bonds;

- (10) Payroll; and
- (11) State, federal or county taxes.
- (B) Each payment of expenses under this section must be supported by lawfully itemized claim.
- (C) The Town Council shall review and allow the claim at the Council's next regular or special meeting following the pre-approved payment of the expense.
([Ord. 1997-6](#), passed 10-13-1997)

FUNDS AND ACCOUNTS

§ 32.15 WITHHOLDING FUND TO PAYROLL FUND.

It is hereby resolved that the Withholding Fund will now be known as the Payroll Fund. Total gross payroll will be deposited into this fund and all payroll and withholding will be disbursed from this fund.

([Res. 1997-5](#), passed 10-13-1997)

§ 32.16 PROMOTIONAL ACCOUNT.

(A) A fund, the Morocco Promotional Fund, is hereby established. The Council is hereby authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

(B) Expenditures from this fund may include, but are not necessarily limited to the following:

- (1) Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations;
- (2) Direct expenses for travel, meals and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs;
- (3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel;
- (4) Commemorative plaques, certificates or objects such as commemorative keys; or
- (5) Other purposes which are deemed by Town Council to directly relate to promotion or betterment of the town.

(C) (1) No expenses shall be allowed from this fund without prior authorization and approval of the Town Council.

(2) Claims for expenses under this section shall be allowed as prescribed by law.
(Ord. 92-1, passed 5-12-1992)

§ 32.17 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) (1) In accordance with the requirements of I.C. 6-7-1, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of Morocco, Indiana, into which the cigarette taxes allotted to Morocco, Indiana by reason of I.C. 6-7-1-30.1 shall be deposited.

(2) The fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of the monies shall revert to the General Fund or be used for any purpose other than capital improvements.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL IMPROVEMENTS. The construction or improvement of any property owned by the town, including, but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of Morocco issued, and the proceeds used for the purpose of constructing capital improvements. The term ***CAPITAL IMPROVEMENT*** shall not include salaries of any public officials or employees, except those which are directly chargeable to a capital improvement.
(1987 Code, § 4-1)

§ 32.18 PUBLIC EMPLOYEES RETIREMENT FUND.

(A) The town elects to become a participant in the Public Employees Retirement Fund as established by I.C. 5-10.3-1-1 *et seq.* and all acts amendatory and supplemental thereto.

(B) The town agrees to make the required contributions under the Public Employees Retirement Fund Act which is I.C. 5-10.3-1-1 *et seq.*, and all Acts amendatory thereof and supplemental thereto, including specifically I.C. §§ 5-10.1-4-1 through 5-10.1-4-6, commonly designated as "The Indiana Public Employees Social Security Integration and Supplemental Retirement Benefits Act."

(C) The following are declared to be covered by the fund:

(1) Clerk-Treasurer;

(2) Superintendent of Water Department;

(3) Superintendent of Street Department; and

(4) Town Marshal.

(D) It is hereby declared that none of the classifications or positions specified in the above division are compensated on a fee basis or of an emergency nature or in a part-time category.

(1987 Code, § 4-2)

CHAPTER 33: TOWN POLICIES

Section

[33.01](#) Summer watering program

[33.02](#) Signs and distractions

See Also:

[Resolution 1998-2-A](#), Regarding Political Activity by Employees.

[Resolution 1998-2-C](#), Civil Rights Policy.

[Resolution 1998-2-D](#), Drug and Alcohol Free Workplace Policy.

§ 33.01 SUMMER WATERING PROGRAM.

(A) Each user desiring to participate in the summer watering program shall purchase a meter approved by the town which may be attached to one outlet at the user's property. Each user is responsible for the purchase of the meter and adapter, as well as for any damage or breakage to the unit.

(B) The town will install and remove the meter annually for a \$10 fee, which sum shall also be due annually. The sewer portion for the amount of water used will be deducted.

(C) Summer watering months will run from April 15 through September 30.

(Ord. 2003-01, passed 2- -2003)

§ 33.02 SIGNS AND DISTRACTIONS.

(A) Prior to placement, any person or group desiring to place any "Welcome" type signage must first submit the same to the Town Council for approval as to appearance and location.

(B) In the event that any such signage does not meet the approval of the Town Council as to appearance or location, the sign may not be placed in any town right of way or easement.
(Ord. 2001-1, passed - -)

CHAPTER 34: COLLECTION OF PAST DUE ACCOUNTS

Section

34.01 Collection of past due accounts

§ 34.01 COLLECTION OF PAST DUE ACCOUNTS.

(A) The Town Clerk-Treasurer, or his or her designee, (the "Clerk-Treasurer") is charged with the responsibility to collect unpaid sewer, water, and garbage collection, and tall grass and weed abatement fees, charges and penalties consistent with the procedure described below, when the unpaid sewer, water, and garbage collection fees, charges and penalties have been due and unpaid for at least 90 days, or when tall grass and weed abatement fees, charges and penalties have been due and unpaid for at least 30 days.

(B) Except as provided in division (J), the Clerk-Treasurer shall enforce payment of fees and penalties assessed by the town for sewer, water, garbage collection services and tall grass and weed abatement. As often as the Clerk-Treasurer determines is necessary in a calendar year, the Clerk-Treasurer shall prepare a notice of lien for each lot or parcel of real property on which fees and penalties are delinquent, listing the amount of fees, charges and penalties which are delinquent, together with the costs of recording and service charges, on the notice of lien.

(C) The Clerk-Treasurer shall certify to the County Auditor the amount of the fees, charges, and penalties, including costs of recording and releasing the notice of lien, and service charges, and shall record each notice of lien with the County Recorder, who shall charge a fee for recording it in accordance with the fee schedule established in I.C. 36-2-7-10. The Clerk-Treasurer shall then mail to the property owner(s) listed on the notice of lien a copy of the notice of lien, which shall state that the lien against the owner's property has been recorded. A service charge of \$5, which is in addition to the recording and releasing fee charged under this subsection and under division (E), shall be added to each delinquent fee that is recorded.

(D) Using the notice(s) of lien prepared under division (B) and recorded under division (C), after September 1 of the preceding calendar year and before September 1 of the current calendar year, the

Clerk-Treasurer shall before December 15 of each year certify to the County Auditor a list of liens that remain unpaid for collection in the next May. The county and its officers and employees are not liable for any material error in the information on this list.

(E) The Clerk-Treasurer shall release any recorded lien when the delinquent fees, penalties, service charges, and recording and releasing fees have been fully paid. The County Recorder shall charge a fee for releasing the lien in accordance with I.C. 36-2-7-10.

(F) On receipt of a notice of lien under division (C) or the list under division (D), the County Auditor shall add a \$15 certification fee for each lot or parcel of real property on which fees are delinquent, which fee shall be in addition to all other fees and charges. The County Auditor shall immediately enter on the tax duplicate for the town the delinquent fees, penalties, service charges, recording and releasing fees and certification fees, which are due no later than the due date of the next May installment of property taxes.

(G) After the date of certification in each year, the Clerk-Treasurer may not collect or accept delinquent fees, penalties, service charges, recording or releasing fees or certification fees from property owners whose property has been certified to the County Auditor.

(H) If a delinquent fee, penalty, service charge, recording or releasing fees and certification fee are not paid, they shall be collected by the County Treasurer in the same way that delinquent property taxes are collected.

(I) At the time of each semiannual tax settlement, the County Treasurer shall certify to the County Auditor all fees, charges, and penalties that have been collected. The County Auditor shall deduct the service charges and certification fees collected by the County Treasurer and pay over to the Clerk-Treasurer the remaining fees and penalties due the town. The County Treasurer shall retain the service charges and certification fees that have been collected, and shall deposit them in the County General Fund.

(J) Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for purchaser who, in the manner prescribed by I.C. 36-9-23-32(d), files a verified demand with the County Auditor.

(K) The Town Council may write off a fee or penalty under division (A) that is for less than _____ Dollars (\$.00).

(Ord. 2003-, passed 8-12-2003)

CHAPTER 35: MOROCCO CONSERVANCY DISTRICT

Section

§ 35.01 MOROCCO CONSERVANCY DISTRICT.

(A) In accordance with the requirements of the 1957 Conservancy Act of Indiana and Burn's Annotated Statute 13-3-3-1, the town hereby authorizes the creation of the Morocco Conservancy District for the purpose of flood prevention, control and improving drainage. The territory to be encompassed in the District shall be as follows: The town and adjoining areas that drain through and/or drain in conjunction with the town. Specific areas outside the town to be determined by engineering and consulting engineers.

(B) The creation of the Morocco Conservancy District is necessary in order to provide an efficient storm drainage system to benefit the people of Morocco, replacing the current system which, due to age and condition, is unable to convey storm water in an efficient manner. The creation of the Morocco Conservancy District will be conducive to the public health, safety and welfare of the people of Morocco in that it will prevent back-ups into living areas, basements and crawl spaces; prevent severe ponding throughout the area; reduce concentrations of infectious insects and rodents; and reduce any additional damage and hazards related to frequent flooding and standing water. Furthermore, the creation of the Morocco Conservancy District will reduce the negative impact the current system has had on the property values, insurance premiums, and on forcing low to moderate income residents to pay for costly repairs to home and property.

(C) The creation of the Morocco Conservancy District will be made possible in part through the assistance of state monies, particularly the Community Focus Fund available through the Indiana Department of Commerce.

(D) The maintenance and operation of the works of improvement necessary to accomplish any and all the purposes will be paid based on annual assessments on each parcel of land located within the area.

(E) The number of directors to serve on the Board will be five; three consisting of the Town Council and two to represent land owners outside of the corporate limits which would be made part of the Conservancy District. The other two members shall be appointed by the Morocco Town Council. One director to serve a two-year term and the second director to serve for a four-year term appointed thereafter for four-year terms by the Morocco Town Council.

(Ord. 92-7, passed 12-22-1992)

TITLE V: PUBLIC WORKS

Chapter

[50.](#) GARBAGE

[51.](#) WATER AND SEWERS

CHAPTER 50: GARBAGE

Section

- [50.01](#) Frequency of service
- [50.02](#) Eligibility of service
- [50.03](#) Classification of account
- [50.04](#) Pickup qualification
- [50.05](#) Charges

§ 50.01 FREQUENCY OF SERVICE.

The garbage removal service will be provided on a weekly basis. Residential service will be provided on Tuesdays and commercial service will be provided on Mondays. If the regular service day is a scheduled holiday, service will be provided on the next scheduled work day. ([Ord. 88-4](#), passed 9-28-1988; [Am. Ord. 88-4](#), passed 8-10-1999)

§ 50.02 ELIGIBILITY OF SERVICE.

Any resident that is a customer of the Water Department with a non-delinquent account is eligible for

pickup.

([Ord. 88-4](#), passed 9-28-1988; [Am. Ord. 88-4](#), passed 8-10-1999)

§ 50.03 CLASSIFICATION OF ACCOUNT.

All accounts will be classified as either residential or commercial. The principal determinant for classification shall be the volume and type of garbage presented for removal.

([Ord. 88-4](#), passed 9-28-1988; [Am. Ord. 88-4](#), passed 8-10-1999)

§ 50.04 PICKUP QUALIFICATION.

In order for trash to be picked up, the following qualifications must be met:

- (A) Garbage must be in tied plastic bags;
- (B) Bags must be placed within three feet of road edge;
- (C) Bags must not weigh more than 40 pounds each;
- (D) Bags must be set out prior to 7:30 a.m. on the day of scheduled service; and
- (E) Each account shall be limited to six total bags per week. *ACCOUNT* shall mean residence, business, apartment complex or mobile home court. The determinant for number of bags allowed shall be the number of paid water accounts at any location. Any bags in excess of allowed number will result in an additional charge being assessed at time of pickup or non-pickup if fee is not collected.
- (F) Large items such as furniture or appliances may be picked up separately. Before pick up will be made, pickups should be scheduled with the Clerk-Treasurer and prepaid.
- (G) Building materials, concrete, automotive parts, including tires, and any items beyond household waste will not be collected.

([Ord. 88-4](#), passed 9-28-1988; [Am. Ord. 88-4](#), passed 8-10-1999)

§ 50.05 CHARGES.

- (A) Residential customers with six bags or less per week: \$6.67 per month.
 - (B) Residential customers with seven or more bags per week: \$13.34 per month.
- ([Ord. 88-4](#), passed 9-28-1988; [Am. Ord. 88-4](#), passed 8-10-1999; Am. Ord. passed 6-12-2001)

Editor's Note: [Amending Ordinance 88-4](#), passed 8-1-1999, contains information on commercial rates and decoupling which is not included here. Given that a later ordinance (Am. Ord. passed 6-12-2001) may have removed these sections - and the ordinance from 6-12-2001 was not found - it is not possible to determine whether those commercial fees and decoupling are still valid.

CHAPTER 51: WATER AND SEWERS

Section

General Regulations

- [51.01](#) Indiana Public Service Commission
- [51.02](#) Tile drains
- [51.03](#) Utilities Service Board
- [51.04](#) Rates and charges
- [51.05](#) Cross connections
- [51.06](#) Unauthorized hydrant use

Sewer Use

- [51.20](#) Sewer use
Wetlands Connections Restricted: See [Ord. 1997-1](#), - - 1971.

Sewer Rate

- [51.30](#) Sewer rate

GENERAL REGULATIONS

§ 51.01 INDIANA PUBLIC SERVICE COMMISSION.

The water utility of the town shall be removed from the jurisdiction of the Indiana Public Service Commission.
(1987 Code, § 10-1-1)

([Ord. 86-2](#), 6-12-1986.)

§ 51.02 TILE DRAINS.

(A) It shall be unlawful for any person, firm or corporation to connect a private tile with a tile drain already laid and constructed in or along any street or alley of the town without first having obtained permission from the Council and the connection made under the supervision of the Water Superintendent.

(B) It shall be unlawful for any person, firm or corporation, to drain any sink, garbage drain, toilet or cess pool directly into any tile that is now or may hereafter be connected with tile drains that are in or along any street or alley in the town.

(1987 Code, § 10-1-2) Penalty, see [§ 10.99](#)

§ 51.03 UTILITIES SERVICE BOARD.

(A) There is hereby established a Utilities Service Board to operate the town's water utility system.

(B) The Utilities Service Board shall consist of five members appointed by the Council of the town. Two of the positions shall be appointed for two-year terms and three positions for four-year terms.

(C) The Utilities Service Board shall be in charge of the waterworks system of the town and all improvements, extensions and equipment pertaining thereto.

(D) The Utilities Service Board shall have the power to make rules and regulations governing the use of and connections with the water distribution system of the city provided that a copy of the rules and regulations shall be submitted to the Council for approval.

(E) The Utilities Service Board shall approve rates and charges sufficient to compensate the town for the operation of the water utility system. The rates and charges shall be subject to the guidelines as provided in I.C. 8-1.5-3-8.

(F) The Water Utilities Service Board shall furnish reasonable, adequate services and facilities at reasonable rates to the users of the system.

(G) The rates and charges for service rendered or to be rendered, either directly or in connection therewith, must be non-discriminatory, reasonable and just.

(H) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

REASONABLE AND JUST RATES AND CHARGES FOR SERVICES. Rates and charges that

produce sufficient revenue to:

(a) Pay all the legal and other necessary expenses incident to the operation of the utility, including:

1. Maintenance costs;
2. Operating charges;
3. Upkeep;
4. Repairs;
5. Depreciation; and
6. Interest charges on bonds or other obligations.

(b) Provide a sinking fund for the liquidation of bonds or other evidences of indebtedness;

(c) Provide adequate money for working capital;

(d) Provide adequate money for making extensions and replacements to the extent not provided for through depreciation herein; and

(e) Provide money for the payment of any taxes that may be assessed against the utility.

(I) It is the intent of this section that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. Rates and charges too low to meet these requirements are unlawful.

(J) The Board may recommend to the Town Council rates and charges sufficient to include a reasonable return on the utility plant of the municipality.

(K) Rates and charges established under this section are subject to the approval of the Town Council.

(1987 Code, § 10-1-3)

§ 51.04 RATES AND CHARGES.

There shall be and there is hereby established for the use of and the service rendered by the waterworks system of the town the following rates and charges, based on the use of water supplied by the waterworks system.

(A) *Consumption per quarter.*

<i>Consumption Per Quarter</i>	<i>Metered Rates</i>
--------------------------------	----------------------

First 10,000 gallons	\$5.95
Next 20,000 gallons	\$4.97
Next 20,000 gallons	\$4.21
Next 50,000 gallons	\$3.47
Next 100,000 gallons	\$2.90
Next 100,000 gallons	\$2.48
Over 300,000 gallons	\$2.13

(B) *Minimum quarterly charge.*

<i>Minimum Quarterly Charge</i>		
<i>Meter Size</i>	<i>Consumption per Quarter</i>	
Five-eighths inch to three-fourths inch	6,000	\$35.70
One inch	8,546	\$50.85
One and one-half inch	12,676	\$72.80
Two inches	15,111	\$84.90
Three inches	20,795	\$113.15
Four inches	25,332	\$135.70
Six inches	66,816	\$301.45

(C) *Public fire protection service charges.*

<i>Size of Meter</i>	<i>Monthly Service Charge per Meter</i>
Five-eighths inch to three-fourths inch	\$4.00
One inch	\$5.60
Two inches	\$11.65
Three inches	\$44.15

{ [view archive](#) } Amended by [Ord. 2000-5](#), 12-18-2000.

(D) *Fire sprinkler connections.*

<i>Fire Sprinkler Connections</i>	<i>Fee Per Annum</i>
Two inches	\$120.85
Three inches	\$244.70
Four inches	\$365.65
Six inches	\$489.45
Eight inches	\$610.30

(E) *Swimming pools.* Charge per fill: \$100.

(F) *Tap charge.* A tap charge shall be collected from each customer prior to connection to the

water system. This charge shall be \$800 for a five-eighths inch to three-fourths inch connection. For larger size connections, the charge shall be an amount sufficient to reimburse the town for the labor, material, and overhead necessary for tapping the main, installation of service from the main to the property line (including the curb stop), and the cost of furnishing and installing a suitable water meter. In no event shall the charge for such connection be less than \$800.

(1987 Code, § 10-1-4) (Ord. 2003-, passed - -2003)

See Also:

[Am. to 10-1-4](#), 1-27-1998, regarding rental users: billing and disconnects,

[Am. to 10-1-4](#), 2-9-1999, regarding regular users: billing, disconnects, and reconnect fees.

§ 51.05 CROSS CONNECTIONS.

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

CROSS CONNECTION. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the town water system and the other water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(B) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of Morocco may enter the supply or distribution system of the municipality, unless the private, auxiliary or emergency water supply and the method of connection and use of the supply shall have been approved by the Morocco Water Board and by the Indiana Department of Environmental Management in accordance with 327 I.A.C. 8-10.

(C) It shall be the duty of the Morocco Water Board to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Morocco Water Board.

(D) Upon presentation of credentials, the representative of the Morocco Water Board shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Morocco for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on the property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

(E) The Morocco water utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public

water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee or occupants of the property or premises where a violation is found or suspected to exist. Water service to the property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.

(F) If it is deemed by the Morocco water utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk-Treasurer of Morocco and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of the emergency discontinuance.

(G) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.
(Ord. 2, passed - -)

§ 51.06 UNAUTHORIZED HYDRANT USE.

(A) Unauthorized use of fire hydrants by any person is prohibited.

(B) Use of the fire hydrants by any fire department shall be for the purpose of fighting fires within the town limits of Morocco or training.

(C) Use of the hydrants at any other time or for any other purpose must be authorized by the Town Board or the Water Superintendent.

(D) Violations of this section are hereby declared to be a Class C infraction. Each violation shall be punishable by \$1,000 fine.

(Ord. 2003-01, passed 1-14-2003)

SEWER USE

§ 51.20 SEWER USE.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any terms not defined herein, but defined in the Sewer Rate Ordinance (Ordinance No. 99-2) shall have the same meaning herein.

AMMONIA (or ***NH3-N***). Means the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in the definition of

STANDARD METHODS.

BIOCHEMICAL OXYGEN DEMAND (or BOD). Concerning sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

BOARD. The Town Council of the Morocco Sewage Works, Newton County, Indiana, or any duly authorized officials or boards acting in its behalf.

BUILDING (or HOUSE) DRAIN. The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five feet outside the foundation wall of the building.

BUILDING DRAINSANITARY. A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAINSTORM. A building drain which conveys storm water or other clean water drainage, but no wastewater.

BUILDING (or HOUSE) LATERAL SEWER. The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections.)

BUILDING SEWERSANITARY. A building sewer which conveys sanitary or industrial sewage only.

BUILDING SEWERSTORM. A building sewer which conveys storm water or other clean water drainage, but no wastewater.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD). Five day measure at pollutant parameters Carbonaceous Biochemical Oxygen Demand.

CHEMICAL OXYGEN DEMAND (COD). Concerning sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in *Standard Methods*.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) Chemical oxygen demand;
- (b) Total organic carbon;
- (c) Phosphorus and phosphorus compounds;
- (d) Nitrogen and nitrogen compounds; or
- (e) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the town.

GARBAGE. Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.

IDEM. Indiana Department of Environmental Management.

INDUSTRIAL WASTES. Any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (**INFILTRATION** does not include and is distinguished from **INFLOW**.)

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (**INFLOW** does not include, and is distinguishable from **INFILTRATION**.)

INSPECTOR. The person or persons duly authorized by the town through its Town Council to

inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTOR. A contributor that:

- (a) Has a flow of more than 5,000 gallons per average workday.
- (b) Has in its waste toxic pollutants in toxic amounts as defined in Section 307(a) of the Federal Act or State Statutes and rules.
- (c) Has a flow greater than 5% of flow carried by the municipal system receiving the waste.
- (d) Is found by the town, State Control Agency or the U.S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

NPDES PERMIT. National Pollutant Discharge Elimination System Permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.

NATURAL OUTLET. Any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

PHOSPHORUS (P). The chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

PRIVATE SEWER. A sewer which is not owned by public authority.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following increments:

(a) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(b) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(c) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(d) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

(a) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.

(b) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

SEWAGE WORKS. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit for carrying sewage.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five minutes more than five times the average 24-hour concentration of flow during normal operation and which adversely affects the sewage works.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater* prepared and published jointly by the American Public Health Association, the American Water Works Association

and The Water Pollution Control Federation.

STORM SEWER. A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUPERINTENDENT. The Superintendent of the Morocco Sewage Works, Newton County, Indiana, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS (S.S.). Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in **STANDARD METHODS**.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOWN. The Morocco Sewage Works acting by and through the Board of Directors.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (Section 307A of Public Law 92-500).

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.

WASTEWATER. Water in which sewage has been discharged.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(B) (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human excrement, garbage or other objectionable waste.

(2) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, sump pump discharge, cooling water, unpolluted water or unpolluted industrial water.

(3) No new connection shall be made unless there is capacity available to all downstream sewers, pumping stations, force mains and the sewage treatment plant, including capacity for ammonia, BOD, and S.S.

- (4) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the town, or in any area under the jurisdiction of said town, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this subchapter and the NPDES permit.
- (5) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this subchapter and the NPDES permit.
- (6) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (7) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley, easement, or right-of-way in which there is located a public sanitary sewer of the town is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.
- (C) (1) The owner of any lot, parcel of real estate or building, which was not included in the initial approved sewer project as defined in the final plans and specifications prepared by Beam, Longest and Neff, consulting engineers, connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and town laws, rules and regulations and shall pay a connection charge which shall be the sum of the following:
- (a) The cost of preparing the public sewer to accept the new connection;
 - (b) The amount of \$1,500; plus
 - (c) An inspection fee of \$20 is required for inspection of the private sewer line connection to the town wastewater collection system. Rejection will result in an additional site visit(s) and inspection(s) as needed until the private sewer has been accepted. Each site visit and inspection constitutes a new inspection and, thus, an inspection fee.
- (2) Provided property owner has not made monthly payments as provided for by [§ 51.30\(D\)](#). Any such owner shall obtain a permit from the town to connect to the sewer.
- (D) (1) Any such owner shall obtain a permit from the town to connect to the sewer. Where a public sanitary sewer is not available under the provisions of division (B)(7), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.
- (2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$50 shall be paid to the town at the time the application is filed.

- (3) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.
- (4) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the IDEM. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is the lesser of 45,000 square feet, or the minimum size required by the Newton County Public Health Officer. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (5) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in division (B)(7), a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge, abandoned and filled with suitable material.
- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.
- (7) When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.
- (8) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- (E) (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk-Treasurer.
- (2) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (3) A separate and independent building sewer shall be provided for every property; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (4) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this subchapter.
- (5) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to

the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(6) Whenever possible, the building sewer shall be brought to the building at an elevation below the first floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(7) No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(8) The connection of a building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(9) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The construction shall be made under the supervision of the Inspector or his or her representative.

(10) All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(F) (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by USEPA or the IDEM. A toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.

(2) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or 65 degrees Celsius.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or 0 and 65 degrees Celsius.

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.

(i) Materials which exert or cause:

1. Unusual concentrations of inert S.S. (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 3. Unusual S.S., CBOD, BOD, Ammonia, Ammonia-Nitrogen, Phosphorus, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent can not meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.
- (3) (a) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (E) (2), and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Board may:
1. Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
 2. Reject the wastes in whole or in part for any reason deemed appropriate by the town.
 3. Require pretreatment of such wastes to within the limits of normal sewage as defined.
 4. Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.
 5. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
- (b) If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances and laws.
- (4) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(5) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the town, the State Water Pollution Control Agencies and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(6) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the town. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and S.S. analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(7) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

(G) Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the USEPA (40 CFR Part 403), and *Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 CFR Part 136), in addition to any more stringent requirements established by the town and subsequent State or Federal Guidelines and Rules and Regulations.

(H) Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the town and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the town to determine that such facilities are being operated in conformance with the applicable Federal, State and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against town monitoring records.

(I) Unpolluted water from air conditioners, sump pumps, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, approved by the town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the State of Indiana. Where a storm sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the town.

(J) Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

(K) The town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users' expense. If made by the town, an appropriate charge may be assessed to the user at the option of the town.

(L) (1) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the town and shall be located so as to be readily accessible for cleaning and inspection.

(2) They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(3) Specifications for grease, oil, and sand interceptors shall be in accordance with Sections 1014, 1016, and 1017 of the Indiana Code (1999) Edition, (660 IAC 9) originally published as (4 IR 2398), which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1997 Edition. Copies of the aforementioned Code and Rules, Regulations and Codes adopted herein by reference are on file as required by law in the office of the Secretary.

(M) Users of the treatment works shall immediately notify the town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(N) All provisions of this subchapter and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be, in effect.

(O) No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

(P) (1) The Superintendent, Inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this

subchapter. The Superintendent or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct hearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in division (E)(5).

(3) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Q) (1) Any person found to be violating any provisions of this subchapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) above shall be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this subchapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation.

(R) That the rules and regulations promulgated by the town, after approval by the town shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the town and that any decision concerning the sewage system or user charges of the Board may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act. ([Ord. 2000-3](#), passed - -2000)

SEWER RATE

§ 51.30 SEWER RATE.

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

AMMONIA (NH₃-N). Shall have the same meaning as defined in [§ 51.20](#).

COUNCIL. The Town Council of the Town of Morocco (Indiana) or any duly authorized officials acting in its behalf.

BOD (BIOCHEMICAL OXYGEN DEMAND). Shall have the same meaning as defined in [§ 51.20](#).

CBOD (CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND). Shall have the same meaning as defined in [§ 51.20](#).

COD (CHEMICAL OXYGEN DEMAND). Shall have the same meaning as defined in [§ 51.20](#).

SEWAGE WORKS. The Morocco (Indiana) Municipal Sewage Works acting by and through the Town Council.

DEBT SERVICE COSTS. The average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.

INDUSTRIAL WASTES. The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT. Shall have the same meaning as defined in [§ 51.20](#).

OPERATION AND MAINTENANCE COST. Include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements.

OTHER SERVICE CHARGES. Tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

PHOSPHORUS. Shall have the same meaning as defined in [§ 51.20](#).

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

S.S. (SUSPENDED SOLIDS). Shall have the same meaning as defined in [§ 51.20](#).

SEWAGE. Shall have the same meaning as defined in [§ 51.20](#).

SEWER USE ORDINANCE. A separate and companion enactment to this subchapter, which regulates the connection to and use of public and private sewers.

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities.

(a) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business or service which based on a determination by the town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(b) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

(c) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(d) **GOVERNMENTAL USER.** Any Federal, State or local governmental user of the wastewater treatment works.

(e) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like.

(B) (1) Every person whose premises are served by the sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance of the treatment works. User charges shall be uniform in magnitude within a user class.

(2) The various classes of users of the treatment works for the purpose of this section, shall be as follows:

	Residential
	Commercial
Class I	Governmental
	Institutional
	Industrial

(C) For the use of the service rendered by the sewage works, rates and charges shall be collected from the owners and tenants of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or

other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Morocco. However, debt service costs of \$33.25 and fire protection costs of \$4.00 shall be collectable solely from the owner of any connected property without regard to any contrary arrangement between the owner and his tenants. Such rates and charges shall include user charges, fire protection charges, debt service costs, excessive strengths, surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows...

{ [view archive](#) } Amended by [Ord. 2004-01](#), 12-11-2004.

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of the rates and charges shall be determined as follows:

<i>All Class I Users</i>		
(1) Treatment rate per 1,000 gallons of usage per month:		
<i>User charge</i>	<i>Debt service</i>	<i>Total</i>
\$1.58	\$2.27	\$3.85

plus

(2) Base rate per month:			
<i>Water meter</i>	<i>User charge</i>	<i>Debt service</i>	<i>Total</i>
5/8" to 3/4"	10.28	22.97	33.25
1"	23.02	57.48	80.50
1 1/4" to 1 1/2"	51.03	133.27	184.30
2"	86.69	229.81	316.50
3"	197.06	528.54	725.60
4"	349.88	942.17	1,292.05
6"	528.17	1,424.78	1,952.95
8"	1,394.15	3,768.70	5,162.85

(2) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Monthly rate</i>		
	<i>User charge</i>	<i>Debt service</i>	<i>Total</i>

Residential:			
Single family dwelling unit	\$18.18	\$34.32	\$52.50

(3) For the service rendered to the Town of Morocco, the town shall be subject to the same rates and charges established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the town shall charge the user not less than \$35 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the town or by an independent laboratory. The charge will be reviewed on the same basis as all other rates and charges in this subchapter.

(5) In order to produce an amount sufficient to meet the interest on the revenue bonds, and other expenses payable prior to the completion of the works, after the contract for construction of sewer system has let and the actual work commenced thereunder, the owners of each and every lot, parcel of real estate, or building connected with the town's sanitary sewage system as a result of construction of the works, shall pay each month 50% of the rates and charges established above, for each such building to be connected. Beginning with the first month after the sanitary sewers are available for connection and use to any lot, parcel of real estate, or building; but in any event, the full rates and charges shall become effective no later than July 1, 2000, so that billings for full rates and charges shall be rendered no later than August 1, 2000.

(D) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the town shall be determined by the town in such manner as the town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the town that such quantities do not enter the sanitary sewage system.

(1) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town. In order to ascertain the rate or charge provided in this subchapter, the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(2) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and

approved method of measurement acceptable to the town for the determination of sewage discharge.

(3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(4) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, and uses water in excess of 30,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(E) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method, and at such times as the town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the town at all times.

(1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 220 milligrams per liter of fluid or suspended solids in excess of 220 milligrams per liter of fluid, or ammonia in excess of 25 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(a) Rate surcharge based upon suspended solids. There shall be an additional charge of 22 cents per pound of suspended solids for suspended solids in excess of 220 milligrams per liter of fluid.

(b) Rate surcharge-based upon BOD. There shall be an additional charge of 22 cents per pound of biochemical oxygen demand for BOD received in excess of 220 milligrams per liter of fluid.

(c) Rate surcharge based upon ammonia. There shall be an additional charge of 65 cents per pound of ammonia for ammonia received in excess of 25 milligrams per liter of fluid.

(2) The determination of suspended solids, five-day biochemical oxygen demand, and ammonia contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes*, as written by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, 40 CFR Part 136.

(F) Such rates and charges shall be prepared, billed, and collected by the town in the manner provided by law and ordinance.

(1) The rates and charges for all users shall be prepared and billed monthly.

(2) (a) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

(b) The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(3) As is provided by statute, all rates and charges now paid by the fifteenth day of the month following receipt are hereby declared to be delinquent and a penalty of 10% of the amount of the rates and charges shall thereupon attach thereto.

(G) (1) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users of user classes, the town shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this subchapter goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the wastewater treatment systems.

(2) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the town shall cause a similar study to be made for the purpose of reviewing the fairness, equity, and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the town or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the town shall determine to be best under the circumstances. The town shall, upon completion of the study, revise and adjust the rates and charges as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

(H) (1) The town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection and rebating and refunding of such rates and charges.

(2) The town is hereby authorized to prohibit dumping of wastes into the town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the

town, or to require method affecting pretreatment of the wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the town's Pretreatment Program Plan.

(I) The town is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.

(J) The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this section.

(Ord. 99-2, passed 4-5-1999)

TITLE VII: TRAFFIC CODE

Chapter

[70.](#) TRAFFIC REGULATIONS

[71.](#) PARKING RULES

[72.](#) TRAFFIC SCHEDULES

[73.](#) PARKING SCHEDULES

CHAPTER 70: TRAFFIC REGULATIONS

Section

[70.01](#) Operation of motor bikes and automobiles without mufflers

[70.02](#) Operation on sidewalks

[70.03](#) Skateboards

Snowmobiles: See [Ord. -](#), 12-11-2001.

§ 70.01 OPERATION OF MOTOR BIKES AND AUTOMOBILES WITHOUT MUFFLERS.

It shall be unlawful for any person or persons to operate any motor bicycle or automobile on any of the public streets of the town, without a muffler on the motor bicycle or automobile, which muffler shall remain closed at all times while the machine is being operated upon or along any of the public streets and shall be so constructed and operated as to deaden the noise or sound of exploding gasoline or other gas or gases used in the capacity of fuel for the motor bicycle or automobile.

(1987 Code, § 5-1-2) Penalty, see [§ 10.99](#)

§ 70.02 OPERATION ON SIDEWALKS.

It shall be unlawful for any person or persons to drive or ride any automobile, motorcycle, bicycle or other vehicle over or across or on any of the sidewalks within the corporate limits of the town.
(1987 Code, § 5-1-3) Penalty, see [§ 10.99](#)

§ 70.03 SKATEBOARDS.

It shall be unlawful to use a skateboard on State Street, between Main Street and Polk Street and on Clay Street between Washington Street and Walnut Street.
(Ord. 91-1, passed 9-24-1991) Penalty, see [§ 10.99](#)

CHAPTER 71: PARKING RULES

Section

[71.01](#) Semi-trailers, tractors or combine units; parking

§ 71.01 SEMI-TRAILERS, TRACTORS OR COMBINE UNITS; PARKING.

Semi-trailers, tractors, combined units, or any vehicle with a gross weight exceeding 13,000 pounds are prohibited on any street or alley within the corporate limits of the town subject to the following exceptions:

- (A) Trucks, tractors, trailers, and tractor-trailers may park for a period of up to one hour to load or unload cargo, if any such vehicle does not unduly obstruct traffic.
- (B) Parking is allowed in the following areas:
 - (1) Parking is permitted at the lot at the northeast side of Polk Street with the permission of the owner.
 - (2) Parking is permitted on the property located between Beaver Street and East Washington Street with the permission of the owner.
 - (3) Parking is permitted on the railroad lot on State Road 114 across from the old elevator.

- (4) Parking is permitted at Merchant's Restaurant parking lot with the permission of the owner.
- (5) With the permission of the Town Marshal or his or her deputy, parking is permitted at homes within Morocco for a period of up to 48 hours for the purpose of repairs as long as such parking does not violate any other town ordinance or state law. Loaded trailers may not be parked at homes for any reason.
- (6) Semi-tractor operators wishing to park their semi-tractors at their personal residences may apply for a permit from the Town Board authorizing the same. The permit will be issued at no cost subject to the following terms and conditions:
- (a) If off-street parking is not available on the premises, the semi tractor may not be parked in the street right-of-way at the premises of the operator. This also pertains to buses, motor homes, trailers or vans larger than eighteen (18) feet in length.
- (b) If the vehicle is parked on private property, it must exit and enter the paved portion of the public road at an angle perpendicular or near perpendicular to the road way so as to minimize damage to the edge of the roadway.
- (c) All vehicles parked within the corporate limits of the town and on public property shall be properly licensed and in running order.
- (d) Parking of such vehicle will not create a nuisance or public hazard.

[{ view archive }](#) Amended by [Ordinance No. 2005-](#), 2-8-2005.

- (C) Violation of any of the conditions in division (B)(6)(a) through (e) above may cause revocation of the permit. Permits issued by the Town Board pursuant to this section shall be kept in the tractor and exhibited upon reasonable request.
- (D) If a police officer of the town finds a vehicle to be parked in violation of this section such officer is hereby authorized to require the owner or other person in charge of the tractor and/or trailer to remove the same so that it is no longer in violation of this section. If any such person so directed should fail or refuse to move the vehicle or if such vehicle is unattended and the person responsible therefore cannot be found, then the officer is authorized to provide for the removal of the offending vehicle to any nearby available garage or other place of safety at the cost of the offending party.
- (E) Violators of this section shall be fined at the rate of \$100 per occurrence, with each date in violation constituted a separate violation. Any duly authorized law enforcement officer charged with enforcement of infractions within Newton County may cause an information for ordinance violation to be filed in the Newton County Courts for the town or its attorney may proceed with an ordinance violation action in the Newton County Courts. Repeat offenders may, at the option of the Town Board, suffer revocation of their permit for authority to park within the corporate limits.

CHAPTER 72: TRAFFIC SCHEDULES

Schedule

- [I.](#) Stop and yield streets
- [II.](#) Speed limits

SCHEDULE I. STOP AND YIELD STREETS.

<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Alley south of State Street between Lincoln Street and Main Street	Four stop signs in alley
Athlone Avenue and Michigan Avenue	Stop sign on Athlone Lane
Atkinson Avenue and West Street	Stop sign on Atkinson Avenue
Beaver Street, intersection with Main Street	Stop
Beaver Street and West Street	Four-way stop
Beaver Street and Walker Street	Two stop signs on Walker Street
Beaver Street and Wells Street	Stop sign on Wells Street
Beaver Street and Polk Street	Two stop signs on Beaver Street
Beaver Street and Lincoln Street	One stop sign on Lincoln Street
Beaver Street and Dewey Street	Stop sign on Dewey Street
Beaver Street and Harrison Street	Stop sign on Harrison Street
Beaver Street and Jackson Street	Stop sign on Jackson Street
Beaver Street and Clay Street	Two stop signs on Clay Street
Beaver Street and Main Street	Four-way stop
Beaver Street and Water Street	Stop sign on Water Street
Clay Street and Michigan Avenue	State Highway
Clay Street and North Street	Two-way stop

<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Clay Street and Wabash Street	Two stop signs on Wabash Street
Clay Street and Indiana Avenue	Two stop signs on Indiana Avenue
College Avenue and Roosevelt Avenue	Two stop signs on Roosevelt Avenue
College Avenue and Circle Drive	Yield sign on Circle Drive
College Avenue and Wallace Street	Two stop signs on Wallace Street
College Avenue and Polk Street	Stop sign on College Avenue
College Avenue and West Street	Stop on College Avenue
College Avenue and Lincoln Street	Four-way stop
College Avenue and Main Street	Four-way stop
College Avenue and Clay Street	Four-way stop
Dean Street and Co. Rd. 350 S.	Stop sign on Dean Street
Dean Street and Sunshine Drive	Stop sign on Dean
Grove Street and Polk Street	Stop sign on Grove Street
Grove Street and Lincoln Street	Stop sign on Lincoln Street
Grove Street and West Street	Stop sign on Grove Street
Grove Street and Clay Street	Stop sign on Clay Street
Grove Street and Main Street	3-way stop
Grove Street and Walker Street	Stop sign on Walker Street

<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Halleck Street and West Street	Stop sign on Halleck Street
Halleck Street and Eisenhower Avenue	Stop sign on Eisenhower Avenue
Halleck Street and Roosevelt Avenue	Stop sign on Halleck Street
Indiana Avenue and Main Street	Stop sign on Indiana Avenue
James Street and Co. Rd. 350 S.	Stop sign on James Street
James Street and Sunshine Drive	
Lincoln Street and Michigan Avenue	State Highway
Lincoln Street and North Street	Two stop signs on North Street
Lincoln Street and Indiana Avenue	Stop sign on Indiana Avenue
Street(s)/Intersection(s)	Type of Stop
Lincoln Street and Wabash Street	Stop sign on Wabash Street
Main Street and North Street	Two stop signs on North Street

Main Street and Michigan Avenue	State Highway
Michigan Avenue and West Street	State Highway
Polk Street and Michigan Avenue	State Highway
Polk Street, more commonly known as old U.S. Highway 41, intersection with State Street	Stop
Polk Street and alley to Harrison Street	Stop sign in alley
Polk Street and North Street	Stop sign on North Street
<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Prairie Street and Main Street	
Prairie Street and Clay Street	
Roosevelt Avenue and Michigan Avenue	State Highway
Short Street and Main Street	Stop sign on Short Street
Short Street and Roosevelt Avenue	Stop sign on Short Street
State Street and Walker Street	Two stop signs on Walker
State Street and Harrison Street	Two stop signs on Harrison Street
State Street and Jackson Street	Stop sign on Jackson Street
State Street and Polk Street	Four-way stop
State Street and Lincoln Street	Stop sign on Lincoln Street
State Street and Main Street	Two stop signs on Main Street
State Street and Dewey Street	Two stop signs on Dewey Street
State Street and Atkinson Avenue	Stop sign on Atkinson Avenue
State Street and Wells Street	3-way stop
State Street and Water Street	Stop sign on Water Street
State Street, intersection with Clay Street	Stop
State Street and West Street	Four-way stop
State Street and Co. Rd. 275 W.	Stop sign on State Street
<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Street(s)/Intersection(s)	Type of Stop
State Street and Clay Street	Four-way stop
Stevenson Street and Roosevelt Avenue	Stop sign on Stevenson Street
Stevenson Street and Eisenhower Avenue	
Swartz Street and Roosevelt Avenue	Stop sign on Swartz

Wabash Street and Main Street	One stop sign on Wabash Street
Walker Street and North Street	Stop sign on North Street
Wallace Street and Stevenson Street	Stop sign on Wallace Street
Walnut Street and Wallace Street	
Walnut Street and Polk Street	Stop sign on Walnut Street
Walnut Street and Clay Street	Two stop signs on Clay Street
Walnut Street and Main Street	Two stop signs on Walnut Street
Walnut Street and Walker Street	Two stop signs On Walker Street
Walnut Street and Lincoln Street	Two stop signs on Walnut Street
Walnut Street and Harrison Street	Stop sign on Walnut Street
Walnut Street and Dewey Street	
Washington Street and West Street	Stop sign on Washington Street
<i>Street(s)/Intersection(s)</i>	<i>Type of Stop</i>
Washington Street and Wells Street	Two yield signs on Wells Street
Washington Street and Walker Street	Two stop signs on Walker
Washington Street and Main Street	Two stop signs on Washington Street
Washington Street and Clay Street	Two stop signs on Washington Street
Washington Street and Polk Street	Stop sign on Washington Street
Washington Street and Jackson Street	Two stop signs on Jackson
Washington Street and Harrison Street	Two stop signs on Washington
Washington Street and Dewey Street	Stop sign on Washington Street
Washington Street and Water Street	Two stop signs on Water
West Street, intersection with State Street	Stop
West Street and Sunshine Drive	Stop sign on Sunshine Drive

(1987 Code, § 5-2-1) (Am. Ord. passed 6-12-1990; Am. Ord. 1997-2, passed 3-25-1997; [Am. Ord.](#) passed 5-13-1997; [Am. Ord. 2002-](#), passed - -2002; Am. Ord. 2003-02, passed 1-14-2003)

SCHEDULE II. SPEED LIMITS.

(A) It shall be unlawful for any person or persons to drive or operate a motor vehicle upon and along the streets within the corporate limits of the town above the posted speeds as follows:

<i>Street/Location</i>	<i>Speed Limit</i>
Within one block of the Morocco Elementary School	15 mph
Atkinson Street (Ord. 2004-02)	15 mph
State Street between Polk Street and Main Street	20 mph

(B) All other streets in the town shall have a speed limit of 30 mph unless posted otherwise.

(C) Except where otherwise posted, the speed limits within the corporate limits of the town is as specified by the laws of the state, namely: 20 mph in the business district and 30 mph in any residential district.

([Ord. 1986-1](#), 6-12-1986, 1987 Code, § 5-1-1) Penalty, see [§ 10.99](#)

CHAPTER 73: PARKING SCHEDULES

Schedule

I. Restricted parking

SCHEDULE I. RESTRICTED PARKING.

(A) Parking by any motor vehicle on State Street between West Street and County Road 275 West between 6:00 p.m. and 7:00 a.m. if there is an accumulation of two or more inches of snow on the streets.

(B) (1) A vehicle stopped or parked upon a roadway adjacent to the road right, roadside or curb must be stopped or parked with the right hand wheels of the vehicle parallel to, and within 12 inches of the right hand curb or roadside. The right hand wheels of the vehicle are the passenger side wheels.

(2) The first violation of this division shall be punishable by a \$25 fine. The second violation, or subsequent violations, shall be punishable by a \$100 fine.

(3) This division applies in areas of Morocco zoned C-1 permitting commercial uses. (1987 Code, § 5-3-1) (Ord. 2003-, passed 7- -2003) Penalty, see [§ 10.99](#)

TITLE IX: GENERAL REGULATIONS

Chapter

[90.](#) NOISE LEVELS

[91.](#) FAIR HOUSING

[92.](#) STREETS AND SIDEWALKS

[93.](#) HEALTH AND SANITATION; NUISANCES

[94.](#) PARKS AND RECREATION

[95.](#) ANIMALS

[96.](#) CURFEW; PERMITTING CURFEW VIOLATIONS

CHAPTER 90: NOISE LEVELS

Section

[90.01](#) Unlawful noise levels

§ 90.01 UNLAWFUL NOISE LEVELS.

(A) No person shall make, continue or cause to be made any loud, raucous, improper, unreasonable or offensive noise which disturbs or endangers the comfort, repose, peace or safety of others within the town.

(B) It shall be unlawful for operators or passengers of automobiles, trucks or any motor vehicle to

run any such motor vehicle with the exhaust "cutout" or open, thereby making unnecessary noise.

(C) It shall be unlawful for the owner or passenger of any motor vehicle to use the horn of the vehicle to create unnecessary noise on the streets of Morocco.

(D) It shall be unlawful for the owner or passengers of any motor vehicle to operate any audio equipment with the volume adjusted in such a manner that the noise from the audio equipment can be heard at a distance of twenty feet (20') from the vehicle.

{ [view archive](#) } Amended by [Ordinance No. 2004-03](#), 12-14-2004.

([Ord. 5-1-2](#), passed 3-9-1999) Penalty, see [§ 10.99](#)

CHAPTER 91: FAIR HOUSING

Section

[91.01](#) Regulations

§ 91.01 REGULATIONS.

(A) It is the policy of the town to provide for fair housing throughout the town.

(B) It is hereby prohibited to discriminate in the sale or rental of housing within the town limits due to issues of race, color, religion, sex, disability, familial status or national origin.

(C) It shall be unlawful to discriminate on the basis of the aforementioned issues in any residential real estate related transactions such as:

(1) The making or purchasing of loans or providing other financial assistance; and/or

(2) The selling, brokering or appraising of residential real property.

(D) It shall be unlawful to deny any person access to the provision of real estate brokerage services.

(E) It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected herein.

(F) The authority and responsibility for administering and enforcing this resolution shall be that of

the Town Council and may be delegated as appropriate.
(Ord. 93-8, passed 8-10-1993) Penalty, see [§ 10.99](#)

CHAPTER 92: STREETS AND SIDEWALKS

Section

[92.01](#) Sidewalks; building regulations

[92.02](#) Snow on sidewalks

[92.03](#) Streets

§ 92.01 SIDEWALKS; BUILDING REGULATIONS.

(A) Snow must be removed from sidewalks within 12 hours of the time the snow fall or drifting ends by the occupant of the property served by the sidewalk.

(B) (1) All walks in the business blocks of the town shall be built with cement. All walks in residential areas shall be cement or brick and not less than four feet wide.

(2) If two-thirds of the owners of lots in numbers and in frontage shall petition, when ordered to construct a sidewalk to use other material than brick or cement, which shall be equally safe for foot passing, then the Town Council, in their discretion, may order the proposed walks to be built of the material as petitioned for by the owners of lots along the blocks.

(1987 Code, § 9-1-1)

§ 92.02 SNOW ON SIDEWALKS.

(A) It shall hereafter be unlawful for the owner or occupant of any lot, out-lot of block adjacent to or abutting on any public sidewalk to permit any snow to remain embanked upon or lying upon the sidewalk for a period longer than 12 hours after the same has ceased to fall or to drift upon any such sidewalk.

(B) Any person owning or occupying any such lot who shall violate the provisions of this section shall be fined and the permitting of the accumulation of snow in front of each separate lot shall constitute a separate and distinct offense.

(1987 Code, § 9-1-2) (Am. Ord. passed - -1986) Penalty, see [§ 10.99](#)

§ 92.03 STREETS.

(A) *Barbed wire fences.* It shall be unlawful for any person or persons to construct or maintain a barbed wire fence along any street or alley inside the corporate limits of the town. (1987 Code, § 9-2-1)

(B) *Ditches.*

(1) It shall be unlawful for any person or persons, firms or corporations to dig or cause to be dug any ditch or trench across any improved street within the corporate limits of the town unless the person or persons shall first have obtained a permit from the Clerk-Treasurer to cross the street.

(2) The cost of the permit shall be the cost of repairing the trench when completed as estimated by the town.

(1987 Code, § 9-2-2) Penalty, see [§ 10.99](#)

CHAPTER 93: HEALTH AND SANITATION; NUISANCES

Section

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GENERAL PROVISIONS

§ 93.01 PUBLIC NUISANCES.

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

NUISANCE. The doing of an unlawful act, the omitting to perform as duty or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others;
- (b) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for, passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (c) In any way renders other person insecure in life or the use of property;
- (d) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; and/or
- (e) Violates the zoning ordinances of the town.

(B) *Illustrative enumeration.* The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other debris;
- (2) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (3) Any building or other structure which is in such a dilapidated condition that it is unfit for human

habitation, kept in such unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

- (4) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (5) Any building, structure or other place of location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (6) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- (7) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities;
- (8) The obstruction of any public street, road or sidewalk;
- (9) The obstruction of any dedicated easement or right-of-way;
- (10) The alteration of the flow of storm water to the detriment of surrounding property;
- (11) (a) Any junk vehicle.
(b) For the purpose of this division (B)(12), the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK VEHICLE. A motor vehicle, or a part or parts from a motor vehicle, which meets any one of the following qualifications:

- a. It does not carry the current state registration (license plates);
- b. It cannot be safely operated under its own power;
- c. It is not carried on the most recent tax records of the County Assessor's office; and/or
- d. It is not the property of and is not located in a licensed junkyard.

(12) The discharge of any liquid onto the property of other person including, but not limited to the discharge of any water as the result of the draining of a swimming pool or the operation of a sump pump.

(C) *Enforcement and penalties.* Whenever a nuisance is found to exist within the town, the Building Commissioner may proceed to enforce compliance with the section by giving written notice to all persons holding substantial interest in the property upon which the nuisance exists or upon the person causing or maintaining the nuisance, contain the following:

- (1) An order to abate the nuisance within a time certain which time shall be reasonable under the circumstances;

- (2) The location of the nuisance, if the same is stationary;
 - (3) A description of what constitutes the nuisance;
 - (4) A statement of acts necessary to abate the nuisance; and
 - (5) A statement that if the nuisance is not abated as directed, the town may abate the nuisance and assess the cost thereof against the person.
- ([Ord. 1996-3](#), passed 5-14-1996) Penalty, see [§ 10.99](#)

SPECIFIC NUISANCES

§ 93.15 BURNING TRASH.

It shall be unlawful for any person or persons to burn any trash or rubbish within the corporate limits of the town unless the trash is contained within a wire or mesh enclosure so constructed as to prevent the burning particles from being scattered or blown therefrom.

(1987 Code, § 8-1) Penalty, see [§ 10.99](#)

§ 93.16 TRASH ON STREETS AND ALLEYS.

It shall be unlawful for any person, firm or corporation to dump, deposit or in any other manner place any ashes, garbage, litter, filth, refuse or trash in or upon the public streets or alleys in the town.

(1987 Code, § 8-2) Penalty, see [§ 10.99](#)

§ 93.17 ACCUMULATION OF JUNK AND OTHER UNWHOLESOME SUBSTANCES.

(A) It shall be unlawful for any person residing in or owning real property within the corporate limits of the town to allow junk or inoperable motor vehicles, dilapidated or dangerous buildings, tin cans and other rubbish or unwholesome substances to remain on the property within the corporate limits for more than ten days.

(B) Any person who violates division (A) above shall be notified by registered or certified mail by the Clerk-Treasurer of the town to remove the materials from within the corporate limits of the town within seven days from receiving the notice, and failing to do so, the materials will be removed from within the corporate limits by persons appointed by the Town Council who shall file a written statement of expenses for the removal thereof with the Clerk-Treasurer of the town.

(C) If any person, after proper notice, fails to pay the charge for the expense referred to in division

(B) above, the Clerk-Treasurer shall, after the charges have gone unpaid for a period of six months, certify the amount due from the person to the County Auditor and the amount of the charge will be placed upon the tax duplicate and collected as by law provided and distributed to the town general fund by the County Auditor.

(D) All property removed pursuant to the provisions of this section shall become the property of the town unless reclaimed by the owners thereof by demonstrating good title to the property to the Clerk-Treasurer of the town within ten days of removal of the property.

(1987 Code, § 8-3) ([Am. Ord. 94-2](#), passed 9-13-1994) Penalty, see [§ 10.99](#)

§ 93.18 ABANDONED OR JUNK VEHICLES.

(A) No person in charge of or in control of any premises, whether its owner, lessee, tenant, occupant, or otherwise, shall allow any partially dismantled wrecked, junked, discarded, unplated, decrepit, or otherwise non-operable motor vehicle to remain on such property within the town for more than ten days, except that this section shall not apply to any vehicles in an enclosed building or so located upon the premises as not to be visible from any public place or from any surrounding private property. This section does not apply to vehicles, or the premises of business enterprises operating in a lawful manner when the keeping or maintaining of such vehicles is necessary to the operation of the business enterprise or with regard to a vehicle in an appropriate storage place or depository maintained in any lawful place or manner by the town or any other public agency or entity.

(B) Enforcement:

(1) Enforcement of this section may be accomplished by the town in any manner authorized by law, including the procedures set forth in I.C. 9-22-1-11, or as follows: an officer who finds a vehicle or vehicle part believed to be junk under this section shall attach a notice tag containing the following information:

(a) The date, time, and officer's name, public agency, and the address and telephone number to contact for information.

(b) That the vehicle or parts are considered junk or abandoned under the Morocco ordinance.

(c) That the vehicle or parts will be removed after 72 hours.

(d) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle.

(e) That the person who own the vehicle may avoid the cost of removal by promptly removing the vehicle within 72 hours.

(2) In the event a property owner or tenant fails to remove any such vehicle, the town may cause the offending vehicle to be removed to any junk yard or holding facility at the expense of the owner.

(C) Restoration permit:

(1) In the event that there are automobiles, trucks, farm implements or motorized farm machinery in the inoperable condition described above, but which are being kept for the purposes of reconditioning or restoration, a citizen may apply for a restoration permit from the Clerk-Treasurer. The restoration permit may be obtained upon the payment of the sum of \$200. The restoration permit shall be valid for a period of one year after the date of issuance by the Clerk-Treasurer. During the time that the person has in his or her possession a valid restoration permit, he or she may keep, park, store and maintain within the town an unlicensed automobile or motorized farm machine. Any person with such a permit shall, during the one-year period of the restoration permit, make a good faith effort to repair or restore the automobile, truck or motorized farm machine.

(2) The Clerk-Treasurer may issue a subsequent restoration permit upon request by a person, firm or corporation only after the automobile, truck or motorized farm machine has been viewed and inspected by the Town Marshal and he or she finds after inspection that a good faith effort to repair or restore the automobile, truck, or machine for which the original restoration permit was issued has been made. No more than two restoration permits shall be issued for any particular vehicle.

(D) Penalties: Any violation of this section will result in a \$25 fine for a first offense, a \$50 fine for a second offense, and a \$100 fine for a third offense.

(Ord. passed 10- -2003)

§ 93.19 SPITTING ON SIDEWALKS.

It shall hereafter be unlawful for any person to spit upon any of the public sidewalks, street or alley crossings or upon the floor of any building in which a public meeting is being held, within the corporate limits of the town.

(1987 Code, § 8-6) Penalty, see [§ 10.99](#)

WEEDS

§ 93.30 SHORT TITLE.

This subchapter may be cited as the "Weed Ordinance."

§ 93.31 JURISDICTION.

The jurisdiction of this subchapter shall be the corporate limits of the town, as presently defined or as may be modified from time to time by annexation or town ordinance.

§ 93.32 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the town executives, or Town Council in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and RANK VEGETATION.

(a) Canada thistle, thistles, johnson grass, sorghum, alum [such as allium], bur cucumber, and shattercane.

(b) ***RANK VEGETATION*** is the uncontrolled, uncultivated growth of annuals and perennial plants.

(c) ***WEEDS*** do not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(C) The Indiana Cooperative Extension Service shall be the referenced technical authority for the town executives with respect to the definition of exempt matters, shrubs, trees, cultivated plants and crops.

§ 93.33 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners within the corporate limits of the town shall be required and be financially responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of ten inches in average height, and in no event, exceeds 15 inches maximum height on at least 20% of the surface area of the property.

Penalty, see [§ 93.99](#)

§ 93.34 FILING COMPLAINT.

Any person, including the town, who believes there is property located within the corporate limits of the town which has growing plant matter in violation of this subchapter, shall make a written

complaint signed, dated and filed with the Clerk-Treasurer. If the town makes the complaint, an employee, officer or Council member of the town shall file the complaint in all respects as set out above.

§ 93.35 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the town executives shall make an inspection and prepare a written report to the executives regarding the condition. The executive of the town, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a "Destruction Order" to the property owner and/or the person occupying the property as that information is contained within the records of the Clerk-Treasurer or any other town agency. Such notice shall be served in writing by certified mail. The notice shall provide that within seven calendar days after the receipt of the notice that the designated violation shall be removed by the property owner and/or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the Clerk-Treasurer.

(2) Certified mailing to the Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

§ 93.36 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the executive within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the executives. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the Town Council and shall be decided by a majority vote of the Council members in attendance at a regularly scheduled or special meeting of the Town Council.

§ 93.37 ABATEMENT BY TOWN.

In the event that the property owner shall fail to comply with the "Destruction Order" within seven calendar days and has not filed a notice within 48 hours to the Clerk-Treasurer of an intent to appeal, the town executives may employ the services of town employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 93.38 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including, but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the town. If the town uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the Clerk-Treasurer and to be deposited in a general fund, as compensation for expenses and costs incurred by the town.

§ 93.99 PENALTY.

Whoever violates any provision of [§§ 93.30 et seq.](#) for which no other penalty is set forth shall be subject to the penalty provisions set forth in [§ 10.99](#) of this code of ordinances.

See Also:

[Ord. No. 1994-5](#), 9-13-1994, regarding control of weeds and grasses.

CHAPTER 94: PARKS AND RECREATION

Section

General Provisions

[94.01](#) Use of right-of-way

Parks

[94.15](#) Regulations concerning use of town parks

[94.16](#) Other regulations

GENERAL PROVISIONS

§ 94.01 USE OF RIGHT-OF-WAY.

(A) It shall be unlawful for any recreational equipment structure to be placed upon the public right-of-way.

(B) The county's Building Commissioner shall be responsible for the enforcement of this section and shall issue citations for violation if any structure or obstruction shall be placed within the public right-of-way.

(Ord. 00-1, passed 1-18-2000) Penalty, see [§ 10.99](#)

See Also:

[2005 Agreement](#), 1-11-2005, regarding fences in the right-of-way, and

[Snowmobile Ordinance](#), 12-11-2001, regarding snowmobiles and the public right-of-way.

PARKS

§ 94.15 REGULATIONS CONCERNING USE OF TOWN PARKS.

(A) Park users shall clean up all debris, extinguish all fires when the fires are permitted and leave the premises in good order and the facilities in a neat and sanitary condition.

(B) It shall be unlawful to either perform or permit to be performed any of the following acts:

(1) Wilfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, tables, benches, fireplaces, railings paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments stakes, posts, other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(2) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash; (No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.)

(3) Disturb the peace or use any profane, obscene or blasphemous language;

(4) Endanger the safety of any person by any conduct;

- (5) Commit any assault battery or engage in fighting;
- (6) Carry, possess or use illegal drugs or carry, possess or consume any alcoholic beverages in any park;
- (7) Violate any rule for the use of the park, made or approved by the Town Council; and/or
- (8) Prevent any person from using any park or any of its facilities or interfere with the use in compliance with this section and the rules applicable to the use.
- (C) The park shall be opened daily to the public during the hours of 7:00 a.m. to 10:00 p.m. of any one day; and it shall be unlawful for any person or persons, (other than city personnel conducting city business therein or without prior approval by the Town Council), to occupy or be present in the park during any hours in which the park is not open to the public.
- (D) (1) Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of the group, association or organization shall first obtain a permit from the Town Council for the purposes.
- (2) The Town Council shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application.
- (3) The application may contain a requirement for an indemnity bond to protect the town from any liability of any kind or character and to protect town property from damage and shall contain such a provision if the swimming pool is to be utilized by the group.
- (E) (1) No person in a park shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all visitors shall comply with any directions given to achieve this end.
- (2) No person in a park shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use the area and facilities for an unreasonable time if the facilities are crowded.
- (1987 Code, § 6-1-1) Penalty, see [§ 10.99](#)

§ 94.16 OTHER REGULATIONS.

- (A) It shall be unlawful to engage in special activities including flying model airplanes, golf practice, ice skating, games and picnics, except at locations specifically designated for such activities by the Park Commissioners. Areas for such activities may be reserved by groups for use at specified

times.

(B) It shall be unlawful to drive or park any automobile, except on a street, driveway or parking lot in any park or to park or leave any such vehicle in any place other than one established for public parking.

(C) It shall be unlawful for any person other than employees and officials of this park to vend, sell, peddle or offer for sale any commodity or article within any park unless a permit has been issued for such activities by the Town Council.

(D) It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(1987 Code, § 6-1-2) Penalty, see [§ 10.99](#)

CHAPTER 95: ANIMALS

Section

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See Also:

[Ord. 2005-02](#), - - 2005, regarding Animal Infractions.

GENERAL PROVISIONS

§ 95.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. The voluntary relinquishment of possession by the owner with intention of terminating his or her ownership, but without vesting possession in any other person. The failure to make adequate provision of food, water and shelter shall be prima facie evidence of ***ABANDONMENT.***

ANIMAL CONTROL OFFICER. Any person who has been employed as such by the county.

ANIMAL SHELTER. Any facility operated by a humane society or county agency or its authorized agents, or operated under contract or agreement with the county for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

AT LARGE. Off the premises of the owner while not under the control of the owner or other person by leash, cord, chain or other device of actual physical restraint or under the control of the accompanying owner or other person who has the ability to control the dog or cat by voice command.

DOG, CAT and ANIMAL. Includes both male and female thereof.

IDENTIFIED COMPLAINT. A complaint in which the identity of the complainant is known to the Animal Control Officer or county's Police Department or Health Department of the county and whose identity will not be made public, but held confidential.

KENNEL. Any facility wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

NUISANCE. Any one or more of the following

(1) A condition which arises by a dog chasing persons, bicycles, automobiles or other moving vehicles on the streets or sidewalks of the county;

(2) A condition which arises by a dog or cat or other animal destroying, defacing or damaging shrubbery, lawns or flowers which results in the general discomfort of citizens in the neighborhood where the dog, cat or other animals are harbored;

(3) A condition which arises by a dog barking consistently so as to disturb the peace of the neighborhood;

(4) A condition which arises from the accumulation of animal excreta on the property of the owner, public or any other citizen so as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin or cause a health nuisance; and/or

(5) Any dog on which the tax has not been paid on or after June 15 of each year.

OFFICIAL WARNING. A written notice or warning based upon an identified complaint and given

to the owner of the dog, cat or other animal by the Animal Control Officer, Sheriff or other member of the County Sheriff's Department or by an employee of the county's Health Department.

OWNER. Any person owning, keeping or harboring a dog, cat or other animal for a period of 48 hours or longer.

PET SHOP. Any person, partnership or corporation, other than a licensed kennel, that buys or sells any species of animal.

RUNNING IN PACK. Three or more dogs, cats or other animals at large together, which, by repeated or continual presence, constitutes a physical danger to a neighborhood, livestock or personal or real property.

VICIOUS ANIMAL. Any animal that has been known to have bitten or otherwise physically molested or inflicted a personal injury upon a human being without provocation; or an animal who promiscuously attacks other animals.

WARM-BLOODED ANIMAL. Any animal that maintains a consistent body temperature; all mammals, including, but not limited to dogs, cats, squirrels, raccoons, skunks and foxes.

§ 95.002 LICENSE REQUIREMENT.

Any person owning, harboring, or having custody of a dog must obtain a license as required by I.C. 15-5-9-1 *et seq.*

§ 95.003 APPLICABILITY OF PROVISIONS TO INCORPORATED AREAS.

Except for the provisions of [§§ 95.035 et seq.](#), which shall apply throughout the county, the provisions of this chapter shall not apply within the corporate limits of any corporate towns within the county which by law has given express authority to regulate and license animals. If, however, any such town shall request the county to enforce provisions of this chapter within the corporate limits of the town, then the provisions of this chapter shall apply within the area and the town shall make arrangements with county for the enforcement and administration by the Newton County Animal Control Office through the collection of fines. The fines are to be paid at the Newton County Animal Control Office. All fines collected shall be transferred to the Newton County Animal Control Fund, Newton County, Indiana.

SPECIFICATIONS

§ 95.015 RESTRAINT.

(A) It shall be unlawful for an owner or person having custody or control of a dog or cat to allow the dog or cat to repeatedly run at large throughout the county so as to create a public nuisance.

(B) This requirement shall not apply to working dogs used for tending purpose and dogs engaged in lawful hunting accompanied by the owner or custodian.

Penalty, see [§ 10.99](#)

§ 95.016 ENCLOSURE OF ANIMAL IN HEAT.

All owners or persons having custody or control shall confine, within a completely enclosed building or secure enclosure with no means of escape, any dog, cat or other animal when in heat or rutting.

§ 95.017 ENCLOSURE OF VICIOUS ANIMAL.

Every vicious animal shall be confined by its owner or person having custody or control of the animal within a completely enclosed building or secure enclosure with no means of escape and shall be securely muzzled or caged whenever off the premises of its owner.

Penalty, see [§ 10.99](#)

§ 95.018 ANIMALS CREATING NUISANCE.

No owner shall fail to exercise proper care and control of his or her animals so as to prevent the following action by them:

- (A) Molesting of passers-by;
- (B) Chasing of passing vehicles or bicycles;
- (C) Attacking other domestic animals;
- (D) Trespassing upon private property or school grounds;
- (E) Damaging private or public property;
- (F) Habitual barking or loud and continued noise which causes annoyance or disturbance to the neighborhood; and/or
- (G) Unnecessarily foul or noxious odors which offend people in the neighborhood.

Penalty, see [§ 10.99](#)

§ 95.019 ENCLOSURE OF SUSPECTED RABID ANIMAL.

All owners shall confine within a completely enclosed building or secure enclosure with no means of escape or otherwise directed by the Newton County Health Department, any warm-blooded animal which has bitten, scratched or caused an abrasion of the skin of any human being or any warm-blooded animal that is known or suspected of being rabid, in accordance with the provision of [§ 95.057\(B\)](#).

Penalty, see [§ 10.99](#)

§ 95.020 TRESPASSING OF ANIMAL OR CONTROLLER.

It shall be unlawful for any owner or person then having custody or control of any dog, cat or other animal to enter upon the private property of another person without consent.

Penalty, see [§ 10.99](#)

§ 95.021 DAMAGE, BITES OR INJURY TO PERSON OR PROPERTY.

It shall be unlawful for any owner or person having custody or control of any dog, cat or any other animal to allow the dog, cat or any other animal to scratch, bite or otherwise injure any person or other animal or cause any damage or injury to the property of another person.

Penalty, see [§ 10.99](#)

§ 95.022 MISTREATMENT OF POLICE DOGS PROHIBITED.

It shall be unlawful for any person to willfully torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by Newton County Sheriff's Department.

Penalty, see [§ 10.99](#)

§ 95.023 KEEPING OF WILD ANIMALS.

(A) It shall be unlawful to keep, maintain, trade in or have in his or her possession or under his or her personal control within the boundaries of Newton County any poisonous reptile or other animal of a species not ordinarily domesticated by man which, in a wild state rather carnivorous or not is,

because of its nature or physical makeup, capable of inflicting serious harm or death to human beings, including, but not limited to the following: bears, lions, tigers, leopards, wolves, elephants, cougars, primates, alligators and crocodiles.

(B) Upon the written complaint of any person or reasonable belief by any law enforcement officer or county official that any person, group of persons, business, partnership or corporation is in violation of this section, the Newton County Animal Control shall cause the matter to be investigated and, if after the investigation, the facts indicate that the aforementioned species or animal banned in this section is in fact being kept in violation, Newton County Animal Control will deliver written notice to the person to safely remove the animal from Newton County within 72 hours after the delivery of the notice.

(C) Notice as herein provided shall not be required where the aforementioned animals have previously caused physical injury to any person or have escaped and are at large, in which case the animal shall be immediately seized and impounded or if, in the course of seizing and impounding, the Animal Control Officer deems it necessary, the animal may be destroyed.

Penalty, see [§ 10.99](#)

ANIMAL CARE

§ 95.035 PROVISION OF CARE.

No owner shall fail to provide his or her animal with sufficient and wholesome food and water, protection from the weather and reasonable care, including veterinary treatment, as may be necessary to prevent suffering. This section shall also apply to animals kept at animal shelters operated by the county, by the humane society or by anyone acting in behalf of the county.

§ 95.036 ILL TREATMENT.

No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit a dogfight, cockfight, bullfight or other combat between animals and humans.

Penalty, see [§ 10.99](#)

§ 95.037 ABANDONMENT.

It shall be unlawful for any owner of a dog, cat or any other animal to abandon the same within the county.

Penalty, see [§ 10.99](#)

§ 95.038 PUBLIC DISPOSAL OF POISON.

It shall be unlawful, for any person to throw or deposit any poisonous substance in any of the roads, parks, common yards or other places. Whether public or private, within the county so that the same shall be liable to be consumed by an animal.

Penalty, see [§ 10.99](#)

§ 95.039 DEAD ANIMALS.

Any person who shall become apprised of the death of any dog or cat owned by him or her shall, within 12 hours, be responsible for the removal of the animal from the county. Stray dogs and cats will be picked up by Animal Control.

§ 95.040 UNWANTED PET.

Any resident of Newton County may turn in unwanted dogs or cats to the Newton County Animal Shelter. The person no longer desiring the animal shall pay the sum of \$15 per animal and in the case of kittens or puppies for a litter of the same shall pay the sum of \$30.

§ 95.041 WASTES.

The owner of every animal shall be responsible for the immediate removal of any excreta deposited by his or her animals on public property or on the private property of others.

RABIES CONTROL

§ 95.055 REPORTING OF ANIMAL BITES.

Every person, including veterinarians, who know, learn or suspect that a warm-blooded animal has bitten, scratched or caused an abrasion of the skin of any human being, shall immediately report that fact to the Newton County Health Department. All reports must be submitted on a form approved by the Newton County Health Department entitled, "Animal Bite Report." Upon receipt of an "Animal Bite Report," the county's Health Department and or the Newton County Animal Control Officer shall

contact the owner of the animal and determine whether or not the animal is being confined as required by this subchapter.

§ 95.056 REPORTING SUSPECTED ANIMAL.

Every person, including veterinarians, who discover or suspect that a warm-blooded animal has rabies, shall immediately report such facts to the Newton County Health Department and/or the Newton County Animal Control Officer, the name and address of the owner of the animal and the license number, if any, of the animal.

§ 95.057 CONFINEMENT OF SUSPECTED RABID ANIMAL.

(A) Any warm-blooded animal which has bitten, scratched or caused an abrasion of the skin of any human being and any warm-blooded animal that is known or suspected of being rabid shall be confined for a period of not less than 14 days. All animals which are required to be confined shall be confined in a completely enclosed building or secure enclosure with no means of escape. If the owner cannot confine the animal in such a manner, then the animal will be confined in the County Shelter. The owner of any animal so confined shall be responsible for the cost of confinement.

(B) If a warm-blooded animal has bitten a human being or is known or suspected of being rabid and its owner is unknown or refuses to confine the animal as required herein, then the animal shall be confined to the County Animal Shelter or destroyed. The owner if known or later found to be known of any animal so confined shall be responsible for the cost of confinement.

§ 95.058 SALE OR TRANSFER.

It shall be unlawful for the owner of any warm-blooded animal when notified that the animal has bitten, scratched or caused abrasion to the skin of any human being or when notified by any person that the animal is suspected of being rabid to sell, give away, allow to escape or be taken beyond the limits of Newton County, but it shall be the duty of the owner upon receiving the notice to confine or to cause confinement of the animal for at least ten days as set forth herein.

Penally, see [§ 10.99](#)

§ 95.059 RELEASE FROM QUARANTINE.

After the expiration of at least ten days of confinement and after the Newton County Health Department determines that the animal is no longer suspect of being rabid, the animal may be released

from confinement. The owner of the animal is responsible for the cost of the quarantine confinement.

§ 95.060 EXTERMINATION.

(A) If it should be determined that the animal is rabid, then it shall be killed by a licensed veterinarian.

(B) The head of the animal is to be removed and transported to the state's Board of Health.

(C) (1) The cost of removal of the head and transportation of the head shall be the responsibility of the owner.

(2) If the owner is unknown or refuses to pay the cost of removal of the head and transportation of the head, then the Township Trustee shall be responsible for the costs.

§ 95.061 DEATH OF ANIMAL DURING CONFINEMENT.

(A) If any animal shall die while being confined, as required by this chapter, the head of the animal shall be removed by a veterinarian and the Newton County Animal Control Officer and transported to the state's Board of Health.

(B) (1) The cost of removal of the head and transportation of the head shall be the responsibility of the owner.

(2) If the owner of the animal is unknown or refuses to pay the cost of removal of the head and transportation of the head and the animal is a dog, then the township shall be responsible for these costs.

IMPOUNDMENT

§ 95.075 ESTABLISHMENT OF ANIMAL POUND OR SHELTER.

The Board of Commissioners shall arrange for use of a animal pound or shelter, as provided in Indiana Law, which shall be located at some convenient place within the county.

§ 95.076 CAUSE FOR IMPOUNDMENT.

It shall be the duty of the Animal Control Officer, or any member of the Sheriff's Department or any Town Marshal to apprehend and impound in such animal, shelter any dog, cat or any other animal found doing any of the following acts or being kept or maintained in any of the following conditions, unless provided herein:

- (A) Running at large, not conforming to [§ 95.015](#);
- (B) Not confined, as provided in [§§ 95.016 through 95.018](#);
- (C) Kept in violation of [§§ 95.015](#) and [95.036](#);
- (D) Abandoned, as provided in [§ 95.037](#);
- (E) Entering private property or causing injury to person or property in violation of [§§ 95.020](#) and [95.021](#);
- (F) Not registered, licensed or tagged, as provided in this subchapter or Indiana Law;
- (G) Upon the verified complaint made to the Animal Control Officer, the Newton County Health Department or Sheriff's Department of a violation of this subchapter; and
- (H) Upon order of the court following a conviction of any person for violation of any provisions of this subchapter.

§ 95.077 OFFICIAL WARNING IN LIEU OF IMPOUNDMENT.

The provisions of [§ 95.076](#) notwithstanding, in lieu of impounding any animal under [§ 95.076](#), the Animal Control Officer or any member of the Sheriff's Department may issue an official warning to the owner of the dog, cat or other animal in accordance with the provisions of [§§ 95.095 et seq.](#)

§ 95.078 EXTERMINATION OF VICIOUS ANIMALS.

Whenever the Animal Control Officer or Sheriff's Department shall find any dogs, cats or other wild animals running in packs, vicious or in such condition as to be to dangerous to capture then the Animal Control or the Sheriff's Department is authorized to dispose of the animals where they may be found.

ENFORCEMENT

§ 95.095 ENFORCEMENT OF CHAPTER.

The Newton County Animal Control Officer and or any dually authorized member of the Newton County Sheriff's Department and Town Marshal will have the full and unrestricted authority to enforce this chapter.

§ 95.096 INTERFERENCE WITH OFFICIAL.

It shall be in violation of this chapter to interfere with the Animal Control Officer or any member of the Sheriff's Department in the performance of his or her duties hereunder.

§ 95.097 OFFICIAL WARNING OR NOTICE OF VIOLATION.

Upon information sufficient to establish a violation of the provisions of this chapter, the Animal Control Officer, the Newton County Health Department, any member of the Sheriff's Department or Town Marshal issue to the person committing the violations or to the owner or person having custody or control of any animal involved in the violations, either:

(A) An official warning stating the name of the person to whom the warning is being issued, the nature of the violation, the date of the violation and any other pertinent information concerning the violation; and (The official warning shall also state that it is only a warning and in neither a notice of chapter violation nor a notice to appear to answer to any such violation.)

(B) A notice of chapter violation stating the name of the person to whom the notice is being issued, the nature of the violation, the specific section of this chapter which has been violated, the fine imposed for the violation in accordance with [§ 10.99](#) and any other information which is relevant to the violation and necessary for a thorough understanding of the circumstances surrounding the violations. The notice of chapter violation shall instruct the person to whom the violation is being issued that he or she shall appear at the Newton County Animal Control Office to answer the violation.

§ 95.098 RESTITUTION.

In addition to the fines set, any person who violates the provisions of [§ 95.021](#) shall make full restitution for any damages or injury to persons or property as a result of the violation, including, but not limited to medical expenses, the value of any property which has been destroyed and the cost of repairing any damage to property.

[\(Ord. 1988-1, 2-24-1988\)](#)

See Also:

[Ord. 2005-02, - -2002.](#)

CHAPTER 96: CURFEW; PERMITTING CURFEW VIOLATIONS

- (a) It is a curfew violation for a child under 18 years to be in a public place:
- (1) On Mondays, Tuesdays, Wednesdays, and Thursdays, between the hours of 11:00 p.m. and 5:00 a.m.;
 - (2) On Fridays, Saturdays and Sundays between the hours of midnight and 5:00 a.m.
- (b) A parent, guardian, or custodian of a child who permits or causes a child to be in a public place during curfew hours outside of the parent, guardian, or custodian's presence commits a Class C infraction and shall be fined \$50.00 for each such violation.
- (c) It is a defense to this ordinance that a child is accompanied by his parent, guardian, or custodian during curfew hours, or that the child is participating in, going to, or returning from lawful employment, a school sanctioned activity, or a religious event.
- (d) It is not a defense that the parent, guardian, or custodian who permits a child to violate the curfew hours did not know that the child was in a public place during prohibited hours.
- [\(Ord. 1994-3, 9-13-1994.\)](#)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL PROVISIONS

CHAPTER 110: GENERAL PROVISIONS

Section

[110.01](#) Contractors

[110.02](#) Peddlers

See Also:

[Ord. 2002-1](#), - -2002, regarding Liquor Retailer Permits.

§ 110.01 CONTRACTORS.

Any contractor who does or performs any work to construct, alter, remodel, remove, repair or demolish any structure or improvement must register with the county in a matter consistent with Ordinance 1996-4 of the Newton County Code.

([Ord. 1997-4](#), passed 5-13-1997) Penalty, see [§ 10.99](#)

§ 110.02 PEDDLERS.

(A) The practice of going in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of the private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of

disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

(B) The Town Marshal is hereby required and directed to suppress the same and to abate any such nuisance as is described in division (A) above.

(1987 Code, § 7-1) Penalty, see [§ 10.99](#)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Loitering

130.02 Weapons

§ 130.01 LOITERING.

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no

loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, ***PUBLIC PLACE*** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Penalty, see [§ 10.99](#)

§ 130.02 WEAPONS.

(A) It shall hereafter be unlawful for anyone to shoot any shotgun, rifle, air gun, BB gun or sling shot within the town.

(B) This section shall not apply to law enforcement officers acting in the line of duty, or to conduct otherwise exempted under any applicable state laws.

(1987 Code, § 8-10) (Ord. passed - -1892; Am. Ord. passed - -1986) Penalty, see [§ 10.99](#)

TITLE XV: LAND USAGE

Chapter

[150.](#) BUILDING REGULATIONS; CONSTRUCTION

[151.](#) ZONING

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

[150.01](#) Additions and subdivisions

[150.02](#) Subdivision

[150.03](#) Unsafe buildings

Cross-reference:

Contractors, see [§ 110.01](#)

§ 150.01 ADDITIONS AND SUBDIVISIONS.

(A) (1) From and after the date hereof, no new addition or subdivision to the town will be approved by the Council until the owners of the real estate therein shall first, at their own expense, purchase and install all water mains, water services and fire hydrants according to specifications approved by the Council.

(2) No new addition or subdivision to the town will be approved by the Council of the town until the owners of the real estate therein shall first, at their own expense, install adequate sewers according to specifications approved by the Council.

(B) (1) No new addition or subdivision to the town will be approved by the Council until the owners of the real estate therein shall first improve the streets in the proposed subdivision or addition with at least six inches of crushed rock.

(2) All streets must be at least 60 feet wide.

(3) No building permits shall issue for any property located within a subdivision of the town that has not been accepted by the town.

(C) No new addition or subdivision to the town will be approved by the Council unless the lots have at least 50 feet frontage.

(1987 Code, § 3-1)

§ 150.02 SUBDIVISION.

(A) *Establishment of control.* No plat or replat of a subdivision of land located within the jurisdiction of the Morocco Town Plan Commission shall be filed with the Auditor or recorded by the Recorder until it shall have been approved by the Morocco Town Board, and such approval shall have been entered in writing on the plat by the President attested to by the clerk.

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

BUILDING, FRONT LINE. The line of the face of the building nearest the front lot line.

COMMISSION. The Town Plan Commission of Morocco, Indiana.

COMMISSIONER, BUILDING. The Morocco Building Commissioner.

LOT LINE, FRONT. That boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way.

SETBACK. The minimum horizontal distance between the building line and the front lot line.

MASTER PLAN. A complete plan, or any of its parts, for the development of the Town of Morocco, prepared by the Commission and legally adopted.

PLAT. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

SUBDIVISION. A division of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development, including all changes in street or lot lines. The division of land for agriculture purposes in parcels of 20 or more acres, not involving any new streets or easement of access, shall not be interpreted as a subdivision.

(C) *Application procedure.* A developer desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission, shall submit a written application to the Plan

Commission.

(1) *Preliminary plat for subdivision.* The owner of a subdivision shall provide a preliminary plan for the subdivision which shows the manner in which the proposed subdivision is coordinated with the master plan. The plan should show school and recreational sites, shopping centers, community facilities, sanitation, water supply, drainage, and any other developments in the area of the improvements. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivision.

(2) The subdivider shall provide the following:

(a) Location Map showing:

1. Subdivision name and address.
2. Thoroughfares relating to the subdivision.
3. Existing schools, parks, community facilities serving the area proposed for subdivision.
4. Title, scale, north point and date.

(b) Preliminary plat showing:

1. Subdivision name.
2. Name and address of owner, subdivider and the individual who prepared the plat.
3. Streets and right-of-way, on and adjoining the site of the proposed subdivision, showing the names and including roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, crosswalks, tree-planting and other pertinent data.
4. Easements: Locations, widths and purposes.
5. Location and approximate size and capacity of utilities to be installed.
6. Layout of lots, showing dimensions and numbers.
7. Parcels of land to be reserved for schools, parks, or other community purposes.
8. Contours at vertical intervals of two feet if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope is greater than 10%.
9. Ground water levels stated in inches below ground surface and given at points of lowest ground elevation. Seasonal variation in ground water levels should be noted.
10. Tract boundary lines showing dimensions, bearings, angles, and reference to section, township and range lines or corners.

11. Building lines.
12. Legend and notes.
13. Other features which would affect the subdivision favorably or unfavorably.
14. Scale, north point and date.
15. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.
16. The application shall be accompanied by a verified check or money order in the amount of \$25 plus \$2 for each lot in the proposed subdivision to cover the cost of checking and verifying the proposed plat. Such amount shall be deposited in the General Fund of the town.

(3) *Preliminary plat approval.*

(a) After an application for approval of a plat of a subdivision, together with two copies of all maps and data, has been filed, and within 90 days from the date of the application for approval of a preliminary plat of a subdivision, or the filing by the applicant of the last item required supporting data, whichever is later, the Plan Commission shall review the preliminary plat and give its acceptance or return the plat to the subdivider with suggestions for changes.

(b) No application will be considered at a meeting unless it has been filed with Plan Commission at least ten days before the date of such a meeting.

(c) After the Plan Commission has given its acceptance, it shall set a date for a hearing, notify the applicant in writing, and cause publication notice to be printed of the date, time, and purpose of the meeting. The cost of the publication of the Notice of Hearing shall be paid by the applicant.

(d) Following the hearing on the preliminary plat, the Plan Commission will notify the applicant in writing that it has approved the preliminary plat or will advise the applicant of any further changes in the preliminary plat which are desired or should have consideration before approval will be given.

(4) *Final plat.* The final plat shall meet the following specifications:

(a) The final plat may include all or only a part of the preliminary plat which has received approval.

(b) The original drawing of the final plat of the subdivision shall be drawn to a scale of 50 feet to 1 inch provided that, if the resulting drawing would be over 36 inches in the shortest dimension, scale of 100 feet to 1 inch may be used. The resulting drawing shall not exceed 24 inches by 20 inches. Three black or blue line prints shall be submitted with the original final plat, or in order to conform to modern drafting and reproducing methods, three black line prints and a reproducible print shall be submitted.

(c) The following information shall be shown:

1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet.
2. Accurate distances and directions to the nearest established street corner or official monuments.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the boundary.
5. Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.
6. Street names.
7. Complete curve notes for all curves included in the plat.
8. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
9. Lot numbers and dimensions.
10. Accurate dimensions for any property to be dedicated or reserved for public, semipublic or community use.
11. Building lines and dimensions.
12. Location, type, material and size of all monuments and lot markers.
13. Plans and specifications for the improvements required in this subchapter.
14. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
15. House numbers.
16. Name of the subdivision.
17. Name and address of the owner and subdivider.
18. North point, scale and date.
19. Certification by a professional engineer or registered land surveyor.
20. Certification of dedication of streets and other public property.
21. Certificates for approval by the Plan Commission.

(5) *Final plat approval.* When the final plat is submitted to the Plan Commission, it shall be

accompanied by a notice stating that there has been filed with and approved one of the following:

- (a) A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications; or
- (b) A bond which shall:
 1. Be in an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with this subchapter.
 2. Be with surety satisfactory to the Plan Commission, and specify the time for the completion of the improvements and installations.
- (c) Upon the completion of the improvements and installations required of the subdivider for the approval of the final plat, and prior to the acceptance thereof for public maintenance by any governmental unit, the subdivider shall provide a three year maintenance bond (consisting of either a commercial bond, certificate of deposit, or a letter of credit from a chartered state or national bank) which shall:
 1. Run to any governmental unit having a legal responsibility for the maintenance of improvements and installations;
 2. Be in an amount equal to 20% of the cost of improvements and installations;
 3. Provide surety to the Plan Commission;
 4. Warrant the workmanship and all material used in construction, installation, and completion of improvements to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with standard specifications thereto; and
 5. Provide that for a period of three years after installations and improvements have been completed or are accepted for public maintenance by appropriate governmental units, the subdivider shall, at his or her own expense, make all repairs to the improvements and installations which may become necessary by reason of improper workmanship or materials, however, not to include any damage to the improvements resulting from the forces or circumstances beyond the control of the subdivider or by the inadequacy of the standards, specifications or requirements of the subchapter.
- (d) Within a reasonable time after application for approval of the final plat, the Plan Commission shall approve or disapprove it. If the Plan Commission approves, it shall affix the Plan Commission's seal upon the plat, together with the certifying signature of its president and secretary. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

(D) *Design standards.* The following standards shall apply to all subdivision of land within the jurisdiction of the Morocco Town Plan Commission:

- (1) No land shall be subdivided for residential use if such land is considered by the Plan

Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and community as a whole. Subdivisions outside the town limits of Morocco but within its two mile zoning fringe will require the approval of Newton County as it retains control of drainage issues in the fringe area.

- (2) All lots shall abut on a street or a place
- (3) Side lines of lots shall be at right angles to straight streets and on radial lines on curved streets. Pointed or irregular lots should be avoided.
- (4) Widths and areas of lots shall not be less than provided in the Zoning Ordinance for the Town of Morocco for single-family dwellings for the district in which the subdivision is located. Corner residential lots shall be wider than normal to allow for appropriate setbacks from both streets.
- (5) Where alleys are not provided, easements for utilities shall be provided. Easements shall have a minimum width of 12 feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with local public utility companies to assure proper placement for the installation of such services.
- (6) Sewer: For subdivisions located within the town limits, subdividers shall provide the subdivision with a complete sanitary sewer system ready to connect to the town's sanitary sewer outlet. Sewer regulation within the two mile zoning fringe area is controlled by Newton County. Final approval for any plat requires that the county approves of the sanitary sewer service to the property and all drainage issues. Plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health. A copy of the plans shall be filed with the Plan Commission. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary-sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:
 - (a) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum standards of the Indiana State Board of Health.
 - (b) Plans for a private sewage disposal system on each individual lot consisting of a septic tank and the absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the Indiana State Board of Health.
- (7) Where the subdivision location is within the borders of the town of Morocco, the subdivider shall provide the subdivision with complete water main supply system, which shall be connected to the existing municipal water supply. For property located outside the town's boundaries but within its two mile territorial fringe area, a water main supply system shall be provided by the subdivider and approved by the Newton County Health Department and the Indiana State Board of Health. A copy of the plans shall be filed with the Plan Commission.
- (8) The subdivider shall provide the subdivision with an adequate storm water sewer system wherever curb and gutter are installed and whenever evidence available to the Plan Commission

indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted. For subdivisions outside of the town boundaries but within the two mile territorial fringe, approval by Newton County will be required before approval will be granted by the Plan Commission.

(9) Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, and wherever the proposed subdivision shall average more than 3½ lots per gross acre included in the subdivision, the Plan Commission shall require curb and gutter be installed on each side of the street surface. The Plan Commission shall also require sidewalks to be installed on at least one side of the street where both sides of the street are to be developed.

(10) The subdivider shall provide the subdivision with streets. As a minimum requirements, the streets shall be of an aggregate type, not less than 30 feet in width, properly drained and graded. Streets shall be improved in accordance with procedure required in "Standard Specifications for Road and Bridge Construction and Maintenance - 1969" of the Indiana State Highway Commission. Subdivisions located in the two mile territorial zoning fringe must follow county specifications and be acceptable to the county.

(E) *Amendments, severability, remedies and violations.*

(1) Any proposed amendment to this subchapter shall be submitted to the Plan Commission for report and recommendation prior to any action by the Morocco Town Board of Trustees. If the Plan Commission recommends against the enactment of any proposed amendment, it shall become effective only by a constitutional majority of the Morocco Town Board of Trustees.

(2) The several sections and provisions of this subchapter are deemed severable. Should any section or provision of this subchapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the subchapter as a whole or any part thereof other than the part so deemed unconstitutional or invalid.

(3) The Plan Commission, any designated enforcement officer or any person, firm or corporation jointly or severally aggrieved may bring suit for injunction in the Circuit Court to restrain or enjoin any individual, corporation or governmental unit from violating the provisions of this subchapter.

(4) Whenever a violation of this subchapter occurs, any person may file a complaint in regards thereof. All such complaints must be in writing and shall properly record such complaint and immediately investigate and report thereupon to the complainant.

(5) In the event that the town is forced to take legal action to enforce this subchapter, and incurs legal fees in so doing, the town shall be entitled to payment of its legal fees by the person so failing to follow the subchapter.

[\(Subdivision Ordinance, - -\)](#)

§ 150.03 UNSAFE BUILDINGS.

See Also:

[Ordinance No. 11.03.09](#), 12-1-2009, regarding administration and "substantial property interest".

- (A) Under the provisions of I.C. 36-7-9, there is hereby established the Morocco Unsafe Building Law.
- (B) (1) I.C. 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Morocco Unsafe Building Law.
- (2) All proceedings within the town for the inspection, repair and removal of unsafe buildings shall be governed by the law and the provisions of this section. In the event the provisions of this section conflict with the provisions of I.C. 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.
- (C) All buildings or portions thereof within the town which are determined after inspection by the Building Commissioner to be unsafe, as defined in this section, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.
- (D) The Morocco Building Commissioner shall be authorized to administer and to proceed under the provisions of the law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
- (E) Wherever, in the building regulations of the town or the Morocco Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what the regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.
- (F) The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the town, by adding the following definition:

UNSAFE BUILDING. Any building or structure which has any or all of the conditions or defects hereinafter described; provided that, the conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:

- (a) Whenever any door, aisle, passageway or other means of exit is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (b) Whenever the walking surface of any aisle, passageway, stair or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

- (c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location;
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location;
- (e) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property;
- (f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for the buildings;
- (g) Whenever any portion thereof has racked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (h) Whenever the building or structure, or any portion thereof, because of:
1. Dilapidation, deterioration or decay;
 2. Faulty construction;
 3. The removal, movement or instability of any portion of the ground necessary for the purposes of supporting the building;
 4. The deterioration, decay or inadequacy of its foundation; or
 5. Any other cause is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (k) Whenever the building or structure, exclusive of the foundation, shows 33 % or more damage or deterioration of its supporting member or members or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;
- (l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has

become so dilapidated or deteriorated so as to become:

1. An attractive nuisance to children; or
2. Freely accessible to persons for the purpose of committing unlawful acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by the building regulations of Morocco or any law or ordinance of the state or county relating to the condition, location or structure of buildings;

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the strength, fire-resisting qualities or characteristics or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, heights and occupancy in the same location;

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or otherwise, is determined by the Newton County Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction is determined by the Morocco Building Commissioner to be a fire hazard; and/or

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.

(G) The definition of "substantial property interest" set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(H) All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission shall be considered standard and acceptable practice for all matters covered by this section or orders issued pursuant to this section by the Building Commission of Morocco, Indiana.

(I) An Unsafe Building Fund is hereby established in the operating budget of the town's Plan Commission in accordance with the provisions of I.C. 36-7-9-14.

(J) No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any

building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this section or any order issued by the Building Commissioner.
(Ord. 95-7, passed 10-24-1995) Penalty, see [§ 10.99](#)

CHAPTER 151: ZONING

Section

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§ 151.01 TITLE.

- (A) *Title.* This chapter shall be known hereafter as The Morocco Area Zoning Ordinance and it applies to the Town of Morocco and its two mile zoning fringe area.
- (B) *Interpretation.* The provisions of this chapter shall be liberally construed so as to give it its

full effect and intent. In interpreting and applying the provisions of this chapter, they should promote the public health, safety, comfort, convenience and general welfare of the citizens of the town.

(C) *Identification.* Wherever the word "town" appears in this chapter it refers to the Town of Morocco, Indiana. The words "Town Board" refers to the Morocco Town Board of Trustees; the word "commission" refers to the Town Plan Commission; the word "Board" refers to the Board of Zoning Appeals; and the word "jurisdiction" refers to the territory within Morocco's two mile zone fringe and the Town of Morocco.

(D) *Definitions.*

ACCESSORY USE. A use which is incidental or subordinate to the main use of the premises.

ALTERATION. A change in size, shape, character, occupancy, or use of a building structure.

BASEMENT. A story of a building or structure one-half or more of which lies beneath the ground.

BLOCK. A tract of land consisting of several lots bounded by streets or by a street or streets in any combination of boundary lines of public or institutionally owned lands, railroad right-of-way, waterways, and other lines of demarcation.

BOARD. The Board of Zoning Appeals of the Town of Morocco, Indiana.

BUILDING. Any structure designed for the support, enclosure, shelter, or protection of persons or property and which is permanently affixed to the ground.

BUILDING, ACCESSORY. A subordinate building in excess of one hundred (100) square foot located on the same lot as the principal building which does not include any activity or use unrelated to the principal use or conducted for gain. An accessory building must be seventy percent (70%) constructed on the site of it's final location.

{ [view archive](#) } Amended by [Ord. 1999-](#), 8- -1997.

BUILDING AREA. The maximum horizontal projected area of the principal and accessory buildings, excluding open steps, unenclosed porches not exceeding one story in height or architectural appurtenances projecting not more than two feet beyond the wall of the building.

BUILDING, FRONT LINE. The line of that face of the building nearest the front lot line.

BUILDING HEIGHT. The vertical distance from the curb level to the highest point on the roof outside. Chimneys, spires, towers, tanks, and similar projections other than signs shall not be included in calculating the building height.

BUILDING, PRINCIPAL. A non-accessory building in which is conducted the principal use of the lot on which it is located.

BUSINESS. An occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited, sold, or where services are offered.

CERTIFICATE OF OCCUPANCY. A certificate stating that the occupancy and the use of land or a building or structure referred to therein complies with the provisions of this chapter that is issued by the Building Commissioner.

COMMISSION. The Town Plan Commission of Morocco, Indiana.

COMMISSIONER, BUILDING. The Morocco Building Commissioner.

CONFORMING BUILDING. Any building which complies with all the regulations of this chapter.

DISTRICT. A geographical area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DWELLING. A building or portion thereof used primarily as a place of abode for one or more persons, but not including hotels or motels. The building must comply with the provisions of the State of Indiana Building Code.

FAMILY. One or more individuals occupying a premises as a single household with single culinary accommodations.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended for the storage of private passenger vehicles of the family or families residing upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on.

GARAGE, PUBLIC. Any building where vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

GROUND FLOOR AREA. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of pen porches, breeze ways, terraces, garages, exterior and interior stairways.

HOME OCCUPATION. An occupation carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold except that which is produced on the premises, no person employed other than a member of the family, and no sign, other than a nameplate, not exceeding three square feet in area, is displayed.

IMPROVEMENT LOCATION PERMIT. A building permit issued by the Building Commissioner stating that the proposed building or structure complies with all the provisions of this chapter.

INCOMPATIBLE USE. A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

JUNK YARD. An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. Junk shall include but not be limited to: rubbish, scrap iron, other scrap metals, paper, rags, rubber tires, and bottles. A ***JUNK YARD*** includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. (See ***INDUSTRIAL DISTRICT***).

KENNEL. Any lot on which four or more dogs or small animals at least four months of age are kept.

LOT. Any tract, parcel or land or other land however designated held under separate ownership but not including farms.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

LOT COVERAGE. The percentage of the lot area covered by the building area.

LOT DEPTH. The average distance between the front lot line and the rear lot line of a lot.

LOT WIDTH. The distance between the side lot lines of a lot measured at the building line.

LOT LINE, FRONT. That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way; where such a public way is not a dedicated street, the right-of-way of such public way shall be deemed to be that as is evidenced by usage.

LOT LINE, REAR. The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or a rear lot line.

MOBILE HOME. A vehicle or other portable structure more than 35 feet in length that is designed to move on the highway and designed or used as a dwelling. The mobile home must be constructed pursuant to Indiana law.

NON-CONFORMING USE. An existing use of land, buildings, or structures which does not comply with all the regulations of this chapter governing the use for the zoning district in which such use is located.

PROFESSIONAL OFFICE. An office for members of a recognized profession, such as dentist, physician, surgeon or other professional person.

PROPERTY LINES. Those bounding a lot.

ROADSIDE STAND. A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

SETBACK. The minimum horizontal distance between the front line of a building and the front property line.

SIGN. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall not include:

- (a) The display of official court or public office notices;
- (b) The flag, emblem, or religious group; nor
- (c) One located completely within an enclosed building except signs located behind window areas intended to be viewed from outside the building.

SPECIAL EXCEPTION. A use not classifiable in the customary zoning district, or a use which may not under certain circumstances be inharmonious in zoning districts where not normally permitted, or a use requiring special consideration of its probable effect upon property and uses in its vicinity, which may be permitted in specific controlled situations in accordance with the terms of this chapter.

STORY. That portion of a building included between the surface of any floor and surface of the floor next above, or if there is not floor above, the space between the floor and the ceiling above.

STREET. A public thoroughfare which affords principal means of access of abutting property and is intended for general traffic circulation.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

STABLE. A building or structure which is located on a lot and on which a dwelling is located and which is designed, arranged, used, intended to be used for housing horses or ponies for the use of the occupants of the dwelling, but in no event for hire.

USE, PROPERTY. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

VARIANCE. A minimum departure from the strict application of the specific requirements of this chapter granted by the Board in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity.

VEHICLE PARKING SPACES. A parking space shall be an area ten feet wide and 20 feet long, exclusive of driveways.

VISION CLEARANCE ON CORNER LOTS. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured ten feet equidistant from the intersection of the property lines extended at the corner of the lot using each of the street right-of-way lines.

YARD. An open space on the same lot with a building or structure unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. A yard extends along a lot line, and to a depth or width specified in the yard requirements of the zoning district in which such a lot is located.

YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard.

BOARD OF ZONING APPEALS. The Morocco Board of Zoning Appeals.

ZONING DISTRICT. A section of Morocco for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

§ 151.02 ADMINISTRATION AND ENFORCEMENT.

Permits. The administration and enforcement of this chapter is hereby vested in the Morocco Town Plan Commission, the Morocco Board of Zoning Appeals, and the Morocco Building Commissioner. An improvement location, otherwise referred to herein as a building permit, or certificate of occupancy, shall not issue for any purpose or work except where full compliance has been determined with all provisions of this chapter.

(A) Building permit: A permit shall be obtained before the commencement of construction, alterations, demolition, or repair of any building, structure, or improvement, within the jurisdiction of the Morocco Town Plan Commission, if:

(1) The improvement is a new residence or vehicle garage, or mobile home, or any addition thereto;

(2) The improvement is a new addition or renovation to any structure requiring a new foundation for the completion for any such addition or renovation, including any such improvement to any mobile home;

(3) The improvement is any exterior expansion of any existing structure, building, or improvement, irrespective of cost;

- (4) The improvement is the addition of any unattached structure, building or improvement, having an estimated total cost of \$1,000 or more;
- (5) The improvement is the addition of any subordinate building in excess of 100 square feet in size, regardless of the presence of a permanent foundation or the cost thereof; or
- (6) The improvement is any other improvement which requires a building permit under any law, state or local.

(B) Contents of application: An improvement location permit application shall be tendered in writing by the record owners of the property, and shall contain the following information:

- (1) A plat or sketch containing a site plan, drawn to scale, showing the location of the buildings, structures, improvement or use to be altered, changed, placed, erected or located, the dimensions of the lot to be improved, the size of the yards, the open space, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved;
- (2) All plans for building construction under the authority of the Administration Building Council of the State of Indiana;
- (3) A copy of the release for construction of the state building commissioner; and
- (4) The identity of any contractor employed to perform the work described in the application.

(C) Fees and inspections: The fee for the issuance of a building permit shall be \$3.50 for each \$1,000 of estimated construction costs, with a minimum fee of \$20 and a maximum fee of \$700. Fees are payable upon application for permits. These fees are for payment of the inspection costs and administrative costs, and entitle a permit holder to the following number of inspections:

<i>Type of construction</i>	<i>Number of inspections</i>
1 or 2 family dwelling, manufactured homes, detached structures	6
Apartment, hotels, motels, each unit	9
Business, commercial and public construction	9
Educational, institutional, church construction	9
Industrial, warehouse, bulk storage	9
Mobile homes, temporary structures	4
Accessory buildings (residential use)	4
Additions or alterations (all occupancies)	9

(1) Inspections in excess of the number allowed pursuant to the foregoing table shall be paid for at the rate of \$20 per inspection, which shall be paid prior to the issuance of a certificate of occupancy. All permit and inspection fees shall be paid to the Clerk-Treasurer of the Town of Morocco, who shall also be responsible for accepting applications for building permits. The Clerk-Treasurer shall keep a permanent record of all applications made and permits issued. Permits and applications therefore shall be on forms furnished by the Building Commissioner. Permits can only be issued by

the Building Commissioner or his or her duly authorized deputy.

(D) Duties, Building Commissioner: Prior to the issuance of any building permit under this chapter, the Building Commissioner shall:

- (1) Review all building permit applications to determine full compliance with the provisions of this chapter;
- (2) Review all building permit applications for new construction or substantial improvements to determine whether the proposed building sites will be reasonably safe from flooding;
- (3) Review building permit applications for major repairs within areas having flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resilient to flood damage; and uses construction methods and practices that will minimize flood damage;
- (4) Review building permit applications for new construction or substantial improvements within areas having flood hazards to ensure that the proposed construction, including prefabricated and mobile homes, is protected against flood damage, designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure, or other flood damage, and uses construction methods and practices that will minimize flood damage; and
- (5) Review building permit applications to determine conformance with approved site development plans.
- (6) The building commissioners shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to the failure of the permit holder to have work ready for inspection at the designated state of construction, the building commission shall have the power and authority to assess a reinspection fee of \$20 for each additional inspection. Reinspection fees shall be paid prior to the issuance of a certificate of occupancy.
- (7) After the issuance of any building permit hereunder, the building commissioner shall make, or shall cause to be made such inspections to ensure full compliance with the provisions of this chapter and the terms of the permit. Reinspection of work found to be incomplete and not ready for inspection is subject to assessment of reinspection fees as prescribed in these rules.

(E) Standards:

- (1) All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits herein provided, there shall be paid the fees prescribed in those ordinances.
- (2) All work on the construction, alteration or repair of buildings and other structures shall be performed in a good and workmanlike manner according to the accepted standards and practices in

the trade.

(F) Stop order: Whenever any work is being done contrary to the provisions of these rules, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing the work to be done, and those persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with work.

(G) Objections: Any decisions of the Morocco Building Commissioner concerning the issuance of an improvement location permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such a decision.

(H) Certificate of occupancy: No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of these rules shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this chapter. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy has been issued by the Morocco Building Commissioner stating that the building or proposed use thereof complies with the provisions of the Morocco Zoning Ordinance.

(1) Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued for a period not to exceed six months during the construction of the building or the alteration. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the local public agency relating to the use or occupancy of the land or building or any other matter covered by the Morocco Zoning Code and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

(2) All certificates of occupancy shall be applied for at the time of the application for an improvement location permit. The certificate shall be issued within five days after the erection or alteration has been approved as complying with the provisions of the Morocco Zoning Code.

(3) The Morocco Building Commissioner and the Clerk-Treasurer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having an interest in the building affected.

(4) No permit for excavation, or for the erection or alteration of, or repairs to any building shall be issued until an application has been made for such a permit and a certificate of occupancy.

If any person shall violate any of the provisions of this Section II or fail to act within the time prescribed by the Building Commissioner, or shall fail, neglect, or refuse to obey a lawful order given by the Building Commissioner in connection with the provisions of the ordinance, for each such violation, failure, or refusal such person shall be fined in a sum of not less than \$25 or more than \$100. Each day of any unlawful activity shall constitute a separate offense.

([Resolution 2004-](#), 2-10-2004.)

§ 151.03 PLAN COMMISSION.

(A) *Members.* The Plan Commission for the Town of Morocco consists of seven members who are appointed as follows:

(1) The Morocco Town Board, as the legislative body and the executive branch of the Town of Morocco, shall appoint three people to the Plan Commission. Each of these three people must be elected or appointed town officials or employees. The Town Board also appoints an additional four members, no more than two of which can be from the same political party.

(2) Two appointees to the Plan Commission must reside in the two mile zoning fringe.

(3) A quorum shall consist of a majority of the Plan Commission. At its first meeting of each year, the Plan Commission must elect a new president and vice president. The Plan Commission shall be responsible for making recommendations to the legislative body concerning the adoption of a comprehensive plan and any amendments to it, the adoption or text amendment of an initial zoning ordinance, a replacement zoning ordinance, or a subdivision control ordinance, the adoption or amendment of a PUD district ordinance, and any zone map changes. In addition, it will render decisions concerning and approving plats, replats, and amendments to plats of subdivisions.

(4) The Plan Commission shall select a new president and vice president at its first meeting of each year.

(B) *Terms.*

(1) The term of the appointed members of the Plan Commission who are Town Board members shall be co-extensive with the term of office to which he or she has been selected or appointed, unless the Town Board appoints another person to serve as a representative of the Town Board. Upon the creation of the Plan Commission, two of the citizen members shall be appointed for a term of three years and two for a term of four years. The term shall expire on the first day of January of the third and fourth year respectively following their appointment. Thereafter, each appointment shall be made for a term of four years.

(2) The Town Board shall fill any vacancy of any of its appointees to the Town Board.

(C) *Acceptance of subdivision plats.* No subdivision plat will be accepted by the town unless the construction of the subdivision is complete. In the event that the infrastructure of the drainage system, the streets, the sewer system, the water lines, and all curb and guttering are less than complete, the town will not accept any subdivision plat into the town. Also, the town will not furnish town water, sewer, street maintenance, or any other services to any residence located in the subdivision that is deficient in any of above areas and that has not been accepted into the town. No building shall issue for any property located within a subdivision of the town that has not been accepted by the town.

(Ord. 2003-8, passed 10-14-2003)

§ 151.04 BOARD OF ZONING APPEALS.

(A) *Membership.* The Board of Zoning Appeals shall consist of five members, four of whom are selected by the Town Board. Of the four selected by the Town Board, one must already serve on the Plan Commission and three must not. The Plan commission shall appoint one member to the Board of Zoning Appeals from the Plan Commission who resides in the two-mile territorial fringe in addition to the member of the Plan Commission chosen by the Town Board.

(B) *Authority.* The Board of Zoning Appeals shall:

(1) Hear and determine appeals of any determination made by the Building Commissioner.

(2) Hear and determine special use exceptions.

(3) Hear and interpret the zoning district map and the boundaries of such district subject to the standards set forth in this chapter upon the request of the Plan Commission, the Building Commissioner, or any aggrieved or interested party.

(4) Hear and interpret the provisions of Morocco's Zoning Ordinance.

(C) *Procedure.* Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or at such time as the Board may determine. Any person may testify at a hearing. The Board shall keep minutes of its hearings and proceedings, and shall show the vote of each member upon each question, or if absent or abstaining, indicating such fact. The Board shall record its findings and conditions attached to the granting of an appeal for a variance or a special use. All rules and regulations, orders, requirements, decisions and determinations of the Board of Zoning Appeals shall be filed in the office of the Board of Zoning Appeals and shall be a public record.

(D) *Appeals.*

(1) *Appeals for variance.* An appeal or review taken from the decision of the Building Commissioner shall be filed with the Board. The appeal shall specify in writing the grounds for the appeal and shall be filed within 30 days of the Building Commissioner's denial of the subject activity or improvement. Upon receipt of the appeal, the Building Commissioner shall transmit to the Board of Zoning Appeals any papers which will constitute the record upon which the action appealed was taken.

(2) *Hearing of appeal.* The Board shall fix a reasonable time for a public hearing of an appeal. Notice by publication shall be given of the hearing and due notice shall be given additionally in writing to those interested parties as determined by the Board of Zoning Appeals. A fee of \$50 shall be paid by the applicant at the time of the filing. The fee shall be applied to the cost of publication and any remainder shall be deposited into the General Fund of the Town of Morocco.

(3) *Standards for variance.* The Board of Zoning Appeals, after public hearing, may vary the terms of this chapter but no such variance shall be granted except upon determination and finding that:

- (a) The grant will not diminish the public health, safety and general welfare.
- (b) The use or the value of the land or area adjacent to the property included in the variance will not be adversely affected.
- (c) The need for the variance arises from a condition peculiar to the property involved and does not exist in similar property in the same district.
- (d) The strict applications of the terms of this chapter would constitute an unusual and unnecessary hardship as applied to the property for which the variance is sought.
- (e) That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
- (f) That such variance is the minimum departure from the strict application of the provisions of this chapter which will afford relief.
- (g) The Board shall not grant a variance from a use district or classification.
- (h) The Board may prescribe any reasonable conditions applying to the variance that it deems necessary to carry out the general purpose of this chapter.

§ 151.05 ESTABLISHMENT OF DISTRICTS.

Districts.

- (A) R-1 Single Family Residential District.
- (B) R-2 Two Family and Multi-family Residential District.
- (C) R-1A Single Family Residential District with animals.
- (D) R-3 Mobile Homes Residential.
- (E) C-1 Commercial Business District.
- (F) I-1 Industrial District.

([Ord. -](#), - - 1997)

§ 151.06 A-AGRICULTURAL DISTRICT.

(A) *Uses permitted.* The following uses are permitted in the agricultural district located in the Town of Morocco's two mile zoning fringe area:

- (1) Dwelling, single family.
- (2) Manufactured homes.
- (3) Farms.
- (4) Agricultural buildings.
- (5) Home occupations.
- (6) Roadside stands for the retail sale of produce raised on the premises.
- (7) Wholesale greenhouses and plant nurseries.
- (8) Public and parochial schools.
- (9) Public parks, playgrounds, and recreation areas.
- (10) Churches and places of worship.
- (11) Special exception uses.

(B) *Lot size.* A single family residence with individual sewage disposal requires a lot of 43,560 square feet.

(C) *Setback and yard lines.* All buildings and structures must be erected and placed more than 50 feet from the center line of a county road in the agricultural district. Along the state or federal highway, no building or structure shall be placed within 100 feet of the road.

(D) *Side yards.* Each lot shall have a side yard between the side lot line and the building line of the principal building with a minimum distance on each side of 10 feet. The total distance on both sides must equal 20% of the lot width except that the total side yard widths on both sides need not be more than 20 feet.

(E) *Building area.* Single-family homes in agricultural areas must have a minimum of 960 square feet per dwelling.

(F) *Building height.*

- (1) The maximum heights of buildings in all zones shall be as follows:
 - (a) Single or two-family dwelling: 30 feet.
 - (b) Multi-family dwelling: 35 feet.

- (c) Accessory building: 15 feet.
 - (d) Commercial building: 35 feet.
 - (e) Industrial building: 40 feet.
- (2) Chimneys, domes, spires, agricultural accessory buildings, radio and television and microwave towers, and necessary mechanical appurtenances may exceed these height limitations. The height of any buildings shown on an improved development plan may exceed these height limitations, if such plans indicate the heights and such heights are approved by the Plan Commission.

([Ord. -](#), - - 1997)

§ 151.07 R-1 RESIDENTIAL.

(A) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Churches and places of worship.
- (3) Public or parochial schools.
- (4) Institutions of higher learning.
- (5) Professional offices.
- (6) Home occupations.
- (7) Public parks, playgrounds, and recreation areas.
- (8) Special exceptions as provided for elsewhere in this chapter.
- (9) Temporary structures incidental to construction work, for the period of such work.

(B) *Required lot area.* Residential lots shall have an area of not less than 7,500 square feet and a lot width of not less than 75 feet. On pre-existing platted lots the Board of Zoning Appeals shall have authority to vary the minimum setbacks for front, side and rear yards.

(C) *Front yard.* There shall be a front yard between the edge of the street and the building line of not less than 35 feet. Where property abuts a state or federal highway, the building line shall be located at least 100 feet from the center line of the highway but not less than 35 feet from the property line except as provided elsewhere herein.

(D) *Side yard.* On each interior lot there shall be two side yards having an aggregate width of not

less than 25 feet, and neither side may have a width of less than ten feet. On each corner lot there shall be two side yards. The side abutting the street shall have a width of not less than 30 feet, and the side yard not abutting the street shall have a width of not less than ten feet. On any lot, in any side yard not abutting a street, a detached private garage may be maintained within the rear quarter of the lot if not closer to the side lot line than ten feet.

(E) *Rear yard.* Each lot shall have a rear yard equal to 15% of the lot depth or 30 feet. A permitted accessory building may be erected and maintained in the rear yard but in no case shall it be closer to the rear lot line than five feet.

(F) *Building area.* No dwelling may be established, erected, or modified so that its ground floor area is less than 960 square feet. All buildings on any lot shall not cover more than 45% of the total lot area.

§ 151.08 R-2 MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *Uses.*

- (1) All uses permitted in R-1.
- (2) Two-family and multi-family dwellings.
- (3) Funeral homes.
- (4) Special exceptions as provided for elsewhere in this chapter.

(B) *Required lot area.* The minimum lot requirements for the R-1 district apply.

(C) *Front yard.* There shall be a front yard between the edge of the street and the building line of not less than 35 feet. Where property abuts the state or federal highway, the building line shall be located at least 100 feet from the center line to the highway, but not less than 35 feet from the property line except as provided elsewhere herein.

(D) *Side yard.* Each interior lot shall have two side yards having an aggregate width of not less than 25 feet. Neither side yard shall have a width less than ten feet. On each corner lot there shall be two side yards. The side abutting the street shall have a width of not less than 30 feet, and the side yard not abutting the street shall have a width of not less than ten feet. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot than ten feet.

(E) *Rear yard.* There shall be a rear yard on each lot with a depth equaling 15% of the lot depth of at least 30 feet. A permitted accessory building may be erected in the rear yard but in no case shall it be closer to the rear lot line than five feet.

(F) *Lot coverage.* No more than 40% of the area of any lot shall be occupied by buildings. A two-family dwelling shall have a ground floor area of not less than 700 square feet per dwelling unit. A multi-family dwelling shall have a ground floor area of not less than 610 square feet per dwelling unit.

§ 151.09 R-1A SINGLE FAMILY RESIDENTIAL WITH LIVESTOCK PRIVILEGE.

- (A) Uses permitted.
- (1) All uses permitted in the R-1 district.
 - (2) The privilege to keep livestock subject to the following:
 - (a) This privilege is only permitted in the two mile zoning fringe outside of the city limits.
 - (b) Hogs shall not be permitted.
 - (c) The minimum lot size shall be one acre.
 - (d) The width of the front yard in this district shall not be less than 100 feet.
 - (e) Livestock and poultry shall not be permitted in the front yard.
 - (f) A building permit will be required for the construction of each accessory building in this district.
 - (g) All construction shall comply with the Indiana building and electric codes.
 - (h) All livestock or poultry shall be confined to the owner's property.
 - (i) A waffle fence shall be erected so as to confine the livestock or poultry to the owner's property.
 - (j) For an existing R-1 subdivision, the land use may be changed to R-1A only by petition signed by all owners of record of property in the subdivision.
- (B) The following shall be the maximum number of livestock or poultry permitted per acre:
- (1) A total of 36 rabbits and/or poultry.
 - (2) One horse or one head of cattle.
 - (3) Three sheep or goats.

§ 151.10 MOBILE HOMES R-3.

(A) *Uses permitted.* Uses permitted in R-3 Districts shall be limited to single-family dwellings. Outside of town in the two-mile zoning fringe area, animal uses as permitted in R-1A shall also be permitted.

(B) *Where permitted; non-conforming uses.*

(1) Any mobile home as defined in this chapter that is used as a residence shall be located in an R-3 Mobile Home Residential District.

(2) Mobile home owners and occupants located outside of R-3 zones but within the town zoning jurisdiction shall have the status of pre-existing, non-conforming uses.

(3) Current owners of mobile homes age 55 or over located within the jurisdiction of the town but outside of an R-3 District may sell their lot and mobile home to a subsequent purchaser. No subsequent purchaser may replace a mobile home on that lot if it is not in a R-3 District.

(4) Current owners of mobile homes age 55 or over located outside of R-3 Districts but within the town zoning jurisdiction may replace an existing mobile home with a newer mobile home. However, if the owner sells his or her lot having replaced the mobile home once, the mobile home shall be removed from the lot at the time of the sale.

(C) *Inspection.* Mobile home park operators shall be assessed an annual inspection fee of \$10 per unit. If the mobile home park fails to pass the inspection, an additional fee of \$10 per unit shall be assessed for each subsequent inspection.

(D) *Alterations.* A permit from the Building Commissioner shall be required prior to the erection of any structure, framing, or addition to any mobile home or any alterations in or about the mobile home except for the purpose of repairs to existing mobile homes.

(E) *Orientation on lot in mobile home parks.*

(1) *Lot size.*

(a) *Subdivision or mobile home park.* A minimum of two acres is required for any mobile home subdivision or park.

(b) *Individual space size.* In a mobile home park, each individual space shall be a minimum of 5,000 square feet.

(2) *Front yard.* The minimum distance between mobile homes on opposite street sides shall be 60 feet. The minimum distance between a street, common parking area, sidewalk, or other common area and a mobile home shall be eight feet.

(3) *Park boundaries.* The minimum distance between a mobile home and a park boundary that adjoins a residential land use or residential side street shall be 15 feet. The minimum distance between a mobile home and the park boundary that adjoins a land use other than residential, or adjoining an arterial street, shall be 30 feet.

(4) *Mobile home park defined.* A mobile home park exists where the owner of the park rents or leases lots to others for the placement of mobile homes.

(F) *Indiana Code.* In addition to being bound by these ordinances, mobile home parks are also subject to the mandates of I.C. 16-41-27 *et seq.* pertaining to sanitation in mobile home parks.

(G) *Orientation on lots in mobile home subdivisions.*

(1) Lot size mobile home lots in subdivisions shall have a minimum area of 7,500 square feet and a frontage of not less than 75 feet.

(2) *Front yard.* There shall be a front yard between the edge of the street and the building line of not less than 35 feet. Where property abuts a state or federal highway, the building line shall be located at least 100 feet from the center line of the highway but not less than 35 feet from the property line except as provided elsewhere herein.

(3) *Side yards.* On each interior lot there shall be two side yards having an aggregate width of not less than 25 feet, and neither side may have a width of less than ten feet. On each corner lot there shall be two side yards. The side abutting the street shall have a width of not less than 30 feet, and the side yard not abutting the street shall have a width of not less than ten feet. On any lot, in any side yard not abutting a street, a detached private garage may be maintained within the rear quarter of the lot if not closer to the side lot line than ten feet.

(4) *Rear yard.* Each lot shall have a rear yard equal to 15% of the lot depth or 30 feet. A permitted accessory building may be erected and maintained in the rear yard but in no case shall it be closer to the rear lot line than five feet.

(5) *Lot coverage.* A mobile home shall cover a minimum of 720 square feet. All buildings on the mobile home lot shall not cover more than 35% of the total lot area.

(6) *Definition, mobile home subdivision.* A mobile home subdivision is a minimum parcel of two acres with lots being owned by the owners of the mobile homes.

(H) *Streets.* Provisions must be made in every mobile home park and subdivision for a private road in front of every mobile home space. The streets shall be of an aggregate type, not less than 30 feet in width, properly drained and graded and where such streets come in contact with any public road or highway, a driveway culvert of heavy reinforced concrete sewer pipe with cemented points or a continuous aluminum, iron or steel pipe shall be installed to provide drainage. The cost of such pipe shall be defrayed by the owner of the park and the installation shall be approved by the County Superintendent of Roads and the County Surveyor. All streets within the parks must be accessible for traffic at all times and shall be maintained in first class condition by the operator of the mobile home park.

(1) *Approval.* Streets and alleys shall be completed to grades as shown on plans, profiles and cross-sections prepared by the developer and approved by the Town Board. Prior to construction, preliminary plans for all streets and roads shall be presented to the Town Board for approval and

recommendations regarding compliance or non-compliance with this chapter.

- (2) *Improvement specifications.* Streets shall be improved in accordance with the procedure required in "Standard Specifications for Road and Bridge Construction and Maintenance - 1969" of the Indiana State Highway Commission. As a minimum the streets shall be surfaced to a width of 30 feet with six inches of compacted aggregate and covered with a dust palliative.
- (3) *Dead-end street.* Dead-end streets shall be no longer than 400 feet in length and shall terminate in a circular right-of-way with a minimum diameter of 100 feet, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.
- (4) *Minimum radii of curvature of center lines.* Where a deflection angle of more than ten degrees in the alignment of the street occurs, a curve shall be introduced providing a minimum radius of 200 feet, but should be much greater whenever possible.
- (5) *Intersections.* At street intersections, lot line corners shall be rounded by an arc at least 20 feet in radius.
- (6) *Monuments and markers.*
 - (a) Monuments shall be of concrete with a diameter of not less than 6 inches and 36 inches long, cast in place, with a copper dowell $\frac{3}{8}$ inch in diameter, at least $2\frac{1}{2}$ inches in length imbedded so that the top of the dowell shall not be more than $\frac{1}{4}$ inch above the surface and at the center of the monument.
 - (b) Monuments shall be set so that the top is level with the established grade adjoining it and placed so that the marked point on the metal center shall coincide exactly with the intersection of street property lines, the intersection of all angles in the boundary line and at the beginning and ending of all curves along streets on the inside street lines.
 - (c) Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least three feet in length and not less than $\frac{5}{8}$ inch in diameter, the top of the pipe or bar to be set level with the established grade of the ground adjoining it.
- (I) *Driveways.* Driveways shall be provided on the site where necessary for convenience to service entrances of buildings, to delivery and collection points for refuse and other material and elsewhere as needed.
- (J) *Parking spaces.*
 - (1) Off street parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at a rate of two car spaces for each mobile home space.
 - (2) Required car parking spaces shall be located for convenient access to the mobile home stands.
- (K) *Walks.*

- (1) Individual walks shall be provided to each mobile home space from a paved street or from a paved driveway or parking space connecting to a paved street.
- (2) Common walks shall be provided where pedestrian traffic is concentrated: for example, at the park entrance, and to the park office and other important facilities. Common walks should preferably be through interior areas and removed from the vicinity of streets.

(L) *Recreation facilities.*

- (1) Recreation areas and facilities, such as playground, swimming pools and community buildings may be provided to meet the anticipated needs of the clientele the park is designed to serve. Provision of separate tot and adult recreation areas is encouraged.
- (2) No less than 5 % of the gross site area shall be devoted to designed and developed recreation facilities, generally provided in a central location, or, in larger parks, decentralized. The minimum dimension of a recreation area shall be 50 feet and the area shall be not less than 10,000 square feet. Recreation area includes space for community buildings, adult recreation and child play areas and swimming pools.

(M) *Community facilities.* Essential community facilities and services for the type of mobile home park under consideration, such as schools, recreation areas, and police and fire protection shall be reasonably accessible to the park, or provisions shall be made assuring these facilities and services. Mail boxes shall be furnished by the park owner in keeping with postal regulations.

(N) *Water supply.* The developer shall provide the mobile home park with a complete water supply system, which shall be connected to an existing approved municipal or community water supply; except that such municipal or community water supply is not available, the developer shall provide one of the following:

- (1) A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health.
- (2) (a) An individual water supply at each space in the mobile home park in accordance with the minimum requirements of the Indiana State Board of Health (Refer to Bulletins No. S.E. 7 and 15, Safe Water Supplies, current issue).
- (b) The plans for installation of the water main supply system shall be provided by the developer and approved by the Indiana State Board of Health (Refer to regulations HSE, 5, I.S.B.H.). Upon completion of the water supply installations, the plans for such system as built shall be filed with the Commission.

(O) *Sewer systems.*

- (1) The mobile home park shall be provided with a complete sanitary and storm sewer system, which shall connect with an existing approved sewer outlet or shall be provided with a separate treatment plant, to be provided in accordance with the minimum requirements of the Indiana State

Board of Health and/or the Indiana Stream Pollution Control Board.

(2) The plans for the installation of the sewer system shall be provided by the developer of the mobile home park and approved by the Indiana State Board of Health. Upon completion of the system installation, the plans for such system as built shall be filed with the Commission.

(P) *Mobile home parks and subdivisions: preliminary approval procedure.*

(1) *Application.*

(a) Whenever a mobile home park or subdivision is proposed to be developed, the developer shall submit a written application for a Certificate of Occupancy and two copies of a preliminary plan of the mobile home park with the Commission, and file the application with the Secretary of the Commission at least ten days before the meeting at which time the Commission will consider the application and preliminary plan.

(b) The application shall specify the intent of the developer with respect to land use, drainage, sewage disposal, water supply and street improvements proposed for the mobile home park and shall include satisfactory evidence that the proposed water supply and sewage disposal systems meet the minimum requirements of the Indiana State Board of Health.

(c) At the time of filing an application for approval of a plan, the application shall be accompanied by a filing fee to be set by the Plan Commission.

(2) *Review procedure.* The Commission shall consider the application and preliminary plan at the first regular meeting following its proper submittal. If the Commission is satisfied that all conditions have been met by the developer, it shall tentatively approve the application and set a date for a public hearing on the proposed plan, giving written notification to the developer and publish a notice of the hearing at least ten days prior to the date set for the hearing. After the public hearing, the Commission may give its approval of the preliminary plan which shall be governed by the following qualifications:

(a) The approval of the preliminary plan by the Commission is strictly tentative involving merely the general acceptability of the layout as submitted.

(b) The Commission may introduce such changes or revisions as are deemed necessary to the interests and needs of the community.

(c) Tentative approval shall be effective for a maximum period of six months unless, upon application of the developer, the Commission grants an extension. If the final plan has not been recorded within this time limit, the preliminary plan must again be submitted to the Commission for approval.

(d) Any person feeling himself aggrieved at any action of the Commission upon any proposed plan or replan may apply in writing to the Commission, prior to its next regular meeting, for modification of the action complained of, and such application shall be considered by the Commission at such time

and in such manner as it may determine, but within 100 days following the regular meeting.

(Q) *Mobile home parks and subdivisions: form of Preliminary Plan.*

(1) *Scale.* The plan shall be dimensioned and drawn to scale, preferably at a scale of 100 feet to 1 inch on a sheet or sheets 17 by 21 inches in size, except that when the drawing at that scale requires more than two sheets, the plan may be drawn to a scale of 200 feet to 1 inch.

(2) *Key map.* The plan shall include a vicinity map at an approximate scale showing the layout of the proposed mobile home park and all existing subdivision, street, and tract lines of parcels immediately adjoining the proposed mobile home park or subdivision and between it and the nearest thoroughfares. It shall also show the proposed plan for handling vehicular traffic in relation to existing and proposed streets and roads.

(3) *Description.* The Plan shall contain the following descriptive elements:

- (a) Proposed name of the mobile home park.
- (b) Location of the site, with complete legal description.
- (c) Name and address of developer.
- (d) Name, address and seal of registered professional engineer or land surveyor preparing the plan.
- (e) Scale of plan including graphic scale, north point and date.

(4) *Existing physical features.* The existing physical features shall be shown as follows:

- (a) Boundary line of proposed mobile home park or subdivision indicated by a heavy solid line.
- (b) Location, width, and names of all existing or prior platted streets or other public ways, railroad and utility easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines, within or adjacent to the tract.
- (c) Existing drainage ditches, sewers, water mains, culverts, or other underground facilities within the tract, indicating pipe sizes, grades and exact location as obtained from public record.
- (d) Boundary lines of adjacent land showing owners' names.
- (e) Existing zoning of proposed mobile home park and adjacent tracts.
- (f) Contours based upon fixed and easily recognizable datum at not more than five feet nor less than one foot vertical intervals as required by the Commission.

(5) *Proposed improvements.* The proposed improvements shall be shown as follows:

- (a) Proposed streets, their names and widths shall be shown on the plan along with alleys,

easements and crosswalks. The names of the streets shall conform as far as practicable to the names of corresponding streets in the vicinity of the mobile home park.

- (b) Layout, dimensions and numbers shall be shown for each mobile home space.
- (c) Parcels of land to be dedicated as common areas shall be shown and labeled as such.
- (d) Location and orientation of mobile home stands shall be dimensioned and shown on the plan, including setback and yard lines.
- (e) Location, dimensions and setback to be shown for all permanent structures to be erected in the mobile home park.

(R) *Mobile home parks: Final Plan.* After approval of the preliminary plan by the Commission, and the fulfillment of the requirements of these regulations, one tracing of the final plan of the mobile home park, drawn with India ink on the best grade of tracing cloth and one reproduction of the tracing on tracing cloth shall be submitted to the Commission. Upon the final approval of the plan, the reproduction shall become the property of the Commission. The final plan shall be prepared at the same scale as the preliminary plan and shall show:

- (1) Name of the mobile home park.
- (2) Location by section, township, and range or by other legal description.
- (3) The name and certification of the registered professional engineer or land surveyor.
- (4) Scale shown graphically, date and north point.
- (5) Boundary of plan, based upon an accurate traverse with angular and lineal dimensions.
- (6) Exact location, width and name of all streets within and adjoining the plan, and the exact location and widths of all alleys and crosswalks.
- (7) True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plan.
- (8) City, township, county or section line accurately tied to lines of the mobile home park by distances and courses.
- (9) Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arc.
- (10) All easements for right-of-way provided for public services of utilities.
- (11) All mobile home space and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to mobile home parks bearing the same name may be numbered consecutively through the several additions.

- (12) Lines of all streets with accurate dimensions in feet and hundredths, showing angles to streets, alleys and mobile home space lines.
- (13) Accurate locations of all monuments.
- (14) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use with the purpose indicated thereon and in the dedication; and of any area to be reserved for common uses of all residents.
- (15) Major landscaping features including both those existing and those to be added by the developer.
- (16) Setback lines accurately shown with dimensions.
- (17) Restrictive covenants of all types.
- (18) Certificate for approval by the Commission.

(S) *Mobile home parks: Final Plan Approval.*

- (1) In submitting the final plan to the Commission, it shall be accompanied by a notice from the Town Board of Trustees stating that there has been filed with and approved by that Board, one of the following:
 - (a) A certificate that all improvements and installations to the mobile home park required for its approval have been made or installed in accordance with specifications; or
 - (b) A bond which shall:
 - 1. Run to the Town Board of Trustees of Morocco, Indiana;
 - 2. Be in an amount determined by the Town Board to be sufficient in amount to complete the improvements and installations in compliance with this chapter;
 - 3. Be with security satisfactory to the Town Board; and
 - 4. Specify the time for the completion of improvements and installations.
 - (c) After hearing and within a reasonable time after application for approval of the plan, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plan together with the certifying signature of its president and secretary. If it disapproves, it shall set forth the reasons in its own records and provide the applicant with a copy.
- (2) Each final plan submitted to the Commission for approval shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:

I, _____ (name) _____, hereby certify that I am a Registered Land Surveyor, licensed in

compliance with the laws of the State of Indiana; that this plan correctly represents a survey completed by me on ____ (date) ____ that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.

§ 151.11 C-1 COMMERCIAL DISTRICT.

(A) *Permitted uses.*

- (1) Banks and offices.
- (2) General retail outlets for consumer goods and services.
- (3) Railway and bus passenger terminals.
- (4) Residence by owner or operator in place of business.
- (5) Restaurants and hotels.
- (6) Indoor theaters.
- (7) Second floor apartments.
- (8) Vehicle parking lots for temporary storage.
- (9) Sales lots for vehicles and implements.
- (10) Any special uses as provided in this chapter.

(B) *Required lot area.* These standards of the R-1 district shall apply.

(C) *Front yard.* The standards of the R-1 district shall apply.

(D) *Side yard.* No side yard shall be required except where abutting a residential district in which case a side yard of ten feet shall be required.

(E) *Rear yard.* No rear yard shall be required except where abutting a residential district in which case a rear yard of five feet shall be required.

(F) *Lot coverage.* All buildings on a lot shall not cover more than 85% of the total lot area.

§ 151.12 I-1 INDUSTRIAL DISTRICT.

(A) *Uses permitted.* Production, processing, assembly, disassembly, cleaning, servicing, testing,

repairing, manufacturing, material storage and other similar operations can be conducted without constituting a nuisance. Any operation taking place in the I-1 district shall conform to any state regulations or federal regulations applicable to the industry. Any operations, if conducted within 1,000 feet of a residential zone, shall be conducted wholly within a building.

- (1) Agriculture.
- (2) Building material sales.
- (3) Shopping and delivery.
- (4) Contractor's offices and yards.
- (5) Fuel and ice sales.
- (6) Garages for storage, repair and servicing of motor vehicles or equipment.
- (7) Highway maintenance shops.
- (8) Motor freight terminals.
- (9) Printing and publishing.
- (10) Public utilities.
- (11) Signs.
- (12) Elevators.
- (13) Accessory uses.
- (14) Any special exception uses provided for in this chapter.

(B) *Discharge of waste.* No manufacturing or industrial activity permitted under the I-1 uses shall discharge liquid or solid waste into public waters unless it is done in conformance with the Indiana Stream Pollution Control Law.

(C) *Front yard.* Front yards shall be not less than 35 feet in depth. Off-street parking shall not be permitted within 25 feet of the front property line.

(D) *Side yard.* Side yards shall be not less than 35 feet wide when adjoining a street or less than ten feet on an interior lot line.

(E) *Rear yard.* Rear yards shall not be less than ten feet in depth.

§ 151.13 OFF-STREET PARKING.

The following off-street parking spaces are required for any building which is erected from the time of the adoption of this chapter:

- (A) *Dwelling.* Two spaces for each dwelling unit in the building.
- (B) *Church or other public building.* One space for each four seats based on maximum seating capacity.
- (C) *Restaurant or other eateries.* Parking spaces should equal one-half of the total seating capacity.
- (D) *Stores and shops.* One space for each 120 square feet of store devoted to sales.
- (E) *Offices and banks.* One space for each 300 square feet of office floor area.
- (F) *Industrial establishments.* One space for each employee present at the maximum shift.
- (G) *Funeral homes.* One space for each 50 square feet of floor area in the service rooms.
- (H) *Location.* All parking spaces required under this chapter shall be on the same block or lots with the building. The Board may permit parking spaces to be on any lot within 100 feet of the building if it determines that it is impractical to provide parking on the same lot as the building.

§ 151.14 SPECIAL EXCEPTION USES.

- (A) *When allowed.* If, following the time that public hearings held after proper public notice are concluded, and with the concurrence of the Board of Zoning Appeals, upon finding such uses will substantially serve the public convenience and welfare, and not be injurious to the use of neighboring property, the Board of Zoning Appeals may approve special exception uses. In doing so, the Board of Zoning Appeals may establish appropriate conditions and contingencies as part of such permission.
- (B) *Special uses allowed in all districts.*
 - (1) Cemetery or crematory.
 - (2) Hospital or nursing home.
 - (3) Veterinary hospital or kennel.
 - (4) Telephone exchange, electric sub-station, or similar public utility.
 - (5) Private, social or fraternal lodge.

(6) Mobile homes for emergency occupancy.

(7) Planned unit development.

(C) *In I-1 Districts.*

(1) Industrial Park.

(2) Noxious or offensive manufacturing or industrial or storage operations that constitute nuisance due to odor, dust, smoke, gas, noise, or vibration beyond the boundaries of the property, including but not limited to: (a) petroleum refining (b) cement, lime, gypsum, or plaster of paris manufacture (c) chlorine or hydrochloric, nitric, phosphoric or sulphuric acid production (d) smelting of copper, tin, zinc, or iron ore (e) manufacture or storage of explosives (f) reduction of dead animals or offal (g) mineral extraction, barrow, pit, top soil removal and storage.

§ 151.15 NON-CONFORMING USES.

Continued use. The lawful use of any building, structure or land existing at the time of the passage of this chapter may be continued except as outlined as follows, although such use does not conform with the provisions of this chapter.

(A) *Unsafe structures.* Any structure or portion thereof except a sign or advertising device that has been declared unsafe by the Building Commissioner may be restored to a safe condition.

(B) *Alterations.* A non-conforming building may not be reconstructed, built on to, or structurally altered at a cost exceeding its assessed value unless such building is changed to a conforming use.

(C) *Extension.* A non-conforming use shall not be extended. The extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this chapter shall not be deemed the extension of a non-conforming use.

(D) *Construction approved prior to passage of ordinance.* For any construction this chapter does not require any change in plans, construction or designated use of a building which is built and completed according to plans filed within one year of the date of the passage of this chapter.

(E) *Restoration.* A building damaged by fire, flood, explosion, windstorm, or similar disaster, up to 50% of its fair market value may be reconstructed in the same location, provided that reconstruction shall begin within one year of the date of damage and shall be carried on without interruption.

(F) *Abandonment.* Whenever a non-conforming use has been abandoned, such use shall not thereafter be re-established. Any future use shall be in conformity with this chapter.

(G) *Changes.* Once changed to a conforming use, no building or land shall be permitted to revert to

a non-conforming use.

(H) *Displacement.* No non-conforming use shall be extended to displace a conforming use.

(I) *District changes.* Whenever the boundaries of a district shall be changed so as to change an area from one district to another, the foregoing provisions shall also apply to any non-conforming use created therein.

(J) *Temporary permits.* The Board of Zoning Appeals may authorize, by written permit, in a residential district for a period not to exceed one year from date of the permit, a temporary building for commercial or industrial use incidental to the residential construction and development of the district.

§ 151.16 PLANNED UNIT DEVELOPMENTS.

(A) *Development standards.*

(1) The following minimum standards shall be followed in applicable districts:

(a) Development requirement: A requirement for development of real property in a planned unit development district that must be met.

(b) Planned Unit Development District: A zoning district for which a PUD district ordinance must be adopted.

(2) PUD District Ordinance: A zoning ordinance that does the following:

(a) Designate a parcel of real property as a planned unit development district.

(b) Specifies uses or a range of uses permitted in the planned unit development district.

(c) Specifies development requirements in the planned unit development district.

(d) Specifies the plan documentation and supporting information that may be required.

(e) Specifies any limitation applicable to a planned unit development district.

(B) *PUD-Planned Unit Development.* A planned unit development district is permitted only in a Planned Unit Development District designated by a PUD District Ordinance adopted consistent with the 1500 Series I.C. 36-7-4. A Planned Unit Development may be created for residential or business uses. Whenever a Planned Unit Development District is approved under the provisions of the Section, the new district shall be known as R-1, PUD; R-2, PUD; RMH, PUD; or B, PUD as the use may be and shall be so designated as such on the Zone Map.

(C) *Planned Unit Development Regulations.* No permit shall be issued for the construction,

erection or moving in of any building or structure, nor the use of any land in a Planned Unit Development District until a Planned Unit Development plat has been approved by the Planned Commission.

(1) *PUD District: Method of Adoption.*

(a) Action for adoption of a PUD District Ordinance shall be commenced by submission of a petition to the Planned Commission. The adoption of PUD District Ordinance is a legislative act and shall be acted upon in the same manner as a zone map change. The Planned Commission has adopted, by rule, procedures governing such changes. The petition for a PUD District Ordinance shall include a plot plan of the proposed development drawn to scale showing:

1. Boundaries of the property, topography, and a proposed grading plan;
2. Width, location and name of surrounding street;
3. Location, dimensions and uses of all existing buildings and structures on adjacent property within 100 feet of the boundary line of the subject property;
4. Location, dimensions and ground floor area and the uses of all existing and proposed buildings and structures on the subject property;
5. Proposed landscaping;
6. Parking areas, including the size and number of spaces and the internal circulation pattern;
7. Signs, including location, size and height;
8. Pedestrian, vehicular and service entrances and exits;
9. Location, height and materials of walls and fences; and
10. Other specific uses of the property.
11. Acreage or square footage of the property;
12. Height, ground floor area and total floor area of each building;
13. Number of dwelling units in each building; and
14. Lot area coverage expressed as a percentage of the total area of the property.

(D) *Petitions.* Upon receipt of a petition for a PUD District Ordinance the Planned Commission shall schedule the petition for its consideration and advertise its meeting and its purpose for public notice at the expense of the petitioners. At a legally scheduled meeting, the Planned Commission shall consider the petition and make a favorable or unfavorable recommendation to the Town Board. When recommending adoption of PUD District Ordinance, the Planned Commission may:

- (1) Impose reasonable conditions on a proposed planned unit development.
 - (2) Condition issuance of an improvement location permit on the furnishing of a bond or satisfactory written assurance guaranteeing the timely completion of a proposed public improvement in a planned unit development or serving a planned unit development.
 - (3) Allow or require the owner to make a written commitment regarding the planned unit development.
 - (4) The procedure for platting a parcel or real property that is zoned as a Planned Unit Development District is the procedure described in the town Subdivision Ordinance.
 - (5) Revised PUD plats may be submitted and processed in the same manner as the original PUD plat. When approved, such plat shall automatically supersede any previously approved plat.
- ([Planned Unit Developments](#), - -)

§ 151.17 INTERPRETATION OF DISTRICT BOUNDARIES.

(A) *Interpretation.* Where uncertainty exists as to the exact boundary of any district shown on the zone map, the following rules apply:

- (1) Where district boundaries suggest that they are approximately parallel to the street lines of the street, or right-of-way lines of highways, such district boundaries shall be construed as being parallel to the streets and at such distance from them as indicated on the zoning map.
- (2) Where district boundaries appear to approximately follow lot lines, such lot lines shall be construed to be the boundaries.
- (3) In the event of uncertainty, the Plan Commission shall determine and fix the location of the boundary in question.

(B) *Application of regulations.* No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

(C) *One building per lot.* Every building erected shall be located on the lot as defined herein. In no case shall there be more than one residential building and its accessory building on a lot.

§ 151.18 ADULT ENTERTAINMENT.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the

context clearly indicates or requires a different meaning

SEXUALLY ORIENTED BUSINESSES. The following businesses:

- (a) Adult Arcade;
- (b) Adult Bookstore;
- (c) Adult Novelty Store;
- (d) Adult Video Store;
- (e) Adult Cabaret;
- (f) Adult Motel;
- (g) Adult Motion Picture Theater;
- (h) Adult Theater;
- (i) Massage Parlor;
- (j) Sexual Encounter Establishment;
- (k) Escort Agency;
- (l) Nude Model Studio;
- (m) Nudist Camp/Colony;
- (n) Any other business similar to the above but not specifically covered by the same, and which has a substantial or significant portion of its stock in trade in the selling, renting or showing of sexually explicit material.

2. Stores which market some adult material, not amounting to a substantial or significant portion of stock, are specifically excepted from this chapter.

3. The Morocco Area Plan Commission shall interpret these definitions and make any determinations as to whether a business falls under any of the above definitions or is a business similar enough to the above to fall under this chapter.

(B) *Permit required.*

(1) The establishment of a sexually-oriented business shall be allowed only after receiving a permit. The permit will be subject to annual review and the applicant shall update information required by the standard application form at the annual review hearing.

(2) The Morocco Area Plan Commission is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually-oriented business permits for proposed or existing sexually-oriented businesses. The Morocco Area Plan Commission is also responsible for ascertaining whether a proposed sexually-oriented business for which a permit is being applied for complies with all requirements of this chapter, all applicable zoning laws and regulations now in effect.

(3) Applicants for a permit under this chapter shall have a continuing duty to promptly supplement application information required by this chapter in the event that the information changes in any way from what is stated on the application. The failure to comply with this continuing duty within 30 days from the date of such change, by supplementing the application on file with the county, shall be grounds for suspension of a permit.

(4) In the event that the Morocco Area Plan Commission determines or learns at any time that the applicant has improperly completed the application for a proposed sexually-oriented business, they shall promptly notify the applicant of such fact and allow the applicant ten days to properly complete the application.

(5) The applicant shall be required to pay a non-refundable application fee at the time of filing its application. A one time non-refundable application fee of \$1,000 will be required to be tendered with the application. Thereafter, there shall be a \$500 per year permit renewal fee.

(6) Prior to obtaining any permit or license to operate any sexually-oriented business defined in this chapter, and as part of any application for a permit under this chapter, the applicant shall provide to the Morocco Area Plan Commission certification that the location of the business complies with the distance requirements of this chapter. The applicant shall accomplish this by providing with their application appropriate documentation from a registered land surveyor or professional engineer.

(7) The applicant shall be required to provide the county with the names of any and all employees who are required to be licensed under this chapter.

(C) *Investigation of application.*

(1) All applications for permits under this chapter shall be filed at a regularly scheduled meeting of the Morocco Plan Commission. The Plan Commission shall review the application for procedural deficiencies and record their findings in the minutes of their meeting. If no such deficiencies are found, the highest officer of the Plan Commission shall note on the application that it is authorized to proceed towards inspection. The applicant shall then pay the non-refundable application fee and present the application to the office of the Building Commissioner. If procedural deficiencies are found by the Plan Commission, the application will be returned to the applicant to have corrected and represent at the next regularly-scheduled meeting of the Plan Commission. If the corrections are not made by the next regularly-scheduled meeting, the application will be considered denied and the applicant or anyone acting for the applicant is barred for six months from refileing the application.

(2) The Morocco Building Commissioner is responsible for inspecting a proposed, permitted or non-permitted sexually-oriented business in order to ascertain whether it is in compliance with this chapter and all other applicable statutes and ordinances. The Building Commissioner shall be

responsible for investigating a new application and making a written report on its findings to the Plan Commission within 30 days of the filing of the application and payment of the filing fee by the applicant. For good cause shown, the building inspector may request additional time to investigate and make a written report.

(3) On or about the anniversary date of any application which has been approved by the Morocco Area Plan Commission, the holder of any such permit shall contact the Plan Commission and schedule a renewal hearing with the Morocco Plan Commission. At the renewal hearing, citizens comments and any relevant information pertaining to the operation of the sexually-oriented business shall be heard. The operators of any sexually-oriented business shall at that time be responsible for updating any information contained in the application for permit, to the extent that the same has not already been documented.

(D) *Location regulations.*

(1) Sexually-oriented business and tattoo parlors shall only be permitted in an adult entertainment district. The adult entertainment district for purposes of this ordinance is any property from the US Highway 41 between County Road 200 South and County Road 600 South.

{ [view archive](#) } Amended by [Ord. 2004-A](#), 2-15-2004.

(2) No structure or use other than parking facilities associated with the sexually-oriented business shall be permitted within 100 feet of the adult entertainment district boundary line.

(3) No person shall cause or permit the establishment of a sexually-oriented business within 2,500 feet of any religious institution, school, boys club, girls club, or similar existing youth organization, public park, public buildings, property zoned as residential property, or other existing adult entertainment district.

(E) *Use regulations.*

(1) It is a violation of this chapter to knowingly, or with reasonable cause to know, permit, suffer, or allow:

(a) Admittance of a person under 18 years of age to the business premises of a sexually-oriented business;

(b) A person under 18 years of age to remain at the business premises of a sexually-oriented business;

(c) A person under 18 years of age to purchase goods or services at the business premises of a sexually-oriented business; or

(d) A person who is under 18 years of age to work at the business premises of a sexually-oriented business as an employee.

- (2) A sexually-oriented business may advertise its name and location on one three-foot by five-foot sign on the exterior of the building or in the frontage of any such business. The sign may contain the name of the sexually-oriented business, the nature of the business, and business hours. Signs may not contain suggestive or sexually-oriented images.
 - (3) The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
 - (4) All off street parking areas in premise entries of the sexually-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of 1.0 foot candle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and crime.
 - (5) It shall be a violation of this chapter if a person operates or causes to be operated a sexually-oriented business, regardless of whether or not a permit has been issued for the business, and allow such business to remain open for business, or to permit any employee to engage in any performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, at any time other than the hours of 10:00 a.m. through 10:00 p.m. of any particular day. A sexually-oriented business may not operate on Sunday or federal legal holidays.
 - (6) It shall be a violation of this chapter if, working as an employee or at a sexually-oriented business, regardless of whether or not a permit has been issued for the business under this chapter, the employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service, at any time other than the hours of 10:00 a.m. through 10:00 p.m. of any particular day.
- (F) *Issuance of permit.*
- (1) The Plan Commission shall grant the application unless one or more of the criteria set forth in division (C) above is present.
 - (2) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the business so that it can be read easily at any time.
 - (3) The Plan Commission shall deny the application for any of the following reasons:
 - (a) An applicant is under 18 years of age.
 - (b) An applicant or an applicant-spouse is overdue on any taxes imposed against them in relation to the sexually-oriented business.
 - (c) An applicant who has been denied a permit by any government agency to operate a sexually-

oriented business within the preceding 12 months, or whose permit to operate a sexually-oriented business has been revoked within the preceding 12 months, or whether an applicant resides with such a person.

(d) An applicant has failed to provide information required by this chapter for the permit application for the issuance of the permit or has falsely answered a question or request for information on the application form.

(e) The premises to be used for the sexually-oriented business have not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigating compliance.

(f) The application or permit fees required by this chapter have not been paid.

(g) An applicant of the proposed business is in violation of, or is not in compliance with, any of the provisions of this chapter including but not limited to the zoning location requirements for a sexually-oriented business.

(h) The granting of the application would violate a statute, ordinance or court order.

(i) The applicant has a permit under this chapter which has been suspended or revoked.

(j) An applicant has been convicted of a sex-related criminal offense and less than ten years have elapsed since the date of conviction or the date of release from confinement, whichever is later.

(k) An applicant knowingly has in his or her employ an employee who does not have a valid license as required by this chapter.

(l) An applicant violates any other portion of this chapter, state statute, federal statute or regulation, or any other administrative regulation.

(4) If the Plan Commission denies the application, it shall notify the applicant of the denial and state the reason for the denial within 90 days of the inspection.

(5) If a person applies for a permit for a particular location within a period of 12 months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

(G) *Inspection.*

(1) An applicant or permittee shall permit representatives of the Building Commissioner, the County Health Department, the Fire Department and the Sheriffs Department to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(2) The refusal to permit such lawful inspection of the premises at any time that the sexually-

oriented business is open for business will result in the suspension of such permit until such time as a search can be completed and passed.

(H) *Expiration of permit.*

- (1) A permit shall expire if a period in excess of 30 days elapses during which no business is conducted at the permitted site and the period is not the result of a suspension under this chapter.
- (2) Failure by a permittee to provide the requisite information at an annual review will result in the expiration of the license. For good cause shown, a 30-day extension may be added to the annual review deadline.
- (3) Once a permit has expired, it shall be treated as a revoked permit.

(I) *Suspension of permit.*

- (1) The Plan Commission shall suspend a permit for a period not to exceed 30 days if it determines that a permittee, or an employee or agent of a permittee, has:
 - (a) Violated any section of this chapter or failed to comply with any section of this chapter; or
 - (b) Been under the influence of alcoholic beverages while working in the sexually-oriented business premises; or
 - (c) Refused to allow an inspection of sexually-oriented business premises as authorized by this chapter; or
 - (d) Operated the sexually-oriented business in violation of a building, fire, health, criminal, or zoning statute, code, ordinance or regulation, whether federal, state or local. The Plan Commission may allow up to seven days to correct a violation; or
 - (e) Operated the sexually-oriented business in violation of the hours of operation requirements of this chapter; or
 - (f) Knowingly employed a person who does not have a valid license as required in this chapter; or
 - (g) In any other way violated the provisions of this chapter.
- (2) A suspension under this section shall remain in effect at least until the violation of the statute, code, ordinance or regulation in question has been corrected.

(J) *Revocation of permit.*

- (1) The Plan Commission shall revoke a permit if a cause for suspension under this chapter occurs and the permit has been suspended within the preceding 12 months. Also, if a reason for suspension under this chapter has not been corrected within 30 days of the suspension, the Plan Commission shall revoke the permit.

- (2) The Plan Commission shall revoke a permit upon determining that:
- (a) A permittee gave false or misleading information, or omitted material information, in the material submitted during the application process that tended to enhance the applicant's opportunity to obtain a permit; or
 - (b) A permittee or an employee or agent has knowingly allowed possession, use or sale of controlled substances in or on the premises; or
 - (c) A permittee or an employee or agent has knowingly allowed prostitution or the solicitation of prostitution on the premises; or
 - (d) A permittee or an employee or agent knowingly operated a sexually-oriented business during a period of time when the permittee's permit was suspended; or
 - (e) A permittee has been convicted of a sex-related offense for which the time period required by this chapter has not lapsed; or
 - (f) On two or more occasions within a 12-month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a criminal offense for which a conviction has been obtained, and the person or persons were employees or agents of the sexually-oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
 - (g) A permittee is convicted of a tax violation for any taxes or fees related to the sexually-oriented business.
- (3) When the Plan Commission revokes a permit, the revocation shall continue for one year and the permittee shall not be allowed to apply for a new permit for one year from the date the revocation becomes effective. Subsequent to revocation, the applicant may apply for a permit in the same manner as any other party applying for an initial permit.
- (K) *Transfer of permit.*
- (1) A permittee shall not transfer his or her permit to another location or to another person or entity.
 - (2) Any attempt to transfer a permit in violation of this section shall cause the permit to be revoked.
- (L) *Sexually-oriented business employee license.*
- (1) Each individual to be employed in a sexually-oriented business shall be required to obtain a Sexually-Oriented Business Employee License. Each applicant shall pay a permit fee of \$25. The purpose of the fee is to cover administrative costs of the licensing application process. The fee shall be assessed one time, with annual license renewals to be completed without further charge.
 - (2) Before any applicant can be issued a license, the applicant shall submit on a form to be provided by the Plan Commission the following information:

- (a) The applicant's name or any other names (including stage names) or aliases used by the individual;
 - (b) Age, date, and place of birth;
 - (c) Height, weight, hair and eye color;
 - (d) Present residence address and telephone number;
 - (e) Present business address and telephone number;
 - (f) State driver's license or identification number;
 - (g) Birth certificate or acceptable written proof that the individual is at least 18 years of age.
 - (h) Attached to the application form shall be a color photograph of the applicant clearly showing the applicant's face.
 - (i) A statement detailing the license or permit history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant has previously operated or sought to operate in this county or any other, a license to do business which was denied, revoked, or suspended. This history should also include whether the applicant had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, it should state the date, the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
 - (j) Whether the applicant has been convicted of a sex-related criminal offense, including the date, place, charge, plea entered, and convicting jurisdiction.
- (3) After this investigation, the Plan Commission or its agent shall issue a license unless one or more of the following are true:
- (a) The applicant is under 18 years of age;
 - (b) The applicant has been convicted of a sex-related criminal offense within the last ten years;
 - (c) That the sexually-oriented business employee license is to be used for employment and the business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this chapter;
 - (d) That the applicant has had a license revoked by the Plan Commission within two years of the date of the current application.
 - (e) The Plan Commission shall review a license granted under this section on an annual basis. The licensee shall request in writing on or before the anniversary date of each license that their license be extended for another one-year period. The Plan Commission shall grant a renewal unless it is shown

that the licensee has been convicted of a sex-related criminal offense in the preceding license period, or that the licensee is in violation of any other provision of this chapter. If the licensee fails to request a renewal by the anniversary date of his or her license, the license shall expire on that date. The licensee then has to apply for a new license under the procedures set forth above.

(M) *Violations.* A violation of any part or requirement of this chapter shall be a Class A infraction. Any violation of this chapter is punishable with a fine of up to \$10,000 per day, with each day in violation constituting a separate violation.

§ 151.19 POOLS.

Any pool installed in the town shall comply with 675 IAC 20-4-27.

§ 151.20 NEW BUILDINGS; SUBDIVISION.

(A) *New addition; subdivision.* No new addition or subdivision to the Town of Morocco will be approved by the Board of Trustees in the town until the owners of the real estate, at their own expense, purchase and install all water mains, water service and fire hydrants according to the specifications of the Town of Morocco.

(B) *Sewers.* No new addition or subdivision to the Town of Morocco will be approved by the Board of Trustees until the owners of the real estate, at their own expense, install adequate sewers according to the specifications approved by the Town of Morocco.

(C) *Streets.* No new addition or subdivision to the Town of Morocco will be approved by the Board of Trustees until the owners of the real estate therein shall first improve the streets in the proposed subdivision or addition with at least six inches of crushed stone and a minimum width of 60 feet.

(D) *Frontage.* No new addition or subdivision to the Town of Morocco will be approved by the Board of Trustees of the town unless the lots have at least 75 foot frontage.

(E) *Parking.* Any new construction whether in a subdivision or not shall have off-street parking for two cars per dwelling unit.

§ 151.21 FENCES.

(A) The following regulations apply to fences constructed in a residential neighborhood.

(1) *Definition.* **FENCE** means an artificially constructed barrier of wood, steel or other materials

erected to enclose or screen areas of land.

(2) *Existing fences.* All fences lawfully in existence prior to enactment of this chapter may remain until removed or replaced by a lawful fence as defined in the subdivision or until such time as the existing legal fence is no longer safely maintained, is declared a public nuisance, or poses a traffic hazard.

(B) *Building permit for fences.*

(1) *When required.* It shall be unlawful for any person to erect, alter or relocate within the town any fence or structure used as a fence without first obtaining a building permit from the Building Inspector. Failure to obtain a permit within ten days following the issuance of a citation shall be deemed a continuous violation of this chapter and shall be punishable as provided for violations of this chapter.

(2) *Application.* An application for a fence building permit shall be made upon forms provided by the Building Inspector and shall contain or have attached thereto the following information:

(a) Name, address and telephone number of the applicant.

(b) Location of the fence upon the lot sketched on a registered plat of survey or other drawing to scale.

(c) Height of the fence at ends, corners and any point that the height changes.

(d) Typical cross-section of supporting posts, depth of posts below grade, and the material supporting the posts. Posts shall be supported in concrete encasements in at least six inches in diameter to a minimum depth of 30 inches. Alternate types of support must be approved by the building inspector in writing.

(e) Any additional information that may be required by the building inspector to show full compliance with the chapter.

(C) *Front yard fences.* The following apply to residential front and side yards:

(1) Only fences that are of an open construction, such as split rail and picket fences, or other decorative designs, may be installed. Chain-link fences and other woven or fabric-types are prohibited.

(2) Fences shall be limited to a maximum height of 42 inches measured against the established grade for the lot. An allowance of up to six inches may be permitted for decorative post tops in excess of the maximum height provision.

(3) Setbacks: the following rule shall apply to setbacks:

(a) Front yard fences shall be eight or more feet back from any street or alleyway.

(b) Side yard on street: If the side yard of a residential property faces a street, any fence shall be eight feet or more back from the street. The same rule applies to fences along alleys. In the event the side yard is adjacent to a neighboring residential property lot line, the side fence may be built along the lot line. In the event a side yard is adjacent to a non-residential use, the fence may be built on the lot line and may be up to six feet in height.

(4) Exceptions: where the Building Commissioner determines that allowing a fence on the side yard of a corner lot facing the street would hamper traffic visibility, endanger public health or safety, or be detrimental to the aesthetic qualities or property values of neighboring properties, the Zoning Officer may require the property owner to take whatever steps are necessary to eliminate any such hazards.

(D) *Fences in rear yards.* The following provisions shall apply to fences constructed to the rear of a residential building:

(1) Fences not greater than six feet in height shall be permitted on or within the rear property line in the same manner that smaller fences are permitted.

(2) No rear yard fence shall be equipped with barbed wire or its equivalent or have any electrical conducting wires attached to it.

(E) *Fences in business and manufacturing districts.*

(1) Fences in business and manufacturing districts shall conform to the requirements of residential house districts, except that such fences may be constructed to a maximum height of eight feet.

(2) Wherever a business or commercial district abuts a residential district, a fence eight feet in height shall be erected along the district's boundary unless the district boundary is separated from the residential district by streets or the district boundary is located on a side lot line, in which case the required fence shall be limited in height to 42 inches from the point at which the side lot line intersects the front building line of the abutting residential property to the front property line.

TABLE OF SPECIAL ORDINANCES

Table

- I.** ANNEXATIONS
- II.** INTERLOCAL AGREEMENTS
- III.** CONTRACTS
- IV.** GRANT APPLICATION AUTHORIZATIONS

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
<u>1994-3</u>	11-9-1994	Annexing properties located between Old U.S. 41 and New U.S. 41 on the south side of State Road 114 west of Morocco
<u>1995-2</u>	4-11-1995	Annexing certain properties
<u>1996-1</u>	1-9-1996	Annexing Merchant Manor's Restaurant
<u>1996-2</u>	4-9-1996	Annexing part of the southwest quarter of the southwest quarter of Section 21, Township 29 North, Range 9 West of the Second Principal Meridian
<u>1998-01</u>	2-24-1998	Annexing certain properties
<u>1999-1</u>	6-29-1999	Annexing certain real estate

TABLE II: INTERLOCAL AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	--	Agreement between the town and the county; adopting regulations concerning the care, control, ownership and protection of domestic and wild animals

TABLE III: CONTRACTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1985-1	7-25-1985	Approving a contract for street lights
1995-4	9-26-1995	Approving a contract for electric service for water pumping

TABLE IV: GRANT APPLICATION AUTHORIZATIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
1998-2	3-24-1998	Authorizing CFF Grant Application
1998-2B	3-24-1998	Authorizing CFF Grant Application
2007	9-4-2007	Authorizing CFF Grant Application

[2008](#)

3-4-2008

Authorizing CFF Grant Application

PARALLEL REFERENCES

[References to Indiana Code](#)

[References to 1987 Code](#)

[References to Resolutions](#)

[References to Ordinances](#)

REFERENCES TO INDIANA CODE

<i>I.C. Cites</i>	<i>Code Section</i>
1-1-1-5	10.04
1-1-1-7	10.12
1-1-1-8	10.06
1-1-4-5	10.05
1-1-5-1	10.11
1-1-6-1	10.08
5-10.1-4-1—5-10.1-4-6	32.18
5-10.3-1-1 <i>et seq.</i>	32.18
6-7-1	32.17
6-7-1-30.1	32.17
8-1.5-3-8	51.03
9-22-1-11	93.18
15-5-9-1 <i>et seq.</i>	95.002
16-41-27 <i>et seq.</i>	151.10
22-12-1-3	150.03
36-1-3-8(a)(10)	10.99
36-2-7-10	34.01
36-7-4	151.16

36-7-9	150.03
36-7-9-1—36-7-9-28	150.03
36-7-9-2	150.03
36-7-9-4	150.03
36-7-9-14	150.03
36-7-12-1 <i>et seq.</i>	31.26
36-9-23-32(d)	34.01

REFERENCES TO 1987 CODE

<i>1987 Code</i>	<i>2004 Code</i>
1-1	31.15
1-3	31.25
1-4	31.26
1-6	31.01
1-7	30.01
3-1	150.01
4-1	32.17
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5-1-1	Chapter 72, Schedule II
5-1-2	70.01
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5-3-1	Chapter 73, Schedule I
5-3-2	71.01
6-1-1	94.15
6-1-2	94.16
7-1	110.02
8-1	93.15
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8-3	93.17
8-6	93.19
8-10	130.02

9-1-1	92.01
9-1-2	92.02
9-2-1	92.03
9-2-2	92.03
10-1-1	51.01
10-1-2	51.02
10-1-3	51.03
10-1-4	51.04

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1997-5	10-13-1997	32.15

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2	--	51.05
88-4	--	50.01-50.05
—	--1892	130.02
—	--1986	130.02
—	--1986	92.02
—	6-12-1990	Chapter 72, Schedule I
—	11-29-1990	30.02
91-1	9-24-1991	70.03
92-1	5-12-1992	32.16
92-7	12-22-1992	35.01
93-8	8-10-1993	91.01

94-2	9-13-1994	93.17
94-4	9-13-1994	71.01
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1995-2	4-11-1995	T.S.O. I
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95-7	10-24-1995	150.03
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2003-01	2--2003	33.01
2003-	7--2003	Chapter 73, Schedule I
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—	10--2003	93.18
2003-8	10-14-2003	151.03
2003-	11--2003	71.01

Active Materials - Topical Index

NOTE: This Topical Index includes each active ordinance, resolution, or agreement. Where possible, these documents have been aligned with the appropriate chapter of the Codified Municipal Code. The index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

TITLE III: ADMINISTRATION

Chapter 30. Town Council

30.02 Election of Members

Coordinate Town Election with County Election

Ordinance No. 1998-05 3/8/2005

30.18 Clerk-Treasurer; Duties

Monthly Reporting System for Plan Commission

RESOLUTION NO. 2002-10-8 --/--/2002

Chapter 31. Officers; Town Organizations

31.26 Economic Development Commission

Establish Economic Development Commission

ORDINANCE NO. 02-05-2010 3/3/2010

Chapter 32. Finance and Revenue; Funds

32.01 Pre-approved payment of claims

Authorize Pre-Payment of Claims

ORDINANCE 1997-6 10/13/1997

32.15 Withholding Fund to Payroll Fund

Change Withholding Fund to Payroll Fund

RESOLUTION 1997-5 10/13/1997

Chapter 33. Town Policies

Policy Regulating Employee Political Activity

Resolution 1998-2A 3/24/1998

Civil Rights Policy

Resolution 1998-2-C 3/24/1998

Drug and Alcohol Free Work Environment

Resolution 1998-2-D 3/24/1998

TITLE V: PUBLIC WORKS

Chapter 50. Garbage

Garbage Service Amendment

Ordinance 88-4 as amended 8/10/1999

Chapter 51. Water and Sewers

Sewage Works Bond

ORDINANCE NO. 1997-3 5/13/1997

Financing of Water System Improvements through Bonds

(un-numbered) 3/4/2008

Waterworks Bond

ORDINANCE NO. 06-01-09 06/01/2009

[51.01](#) Indiana Public Service Commission
Removing Water Utility from IURC Jurisdiction

[ORDINANCE NO. 86-2](#) 6/12/1986

[51.04](#) Rates and Charges

Intent to Charge for Hydrant Rentals

[ORDINANCE 1996-5](#) --/--/1996

Amending Fire Protection Rates

[ORDINANCE 2000-5](#) 12/18/2000

Water and Sewer Amendment

[AMENDMENT TO
ORDINANCE 10-1-4](#) 1/27/1998

Billing Procedures - Water and Sewer Amendment

[AMENDMENT TO
ORDINANCE 10-1-4](#) 2/9/1999

[51.20](#) Sewer Use

Sewer Use Ordinance

[ORDINANCE NO. 2000-3](#) --/--/2000

Restricting Wetlands Connections to Utilities

[ORDINANCE NO. 1997-1](#) --/--/1997

[51.30](#) Sewer Rate

Sewer Use Amendment

[Ordinance Number 2004-01](#) 12/11/2004

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[Chapter 70. Traffic Regulations](#)

Snowmobiles

[\(un-numbered\)](#) 12/11/2001

[Chapter 71. Parking Rules](#)

[71.01](#) Semi-trailers, tractors or combine units; parking

Truck Parking

[Ordinance No. 5-3-2](#) --/--/----

Amending Section 5-3-2, "Semi-Tractor and Trailer Parking"

[ORDINANCE NO. 94-4](#) 9/13/1994

Semi Trailers

[ORDINANCE 2003-6](#) 11/11/2003

Truck Parking Amendment

[Ordinance #2005-](#) 2/8/2005

[Chapter 72. Traffic Schedules](#)

[Schedule I](#) Stop and Yield Streets

Amends Stop Sign Ordinance No. 1997-2

[Resolution No. 1997-2](#) 5/13/1997

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[ORDINANCE 2002-](#) --/--/2002

[Schedule II](#) Speed Limits

Speed Control

[ORDINANCE NO. 86-1](#) 6/12/1986

Speed on Atkinson Street

[Ordinance Number: 2004-02](#) --/--/2004

TITLE IX: GENERAL REGULATIONS

[Chapter 90. Noise Levels](#)

[90.01](#) Unlawful Noise Levels

Noise Levels

[Ordinance No. 5-1-2](#) 3/9/1999

Amendment to Unlawful Noise Ordinance

[Ordinance No. 2004-03](#) 12/14/2004

Chapter 93. Health and Sanitation; Nuisances

93.01 Public Nuisances

Public Nuisance [ORDINANCE NO. 1996 - 3](#) 5/14/1996

93.17 Accumulation of junk and other unwholesome matter

Amending Section 8-3, "Accumulation of Junk and Other Unwholesome Substances" [ORDINANCE NO. 94-2](#) 9/13/1994

93.3 Weeds

Control of Weeds and Grasses [ORDINANCE NO. 94-5](#) 9/13/1994

Chapter 94. Parks and Recreation

94.01 Use of right-of-way

Agreement to Place Construction in Public Right-of-Way [\(un-numbered\)](#) 1/11/2005

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Chapter 95. Animals

Animal Control [ORDINANCE 1988-1](#) 2/24/1988

Animal Infractions [Ordinance #2005-02](#) --/--/2005

Chapter 96. Curfew; Permitting Curfew Violations

Amending Ordinance 8-9, "Curfew" [ORDINANCE NO. 94-3](#) 9/13/1994

TITLE XI: BUSINESS REGULATIONS

Chapter 110. General Provisions

Liquor Retailer Permits [Ordinance 2002-1](#) --/--/2002

110.01 Contractors

Contractor Registration [Ordinance No. 1997-4](#) 5/13/1997

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Chapter 150. Building Regulations; Construction

150.02 Subdivision

Subdivision [\(un-numbered\)](#) --/--/----

150.03 Unsafe Buildings

Unsafe Buildings [ORDINANCE NO. 11.03.09](#) 12/1/2009

Chapter 151. Zoning

Two-Mile Zoning Fringe [\(un-numbered\)](#) 11/9/1994

151.01 Title

Amending Zoning: Accessory Building [\(un-numbered\)](#) 8/--/1999

151.02 Administration and Enforcement

Amending Building Permit Ordinance [\(un-numbered\)](#) 2/10/2004

151.05 Establishment of Districts

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151.16 Planned Unit Developments		
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151.18 Adult Entertainment		
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Annexation	ORDINANCE NO. 1996-2	4/9/1996
Annexation	ORDINANCE NO. 1998-01	2/24/1998
Annexation	ORDINANCE NO. 1999-1	6/29/1999
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[Table III Contracts](#)

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Expenditure of Super Now Account Interest	RESOLUTION NO. 1997-3	--/--/1997
Interest in Property Purchase	RESOLUTION 1998-	--/--/1998
Authorizing Purchase of Snow Removal Equipment	RESOLUTION NO. 1999-1	2/9/1999
Supporting New Interchange at I-65 and S.R. 14	RESOLUTION NO.	3/--/2001
Quit Claim Interest in Common Wall	RESOLUTION 2002-2	4/16/2002

ALL MATERIALS - CHRONOLOGICAL INDEX

NOTE: This Chronological Index includes all ordinances, resolutions, or agreements sorted by adoption date. This includes materials that are "inactive" (repealed, expired, matured, etc.) The index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

1985 - 1994

7/25/1985	ORDINANCE NO. 85-1	Approving Street Lighting Contract
6/12/1986	ORDINANCE NO. 86-1	Speed Control
6/12/1986	ORDINANCE NO. 86-2	Removing Water Utility from IURC Jurisdiction
2/24/1988	ORDINANCE 1988-1	Animal Control
9/28/1988 (VOID)	Ordinance 88-4	Garbage Service Policy
9/13/1994	ORDINANCE NO. 94-2	Amending Section 8-3, "Accumulation of Junk and Other Unwholesome Substances"
9/13/1994	ORDINANCE NO. 94-3	Amending Ordinance 8-9, "Curfew"
9/13/1994	ORDINANCE NO. 94-4	Amending Section 5-3-2, "Semi-Tractor and Trailer Parking"
9/13/1994	ORDINANCE NO. 94-5	Control of Weeds and Grasses
11/9/1994	(un-numbered)	Adopting Comprehensive Plan for Two-Mile Zoning Fringe
11/9/1994	RESOLUTION 1994-3	Intent to Annex and Establish Two-Mile Zoning Fringe

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--/--/1996	ORDINANCE 1996-5	Intent to Charge for Hydrant Rentals
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--/--/1997	<u>(un-numbered)</u>	Amendment to Zoning, Establishing Districts
--/--/1997	<u>(un-numbered)</u>	Amendment to Zoning, A-1 Agricultural District
5/13/1997	<u>Resolution No. 1997-2</u>	Amends Stop Sign Ordinance No. 1997-2
--/--/1997	<u>RESOLUTION NO. 1997-3</u>	Expenditure of Super Now Account Interest
5/13/1997	<u>ORDINANCE NO. 1997-3</u>	Sewage Works Bond
5/13/1997	<u>Ordinance No. 1997-4</u>	Contractor Registration
10/13/1997	<u>ORDINANCE 1997-6</u>	Authorize Pre-Payment of Claims
10/13/1997	<u>RESOLUTION 1997-5</u>	Change Withholding Fund to Payroll Fund
1/27/1998	<u>AMENDMENT TO ORDINANCE 10-1-4</u>	Water and Sewer Amendment
--/--/1998	<u>RESOLUTION 1998-</u>	Interest in Property Purchase
2/24/1998	<u>ORDINANCE NO. 1998-01</u>	Annexation
3/24/1998	<u>RESOLUTION NO. 1998-2</u>	Authorizes CFF Grant Application
3/24/1998	<u>Resolution 1998-2A</u>	Policy Regulating Employee Political Activity
3/24/1998	<u>RESOLUTION NO. 1998-2-B</u>	Authorizes CFF Grant Application
3/24/1998	<u>Resolution 1998-2-C</u>	Civil Rights Policy
3/24/1998	<u>Resolution 1998-2-D</u>	Drug and Alcohol Free Work Environment
2/9/1999	<u>AMENDMENT TO ORDINANCE 10-1-4</u>	Billing Procedures - Water and Sewer Amendment
2/9/1999	<u>RESOLUTION NO. 1999-1</u>	Authorizing Purchase of Snow Removal Equipment
3/9/1999	<u>Ordinance No. 5-1-2</u>	Noise Levels
--/--/1999	<u>Ordinance No. 5-3-2</u>	Truck Parking
6/29/1999	<u>ORDINANCE NO. 1999-1</u>	Annexation
6/29/1999	<u>Resolution 1999-2</u>	Adopt Fiscal Plan for Annexation
8/10/1999	<u>Ordinance 88-4 as amended</u>	Garbage Service Amendment
8/--/1999	<u>(un-numbered)</u>	Amending Zoning: Accessory Building
12/30/1999 (VOID)	<u>(un-numbered)</u>	Salary Ordinance Amendment

2000 - 2004

--/--

/2000(?)	<u>(un-numbered)</u>	Planned Unit Developments
--/--		
/2000(?)	<u>(un-numbered)</u>	Subdivision
--/--/2000	<u>ORDINANCE NO. 2000-3</u>	Sewer Use Ordinance
12/18/2000	<u>ORDINANCE 2000-5</u>	Amending Fire Protection Rates
3/--/2001	<u>RESOLUTION NO.</u>	Supporting New Interchange at I-65 and S.R. 14
12/11/2001	<u>SNOWMOBILE ORDINANCE</u>	Snowmobiles
--/--/2002	<u>Ordinance 2002-1</u>	Liquor Retailer Permits
--/--/2002	<u>ORDINANCE 2002-</u>	Stop Signs
4/16/2002	<u>RESOLUTION 2002-2</u>	Quit Claim Interest in Common Wall
--/--/2002	<u>RESOLUTION NO. 2002- 10-8</u>	Monthly Reporting System for Plan Commission
11/11/2003	<u>ORDINANCE 2003-6</u>	Semi Trailers
2/10/2004	<u>(un-numbered)</u>	Adult Entertainment Amendment
2/10/2004	<u>(un-numbered)</u>	Amending Building Permit Ordinance
12/11/2004	<u>Ordinance Number 2004-01</u>	Sewer Use Amendment
--/--/2004	<u>Ordinance Number: 2004-02</u>	Speed on Atkinson Street
12/14/2004	<u>Ordinance No. 2004-03</u>	Amendment to Unlawful Noise Ordinance

2005 -

1/11/2005	<u>(un-numbered)</u>	Agreement to Place Construction in Public Right-of-Way
--/--/2005	<u>Ordinance #2005-02</u>	Animal Infractions
2/8/2005	<u>Ordinance #2005-</u>	Truck Parking Amendment
3/8/2005	<u>Ordinance No. 1998-05</u>	Coordinate Town Election with County Election
9/4/2007	<u>(un-numbered)</u>	Authorizing CFF Grant Application
3/4/2008	<u>(un-numbered)</u>	Authorizing CFF Grant Application
3/4/2008	<u>(un-numbered)</u>	Financing of Water System Improvements through Bonds
5/5/2009	<u>ORDINANCE NUMBER 05-05-09</u>	Lincoln Street Vacation
06/--/2009	<u>ORDINANCE NO. 06-01-09</u>	Waterworks Bond
9/9/2009 (VOID)	<u>ORDINANCE NO.</u>	Unsafe Buildings

[08.04.09](#)

12/1/2009

[ORDINANCE NO.](#)

[11.03.09](#)

Unsafe Buildings

3/3/2010

[ORDINANCE NO. 02-](#)

[05-2010](#)

Establish Economic Development Commission

Ordinance No. 1998-05

**ORDINANCE COORDINATING TOWN ELECTION WITH COUNTY GENERAL
ELECTION**

Comes now the Morocco Town Board, who resolves and ordain as follows:

WHEREAS, the Town of Morocco currently holds its own election for Town Board and Clerk/Treasurer offices independent of the county general election; and,

WHEREAS, it is in the best interest of the town to conduct its election along with the county general election in the future,

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. The town legislative body members and Clerk/Treasurer elected at the next election not conducted in a general election year shall serve a three year term.
2. Thereafter, the successors of the town legislative body members and Clerk/Treasurer described in subdivision [1] shall be chosen at the second general election following the municipal election and serve a term of four years.
3. The municipal elections for town offices shall be held during general elections.

ALL OF WHICH IS ORDERED THIS 8th day of March , 2005.

Larry Bingham
Larry Bingham

Robert W. Gonczy
Robert Gonczy

Jeff LaCosse
Jeff LaCosse

ATTEST:

Donna Cady
Donna Cady

Editor's Note: See [Chapter 30.02](#) of the Municipal Code.

TOWN OF MOROCCO RESOLUTION NO. 2002- 10-8

A Resolution Adopting a Monthly Reporting System for the Plan Commission

COMES NOW the Morocco Town Board and now resolves as follows:

WHEREAS, Morocco has never adopted a formal procedure for the indexing and storage of building permit applications and permits; and,

WHEREAS, the Plan Commission and the Morocco Town Board both require a system of keeping track of the building permit applications; and,

WHEREAS, a monthly report containing this information would satisfy this need;

IT IS THERE RESOLVED as follows:

1. The Clerk-Treasurer shall assemble a monthly report on building permits for use by the Plan Commission and the Town Board at their meetings.
2. The monthly report should contain the names of all applicants, any new permits that have been issued since the last monthly report, how much money is taken in from the permits, and a list of all outstanding permits as of each monthly report.
3. The Building Inspector is hereby directed to furnish the Clerk-Treasurer with information on all new permits as well as any monies received for permits.

Larry K. Dowty
Larry Dowty

Donna J. Blaney
Donna Blaney

Mike McClatchey
Mike McClatchey

Attestation:

Rebecca Williamson
Rebecca Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 30.18](#) of the Municipal Code.

TOWN OF MOROCCO, INDIANA
ORDINANCE NO. 02-05-2010

AN ORDINANCE ESTABLISHING THE MOROCCO ECONOMIC DEVELOPMENT
COMMISSION

COMES NOW the Morocco Town Board this 3 day of March 2010, and ordains as follows:

WHEREAS, the Town of Morocco, Indiana is a political subdivision as defined by the applicable laws of the State of Indiana; and

WHEREAS, the Town of Morocco, pursuant to Indiana Code 36-7-12, seeks to create, develop and maintain opportunities for business and local employment;

THEREFORE, BE IT ORDAINED that the Morocco Town Board hereby establishes a "Morocco Economic Development Commission" with all the powers and authority as set forth in Indiana Code 36-7-12 which include, but are not limited to, the power to:

- (1) enter into agreements concerning, and acquire by any lawful means, land or interests in land and personal property needed for the purposes of this chapter;
- (2) exercise its power of eminent domain to acquire unimproved land, unoccupied economic development facilities and the land relating to those facilities, for the purposes of this chapter;
- (3) purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve economic development facilities, including land, machinery, or equipment;
- (4) lease economic development facilities to users or developers, with or without an option to purchase;
- (5) sell economic development facilities to users or developers, for consideration to be paid in installments or otherwise;
- (6) make direct loans to users or developers for the cost of acquisition, construction, or installation of economic development facilities, including land, machinery, or equipment, with the loans to be secured by the pledge of one (1) or more taxable or tax-exempt bonds or other secured or unsecured debt obligations of the users or developers;
- (7) enter into agreements with users or developers to allow the users or developers to wholly or partially construct economic development facilities to be acquired by the unit;
- (8) issue taxable or tax-exempt bonds under this chapter for single or multiple, identified or unidentified, economic development facilities to accomplish the purposes of this chapter, and secure their payment as provided in this chapter;
- (9) establish reserves from the proceeds of the sale of taxable or tax-exempt bonds, other funds, or

both, to secure the payment of the principal and interest on the bonds;

(10) lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to the lender for the purpose of making a loan to a specifically identified developer or user for the financing of specifically identified economic development facilities under this chapter; and

(11) reimburse from bond proceeds expenditures for economic development facilities.

BE IT FURTHER ORDAINED that any ordinance or portion thereof in conflict with this ordinance is hereby revoked.

THIS ORDINANCE shall take effect upon passage by the Town Council of the Town of Morocco and after proper notice and posting as required by law.

ALL OF WHICH IS DULY ORDAINED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF MOROCCO THIS 3 DAY OF March , 2010.

TOWN COUNCIL OF MOROCCO, INDIANA

Robert W. Gonczy
Robert Gonczy

Duke Gagnon
Duke Gagnon

Richard McCann
Richard McCann

ATTEST: Sherri Rainford
Sherri Rainford,
Town of Morocco Clerk-Treasurer

Editor's Note: See [Section 31.26](#) of the Municipal Code.

ORDINANCE 1997-6

AN ORDINANCE AUTHORIZING PREAPPROVED PAYMENT OF CLAIMS

Be it Ordained by the Town Board of Morocco, Newton County, Indiana, as follows:

Section 1. The Clerk Treasurer is authorized to make claim payments in advance of board allowance for the following types of expenses, to-wit:

1. Property or services purchased or leased from
 - (a) the United States government; or
 - (b) an agency or a political subdivision of the United States government.
2. Licenses fee permit fee.
3. Insurance premiums.
4. Utility payments or utility connection charges.
5. Federal grant programs if:
 - (a) advance funding is not prohibited; and
 - (b) the contracting party provides sufficient security for the amount advanced.
6. Maintenance agreements or service agreements.
7. Grants of state funds authorized by statute.
8. Lease agreements or rental agreements.
9. Principal; and interest payments on bonds.
10. Payroll.
11. State, federal or county taxes.

Section 2. Each payment of expenses under this section must be supported by lawfully itemized claim.

Section 3. The Town Board shall review and allow the claim at the boards next regular or special meeting following the preapproved payment of the expense.

PASSED AND ADOPTED this 13th day of October , 1997.

TOWN BOARD OF MOROCCO INDIANA

Larry K. Dowty
Larry Dowty

Cheryl S. Kilgore
Cheryl Kilgore

Mike McClatchey
Mike McClatchey

ATTEST

Becky Williamson
Becky Williamson, Clerk Treasurer

Editor's Note: See [Chapter 32.01](#) of the Municipal Code.

Resolution 1998-2A

POLICY FOR REGULATING EMPLOYEE POLITICAL ACTIVITY

The Town Council of the Town of Morocco, hereinafter referenced as "the Town", hereby establishes a policy regulating the political activity and lobbying practices of its elected and appointed office holders, and employees as follows:

- I. The use of federal funds of any kind by any employee or appointed or elected office holder of the Town for partisan political activities is strictly prohibited.
- II. The Town offices, property, equipment, materials, resources, contacts, at shall at no time be used by any person in the employ of the Town, for actual Or implied partisan political activities or, for any purpose other than the day to day work of the Town
- III. Any employee of the Town violating the provisions of this policy may be terminated by the Town Council upon reviewing the violating activities.
- IV. All Town officials and employees will be made aware of this policy at the time of taking office or hire.

Adopted this 24 day of March , 1998

Town Council of the Town of
Morocco:

Attest:

Larry K. Dowty
Town Council President

Rebecca L. Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 33](#) of the Municipal Code.

CIVIL RIGHTS POLICY

The Town Council of the Town of Morocco, hereinafter referenced as "the Town", hereby establishes its Civil Rights Policy which includes but is not limited to the following:

- I. The Town will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, age or handicap.

- II. The Town will seek through public advertising and local employment agencies qualified persons to fill staff positions brought about by resignations or terminations, as well as those positions created by the Town's need to increase siert-

Adopted this 24 day March , 1998

Town Council of the Town of
Morocco:

Attest:

Larry K. Dowty
Town Council President

Rebecca L. Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 33](#) of the Municipal Code.

DRUG AND ALCOHOL FREE WORK ENVIRONMENT

In accordance with the Federal Drug Free Workplace Act of 1988, the Town Council of the Town of Morocco, hereinafter referenced as "the Town", has established the following policy:

- I. The unlawful manufacture, distribution, possession or use of alcohol or controlled substances is prohibited in the workplace. Any employee in violation of this policy will be terminated. The Town reserves the right to offer an employee the option to participate in the EAP or some other comparable drug or alcohol rehabilitation program.
- II. The Town will, from time to time, present its employees with printed materials or programs for drug and alcohol free awareness. These programs and printed materials will endeavor to educate employees of the dangers of drug and alcohol use in the workplace. When deemed necessary, the Town will aid in referring employees to counseling for rehabilitation. However, this would be an option given on an individual case and the severity of the offense would be a determining factor.
- III. The Town will require, as a condition of employment, that employees will abide by the terms of this policy statement.
- IV. The Town may terminate any employee convicted of a drug or alcohol offense occurring while on the job, or may require satisfactory participation in a drug or alcohol rehabilitation program, depending upon the offense.
- V. The Town will make a good faith effort to maintain a drug and alcohol free workplace through implementation of paragraphs I, II, III, and IV of this policy statement.

Adopted this 24 day of March , 1998

Town Council of the Town of
Morocco:

Attest:

Larry K. Dowty
Town Council President

Rebecca L. Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 33](#) of the Municipal Code.

Ordinance 88-4

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

[#88-4, Page 1](#)

[#88-4, Page 2](#)

Ordinance 88-4 as amended

WHEREAS, recent changes in the operation of Newton County Landfill have directly affected the operation of the Garbage Collection Service provided by the Town of Morocco. The Board of Trustees of the Town of Morocco hereby adopt the following policy and procedures for the operation of that service:

1. Frequency of Service: The Garbage Removal Service will be provided on a weekly basis. Residential service will be provided on Tuesdays and Commercial Service will be provided on Mondays. If the regular service day is a scheduled holiday, service will be provided on the next scheduled work day.

2. Eligibility of Service: Any resident who is a customer of the Water Department with a non-delinquent account is eligible for pickup.

3. Classification of Account: All accounts will be classified as either Residential or Commercial. The principal determinant for classification shall be the volume and type of garbage presented for removal.

4. Pickup Qualification: To qualify for pickup, several qualification must be met. They include:

(a) Garbage must be in tied plastic bags.

(b) Bags must be placed within 3 feet of road edge.

(c) Bags must not weight more than 40 lbs. each.

(d) Bags must be set out prior to 7:30 a.m. on the day of scheduled service.

(e) Each account shall be limited to 6 total bags per week. "Account" shall mean residence, business, apartment complex, or mobile home court. The determinant for number of bags allowed shall be the number of paid water accounts at any location. Any bags in excess of allowed number will result in an additional charge being assessed at time of pickup or non-pickup if fee is not collected.

(f) All large items such as furniture or appliances may be picked up separately. Pickup of these items will result in additional charges that must be paid in advance and pickup scheduled with the Clerk-Treasurer.

(g) Building materials: large pieces of concrete, automotive partes including tires will be the responsibility of the resident.

5. Cost of Service: Residential Garbage Service shall cost \$20.00 per quarter year and will he added to each water bill. Commercial Garbage Removal accounts will be assessed as follows, based on the size of the dumpster:

1 yard	\$ 40.00
1.5 yard	\$ 45.00
2 yard	\$ 50.00
4 yard	\$ 65.00
6 yard	\$ 85.00
8 yard	\$125.00 .

6. Decoupling: There will be no decoupling of garbage removal service billing and water billing. All water accounts will be assessed the Garbage Removal Service Fee. Commercial accounts may elect to use a contract hauler as opposed to the Town service and thus eliminate the additional commercial fee. They will, however, still be responsible for the residential fee.

Approved this 10 day of August , 1999.

BOARD OF TRUSTEES OF THE
TOWN OF MOROCCO

Larry K. Dowty
Larry Dowty

Michael McClatchey

Cheryl S. Kilgore
Cheryl Kilgore

ATTEST:

Rebecca Williamson
Rebecca Williamson,
Clerk-Treasurer

Editor's Note: See [Chapter 50](#) of the Municipal Code.

Attachments:

[#88-4A, Public Notice](#)

ORDINANCE NO. 1997- 1

AN ORDINANCE RESTRICTING CONNECTION OF PROPERTIES CONTAINING AREAS DESIGNATED AS WETLANDS TO THE TOWN OF MOROCCO'S WORKS IN CERTAIN DESIGNATED AREAS.

Comes now the Morocco Town Board, and in contemplation of the installation of it's new sewer project now ordains and resolves as follows:

WHEREAS, the Town of Morocco is undertaking to install a new sewer system, and

WHEREAS, the United States Fish and Wildlife Service has identified properties within and outside of the Town that contain areas that have been designated as wetlands; and

WHEREAS, the Town Board wishes to protect those areas designated as wetlands;

NOW, IT IS THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF MOROCCO AS FOLLOWS:

1. That " wetlands" shall be defined as those areas of Morocco that have been designated as wetlands by the United States Fish and Wildlife Service

2. That "undeveloped properties" shall be defined as such parcels of real property inside and outside of town that were otherwise subject to connection to the town works but that were not connected to the town's works upon completion of the construction of the town's works for the reason that they contained no houses, buildings, or properties capable of being used for human occupancy, employment, recreation, or other purposes.

3. That "works" shall be defined as that term is used in Indiana Code 13-11-2-269.

4. That undeveloped properties upon which wetlands are situated shall not be allowed to connect to the town's works when connection of these Properties to the town's works will adversely impact the wetlands situated on the property.

5. The town shall notify the owners of properties to which this ordinance is likely to apply that they are subject to the restrictions of this ordinance.

6. Owners of undeveloped properties who seek to connect their properties to the town's work shall advise the town whether their properties contain wetlands and whether the connection of the property to the town's works is likely to adversely impact the wetlands.

7. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of the ordinance which can be given affect without the invalid

part or parts.

ALL OF WHICH IS ORDERED THIS _____ DAY OF _____, 1997.

Attest:

Clerk/Treasurer

WHEREAS, a referendum was held pursuant to Indiana Code 8-1.5-3-3 with the voters of the Town of Morocco for the removal of the Town of Morocco's Waterworks Department from the Indiana Public Service Commission and for the establishment of a Town Utilities Service Board.

WHEREAS, a majority of those casting their ballots voted in favor of removing the Town's Water Department from the Indiana Public Service Commission and for the establishment of a Town Utilities Service Board.

THEREFORE, BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOROCCO, that the water utility of the Town of Morocco be removed from the jurisdiction of the Indiana Public Service Commission.

Enacted this 12th day of June, 1986.

BOARD OF
TRUSTEES
TOWN OF
MOROCCO

Donald J. Falk
Donald J. Falk

Mark J. Davidson
Mark J. Davidson

Keith Wiltfang
Keith Wiltfang

Attest:

Dianne Hendryx
Dianne Hendryx
Clerk-Treasurer

Editor's Note: See [Chapter 51.01](#) of the Municipal Code.

ORDINANCE 2000-5

AN ORDINANCE AMENDING THE TOWN OF MOROCCO FIRE PROTECTION RATES

Comes now the Morocco Town Council, and ordains as follows:

Whereas, the Morocco Town Council has decreed the following amended rate schedule shall be imposed to fund fire protection:

<u>Size of Meter</u>	<u>Monthly Service Charge</u>
5/8" to 3/4"	\$4.00
1"	5.60
2"	11.65
3"	44.15

The Council further orders that there will be a public hearing at which user of the water works may be heard concerning these proposed rates. Upon approving of these rates, the rates will go into effect on the January 1, 2001 billing.

Larry Dowty

12-18-00

Date

Cheryl S. Kilgore
Cheryl Kilgore

Becky Williamson

Attest

Mike McClatchey
Mike McClatchey

Editor's Note: See [Chapter 51.04](#) of the Municipal Code.

AMENDMENT TO ORDINANCE 10-1-4 (WATER & SEWER)

All water rentals collected from regular users shall be billed quarterly and shall be paid in full on or before the fifteenth day of the month that bills are sent out; or monthly installments that shall be due on the fifteenth of the month. Any water customers having a 30-day aged balance on the eighteenth day of the month (or next business day), shall receive disconnect notice giving them ten (10) days to pay the 30-day aged balance, or to sign Payment Agreement at the Town Hall. Payment arrangements shall consist of making their current billing payment along with their agreement each month, (or week), until balance is paid in full. Failure to make agreement payment and/or current billing payment shall result in disconnection without further notice. The Clerk-Treasurer shall authorize the Superintendent of the Water Works or other employee in charge of the operation to shut-off and to reinstate water service in accordance with the provisions of this Ordinance Amendment 10-1-4.

Larry K. Dowty

Larry Dowty

Rebecca L. Williamson

Attest

Cheryl S. Kilgore

Cheryl Kilgore

1-27-98

Mike McClatchey

Mike McClatchey

Editor's Note: See [Chapter 51.04](#) of the Municipal Code.

AMENDMENT TO ORDINANCE 10-1-4 [WATER & SEWER]

All water service from regular users shall be billed monthly and shall be paid in full on or before the fifteenth day of the month that bills are sent out. Any water customers having a balance on the eighteenth day of the month (or next business day), shall receive a disconnect notice giving them ten (10) days to pay the balance. Failure to make payment in full shall result in disconnection without further notice. Any person contacted for a Utilities shut-off may present written proof of medical or health impairment to the Town Clerk to receive a waiver of service cut-off. Each case will be judged on an individual basis. Any bill unsettled after 30 days after a disconnection, will be filed in small claims court at Newton County Courthouse. The Clerk-Treasurer shall authorize the Superintendent of the Water Works or other employee in charge of the operation to shut-off and to reinstate water service in accordance with the provisions of this Ordinance Amendment 10-1-4. All reinstatements of water service shall be subject to a \$25.00 reconnection fee.

Larry K. Dowty Larry Dowty

Cheryl S. Kilgore
Cheryl Kilgore

Rebecca Williamson
Rebecca Williamson

Mike McClatchey
Mike McClatchey

2-9-99
Date

Editor's Note: See [Chapter 51.04](#) of the Municipal Code.

Attachment:

[#10-1-4, Notice to Customers](#)

ORDINANCE NO. 2000-3

SEWER USE ORDINANCE

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Morocco Sewage Works, Newton County, Indiana, and providing penalties for violations thereof.

BE IT ORDAINED BY THE TOWN COUNCIL OF MOROCCO, NEWTON COUNTY, INDIANA:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

"Ammonia" (or $\text{NH}_3\text{-N}$) shall mean the same as Ammonia Nitrogen measured as Nitrogen.

- (a) The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (kk).

"Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

- (c) "Board" shall mean the Town Council of the Morocco Sewage Works, Newton County, Indiana, or any duly authorized officials or Boards acting in its behalf.

"Building (or House) Drain" - The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

Building Drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building Drain - Storm - A building drain which conveys storm water or other clean water drainage, but no wastewater.

- (e) "Building (or House) Lateral Sewer" - The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections.)

Building Sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage

only.

Building Sewer - Storm - A building sewer which conveys storm water or other clean water drainage, but no wastewater.

- (f) "Carbonaceous Biochemical Oxygen Demand" (or CBOD) - Five day measure at pollutant parameters Carbonaceous Biochemical Oxygen Demand.
- (g) "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
- (h) "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
- (1) chemical oxygen demand,
 - (2) total organic carbon,
 - (3) phosphorus and phosphorus compounds,
 - (4) nitrogen and nitrogen compounds, or
 - (5) fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
- (i) "Town" shall mean the Morocco Sewage Works acting by and through the Board of Directors.
- (j) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (k) "Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (l) "Floatable Oil" shall mean oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- (m) "Garbage" - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

- (n) "Incompatible Pollutant" - Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.
- (o) "IDEM" - Indiana Department of Environmental Management.
- (p) "Industrial Wastes" - Any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.
- (q) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- (r) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (s) "Inflow" shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguishable from infiltration.)
- (t) "Inspector" shall mean the person or persons duly authorized by the Town through its Town Council to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (u) "Major Contributor" - A contributor that:
- (1) has a flow of more than 5,000 gallons per average workday.
 - (2) has in its waste toxic pollutants in toxic amounts as defined in Section 307(a) of the Federal Act or State Statutes and rules.
 - (3) has a flow greater than five (5) percent of flow carried by the municipal system receiving the waste.

(4) is found by the Town, State Control Agency or the U. S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(v) "NPDES Permit" - National Pollutant Discharge Elimination System Permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.

(w) "Natural Outlet" shall mean any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

(x) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

(y) "Person" - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(z) "Phosphorus" (or P) shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (kk).

(aa) "Pretreatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

(bb) "Private Sewer" shall mean a sewer which is not owned by public authority.

(cc) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half(V2) inch in any dimension.

(dd) "Public Sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector Sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force Main shall mean a pipe in which wastewater is carried under pressure.

Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(ee) "Sanitary Sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.

(ff) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.

Industrial Sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(gg) "Sewage Works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(hh) "Sewer" shall mean a pipe or conduit for carrying sewage.

(ii) "Shall" is mandatory; "May" is permissive.

(jj) "Slug" - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5)

minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and which adversely affects the sewage works.

- (kk)** "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and The Water Pollution Control Federation.
- (ll)** "Storm Sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- (mm)** "Superintendent" shall mean the Superintendent of the Morocco Sewage Works, Newton County, Indiana, or his authorized deputy, agent or representative.
- (nn)** "Suspended Solids" (or S.S.) - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".
- (oo)** "Total Solids" shall mean the sum of suspended and dissolved solids.
- (pp)** "Toxic Amount" - Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (Section 307A of Public Law 92-500).
- (qq)** "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (rr)** "Volatile Organic Matter" shall mean the material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.
- (ss)** "Wastewater" shall mean water in which sewage has been discharged.
- (tt)** "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (uu)** Any terms not defined herein, but defined in the Sewer Rate Ordinance (Ordinance No. 97-1) shall have the same meaning herein.

Section 2.

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.
- (b) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, sump pump discharge, cooling water, unpolluted water or unpolluted industrial water.
- (c) No new connection shall be made unless there is capacity available to all downstream sewers, pumping stations, force mains and the sewage treatment plant, including capacity for ammonia, BOD, and S.S.
- (d) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (e) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (f) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (g) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, easement, or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line.

Section 3. The owner of any lot, parcel of real estate or building, which was not included in the initial approved sewer project as defined in the final plans and specifications prepared by Beam, Longest and Neff, consulting engineers, connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and Town laws, rules and regulations and shall pay a connection charge which shall be the sum of the following:

(a) The cost of preparing the public sewer to accept the new connection;

(b) The amount of \$1500.00; plus

An inspection fee of Twenty Dollars (\$20.00) is required for inspection of the private sewer line connection to the Town wastewater collection system. Rejection will result in an additional site visit(s) and inspection(s) as needed until the private sewer has been accepted.

(c) Each site visit and inspection constitutes a new inspection and, thus, an inspection fee.

Provided property owner has not made monthly payments as provided for by Section 4 of the Rate Ordinance. Any such owner shall obtain a permit from the Town to connect to the sewer.

Section 4.

(a) Where a public sanitary sewer is not available under the provisions of Section 2(g), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Town at the time the application is filed.

(c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the IDEM. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is the lesser of forty-five thousand (45,000) square feet, or the minimum size required by the Newton County Public Health Officer. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2(g), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge, abandoned and filled with suitable material,

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

(g) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.

(h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 5.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk-Treasurer.

(b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every property; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.

(e) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the first floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(g) No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(h) The connection of a building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(i) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The construction shall be made under the supervision of the said Inspector or his representative.

(j) All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 6.

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process.

- Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (4)

- Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by USEPA or the IDEM. A toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.
- (5)

No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (b)
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.

- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty (32 and 150) degrees Fahrenheit or zero and sixty-five (0 and 65) degrees Celsius.

- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.

- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent

for such materials.

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert S.S. (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual S.S., CBOD, BOD, Ammonia, Ammonia-Nitrogen, Phosphorus, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent can not meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.

If any waters or wastes are discharged, or are proposed to be discharged, to the public

sewers, which waters contain the substances or possess the characteristics enumerated in Section 5(b) of this article, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Board may:

- (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
- (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.
- (4) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.
- (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances and laws.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

When required by the Superintendent, the owner or any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole

provided, or upon suitable samples taken at said control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the Town. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty- four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and S.S. analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(f)

(g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

Section 7. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the USEPA (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and subsequent State or Federal Guidelines and Rules and Regulations.

Section 8. Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with the applicable Federal, State and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 9. Unpolluted water from air conditioners, sump pumps, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

Section 10. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be

discharged in accordance with the above section.

Section 11. The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

Section 12. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily accessible for cleaning and inspection.

They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Specifications for grease, oil, and sand interceptors shall be in accordance with Sections 1014, 1016, and 1017 of the Indiana Code (1999) Edition, (660 IAC 9) originally published as (4 IR 2398), which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1997 Edition. Copies of the aforementioned Code and Rules, Regulations and Codes adopted herein by reference are on file as required by law in the office of the Secretary.

Section 13. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 14. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be, in effect.

Section 15. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Section 16.

The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the

- (a) provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- While performing the necessary work on private properties referred to in Section 16(a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company
- (b) against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(e).

- The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection,
- (c) observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 17.

- (a) Any person found to be violating any provisions of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- (b) Any person who shall continue any violation beyond the time limit provided for in Section 17(a) shall be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

- (c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

Section 18. That the rules and regulations promulgated by the Town, after approval by the Town shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Town and

that any decision concerning the sewage system or user charges of the Board may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 19. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 20. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF MOROCCO, NEWTON COUNTY, INDIANA, ON THE _____ DAY OF _____, 2000.

Larry K. Dowty

Michael McClatchey

ATTEST:

Rebecca L. Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 51.20](#) of the Municipal Code.

Attachments:

[#2000-3, Fax Regarding Sewer Use Ordinance, Page 1](#)

[#2000-3, Fax Regarding Sewer Use Ordinance, Page 2](#)

[#2000-3, Fax Regarding Sewer Use Ordinance, Page 3](#)

An Ordinance Amending Sewer Use Ordinance

Comes now the Board of Trustees of the Town of Morocco, Indiana, and resolve and ordain as follows:

WHEREAS, it is in the best interest of the Town that the debt service component of the water rates and charges be diligently collected; and,

WHEREAS, the collection of the debt service charges from rental tenants is sometimes difficult when they depart the premises,

IT IS THEREFORE ORDERED AS FOLLOWS:

[Section 51.30\(C\)](#) of the Town of Morocco's Ordinances should be amended to read as follows:

"For the use of the service rendered by the sewage works, rates and charges shall be collected from the owners and tenants of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Morocco. However, debt service costs of \$33.25 and fire protection costs of \$4.00 shall be collectable solely from the owner of any connected property without regard to any contrary arrangement between the owner and his tenants. Such rates and charges shall include user charges, fire protection charges, debt service costs, excessive strengths, surcharges, and other service charges, which rates. and charges shall be payable as hereinafter provided and shall be in an amount determined as follows..."

ALL OF WHICH IS ORDERED this 11 day of December, 2004.

Robert W. Gonczy
Robert Gonczy

Larry Bingham
Larry Bingham

Jeff LaCosse
Jeff LaCosse

Attest:

Donna Cady
Donna Cady, Clerk-Treasurer

SNOWMOBILE ORDINANCE

The operation of Snowmobiles within the Corporate limits of the Town of Morocco on the public right of ways are hereby permitted subject and incorporating the provisions of Indiana Code 14-16-2-1 and following.

The operation of a Snowmobile within the Corporate limits of the Town of Morocco on Public right-of-ways shall be for the limited purposes to transverse the public right-of-ways of the Town of Morocco to travel to and from county roads that adjoin the Town.

A person that violates this ordinance commits a Class C Infraction.

This Ordinance shall become effective after being published for Two (2) weeks in the Morocco Courier and shall become effective no later than January 1, 2002.

SO ENACTED THIS 11th DAY OF DECEMBER 2001.

Larry K. Dowty
Larry Dowty

Mike McClatchey
Mike McClatchey

Cheryl Kilgore

Rebecca L. Williamson

Editor's Note: See [Chapter 94.01](#) and [Chapter 70](#) of the Municipal Code.

Ordinance #2005-

Amending [Section 71.01](#) of the Morocco Town Code Dealing with Truck Parking

Comes now the Morocco Town Board, and resolves and ordains as follows:

WHEREAS, the number of semi truck operators in the Town of Morocco is large enough that parking of semi tractors in the town limits is an issue; and,

WHEREAS, the Town has acted in the past to establish parking places for trucks within the Town; and,

WHEREAS, the Town does not want trucks parked in the street right-of-ways;

It is therefore ORDERED, ADJUDGED, AND DECREED that [Section 71.01 of the Morocco Town Code, subpart \(B\) \(6\) \(a\)](#) be amended to read as follows:

"If off-street parking is not available on the premises, the semi tractor may not be parked in the street right-of-way at the premises of the operator. This also pertains to buses, motor homes, trailers or vans larger than eighteen (18) feet in length."

Section 71.01 (B) (6) (b) is hereby repealed. The Morocco Town Board further authorizes the renumbering of the rest of the ordinance in a manner consistent with these changes.

ALL OF WHICH IS ORDERED THIS 8th day of February, 2005.

Robert W. Gonczy
Robert Gonczy

Larry Bingham
Larry Bingham

Jeff LaCosse
Jeff LaCosse

Attachment:

[#2005-, Public Notice](#)

Ordinance No. 5-3-2

TRUCK PARKING

Comes now the Morocco Town Board and resolves and ordains as follows:

WHEREAS, Ordinance 5-3-2 restricts the parking of trucks, trailers, tractors, tractor- trailers and house trailers on the streets of Morocco; and,

WHEREAS, the Morocco Town Board desires to amend ordinance 5-3-2 to prohibit the parking of large and heavy vehicles including semi-trailers, tractors or combined units, or any vehicle with a gross weight exceeding 13,000 pounds, on any street or alley within the corporate limits of the Town of Morocco, subject to the following exceptions:

1. Trucks, tractors, trailers, and tractor-trailers may park for a period of up to one hour to load or unload cargo, if any such vehicle does not unduly obstruct traffic.
2. It shall be lawful to park any such vehicle in areas specifically designated and marked for such parking by the Town Board, as follows:
 - (a) Parking is permitted at the lot at the Northeast side of Polk Street with the permission of the owner.
 - (b) Parking is permitted on the property located between Beaver St. and East Washington St. with the permission of the owner.
 - (c) Parking is permitted on the Railroad lot on State Road 114 across from the old elevator.
 - (d) Parking is permitted at Merchant's Restaurant parking lot with the permission of the owner.
 - (e) With the permission of the Town Marshall or his deputy, parking is permitted at homes within Morocco for a period of up to 48 hours for the purpose of repairs as long as such parking does not violate any other Town Ordinance or State Law.
 - (f) Prior to parking at a residential site, drivers or owners must register with the Town Marshall for prior approval.
3. Violators of this Ordinance shall be fined twenty-five dollars (\$25.00) for each offense.

Larry K. Dowty
Larry Dowty

Michael McClatchey
Michael McClatchey

Cheryl S. Kilgore

ATTEST:

Rebecca Williamson
Rebecca Williamson,
Clerk-Treasurer

Editor's Note: See [Chapter 71.01](#) of the Municipal Code.

AN ORDINANCE MODIFYING THE PROVISIONS OF MOROCCO ORDINANCE NO. 5-3-

2

The Board of Trustees of the town of Morocco having determined that certain parts of Morocco Code Section 5-3-2 [[71.01](#) in revised code] are in need of updating, now amends the ordinance in the following manner:

WHEREAS, Morocco has an ordinance regulating the parking of semi-tractors and trailers within the town of Morocco; and,

WHEREAS, the penalties section of Section 5-3-2 [[71.01](#) in revised code] is in need of modification,

IT IS THEREFORE DECREED as follows:

1. Section 5 of Morocco Town Ordinance 5-3-2 [[71.01](#) in revised code] shall hereafter read as follows:

"Section 5. A violation of this ordinance shall be a Class C infraction with a \$50.00 \$25.00 fine. Each day the violation continues shall constitute a separate violation. Any duly authorized law enforcement officer charged with enforcement of infractions within Newton County may cause an information for ordinance violation to be filed in the Newton County Courts or the town through its attorney may proceed with an ordinance violation action in the Newton County Courts. Anyone so notified to appear for a violation of this ordinance may pay a fine or penalty of \$25.00 per occurrence directly to the Clerk-Treasurer who shall give the offender a receipt showing payment thereof. Repeat offenders may, at the option of the Board of Trustees, suffer revocation of their permit for authority to park within the corporate limits."

ALL OF WHICH IS DECREED this 13th day of Sept., 1994.

David R. Lindlow

Larry K. Dowty

ATTEST: Dianne Hendryx
Clerk-Treasurer



Attachments:

[#94-4, Page 1](#)

[#94-4, Page 2](#)

SEMI TRAILER ORDINANCE 2003- 6

Semi-trailers, tractors, combined units, or any vehicle with a gross weight exceeding 13,000 pounds are prohibited on any street or alley within the corporate limits of the Town of Morocco subject to the following exceptions:

1. Trucks, tractors, trailers, and tractor-trailers may park for a period of up to one hour to load or unload cargo, if any such vehicle does not unduly obstruct traffic.
 2. Parking is allowed in the following areas:
 - (a) Parking is permitted at the lot at the Northeast side of Polk Street with the permission of the owner.
 - (b) Parking is permitted on the property located between Beaver St. and East Washington St. with the permission of the owner.
 - (c) Parking is permitted on the Railroad lot on State Road 114 across from the old elevator.
 - (d) Parking is permitted at Merchant's Restaurant parking lot with the permission of the owner.
 - (e) With the permission of the Town Marshall or his deputy, parking is permitted at homes within Morocco for a period of up to 48 hours for the purpose of repairs as long as such parking does not violate any other Town Ordinance or State Law. Loaded trailers may not be parked at homes for any reason.
 - (f) Semi-tractor operators wishing to park their semi-tractors at their personal residences may apply for a permit from the Town Board authorizing the same. The permit will be issued at no cost subject to the following terms and conditions:
 - (i.) If off-street parking is not available on the premises the semi tractor may be parked on the public street unless the parking of such vehicle reduces the usable width of the road by moving traffic to less than eighteen (18) feet.
 - (ii.) If the vehicle is parked on the street, the same may not be parked within thirty (30) feet of an intersection, in an intersection or crosswalk or in any place that the vehicle would block the use of a driveway.
 - (iii.) If the vehicle is parked on private property, it must exit and enter the paved portion of the public road at an angle perpendicular or near perpendicular to the road way so as to minimize damage to the edge of the roadway.
- All vehicles parked within the corporate limits of the Town and on public property shall be

- (iv.) properly licensed and in running order.
- (v.) Parking of such vehicle will not create a nuisance or public hazard.

Violation of any of the above conditions may cause revocation of the permit. Permits issued by the Town Board pursuant to this ordinance shall be kept in the tractor and exhibited upon reasonable request.

If a police officer of the Town finds a vehicle to be parked in violation of this ordinance such officer is hereby authorized to require the owner or other person in charge of the tractor and/or trailer to remove the same so that it is no longer in violation of this ordinance. If any such person so directed should fail or refuse to move the vehicle or if such vehicle is unattended and the person responsible therefore cannot be found, then the officer is authorized to provide for the removal of the offending vehicle to any nearby available garage or other place of safety at the cost of the offending party.

Violators of this ordinance shall be fined at the rate of \$100 per occurrence, with each date in violation constituted a separate violation. Any duly authorized law enforcement officer charged with enforcement of infractions within Newton County may cause an information for ordinance violation to be filed in the Newton County Courts for the Town or its attorney may proceed with an ordinance violation action in the Newton County Courts. Repeat offenders may, at the option of the Town Board, suffer revocation of their permit for authority to park within the corporate limits.

5. Any existing ordinances in conflict herewith are hereby repealed.

All of which is ordered this 11th day of November, 2003.

Larry K. Dowty
Larry Dowty

Mike McClatchey
Mike McClatchey

Jeff LaCosse
Jeff LaCosse

Attest:

Rebecca Williamson
Rebecca Williamson

Editor's Note: See [Chapter 71.01](#) of the Municipal Code.

RESOLUTION TO AMEND MOROCCO STOP SIGN ORDINANCE NO. 1997-2

Comes now the Morocco Town Board, and resolves as follows:

1. Under the current Stop Sign Ordinance the intersection of Clay Street and North Street is a four two way stop sign; and on North Street.
2. It is hereby resolved that the ordinance be amended by eliminating the stop signs on North Street of that intersection but keeping adding the stop signs on Clay Street at the intersection.

ALL OF WHICH IS RESOLVED this 13th day of May, 1997.

Cheryl S. Kilgore
Cheryl Kilgore

Larry K. Dowty
Larry Dowty

Mike McClatchey
Mike McClatchey

Editor's Note: See [Chapter 72, Schedule I](#) of the Municipal Code.

MOROCCO ORDINANCE 2002-

STOP SIGN ORDINANCE

Comes now the Morocco Town Board, and resolves and ordains as follows:

WHEREAS, the Morocco Town Board has an interest in maintaining the smooth flow of traffic throughout the town; and

WHEREAS, certain changes in existing intersections are necessary to preserve the safe flow of traffic in town;

It is therefore ordered as follows:

1. The Town of Morocco hereby directs that stop signs be placed in a two-way configuration on State Street at its intersection with Wells so that the intersection will be a three-way stop.
[\[Reference\]](#)

2. The Town further directs that stop signs be placed in a two-way configuration on Grove Street at its intersection with Main, making it a three-way stop.
[\[Reference\]](#)

3. The Town further directs that the yield signs on Walker Street at its intersection with Washington be replaced with stop signs.
[\[Reference\]](#)

ALL OF WHICH IS ORDERED this _____ day of _____, 2002.

Larry K. Dowty
Larry Dowty

Donna J. Blaney
Donna Blaney

Mike McClatchey
Mike McClatchey

Attested by:

Rebecca Williamson
Clerk-Treasurer

Editor's Note: See [Chapter 72](#) of the Municipal Code.



Attachments:

[#2002- , Letter from Attorney](#)

Regarding Speed on Atkinson Street

Comes now the Morocco Town Board, who resolve and ordain as follows:

WHEREAS, the placement of the stop sign in the west bound lane of State Street at Wells Street has caused a diversion of traffic onto Atkinson Street; and,

WHEREAS, Atkinson Street cannot accommodate traffic moving at the same rate as traffic moves on State Street; and,

WHEREAS, the speed limit is currently not posted on Atkinson,

IT IS THEREFORE RESOLVED AND ORDAINED THAT:

- (a) The speed limit on Atkinson Street is hereby reduced to 15 miles per hour.
- (b) The speed limit should be posted on signs on Atkinson Street on the north side of the road near State Street and on the south side of the road near West Street.
- (c) A concise statement of this Ordinance omitting all formal parts should be added to the [Code of Ordinance](#) of the Town of Morocco.

Robert W. Gonczy
Robert Gonczy

Jeff LaCosse
Jeff LaCosse

Larry Bingham
Larry Bingham

Attest:

Donna K. Cady
Clerk/Treasurer

SPEED CONTROL ORDINANCE

BE IT RESOLVED by the Board of Trustees of the Town of Morocco that it shall be unlawful for any person or persons to drive or operate a motor vehicle upon and along the streets within the corporate limits of the Town of Morocco above the posted speeds as follows:

1. 15 mi. an hour within one block of the Morocco Elementary School.
2. 20 mi. an hour on State Street between Polk Street and Main Street.
3. 30 mi. an hour upon all other streets and highways within the corporate limits of the Town of Morocco.

Any person or persons violating the provisions of this ordinance shall, upon a conviction, be fined the sum of not more than \$100.00.

This Ordinance shall become effective after being published in the Morocco Courier for two weeks.

Adopted this 12th day of June, 1986.

BOARD OF
TRUSTEES
TOWN OF
MOROCCO

Donald J. Falk
Donald J. Falk

Mark J. Davidson
Mark Davidson

Keith Wiltfang
Keith Wiltfang

Attest:

Dianne Hendryx
Dianne Hendryx
Clerk-Treasurer

Amendment To Unlawful Noise Ordinance

Comes now the Morocco Town Board and resolves and ordains as follows:

WHEREAS, the current Morocco Noise Level ordinance prohibits the operation of any audio equipment with the volume adjusted in such a manner that the noise from the audio equipment can be heard at a distance of two hundred feet (200') from the vehicle; and

WHEREAS, it being the opinion of the Morocco Town Board that this ordinance is not restrictive enough,

It is therefore ordained as follows:

1. Morocco Town Ordinance number [90.01 subpart \(D\)](#) should be amended to read "It shall be unlawful for the owner or passengers of any motor vehicle to operate any audio equipment with the volume adjusted in such a manner that the noise from the audio equipment can be heard at a distance of twenty feet (20') from the vehicle."

ALL OF WHICH IS ORDERED this 14th day of December, 2004.

Robert W. Gonczy
Robert Gonczy

Jeff LaCosse
Jeff LaCosse

Larry Bingham
Larry Bingham

Attest:

Donna Cady
Donna Cady, Clerk-Treasurer

Ordinance No. 5-1-2

NOISE LEVELS

Comes now the Morocco Town Board, and resolves and ordains as follows:

WHEREAS, Section 5-1-2 of the Morocco Ordinances calls for noise control for the exhaust of motor vehicles; and,

WHEREAS, the Town Board believes that ordinance 5-1-2 should be amended to include excessive noise levels from radios, cassette players, compact disc players, or any other musical device in any vehicle in the Town of Morocco; and,

WHEREAS, the Town Board deems it necessary for the peace and tranquility of the citizens of the Town of Morocco to limit the volume level of such sound producing devices and to create a monetary fine that will serve as a reasonable deterrent to violating the ordinance;

NOW, THEREFORE, it is ordained as follows:

1. No person shall make, continue, or cause to be made any loud, raucous, improper, unreasonable, or offensive noise which disturbs or endangers the comfort, repose, peace, or safety of others within the Town.
2. It shall be unlawful for operators or passengers of automobiles, trucks or any motor vehicle to run any such motor vehicle with the exhaust "cut out" or open, thereby making unnecessary noise.
3. It shall be unlawful for the owner or passenger of any motor vehicle to use the horn of the vehicle to create unnecessary noise on the streets of Morocco.
4. It shall be unlawful for the owner or passengers of any motor vehicle to operate any audio equipment with the volume adjusted in such a manner that the noise from the audio equipment can be heard at a distance of 200 feet from the vehicle.
5. The penalty for violation of any section of this ordinance is a fine of \$100 per occurrence. Each offense represents a separate occurrence.

ALL OF WHICH is duly ordained this 9th day of March, 1999.

Larry K. Dowty
Larry Dowty

Michael McClatchey
Michael McClatchey

Cheryl S. Kilgore

ATTEST:

Rebecca L. Williamson
Rebecca Williamson,
Clerk-Treasurer

Editor's Note: See [Chapter 90](#) of the Municipal Code.

PUBLIC NUISANCE

DEFINITIONS:

For the purpose of this Ordinance, the word "nuisance" is defined as the doing of an unlawful act, or the omitting to perform aa duty, or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) injures or endangers the comfort, repose, health or safety of others; or
- (b) unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for, passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (c) in any way renders other person insecure in life or the use of property; or
- (d) essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (e) violates the Zoning Ordinances of the Town of Morocco.

ILLUSTRATIVE ENUMERATION:

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive;

- (a) Noxious weeds and other rank vegetation, including, but not limited by any grass, weeds or other vegetation, living or dead, the height of which exceeds twelve (12) inches above ground level, in a residential zone. The failure by any property owner to cut grass, weeds, or other vegetation, living or dead, on his property shall be evidence that said property owner is maintaining a nuisance.
- (b) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other debris.
- (c) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (d) Any building or other structure which is in such aa dilapidated condition that it is unfit for human habitation, kept in such unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (e) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (f) Any building, structure or other place of location where any activity which is in violation of

local, state or federal law is conducted, performed or maintained.

- (g) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (h) Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
- (i) The obstruction of any public street, road or sidewalk.
- (j) The obstruction of any dedicated easement or right of way.
- (k) The alteration of the flow of storm water to the detriment of surrounding property.
- (l) Any junk vehicle. For the purpose of the Ordinance, a "junk vehicle" shall be defined as a motor vehicle, or a part or parts from a motor vehicle, which meets any one of the following qualifications:
 - (1) It does not carry the current state registration (license plates);
 - (2) It cannot be safely operated under its own power;
 - (3) It is not carried on the most recent tax records of the county assessor's office.
 - (4) It is not the property of and is not located in a licensed junkyard.
- (m) The discharge of any liquid onto the property of other person including but not limited to the discharge of any water as the result of the draining of a swimming pool or the operation of a sump pump.

ENFORCEMENT AND PENALTIES:

Whenever a nuisance is found to exist within the town of Morocco, Indiana, the Building Commissioner may proceed to enforce compliance with the Ordinance.

- (a) By giving written notice to all persons holding a substantial interest in the property upon which such nuisance exists or upon the person causing or maintaining the nuisance, contain the following:
 - (1) an order to abate the nuisance within a time certain which time shall be reasonable under the circumstances;
 - (2) the location of the nuisance, if the same is stationary;
 - (3) a description of what constitutes the nuisance;
 - (4) a statement of acts necessary to abate the nuisance.
 - (5) a statement that if the nuisance is not abated as directed, the town of Morocco may abate such

nuisance and assess the cost thereof against such person.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance to abate the same, a duly designated officer or employee of the Town of Morocco may proceed to take any and all action necessary, including but not limited to entry onto any property where the nuisance exists, to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

- (a) First Offense: \$25.00 Fine
- Second Offense: \$50.00 Fine
- Third and Subsequent Offenses: \$100.00 Fine

Adopted this 14th day of MAY, 1996.

MOROCCO TOWN
BOARD

Larry K. Dowty
Larry Dowty

Cheryl S. Kilgore
Cheryl Kilgore

Michael McClatchey
Michael McClatchey

ATTEST:

Whitney Gonczy
Whitney Gonczy
Clerk-Treasurer

Editor's Note: See [Chapter 93](#) of the Municipal Code.

AMENDMENT TO SECTION 8-3 OF THE MOROCCO TOWN CODE

The Board of Trustees of the Town of Morocco, having determined that certain parts of Morocco Code Section 8-3 [93.17 in revised code] require updating, now makes the following recitals and amends the ordinance in the following manner:

WHEREAS, Morocco has an ordinance controlling accumulation of junk and other unwholesome substances on real property within Morocco; and,

WHEREAS, although the rules set forth therein permits the town to enter onto the real property and remedy violations as set forth in the statute, it does not provide for fines or penalty to offending property owners,

IT IS THEREFORE DECREED as follows:

1. Paragraph 8-3 [93.17 in revised code] shall be amended to read as follows:

"8-3: Accumulation of Junk and Other Unwholesome Substances.

It shall be unlawful for any person residing in or owning real property within the corporate limits of the Town of Morocco, Indiana to allow junk or unlicensed inoperable motor vehicles, dilapidated or dangerous buildings, tin cans, and other rubbish or unwholesome substances to remain on the property within the corporate limits for more than ten (10) days. A violation of this ordinance shall be a Class C infraction punishable by a \$50.00 fine. Each successive day that the condition continues to exist shall be deemed a separate violation of this ordinance.

Any person who violates the preceding paragraph hereof shall be notified by registered or certified mail by the Clerk-Treasurer of the Town of Morocco to remove said materials from within the corporate limits of the Town of Morocco within seven (7) days from receiving the notice, and failing to do so, the materials will be removed from within the said corporate limits by persons appointed by the Town Board of Trustees who shall file a written statement of expenses for the removal thereof with the Clerk-Treasurer of the Town of Morocco, Indiana.

If any person, after proper notice, fails to pay the charge for the expense referred to in the preceding paragraph, the Clerk-Treasurer shall, after the charges have gone unpaid for a period of six (6) months, certify the amount due from said person to the Auditor of Newton County and the amount of the charge will be placed upon the tax duplicate and collected as by law provided and distributed to the town general fund by the Auditor of Newton County.

All property removed pursuant to the provisions of this 8-3 shall become the property of the Town of Morocco unless reclaimed by the owners thereof by demonstrating good title to the property to the Clerk-Treasurer of the town within ten (10) days of removal of the property."

ALL OF WHICH IS DECREED this 13th day of July Sept. , 1994.

David R. Lindlow

Larry K. Dowty

ATTEST: Dianne Hendryx
Clerk-Treasurer



Attachments:

[#94-2, Page 1](#)

[#94-2, Page 2](#)

REGARDING THE CONTROL OF WEEDS AND GRASSES WITHIN THE TOWN

WHEREAS it is in the interest of the citizens of Morocco that certain limitations be placed on the growth of weeds, grasses, and vegetation both for the sake of appearances and for the control of insect and pollen proliferation; and,

There are properties in the town that are regularly kept in an unmowed or very infrequently mowed condition; and,

It being necessary that the town have a means to compel property owners to maintain the grasses, weeds, and vegetation on their properties below a certain height, or alternatively, a means to abate these nuisances at the expense of the property owners; and,

The Board of Trustees, being vested with the authority pursuant to Indiana Code 36-7-10.1-1 et seq to require the removal of weeds, grasses, and other vegetation,

IT IS THEREFORE ORDAINED BY THE BOARD OF TRUSTEES AS FOLLOWS:

1. It shall be unlawful for any property owner in the town of Morocco to permit weeds, grasses, plants, or vegetation, other than bushes, trees, flowers, ornamental plants or garden plants to grow to a height of more than 6 inches within the town boundaries. Any such growth shall be considered a nuisance.
2. The Street Department of the Town of Morocco shall be responsible for the administration of this ordinance, and the Clerk-Treasurer shall be responsible for the provision of all mailings and filings required as set forth below.
3. When the town becomes aware of the existence of a violation, notice of the violation shall be mailed by first class U.S. postage by the Clerk-Treasurer to the owner of the property in violation of this ordinance. The notice shall inform the owner of the following, which are the procedures hereby adopted for giving the owner notice, abating the nuisance, and billing and collecting any sums due therefore:
 - A. There appears to be vegetation growing on your property exceeding 6 inches, contrary to Morocco Town Ordinance.
 - B. That the owner has 10 days from the date of the mailing of the notice to cause the property to be brought into compliance with this ordinance; and,
 - C. That in the event that the property is not in compliance within 10 days of the mailing of the notice, the town will use town equipment and personnel to mow the property to abate the violation; and,
 - D. That the owner will be billed following the provision of these services in the minimum sum of \$100.00 which, depending on the administrative costs and actual hours of labor expended, may be

higher; and,

E. That in the event that the bill is not paid within thirty (30) days of its mailing to the owner, it will be certified to the county auditor in addition to any other administrative costs incurred by the town in preparation of this certification, and these sums will be placed on the tax duplicate for the property affected.

4. In the event a property owner who received a notice of violation disputes the notice, the property owner must inform the Clerk-Treasurer of this intention within ten (10) days of mailing of the notice and request to be placed on the agenda for the next regularly scheduled town board meeting. A majority of any members present at the next meeting shall hear the property owner's objection and vote either for or against the objection, and the majority shall prevail. In the event the board denies the appeal, the property owner must bring the property into compliance within 5 days. In the event the owner fails to comply within that time, the town or its agents shall enter the property and bring it into compliance, and the property owner shall be billed in the manner set forth in subparts 3(D) and 3(E).

5. In the event a property owner objects to the issuance of a bill under Section 3, the property owner shall notify the Clerk- Treasurer and request to be placed on the agenda of the next town board meeting, or at a later meeting at the option of the Clerk- Treasurer. At the meeting, the board members present shall vote for or against the objection and the majority shall prevail. If the board denies the appeal, the property owner shall have 10 days to make payment. In the event the property owner fails to pay within this time period, the bill shall be certified to the county auditor as set forth above.

6. It is not a defense to this ordinance that a property is not occupied, abandoned, or occupied by a tenant other than the owner. In the event the property is the subject of a mortgage or real estate sales contract, certifications to the auditor shall be in the name appearing on the tax duplicate for the property.

David Lindlow

Michael
McClatchey

Larry Dowty

Dianne Hendryx
Clerk-Treasurer

Date: 9-13-94

Editor's Note: See [Chapter 93.30](#) of the Municipal Code.

AGREEMENT TO PLACE OBSTRUCTION IN PUBLIC RIGHT OF WAY

This agreement is between the Town and two adjacent property owners in the Town. The purpose of this agreement is to permit the parties to erect a fence on the Town's right of way in between their adjacent properties. In consideration for this privilege, the parties agree that at any time the Town needs the right of way for any purpose, they must remove the fence within 24 hours of notice by the Town. The parties further agree that in the event the fence is not removed within 24 hours of notice, that the Town may remove it and they will reimburse the Town for any expenses to the Town in removing the same.

This agreement does not run with the land and is not transferable by the property owners. At such time as either party transfers their ownership to their property, this agreement shall terminate at the discretion of the Town.

Dated this 11th day of January, 2005.

Larry Bingham
Larry Bingham

Robert W. Gonczy
Bob Gonczy

Jeff LaCosse
Jeff LaCosse

Rich Wynn
Property Owner

Steve Graham
Property Owner

Animal Infractions

Any person maintaining an animal that bothers people, chases cars, passersby, bicycles, or anything else off of the property of the owner of the dog, shall on the first offense be warned by letter in violation by the Clerk-Treasurer. In the event of a second violation for these particular

1. offenses, any such owner shall be cited into Court for an ordinance violation and fined \$50.00 plus the costs of reasonable attorney's fees incurred by the Town in filing the action and presenting it to the Court. In the event of a third or subsequent event of the kind described in this paragraph, the offending owner shall be required to take the following steps:

- (a) Annually register the animal with the Morocco Town Council on or before June 1 of each year;
- (b) Pay an animal registration fee of \$5.00 per household;
- (c) Maintain liability insurance in the minimum amount of \$200,000.00 to cover bites or attacks by animals and prove such coverage at the time of registration;
- (d) Prove at the time of registration that the animal has had a rabies shot within the last year;
- (e) Sign a release granting the Clerk-Treasurer permission to contact the owner's insurer to verify that coverage is still in place;

Continuously maintain the animal within a fenced enclosure measuring at least 6 feet in height,

(f) adequate to securely confine the animal, or, when such animal is removed from the fenced enclosure, be securely restrained and muzzled.

2. In the event that the dog is a variety that is uninsurable for liabilities such as dog bite, the dog may not be kept within the Town of Morocco.

3. Any person maintaining an animal that attacks other animals or bites a human being shall be required to do the following:

- (a) Annually register the animal with the Morocco Town Council on or before June 1 of each year;
- (b) Pay an animal registration fee of \$5.00 per household;
- (c) Maintain liability insurance in the minimum amount of \$200,000.00 to cover bites or attacks by animals and prove such coverage at the time of registration;

- (d) Prove at the time of registration that the animal has had a rabies shot within the last year;
- (e) Sign a release granting the Clerk-Treasurer permission to contact the owner's insurer to verify that coverage is still in place;

Continuously maintain the animal within a fenced enclosure measuring at least 6 feet in height,
(f) adequate to securely confine the animal, or, when such animal is removed from the fenced enclosure, be securely restrained and muzzled.

4. Any person maintaining an animal that habitually barks, makes noise, or produces odors offensive to other people shall on the first offense be warned by letter from the Clerk-Treasurer of the violation. In the event of a second violation for these particular offenses, any such owner shall be cited into Court for an ordinance violation and fined \$50.00 plus the costs of reasonable attorney's fees incurred by the Town in filing the action and presenting it to the Court. In the event of a third offense of this nature, the dog must be removed from the Town of Morocco permanently.

Board Members:

Robert W. Gonczy

Jeff LaCosse

Larry Bingham

Clerk Treasurer:

Donna Cady

Editor's Note: See [Chapter 95](#) of the Municipal Code.

ANIMAL CONTROL
ORDINANCE 1988-1
TOWN OF MOROCCO

Whereas, the Board of Trustees of the Town of Morocco,

Newton County, Indiana, now finds it is necessary for the Town of Morocco to adopt Animal Control Ordinance No. 87-12, as adopted by the Newton County Board of Commissioners on December 29, 1987.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morocco, Indiana, that said Newton County Animal Control Ordinance No. 87-12 be adopted by said Town of Morocco as their own.

Said ordinance includes fines ranging from \$1.00 per day to and including \$500.00. A copy of this ordinance is available for viewing in the Morocco Town Hall during regular business hours.

Passed and Adopted by the Board of Trustees of the Town of Morocco, Newton County, Indiana this 24th day of February, 1988.

David R. Lindlow
Michael L. McClatchey
Larry K. Dowty

David R. Lindlow
David R. Lindlow

Michael L. McClatchey
Michael L. McClatchey

Larry K. Dowty
Larry K. Dowty

ATTEST:
Dianne Hendryx
Clerk-Treasurer

Dianne Hendryx
Dianne Hendryx
Clerk-Treasurer



Attachments:

[Animal Violation Fines \(Newton County\) - Page 1](#)

[Animal Violation Fines \(Newton County\) - Page 2](#)

[Newton Co. Animal Control, III-64-2.1, through §101.H.5](#)

[Newton Co. Animal Control, III-64-2-2, §101.K into §303](#)

[Newton Co. Animal Control, III-64-2.3, §305 into §501](#)

[Newton Co. Animal Control, III-64-2.4, §501 into §507](#)

[Newton Co. Animal Control, III-64-2.5, §507 through §604](#)

[Newton Co. Animal Control, III-64-2.7, §608 into §704](#)

[Newton Co. Animal Control, III-64-2.9, §708 through §801](#)

[Newton County Animal Control Ticket \(sample\)](#)

[Newton Co. Health Dept. - Instructions for Bite Victims](#)

[Newton Co. Health Dept. - Animal Bite Record](#)

[Newton Co. Animal Control, III-64-4.1, Amendments - *marked-out*](#)

[Newton Co. Animal Control, III-64-4.2, Amendments - *marked-out*](#)

[Newton Co. Animal Control, III-64-5.1, Amendments - *marked-out*](#)

[Newton Co. Animal Control, III-64-5.2, Amendments - *marked-out*](#)

[Newton Co. Animal Control, III-64-6.1, Livetrapping Rental Agreement](#)

[Newton Co. Animal Control, III-64-7.1, Amending §406](#)

[Newton Co. Animal Control, III-64-8.1, Amending §§102 and 103](#)

[Newton Co. Animal Control, III-64-8.2, Amending §202](#)

[Newton Co. Animal Control, III-64-8.3, Amending §707](#)

[Newton Co. Animal Control, III-64-9.1, Amending §§304, 308, and 309](#)

[Newton Co. Animal Control, III-64-9.2, Amending §§405, 406, 407, 506, and 606](#)

[Newton Co. Animal Control, III-64-9.3, Amending §§608, 704, 706, 709, and 801](#)

[Newton Co. Animal Control, III-64-9.4, Fines, Page 1](#)

[Newton Co. Animal Control, III-64-9.5, Fines, Page 2](#)

[Newton Co. Animal Control, III-64-10.1, Amending §507](#)

[Newton Co. Animal Control, Loose Page, §§610 through 703](#)

[Newton Co. Animal Control, Loose Page, §704](#)

[Newton Co. Animal Control, Loose Page, §§706 through 709](#)

[Newton Co. Animal Control, Loose Page, §801](#)

[Newton Co. Animal Control, Loose Page, §§302 \(portion\) through 308](#)

[Newton Co. Animal Control, Loose Page, §309](#)

[Newton Co. Animal Control, III-64-2., §§501 through 503](#)

[Newton Co. Animal Control, III-64-2., §§504 through 507](#)

[Newton Co. Animal Control, III-64-2., §508 into §602](#)

[Newton Co. Animal Control, III-64-2., §§502 \(portion\) through 605](#)

[Newton Co. Animal Control, III-64-2., §606](#)

[Newton Co. Animal Control, III-64-2.1, §101 through 101.E](#)

[Newton Co. Animal Control, III-64-2.1, §101.F through 101.J](#)

AN ORDINANCE AMENDING MOROCCO TOWN CODE ORDINANCE NO. 8-9
REGARDING CURFEW

The Board of Trustees of the Town of Morocco, having determined that certain language in its curfew ordinance is in need of updating, now makes the following recitals and amends the ordinance as follows:

WHEREAS, Morocco's existing ordinance for curfew is not in compliance with Indiana 31-6-4-2 in that the times for curfew set forth exceed limits placed on hours towns can use to set curfews; and,

WHEREAS, the current ordinance fails to provide any means to enforce curfew; and,

WHEREAS, the current ordinance fails to address the fact that curfew violations are the fault of parents, guardians or custodians of children who permit children to disobey curfew laws;

IT IS THEREFORE DECREED as follows:

1. Morocco Town Ordinance 8-9 [*Chapter 96 in revised code*] is hereby repealed in its present form.
2. In its place the following language shall be substituted;

"8-9: Curfew; Permitting Curfew Violations.

- (a) It is a curfew violation for a child under 18 years to be in a public place:
 - (1) On Mondays, Tuesdays, Wednesdays, and Thursdays, between the hours of 11:00 p.m. and 5:00 a.m.;
 - (2) On Fridays, Saturdays and Sundays between the hours of midnight and 5:00 a.m.
- (b) A parent, guardian, or custodian of a child who permits or causes a child to be in a public place during curfew hours outside of the parent, guardian, or custodian's presence commits a Class C infraction and shall be fined \$50.00 for each such violation.
- (c) It is a defense to this ordinance that a child is accompanied by his parent, guardian, or custodian during curfew hours, or that the child is participating in, going to, or returning from lawful employment, a school sanctioned activity, or a religious event.
- (d) It is not a defense that the parent, guardian, or custodian who permits a child to violate the curfew hours did not know that the child was in a public place during prohibited hours."

ALL OF WHICH IS DECREED this 13th day of July Sept. , 1994.

David R. Lindlow

Larry K. Dowty

ATTEST: Dianne Hendryx
Clerk-Treasurer



Attachments:

[#94-3, Page 1](#)

[#94-3, Page 2](#)

Ordinance 2002-1

BE IT ORDAINED BY THE MOROCCO TOWN COUNCIL OF MOROCCO, INDIANA. AS FOLLOWS, TO WIT:

SECTION 1: THE MOROCCO TOWN COUNCIL OF MOROCCO, INDIANA, HEREBY CONSENTS THAT LIQUOR RETAILER PERMITS MAY BE ISSUED TO APPLICANTS, OTHERWISE DULY QUALIFIED UNDER AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA CONCERNING ALCOHOLIC BEVERAGES, DULY ADOPTED ON THE 16TH DAY OF APRIL, 2002.

SECTION 2: THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

Larry K. Dowty
LARRY DOWTY

Michael McClatchey
MICHAEL MCCLATCHEY

Donna Blaney
DONNA BLANEY

Rebecca L. Williamson
CERTIFIED BY CLERK-TREASURER

Editor's Note: See [Chapter 110](#) of the Municipal Code.

**ORDINANCE REQUIRING CONTRACT OR REGISTRATION FOR CONTRACTORS
WITHIN THE TOWN OF MOROCCO**

WHEREAS, the Newton County Commissioners adopted their ordinance no. 96-4 which required contractors to register with the county in order to do or perform any work to construct, alter, remodel, remove, repair, or demolish any structure or improvement; and

WHEREAS, the town of Morocco recognizes the need for registration of this type,

IT IS THEREFORE ORDAINED that any contractor who does or performs any work to construct, alter, remodel, remove, repair, or demolish any structure or improvement must register with the county in a matter consistent with 1996-4 of the Newton county code. Any violation of the provisions of this ordinance or the county ordinance 1996-4 shall be subject to a fine not to exceed \$500.00 per occurrence, with an occurrence accruing for each business day of non-compliance.

ALL OF WHICH IS ORDERED this 13th day of May, 1997.

Cheryl S. Kilgore
Cheryl Kilgore

Larry K. Dowty
Larry Dowty

Mike McClatchey

Editor's Note: See [Chapter 110.01](#) of the Municipal Code.

Attachments:

[#1997-4, Newton County Ordinance 96-4, Page 1](#)

Subdivision Ordinance

3-3: Subdivision

3-3-1: Establishment of Control

No plat or replat of a subdivision of land located within the jurisdiction of the Morocco Town Plan Commission shall be filed with the Auditor or recorded by the Recorder until it shall have been approved by the Morocco Town Board, and such approval shall have been entered in writing on the plat by the President attested to by the clerk.

3-3-2: Definitions

For the purposes of this 3-3 certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include future tense. The word "shall" is always mandatory.

- 1) Building, Front Line: The line of the face of the building nearest the front lot line.
- 2) Commission: The Town Plan Commission of Morocco, Indiana
- 3) Commissioner, Building: The Morocco Building Commissioner.
- 4) Lot Line, Front: That boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way.
- 5) Setback: The minimum horizontal distance between the building line and the front lot line.
- 6) Master Plan: A complete plan, or any of its parts, for the development of the Town of Morocco, prepared by the Commission and legally adopted.
- 7) Plat: A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.
- 8) Subdivision: A division of a lot, tract or parcel of land into two (2) or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development, including all changes in street or lot lines. The division of land for agriculture purposes in parcels of twenty (20) or more acres, not involving any new streets or easement of access, shall not be interpreted as a subdivision.

3-3-3: Application Procedure

A developer desiring approval of a plat of a subdivision of any land lying within the jurisdiction of

the Plan Commission, shall submit a written application to the Plan Commission.

Preliminary Plat for Subdivision: The owner of a subdivision shall provide a preliminary plan for the subdivision which shows the manner in which the proposed subdivision is coordinated with the master plan. The plan should show school and recreational sites, shopping centers, community facilities, sanitation, water supply, drainage, and any other developments in the area of the improvements. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivision.

1)

The subdivider shall provide the following:

A. Location Map Showing:

1. Subdivision name and address.
2. Thoroughfares relating to the subdivision.
3. Existing schools, parks, community facilities serving the area proposed for subdivision.
4. Title, scale, north point and date.

B. Preliminary Plat Showing:

1. Subdivision name.
2. Name and address of owner, subdivider and the individual who prepared the plat.
3. Streets and right-of-way, on and adjoining the site of the proposed subdivision, showing the names and including roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, crosswalks, tree-planting and other pertinent data.
4. Easements: Locations, widths and purposes.
5. Location and approximate size and capacity of utilities to be installed.
6. Layout of lots, showing dimensions and numbers.

7. Parcels of land to be reserved for schools, parks, or other community purposes.
8. Contours at vertical intervals of two (2) feet if the general slope of the site is less than 10% and at vertical intervals of five (5) feet if the general slope is greater than 10%.
9. Ground water levels stated in inches below ground surface and given at points of lowest ground elevation. Seasonal variation in ground water levels should be noted.
10. Tract boundary lines showing dimensions, bearings, angles, and reference to section, township and range lines or corners.
11. Building lines.
12. Legend and notes.
13. Other features which would affect the subdivision favorably or unfavorably.
14. Scale, north point and date.

C. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

The application shall be accompanied by a certified check or money order in the amount of twenty-five dollars (\$25) plus two dollars (\$2) for each lot in the proposed subdivision to cover the cost of checking and verifying the proposed plat. Such amount shall be deposited in the General Fund of the Town.

2) Preliminary Plat Approval: After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, and within ninety days from the date of the application for approval of a preliminary plat of a subdivision, or the filing by the applicant of the last item required supporting data, whichever is later, the Plan Commission shall review the preliminary plat and give its acceptance or return the plat to the subdivider with suggestions for changes.

No application will be considered at a meeting unless it has been filed with Plan Commission at least ten (10) days before the date of such a meeting.

After the Plan Commission has given its acceptance, it shall set a date for a hearing, notify the applicant in writing, and cause publication notice to be printed of the date, time, and purpose of the meeting. The cost of the publication of the Notice of Hearing shall be paid by the applicant.

Following the hearing on the preliminary plat, the Plan Commission will notify the applicant in writing that it has approved the preliminary plat or will advise the applicant any further changes in the preliminary plat which are desired or should have consideration before approval will be given.

3) Final Plat: The final plat shall meet the following specifications:

A. The final plat may include all or only a part of the preliminary plat which has received approval.

B. The original drawing of the final plat of the subdivision shall be drawn to a scale of fifty feet (50') to one inch (1") provided that, if the resulting drawing would be over thirty-six inches (36") in the shortest dimension, scale of one- hundred feet (100') to one inch (1") may be used. The resulting drawing shall not exceed twenty four inches (24") by twenty inches (20"). Three black or blue line prints shall be submitted with the original final plat, or in order to conform to modern drafting and reproducing methods, three black lines prints and a reproducible print shall be submitted.

C. The following information shall be shown:

1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in five-thousand feet (1' in 5000').
2. Accurate distances and directions to the nearest established street corners or official monuments.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the boundary.
5. Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.
6. Street names.

7. Complete curve notes for all curves included in the plat.
8. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
9. Lot numbers and dimensions.
10. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
11. Building lines and dimensions.
12. Location, type, material and size of all monuments and lot markers.
13. Plans and specifications for the improvements required in this 3-3.
14. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
15. House numbers.
16. Name of the subdivision.
17. Name and address of the owner and subdivider.
18. North point, scale and date.
19. Certification by a professional engineer or registered land surveyor.
20. Certification of dedication of streets and other public property.
21. Certificates for approval by the Plan Commission

D. Final Plat Approval: When the final plat is submitted to the Plan Commission, it shall be accompanied by a notice stating that there has been filed with and approved one of the following:

A certificate that all improvements and installations for the subdivision required

1. for its approval have been made or installed in accordance with specifications; or:
2. A bond which shall:
 - a. Be in an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with this 3-3.
 - b. Be with surety satisfactory to the Plan Commission, and specify the time for the completion of the improvements and installations.

Upon the completion of the improvements and installations required of the subdivider for the approval of the final plat, and prior to the acceptance thereof for public maintenance by any governmental unit, the subdivider shall provide a three (3) year maintenance bond (consisting of either a commercial bond, certificate of deposit, or a letter of credit from a chartered state or national bank) which shall:

1. run to any governmental unit having a legal responsibility for the maintenance of said improvements and installations;
2. be in an amount equal to twenty percent (20%) of the cost of said improvements and installations;
3. provide surety to the Plan Commission;
4. warrant the workmanship and all material used in construction, installation, and completion of said improvements to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with standard specifications thereto; and,
5. provide that for a period of three (3) years after said installations and improvements have been completed or are accepted for public maintenance by appropriate governmental units, the subdivider shall, at his own expense, make all repairs to said improvements and installations which may become necessary by reason of improper workmanship or materials, however, not to include any damage to said improvements resulting from the forces or circumstances beyond the control of said subdivider or by the inadequacy of the standards, specifications or requirements of the 3-3.

Within a reasonable time after application for approval of the final plat, the Plan

Commission shall approve or disapprove it. If the Plan Commission approves, it shall affix the Plan Commission's seal upon the plat, together with the certifying signature of its president and secretary. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

3-3-4: Design Standards

The following standards shall apply to all subdivision of land within the jurisdiction of the Morocco Town Plan Commission:

- 1) No land shall be subdivided for residential use if such land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and community as a whole. Subdivisions outside the town limits of Morocco but within its two (2) mile zoning fringe will require the approval of Newton County as it retains control of drainage issues in the fringe area.
- 2) All lots shall abut on a street or a place.
- 3) Side lines of lots shall be at right angles to straight streets and on radial lines on curved streets. Pointed or irregular lots should be avoided.
- 4) Widths and areas of lots shall not be less than provided in the Zoning Ordinance for the Town of Morocco for single-family dwellings for the district in which the subdivision is located. Corner residential lots shall be wider than normal to allow for appropriate setbacks from both streets.
- 5) Where alleys are not provided, easements for utilities shall be provided. Easements shall have a minimum width of twelve feet (12'), and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with local public utility companies to assure proper placement for the installation of such services.
- 6) Sewer: For subdivisions located within the town limits, subdividers shall provide the subdivision with a complete sanitary sewer system ready to connect to the town's sanitary sewer outlet. Sewer regulation within the two (2) mile zoning fringe area is controlled by Newton County. Final approval for any plat requires that the county approves of the sanitary sewer service to the property and all drainage issues. Plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health. A copy of the plans shall be filed with the Plan Commission. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:

- A. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum standards of the Indiana State Board of Health.
- B. Plans for a private sewage disposal system on each individual lot consisting of a septic tank and the absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the Indiana State Board of Health.

7) Where the subdivision location is within the borders of the town of Morocco, the subdivider shall provide the subdivision with complete water main supply system, which shall be connected to the existing municipal water supply. For property located outside the town's boundaries but within its two (2) mile territorial fringe area, a water main supply system shall be provided by the subdivider and approved by the Newton County Health Department and the Indiana State Board of Health. A copy of the plans shall be filed with the Plan Commission.

8) The subdivider shall provide the subdivision with an adequate storm water sewer system wherever curb and gutter are installed and whenever evidence available to the Plan Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted. For subdivisions outside of the town boundaries but within the two (2) mile territorial fringe, approval by Newton County will be required before approval will be granted by the Plan Commission.

9) Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, and wherever the proposed subdivision shall average more than three-and-one-half (3 1/2) lots per gross acre included in the subdivision, the Plan Commission shall require curb and gutter be installed on each side of the street surface. The Plan Commission shall also require sidewalks to be installed on at least one side of the street where both sides of the street are to be developed.

10) The subdivider shall provide the subdivision with streets. As a minimum requirement, the streets shall be of an aggregate type, not less than thirty feet (30') in width, properly drained and graded. Streets shall be improved in accordance with procedure required in "Standard Specifications for Road and Bridge Construction and Maintenance - 1969" of the Indiana State Highway Commission. Subdivisions located in the two (2) mile territorial zoning fringe must follow county specifications and be acceptable to the county.

1) Any proposed amendment to this 3-3 shall be submitted to the Plan Commission for report and recommendation prior to any action by the Morocco Town Board of Trustees. If the Plan Commission recommends against the enactment of any proposed amendment, it shall become effective only by a constitutional majority of the Morocco Town Board of Trustees.

2) The several sections and provisions of this 3-3 are deemed severable. Should any section or provision of this 3-3 be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the 3-3 as a whole or any part thereof other than the part so deemed unconstitutional or invalid.

3) The Plan Commission, any designated enforcement officer or any person, firm or corporation jointly or severally aggrieved may bring suit for injunction in the Circuit Court to restrain or enjoin any individual, corporation or governmental unit from violating the provisions of this 3-3.

4) Whenever a violation of this 3-3 occurs, any person may file a complaint in regards thereof. All such complaints must be in writing and shall properly record such complaint and immediately investigate and report thereupon to the complainant.

5) In the event that the town is forced to take legal action to enforce this ordinance, and incurs legal fees in so doing, the town shall be entitled to payment of it's legal fees by the person so failing to follow the ordinance.

Mike McClatchey

Cheryl S. Kilgore

Rebecca L. Williamson

Editor's Note: See [Chapter 151.02](#) of the Municipal Code.

UNSAFE BUILDING ORDINANCE
TOWN OF MOROCCO, INDIANA
ORDINANCE NO. 11.03.09

BE IT ORDAINED by the Town Council for the Town of Morocco, Indiana, that;

WHEREAS it is the intent of the Town of Morocco to adopt by local ordinance the Unsafe Building Statutes as provided for in Indiana Code 36-7-9 and;

WHEREAS compliance with said statutes requires this Board to specify an executive department to be responsible for local administration of this ordinance and;

WHEREAS necessity dictates that it is in the best interests of the Town of Morocco and its citizens to specify the Town Board and its Building Commissioner to serve in this capacity and;

WHEREAS it is further necessary to incorporate into this ordinance by reference the definition of a "substantial property interest" as any right in real property that may be affected in a substantial way by actions authorized by Indiana Code 36-79, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser.

THEREFORE BE IT ORDAINED that the Town of Morocco has hereby adopted and incorporated by this local ordinance Indiana Code 36-7-9 and any and all subsequent amendments and changes, for the purpose of regulating unsafe buildings and properties located within Town jurisdiction, and with the intent of enforcing all laws and requirements therein provided

ANY PRIOR AND CONFLICTING ORDINANCES or portions thereof in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance and are hereby revoked;

THIS ORDINANCE shall take effect upon passage by the Town Council of the Town of Morocco and after proper notice and posting as required by law.

If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.

Introduced and Filed on the 3rd Day of November, 2009

DULY PASSED on this 1 day of Dec. , 2009, by the Town Council of Morocco, Newton County, Indiana, having been passed by a vote of 3 in Favor and 0 Opposed.

ALL OF WHICH IS DULY ORDAINED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF MOROCCO THIS 1 DAY OF Dec. , 2009.

TOWN COUNCIL OF THE TOWN OF MOROCCO

Robert W. Gonczy
Robert Gonczy, President

Duke Gagnon
Duke Gagnon

Richard McCann
Richard McCann

ATTEST: Sherri Rainford
Sherri Rainford,
Town of Morocco Clerk-Treasurer

Editor's Note: See [Chapter 150.03](#) of the Municipal Code.

ORDINANCE AMENDING THE MOROCCO BUILDING PERMIT ORDINANCE

Comes now the Morocco Town Board, and resolves and ordains as follows:

WHEREAS, the Morocco Town Code requires certain inspections of buildings and construction in progress in [Section II](#) of its building code; and,

WHEREAS, the section requiring these inspections does not contain any penalty provision for people who refuse to procure a building permit or follow the inspection process;

IT IS THEREFORE ORDERED that the following language be included in [Section II](#) dealing with Administration and Enforcement of the building code.

"If any person shall violate any of the provisions of this Section II or fail to act within the time prescribed by the Building Commissioner, or shall fail, neglect, or refuse to obey a lawful order given by the Building Commissioner in connection with the provisions of the ordinance, for each such violation, failure, or refusal such person shall be fined in a sum of not less than \$25 or more than \$100. Each day of any unlawful activity shall constitute a separate offense."

[\[Reference\]](#)

ALL OF WHICH IS ORDERED this 10th day of February 2004.

Jeff LaCosse
Jeff LaCosse

Larry Bingham
Larry Bingham

Robert W. Gonczy
Robert Gonczy

Attest:

Donna K. Cady
Donna Cady
Clerk-Treasurer

AMENDMENT TO ORDINANCE 3-2-5; ESTABLISHMENT OF DISTRICTS

Morocco Town Ordinance 3-2-5 establishments of Districts, is hereby amended to read as follows:

For the Purpose of promoting the public health, safety and general welfare of the community as well as to carry out the other purposes on this 3-2, the Town of Morocco is hereby divided into the following districts.

- A-1 Agricultural District
- R-1 Single Family Residential District
- R-2 Two Family and Multi-Family Residential District
- R-3 Rural Home Residential
- C-1 Commercial Business District
- I-1 Industrial District

Said districts are routed and defined as shown on the attached map entitled "Morocco Zoning Map," which with all explanatory matter thereon, and all amendments there to is hereby made a part of this Section 3-2. However, the agricultural District shall consist of the area known as the 2-Mile Fringe for the Town of Morocco as set forth under Newton County Ordinance Number 1995-1, except for those areas specifically designated otherwise, by either the Newton County or Morocco Plan Commissions on or before this date.

SO AMENDED THIS _____ DAY OF OCTOBER, 1997.

MOROCCO TOWN BOARD MEMBERS:

Larry K. Dowty
LARRY DOWTY

Cheryl S. Kilgore
CHERYL KILGORE

MIKE McCLATCHEY

RECOMMENDED AND APPROVED for adoption this ____ day of October, 1997.

MOROCCO PLAN COMMISSION:

David R. Lindlow
DAVID LINDLOW, PRESIDENT

Editor's Note: See [Chapter 151.05](#) of the Municipal Code.

AMENDMENT TO ORDINANCE 3-2
BUILDING AND ZONING

AMENDMENT CREATING ORDINANCE 3-2-7.5

Amendment 3-2-7.5 is hereby created by adding the following language:

the town of Morocco's A-1 Agricultural District shall have all permitted uses regulations, definitions, and requirements, set forth in Newton County Ordinance 94-1; Section 4.10 as said Ordinance exists on this date this Amendment to the Morocco Town Ordinance is executed by the Morocco Town Board.

SO AMENDED THIS _____ DAY OF OCTOBER, 1997.

MOROCCO TOWN BOARD:

Larry K. Dowty
LARRY DOWTY

Cheryl S. Kilgore
CHERYL KILGORE

MIKE McCLATCHEY

RECOMMENDED AND APPROVED for adoption this ____ day of October, 1997.

MOROCCO PLAN COMMISSION:

David R. Lindlow
DAVID LINDLOW, PRESIDENT

Editor's Note: See [Chapter 151.06](#) of the Municipal Code.

Planned Unit Developments

3-2 Development Standards

(A) The following minimum standards shall be followed in applicable districts:

Development Requirement - A requirement for development of real property in a planned unit development district that must be met.

Planned Unit Development District - A zoning district for which a PUD district ordinance must be adopted.

PUD District Ordinance - A zoning ordinance that does the following:

1. Designate a parcel of real property as a planned unit development district.
2. Specifies uses or a range of uses permitted in the planned unit development district.
3. Specifies development requirements in the planned unit development district.
4. Specifies the plan documentation and supporting information that may be required.
5. Specifies any limitation applicable to a planned unit development district.

Section 3 - 2 - PUD - PLANNED UNIT DEVELOPMENT

A planned unit development district is permitted only in a Planned Unit Development District designated by a PUD District Ordinance adopted consistent with the 1500 Series of IC 36-7-4. A Planned Unit Development may be created for residential or business uses.

Whenever a Planned Unit Development District is approved under the provisions of this Section, the new district shall be known as R-1, PUD; R-2, PUD; RMH, PUD; or B, PUD as the use may be and shall be so designated as such on the Zone Map.

Section 3 - 2 - PUD - PLANNED UNIT DEVELOPMENT REGULATIONS

(1) No permit shall be issued for the construction, erection or moving in of any building or structure, nor the use of any land in a Planned Unit Development District until a Planned Unit Development plat has been approved by the Planned Commission.

(2) PUD District: Method of Adoption

(A) Action for adoption of a PUD District Ordinance shall be commenced by submission of a petition to the Plan Commission. The adoption of PUD District Ordinance is a legislative act and shall be acted upon in the same manner as a zone map change. The Plan Commission has adopted, by rule, procedures governing such changes. The petition for a PUD District Ordinance shall include a plot plan of the proposed

development drawn to scale showing:

1. Boundaries of the property, topography, and a proposed grading plan;
2. Width, location and name of surrounding streets;
3. Location, dimensions and uses of all existing buildings and structures on adjacent property within one hundred (100) feet of the boundary line of the subject property;
4. Location, dimensions and ground floor area and the uses of all existing and proposed buildings and structures on the subject property;
5. Proposed landscaping;
6. Parking areas, including the size and number of spaces and the internal circulation pattern;
7. Signs, including location, size and height;
8. Pedestrian, vehicular and service entrances and exits;
9. Location, height and materials of walls and fences; and
10. Other specific uses of the property.

In addition, the following statistical information shall be provided:

1. Acreage or square footage of the property;
2. Height, ground floor area and total floor area of each building;
3. Number of dwelling units in each building; and
4. Lot area coverage expressed as a percentage of the total area of the property.

(B) Upon receipt of a petition for a PUD District Ordinance the Plan Commission shall schedule the petition for its consideration and cause publication notice of the meeting, which expense shall be born by the petitioner. At a legally scheduled meeting, the Plan Commission shall consider the petition and make a favorable or unfavorable recommendation to the town board. When recommending adoption of a PUD District Ordinance, the Plan Commission may:

1. Impose reasonable conditions on a proposed planned unit development.
Condition issuance of an improvement location permit on the furnishing of a bond or satisfactory written assurance guaranteeing the timely completion of a
2. proposed public improvement in a planned unit development or serving a planned unit development.
3. Allow or require the owner to make a written commitment regarding the planned unit development.

(C) The procedure for platting a parcel or real property that is zoned as a Planned Unit

Development District is the procedure described in the town Subdivision Ordinance.

- (D) Revised PUD plats may be submitted and processed in the same manner as the original PUD plat. When approved, such plat shall automatically supersede any previously approved plat.

Mike McClatchey

Cheryl S. Kilgore

Rebecca L. Williamson

Editor's Note: See [Chapter 151.16](#) of the Municipal Code.

**An Ordinance Amending the Town of
Morocco Adult Entertainment Ordinance**

Comes now the Morocco Town Council and amends [part D of Section XIX](#) of the Adult Entertainment Ordinance to read as follows: "1. Sexually-oriented business and tattoo parlors shall only be permitted in an adult entertainment district. The adult entertainment district for purposes of this ordinance is any property from the US Highway 41 between County Road 200 South and County Road 600 South."

All of which is ordered this 10th day of February 2004.

Jeff LaCosse
Jeff LaCosse

Larry Bingham
Larry Bingham

Robert W. Gonczy
Robert Gonczy

Attest:

Donna K. Cady
Donna Cady
Clerk-Treasurer

MOROCCO TOWN BOARD

Comes now the Morocco Town Board, and in contemplation of the relocation of Intec Manufacturing and the Town's proposed extension of services to that area, now resolves as follows:

1. It is hereby resolved that the Town of Morocco will annex certain properties located between Old U.S. 41 and New U.S. 41 on the south side of State Road 114 west of Morocco, to wit: Martha Blaney et al property, DeMotte State Bank, Consolidated Railroad Corporation, R.S.A. Partnership #1, Donald Deardurff Estate property, and property of Roy and Ardis Kindig.
2. The Town will establish territorial zoning and land use authority in a two-mile contiguous ring around the Town of Morocco to facilitate the orderly development of the annexed area in relation to other properties near the Town affected by this development.

All of which is resolved this 9th day of November , 1994.

David R. Lindlow

Michael L. McClatchey

Larry K. Dowty

ATTEST:

Dianne Hendryx
Clerk-Treasurer

Attachments:

[Sketch of Two-Mile Zoning Fringe Around Morocco](#)

[Letter from Atty. Daniel C. Blaney, 2-4-1993](#)

[Letter from Atty. J. Edward Barce, 5-3-1994](#)

[Letter from Atty. Patrick K. Ryan, 7-11-2005](#)

[Newton County Ordinance 1995-1 \(page 1\) Supporting Two-Mile Zoning Fringe](#)

[Newton County Ordinance 1995-1 \(page 3\) Morocco Planning Area \(Map\)](#)

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO THE TOWN OF MOROCCO

Comes now the Morocco Town Board and resolves and ordains as follows:

WHEREAS, the Town is in need of an area devoted to industrial development for the orderly growth of the Town; and

WHEREAS, there are certain properties contiguous to the Town that are currently being developed for industrial development; and

WHEREAS, the Town currently has zoning jurisdiction in these areas; and

WHEREAS, it would benefit both the Town and properties in the area being developed for industrial development to be served by the Town's water system and the proposed sewer system; and

WHEREAS, it is necessary to annex this property in order to carry out these goals;

It is therefore ordained as follows:

1. That the following properties should be and hereby are annexed into the Town of Morocco:

A 27.3 acre tract located at the junction of Polk Street and State Road 114, extending east to the western right-of-way of a railroad siding owned by the U.S. Railroad Vest Corporation, particularly described as follows:

That part of Section 27, Township 29 North, Range 9 West of the Second Principal Meridian that lies west of the right-of-way of the Chicago, and Indiana Coal Railroad Company (now Chicago, Attica and Southern Railroad) and which is bounded and described as follows:
A. Commencing at the Northwest corner of said Section 27 and running south along the road right-of-way to a point, thence south 943.8 feet to a point, thence east 1320 feet to a point, thence north 745.8 feet to the west of the right-of-way of said railroad, thence northwest a distance of 100 feet to a point thence west along said right-of-way for State Road 114, 188 feet to a point, thence southwest 150 feet to the point of beginning, containing 27.3 acres, more or less.

and owned by Margaret Kessler Fassnacht, Steven Vollmar, Susan Vollmar, Michael Vollmar, Elbert Archibald, Mary Fowler, and Martha Blaney.

B. That part of County Road 300 West adjacent to the western edge of the above described tract;

C. The entire portion of the siding owned by United States Railroad Vest Corporation from the north side of State Road 114 thence south to the sidings point of intersection with the Conrail lines;

- D. The triangular property between the eastern edge of the U.S. Railroad Vest Corporation siding and the west edge of the Conrail line south of State Road 114 owned by the Demotte State Bank;
- E. That part of the Conrail line from the northern edge of State Road 114 then south to the intersection of the United States Railroad Vest Corporation siding;
- F. That property owned by the Demotte State Bank east of the Conrail line from State Road 114 south to the U.S. Railroad Vest Corporation siding;
- G. That property owned by Donald Deardurff east of the aforementioned Demotte State Bank parcel and south of State Road 114;
- H. That property due south of the Deardurff property mentioned above owned by Indiana RSA #1 Partnership extending south to the U.S. Railroad Vest Corporation siding;
- I. All of that property owned by Roy and Ardis Kindig from the eastern edge of the Deardurff and Indiana RSA #1 Partnership properties west to U.S. 41;
- J. That parcel belonging to Intec west of U.S. 41 and east of the Kindig property line; and
- K. All portions of State Road 114 and its right- of-way adjacent to any of the above described parcels.

Attached hereto is a diagram outlining the area to be annexed in.

2. The town clerk is directed to publish notice of this ordinance one (1) time within thirty (30) days of the adoption hereof. Sixty (60) days after adoption of this ordinance, if no remonstrance is filed, the town clerk is further directed to file copies with the Newton County Auditor, the Circuit Court Clerk, the County Board of Registration, and the State Board of Tax Commissioners. At the same time, the town clerk is directed to forward sufficient copies of the ordinance for the Newton County Auditor to serve copies to the Newton County Highway Department, the Newton County Surveyor, the Morocco Plan Commission, and the Newton County Plan Commission, along with a letter to the Newton County Auditor requesting that she serve the same.

3. The town attorney is directed to prepare a resolution for adoption by the county approving this annexation, approach the county, and seek the necessary approvals. The attorney is further directed to have a survey of the area to be annexed in made legally describing the annexed property, which survey will become a part of this ordinance.

All of which is ORDERED this 11th day of April , 1995, in Morocco, Indiana.

MOROCCO TOWN
BOARD

By: David R. Lindlow
David R. Lindlow

By: Larry K. Dowty
Larry Dowty

By: Michael McClatchey
Michael McClatchy

ATTEST:

Dianne Hendryx
Dianne Hendryx
Morocco Town Clerk



Attachments:

[#1995-2, Annexation Diagram](#)

ORDINANCE ANNEXING MERCHANT'S MANOR RESTAURANT INTO THE TOWN OF MOROCCO

Come now the Hoard of Trustees of the Town of Morocco who resolve and ordain as follows:

WHEREAS the owners of the Merchant's Manor Restaurant desire that their property be annexed into the town: and

WHEREAS the town wants Merchant's Manor as a water customer; and

WHEREAS it is in the best interests of both that the annexation take place,

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. The Board of Trustees of the Town of Morocco hereby annexes into the town the following described real estate, upon which Merchant's Manor Restaurant is located:

A part of the Southeast quarter of Section 22, Township 29 North, Range 9 West of the Second Principal Meridian, in Newton County, Indiana, more particularly described as follows! Commencing at a point 3886.9 feet East and 35.0 feet North of the Southwest corner of Section 22, and running thence West along the North right-of-way line of State Road 114 a distance of 250.0 feet; thence North parallel to the West right-of-way of U. S. 41, a distance of 395,0 feet; thence East parallel to the North right- of-way of State Road 114 a distance of 363.0 feet: thence South along the West right-of-way of U. S. 41 a distance of 275 feet; thence in a southwesterly direction a distance of 148.4 feet to the point of beginning.

2. In the event the annexation is unopposed, this Ordinance shall take effect sixty (60) days from its date of passage.

Larry K. Dowty

Michael McClatchey

Cheryl S. Kilgore

ATTEST:

Whitney R. Gonczy
Town Clerk



Attachments:

[#1996-1, Notice to Residents](#)

ANNEXATION ORDINANCE NO. 1996- 2

Comes now the Morocco Town Board, having received a petition from Robert B. Smart to annex in certain residential grounds adjacent to the town of Morocco upon which his home is located, which grounds are fully described as follows:

A part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township Twenty-Nine (29) North, Range Nine (9) West of the Second Principal Meridian, described as follows: commencing at a point 20 feet West and 157 feet North of the Southeast Corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 21, a distance of 150 feet; thence North a distance of 290.4 feet; thence East a distance of 150 feet; thence South a distance of 290.4 feet to the point of beginning.

The Board hereby enacts and incorporates said real estate as part of the town of Morocco.

This Ordinance shall be in full force and effect sixty (60) days after being published for two consecutive weeks in the Morocco Courier pursuant to I.C. 5-3-1 et seq, and after the Clerk files certified copies of the annexation ordinance with the Newton County Auditor and records a copy of the annexation ordinance with the Newton County Recorder as provided by I.C. 36-4-3-22.

ALL OF WHICH IS ORDERED this 9th day of April, 1996.

Larry K. Dowty
Larry Dowty

Cheryl S. Kilgore
Cheryl Gahring

Michael McClatchey
Michael McClatchey

ATTEST:

Whitney Gonczy
Whitney Gonczy

Attachments:

ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO THE TOWN OF MOROCCO

Comes now the Morocco Town Board and resolves and ordains as follows:

WHEREAS, there are certain properties contiguous to the town that are currently being developed for industrial development; and

WHEREAS, the town currently has zoning jurisdiction in these areas; and

WHEREAS, it would benefit both the town and these contiguous properties to be served by the town's water system and the proposed sewer system; and

WHEREAS, it is necessary to annex this property in order to carry out these goals;

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. That the following properties should be and hereby are annexed into the Town of Morocco:

A tract of land being part of Section 22, Township 29 North, Range 9 West of the Second Principal Meridian, Newton County, Indiana described as follows: commencing at the Northwest corner of the East 1/2 of the Southwest 1/4 of said Section 22, thence continuing North 01*13'00" West, along the West line of Said East 1/2 of Southwest 1/4, 20.00 feet to the Point of Beginning; thence continuing North 01*13'00" West along said West line 168.00 feet; thence North 89*17'08" East, 252.28 feet to the West right-of-way of abandoned railroad; thence South 01*13'00" East along said West right-of-way line, 168.00 feet the North right-of-way line of Beaver Street; thence North 89*17'08" East along said right-of-way line 250.01 feet, thence South 01*13'00" East 2632.07 feet to the North right-of-way line of Indiana Highway 114; thence South 89*25'00" West along said North right-of-way line, 576.67 feet to the West of right-of-way line of County Road 275 West; thence North 42*56'52" East, along said West right-of-way line, 89*17'08" East. Along said North right-of-way line right-of-way, 14.59 to the Point of Beginning. Containing 32.89 acres,

and owned by Robert Lee and Janice L. Shirer, Demotte State Bank, Newton County Board of Commissioners, Karen Vanderwall, Penn Central Transportation Company Railroad, Chicago, Indiana, and Southern Railway Company and Consolidated Rail Corporation.

2. The Town Clerk is directed to publish notice of this Ordinance one (1) time within thirty (30) days of the adoption hereof. Sixty (60) days after adoption of this Ordinance, if no remonstrance is filed, the Town Clerk is further directed to file copies with the Newton County Auditor, the Circuit Court Clerk, the County Board of Registration, and the State Board of Tax Commissioners. At the same time, the Town Clerk is directed to forward sufficient copies of the Ordinance for the Newton County Auditor to serve copies on the Newton County Highway Department, the Newton County Surveyor, the Morocco Plan Commissioner, and the Plan Commission, along with a letter to the Newton County Auditor requesting that she serve the same. Upon passage of this ordinance, the Clerk is further directed to cause a copy of the signed ordinance to be recorded in the Newton County Recorder's

Office arid then forwarded to the Auditor's Office.

All of which is Ordered this 24 day of February , 1998 in Morocco, Indiana.

Larry K. Dowty
Larry Dowty

ATTEST:

Cheryl S. Kilgore
Cheryl Kilgore

Rebecca Williamson
Rebecca Williamson

Michael McClatchey
Michael McClatchey

Attachments:

[#1998-01, Diagram](#)

[#1998-01, County Authorization, Page 1](#)

[#1998-01, County Authorization, Page 2](#)

An Ordinance Annexing Certain Real Estate into the Town of Morocco

Comes now the Morocco Town Board and resolves and ordains as follows:

WHEREAS, the town is installing a modern sewage system and would like to extend it's services and it's water services to certain properties located on the edge of town; and

WHEREAS, the town currently has zoning jurisdiction in these areas; and

WHEREAS, it would benefit both the town and the properties in the area being developed for industrial development to be served by the town's water and sewer system; and

WHEREAS, it is necessary to annex the property in order to carry out these goals.

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. The following properties should be and hereby are annexed into the Town of Morocco:

BOARD OF TRUSTEES OF THE TOWN OF MOROCCO

A part of the South half of the East half of the Northwest Quarter of Section 21, Township 29 North, Range 9 West, Newton County, Indiana, described as follows:

Beginning at the Southwest corner of said half-half-quarter section; thence North 0 degree 02 minutes 28 seconds West 60.00 feet along the West line of said half-half-quarter section; thence South 89 degrees 38 minutes 48 seconds East 30.00 feet; thence South 0 degrees 02 minutes 28 seconds East 60.00, feet parallel with said West line to the South line of said quarter section; thence North 89 degrees 38 minutes 48 seconds West 30.00, feet along said South line to the point of beginning and containing 0.041 acres, more or less.

WILLIAM G. SMART AND DONNA J. SMART

The South half of the East half of the Northwest quarter of Section 21, Township 29 North, Range 9 West, in Newton County, Indiana containing 40 acres more or less.

STEVE HOWELL AND DENNIS WYNN

Part of the West half of the Northwest quarter of Section 22, Township 29 North, Range 9 West of the Second Principal Meridian, described as, follows:

Commencing at a point 640 feet South of the Northwest corner of the Northwest quarter of said Section 22 and running from thence due East for a distance of 340 feet; thence South for a distance of 192 feet; thence due West for a distance of 340. feet; thence due North. for a distance of 192 feet to the point of beginning.

BRIAN GODDARD-GODDARD ADDITION

Part of the Southeast Quarter of the Southwest Quarter of Section 21, Township 29 North, Range 9 West of the Second Principal Meridian in Beaver Township, Newton County, Indiana, more particularly described as:

Commencing at the Southeast corner of Southeast Quarter of the Southwest Quarter of said Section 21 marked by monument: thence North 00 degrees 34 minutes 51 seconds West, (basis for bearings-the centerline of County Road 350 West was given the bearing of South 00 degrees 34 minutes 51 seconds East from a survey by Shelby C. Cook for Dan Blaney dated February 28, 1994) along the centerline of County Road 350 West and the East line of the Southwest Quarter of said Section 21, a distance of 447.40 feet to at railroad spike at the point of beginning.

Thence North 89 degrees 51 minutes 58 seconds West, parallel with the South line of the Southwest Quarter of said Section 21, a distance of 250.00 feet to an iron pipe; thence North 00 degrees 34 minutes 51 seconds West a distance of 205.47 feet to an iron pipe; thence South 89 degrees 51 minutes 58 seconds East, parallel with the South line of the Southwest Quarter of said Section 21, a distance of 250.00, feet to a railroad spike; thence South 00 degrees 34 minutes 51 seconds East, along the east line of the Southwest Quarter of said Section 21 and along the centerline of County Road 350 West, a distance of 205.47 feet to the point of beginning, containing 1.179 acres including 0.185 acres of roadway.

WILMA and KEITH BRUNTON

A part of the Northeast Quarter of the Northeast Quarter of Section 21, Township 29 North, Range 9 West of the Second Principal Meridian, Newton County, Indiana, described and bounded as follows:

Commencing at the southeast corner of said Northeast Quarter of the Northeast Quarter of said Section 21, running thence North 35 rods, 8 feet and 3 inches; thence West 80 rods; thence South 23 rods, 6 feet and 3 inches; thence East 44 rods; thence South 12 rods and 2 feet; thence East 36 rods to the place of beginning, containing 13 3/4 acres more or less.

Also, all that part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 29 North, Range 9 West of of the Second Principal Meridian, in Newton County, Indiana that lies north and east of the Chicago and Eastern Illinois Railroad Company's right-of-way that now lies over and across the same, being 18 1/2 acres, more or less.

Also, that part of the Southwest Quarter of the Northeast quarter of said Section 21, Township 29 North, Range 9 West of the Second Principal Meridian, Newton County, Indiana that lies north and east of the right-of-way of the Chicago and Eastern Illinois Railroad Company's main track being one acre, more or less; and containing in all approximately 32.75 acres.

MICHAEL E. HALL AND TERRI HALL

A part of the Northeast quarter of the Northeast quarter of Section 21, Township 29 North, Range 9 west, in Beaver Township, Newton County, Indiana, more fully described by:

Commencing at the Northeast corner of the Northeast quarter of the Northeast quarter of said Section 21; thence South on the East line of said Northeast quarter of the Northeast quarter of Section 21, a distance of 1018.32 feet to a P.K.nail at the point of beginning; thence South on said East line of the Northeast quarter of the Northeast quarter a distance of 114.0 feet to a P.K.nail; thence North 88° 47' West, and on the line of an existing fence, a distance of 206.0 feet to a 5/8's inch iron re-rod; thence Norther 01° 45' 34" East on the line of an exiting fence, a distance of 113.98 feet to a 5/8's inch iron re-rod; thence South 88° 47' East, parallel with the South line of the herein described parcel, a distance of 202.50 feet to the point of beginning, containing 0.534 acres, more or less.

RLS FAMILY LIMITED PARTNERSHIP

Part of the West half of the Northwest quarter of Section 22, Township 29 North, Range 9 West of the 2nd Principal Meridian, bounded and described as follows:

Commencing 241 ½, feet North of the Southwest corner of said Northwest quarter section; running thence East 49 rods and 6 ½ feet; thence North 12 rods 12 feet; thence East 30 rods and 10 feet; thence North 132 rods 10 feet 6 inches; thence West 80 rods, thence South 145 rods 6 inches to the place of beginning, containing 71 acres, more or less, excepting from the above the following described property:

Commencing 241 ½ feet North of the Southwest corner of said Northwest quarter of said Section and running thence East 150 feet; thence North 522 feet; thence West 150 feet; thence South 522 feet to the point of beginning; ALSO, excepting the following described premises, to wit:

Commencing at the Northwest corner of the Northwest quarter of said Section 22 and running thence East 340, feet, thence South 1105 .feet; thence West 340. feet; thence North 1105 feet to the point of beginning, which exception contains 8 acres more or less.

Also, except : Part of Section 22, Township 29 North, Range 9 West in Beaver Township, Newton County, Indiana, more fully described as, follows:

Point of beginning: Northwest corner of Section 22, Township 29 North, Range 9 West, Beaver Township. 340 feet East of point of beginning; thence South 1105 feet, thence West 340 feet, thence South 20 feet, thence East 3360 feet, thence North 4 feet, thence East 960 feet, East 360, feet, thence North 4 .feet, thence east 960, feet; thence North 1221, feet, thence West 980 feet to the point of beginning. Said parcel contain s 28.0 acres, more or less.

EVELYN DAVIS TRUST, ROYAL VOELLER and DANIEL C BLANEY, CO-TRUSTEES

A part of the West half of the Northwest quarter of Section 22, Township 29 North, Range 9 West of the second principal meridian, bounded and described as follows:

Commencing at the Northwest corner of the Northwest quarter of said Section 22, and naming thence East for a distance of 340 feet; thence South for a distance of 640 feet; thence West for a distance of 340 feet; and thence North for a distance of 640, feet to the point of beginning, and containing five (5) acres, more or less.

Part of the West half of the Northwest quarter of Section 22, Township 29 North, Range 9 West of the Second Principal Meridian described as follows: Commencing at a point 832 feet South of the Northwest corner of said Section 22 and running thence east a distance of 340 feet; thence due South of a distance of 273 feet; thence due West a distance of 340 feet; thence due North a distance of 273 feet to the point of beginning, Newton County, Indiana

TOWN OF MOROCCO

Part of Section 22, Township 29 North, Range 9 West in Beaver Township, Newton County Indiana, more fully described as follows:

Point of beginning: Northwest corner of Section 22, Township 29 North, Range 9 West, Beaver Township. 340 feet East of the point of beginning; thence South 1105 feet, thence West 340 feet, thence South 20 feet, thence East 36- feet, thence North 4 feet, thence East 960 feet, thence North 1221 feet, thence West 980 feet to the point of beginning. Said parcel contains 28.0 acres, more or less.

TOWN OF MOROCCO

Part of Section 22, Township 29 North, Range 9 West in Beaver Township, Newton County, Indiana, more fully described as follows:

Point of beginning: Northwest corner of Section 22, Township 29 North, Range 9 West, Beaver Township. 1320 feet East of the point of beginning, thence South 918.6 feet, thence East 251 feet, thence North 918.6, feet, thence West 251 feet. Said parcel contains 5.0 acres, more or less.

2. The Town Clerk is directed to publish notice of this Ordinance one time within thirty (30) days of the adoption hereof. Sixty (60) after adoption of this Ordinance, if no remonstrance is filed, the Town Clerk is further directed to file copies with the Newton County Auditor, the Circuit Court Clerk, the County Board of Registration, and the State Board of Tax Commissioners. At the same time, the Town Clerk is directed to forward sufficient copies for the Newton County Auditors to serve copies to the Newton County Highway Commission, the Newton County Surveyor, the Morocco Plan Commission, and the Newton County Plan Commission, along with a letter to the Newton County Auditor requesting that she serve the same.

3. The town attorney is directed to prepare a resolution for adoption by the county approving this annexation, approach the county, and seek the necessary approvals. The attorney is further directed to have a survey of the area to be annexed in made legally describing the annexed property, which survey will become a part of this Ordinance upon it's receipt by the town

ALL OF WHICH IS ORDERED this 29 day of June , 1999, in Morocco, Indiana.

TOWN COUNCIL

Larry K. Dowty
Larry Dowty

Michael McClatchey

Cheryl S. Kilgore
Cheryl Kilgore

ATTEST:

Rebecca Williamson
Rebecca Williamson,
Clerk-Treasurer

Editor's Note: Ordinance No. 1999-3 was found to be *identical* to this ordinance except for the *hand labeled* ordinance number. Since both ordinances were signed by the same individuals - on the same day - the duplicate ordinance is not included.

See Also: [Resolution 1999-2](#), adopting the fiscal plan for this annexation.

AN ORDINANCE APPROVING THE NORTH NEWTON SCHOOL CORPORATION'S PETITION TO VACATE A PUBLIC STREET WITHIN THE TOWN OF MOROCCO, INDIANA. (to be known as the Lincoln Street Vacation)

WHEREAS, there has been filed before the Town Council of Morocco a petition by the North Newton School Corporation Board of Trustees requesting that a public way, described as follows, be vacated for the reason that " the vacation of said street is in the interest of safety to the students, faculty, staff, and visitors to Morocco Elementary School" (Applicant's Petition to Vacate, Paragraph 4); and

WHEREAS, the subject public ways are more fully described and set forth in Applicant's Exhibits A-1 and A-2, as attached; and

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held on the 5th day of May 2009; and

WHEREAS, it is in the best interests of the residents of Morocco that the Applicant's petition to vacate this portion of Lincoln Street should be adopted, and vacation of the section of the public street described in Exhibit A should be approved.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF MOROCCO, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. Property Vacated: The public way described above is hereby, pursuant to IC 36-7-3-12, declared vacated; and

2. Utilities: Any utility easement shall remain for the length and width of the vacated portion of the public way described above.

3.Distribution: A copy of this Ordinance shall be transmitted to the Recorder of Newton County, Indiana by the Office of the Clerk Treasurer of the Town of Morocco, Indiana.

4.Authorization: The staff of the Office of the Clerk Treasurer of the Town of Morocco is hereby authorized to execute all deeds necessary in accomplishment of the vacation.

5.Construction of Clause Headings. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

6.Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.

7.Severability of Provisions. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.

8.Duration and Effective Date. The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-16-4.

Introduced and Filed on the 5th Day of May, 2009

DULY PASSED on this 5th day of May, 2009, by the Town Council of Morocco, Newton County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

Town of Morocco, Indiana, By its Council:

Voting Affirmative:

Voting Opposed:

ORDINANCE NO. 85-1
TOWN OF MOROCCO
AN ORDINANCE
APPROVING A STREET
LIGHTING CONTRACT

Section 1. BE IT ORDAINED by the Board of Trustees of the Town of Morocco, County of Newton, in the State of Indiana, that said Town makes and enters into a contract with Northern Indiana Public Service Company, an Indiana corporation, for lighting the streets of said Town, and that the contract in the form now here Presented to the Board of Trustees is approved, and the President and Board of Trustees are authorized to execute the same in the name of and for and in behalf of said Town, and the Clerk is authorized to attest the same with his signature and affix the corporate seal of said the Town, and when the same is executed either by the President or a majority of the Board of Trustees and attested by the Town Clerk and duly executed by the Northern Indiana Public Service Company, it shall be in full force and effect.

Section 2. This ordinance is passed upon the same day and at the same meeting at which it is introduced and it is passed by the unanimous consent of all the members of the Board of Trustees present and there are present and voting at least two-thirds of the Board of Trustees.

Section 3. The Clerk to identify said contract is hereby directed to spread a copy of said contract on the records following this ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage.

Passed, approved and signed this 25th day of July, 1985.

DONALD J. FALK
President of the
Board of Trustees

ATTEST
DIANNE HENDRYX
Town Clerk

[#85-1, Ordinance as written by NIPSCO, Page 1](#)

[#85-1, Ordinance as written by NIPSCO, Page 2](#)

[#85-1, Letter from NIPSCO, 6-6-1985](#)

[#85-1, Resolution Boilerplate from NIPSCO](#)

[#85-1, Letter from Blaney & Casey, Attorneys, 7-15-1985](#)

[#85-1, Letter from NIPSCO, 6-11-1985](#)

[#85-1, Declaratory Resolution](#)

**RESOLUTION OF THE TOWN COUNCIL OF MOROCCO, INDIANA AUTHORIZING THE
SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA DEPARTMENT OF
COMMERCE AND LOCAL MATCH COMMITMENT**

WHEREAS, the Town Council of the Town of Morocco, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its jurisdiction; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Morocco, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morocco, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the construction of a sanitary sewer system and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. That the Town Council of the Town of Morocco, Indiana, hereby commits the requisite local funds in the amount of \$4,098,000 in the form of loan and grant funds from the United States Department of Agriculture, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

Adopted by the Town Council of the Town of Morocco, Indiana this 24 day of March , 1998, at

Larry K. Dowty
Town Council President

ATTEST: Rebecca L. Williamson
Clerk-Treasurer

RESOLUTION NO. _____

**RESOLUTION OF THE TOWN COUNCIL OF MOROCCO, INDIANA AUTHORIZING THE
SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA DEPARTMENT OF
COMMERCE AND LOCAL MATCH COMMITMENT**

WHEREAS, the Town Council of the Town of Morocco, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its jurisdiction; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet housing and community development needs of low and moderate income, persons; and

WHEREAS, the Town of Morocco, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morocco, Indiana that.

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the construction of a sanitary sewer system and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development
2. That the Town Council of the Town of Morocco, Indiana, hereby commits the requisite local funds in the amount of \$4,098,000 in the form of loan and grant funds from the United States Department of Agriculture, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

Adopted by the Town Council of the Town of Morocco, Indiana this 24 day of March , 1998, at _____.

Larry K. Dowty
Town Council President

ATTEST: Rebecca L. Williamson
Clerk-Treasurer

**RESOLUTION OF THE TOWN OF MOROCCO, INDIANA, AUTHORIZING THE
SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF RURAL
AFFAIRS AND ADDRESSING RELATED MATTERS**

WHEREAS, the Town of Morocco, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Morocco, Indiana has conducted or will conduct public hearings prior to submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town of Morocco, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the renovation of the town's water system, and to execute and administer a resultant grant including requisite general administrative and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Morocco, Indiana hereby commits the requisite local funds in the amount of five hundred forty-seven thousand dollars (\$547,000), in the form of a loan as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town of Morocco, Indiana this 4 day of September , 2007.

SIGNATURE: Larry Bingham
Larry Bingham, Acting Town Council President

ATTEST: Donna Cady
Donna Cady, Clerk-Treasurer

**RESOLUTION OF THE TOWN OF MOROCCO, INDIANA, AUTHORIZING THE
SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF RURAL
AFFAIRS AND ADDRESSING RELATED MATTERS**

WHEREAS, the Town of Morocco, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Morocco, Indiana has conducted or will conduct public hearings prior to submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW THEREFORE, BE IT RESOLVED by the Town of Morocco, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the renovation of the town's water system, and to execute and administer a resultant grant including requisite general administrative and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Morocco, Indiana hereby commits the requisite local funds in the amount of four hundred sixty-seven thousand dollars (\$567,000), in the form of a bond issue, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town of Morocco, Indiana this 4th day of March, 2008.

SIGNATURE: Robert W. Gonczy
Robert Gonczy, Town Council President

ATTEST: Sherri Rainford
Sherri Rainford, Clerk-Treasurer

RESOLUTION 1997-5

RESOLUTION TO CHANGE WITHHOLDING FUND TO PAYROLL FUND

Comes now the Morocco Town Board, and resolves as follows:

It is hereby resolved that the Withholding Fund will now be known as the Payroll Fund. Total Gross Payroll will be deposited into this fund, and all payroll and withholding will be disbursed from this fund.

ALL OF WHICH IS RESOLVED this 13th day of October, 1997.

Cheryl S. Kilgore
Cheryl Kilgore

Larry K. Dowty
Larry Dowty

Mike McClatchey
Mike McClatchey

Attest Becky Williamson
Becky Williamson

Editor's Note: See [Chapter 32.15](#) of the Municipal Code.

AN ORDINANCE CONCERNING THE CONSTRUCTION OF SEWAGE WORKS OF THE TOWN OF MOROCCO, THE ISSUANCE OF REVENUE BONDS AND BOND ANTICIPATION NOTES TO PROVIDE THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS, OTHER MATTERS CONNECTED THEREWITH, AND REPEALING ORDINANCES INCONSISTENT THEREWITH

WHEREAS, the Town of Morocco wishes to establish, construct and finance sewage works pursuant to I.C. 36-9-23, as amended, and other applicable laws (collectively, the "Act"); and

WHEREAS, the Town Council of the Town of Morocco, Indiana, has approved plans and specifications for said works; and

WHEREAS, said works are subject to the Town's obtaining funds to pay for said works, to be financed by the issuance of sewage works revenue bonds; and

WHEREAS, the Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said revenue bonds have been complied with in accordance with the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOROCCO, INDIANA as follows:

Sec. 1. That the Town proceed with the acquisition and construction of sewage works in accordance with the plans and specifications heretofore prepared and filed by Beam, Longest & Neff; the consulting engineers employed by the Town, which plans and specifications are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the Office of the Clerk-Treasurer of the Town, and are open for public inspection pursuant to I.C. 36-1-5-4, and that the cost of construction of said works shall be approximately Four Million Five Hundred Ninety-Eight Thousand Dollars (\$4,598,000), as estimated by the engineers, without further authorization from this Town Council. Said sewage works to be financed as described herein (sometimes referred to herein as the "Project") shall include wastewater treatment facilities and a collection system consisting primarily of an activated sludge mechanical treatment facility with a capacity of approximately 115,000 gallons per day, and a collection system with 8, 10 and 12 inch diameter conventional gravity sewer mains and two lift stations, with the treatment plant discharging into Beaver Creek approximately one-half mile northwest of the Town limits, together with other necessary equipment, structures and appurtenances, and shall be constructed in accordance with the plans and specifications heretofore mentioned, which plans and specifications are hereby approved. Said additions and improvements shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the provisions of the Act relating to the issuance of revenue bonds. An estimate of the fees for the users or property to be

(• • •)

Editor's Note: The remainder of the bond ordinance may be viewed by selecting from the following links:

[Sewage Works Bond, #1997-3, Page 1](#)

[Sewage Works Bond, #1997-3, Page 2](#)

[Sewage Works Bond, #1997-3, Page 3](#)

[Sewage Works Bond, #1997-3, Page 4](#)

[Sewage Works Bond, #1997-3, Page 5](#)

[Sewage Works Bond, #1997-3, Page 6](#)

[Sewage Works Bond, #1997-3, Page 7](#)

[Sewage Works Bond, #1997-3, Page 8](#)

[Sewage Works Bond, #1997-3, Page 9](#)

[Sewage Works Bond, #1997-3, Page 10](#)

[Sewage Works Bond, #1997-3, Page 11](#)

[Sewage Works Bond, #1997-3, Page 12](#)

[Sewage Works Bond, #1997-3, Page 13](#)

[Sewage Works Bond, #1997-3, Page 14](#)

[Sewage Works Bond, #1997-3, Page 15](#)

[Sewage Works Bond, #1997-3, Page 16](#)

[Sewage Works Bond, #1997-3, Page 17](#)

[Sewage Works Bond, #1997-3, Page 18](#)

[Sewage Works Bond, #1997-3, Page 19, Signatures](#)

[Sewage Works Bond, #1997-3, Page 20, Exhibit A](#)

[Attachment: Notice of Intent to Construct and Finance Sewage Works Improvements](#)

**A RESOLUTION OF THE TOWN OF MOROCCO, NEWTON COUNTY, INDIANA,
REGARDING WATER SYSTEM IMPROVEMENTS TO BE FINANCED BY BONDS**

WHEREAS, the Town of Morocco, Indiana has determined that the need exists for improvements to the water system (the "Project") which is utilized by the Town of Morocco (the "Town"); and

WHEREAS, the Town Council now finds that the need exists for the Project and that the Town cannot provide the necessary funds to pay the costs of the Project to meet such needs;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MOROCCO, NEWTON COUNTY, INDIANA THAT:

SECTION 1. The Council hereby determines that the need exists for the Project and that the Project cannot be provided by any funds available to the Town.

SECTION 2. The Officers of the Town, and the legal counsel of the Town are hereby authorized and directed to proceed to take all steps that are necessary or appropriate to issue bonds, up to a maximum amount of \$567,000 to be applied to the construction of the Project.

SECTION 3. The Town Council President and any officer of the Town be, and hereby is, authorized, empowered and directed, on behalf of the Town to take all actions as the Town Council President or such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such actions heretofore made or taken be, and hereby are ratified and approved.

Adopted this 4th day of March, 2008 by the Morocco Town Council.

Robert W. Gonczy

Richard McCann

Duke Gagnon

An Ordinance concerning the construction of additions and improvements to the waterworks of the Town of Morocco, Indiana, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said waterworks, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the Town of Morocco, Indiana (the "Town") has heretofore established, constructed and financed its waterworks, and now owns and operates said waterworks pursuant to Indiana Code 8-1.5, as in effect on the issue date of the bonds authorized herein, and other applicable laws (the "Act")(all references hereinafter to the Indiana Code are designated as "IC" followed by the applicable code section or sections); and

WHEREAS, the Town Council of the Town (the "Town Council") finds that plans, specifications and estimates have been prepared and filed by the McMahon Group, the engineers employed by the Town for the construction of additions and improvements to the waterworks (as more fully set forth in summary fashion in Exhibit A hereto and made a part hereof) (the "Project"), which plans and specifications have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and have been or will be approved by the aforesaid governmental authorities and are incorporated herein by reference and open for inspection at the office of the Clerk-Treasurer of the Town as required by law; and

WHEREAS, the Town will advertise and receive bids for the Project; said bids will be subject to the Town's determination to construct said Project and subject to the Town obtaining funds to pay for said Project; that on the basis of the engineering estimates for the Project, the cost of said Project, including estimated incidental expenses, is in the estimated amount of Five Million Seven Hundred Ninety Thousand Dollars (\$5,790,000); and

WHEREAS, the Town Council finds that it is necessary to authorize the financing of the entire costs of the Project by the issuance of waterworks revenue bonds, in one or more series, in an aggregate principal amount not to exceed Five Million Seven Hundred Ninety Thousand Dollars (\$5,790,000) and, if necessary, bond anticipation notes in an aggregate principal amount not to exceed Five Million Seven Hundred Ninety Thousand Dollars (\$5,790,000) (the "BANs"); and

WHEREAS, the Town has applied for a grant from the United States Department of Agriculture, acting through Rural Development ("RD"), in the amount of up to Four Million Three Hundred Forty-Two Thousand Dollars (\$4,342,000), for application on the costs of the Project; and

(• • •)

Editor's Note: The remainder of the bond ordinance may be viewed by selecting from the following links:

[Waterworks Bond, #06-01-09, Page 1](#)

[Waterworks Bond, #06-01-09, Page 2](#)

[Waterworks Bond, #06-01-09, Page 3](#)

[Waterworks Bond, #06-01-09, Page 4](#)

[Waterworks Bond, #06-01-09, Page 5](#)

[Waterworks Bond, #06-01-09, Page 6](#)

[Waterworks Bond, #06-01-09, Page 7](#)

[Waterworks Bond, #06-01-09, Page 8](#), Signatures

[Waterworks Bond, #06-01-09, Page 9](#)

[Waterworks Bond, #06-01-09, Page 10](#)

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[Waterworks Bond, #06-01-09, Page 17](#)

[Waterworks Bond, #06-01-09, Page 18](#)

[Waterworks Bond, #06-01-09, Page 19](#)

[Waterworks Bond, #06-01-09, Page 20](#)

[Waterworks Bond, #06-01-09, Page 21](#)

[Waterworks Bond, #06-01-09, Page 22](#), Exhibit A

Comes now the Morocco Town Board, and recites and ordains as follows:

WHEREAS, the council desires to restructure rates and charges for fire protection and hydrant rental; and

WHEREAS, the purpose of the change is to convert the hydrant rental to a user-borne cost rather than a budget item; and

WHEREAS, the council now wishes to recover these costs under I.C. 8-1-2-103 which permits that charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes be included in the basic rates of all customers of the utility;

IT IS THEREFORE DECREED that upon completion of a new rate schedule incorporating into the current rates the cost currently spent for hydrant rentals, the town will now collect these monies from its utility customers.

Cheryl S. Kilgore

Michael McClatchey

Larry K. Dowty

ATTEST:

Whitney Gonczy
Whitney Gonczy

**RESOLUTION ADOPTING COMPREHENSIVE PLAN FOR TWO-MILE ZONING FRINGE
OF THE TOWN OF MOROCCO**

Comes now the Morocco Town Board, and having been presented with the preliminary comprehensive plan for two-mile zoning fringe of the Town of Morocco, and finding the same to be acceptable at the present time, IT IS THEREFORE RESOLVED AS FOLLOWS:

Within the two-mile zoning fringe as set forth in the area map, current county zoning designations shall be left in tact with the exception of a group of properties on the south side of State Road 114 between old U.S. 41 and new U.S. 41, consisting of property zoned by Martha Blaney, et al, the DeMotte State Bank, Consolidated Railroad Corporation, RSA Partnership No. 1, Donald Deardurff Estate, and Roy and Ardis Kindig. These properties will be zoned industrial in preparation of the relocation of Intec Manufacturing in the Industrial Park contemplated on the Kindig property.

ALL OF WHICH IS ORDERED THIS 9th DAY OF November , 1994.

David R. Lindlow

Michael L. McClatchey

Larry K. Dowty

Attest:

Dianne Hendryx
Clerk

A Resolution to Adopt a Written Fiscal Plan of Properties Contiguous to the Incorporated Town of Morocco

WHEREAS, pursuant to Indiana Code 36-4-3-13, a written fiscal plan has been prepared by the Town of Morocco for annexation of certain areas around the Town of Morocco, more particularly described in Morocco Town Ordinance 1999-_____ which provides for the annexation of these properties; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for provision of services to the annexed area; and

WHEREAS, such a plan has been developed and presented to the town, now, therefore it is RESOLVED by the Morocco Town Council that:

1. The Morocco Town Board adopts and approves the written fiscal plan attached hereto and made a part hereof as the written fiscal plan of the area to be annexed. The Morocco Town Board further approves and adopts the specific policies for implementation of the plan as set forth therein.
2. Any money necessary for the provision of services as described and itemized in the attached plan shall be budgeted and appropriated from the applicable fund, with the exception of utilities provided by means of bond and grant money, pursuant to state law and the town's budget procedure.
3. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.
4. This Resolution shall be in full force and effect from and after it's passage by the Town of Morocco.

Passed by the Town Council of the Town of Morocco this 29 day of June , 1999.

TOWN COUNCIL

Larry K. Dowty
Larry Dowty

Michael McClatchey

Cheryl S. Kilgore
Cheryl Kilgore

ATTEST:

Rebecca Williamson
Rebecca Williamson,
Clerk-Treasurer

FISCAL PLAN FOR THE ANNEXATION OF CERTAIN PROPERTIES IN THE TOWN OF MOROCCO

1. Cost Estimates of Plan Services. The Town of Morocco is currently installing a new sewer system that will service the entire town, which has relied on septic systems in the past. The sewage service will be provided to all of the properties to be annexed in. The costs of providing this service will be approximately \$60,000.00, which will be financed by the Town of Morocco using bonds and grants. The plan for the organization and extension of services calls for work to begin in 1999 on the installation of the sewage project. Bids have been awarded and the initial bond offering closed.
2. Water Services. The Town does not have any plans at the present to extend water service to any of the annexed properties not presently served with town water. It will be the responsibility of the annexed property owners to connect to the town water system, which is required by Morocco Town Ordinance.
3. Non-Capital Services. Police protection will be afforded by the Town of Morocco to the annexed properties. Fire protection is already furnished by the township to the town and all of the annexed properties. Street and road maintenance will be done by the town, and other non-capital services normally provided within the corporate boundaries will be provided to the annexed territory within one year after the effective date of annexation, and will be provided in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries.

APPROPRIATING \$70,000.00 FOR IMPROVEMENTS TO INFRASTRUCTURE

Comes now the Board of Trustees of Morocco, Indiana, for public hearing and vote on the issue of appropriating \$70,000.00 from the loan obtained from Newton County for purposes of water line expansion and other projects connected to infrastructure to service INTEC. The Board having heard the comments and having voted unanimously to approve this appropriation now orders that these additional funds be appropriated immediately and directs the clerk to issue payment of the same to the vendors involved.

All of which is ordered this 12th day of December, 1995.

Clerk-Treasurer

Attachments:

[#1995-9, Attorney Letter](#)

MOROCCO TOWN RESOLUTION NO. 1997-3

EXPENDITURE OF SUPER NOW ACCOUNT INTEREST FUNDS FOR THE MOROCCO WATER DEPARTMENT

Comes now the Morocco Town Council, and makes the following resolution:

WHEREAS, the Morocco Water Department is in need of funds for the purpose of maintainance and cleaning of the ground level water storage tank; and

WHEREAS, a portion of the funds in the Super Now Account Interest Fund were earned from money deposited by the Water Department, and Super Now Account Funds are available for this purpose; it is therefore decreed as follows:

The Town Council directs that the sum of \$ 6,500.00 be removed from the Super Now Account, and that these funds be transferred to the Operating Water Fund for the purpose of the maintenance and cleaning of the ground level water storage tank. These funds are to be used for the stated purpose only. No additional funds are to be transferred without a separate resolution from the Town Council.

Larry K. Dowty
Larry K. Dowty

Cheryl S. Kilgore
Cheryl S. Kilgore

Michael McClatchey
Michael McClatchey

Attest: Whitney R. Gonczy
Whitney R. Gonczy, Clerk-Treasurer

EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN REAL PROPERTY BY THE TOWN
OF MOROCCO

Comes now them Morocco Town Board, in pursuant to IC 36-1-10.5-5, hereby publishes it's intention to purchase a certain five (5) acre tract of property for use as the location of the new sewer plant. The property is described as follows:

A part of the North Half of the Southwest Quarter of Section 16, Township 29 North, Range 9 West, Newton County, Indiana, described as follows: Beginning at the intersection of the center line of Beaver Creek and the south line of said half-quarter section; then North 1 degree 22 minutes 25 seconds West 38.38 feet along the center line of said Beaver Creek; thence North 6 degrees 21 minutes 39 seconds West 141.30 feet along said center line; thence North 4 degrees 09 minutes 12 seconds West 153.88 feet along said center line; thence North 2 degrees 19 minutes 32 seconds West 56.81 feet along said center line; thence North 5 degrees 07 minutes 47 seconds West 111.48 feet along said center line; thence South 89 degrees 53 minutes 19 seconds East 492.37 feet parallel with the south line of said half-quarter section; thence South 00 degrees 16 minutes 21 seconds West 500.00 feet parallel with the west line of said section to the south line of said half-quarter section; thence North 89 degrees 53 minutes 19 seconds West 450.00 feet along said south line to the point of beginning and containing 5.412 acres, more or less.

Attest:

Becky Williams

Morocco Town Board

Larry K. Dowty

Cheryl S. Kilgore

RESOLUTION NO. 1999-1

AUTHORIZING PURCHASE OF SNOW REMOVAL EQUIPMENT

Comes now the Morocco Town Board, and in contemplation of the emergency purchase of a new tractor for the Town of Morocco, now resolves as follows:

WHEREAS, an emergency condition as contemplated by Indiana Code 5-22-10-4 has arisen in the Town of Morocco in that the Town's current snow removal equipment has become inoperable and must be replaced immediately; and,

WHEREAS, the Town of Morocco's current inability to remove snow poses a threat to public health, welfare, or safety; and,

WHEREAS, the purchase of a Case I-H MX 80-C tractor and L-500 loader from Burn's Implement is a unique opportunity to obtain equipment at a substantial savings to the Town, as set forth in Indiana Code 5-22-10-5; and,

WHEREAS, the ordinary manner of purchasing equipment, if followed, will impair the functioning of the Town;

THEREFORE, it is resolved that the Town's purchasing agent is hereby authorized to purchase the Case 1-H MX 80-C tractor and L-500 loader from Burn's Implement forthwith so the same can be immediately outfitted with snow removal equipment and used as needed.

ALL OF WHICH IS RESOLVED this 9TH day of February, 1999.

Larry K. Dowty
Larry Dowty

Michael McClatchey

Cheryl S. Kilgore
Cheryl Kilgore
Morocco Town
Board

Attest: Becky Williamson
Becky Williamson,
Clerk Treasurer

A RESOLUTION OF THE TOWN COUNCIL OF MOROCCO REAFFIRMING SUPPORT OF THE DEVELOPMENT OF A NEW INTERCHANGE AT INTERSTATE 65 AND STATE ROAD 14.

WHEREAS, the Town Council of Morocco is concerned with the welfare and well being of the residents of Town and outlying Newton County; and,

WHEREAS, Interstate 65 runs parallel to Newton County approximately 35 miles through Jasper County and provides access to outlying regional areas which are viable for the continued economic development of the County; and

WHEREAS, the Indiana Department of Transportation (INDOT) has entered into contract with the consulting engineers of Parsons Brinckerhoff Quade and Douglas to study ten new additional interchanges on the interstate system throughout Indiana, and a potential interchange at I-65 and SR 14 is included in the list of ten interchanges; and,

WHEREAS, a proposed interchange at I-65 has been included in the Comprehensive Development Plans of Newton County, as well as regional plans and strategies of the Kankakee-Iroquois Regional Planning Commission of which Town of Morocco and Newton County are participating members; and,

WHEREAS, an interchange at I-65 and SR14 would enhance economic development in the Town of Morocco and underdeveloped portions of Newton, Jasper and Pulaski Counties; and,

WHEREAS, the developing mega-dairy industry totaling 15,000 acres, \$66 million in investment and nearly 500 jobs, has expansion plans which include a \$3 million visitor center anticipated to attract approximately 100,000 tourists per year with associated passenger vehicle traffic is contingent on the construction of an interchange at SR 14 and I-65; and,

WHEREAS, traffic volumes serving the dairy industry are presently at seven hundred fifty 80,000 pound trucks and passenger vehicles daily and anticipated to double to 1,500 trips per day upon the completion of expansion plans with adverse travel at least twelve miles one-way on narrow local roads creating safety hazards for local farm equipment, residents, and school buses in the vicinity of the dairy industry; and,

WHEREAS, Newton and Jasper Counties have each spent over \$1 million each to maintain county roads which were not designed for major truck traffic which could enter and exit I-65 within three miles of its destination from SR 14; and,

WHEREAS, nearest interchanges on I-65 are approximately 5.5 miles south at SR 114, and 9 miles north at SR 10, causing additional truck traffic congestion in the proximity of those interchanges; and,

WHEREAS, the Town Council of Morocco adopted a prior resolution in 1984 and 1987, in support of construction of an additional interchange on I-65 for greater access to Newton County; and,

WHEREAS, necessary supporting documentation related to planning for an interchange was forwarded to INDOT; and,

WHEREAS, INDOT has included the proposed interchange in their planning process and subsequently included it in a consultant study of proposed new access points to be evaluated by Parsons Brinckerhoff Quade and Douglas; and,

WHEREAS, there continues to be a priority need for a new access point to I-65 at SR 14 which would benefit the welfare of all residents of the regional area;

NOW, THEREFORE BE IT RESOLVED, that the Morocco Town Council hereby reaffirms the need for and supports the construction of an interchange and contributory access road near the intersection of I-65 and SR 14.

UNANIMOUSLY ADOPTED THIS _____ DAY OF March , 2001.

BY: Larry K. Dowty
Larry K. Dowty,
President

ATTEST: Rebecca Williamson
Rebecca Williamson, Clerk-Treasurer

MOROCCO TOWN BOARD RESOLUTION 2002-2

Comes now the Morocco Town Board, and resolves as follows:

WHEREAS, the Town of Morocco is a joint owner of the common wall on a one-story commercial building in downtown Morocco; and

WHEREAS, Morocco has no other interests in the one-story commercial building, the other side of the common wall being the parking lot where a building was removed; and

WHEREAS, the Town of Morocco does not want the liability of maintaining the wall or any of the responsibility that accompany ownership of the wall;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Town of Morocco will Quit Claim its interest in the common wall to J&B Development, Inc., who own the building the wall is a part of.

ALL OF WHICH IS RESOLVED the 16th day of April, 2002.

Larry K. Dowty
Larry Dowty

Donna Blaney
Donna Blaney

Mike McClatchey
Mike McClatchey

Rebecca L. Williamson
Rebecca Williamson
Clerk/Treasurer

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

[1996-6, Page 1](#)

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

[1992-2A, Page 1](#)

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 11.03.09](#), adopted 12/1/2009.

Editor's Note: Photographs of the pages of this ordinance:

[08.04.09, Page 1](#)

[08.04.09, Page 2](#)