

**MUNICIPAL CODE  
OF THE  
TOWN OF ALAMO  
INDIANA**

**TAX ID NUMBER 35-1742277**

**ALAMO TOWN COUNCIL**

**STEVE LEJEUNE  
President  
(765) 866-8136**

**Chris Hayes  
Member**

**Dale Spore  
Member**

**Clerk-Treasurer**

**Monica Lewis**

**Counsel**

**Cy Gerde  
HANNA & GERDE  
(765) 742-5005  
Fax: (765) 742-6490**

**Revised and Compiled by  
Cy Gerde, Town Attorney and Pamela Wright**

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## **CHAPTER I - NAME, DEFINITIONS, RULES AND PENALTIES**

### **1.1 TITLE**

**This code of ordinances constitutes the TOWN CODE OF ALAMO, INDIANA.**

**A. AMENDMENTS Any additions or amendments to this code are incorporated in this code so that a reference to “Town Code of Alamo, Indiana”, includes them.**

**B. ADDITIONS The decimal system shall be used for all additions or amendments to this code. When a new section is to be added, the new section shall be given a decimal character.**

### **1.2 DEFINITIONS**

**Terms used in this code, unless otherwise specifically defined, have the meaning prescribed by the statutes of the State of Indiana for the same terms.**

**Council -The common council of Alamo.**

**Person - The singular includes the plural. The masculine gender includes the feminine and neuter genders.**

**Ordinances - The ordinances of the Town of Alamo and all amendments thereto.**

**This Code - The Town Code of the Town of Alamo.**

### **1.3 CONTINUATION**

**All ordinances heretofore adopted, by the council of the Town of Alamo, of a general nature and relating to the subject matter herein contained so far as they are the same in substance as those of existing ordinances, are deemed to be continuations of such ordinances and are not new enactments.**

### **1.4 PENALTIES**

**A. Whoever violates any provision of this Code, for which no penalty is otherwise provided, shall be fined not more than \$1,000.00.**

**B. Any person adjudged guilty of violating any provision of this code may also be adjudged to pay the cost of prosecution.**

**C. Any person adjudged guilty of violating this code, who fails to pay the fine and costs, shall**

be imprisoned until such fine and costs are fully paid.

D. Each day a violation occurs, or continues, constitutes a separate and distinct offense.

### 1.5 EMERGENCY-EFFECTIVE DATE

It is hereby declared that there is an emergency, and that upon passage of this ordinance each of its provisions should be included in a complete re-codification of the Code of Ordinances, and all provisions of the Town of Alamo and all provisions of all titles of said Code should be effective upon its passage and approval. But that said re-codification should not alter or reduce any right of enforcement under the old Code or under the new Code by said passage and approval.

PASSED, APPROVED, AND ADOPTED by the Town Council of the Town of Alamo in Montgomery County this 15<sup>th</sup> day of November, 1995.

\_\_\_\_\_  
President  
Town Council of the Town of Alamo

ATTEST:

Clerk-Treasurer  
Town of Alamo, Indiana

## CHAPTER II - ANIMAL RESTRAINT

### 2.1 RESTRAINT

A. It shall be unlawful for any owner of any dog, or animal to allow the dog, or other animal to run at large within the Town at any time.

B. All owners shall confine, within a building or secure in an enclosure, every vicious dog, or any dog, cat, or other animal when in heat or rutting; and it shall be unlawful for any owner to remove their dog, cat, or other animal from a building or enclosure at any time so as to permit contact with another animal except for planned breeding purposes.

C. Every vicious animal shall be confined, by the owner, within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

D. It shall be unlawful for any person to keep or harbor, within the Town, any animal that creates a nuisance or which by loud and frequent or habitual barking, howling, or yelping

causes annoyance or disturbance to the neighborhood.

**E. It shall be unlawful for any person to keep or harbor, within the Town, more than two dogs and three cats beyond the age of weaning unless a kennel permit is acquired and is current.**

## **2.2 IMPOUNDMENT AND VIOLATION NOTICE**

**A. The Council may arrange for and maintain an animal pound or shelter. The Council is authorized to enter into contracts for fulfillment of its duties hereunder and to make payments thereunder in amounts not to exceed monies appropriated for such purposes.**

**B. Unless otherwise provided herein, it shall be the duty of the Town Marshal or other designee to apprehend and impound any dog, or any other animal doing any of the following acts:**

**1. Running at large**

**2. Abandoned**

**3. Not confined**

**4. Frequent, habitual barking**

**5. Not registered, licensed, and tagged**

**6. On a verified written complaint to the Council of the Town by any person concerned charging that any dog, cat, or other animal, is rabid or is suspected of so becoming or has bitten any human being; and on order of the Council, after notice by the Council to the owner, keeper, or harbor thereof as circumstances will permit, said dog, cat, or other animal shall be impounded. Any animal so impounded shall be retained for a period of 10 days.**

**7. On a verified written complaint made to any Town official of a violation of this Chapter, in the discretion of any person authorized to give official warnings, an official warning may be given the owner of the dog, cat, or other animal, in lieu of any other provision of this chapter; except, that not more than two official warnings shall be given to any one owner concerning the same animal in any three month period.**

**C. In lieu of impounding an animal found at large, the Town Marshal or Town Official may issue to the known owner of the animal a notice of Chapter violation. This will be filed in the Clerk's office, where it will be held for 21 days, during which time a \$25.00 fine can be paid. If payment is not made during this time a lawsuit may be filed with the Court.**

**D. Not later than three days after the impounding of any dog, or other animal, the caretaker of the**

pound shall notify the owner, by 1<sup>st</sup> class U. S. mail or by telephone, of the impoundment and the reason therefore. In the event that the owner is unknown, no notice of any kind need be given.

E. Except, if the impoundment is by reason of 2.2 B. 6., in which event the days set forth therein shall control the owner of any impounded dog, cat, or other animal on fulfillment of the following obligations:

1. If the dog, cat, or other animal has been picked up or captured by a Town employee, police person, or other authorized agent of the Town, the owner shall pay a redemption fee of \$25.00, except for the case in which the impounded animal is a female, in heat that has not been restrained, in accordance with 2.1 B., in which case the owner shall pay a redemption fee of \$50.00.

2. In addition to the payment required in 2.2 E. 1. above, the humane association may charge a boarding fee not greater than the prevailing fees charged by the local veterinarians for each day, or part thereof, that the animal shall be impounded and an impoundment fee to help defray costs of handling and record keeping.

3. Notwithstanding any other provision of this chapter, no animal impounded shall be released if the animal has not been registered, licensed, and tagged, as provided in this chapter, until those requirements have been satisfied. In addition, if the impounded animal is not required to be licensed before the dog or cat shall be released, the owner shall have a veterinarian inoculate the animal against rabies and certify such to the Council.

F. All dogs, or other animals, impounded under this chapter, and not redeemed within three days after giving notice to the owner, as required in 2.2 C. above, or within five days of impoundment when the owner is unknown, or within 24 hours after the expiration of the time provided under 2.2 B. 6. above, or are not registered, licensed, or tagged, as required in this chapter, or any dog, cat, or other animal which appears to be suffering from rabies, mange, or other infectious or contagious disease shall be released to the Town animal rescue league to be disposed of by the society in a humane manner. Any animal destroyed by the animal rescue league, that is believed to be suffering from rabies, mange, or other infectious disease, shall be forthwith reported by the animal rescue league to the Council.

G. When the Town Marshal or a Town Official finds any dog or other animals running in packs, vicious or in such condition as to be too dangerous to attempt to capture the animal, then the Town Marshal is authorized to dispose of the animal, where it may be found, by shooting it.

H. When the Health Department receives a written complaint, and finds it valid, that animal excreta has accumulated to nuisance level, the Health Department shall issue a written order to be complied with within seven days from the postmark of the letter, or the Health Officer shall order the animal impounded.

### **2.3 ENFORCEMENT**

A. The Council shall have the authority to appoint a person to perform the duties of an Animal Warden. That person shall serve at the pleasure of the Council.

B. The Animal Warden shall cause to be kept a record of all dogs or other animals impounded in the

pound or animal shelter, which record shall show the date of impoundment, the reason therefore, person bringing the animal to the pound, and the kind, sex, color, and breed of the animal impounded.

C. It shall be the duty of the Animal Warden, during the months of April, May, or June to examine all available public records to ascertain the names of all persons living in the Town who own a dog, to compare the records with those persons having dogs licenced, and to send an official warning to those persons known to have an unlicenced dog of their violation of this chapter. The findings of the Animal Warden shall be the identified complaint.

D. It shall be a violation of this chapter to interfere with a Humane Officer, Animal Warden, or police officer in the performance of his duties.

### CHAPTER III - NUISANCES

#### GENERAL PROVISIONS

- 3.1 Conditions constituting public nuisance
- 3.2 Authority of Town to make inspections
- 3.3 Violations; notice to abate
- 3.4 Citation for failure to abate nuisance
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- 3.11 General Terms
- 3.12 Other

**BE IT ORDAINED BY THE TOWN OF ALAMO, INDIANA**

#### **3.1 CONDITIONS CONSTITUTING PUBLIC NUISANCE**

A. In addition to what is declared in this chapter to be public nuisance, those offenses which are known to the common law and the statutes of Indiana as a public nuisance may, when found to exist within the Town of Alamo limits, be treated as such and be proceeded against as provided in this chapter and code, or in accordance with any provision of law. When the word "nuisance" is used in this chapter it refers to a public nuisance.

B. No owner, occupant, tenant, or any other person having substantial interest in any real or personal property, within the Town of Alamo, Indiana, or agent thereof, shall permit or allow to remain on or within, materials, trash, garbage, debris, or any other matter which is detrimental to the public health, comfort, safety, or the aesthetic well-being of the community.

C. The following conditions shall be considered to constitute public nuisances for the purpose of this

chapter:

1. Litter
2. Grass and weeds, over eight inches high, but not including small trees and bushes
3. Fallen trees, stumps, dead trees, and cut brush
4. Boxes, appliances, furniture, household items, and tires
5. Demolition remains
6. Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced property within the city, including open foundations.
7. Accumulated garbage and trash.
8. Structure defaced with paint or wording.
9. Any portion of real, property which emits an unwholesome odor.
10. Any waste water, filth, offal, garbage, rubbish, animal waste, or human excrement which is deposited, allowed, or caused to be upon any public or private property.
11. Any water or other substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage.
12. Any dead domestic or wild animal.
13. The erection of a dam or any other obstruction by a private party, which prevents the natural flow of water and causes it to collect or pool upon any public property
14. Any real or personal property which is infected with contagious disease and likely to cause an immediate health hazard
15. The placing or accumulation, within any real or personal property or the permitting of same, of any matter which attracts, or may attract, rodents, insects, domestic animals, or wild animals in such a manner as to create a health hazard or unsanitary, unsightly, or dangerous condition.
16. Any real or personal property used as a place of residence or habitation for sleeping that is maintained in such a way as to be dangerous or detrimental to life or health due to the lack of or defects in water, drainage, heating, plumbing, or ventilation
17. Any dilapidated or condemned building, structure, or dwelling that is so out of repair that it constitutes a fire hazard, liable to catch on fire or communicate fire to surrounding properties.
18. Any noxious odors, smoke, dust, or noise that emit from premises into the surrounding atmosphere which create an uncomfortable condition to surrounding properties
19. The storage of explosive, combustive, or other inflammable material which creates a safety or health risk.
20. Any trees, shrubbery, weeds, snow, fences, or other material which obstruct public ways or cause a visual barrier for vehicular traffic.
21. Any junk or unlicensed automobiles, broken concrete, scrap metal, or automobile parts including, but not limited to, iron, steel, tin, zinc, copper, aluminum, or alloy
22. Any broken scattered remains of anything, such as tree limbs, bottles, appliances, building material and paper that would create an unkept condition
23. Any rags or cloth products of any nature whether apparel, bed clothing, towels or other in a dilapidated state or otherwise discontinued from use
24. Scrap lumber, anything of wood nature that could not be construed as suitable for building in the commonly accepted manner
25. Scrap metal, pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy, any pieces or parts of metal covered with porcelain, paint, or other material shall be considered scrap
26. Scrap paper of any kind whether loose, baled, or bundled and includes, but is not limited to, boxes, whether assembled or knocked down, newspapers in whole or in part, wrapping paper, loose or in a roll, whether it be brown, waxed, white or any color; plastics such as vis-queen, saran wrap and such

### **3.2 AUTHORITY OF TOWN TO MAKE INSPECTIONS**

**It is made the duty of all officers and employees of the Town to report the existence of nuisances to the Town Council members or the Clerk-Treasurer or the Law Enforcement Officers of said Town. For this purpose, said persons shall be permitted to visit, enter into or upon any building, lot, grounds, or premises, within the limits of the Town, to ascertain and discover any nuisance and to make examination there**

### **3.3 VIOLATIONS - NOTICE TO ABATE**

**A. When a public nuisance is found to exist, the Alamo Town Council members, or the Clerk-Treasurer, shall send written notification to the record property owner or persons known to have a substantial interest in the property to abate the conditions which are deemed to be a public nuisance under this ordinance.**

**B. Notification to abate shall be issued by regular mail to the last known address of the record property owner, as shown on the tax duplicate on file with the County Auditor, and to all persons known to have substantial interest in the property. Notification shall allow for a period of five (5) days from the receipt of the notification to abate.**

### **3.4 CITATION FOR FAILURE TO ABATE NUISANCE**

**When the Town Council Members, after the expiration of said Five (5) day notice, determine that the record property owner, or persons with substantial interest in the property, have failed to abate, the Town Council Members may cause to be issued a citation against the record property owner or persons known to have substantial interest in the property. The citation shall impose the penalty provided. Each subsequent day of violation shall be considered a separate violation for which a citation may be issued.**

### **3.5 ABATEMENT BY TOWN**

**Upon failure, neglect, or refusal of any party to comply with the notice to abate given hereunder or whenever a nuisance exists, which creates a safety or health hazard requiring immediate abatement in order to protect public safety or health, and after all persons known to have a substantial interest in the property where the nuisance exists have been given a reasonable opportunity to bring the property into compliance and have not done so, the Town Council may abate the nuisance and bill the cost of abatement to the record property owner or to persons shown to have the exclusive possession of the property. Unpaid costs may be made a lien against the property.**

### **VACANT LOTS**

### **3.6 DUTY OF OWNER - PERSON IN CONTROL OF VACANT LOT**

**A. Any person owning or controlling any vacant lot within the Town must keep it free of trash, litter,**

debris, garbage and similar material.

**B. Any person owning or controlling a vacant lot shall cause it to be cut or mowed whenever weeds or grass upon it reach a height of more than eight inches.**

**C. If the person owning or controlling a vacant lot fails to maintain it in accordance with the conditions set forth in this chapter, the Town Council may proceed with notice, citation, and abatement procedures as set forth herein.**

### **3.7 REMOVAL OF WEEDS - OTHER VEGETATION**

**The Alamo Town Council Members, or their designee, may employ the procedures set forth in statutes of the State of Indiana for the removal of vegetation and the collection of removal costs when weeds or grass on real property reach a height of more than eight inches and the landowner, after proper notice, fails to remove the vegetation.**

### **3.8 PENALTY**

**A. Any person violating a provision of this chapter shall, upon conviction, be deemed guilty of an offense and fined not less than \$25.00 for a first offense, not less than \$200.00 for all subsequent offenses, but no fine shall exceed \$2,500.00.**

**B. Each day, after the expiration date of the time limit ordered by the Town Council members of Alamo, Indiana for abating a nuisance condition under this chapter, shall constitute a distinct and separate offense.**

### **3.9 TEST FOR NUISANCE**

**Whether or not a particular annoyance of the character listed herein constitutes a nuisance shall depend on its effect on persons of ordinary health and average sensibilities and not on its effect on persons who are delicate or supersensitive, or whose habit, tastes, or conditions are such that they are never sensible of any annoyance.**

### **3.10 NUISANCE CREATED BY OTHERS**

**For the purpose of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, or tenants, or their agents or representatives, but merely that the nuisance be enacted or contributed to by licensees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but, by the exercise of reasonable care, the owner or operator ought to have become aware of.**

### **3.11 GENERAL TERMS**

**If any clause, sentence, section paragraph or part of the ordinance shall, for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the ordinance, but shall be confined in its operation to the clause, sentence, section, paragraph or part thereof, which is directly involved in the controversy in which such judgment shall**

have been rendered.

### **3.12 OTHER**

All other ordinances or parts thereof in conflict with provisions of this ordinance are hereby repealed.

## **CHAPTER IV - SPEED LIMIT ORDINANCE**

### **4.1 PURPOSE**

The purpose of this ordinance is to establish reasonable and safe maximum speed limits on Alamo Town roads.

### **4.2 DEFINITIONS**

**VEHICLE.** As used herein, vehicle means every device in, upon, or by, which any person or property is or may be transported or drawn upon a road.

### **4.3 SPEED REGULATIONS**

**A.** No person shall drive a vehicle on a street in the Town of Alamo, Indiana, at a speed that is greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

**B.** The maximum lawful speed is Twenty (20) miles per hour in the Town Alamo, Indiana, and no person shall drive a vehicle on a road at a speed in excess of such maximum limit.

**C.** Any violation will be deemed a misdemeanor and subject to a fine of a maximum of \$50.00, plus Court costs.

### **4.4 EXCEPTIONS**

**A.** The only exception will be a reduced speed limit, when a special hazard exists, that requires lower speed for compliance with 4.3 A. above of this ordinance, and such lower speed is posted.

### **4.5 SEVERABILITY CLAUSE**

If any section, or part, of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

## **CHAPTER V - PUBLIC PEACE, SAFETY AND MORALS**

### **5.1 CURFEW OF MINORS**

No parent, guardian, or other person having legal custody and control of a minor person sixteen (16) years of age or under, shall permit such minor to be or remain in or upon any street, alley, park or public place within the Town of Alamo after the hour of 11:00 o'clock P.M., except that a grace period of Thirty (30) minutes is allowed for such a minor to reach his home, unless he is accompanied by his parent or guardian, or other person having legal custody and control of such minor person, or engaged in the performance of an errand or duty directed by such person, and has in his possession a written permit therefore from said person; or employment makes it necessary to be in a public place after the specified hour.

## **5.2 PENALTY**

Any parent, guardian, or other person having the legal care and custody of any minor who violates this section, upon conviction, shall be subject to a fine of not less than \$1.00, nor more than \$10.00, plus Court costs.

## **CHAPTER VI - STARTING A NEW BUSINESS.**

### **6.1 STARTING A NEW BUSINESS**

No person or persons shall start a new business within the Town of Alamo without a majority vote of the Town Council.

### **6.2 PENALTY**

Any violation will be deemed a misdemeanor and subject to a maximum fine of \$50.00, plus Court costs.

## **CHAPTER VII - SNOWMOBILE ORDINANCE**

### **7.1 REGULATIONS.**

It is hereby forbidden to operate any two (2) wheel vehicle, three (3) wheel vehicle, four (4) wheel vehicle or snowmobile on the Town streets, within the Town limits of Alamo, without said vehicle having proper and current registration either with the State Bureau of Motor Vehicles or the Conservation Department of the State of Indiana, whichever has jurisdiction.

Said properly registered vehicle may operate at a prudent speed, obeying all traffic signs and laws, on any street within the Town limits of the Town of Alamo, with the exception of County Road 825, which forms the West border of the Town and which is governed by the County.

Said vehicles must also stay off private property, except that belonging to the owner or operator of the vehicle or property which the owner or operator has permission to use or enter.

### **7.2 PENALTY**

**Any violation of this ordinance shall be construed as a violation of the Alamo Town Ordinances and the laws of Montgomery County and the State of Indiana. Any violator will be fined \$10.00 for the first offense, \$25.00 for the second offense, and \$50.00 for any other offense.**

