

ORDINANCE NO. 32-15 (Second Amended)

AN ORDINANCE AMENDING VARIOUS SECTION OF THE WEST LAFAYETTE CITY CODE TO COMPLY WITH SECOND CLASS CITY STATUS

WHEREAS, on September 2, 2014, the Common Council of the City of West Lafayette passed Ordinance No. 17-14, which authorized changing the City of West Lafayette from a third-class city to a second-class city; and

WHEREAS, under Indiana law the operation of third-class cities differs somewhat from the operation of second-class cities; and

WHEREAS, to ensure that the City efficiently and effectively continues to operate according to and consistent with state statutes, the Council desires to adopt this ordinance to provide for the operation of the City as a second-class city and amending specific ordinances that are inconsistent with Indiana laws governing second-class cities.

NOW THEREFORE be it ordained by the Common Council of the City of West Lafayette, Indiana that (deletions indicated by ~~strike through~~; additions indicated by **bold**):

SECTION 1. Chapter 20, Section 3 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 20.03. Recordation of ordinance.

All ordinances passed by the common council shall be recorded by the clerk-~~treasurer~~ in a book of ordinances.

SECTION 2. Chapter 20, Section 4 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 20.04. Proof of publication of ordinances.

The original shall be filed in the clerk-~~treasurer~~'s office and due proof of publication of all ordinances requiring publication, by the affidavit of the printer or publisher, shall be procured by the clerk-~~treasurer~~ and attached thereto, or written and attested thereto, or written and attested upon the face of such ordinances.

SECTION 3. Chapter 20, Section 7 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 20.07. Ordinance Violations Bureau.

Pursuant to Indiana Code § 33-36-2-1, the city creates an ordinance violations bureau. It is the duty of the clerk-~~treasurer~~ to accept an admission of the offenses with payment of the ~~prescribed fine set forth in § 20.08~~ **to serve as the violations clerk of the ordinance violations bureau and have all duties and powers as described by state law.**

SECTION 4. Chapter 20, Section 8, Subsection (a) of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 20.08. Ordinance violations bureau fines.

A violation of any offense stated below shall result in the following fines:

(a) Parking violations:

- (1) Fines for time restricted parking as defined by chapter 44 of the West Lafayette City Code are listed in chapter 44.11(a) Fines.
- (2) Twenty-five dollar fine for stopping or parking vehicles in fire lanes.
- (3) Twenty-five dollar fine for unauthorized parking on private property.
- (4) Twenty-five dollar fine for prohibited parking of vehicles in off-street parking areas in commercial zones.
- (5) \$50 for each violation of stopping or parking in a tow away zone or stopping or standing in a loading zone in violation of any restrictions on the zone, or for violation of § 51.08(i).
- (6) \$100 for each violation of stopping or parking in the traveled portion of the roadway in any business district or on any major or minor arterial street.
- (7) Fines for all other parking violations as defined by chapter 44 and 51.08(i) of the West Lafayette City Code are listed in chapter 44.11(e) Fines.
- (8) If payment for a parking violation fine is not postmarked or received by the city clerk-treasurer's office within 14 days, the fine shall be double the amount set forth above.

SECTION 5. Chapter 21, Section 1 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 21.01. Composition; nomination and election of council members generally.¹

The council of the city has ~~seven~~**nine** members. The city is divided into ~~five~~**six** council districts. ~~Two~~**Three** council members, designated as "at-large," are nominated by each party. The entire electorate votes on these at large council members, with the ~~two~~**three** receiving the most votes being elected. The remaining ~~five~~**six** council members are elected by districts and by only the voters of that district. Each voter in a city election therefore votes for one council member from the voter's district and ~~two~~**three** council members at-large.

¹ For state law as to common councils generally, see Indiana Code ch. 36-4-6. For state law as to election of members of common councils in cities of the ~~third~~**second** class, see Indiana Code § 36-4-6-43.

SECTION 6. Chapter 21, Section 5 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 21.05. Quorum.

A quorum shall consist of ~~four~~**five** members.

SECTION 7. Chapter 21, Section 6 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 21.06. Agenda; filing of proposed ordinance.

(a) The agenda of common council meetings will be sent to the mayor, ~~city attorney~~**corporation counsel**, city engineer and each council member by the clerk-~~treasurer~~ seven days prior to the council meeting.

(b) All proposed ordinances, resolutions, or petitions shall be filed with the clerk-~~treasurer~~ in writing by four p.m. at least eleven days prior to any regular council meeting and shall also be provided in an electronic format acceptable to the Clerk-~~Treasurer~~'s office. Each item shall bear the name of the person(s), committee or agency submitting the item.

(c) The mayor or any council member may present pertinent emergency information to the council, even though it does not appear on the agenda, under new business at any regular or special council meeting; however, no action in the way of a vote shall be held. If the mayor or council deems the information of sufficient importance, it will be acted upon at a later special or regular council meeting. No action will be taken on the same date it is presented unless a special council meeting had been called by the mayor for the expressed purpose of acting on an emergency situation.

SECTION 8. Chapter 21, Section 7 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 21.07. Presiding officer.

~~The mayor shall be the presiding officer of the common council. In the absence of the mayor, the common council, by a majority vote, shall select the presiding officer from the members of the common council.~~**At its first regular meeting of each calendar year, the common council shall choose from its members a president and a vice president.**

SECTION 9. Chapter 21, Section 8 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 21.08. City clerk-~~treasurer~~ to serve as clerk-~~treasurer~~.

The city clerk-~~treasurer~~ shall serve as clerk-~~treasurer~~ of the common council.

SECTION 10. Chapter 22, Article I, Section 1 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 22.01. Mayor; election; term of office; chief administrative officer;~~chair of common council.~~

The mayor, elected by popular vote for a term of four years, is the chief administrative officer of the city;~~and chairs of the common council.~~

SECTION 11. Chapter 22, Article II, Section 20 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Article II: City Clerk-~~Treasurer~~

Sec. 22.20. City clerk-~~treasurer~~; election term of office.

The city has a clerk-~~treasurer~~, elected by popular vote for a four year term.

SECTION 12. Chapter 22, Article II, Section 21 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 22.21. Duties generally.

The city clerk-~~treasurer~~'s duties are:

- (a) Keeping a record of the council's proceedings.
- (b) Preparing an ordinance book and compilation of ordinances.
- (c) Retaining charge of city documents and books.
- (d) Retaining the city seal.
- (e) Performing all duties required by law for the office of clerk and ~~treasurer~~.

SECTION 13. Chapter 22, Article III, Section 40 of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Article III: ~~City Attorney~~**Corporation Counsel**

Sec. 22.40. ~~City attorney~~**Corporation counsel**; appointment; compensation.

The head of the department of law is the ~~city attorney~~**corporation counsel**, appointed by the mayor. The ~~city attorney~~**corporation counsel**'s compensation is ~~fixed~~**budgeted** by the common council.

SECTION 14. Chapter 22, Article III, Section 41 of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Sec. 22.41. Powers and duties generally.

The ~~city attorney or~~ corporation counsel is assigned the following duties and powers:

- (a) Management of the city's law business and of the legal affairs of each department within the city government.
- (b) Prosecution of all violations of this Code or other city ordinance.
- (c) Serve as legal advisor to all city departments.
- (d) Preparation of all cases, ordinances, Contracts and other legal papers for all departments.
- (e) Handling of all city litigation.
- (f) Making all title searches and examining all abstracts necessary to opening or improving streets or other public property.
- (g) Employing of assistants within ordinance limits.
- (h) Instituting all proceedings necessary to protect the rights of the city or the public.

SECTION 15. Chapter 22, Article V, Section 50 of the West Lafayette City Code is added effective January 1, 2016, to read as follows:

Article V: City Controller

Sec. 22.50 City Controller

The city controller is the fiscal officer of the City and is the head of the city department of finance.

SECTION 16. Chapter 22, Article V, Section 51 of the West Lafayette City Code is added effective January 1, 2016, to read as follows:

Sec. 22.51 City Controller Duties

The city controller shall do the following:

- (1) Prescribe the form of reports and accounts to be submitted to the department.
- (2) Sign and issue all warrants on the city treasury.
- (3) Audit and revise all accounts and trusts in which the city is concerned.
- (4) Keep separate accounts for each item of appropriation made for each city department, including a statement showing the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance remaining.
- (5) At the end of each fiscal year, submit under oath to the city legislative body a report of the accounts of the city published in pamphlet form and showing revenues, receipts, expenditures, and the sources of revenues.
- (6) Maintain custody of the records of the department and turn them over to the fiscal officer's successor in office.
- (7) Perform duties prescribed by statute concerning the negotiation of city bonds, notes, and warrants.
- (8) Keep a register of bonds of the city and of transfers of those bonds.
- (9) Manage the finances and accounts of the city and make investments of city money, subject to the ordinances of the legislative body.
- (10) Issue city licenses on payment of the license fee.
- (11) Collect fees as fixed by ordinance.
- (12) Pay into the city treasury, once each week, all fees and other city money collected by the department during the preceding week, specifying the source of each item.
- (13) Prescribe payroll and account forms for all city offices.
- (14) Prescribe the manner in which salaries shall be drawn.
- (15) Prescribe the manner in which creditors, officers, and employees shall be paid.
- (16) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payments.
- (17) Notify the city executive of the failure of any city officer to collect money due the city or to pay city money into the city treasury.
- (18) Draw warrants on the city treasury for miscellaneous city expenditures not made under the direction of a department and not specifically fixed by statute.
- (19) All other duties prescribed by state law.

SECTION 17. Chapter 23, Article III, Section 51 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 23.42. ~~Clerk-treasurer~~**Controller** appointed--cost of program.

The city hereby appoints the ~~clerk-treasurer~~**controller** as administrator of the plan, and authorizes the ~~clerk-treasurer~~**controller** to make deductions from the pay of employees, who voluntarily participate, and to make such other arrangements as are necessary to implement the plan. It is understood that, other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost or contribution by the city to the program.

SECTION 16. Chapter 23, Article IV, Subsection (b) of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Article IV. Nepotism.

(b) Definitions.

- (1) Break in Employment. Termination, retirement, or resignation of an employee from the City. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the City without loss of payroll time.
- (2) City. The City of West Lafayette and its boards and departments.
- (3) Direct Line of Supervision. An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Mayor or City Council regarding the passage of annual salary ordinances, budgets, and personnel policies are excluded from this definition.
- (4) Elected Official. The Mayor, City Judge, City Clerk-Treasurer, and members of the West Lafayette City Council.
- (5) Employed. An individual who works for or is appointed to any department or board of the City on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.
- (6) Member of the Fire Department. The fire chief and any firefighter appointed to the West Lafayette Fire Department.
- (7) Member of the Police Department. The police chief and any police officer appointed to the West Lafayette Police Department.
- (8) Relative. For the purposes of this Section, the term includes any of the following:
 - (A) Spouse;
 - (B) Parent or step-parent;
 - (C) Child or step-child (includes an adopted child);
 - (D) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
 - (E) Niece or nephew;
 - (F) Aunt or uncle; and
 - (G) Daughter-in-law or son-in-law.

SECTION 19. Chapter 24, Article I, Section 7, Subsection (l) of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Sec. 24.07. Powers and duties.

(1) To state its findings of fact after hearing, which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

(1) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action including but not limited to hiring, reinstatement and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity; provided, that this subsection shall not be construed to require any employer to modify physical accommodations or administrative procedures to accommodate a handicapped person,

(2) If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission,

(3) If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods or access to property, reinstatement to membership, reinstatement to membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant being denied equal opportunity,

(4) If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action including but not limited to a review and revision of school boundaries, revision of teaching aids and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity,

(5) If upon all the evidence, the commission finds that a person has not engaged in any such unlawful practice or violation of this section, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person,

(6) Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the circuit or superior courts. The scope of review shall be in accordance with the provisions set out in Indiana Code § 22-9-1-12.1. If no proceeding to obtain judicial review is instituted within fifteen days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject to the commission's jurisdiction and resides or transacts

business within the county in which the petition for enforcement is brought, or may request the ~~city attorney~~**corporation counsel** or attorney representing the complainant to seek enforcement;

SECTION 20. Chapter 24, Article III, Section 41 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 24.41. Territory included.

Such mass transit authority shall include all of the territory within the corporate limits of each of such cities and all other territory contained within the territory description which is attached hereto and by reference made a part hereof and marked "Exhibit A."³

³—~~Exhibit A is not set out in this volume but~~ **“Exhibit A”** may be found on file in the office of the city clerk-~~treasurer~~.

SECTION 21. Chapter 26, Section 1 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 26.01. Police Department fees.

(a) The fee for a copy of a crash report (includes all pages of SI#23588) is \$5.00.

(b) The fee for certain non-photostatic copies is as follows:

- 8 X 10 photograph\$10.00
- 8 X 8 photograph\$10.00
- 5 X 7 photograph\$ 5.00
- 3 X 5 photograph\$ 2.50
- Videotape (VHS)\$25.00
- Audiotape (cassette)\$15.00

(c) The fee for certain services is as follows:

- Police certificates \$ 3.00
- Fingerprinting (other than police business)\$. 5.00

Hand gun permit processing as follows:

License Type	Local Fee	State Fee
4 Year Hunting & Target	\$10/\$5 Refundable*	\$5
4 Year Personal Protection	\$10/\$5 Refundable*	\$30
Lifetime Hunting & Target/ No Current License	\$50/\$30 Refundable*	\$25
Lifetime Hunting & Target/ Current Valid License	\$40/\$30 Refundable*	\$20
Lifetime Personal Protection/No Current License	\$50/\$30 Refundable*	\$75
Lifetime Personal Protection/ Current Valid License	\$40/\$30 Refundable*	\$60
Retire Police Officer	Fee Exempt	Fee Exempt

Corrections Officer	Fee Exempt	Fee Exempt
Firearms Dealer	Fee Exempt	Fee Exempt

*A portion of the local fee is refundable if a license is not issued. The entire state fee is refundable if no license is issued. The ~~clerk-treasurer~~**city** shall issue all refunds.

SECTION 22. Chapter 27, Section 7 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 27.07. Fees.

The fees to be paid by the applicants on the real estate to be designated as an economic revitalization area, shall be paid to the ~~clerk-treasurer~~ of the city at the time of application, and shall thereafter remain the property of the city, and are as follows:

- (a) One hundred fifty dollars if the value of the proposed improvements or equipment is one hundred fifty thousand dollars or less;
- (b) One dollar per one thousand dollars of proposed improvements or equipment if the proposed improvements or equipment are more than one hundred fifty thousand dollars, but the fee shall not exceed one thousand dollars.

SECTION 23. Chapter 30, Article IV, Section 5 of the West Lafayette City Code is amended upon publication of this ordinance to read as follows:

Sec. 30.04.5. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, Federal or State Pretreatment Requirements, or any other order of the city, such person shall be liable for any and all damages, losses and expenses sustained by the POTW as a result of such discharge or violation and the ~~city attorney~~**corporation counsel** may commence an action for appropriate legal and/or equitable relief in the appropriate court of this county.

SECTION 24. Chapter 30, Article VII, Section 1 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 30.07.1. Registration of wells.

Every owner or occupant of real estate within the corporate limits of the City of West Lafayette, or real estate from which there is a building (or house connection) sewer or other means or path of direct or indirect flow into the sewage system, shall, on a form provided by the board, report the existence of such well to the ~~clerk-treasurer~~. The information furnished on such form by the owner or occupant shall include, among other items, the name of the owner and occupant of such real estate, the location on said real estate of such well, the size of the well pipe, the size (voltage, amperage and horsepower) of the well pump motor and the purpose for which the well water is used by the owner, occupant or others.

SECTION 25. Chapter 41, Article II, Section 9 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 41.09. Traffic Commission-Established; composition; appointment and terms of office of members; officers; meetings.

(a) The traffic commission has been formed to serve without compensation consisting of the city traffic engineer, West Lafayette police chief or designee, Purdue University police chief or designee, the city street commissioner, a city council representative selected by the city council, and ~~thirteen (13)~~ **fourteen (14)** citizen representatives who do not hold any other elected or appointed city office and who shall be appointed as follows:

By the Mayor:

- (1) One representative recommended by the West Lafayette Community School Corporation Board.
- (2) One representative recommended by the Tippecanoe County School Corporation Board.
- (3) Two representatives recommended by Purdue University.
- (4) Two representatives recommended by Greater Lafayette Commerce.
- (5) Two "at-large" citizen representatives.

By the Common Council:

- (6) One representative from each of the ~~five~~ **six** council districts of the City.
- (b) The engineering department shall furnish secretarial assistance.
- (c) The ~~thirteen~~ **fourteen** citizen representatives shall be appointed to four-year terms and to provide continuity of the commission, three such terms shall begin on January 1 of each year in which a regular term for the mayor does not begin.
- (d) The chair of the commission shall be elected annually at the first meeting after January 1 by the commission and shall be from the ~~thirteen~~ **fourteen** citizen representatives.
- (e) All representatives shall have one vote. A quorum for the commission shall be seven voting representatives. All resignations of citizen representatives shall be filled for the unexpired term by appointment of the mayor. The commission shall hold no less than bi-monthly meetings and additional meetings as called by the chair of the commission, the city traffic engineer, or the mayor.

SECTION 26. Chapter 41, Article III, Section 12 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 41.12. Creation of Special Motor Vehicle Inspection Fund.

Pursuant to Indiana Code § 9-17-2-12, the city hereby creates a special motor vehicle fund. Upon the completion of an inspection of a motor vehicle and upon remittance of a fee for such inspection, the police officer administering such inspection shall issue an official receipt, to the owner of the motor vehicle. The information from the inspection shall be recorded on an application form prepared by the Bureau of Motor Vehicles. The fees collected shall be remitted to the ~~clerk-treasurer~~ **city** on a daily basis.

SECTION 27. Chapter 44, Section 11 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 44.11. Fines.

- (a) The following fines shall apply to violations of this chapter:
 - (a) **(1)** \$35 for each violation of time duration restricted parking.

~~(b)~~ **(2)** \$25 for each violation of section 44.08 (unauthorized parking on private property) and section 44.12 (prohibited parking of vehicles in off-street parking areas in commercial zones.)

~~(e)~~ **(3)** \$50 for each violation of stopping or parking in a tow away zone or stopping or standing in a loading zone in violation of any restrictions on the zone.

~~(d)~~ **(4)** \$100 for each violation of parking in the traveled portion of the roadway for any reason other than mechanical breakdown, or standing in the traveled portion of the roadway for the purposes of freight loading or unloading, in any business district or any major or minor arterial street.

~~(e)~~ **(5)** \$40 for each violation for any other violation of this chapter not specified above.

~~(f)~~ **(b)** If a written appeal under subsection ~~(g)~~ below **(c)** or payment for the fine is not postmarked or received by the ~~city clerk-treasurer's office~~ **City** within 14 days of issuance of the ticket, the fine shall be double the amount set forth above.

~~(g)~~ **(c)** Appeals of parking fines may be filed with the ~~clerk-treasurer~~ **City** within 14 days of issuance of a parking ticket. Appeals filed after this date will not be accepted. The police chief or designee will review the appeal, and concur or deny the appeal under such administrative procedures as the police chief may approve. If this appeal is denied, the person appealing the parking fine must by the date specified on the appeal form, either appear in city court or pay the fine, or the fine will be doubled.

(d) In addition to the fines provided in subsection (a), the City shall assess and collect a parking fine surcharge for each violation in the amount of \$2

SECTION 28. Chapter 49, Section 16 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 49.16. Vehicle immobilization.

(a) In the event the owner or operator of a vehicle shall have received: (1) two or more parking violations and/or violations of any other traffic laws of the state or ordinances of the city, which have not been paid in full or adjudicated as provided in this chapter, or (2) owe a fine of \$100 or more which is unpaid; and after notification as required by such traffic laws or ordinances to the owner or operator of his/her overdue fines, in addition to any other issuance of warrant of arrest and/or penalties or fines permitted, the vehicle may be immobilized by employees of the city or any other person or firm that the city may appoint or hire, by the use of what is known as a "wheel lock". The owner or operator of the vehicle can obtain possession of the vehicle by paying to the ~~clerk-treasurer of the city~~ a seventy-five dollar service fee for removal of the wheel lock and the fines as imposed on all overdue parking violations and/or violations of any other traffic laws of the state or ordinances of the city, of such owner or operator as of that date, subject to approval of the city court.

(b) If, after the wheel lock has been attached to the vehicle, and the owner or operator fails to respond within a twenty-four hour period, the police department may cause the vehicle to be impounded until such time as the owner or operator has paid such service fee, parking violations, and/or other fines and penalties. All charges for towing and impoundment become the responsibility of the owner or operator of the vehicle. An impoundment shall occur by having the vehicle removed by a junk or salvage yard or wrecker service to their particular place of storage.

(c) *Wheel lock* means any device which shall be placed on a wheel of a vehicle to immobilize the vehicle.

SECTION 29. Chapter 51, Section 9 of the West Lafayette City Code is amended effective upon adoption, to read as follows:

Sec. 51.09. Permit Fee Schedule.

(a) The fee for Parking Permits for each permit year shall be as follows:

(1) ~~Resident Permit~~.....\$-10 each **for a resident permit.**

(2) ~~Replacement of Lost/Stolen Permit~~....\$-5 each **for a replacement of a lost or stolen permit.**

(3) ~~Reissuance of Permit (upon sale of vehicle, proof of sale and old permit must be provided to City Clerk-Treasurer)~~.....\$-5 each **for a permit reissued after the sale of a vehicle. To obtain a reissued permit, the applicant must provide the City with a proof of sale of the vehicle and the old permit.**

(b) In addition to the parking permit fees provided in subsection (a), the City shall assess and collect a parking permit surcharge for each permit in the amount of \$2

SECTION 30. Chapter 61, Section 4 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 61.04. Dog licenses.²

All animals of the canine family kept within the limits of the city shall be licensed annually January 1 through December 31, and shall be required to wear at all times a license tag for the current calendar year, issued by the ~~city-clerk-treasurer~~ at an annual fee of two dollars for each male and spayed female and three dollars for each unspayed female. It shall be required that such dog for which the license tag is sought shall first be inoculated against the disease of rabies by a qualified veterinarian, within the current year or within a period of one year, and that a certificate providing evidence of such inoculation issued by such veterinarian shall be produced.

The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city for a period not to exceed thirty days, nor to dogs brought into the city for the purpose of participating in any dog show, nor to Seeing Eye dogs trained to assist blind persons when such dogs are actually used for such purposes.

The owner shall state at the time of making application for such license and upon the forms provided for such purpose, the owner's name and address and the dog's name, breed, color and sex. In case a dog license tag is destroyed or lost, a duplicate tag shall be issued by the ~~city-clerk-treasurer~~ upon the payment of fifty cents for each duplicate. Dog licenses shall not be transferable from one dog to another and no refunds shall be made on any dog licenses because of the death of the dog or for any other reason.

² For state law as to dogs generally, see Indiana Code §§ 15-20-1 to 15-21-7.

SECTION 31. Chapter 61, Section 6 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 61.06. Enforcement of chapter; impounding of animals found at large.

(a) It shall be the duty of the chief of police or any assistants to enforce the provisions of this chapter and at their discretion to order the impoundment of all animals at large not conforming to

this chapter. Such impounded animals may be redeemed by the owner within four days by the payment to the ~~city clerk-treasurer~~ of a redemption fee of ten dollars for the first offense and twenty dollars for each successive offense in the same calendar year, plus the humane shelter or hospital boarding fees accumulated over the period during which the animals were impounded. A further requirement for release of canines is that the owner shall produce and have attached to the dog a city license tag as provided under § 61.04.

(b) If a dog has not been inoculated against rabies, as required for licensing, the dog will be released to the owner, who has forty-eight hours to meet this requirement and obtain a license. If this is not done the owner shall be ordered to appear in city court to answer charges of violation of this chapter.

(c) The ~~clerk-treasurer~~city will provide the necessary receipts to the owner. Upon presentation of the required receipts, the dog shall be released from impoundment to the owner.

(d) All impounded dogs not redeemed within four days may be destroyed in a humane manner.

(e) All fees paid to the ~~clerk-treasurer~~city shall revert to the general fund.

SECTION 32. Chapter 63, Article I, Section 4 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 63.04. Adoption of fire prevention codes.

(a) The following fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in article 22 of title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

Article 22--Fire Prevention Codes

(1) Indiana Flammable and Combustible Liquids and Gases Code.

(2) Indiana Fire Prevention Code.

(b) Copies of adopted fire safety rules, codes and standards are on file in the office of the fire chief and the ~~clerk-treasurer~~.

SECTION 33. Chapter 65, Article I, Section 5 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 65.05. Notice.

Whenever any nuisance shall be found to exist which is referred to in § 65.04, the proper city authority is authorized to serve notice in writing upon the owner, occupant, agent or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found or upon the person owning or causing any such nuisance requiring abatement of such nuisance within reasonable time.

In place of service of notice upon such person above-mentioned, the notice may be posted upon the premises, structure or thing; it shall not be necessary in any case to specify or designate in the notice the manner in which the nuisance shall be abated unless it is deemed advisable to do so. Such notice may be given or served by any officer who is so directed or delegated. If a person so notified shall neglect or refuse to comply with the requirements of such order by abating such nuisance within the specified time, such person shall be guilty of a violation of the provisions of this code.

In the event of refusal or neglect on the part of the notified offender to obey such order within the time limit named in the order, the proper city authority shall have the power and authority to remove and abate the unlawful conditions thereof, which shall be paid from the treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the ~~clerk-treasurer~~**controller** may, after the charges have gone unpaid for a period of six months, certify the amount due of such charge from each person to the **county** auditor and the amount of such charge shall be placed upon the duplicate by the **county** auditor and collected as the taxes are collected.

SECTION 34. Chapter 65, Article II, Section 11 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 65.11. Noncompliance fees.

(a) In the event of noncompliance with submission of weekly water analysis, the health officer or designee may issue a written order citing the violation to the person in charge of the pool operation, and the pool operator shall remedy the violation within four days after receipt of such written order. A copy of the written order shall be filed with the records of the health department of the city, and a duplicate copy shall be filed with the ~~clerk-treasurer~~.

(b) Weekly water samples shall be submitted to the State Board of health, or a state-approved laboratory. The laboratory shall forward all test results to the city health officer or designee, as well as the State Board of Health, within five working days or their results.

(c) If the pool operator fails to comply with the written order within the fixed time, the health officer or designee may take the appropriate samples and submit them for analysis. The pool operator shall be responsible for the actual costs of the tests, together with a service fee of twenty-five dollars.

(d) Upon failure of the pool operator to pay either the cost of the tests or the service fee within ten days of written request for such payment, the city shall have the right to bring a civil action to recover such delinquent charges, together with reasonable attorney's fees.

SECTION 35. Chapter 67, Article II, Section 24 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 67.24. Reduced fees for certain residents.

(a) Unoccupied premises. A resident may request the suspension of service charges under this Chapter upon a showing that no person will be living in the dwelling unit for a period of no less than three (3) consecutive calendar months, and that no waste will be disposed of at such residence. In addition, the premises must receive minimal water service during the absence period.

(b) Residents qualifying for low income relief. Residents of residential property in West Lafayette may receive a fifty percent (50%) reduction in their monthly trash fee. Requests shall be made to the ~~Clerk-Treasurer~~**controller** who shall have the authority to determine procedures to verify the eligibility of the requestor who shows that he or she:

(1) is the head of the household; and

(2) permanently and totally disabled as determined by the Social Security Administration;

or

(3) has a total annual household income which is at or below 150% of the Federal Poverty Guidelines as determined by the United States Health and Human Services Guidelines.

SECTION 36. Chapter 80, Section 1 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 80.01. License—required.

It shall be unlawful for any person to drive around the street any automobile or taxicab as a common carrier of passengers for hire within the city without first procuring from the ~~clerk-treasurer~~ of the city a license to do so as is hereinafter provided.

SECTION 37. Chapter 82, Article I, Section 2 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 82.02. Sanitation requirements for restaurants and food markets.

All restaurants and itinerant restaurants shall comply with the minimum sanitation requirements specified by the state board of health as now provided in its Regulation 410 IAC 7-15.124 or as the same may be hereafter changed or amended.

All food markets shall comply with the minimum sanitation requirements specified by the state board of health as now provided in its regulation 410 IAC 7-16.1 or as the same may be hereafter changed or amended.

Such regulations and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein made a part hereof, two copies of which are on file in the office of the city clerk-~~treasurer~~ for public inspection.

SECTION 38. Chapter 82, Article II, Section 24 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 82.24. License--required; fees; nontransferable, term; issuance.

It shall be unlawful for any person to operate a restaurant, itinerant restaurant or food market in the city who does not possess a valid license for the operation of such establishment. The license shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually.

Such license shall be issued by the city clerk-~~treasurer~~ upon presenting a valid permit from the health officer and upon payment of fees according to the following schedule:

All food service establishments:

New food service or retail fee..... \$50.00

Restaurant:

Annual food service fee based on number of employees (including, mobile or temporary food service):

11 through 5 employees..... \$50.00

6 through 9 employees..... \$100.00

10 or more employees\$150.00

Retail food market:

Annual fee based on number of employees:

- 11 through 5 employees..... \$50.00
- 6 through 9 employees.\$100.00
- 10 or more employees. \$150.00

If the application for license is made on or after July 1st, the applicant shall pay one-half the above fees.

Any person who desires to operate an itinerant restaurant in the city shall, after securing a permit from the health officer, obtain from the city controller, a license for an itinerant restaurant. Such license shall be issued by the city clerk-treasurer upon presenting a valid permit from the health officer, and upon payment of five dollars for each day of operation not to exceed twenty-five dollars for any one continuous operation.

A separate license shall be required for each restaurant, itinerant restaurant or food store operated or to be operated by any person. A license issued under this section is not transferable.

SECTION 39. Chapter 82, Article III, Section 43 of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Sec. 82.43. Prosecution or hearing for violators.

If upon a second and final inspection the health officer finds that such restaurant, food market, person or employee is violating any of the provisions of this chapter for which a written order was issued, the health officer shall furnish evidence of the violation to the ~~city attorney~~**corporation counsel** for prosecution; or the health officer may promptly issue a written order to the permittee of such restaurant or food market to appear before the city board of health at a certain time, no later than ten days from the date of final inspection, and at a place in the city fixed in the order to show cause why the permit issued under the provisions of this chapter should not be revoked.

SECTION 40. Chapter 82, Article IV, Section 81 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 82.81. License.

(a) It shall be unlawful for any person to engage in the operation of one or more vending machines in the city who does not possess a valid license for the operation of such machines. The license shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually.

(b) Such license shall be provided by the city clerk-treasurer, if there is presented a valid permit from the health officer together with the necessary fees as provided in the fee schedule set forth in this section, or for one-half of such amount if application is made after July 1st.

(c) A person applying for a license shall pay an annual fee as prescribed in one of the following classes:

(1) Class 1. This class shall include an operator of one to not more than ten machines, and the annual license fee shall be fifty dollars.

(2) Class 2. This class shall include an operator of eleven or more machines, and the fee shall be fifty dollars for the first ten machines plus two dollars per machine for each machine more than ten.

SECTION 41. Chapter 82, Article IV, Section 82 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 82.82. Minimum sanitation requirements.

All vending machines shall comply with the minimum sanitation requirements specified by the state Board of Health as now provided in its 410 IAC 7-1724 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the city clerk-treasurer for public inspection.

SECTION 42. Chapter 82, Article IV, Section 85, Subsection (d) of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Sec. 82.85. Inspections.

(d) Prosecution or Hearing for Violators. If upon a second and final inspection the health officer finds that such a vending machine, operator, person or employee is violating any of the provisions of this article which were in violation on the previous inspection, and concerning which a written order was issued, the health officer shall furnish evidence of the violation to the ~~city attorney~~**corporation counsel** for prosecution; or the health officer may promptly issue a written order to the permittee of such vending operation to appear at a certain time, no later than ten days from the date of inspection, and a place in the city fixed in the order to show cause why the permit issued under the provisions of this article should not be revoked.

SECTION 43. The editor's note in Chapter 100 in any published version of the West Lafayette City Code is amended effective January 1, 2016 to read as follows:

Chapter 100 was replaced by the New Unified Zoning Ordinance (Ordinance No. 32-97), effective January 1, 1998. Copies of the New Unified Zoning Ordinance and all subsequent amendments are on file with the City Engineer, Clerk-Treasurer, and Tippecanoe County Area Plan Commission.

SECTION 44. The editor's note in Chapter 102 in any published version of the West Lafayette City Code is amended effective January 1, 2016 to read as follows:

Chapter 102 was replaced by the New Unified Zoning Ordinance (Ordinance No. 32-97), effective January 1, 1998. Copies of the New Unified Zoning Ordinance and all subsequent amendments are on file with the City Engineer, Clerk-Treasurer, and Tippecanoe County Area Plan Commission.

SECTION 45. Chapter 110, Article II, Section 20 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 110.20. Permit required.

A permit shall be obtained before beginning demolition, construction, alteration or repair of any building or structure, involves any structural change or involves the change in use of any

land or building, using forms furnished by the building commissioner, and all fees required by this chapter and chapter 111 shall be paid to the ~~clerk-treasurer~~city.

SECTION 46. Chapter 112, Article I, Section 2 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 112.02. BOCA Basic Property Maintenance Code--copies on file.

A copy of the BOCA Basic Property Maintenance Code/1978 First Edition, together with a copy of the amendment thereto, shall be kept on file at the office of the ~~clerk-treasurer~~ for public inspection.

SECTION 47. Chapter 113, Section 2 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 113.02. Permit.

Any person desiring or required to build, replace or repair any sidewalk within the city, before doing or commencing any construction work thereon whatever, except where sidewalks are to be laid in accordance with the provisions of special improvements resolutions, shall file an application for a permit therefor with the city ~~clerk-treasurer~~ to be transmitted to the board of public works and safety, which application shall be signed by the owner or agent of the abutting property where such sidewalk is to be built, replaced or repaired.

SECTION 48. Chapter 114, Article I, Section 4 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 114.04. Fees.

The applicant shall pay to the city ~~clerk-treasurer~~ a fee of fifteen dollars per excavation permit.

SECTION 49. Chapter 115, Article II, Section 20 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 115.20. Maintenance responsibilities.

Property owners shall have the following responsibilities for shrubs or trees planted in or near the public parkway:

(a) No property owner shall permit limbs or branches obstructing movement or vision of vehicles or pedestrians along streets, alleys or sidewalks in the city.

(b) The owner of any property adjacent to the public right-of-way shall on twenty days' notice given by the order of the board of public works and safety, trim any trees or shrubs so that no limb or branch is maintained in violation of this chapter. If the owner should fail to comply with such order, the board of public works and safety shall cause such tree or shrub to be maintained in accordance with this chapter.

(c) The expense of trimming, maintenance or improvements which are carried out by the city shall be a lien on the property of the owner and shall be collected in the same manner as assessments for the cutting of weeds if no payment is received for such service within sixty days of request for payment by the ~~clerk-treasurer~~controller. In addition to the above methods, the city

shall have the right to bring a civil action to recover any delinquent charges, together with reasonable attorney's fee.

(d) The city shall have the right, but does not have the obligation, to plant, prune, maintain or remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, square and public grounds, as may be necessary to insure public safety or to preserve the symmetry and beauty of such public grounds.

SECTION 50. Chapter 115, Article IV, Section 70 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 115.70. Landscape plan--review of Greenspace Administrator decision.

Any decision of the Greenspace Administrator concerning a landscape plan shall be final unless an aggrieved person shall file a written request with the clerk-treasurer for review specifying the reasons the decision of the Greenspace Administrator is alleged to be incorrect within ten days after the decision of the Greenspace Administrator. The board of public works and safety shall hear and determine any review of a decision of the Greenspace Administrator which is filed as required in this section.

SECTION 51. Chapter 115, Article IV, Section 74 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Sec. 115.74. Appeals and enforcement.

(a) Appeals. All orders of the Greenspace Administrator concerning planting, maintenance, removal, replacement or any other matters under this chapter shall be final unless an aggrieved person shall file a written request with the clerk-treasurer for review specifying the reasons the decision of the Greenspace Administrator is alleged to be incorrect within ten days after the decision of the Greenspace Administrator. The board of public works and safety shall hear and determine any review of a decision of the Greenspace Administrator which is filed as required in this section.

(b) Permits Not Granted. In the event of any failure to comply with this chapter, the city engineer or any other officer of the city shall not issue a certificate of occupancy, a rental certificate or any additional improvement location permit until the noncompliance is cured.

(c) Enforcement by Injunction. The requirements of this chapter may be enforced by a mandatory or prohibitory injunction by an appropriate court.

(d) Enforcement by Civil Penalty. Failure to comply with any of the requirements of this chapter is punishable by a civil penalty of not less than one hundred dollars nor more than five hundred dollars and each day an offense occurs shall be considered a separate offense.

SECTION 52. Chapter 116, Article VI, Section 609 of the West Lafayette City Code is amended effective upon publication of this ordinance to read as follows:

Sec. 116.609. Certification of As-Built Plans

After completion of construction of the project and before final approval of the stormwater management plan, a professionally prepared and certified 'as-built' set of plans shall be submitted to the City Engineer for review. A checklist detailing the required as-built data is

included in the Technical Standards appendices. Additionally, a digital copy of the ‘as-built’ plans is required in a format approved by the City Engineer.

The property owner, developer, or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the City of West Lafayette, prior to final approval, in an amount not to exceed ten percent (10%) of the cost of the stormwater drainage system located outside the public road right-of-ways, and in a form satisfactory to the City of West Lafayette’s **attorney corporation counsel** in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the approved plans, and this code. The bond or other acceptable guarantee shall be in effect for a period of three years after the date of the final project approval by the City of West Lafayette.

The maintenance bond or other acceptable guarantee shall further be conditioned upon owner or developer or contractor satisfactorily completing, within three years following final approval of the storm water plans, such corrective actions as the City of West Lafayette may determine are reasonably necessary to remedy any damages to upstream or downstream channels or storm sewers resulting from the as-built development of the project.

SECTION 53. Chapter 116, Article VIII, Section 801 of the West Lafayette City Code is amended effective January 1, 2016, to read as follows:

Section 116.801 Fees

A. Together with the application and accompanying materials for stormwater management permit or for stormwater review, the applicant shall also submit Review Fees in accordance with the following schedule:

Base Permit Fees

Acreage	Residential (per unit)	Commercial	Industrial
0 up to less than 0.5	\$150	\$250	\$250
Equal to or greater than 0.5 up to less than 1	\$200	\$300	\$300
Equal to or greater than 1 up to less than 3	\$350	\$500 + \$40 Per acre	\$500 + \$40 Per acre
Equal to or greater than 3 up to less than 5	\$500	\$750 + \$40 Per acre	\$750 + \$40 Per acre
Equal to or greater than 5	\$500 + \$20 Per lot	\$750 + \$40 Per acre	\$750 + \$40 Per Acre

B. Additional Fees. The applicant shall also agree to pay when applicable the following additional fees:

Additional Permit Fees

Stormwater Pollution Prevention Plan Review	For third and subsequent submissions only	\$100 each
Additional Inspections	Required by inadequate site conditions during or post-construction	\$50 each
Grading or Drainage Revision	Each revision during construction based on different site conditions after a permit has been issued	\$25 each
Engineering Review	Only applicable if review is outsourced	At cost
Projects disturbing < 5,000 square feet	Small projects, including Accessory structures	\$30 residential \$60 commercial

Upon approval of the applicant’s final stormwater management plan, the City Engineer will furnish a written statement to the applicant specifying the total Additional Fees.

As a condition of approval of the final drainage plans by the City of West Lafayette, applicant shall pay to the City of ~~West Lafayette Clerk-Treasurer~~ the sum set forth in the statement. The City of West Lafayette may issue such a billing statement before the project advances to the final approval stage, and such payment is due by applicant upon receipt of the billing statement regardless of whether the project has advanced to the final approval stage.

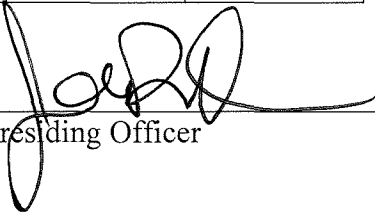
The City of West Lafayette has the right to not accept the drainage improvements or to not approve the advancement of any project for which the Additional Fees have not been paid.

INTRODUCED ON FIRST READING ON THE 8 DAY OF September, 2015.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR Burch.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 5 DAY OF October, 2015, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			



Presiding Officer

Attest:



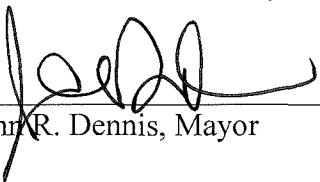
Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF October, 2015, AT THE HOUR OF 9:00 A.M.



Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF October, 2015, AT THE HOUR OF 10:10 A.M.



John R. Dennis, Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Judith C. Rhodes".

Judith C. Rhodes, Clerk-Treasurer