

CHAPTER 22

ORDINANCE VIOLATIONS BUREAU

Article 1. Establishment And Designation Of Violations Clerk.

Sec. 22-101. The Health and Hospital Corporation of Marion County, Indiana hereby establishes an ordinance violations bureau under Indiana Code 33-6-3 *et seq.*
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22-102. The Treasurer of the Corporation is designated as the violations clerk to act as the administrator of the bureau.
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22-103. The violations clerk or his designee may accept written appearances, waivers of trial, admissions of violations and payment of civil penalties of not more than fifty dollars in designated ordinance violation cases. The violations clerk shall account for and pay to the Corporation all sums collected as civil penalties for ordinance violations.
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 2. Right To Trial And Waiver.

Sec. 22-201. Persons charged with an ordinance violation of The Code are entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk or his designee.
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22-202. If a person charged with an ordinance violation wants to exercise the right to a trial, the person shall appear before the violations clerk, or his designee and deny the violation or enter a written denial with the clerk. The person's notice to stand trial shall be given by the date indicated on the citation which date shall not be less than seven days after the issuance of the citation. Upon receipt of the person's intent to stand trial, the official having the responsibility to prosecute ordinance violations cases for The Corporation shall be informed. Lawsuits shall be commenced as described in Chapter 21.
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22-203. If a person charged with an ordinance violation elects to admit the violation and waive his right to trial, the clerk or his designee shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established by this Article. If a person who receives a citation fails to pay the assessed fine by the date set forth in the citation or fails to give notice of his intention to stand trial, a civil lawsuit shall be commenced pursuant to the provisions of Chapter 21.
[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 3. Civil Penalties; Schedule Of Ordinance Provisions.

Sec. 22-301. Payment of civil penalties may be made by cash, certified or cashier's check, or money order only, made payable to "The Health and Hospital Corporation of Marion County". Payment of civil penalties may be made in person or by mail.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22-302. Schedule of ordinance violations subject to admission before the violations clerk and the amount of civil penalty to be assessed a violator who elects to admit a violation under this Article:

- (a) Chapter 8; Article 5 Failure to meet the sanitary and operational requirements of a food establishment operation.
- (b) Chapter 10; Article 3; Failure to comply with sanitation and other minimum standards at residential properties.
- (c) Chapter 19; Article 3; Failure to properly maintain non-residential property to prevent a public health threat.

The monetary penalty for violation of any of the above-listed sections shall be fifty dollars

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 4. Citations.

Sec. 22- 401. A citation may be issued to the person responsible for an ordinance violation listed in Article 3.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22- 402. The citation shall contain:

- (a) Date of violation,
- (b) Name of responsible person,
- (c) Address of violation,
- (d) Section number and name of ordinance in violation,
- (e) Nature of violation,
- (f) Amount of fine assessed,
- (g) Manner and location to enter an admission and to pay fine and date fine is due, not less than seven days following issuance of the citation,
- (h) Notice that each day the violation continues to exist is a new violation,
- (i) Statement to violator of right to elect trial, and
- (j) Name, business address, and phone number of person issuing citation.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22- 403. Court proceedings against the person for an alleged ordinance violation will be initiated by the Corporation if the person denies or fails to deny the violation or if the person fails to satisfy the civil penalty imposed by the violations clerk after having entered an admission of violation. Court proceedings may be filed in any Court in Marion County with jurisdiction. The matter shall be scheduled for trial, and a summons and an Order to Appear shall be served upon the Defendant.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22- 404. The Corporation may, in addition, seek equitable relief in any court of competent jurisdiction.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22- 405. In proceedings before a court for ordinance violations, The Corporation shall have the burden of proving the ordinance violation by a preponderance of the evidence.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 22- 406. A person adjudged to have violated The Code shall be liable for court costs and fees. No costs shall be assessed against The Corporation for having brought the action.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]