

## CHAPTER 130: PUBLIC NUISANCES

### Section

#### *General Provisions*

- 130.01 Definition
- 130.02 Public nuisances affecting health
- 130.03 Public nuisances affecting peace and safety

#### *Administration and Enforcement*

- 130.10 Authority of Board of Trustees
- 130.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 130.01 DEFINITION.**

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

**PUBLIC NUISANCE.** A thing act, occupation or use of property which:

- (A) Annoys, injures or endangers the safety, health, comfort or repose of the public;
  - (B) Offends public decency;
  - (C) Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage lake, navigable river, bay, stream, canal or basin or a public park, square, street, alley or highway
  - (D) In any way renders the public insecure in life, health or use of property.
- (Ord. No. 1983-1, passed 7-12-83)

#### **§ 130.02 PUBLIC NUISANCES AFFECTING HEALTH.**

The following are hereby declared nuisances affecting health:

- (A) All decayed or unwholesome food offered for sale to the public;
- (B) All diseased animals running at large;

**Dana - General Offenses**

- (C) All ponds or pools of stagnant water;
- (D) Carcasses of animals not buried or destroyed within 24 hours after death;
- (E) Accumulations of manure, garbage, rubbish or trash;
- (F) Privy vaults and garbage cans which are not fly-tight;
- (G) The pollution of any public well or cistern, stream, lake, canal or body of water of sewage, industrial wastes or other substances;
- (H) All noxious weeds and other rank growths above 12 inches in height upon public or private property;
- (I) Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities;
- (J) Offensive trades and businesses as defined by statute not licensed by the town Board of Trustees as provided by law;
- (K) Any building or structure that has become unsafe for occupancy or dangerous or detrimental to life, health and safety.  
(Ord. No. 1983-1, passed 7-12-83)

**§ 130.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.**

The following are declared to be nuisances affecting public peace and safety:

- (A) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- (B) All limbs of trees which are less than eight feet above the surface of any public sidewalk;
- (C) All limbs of trees which are less than 14 feet above the surface of any street;
- (D) All wires which are strung less than ten feet above the surface of any public sidewalk or less than 18 feet above the surface of any public street;
- (E) All buildings, walls and other structures that have been damaged by fire, decay or otherwise to an extent exceeding half their original value and which are so situated as to endanger the safety of the public;
- (F) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law;
- (G) All unnecessary noises and disturbing vibrations;
- (H) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance;



(I) Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;

(J) All hanging signs, awnings and other similar structures over the streets or sidewalks or so situated as to endanger public safety, not constructed and maintained as provided by law;

(K) All electric and barbed wire fences which are located within six feet of any public sidewalk;

(L) All dangerous, unguarded machinery in any public place or so situated or operated on private property as to attract the public;

(M) The distribution of commercial handbills, except as provided by ordinance (this prohibition does not apply to noncommercial handbills);

(N) All other conditions or things which are liable to cause injury to the person or property of anyone.

(Ord. No. 1983-1, passed 7-12-83)

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 130.10 AUTHORITY OF BOARD OF TRUSTEES.**

(A) In all cases where any such public nuisance may be found or caused near to or upon any public way or place or public property, it shall be the duty of the town Board of Trustees to serve written notice upon the owner or occupant of any premises or other person so causing such nuisance, requiring the owner, occupant or person to abate the nuisance within a reasonable time.

(1) If the owner or occupant of such premises, or other person so causing such nuisance, cannot be found, the notice shall be posted upon the premises.

(2) It shall not be necessary for the Board to designate in the notice the manner in which any such nuisance shall be abated, unless the Board deems it advisable to do so.

(B) If the owner or occupant of the premises, or other person so causing such nuisance, shall refuse or neglect to abate such nuisance within the time designated after such notice is given, such person so violating this section, upon conviction, shall be fined as provided in § 130.99.

(C) In addition, the Board may cause the nuisance to be abated either summarily or in any manner authorized by law and to assess the expense of its removal against the person violating this chapter and cause them to be placed on the tax duplicate of such persons.

(D) The Board may further recover the expenses incurred in the removal of such nuisance by the institution in the name of the town against the owner or occupant of the premises, or other person, of an action therefor and for recovering in the amount of expense of the abatement.

(Ord. No. 1983-1, passed 7-12-83)

**§ 130.99 PENALTY.**

(A) Any person, firm or corporation who shall knowingly cause or create a nuisance or permit any nuisance to be created or placed upon or to remain upon the premises owned or occupied by him or them shall, upon conviction thereof, be punished by a fine in the sum not to exceed \$500.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(C) The action against any person to enforce a penalty shall constitute a separate and legal remedy, and the fact that any proceeding by way of an injunction or for the abatement of any such nuisance has been or may be instituted by the town and be pending or concluded shall not affect this section or chapter or be considered in any way as a defense to any action to the penalty herein provided.  
(Ord. No. 1983-1, passed 7-12-83)



# CHAPTER 90: DOG CONTROL

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## SECTION

- 90.01 Dog ownership defined
- 90.02 Maximum number of dogs permitted
- 90.03 Rabies vaccination required
- 90.04 Running at large prohibited: wearing of rabies tag and collar required

## ADMINISTRATION AND ENFORCEMENT

- 90.10 Nuisance behavior defined
- 90.11 Town Marshall's Authority to abate
- 90.99 Penalty

## GENERAL PROVISIONS

### # 90.01 DOG OWNERSHIP DEFINED

Any person shall be considered the owner of a dog who shall own, have in charge or harbor the same or allow it to remain on or about his premises over three (3) days.

### #90.02 MAXIMUM NUMBER of DOGS PERMITTED.

It shall be unlawful to keep or harbor more than four dogs over four months of age or to engage in the business of raising dogs without a specific license from the State Of Indiana.

### #90.03 RABIES VACCINATION REQUIRED.

Every dog shall be vaccinated for rabies during every calendar year no later than MAY 1 in every calendar year.

### #90.4 RUNNING AT LARGE PROHIBITED: WEARING OF RABIES TAG and COLLAR REQUIRED.

- (A) No person claiming, owning or harboring any dog (male or female), shall permit the same to run at large in the Town Of Dana. Any person claiming, harboring or owning such animal more than three months old, shall have the dog licensed as required by law, and shall have a collar placed on it , together with it's rabies tag. On the collar there shall be at all times a tag indicating vaccination for rabies.
- (B) It shall be unlawful for any dog to run at large in THE TOWN OF DANA.
- (C) No dog shall be harbored or owned, for the purpose of dog fighting or any dog trained for dog fighting.
- (D) Any animal known to posses tendencies to attack or bite persons without provocation, shall be under penalty of ordinance 90.99

Passed (04/10/2007)



## ADMINISTRATION AND ENFORCEMENT

### #90.10 NUISANCE BEHAVIOR DEFINED.

- (A) The congregation of any dogs on any property in the town of shall constitute a nuisance.
- (B) Any dog chasing automobiles, or violating any provision of this chapter shall be deemed a nuisance.

### #90.11 TOWN MARSHALL'S AUTHORITY TO ABATE.

The Town Marshall is hereby authorized to seize any dog(s) running at large. Or any dog(s) suspected of having rabies, take the same to any kennel operated by a licensed doctor of veterinary medicine, and have such dogs confined until either:

- (A) until the dogs owner pays the cost of confinement, if the dog(s) is not suspected of having rabies, or
- (B) if the dog(s) is suspected of having rabies the veterinarian shall make such tests as are necessary to determine if the dog(s) has rabies, and if so, it shall be destroyed. If not, the owner may reclaim it by paying all costs and charges of the veterinarian. If the dog(s) has rabies and the dog(s) is destroyed, the owner of the dog(s) shall be liable thereof and pay the costs incurred including medical bills for persons bitten or scratched by such dog(s). If the owner does not pay, the town shall proceed to collect the same from such owner as any civil debt.
- (C) It is unlawful to remove any animal from the Town owned Dog Trap or Kennel, under penalty of ordinance #90.99

### #90.99 PENALTIES:

Anyone violating any of the provisions of this ordinance, shall, upon conviction be fined 50.00\$ for the first offence, 100.00\$ second offence, adding 50.00\$ there after to the fine of the same offence. All fines shall be paid to the DANA TOWN CLERK, within thirty (30) days.

This dog ordinance replaces all previous dog control laws and ordinance.

Adopted this 8<sup>th</sup> day of May 2007.

#### DANA TOWN COUNCIL

Ernest Peyton

Robert Richardson

John Mouneta

Manly

ATTEST:

Toni Gilbert.

## CHAPTER 110: RESIDENTIAL SOLICITING

### Section

- 110.01 Definition
- 110.02 Soliciting permit application required
- 110.99 Penalty

### § 110.01 DEFINITION.

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

**SOLICITING.** An act or process whereby any person sells or offers for sale manufactured goods, wares or merchandise directly to a consumer by going to a house and/or going from house to house for the purpose of selling and delivering such goods or for the purpose of taking orders for the future delivery of such goods. **SOLICITING** shall not include persons:

- (A) Selling agricultural products raised or produced by them.
  - (B) Under 18 years of age
  - (C) Selling newspapers directly to the homeowner.
  - (D) Charitable solicitation.
- (Ord. No. 4-1978, passed 7-11-78)

### § 110.02 SOLICITING PERMIT APPLICATION REQUIRED.

(A) All persons, before entering in or upon private residences as solicitors of orders for the sale of goods, wares and merchandise are required to file a soliciting permit application with the Clerk-Treasurer or a member of the Town Board of Trustees, furnishing the following information on said soliciting permit application:

- (1) Full name of registrant and local address, if any;
- (2) Permanent home address;
- (3) Nature of goods, wares and merchandise offered for sale;
- (4) Name and address of the firm for on whose behalf the orders are solicited or the supplier of the goods involved;



**Dana - Business Regulations**

(5) A statement as to whether the applicant has been convicted of a criminal offense and, if so, where, the nature of the offense and the punishment or penalty assessed therefor.

(B) Soliciting permit applications may be received at the residence of the Clerk-Treasurer or at the residence of any member of the Board of Trustees. Once so received, the Board shall act on them at its next regularly scheduled Board meeting, by either approving or disapproving the application.

(C) It shall be unlawful for a person, individual, firm, association, partnership, corporation or its agents to engage in soliciting, as defined by § 110.01, without having first acquired the approval of a soliciting permit application by the Board, as specified in divisions (A) and (B).  
(Ord. No. 4-1978, passed 7-11-78) Penalty, see § 110.99

**§ 110.99 PENALTY.**

Anyone violating the provisions of this chapter shall, upon conviction, be fined not more than \$500.  
(Ord. No. 4-1978, passed 7-11-78)



— Do Not Remove!

ORDINANCE NO.

CURFEW FOR THE TOWN OF DANA, INDIANA

Be it ordained by the Town Council of Dana, Indiana that it is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

1. between 12:01 a.m. and 5:00 a.m. on Saturday or Sunday;
2. after 10 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday or Friday
3. before 5 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

It is a curfew violation for a child under fifteen (15) years of age to be in a public place after 10 p.m. or before 5 a.m. on any day.

This ordinance does not apply to a child who is:

1. accompanied by his parent, guardian, or custodian;
2. accompanied by an adult specified by his parent, guardian, or custodian; or
3. participation in, going to, or returning from:
  - a. lawful employment;
  - b. a school sanctioned activity; or
  - c. a religious event.

Any person who violates the provisions of this Ordinance shall be fined in the sum of not more than fifty dollars (\$50.00)

Adopted this 10 day of October, 2000.

Town Council of Dana, Indiana

Ernie Payton Ernie Payton

Irene Wesley Irene Wesley

Ira Jones Ira Jones

Bob Richardson Bob Richardson

Kelly Rader  
Kelly Rader

Attest:

Lynn Marietta  
Lynn Marietta, Clerk-Treasurer



## **91. PARKS AND RECREATION**

### **SECTION:**

**91.01 HOURS OF TOWN PARKS**

**91.02 SIGNS** stating hours required

**91.03 Disorderly Conduct or Criminal Mischief**

**91.04 Use of Alcohol or Illegal Drugs**

**91.05 Motorized Vehicles**

**91.06 Animal Control**

**91.07 No Fires**

**91.99 Penalties**

### **91.01 Hours of Operation of Town Parks**

The Town Park between Linden and Willow and Parkwood and Redwood and the Park north at Springwood Ave. and west of State Road 71, shall be closed to all persons and activities of every kind and description from 10:00 p.m. to 7:00 a.m. each day.  
(Ord.No.1989-2,passed 9-12-89) Penalty see 91.99

### **91.02 Signs Stating Operating Hours Required**

Sign stating the operating hours of the parks identified in 19.01 shall be erected at those parks.  
(Ord.No.1989-2,passed 9-12-89) Penalty see 91.99

### **91.03 Disorderly Conduct or Criminal Mischief**

- A) The use of profane ,offensive or indecent language or acts.
- B) Littering, throwing or depositing of trash, garbage or litter, except into containers provided for that purpose.
- C) No fighting of any sorts on park grounds.

D) Disturbing the peace by any conduct so as to cause a nuisance to the other persons (e.g. loud and offensive playing of musical instruments, radios, boom boxes, etc.)

E) Damaging, defacing, destroying, climbing trees and or fences or moving any of town owned property (signs, lights, fixtures, picnic Tables or any other material of the town.)  
Penalty sees 91.99

#### 91.04 Use of Alcohol or Illegal Drugs

Use of alcohol or being in a state of intoxication or under the influence of illegal drugs on any town park. No open container of alcohol.

Penalty sees 91.99

#### 91.05 Motorized Vehicles

Operation of motor vehicles or other self propelled motor vehicles and automobiles except in parking or other designated areas (ATV's ,go-carts,mini-bikes,golf carts and scooters)With the exception of special functions and the approval of the town board president. Exceptions of handicapped vehicles.

Penalty sees 91.99

#### 91.06 Animal Control

A) No animals except dogs or domesticated pets in the park area. Dogs and the domesticated pets must be kept on a leash and under control at all times.

B) Removal and disposal of pet defecation by the pet owner in a sanitary manner.

C) Bringing in any animal other than dogs or domesticated pets must have permission from the town board president.

Penalties see 91.99



**91.07 No Fires**

**A) No use of open fires in any location.**

**B) Use of fire only in designated areas that are approved by the town board president.**

**Penalties see 91.99**

**91.99 Penalty**

**Any person who shall violate the terms of this chapter shall be fined in an amount not to exceed \$500.00.**

**(Ord.No. 1989-2, passed 9-12-89)**

**ORDINANCE REVISED ON 11-13-2007**

**ORDINANCE WILL GO INTO EFFECT ON DEC,11 2007**

**ATTEST: *Don Gilbert***

ORDINANCE NO. 2019 - \_\_\_\_\_  
Town of Dana, Indiana

**PROHIBITING DISPOSAL OF GRASS CLIPPINGS IN TOWN ALLEYS AND STREETS**

WHEREAS, it has been discovered that some citizens are disposing and/or blowing grass clippings and other organic materials in and on town alleyways and streets; a

WHEREAS, the Town desires to enact an ordinance to prohibit citizens from disposing of grass clippings in Town alleys and streets.

BE IT, THEREFORE, ORDAINED AS FOLLOWS:

1. The intentional dumping, blowing or disposal of grass clippings or other organic materials including, but not limited to, leaves, on town alleys or streets is prohibited.
2. Violation of this ordinance shall be punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$200 for each offense thereafter.
3. This ordinance shall take effect immediately upon its passage and publication, pursuant to law.

Passed on first reading the 12<sup>th</sup> day of Feb., 2019. Passed and adopted on second reading this 9<sup>th</sup> day of March, 2019.

  
Town Council Member

  
Town Council Member

  
Town Council Member

  
Town Council Member

  
Town Council Member

Attest:

  
Clerk-Treasurer



**ESTABLISHING WEIGHT LIMITS ON TOWN STREETS; EXCEPTIONS**

WHEREAS, the Town of Dana deems it necessary, for the safety of citizens and preservation of its streets, to establish weight limits on town streets.

NOW, THEREFORE, be it ORDAINED that:

1. A truck route is established within the town whereby trucks or other vehicles exceeding ten tons gross weight shall be limited to the use of Maple Street/St. Rd. 71. All other town streets and alleys are subject to a ten ton gross weight limit.
2. The operation of any vehicle otherwise restricted to the truck route is expressly prohibited on all non-truck routes unless making a delivery, pick-up or service call within the town by means of the shortest route from or to truck route. The pick-up, delivery or service call shall, at all times, be made by utilizing the most direct route to and from the designated truck route. This section shall be interpreted as requiring all vehicles restricted to operating on a truck route to entering and leaving the city on a truck route. Additionally, any vehicle restricted to operating on a truck route, which is traveling to or from the grain elevator, shall be permitted to drive upon Briarwood Avenue and Orchard Lane.
3. The truck route limitations prescribed in this ordinance shall not apply to:
  - a. Fire trucks or other emergency vehicles or vehicles on emergency business;
  - b. Municipal and governmental owned vehicles;
  - c. Construction or maintenance vehicles operated by any contractor while involved in a repair, construction or maintenance of municipal property or systems.
  - d. The operation of a vehicle upon any officially established detour;
  - e. Garbage trucks while providing usual and contractual garbage and recycling services; or
  - f. Vehicles that are travelling to or from the grain elevator and to the 100 block of Orchard Lane (Fertilizer Facility) may drive on that portion of Briarwood Avenue and Orchard Lane necessary to access those facilities.
4. Any person operating a vehicle in violation of this ordinance shall be subject to a fine of fifty dollars (\$50.00), plus court costs for the first offense. The fine shall increase by fifty dollars (\$50.00) for the second and each subsequent offense to a maximum of five hundred dollars (\$500.00) for the tenth offense and each offense thereafter.

Passed and adopted on June 11, 2019, after suspension of the rules to approve after the first reading.

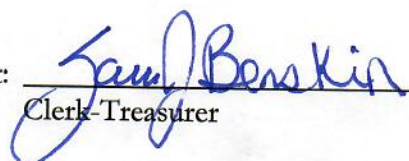
  
Town Council Member

  
Town Council Member

  
Town Council Member

\_\_\_\_\_  
Town Council Member

  
Town Council Member

Attest:   
Clerk-Treasurer



AN ORDINANCE GOVERNING THE OPERATION OF  
OFF-ROAD VEHICLES AND GOLF CARTS IN DANA

WHEREAS, a number of citizens of Dana, Indiana, are desirous of operating off-road vehicles and golf carts on town streets;

WHEREAS, I.C. 14-16-1 authorizes municipalities to enact ordinances allowing the operation of off-road vehicles on municipal streets and roads;

WHEREAS, the Indiana Legislature recently enacted HEA 1483 which makes certain amendments to Indiana law, including adding a new section to the Indiana Code (IC 9-21-1-3.3) which authorizes a city or town to adopt ordinances authorizing the use of golf carts on city or town streets; and

WHEREAS, it is in the public interest to establish reasonable rules for the operation of such vehicles on and along the Dana's streets and alleys;

BE IT, THEREFORE, ORDAINED BY THE TOWN COUNCIL OF DANA, INDIANA:

Section 1: Definitions. As used in this Ordinance the term:

- (a) "Operator" means any person at least eighteen (18) years old, holding a valid Indiana license to operate a motor vehicle, or a valid license to operate a motor vehicle from another state.
- (b) "Off-Road Vehicle" means a motor driven vehicle capable of cross country travel without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle or other means of transportation driving power from a source other than muscle or wind. It does not include a farm vehicle being used for farming or a vehicle used for military or law enforcement purposes, a construction, mining, or other industrial related vehicle used in performance of its common function, a snowmobile, a registered aircraft, or a golf cart and does not include any other vehicle properly registered by the Indiana Bureau of Motor Vehicles, and any watercraft which is registered pursuant to Indiana Statues.
- (c) "Highway, Road or Right-of-Way" means the entire width between the boundary lines of every way maintained by and within the jurisdiction of Dana, Indiana, when any part thereof is open to the use of the public for purpose of vehicular travel.



ORDINANCE 2009-\_\_\_\_\_

- (d) "Operate" means to ride in or on and to be in actual physical control of the operation of an off-road vehicle or golf cart.
- (e) "Golf Cart" means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

Section 2: Purposes. The purpose of this Ordinance is:

- (a) To authorize persons holding a valid Indiana motor vehicle driver's license (or a valid motor vehicle license from another State) to operate off-road vehicles registered with the Indiana Department of Natural Resources over and upon town roads.
- (b) To authorize persons holding a valid Indiana motor vehicle driver's license (or a valid motor vehicle license from another State) to operate golf carts over and upon town roads.
- (c) To establish rules and regulations for the operation of off-road vehicles and golf carts over and upon town roads; and
- (d) To promote safety for persons and property, and promote responsible enjoyment in and connected with the use and operation of off-road vehicles and golf carts.

Section 3: Persons Authorized to Operate Off-Road Vehicles and Golf Carts on Town Roads.

- (a) All persons at least eighteen (18) years old who hold a valid motor vehicle driver's license are hereby authorized to operate an off-road vehicle or golf cart over and upon town roads under the conditions set forth in this Ordinance, and solely for the purpose of reaching a predetermined destination.
- (b) No person shall operate an off-road vehicle or golf cart on any town road without a valid motor driver's license.

Section 4: Insurance.

- (a) Any person who operates an off-road vehicle or golf cart over and upon town roads shall maintain recreational vehicle liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand (\$300,000) per occurrence insuring against injury to persons and damage to property arising from the use and operation of such off-road vehicle or golf cart upon town roads.

ORDINANCE 2009-\_\_\_\_\_

- (b) Any person who operates an off-road vehicle or golf cart over and upon town roads shall carry proof of such insurance on his or her person at all times when operating an off-road vehicle on town roads.

Section 6: Off-Road Vehicle Registration/Compliance with State Law.

- (a) An off-road vehicle shall not be operated on a town road unless it is duly registered with the Indiana Department of Natural Resources and meets all of the standards requirements and regulations set for in I.C. 14-16-1-1 et seq.

Section 7: Restrictions on Operation. No person shall operate a golf cart or off road vehicle:

- (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
- (b) While under the influence of intoxicating liquor or unlawfully under the influence of narcotic or other habit forming or dangerous depressant or stimulant drug.
- (c) During the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise without displaying a lighted headlight and lighted tail-light.
- (d) On or across a cemetery or burial ground.
- (e) On a railroad track or railroad right-of-way, except railroad personnel in performance of their duties.
- (f) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- (g) On the frozen surface of public waters within:
- (1) one hundred (100) feet of an individual not in or upon a vehicle not in or upon a vehicle; or
  - (2) one hundred (100) feet of a fishing shanty or shelter except at speed of not more than five (5) miles per hour.
- (h) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (i) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m. except on the individual's own property or property under the individual's control or as an invited guest.



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- (j) On any property without the consent of the landowner.
- (k) While transporting on or in the vehicle a firearm unless the firearm is:
  - (1) unloaded; and
  - (2) securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- (l) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

Section 8: Operation on Town Roads. A person shall comply with the following when operating an off-road vehicle or golf cart on a town road:

- (a) The operator of an off-road vehicle or golf cart shall abide by all traffic laws governing the operation of motor vehicles in the State of Indiana, set forth in Titles 9 and 14 of the Indiana Code.
- (b) The operator of an off-road vehicle or golf cart may not cross a town road or enter upon a town road other than at right angles.
- (c) The operator of an off-road vehicle or golf cart shall bring his vehicle or cart to a complete stop before proceeding onto or across a town road and shall yield the right-of-way to traffic.

Section 9: Right to Restrict off-Road Vehicle Traffic on Designated Town Roads.

- (a) The Town Council may restrict golf cart or off-road vehicular traffic on town roads by designating such roads as unsuitable for such traffic and by posting signs on such designated roads.
- (b) It shall be a violation of this Ordinance to operate an off-road vehicle or golf cart on any town road so designated and posted.

Section 10: Enforcement

Unless otherwise prohibited by State law, all law enforcement officers having jurisdiction in Dana, Indiana, including officers of the Indiana Department of Natural Resources, shall have authority to enforce the provisions of this Ordinance.

Section 11: Penalties for Violations

ORDINANCE 2009-\_\_\_\_\_

- (a) A person operating an off-road vehicle or golf cart in violation of this Ordinance shall, upon conviction, be fined an amount no less than \$100.00, but not to exceed \$2,500.00.

Section 12: Severability/Modification

Each section, subsection, sentence clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause or phrase to be unconstitutional, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause of phrase or part hereof. The Town Council may modify this Ordinance as deemed necessary.

Section 13: Applicability and Effective Date.

- (a) This Ordinance shall apply only to the incorporated areas of Dana, Indiana.
- (b) This Ordinance shall not be construed to permit the use of off-road vehicles or golf carts on State highways.
- (c) This Ordinance shall become in full force and effect from and after its adoption by the Town Council and its publication in accordance with I.C. 5-3-1.
- (d) Any violations of State law that occurred prior to the enactment of this Ordinance shall not be exempted from enforcement.

<sup>to adopted</sup>  
Passed on initial reading on the 14<sup>th</sup> day of July, 2009. <sup>after a unanimous motion to suspend the rule</sup>  
~~second reading, this~~ day of, 2009. ~~Passed and adopted on~~


Thomas Lillal  
Town Council Member

Jan Lillal  
Town Council Member

Lewis Peery  
Town Council Member



  
Town Council Member

  
Town Council President

ATTEST

  
Town Clerk