

ORDINANCE NUMBER 2017 - 08

AN ORDINANCE DESIGNATING AN ORDINANCE VIOLATIONS CLERK, ESTABLISHING A SCHEDULE OF VIOLATIONS AND CIVIL PENALTIES, AND CREATING A PROCEDURE FOR ADMISSION AND PAYMENT FOR ORDINANCE VIOLATIONS, AND PRETRIAL DIVERSION

Whereas; The Town Council is aware of the need for a fair and expeditious means for the resolution of certain ordinance violations, and

Whereas; Indiana Code 33-36-2-1 et sec. provides a procedures for the admission and payment of ordinance violations through a town violation clerk and the procedure for the resolution of disputed violations through the Circuit Court, and

Whereas; the Town Council believes that there is a sufficient volume of ordinance violations to justify such a procedure.

It is therefore **ORDAINED** as follows:

1. That the office of the Clerk-Treasurer is hereby designated the VIOLATIONS CLERK and shall accept payment of civil penalties as set out herein from violators who elect to admit violations of the ordinances listed herein. Said VIOLATIONS CLERK shall receipt and account for said payments according to procedures provided by the State Board of Accounts.
2. The following ordinance violations may be admitted and paid to the VIOLATIONS CLERK:

Nashville Town Code 93.091	Litter in Public Places
Nashville Town Code 93.096	Litter in Private Places
Nashville Town Code 93.094	Litter thrown from Vehicles
Nashville Town Code 93.095	Truckloads causing Litter
Nashville Town Code 93.001	Obstructing or Driving on Sidewalk
Nashville Town Code 93.002	Skateboards or Rollerblades on Street or Sidewalk
Nashville Town Code 131.06	Discharge of Firearms or Springguns
Nashville Town Code 131.20	Curfew
Nashville Town Code 90.01	Dog License
Nashville Town Code 90.05	Confinement of an Animal
Nashville Town Code 90.06	Animal Causing Disturbance
Nashville Town Code 90.07	Animal Nuisances
Nashville Town Code 90.10	Baiting of Animals
3. The Civil Penalty for violation of the listed Ordinance Violations shall be One Hundred Forty Three Dollars (\$143)
4. The following moving violations shall be filed in the Brown Circuit Court by the Town Attorney:


Nashville Town Code Chapter 72, Schedule II, Exceeding designated speed limits,
Nashville Town Code Chapter 72, Schedule III, Failure to stop at marked intersections.

The Civil Penalty for said moving violations shall be One Hundred Seventy-five Dollars (\$175) plus costs as assessed by the Clerk of the Brown Circuit Court.


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5. **RIGHT TO TRIAL:** If the person charged with the violation chooses to exercise the right to trial, said person shall appear before the violations clerk and deny the violation or enter a written denial by mailing same to the violations clerk. The Town Attorney may then proceed to file an ordinance violation action in the Brown Circuit Court.
6. Civil penalties collected pursuant to this ordinance shall be paid to the Town of Nashville, Indiana.
7. **PRETRIAL DIVERSION:** Any offender who is without a prior town violation within a 12 month period may apply for Pre-trial Diversion. Offenders eligible for diversion shall pay a diversion fee of \$80 to the violation clerk within thirty days of the date of the ticketed offense and enter into a pretrial agreement not to commit another violation of a Town ordinance for a period of 6 months. If the offender complies with the agreement the ticket will be dismissed. If the offender fails to comply with the agreement, the ticket will be prosecuted pursuant to the terms of paragraphs 3, 4, and 5 of this ordinance.
8. **EFFECTIVE DATE:** This ordinance shall become effective upon passage.

PASSED AND ADOPTED by the Nashville Town Council this 24th day of August, 2017.


Council Member Charles B. King


☒ yea ☐ nay ☐ abstain


Council Member Jane Gore

☒ yea ☐ nay ☐ abstain


Council Member Alisha Jacoba

☒ yea ☐ nay ☐ abstain

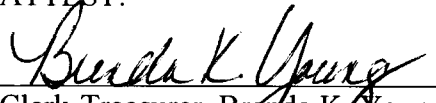

Council Member Arthur Omberg

yea ☒ nay ☐ abstain

Council Member Dave Rudd

yea ☐ nay ☐ abstain

ATTEST:


Clerk-Treasurer, Brenda K. Young