

MUNICIPAL CODE  
FOR THE  
TOWN OF MERIDIAN HILLS

1990  
(Code Updated With All Subsequent  
Ordinances to January 1, 2010)

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## CHAPTER I

### IMPLEMENTARY AND GENERAL PROVISIONS

#### ARTICLE 1

##### IMPLEMENTARY PROVISIONS

**Sec. 1. Short Title; General Citation.** This ordinance shall be known and may be cited as “**The Meridian Hills Municipal Code**”, and any citation or reference shall mean and include all supplements, supplementary ordinances, and amendments thereto.

**Sec. 2. Legislative Intent to Exercise General Powers.** It is declared to be the legislative intent of the Town Council, pursuant to the enactment of this Code, to invoke and exercise all lawful powers vested in or incumbent on the Town Council of a town to enact ordinances and to provide through legislation for the governance of the municipal corporation and its governmental jurisdiction, including but not necessarily limited to the following powers:

- a. all powers vested expressly by the Constitution and laws of Indiana;
- b. all general or residual powers conferred on the governing body of a town by the laws of the State of Indiana or by any other law;
- c. all implied powers incumbent on a municipality through the operation of common law, such as are necessary or dispensable to the purposes for which a municipal corporation is created.

Whenever any provision of this Code is a provision of any ordinance enacted prior to the enactment or taking effect of this Code, whether included in original or in substantially restated form, such a provision is intended and shall be construed to have been reaffirmed and re-enacted concurrently with the enactment of this Code, and shall be interpreted and applied in light of the above described powers as they are now in effect and vested in the Town Council, irrespective of whether any such provision could or might have been held invalid at the time it was originally enacted for want of then lawful authority of the Town Council to have enacted such a provision at that time.

**Sec. 3. Continuity of Effect of Provisions.** It is the legislative intent of the Town Council in adopting this Code to preserve the continuity of effect of all re-enacted or restated provisions included herein; and nothing in the re-enactment of any such provisions, nor in the repeal of any original ordinance per se, in which the provision was originally incorporated, shall be construed to nullify, terminate or render unlawful any official action performed, proceeding begun, governmental or corporate entity created, transaction made, or any contractual obligation, indebtedness, or other legal obligation or liability incurred by or to the Town under proper authority or operation of any such re-enacted or restated provision prior to its inclusion in and the taking effect of this Code.

**Sec. 4. Publication of Municipal Code.** This Code is declared to be a public document, and the Clerk-Treasurer shall provide for the making of printed copies thereof in booklet form,

and for the publication of such copies by the Town or by a private publisher so that any person who desires to obtain a copy for his/her own use and information may do so. The production of the printed Code in booklet form and publication thereof by making copies available for public acquisition and distribution as provided in this Section is for the purpose of and shall be construed to fulfill all printing and publication requirements as provided by the laws of the State of Indiana. If the printed Code is published and made available by and through the Town, the Council shall establish and collect a charge for each copy, which charge shall be sufficient to recoup the costs to the Town incurred for the printing of the Code volume and the administrative costs of publication. If the printed Code is published and made available by and through a private publisher, the private publisher may establish and charge a reasonable price for each copy of the Code ordered by a member of the public. In addition to such publication as provided above, at least one copy of the printed Code shall be filed and kept in the office of the Clerk-Treasurer, and the Clerk-Treasurer shall permit any person wishing to do so to examine the Code or make copies of any part thereof as provided by the laws of the State of Indiana (currently IC 5-14-3-3 and IC 5-14-3-8, as amended).

**Sec. 5. General Repeal of Prior Ordinances.** All ordinances or parts thereof, excepting those set forth and expressly saved in Section 6 of this Article, having been enacted prior to the adoption of this Code are hereby repealed, such repeals being effective upon the taking effect of this Code.

**Sec. 6. Ordinances or Parts Saved From General Repeal.** The following described ordinances or parts of ordinances are not repealed by Section 5, and shall remain in full force and effect until their natural expiration or until they are expressly repealed by another ordinance:

- a. the Ordinance for Appropriations and the Tax Levies for Fiscal Years 2009 and 2010 and any ordinances amendatory or supplementary thereto;
- b. any act fixing the salaries and wages of Town officers and employees for Fiscal Years 2009 and 2010;
- c. any other ordinance, whether explicitly or generally described, which is expressly incorporated by reference into this Code;
- d. Cable Television Franchise Ordinance and Agreement dated May 10, 1982; (see current [2000] Cable Television Franchise Ordinance dated July 8, 1996 – copy on file as public record with Town Clerk-Treasurer.)
- e. “General Ordinance #1 1946 Zoning Ordinance” as modified by subsequent Indiana statutes IC 36-3-1-1 et seq. (UNIGOV laws), as amended;
- f. all ordinances incorporating agreements with the City of Indianapolis relating to maintenance and traffic control of certain streets and rights-of-way in the Town.

**Sec. 7. Conflict of Law.** In the event the provisions contained in this Code conflict with another law, such conflict shall be governed by, and according to the following order, the provisions of (i) the Constitution of the United States, (ii) any federal law passed in pursuance thereof, (iii) the Constitution of the State of Indiana, (iv) the Indiana Code, (v) the municipal code of the consolidated city and county (hereinafter referred to as the “municipal code of the

city”), (vi) the laws and regulations of Washington Township, Indiana, (vii) this Code, and (viii) any other law not aforementioned.

**Sec. 8. Code Effective Date.** This Code shall take effect on the 1<sup>st</sup> day of January, 1991, as updated with all subsequent ordinances to January 1, 2010.

## ARTICLE 2

### GENERAL PROVISIONS

Scope of Governmental Activity of Town. The Town of Meridian Hills, a town located wholly within the boundaries of the consolidated City of Indianapolis, Indiana (“City”) has retained the following areas of governmental interest and supervision, which it exercises through its Town Council and designated agents, employees, consultants and independent contractors:

1. Public works, including street construction, repair, maintenance, lighting, snow removal and other matters relating to the streets or land within the public rights-of-way, all subject to compliance with the municipal code of the City and Marion County (“County”).

2. Public service relating to the health, safety and well-being of its citizens, including police protection supplementing such protection available through the principal police and fire agencies of the City and County or other similar governmental agency providing such service, from time to time.

3. Planning and development as such powers are reserved to the Town and described in Chapter IV, as amended.

**Sec. 1. Definitions.** The following terms are commonly used throughout this Code, and shall uniformly have the indicated meanings unless the particular Chapter or Article in which they are used defines a different meaning, or unless the context clearly indicates a broader, more narrow, or otherwise different meaning:

- a. **Town:** The term “Town” (or similar terms such as “municipality”) when used in a governmental or corporate sense means and refers to the Town of Meridian Hills, Indiana, a municipal corporation and body politic organized under the laws of Indiana; and includes, with respect to any particular matter and by representation, its Town Councilor such other officials, boards, commissions, departments, agencies, or other authorities which by act of the Town Council or by general law are empowered to exercise governmental or corporate authority on behalf of the Town of Meridian Hills with respect to such particular matters.

The term “Town” when used in a territorial or geographic sense, means or refers to that area included within the lawful municipal boundaries of the Town of Meridian Hills at that time in question, irrespective of the boundaries in existence at the time this Code or any included provision or amendment takes effect.

- b. **Town Council:** The term “Town Council” means and refers to the Town Council of the Town of Meridian Hills, Indiana and shall consist of three (3) persons.

- c. State: The term "State" means and refers to the State of Indiana in the senses analogous to those in which the term "Town" is used as described in subsection a. above.
- d. Law: The term "law" when used in reference or respect to any matter means any provision of the United States or Indiana Constitutions, federal or state statute, any applicable and enforceable federal or state regulations or administrative law, any applicable local ordinance or enforceable regulation, and the common law.
- e. Gender: All words having a masculine, feminine, or neuter connotation shall be construed to mutual entail and include each other.

**Sec. 2. Conflicting or Contradictory Provisions; Resolution.** In the event that two provisions of this Code or any supplementary ordinance are conflicting, mutually contradictory, or cannot consistently stand together and be coherently applied, either in general or with respect to any particular matter, then the most recently enacted provision shall prevail and be applied. In the case of any two such conflicting provisions of this Code which are re-enacted or restated provisions of any prior ordinances, the most recently enacted provision is that provision which was formerly part of the most recently adopted prior ordinance, notwithstanding the fact that such prior ordinance per se may have been repealed.

**Sec. 3. Amendment and Repeal; Procedure; Limitation of Effect.** The Town Council may add, amend, or repeal any chapter, article, section, or other part of this Code by adopting a supplementary ordinance setting forth the addition, amendment, or repeal and specifying the chapter, article, section, or other part of the Code to which the addition, amendment, or repeal applies. The repeal of any chapter, article, section, or other part shall be specific and not generally phrased; and any supplementary provision enacted with the intent to replace any existing provision of the Code shall include or be accompanied by a provision expressly identifying and repealing the provision intended to be replaced. The repeal of any current provision does not work to revive any prior provision which was repealed and replaced by the current provision being repealed; nor does the amendment or repeal of a provision serve to nullify, invalidate, terminate, or render unlawful any official act performed, proceeding begun, transaction made, contract or other legal obligation entered into, or liability incurred by or to the Town by virtue of the proper operation of the amended or repealed provision prior to taking effect of the amendment or repeal. A supplementary ordinance adding, amending, or repealing a provision of this Code shall be adopted in the same manner as other ordinances, except to the extent that an applicable special procedure for adoption is prescribed by this Code or statute.

**Sec. 4. Severability.** All chapters, articles, sections, or other portions of this Code are severable from each other as to matters of validity.

## CHAPTER II

### TOWN COUNCILORS

#### ARTICLE I

##### GENERAL PROVISIONS

**Sec. 1. Method of Electing Councilors Established.** The Town Councilors will be elected at large. Their election date shall coincide with the Indianapolis Municipal Election. The nomination and election of Town Councilors shall be governed by the election laws of the State of Indiana applicable to the Town as such laws may prescribe and be amended from time to time.

**Sec. 2. Town Council President; Election; Term; Vacancy.** The term of the President of the Town Council shall be one year. The Town Council shall annually, at its first meeting of the year, elect a President for the ensuing year who shall serve until his successor is elected and installed in office. However, in the event that the office of President becomes vacant for any reason, the Town Council, at its next regular or special meeting thereafter, shall elect a new President to serve the remainder of the vacating President's term.

**Sec. 3. Absence or Incapacity of President; Interim President.** In the event that the Town Council President is temporarily absent from or incapacitated from presiding at a meeting for any reason, or wishes to yield the chair, the senior remaining member of the Town Council shall preside as interim President, and during such period shall have all of the powers and duties of the President. For purposes of this Section, the senior member shall be the member who has served on the Council for the longest continuous period of time, or if all other members present have served for an equal period, the eldest of them is the senior member.

**Sec. 4. Vacancy in Office.** The removal of a Councilor or the removal of the Clerk-Treasurer from the Town will by that fact vacate the Town office held by such person.

**Sec. 5. Time and Place of Meeting.** The Councilors of the Town shall hold their regular meetings every other month on the second Monday of the month at 7:00 P.M. beginning in January of each year and such other times as they may by resolution designate. The President or any two of the Councilors may call special meetings of the Councilors of such Town. The Clerk-Treasurer shall notify all members of the Council of such meeting at least two days before the same is held, by delivering a written notice stating the time and place of such meeting.

**Sec. 6. Committees.** There shall be appointed by the President three standing committees chaired by one of the Town Councilors other than the President who shall be an ex-officio member thereof, to-wit:

1. Streets and Thoroughfares.
2. Police and Law Enforcement.
3. Finance.

The President with the approval of the Councilors may appoint such other committees as they may deem necessary.

**Sec. 7. Report of Committees.** Committees to which references are made shall report, in writing if requested, upon the activities of their committees.

**Sec. 8. Streets and Thoroughfares Committee.** This Town committee shall work with the Engineer in developing and implementing plans and actions necessary to maintain, construct and preserve the streets and thoroughfares in the Town in a manner consistent with the municipal code of the City and County and the safe, efficient, and comfortable use by the Town's citizens, including, but not limited to, constructing, repaving, snow removal, striping, as well as surface water drainage, and all other matters relating to the preservation of a high quality street system. The Town Councilor chairing this committee shall serve as Road Commissioner.

**Sec. 9. Police and Law Enforcement Committee.** This committee shall coordinate the activities of the Town Marshal and other police officers in the enforcement of all laws applicable to the Town and its citizens. The Town Councilor chairing this committee shall serve as Police Commissioner and shall serve as the Town's liaison with its law enforcement personnel.

**Sec. 10. Committee of Finance.** Pursuant to the laws of the State of Indiana, there is hereby established the Committee of Finance of Town of Meridian Hills, Indiana. Such committee shall consist of all of the Town Councilors and shall constitute the fiscal body of the Town, charged with the designation of public depositories for all public funds and the performance of other duties as may be prescribed from time to time by the laws of the State of Indiana.

**Sec. 11. Indemnification of Town Officials and Employees.** No official, Council member, or employee of the Town who, in good faith and without malice, recklessness, gross negligence, or intent of personal gain, goes about the exercise of his lawful powers or performance of his lawful duties on behalf of the Town shall thereby be made and held personally liable for any damage or loss to the Town or to another person arising out of such exercise or performance, and any suits against such person arising therefrom shall be defended by the Town Attorney until their final conclusion at the expense of the Town. The Town shall assume liability for any judgments or out of court settlement against the official, Council member, or employee; or the Town Attorney, and with the consent of the Town Council, may compromise and settle any such claim, complaint, or suit.

**Sec. 12. Appropriation and Tax Levy Ordinances.** The Clerk-Treasurer shall formulate each year an estimated budget and proposed tax rate and tax levy, with public hearing and notice thereof to be conducted pursuant to Indiana statutes. An appropriation ordinance draft shall be prepared specifying the objects and purposes for which appropriations are made and the amount appropriated for each object or purpose. The Councilors shall pass such ordinance within such time as may, from time to time, be prescribed by the laws of the State of Indiana. The Councilors shall pass a tax levy ordinance which shall incorporate such appropriation ordinance as originally passed or as the same may be lawfully amended at such time as may be provided by law each year, which ordinance shall specify in detail the purposes for which such appropriations are made and the sum or amount appropriated for each purpose, respectively, and which shall levy the amount so ascertained upon all the property subject to taxation within the Town as the same is assessed for State and County purposes for the current year. The Clerk-Treasurer shall

thereupon file a certified copy of such tax levy ordinance with the Auditor of the County, as is required by the laws of Indiana.

**Sec. 13. Procedure for Passage of Ordinances.** The procedure for the passage of an ordinance shall be as follows:

A proposed ordinance when first introduced shall be submitted to the Councilors and motion shall be made to have the same entered by the Town Clerk-Treasurer upon the records of the Councilors' proceedings of the meeting at which the said proposed ordinance is introduced.

A proposed ordinance after it has been introduced as herein provided may be called up for passage at any subsequent meeting of the Councilors when it shall be again read. If, as the result of an "Aye" and "No" vote thereon, a majority of the Councilors present constituting a quorum to do business shall vote "Aye", said ordinance shall be declared passed. If, however, such vote results in a tie, the Clerk-Treasurer shall cast the deciding vote and declare the result thereof.

Following the preparation of an ordinance as herein described, the Town Clerk-Treasurer shall be directed to cause copies of such ordinance to be published in a newspaper qualifying as an appropriate vehicle for publication and in form and frequency as prescribed by the laws of the State of Indiana.

## ARTICLE 2

### MEETINGS OF COUNCIL

**Sec. 1. Order of Business.** The order of business to be observed at all meetings of the Councilors shall be as follows:

- Minutes of Meeting – (Date of previous meeting)
- Police Report
- Report of Town Engineer
- Report of Town Attorney
- Report of Clerk-Treasurer
- Old Business
- New Business
- Presentation of Claims and Warrants

Provided, however, that the above order of business may be suspended and revised upon a majority vote of all Councilors present.

**Sec. 2. Quorum.** A majority of the members of the Town Council shall constitute a quorum.

**Sec. 3. Power of Majority.** The action of the Councilors shall be controlled by a majority vote of those present.

**Sec. 4. Member Present Required to Vote.** Every member who shall be present when

a question is stated from the Chair, shall vote thereon unless excused by the Council.

**Sec. 5. When Vote Reconsidered.** No vote of the Council shall be reconsidered or the action of the Council rescinded at a special meeting, unless at such special meeting there be present as many Councilors as were present when such vote was taken.

**Sec. 6. Rules of Order.** The President shall decide all questions of order, and be governed in his decisions by parliamentary law, as prescribed by Robert's Rules of Order, as revised.

**Sec. 7. Term of Office.** The Town Councilors and the Clerk-Treasurer shall hold office for four years and until their successors are elected and qualified.

## CHAPTER III

### OFFICERS AND OFFICIALS

#### ARTICLE I

##### PRESIDENT

**Sec. 1. Powers.** The Town Council President shall be chosen from the Town Council and shall be the chief executive of the Town and shall be responsible with the other Councilors for the enforcement of all laws and ordinances. The President, or the president pro tem, shall preside at all meetings of the Town Council. The President shall be the chief administrative officer of the Town and shall be responsible to the Council for the management and coordination of the Committees and shall have supervision over such other Town personnel and officials as may be created unless the management and control of such officials and personnel is expressly delegated elsewhere.

**Sec. 2. Responsibility – Meetings.** The Town Council President shall be directly responsible to the Councilors for the faithful and satisfactory performance of his duties. He shall attend such meetings of the Councilors or committees thereof as the Councilors shall direct and shall give such additional reports and information to the Town Council as may be required.

#### ARTICLE 2

##### TOWN CLERK-TREASURER

**Sec. 1. Scope of Office.** The Town Clerk-Treasurer shall serve as the Business Manager and Chief Fiscal Officer for the Town under the direction of the Town Council and in cooperation with the Town Attorney and Town Engineer. The Clerk-Treasurer shall have supervision over the accounting work of the Town and the receipt and disbursement of all Town funds, subject to the approval and control of the Town Council.

**Sec. 2. Election of Clerk-Treasurer.** The Clerk-Treasurer, who shall be a resident of the Town, shall stand for election in the same years in which the Town Councilors shall be elected and he shall serve during the same terms of office as provided by law, from time to time, for the Town Councilors.

**Sec. 3. Purchases –Authorization.** The Town Clerk-Treasurer shall make all necessary purchases of supplies and equipment for all departments of the Town. He is authorized to make expenditures of \$500.00 or less, without preliminary authorization by the Council, but all expenditures and payments shall be subject to the approval of the Councilors and to the limitations imposed by the adoption of the budget or special appropriation or other limitations imposed by the laws of the State of Indiana.

**Sec. 4. Monthly Financial Reports.** The Town Clerk-Treasurer shall each month prepare and present to the Councilors a statement showing the exact financial condition of the Town as of the end of the preceding month, including a summarized statement of income and expenditures, detailed as to funds and departments.

**Sec. 5. Budget.** The Town Clerk-Treasurer shall prepare and present to the Councilors annually a budget estimate of income and expenditures for the ensuing year. The preparation of such annual budget estimates, the consideration thereof, the publication of notice thereof and hearing thereon, as well as the adoption of ordinances fixing the rate of taxation and making appropriations for such estimated budget amounts shall be governed by the provisions of the laws of the State of Indiana.

**Sec. 6. Meetings.** The Town Clerk-Treasurer shall attend all meetings of the Councilors and the Committee of Finance and keep proper minutes and records of the same.

**Sec. 7. Compensation.** The salary of the Clerk-Treasurer shall be fixed by the Town Council.

**Sec. 8. Duties Generally.** The Town Clerk-Treasurer shall be ex-officio Clerk of the Town Council and in addition to the duties required to be performed by the Clerk of the Town Council as set forth herein, it shall be the duty of the Clerk-Treasurer to maintain the Town's records of ordinances, resolutions, financial documents and other papers duly filed and submitted to the office of Town Clerk-Treasurer. Where appropriate, the Clerk-Treasurer shall provide transcripts of the journals and records of said office, certified by the Clerk-Treasurer under the corporate seal of the Town of Meridian Hills, and shall provide such records, as public records, to other interested persons upon the payment of an appropriate fee for the production thereof. The Town Clerk-Treasurer shall serve as the liaison between the Town and other public officials of the City, County, State and the United States Government, including all agencies of such governmental subdivisions. It shall be the duty of the Town Clerk-Treasurer to perform such other duties as may be required by resolution of the Town Council.

**Sec. 9. Docketing and Filing of Ordinances.** It shall be the duty of the Town Clerk-Treasurer in cooperation with the Town Attorney to number, docket and file in regular order all official ordinances and resolutions as well as other official documents coming into his custody and control as such officer, indexing the same in such manner that they can be readily referred to at all times.

**Sec. 10. Elections Certification by Clerk-Treasurer.** The Clerk-Treasurer shall perform those duties prescribed by the laws of the State of Indiana relative to municipal elections in small towns, including the issuance of a certificate of election under the laws of the State of Indiana, to the successful candidates for office.

**Sec. 11. Bond.** Before entering upon the performance of duties the Clerk-Treasurer shall furnish a surety company bond satisfactory to the Town Councilors in such amount as shall be required under the laws of the State of Indiana. Such bond shall name the depository in which Town funds are to be placed and shall be accompanied by an agreement between the Clerk-Treasurer and the surety company that said funds shall be so placed and maintained. The premiums for such bond shall be paid by the Town of Meridian Hills.

**Sec. 12. Warrants – By Whom Signed.** The Town funds shall be deposited in the name of the Town of Meridian Hills and the only checks which shall be honored against said funds shall be Town warrants drawn upon the Town's account, signed by the President and countersigned by the Clerk-Treasurer or other person authorized by the Town Council. Each such warrant shall state the particular fund or appropriation to which the same is chargeable and the person to whom payable. All interest on Town funds shall be placed to the credit of the Town except where the laws creating such funds prescribe otherwise.

**Sec. 13. Maintenance of Accounts.** The Town Clerk-Treasurer shall receive all moneys belonging to the Town, and shall keep all necessary books and accounts according to good accounting practice, and such books and accounts shall always be subject to the inspection of any member of the Town Councilors. Said books shall be kept by him or under his direction, so as to show at all times the exact condition of the moneys under his control and of such accounts with the several funds or appropriations, and of all disbursements by him made, and shall be by him handed over to his successor, with the other books and accounts pertaining to his office. Said books shall be balanced at least monthly.

**Sec. 14. Transfer of Funds.** No person shall be paid from the Treasury upon any warrant except from the moneys belonging to the particular funds, or appropriation, or items thereof, upon which such warrant shall be drawn, nor shall money be transferred to the Clerk-Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which it has been collected or paid, without the express vote of a majority of the members of the Town Council.

### ARTICLE 3

#### TOWN ATTORNEY

**Sec. 1. Creation of Office, Appointment.** There is hereby created the office of Town Attorney. The Town Attorney shall be appointed by the President by and with the approval of the Town Council. Said attorney shall hold office from the date of his appointment and shall serve at the pleasure of the Town Council and until his successor shall be appointed and qualified.

**Sec. 2. Compensation.** The compensation of the Town Attorney shall be fixed by the Town Council. Additional expenditures for legal services may be made, as required, by the Town Council in such sums and for such services as the Town Council may authorize.

**Sec. 3. Written Opinions.** The Town Attorney shall give his legal opinion in writing to the Town Councilors or any member thereof or to the Town Clerk-Treasurer, on legal questions and report on their progress and final disposition and such other information concerning the legal interests of the Town which may be deemed necessary or proper by the Town Council.

**Sec. 4. Attendance at Town Council Meetings, Reports.** The Town Attorney shall attend the meetings of the Town Council and shall make, as requested, reports to the Town Council of all suits, prosecutions or actions prosecuted or defended by the Town and report on their progress and final disposition and such other information concerning the legal interests of the Town which may be deemed necessary or proper by the Town Council.

**Sec. 5. Other Duties.** In addition to the duties herein expressly set forth or impliedly pertaining to his office, the Town Attorney shall prepare and draft any proposed ordinance requested of him by any member of the Town Council; he shall give the necessary attention to other proceedings of interest to the Town before all courts or public agencies.

## ARTICLE 4

### TOWN MARSHAL

**Sec. 1. Appointment, Term, Compensation.** The President shall with the approval of the Town Council, appoint a Town Marshal and such deputy marshals as are deemed appropriate, who shall hold office at the pleasure of the Town Council and until his and/or their respective successors are appointed; provided, however, that before terminating or suspending a marshal who has been employed by the Town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9, the Town Council must conduct the disciplinary removal and appeals procedure prescribed by IC 36-8 for the fire and police departments of cities.

**Sec. 2. Duties.** The Town Marshal and his appointed deputies shall perform such duties as shall be prescribed by the Indiana Code and the Councilors of the Town of Meridian Hills, Indiana, for the preservation of the public peace and safety and the observance and enforcement of the ordinances and laws of the Town of Meridian Hills, Marion County, Indiana and the State of Indiana, as such laws and ordinances apply to the activities of the Town.

**Sec. 3. Contractual Relationship.** The Town Marshal and his deputy marshals may be employees of a private corporation which has contracted with the Town for the performance of police and law enforcement duties. Such contractual relationship may be entered into, from time to time, by the Town Council and the law enforcement entity providing such services with compensation therefore and duties and conditions of employment to be agreed upon between the parties. The Town Marshal and his deputies shall constitute the Town Police Department and each member thereof is hereby declared to be a conservator of the peace.

**Sec. 4. Resisting an Officer.** No person shall resist any member of the Police Department in the discharge of his duty, or in any way interfere with, hinder or prevent such discharge, or offer or endeavor to do so; nor in any manner assist any person in custody of any member of the police force to escape or attempt to escape, nor rescue or attempt to rescue any person in custody.

**Sec. 5. Records – Inspection Thereof.** All records and reports of the Town Police Department shall be maintained in the office of the Town Marshal and shall be accessible to all members of the Town Council and the Town Clerk-Treasurer.

**Sec. 6. Number of Deputy Marshals.** Pursuant to I.C. 36-5, the Town Marshal is hereby authorized to appoint not more than 25 Deputy Marshals.

## ARTICLE 5

### TOWN ENGINEER

**Sec. 1. Appointment – Term.** The President shall, with the approval of the Town Council, appoint a Town Engineer who shall hold office at the pleasure of the Town Council.

**Sec. 2. Duties.** The Town Engineer shall maintain the Town's engineering records and perform such other duties as shall be assigned to him by the Town President and the Town Council, and he shall report to the Town Council at its monthly meeting of his activities relating to construction, engineering, maintenance and planning of public works activities of the Town.

**Sec. 3. Compensation.** The compensation of the Town Engineer shall be fixed by the Town Council. Additional expenditures for engineering services may be made, as required, by the Town Council in such sums and for such services as the Town Council may authorize.

## ARTICLE 6

### TOWN HALL

**Sec. 1. Location.** The residence of the Town Clerk-Treasurer shall be the Town Hall of the Town of Meridian Hills.

## ARTICLE 7

### OATHS OF OFFICE

**Sec. 1. Oaths Required of Officials.** Each member of the Town Council, the Town Clerk-Treasurer, the Town Attorney and the Town Marshal shall, before entering upon the discharge of their respective duties, take and subscribe the oath required of officers of the Town to support the laws of the Town, the municipal code of the City and County, the Constitution and laws of the State of Indiana, and the Constitution and laws of the United States.

## CHAPTER IV

### ADMINISTRATION AND FINANCE

#### ARTICLE I

#### CONTRACTS

**Sec. 1. Town Officers Not to Be Interested in Contracts.** No Council member or officer or employee of the Town, shall be directly or indirectly financially interested in any contract, work or business of the Town, or the sale of any article, the expense, price or consideration for which is paid from the treasury, or by any assessment levied by any act or ordinance; or in the purchase of any real estate or other property. Each of the Town's officials or employees, described above, shall be subject to the "Conflict of Interest" statutes of the State. PROVIDED, HOWEVER, nothing herein contained shall prohibit the Town Council employing the services of its Town Engineer, Town Attorney or other Town official for the performance of specific services within the expertise of such Town official, employee or independent contractor, and such employment when approved at a public meeting of the Town Council shall include a disclosure required by the laws of the State.

**Sec. 2. Public Works Expenditures.** All contracts and undertakings for the making of any public improvements to be paid for, in whole or in part, by Town funds, where the expense thereof is equal to or in excess of the sums prescribed by the laws of the State of Indiana, then such public works contract and expenditures shall be completed pursuant to the terms of said Indiana laws including, but not limited to, development terms and specifications, advertising for bids, opening of bids, awarding of contracts and such other provisions prescribed therein. The procedures to be performed relating to such public improvements shall be completed by the Town Engineer with any contract therefore to be approved by the Town Council and executed by the President.

#### ARTICLE 2

#### INSURANCE

**Sec. 1. Liability and Other.** The Town Council shall maintain and approve such liability and other insurance, as they may deem appropriate from time to time, to cover all of the activities of the Town, Town Council, Town officers and personnel. Said insurance shall be maintained in such companies and in such amounts as are approved by the Town Council.

#### ARTICLE 3

#### FISCAL YEAR

**Sec. 1. Fiscal Year Determined.** The fiscal year of the Town is hereby fixed and determined to be the calendar year.

## ARTICLE 4

### TOWN FINANCE

**Sec. 1. Salary Payment Schedule Established.** The officers of the Town shall have their salaries paid in such sums and at such times as provided by the Annual Salary Ordinance.

**Sec. 2. Investment of Town Monies Authorized.** The Clerk-Treasurer may invest surplus monies of, or on deposit with, the Town and not required for immediate expenditure. Investments may be made in any security or investment instrument authorized by the laws of the State of Indiana (currently IC 5-13-4-1 et seq., as amended). Investment shall be made in instruments having sufficient liquidity to permit the Town to meet its expenditure requirements in a timely manner, and shall not be made in any maturing in more than one year from the date of the investment unless the Clerk-Treasurer determines on a reasonable basis that all monies so invested are not likely to be required for a longer period of time. The Clerk-Treasurer may sell or otherwise liquidate an investment if the investment monies should provide to be needed to pay the expenses of the Town or in order to make a more advantageous investment, or to forestall principal devaluation. Unless otherwise provided by law, applicable state or federal administrative regulations, or Town ordinance, investments shall be made from total monies on deposit rather than by specific fund, and all earnings or amounts of capital gain realized from the investment shall accrue to the General Fund, except where the laws creating such fund prescribed otherwise, and only the amount of original principal shall be returned to the fund of origin. To the extent not inconsistent with the foregoing requirements of this Section, monies from different funds may be combined and put in a single investment if a financial advantage to the Town would result. When any investment is made in accordance with this Section and applicable laws, the Clerk-Treasurer shall not be held personally liable for any loss of principal which may incidentally result from the making or necessary sale or liquidation of the investment. Any actions heretofore taken by the Clerk-Treasurer in accordance with the provisions of this Section are hereby fully ratified, validated and legalized.

**Sec. 3. Payment of Membership Dues to Organizations Authorized.** The Town Council may budget and appropriate funds from the General Fund or from other funds to provide membership for the Town and the elected and appointed officials and members of the Town's boards, departments or agencies, in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations. The Town Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs.

**Sec. 4. Gifts and Donations; Donation Fund.** The Town may accept cash gifts, donations, bequests, or endowments either for general use or for purposes limited and specified by the donor. Donations for general use may be accepted by the Clerk-Treasurer immediately; donations for limited and specified purposes must be approved by the Town Council before acceptance. There is hereby created a special non-reverting fund to be known as the "Donation Fund" into which the Clerk-Treasurer shall receipt and deposit all cash gifts, donations, bequests, or endowments. Within the Donation Fund, the Clerk-Treasurer shall determine and apply a suitable system of account labeling and memoranda sufficient to limit authorization and expenditure, and to provide a detailed accounting thereof, in accordance with the intent, conditions and requirements of the donor. Monies credited to each account may only be

expended for the purpose or purposes intended by the donor, where stated, and only upon a proper claim approved by the Town Council. If the donor or grantor has set forth a specific and well-defined purpose for which monies are to be expended, such specification shall be considered a lawful appropriation of the monies.

## **ARTICLE 5**

### **TOWN BOUNDARIES**

**Sec. 1. Map Reference.** The boundaries of the Town are hereby confirmed to be as shown on the map of the "Town of Meridian Hills, Indiana", dated February 22, 1989, set forth in Appendix A hereto and incorporated herein by reference.

## CHAPTER V

### PUBLIC WORKS ACTIVITIES

#### ARTICLE 1

##### PUBLIC RIGHTS-OF-WAY EXCAVATION OR DISTURBANCE – DRAINAGE

**Sec. 1. Notice Required.** Any person, firm or corporation wishing to make excavation of any public street, right-of-way, or public place or easement in the Town, shall notify the Town Engineer and the organization presently known as the Underground Pipeline Location Service at least 72 hours prior to the making of any such desired excavation in the Town, except in the case of an emergency requiring less notice to meet the terms of such emergency. Such excavation and/or construction activity may not proceed unless the Town Engineer determines that in the best interest of the Town such proposed excavation should be considered by the Town Council prior to proceeding with such construction. Unless the Town Engineer determines otherwise, such excavation and construction may proceed when verification has been obtained of the location of other utilities by the Underground Pipeline Location Service.

**Sec. 2. Map to be Filed.** Every utility (including telephone and cable television) company that has laid or shall hereafter lay down pipes or other methods of conveyance or transmission in any public street or right-of-way in the Town, shall make and have on file at their utility office an accurate map, showing the exact location of every installation laid by it, which map shall be accessible for public inspection and shall be kept constantly revised by such utility companies to show any changes or additions.

**Sec. 3. Permit and Surety Bond.** If, in the opinion of the Town, a permit is required, the applicant shall also give a surety company bond in an amount to be fixed by the Town Clerk-Treasurer, conditioned that he will suitably guard and protect any excavation or construction, and defend, save and indemnify the Town from all actions, suits, costs, damages and expense whatsoever, including attorneys fees, for, or on account of any injuries or damages received or sustained by any party or parties, by or from acts or omissions of the applicant or his or their employees, in doing such work or by or from the existence of such excavation; that he will carry out the work according to the terms and conditions of his application and permit; and that he will restore such streets, sidewalks and public places to their former condition, and to complete such work as speedily as possible, and when completed, to notify the Town Clerk-Treasurer.

**Sec. 4. Duty to Place Barriers on Excavation.** It shall be the duty of every person, firm, or corporation excavating or constructing any improvement in any street, alley, right-of-way or other public place under any contract with the Town or by virtue of any permit or permission granted by the Town whereby such work if left exposed might prove to be dangerous to pedestrians or vehicles, to erect a barrier or fence at such excavation or other work in such a manner as to avoid danger to pedestrians or vehicles that may be traveling over such streets; and to continue to maintain the said barrier or fence until the work shall be completed or the obstruction or danger removed. And it also shall be the duty of such persons, firms or corporations, to place a sufficient number of warning lights at such excavation or other work at twilight and to keep the same burning throughout the nighttime hours. All barriers or other safety

devices placed in and around such excavations shall meet all federal, state and local laws and regulations relative to the safety of all employees related to such project, as well as the vehicular and pedestrian traffic that is exposed to any risk created by such excavation.

## ARTICLE 2

### DRAINAGE DITCHES – CULVERT DRAINS – STORM SEWERS

**Sec. 1. Obstruction Prohibited Without Permission.** No person may, without permission of the Town, and following the granting of a permit therefore by the City, stop, obstruct, or attempt to obstruct the passage of water in any drainage ditch or into any culvert, catch basin or storm sewer within the Town.

**Sec. 2. Violations Stop Work Orders.** Any persons violating the provisions of this article shall be subject to the issuance of a stop work order by the Town or City, and such stop work order may be enforced by the Town through the Town Attorney or City through the City's attorney, or other available resources in whatever manner the Town or City, in their discretion, determines to be appropriate.

**Sec. 3. Plans and Specifications.** Any person, firm or corporation wishing to install, relocate or reconstruct any driveway, drainage ditch, culvert drain or storm sewer which entails the discharging of surface water and/or storm drainage to public rights-of-way shall, prior to such construction, submit plans and material specifications to the Town for approval.

**Sec. 4. Applicability to Existing Facilities.** If the Town finds that an existing drain pipe or similar facility, located on private property, is hindering or otherwise impeding the drainage of surface water, the property owner owning or abutting the property where such drain pipe is located shall be given notice by the Town to correct such deficiency within sixty (60) days after such notice. In the completion of such corrective action, such owner shall submit plans and material specifications to the Town for approval prior to application to the City for the appropriate permits and commencement of such corrective action.

**Sec. 5. Failure of Owner to Correct.** Unless the City fails to grant the property owner the required permits to correct the condition described in Section 4 above, in the event the property owner fails to correct such condition within such notice period, the Town through its Town Engineer shall cause such condition to be corrected, and the costs thereof, including any costs of collection, shall be paid by the property owner. In the event the property owner fails to pay such costs within thirty (30) days written notice thereof, the Town through the Town Attorney, shall commence proceedings for the collection of such costs of the corrective action, plus court costs and reasonable attorney's fees.

## ARTICLE 3

### PUBLIC STREETS AND THOROUGHFARES

**Sec. 1. Burning of Rubbish on Street Pavement Prohibited.** No person may at any time build any fire or burn any trash, brush, leaves, or other combustibles upon any paved street or public sidewalk of the Town.

**Sec. 2. Scattering of Foreign Matter Prohibited.** No person shall permit any vehicle under their ownership or control to deposit on any sidewalk, street or public place within the Town, any dirt, mud, sand, gravel, cement, petroleum products, harmful chemical substances, scrap paper, garbage or any other trash or material or substance which would render the street or public place unclean, unsightly, unsafe or unusable.

**Sec. 3. Occupation of Streets.** It shall be unlawful for any person, firm or corporation to deposit or store upon the street or sidewalk abutting upon or adjacent to the lot or tract upon which any building or structure is being erected, constructed, altered or repaired, or upon any street, or sidewalk within the Town, any building materials, tools, apparatus, or structure designed or intended to be used in the erection, construction or repair of buildings.

**Sec. 4. Restoration of Public Rights-of-Way Following Construction Activity.** The person to whom a building or construction permit is issued by any appropriate governmental authority, shall be responsible for the restoration, as approved by the Town, of all damage to the streets, curbs, shoulders and grass berms adjacent to the lot or tract upon which such construction activity has occurred. The Town Engineer, following such construction activity, shall inspect such construction site and submit his recommendations to the Town Council as to whether such damage and/or destruction was caused by such construction activity with the appropriate notice and demand being made by the Town to such permit holder for restoration thereof.

**Sec. 5. General Duty.** It shall be the duty of every owner or occupant of a building in the Town to keep it in a safe and sanitary condition.

**Sec. 6. Streetlights.** All streetlights within the Town shall be maintained with mercury vapor light bulbs as the standard.

## CHAPTER VI

### ANIMALS

#### ARTICLE 1

##### DANGEROUS ANIMALS

**Sec. 1. Prohibited Activities.** It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the Town. It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

**Sec. 2. Fierce Dogs at Large.** If any dangerous, fierce or vicious dog shall be found at large on the streets, or public ways of the Town or in any church, school, public hall or building, or unconfined upon the private premises of any person in any manner which would allow the dog to annoy, endanger or injure any person, or if any dog shall in any manner disturb the quiet of any person or neighborhood as by howling or barking, the owner or keeper of such dog shall be deemed guilty of a violation of this article.

#### ARTICLE 2

##### BIRDS

**Sec. 1. Killing of Birds Prohibited.** No person shall, at any time, within the corporate limits of said Town, willfully attack, disturb, injure or kill, or willfully attempt to injure or kill, any bird, except non-migratory pigeons, starlings or any birds otherwise declared by law to be a nuisance.

#### ARTICLE 3

##### CRUELTY PROHIBITED

**Sec. 1. Abandonment Prohibited.** No person shall cruelly treat any animal in the Town, in any way; and no person shall beat, underfeed, or abandon any animal.

## CHAPTER VII

### FENCES

**Sec. 1. Partition Fences Limited to Height.** No partition fence shall be constructed in the Town that shall exceed six (6) feet in height above the surface of the ground, unless the written consent of the owners of the adjacent properties is filed with the Clerk-Treasurer.

**Sec. 2. Fences Construction Behind Setback Line.** It shall be unlawful, without the approval of the Town Council, for any person or persons to construct a fence closer to the abutting street right-of-way than the established setback line on such person's lot or tract then in force as to the construction of any permanent improvements on such lot or tract. Provided, however, this prohibition shall not apply to decorative non-perimeter fencing that is used primarily for decorating flowerbeds or shrub groupings (said decorative fencing being not greater than 24" in height).

**Sec. 3. Barbed Wire Fences Prohibited.** It shall be unlawful for any person or persons to build or use barbed wire on fences.

**Sec. 4. Construction of Fences Quality.** All fences shall be erected of quality materials and in a workmanlike manner on straight, true lines. No construction of permanent fencing shall encroach on an adjacent property owner's real estate nor on the public right-of-way.

**Sec. 5. Nuisance.** Any fence which may be erected, or in process of erection contrary to the provisions of this article, shall be deemed a nuisance, and it shall be the duty of the Town Marshal to abate the same.

## CHAPTER VIII

### TRANSIENT MERCHANTS, PEDDLERS AND ADVERTISING DISTRIBUTORS

**Sec. 1. Definitions; Exclusions.** The words "peddler" and "peddle" as used in this chapter shall include:

a) Generally, except as provided in subsection (b), all phrases of such terms as commonly defined and understood, and shall particularly include solicitors, hawkers, itinerant dealers and transient vendors and shall mean any person who does not operate his business exclusively or regularly from an established and fixed place or location, but who operates it principally by:

- 1) solicitation from house to house; or
- 2) by traveling from place to place over the public streets or places of the Town on foot or in some vehicle;

carrying property, goods, publications wares, merchandise, food or drink products or produce, or samples of some such various articles of property, which he sells, offers to sell, or for which he solicits orders for later delivery.

- b) However, the term "peddler" does not include a person selling or delivering newspapers or other property or mailing or delivery service people, either public or private.
- c) Nothing herein contained shall prohibit customary fundraising for religious charitable, or educational purposes by not-for-profit and organizations with which citizens of the Town are associated.

**Sec. 2. House to House Distribution Prohibited.** No person, firm or corporation shall distribute any circulars or handbills from house to house in the Town, whether by delivering such advertisements to the occupants of such houses, or leaving the same on the porches, mailboxes, or other parts of such houses, or the premises thereof, and such distribution is hereby defined to be a public nuisance.

**Sec. 3. License Required.** No person, except as herein otherwise provided, shall sell any kind of personal property at wholesale or retail without first having procured a license to do so from the City. Separate licenses and payment of fees as hereafter provided shall be required of any person acting both as a seller of merchandise and as a seller of food or drink products or produce. A person may take out in his name any number of such licenses, provided that such person, if required by law, is qualified by law to hold such license(s), to be used only by persons in his employ or doing business for him.

## CHAPTER IX

### NUISANCES

**Sec. 1. Nuisances Defined.** In addition to what is defined in this Code to be public nuisances, those offenses which are known to the common law, municipal code of the City and its ordinances, and the State statutes as public nuisances, in the case any such nuisance exists within the Town, may be treated as such and be proceeded against as provided in this Code, or in accordance with any other provisions of law; notwithstanding such other nuisances, it is hereby declared to be a nuisance:

- a. To conduct or use any premises in a way so as to create such an offensive smell that may taint the air and rent it unwholesome or disagreeable to others or to conduct or use any premises in a way so as to become foul, noxious or offensive, or injurious to the public comfort or health.
- b. To cause or suffer, in any form whether solid or liquid, the carcass of any animal, manure, human excrement, ashes, cinders, trash, garbage, filth, or rubbish of any kind, or a decaying substance of any kind, to be collected, deposited, or to remain in any place within the Town.
- c. To establish, or attempt or begin to establish, or maintain any unlawful business or activity within the limits of the Town, including but not limited to, businesses injurious to health, or indecent or offensive to the senses, or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.
- d. To own, keep or use any building, yard, pen, place or premise, in or upon which any animal or other thing, whether living, dead, inanimate or inorganic, may be confined or kept, so as to be offensive to the health and safety of those residing or present in the vicinity, or an annoyance to others.
- e. To produce or permit to be produced in any manner or fashion and by any device, instrument or source, in or upon any premises, any noise of a volume, frequency or pattern that threatens the disturbance of the peace or the public's well-being or the quiet of the neighborhood or any person residing or present in the vicinity of such premises. To maintain or operate or cause or permit to be operated in any building or on any premises or public right-of-way in the Town any device or mechanical musical instrument or device of any kind whereby the sound therefrom is projected or cast directly upon the public streets or public places or where such device is maintained and operated for advertising purposes for the purpose of attracting the attention of the passing public, or where such device is so placed and operated that the sounds coming therefrom can be heard to the annoyance, inconvenience, discomfort of travelers upon any street or public place or of any persons occupying or being upon neighboring premises.
- f. To burn in any furnace, grate, boiler, fireplace, or upon any open piece of ground within the Town, any substance containing rubber, zinc, lead, sulphuric acid or any

other substance which allows the escape of poisonous or obnoxious smoke, soot, cinders, acids, fumes, gases or flyash within the Town limits.

- g. To allow the accumulation of junk, rubbish, scrap metal, automotive parts, building materials, machinery, dead trees, or parts thereof, upon any premises.
- h. To allow buildings, structures, places, premises, contents therein or uses thereof to become so aged, dilapidated, out of repair, weakened, overcrowded or overloaded, or defective so as to be dangerous to life or property, unsafe, unsanitary or otherwise unfit for human use for any lawful purpose.
- i. To allow on any premises or any enclosure, any appliance, container or other structure which attracts vermin, rodents or similar threats to the health and safety of the Town's citizens.
- j. To allow on any premises abandoned refrigerators or similar containers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing with only that strength possessed by a small child.
- k. To allow on any premises "junk" or "junk cars". The word "junk" used herein shall mean any articles in any form composed of or consisting of any of the following enumerated discarded, abandoned or cast-off metals or materials: iron, brass, bronze, copper, tin, zinc, lead, plastic, fiberglass or any other related and similar materials and compounds, unless they are fully enclosed within lawfully existing buildings on the premises. Junk shall also include wrecked, abandoned or dismantled automobiles or parts thereof.

Junk cars are declared a nuisance because of the danger to health by vermin, insects and fire and the attractive dangers to small children and shall mean any motor vehicle which does not bear a currently valid license plate, including special identifying plate as a class, historic or antique vehicle, and not kept within a garage or other lawfully existing building on the premises.

- l. Abandoned motor vehicles due to the danger from fire and similar incidents are declared to be a nuisance and are defined to be any abandoned or unlicensed or inoperable or disassembled or wrecked motor vehicle on any street or public property for more than five (5) days or upon any private property, outside an enclosed lawfully constructed structure, for more than fifteen (15) days. Such vehicles shall be disposed of in accordance with the laws of the State of Indiana.

**Sec. 2. Abatement of Nuisance.** Whenever any nuisance shall be found on any premises within the Town, the President of the Town Council is hereby authorized and directed to cause the same to be abated as follows:

- a. Notice to Owner: The President of the Town Council shall direct the Town Marshal or Deputy Marshal to serve a notice on the owner, or if the owner cannot be found, on the occupant or person causing or permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or

person causing, permitting or maintaining such nuisance; to abate or remove such nuisance within 72 hours and shall state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

- b. Abatement by Town: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the President of the Town Council shall cause the commencement of an action to abate such nuisance in the name of the Town in the appropriate court in the County, which action shall be conducted by the Town Attorney pursuant to the laws of the State of Indiana.
- c. Cost of Abatement: In addition to any other penalty imposed by law, the cost of abating a public nuisance, including court costs and, in certain cases, reasonable attorney's fees incurred by the Town in the prosecution of such action, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as other special tax assessments.

## CHAPTER X

### PLANTS, SHRUBS, WEEDS AND TREES

**Sec. 1. Cutting Weeds.** It shall be unlawful for any owner, lessee or occupant, or any agent, representative or employee of any such owner, lessee, or occupant having control of any lot or parcel of land situated in the Town, to allow or maintain on any such lot or parcel of land any growth of weed or weeds to a height in excess of ten inches (10”).

**Sec. 2. Shrubbery Required to be Trimmed.** If weeds, trees, bushes, shrubbery or vegetation shall be allowed by the owner thereof, or the occupant of any premises on which they are located, to grow in such a manner as to extend over or into any public street or public rights-of-way obstructing the view of traffic control devices or traffic at street intersections, or in such manner as to obstruct the view or access to fire hydrants in the Town, it shall be the duty of the Town Clerk-Treasurer to notify the owner of such premises to cut or trim such weeds, trees, bushes, shrubbery or vegetation in a manner to be particularly specified in such notice so as to afford an unobstructed view to the public and firefighting agencies on all streets, traffic control devices and rights-of-way and fire hydrants. If any person shall refuse or neglect to comply with such notice within five (5) days after the date on which such notice shall have been deposited in the United States mail, certified mail and directed to the owner of such premises, such obstructions shall be removed on order of the Town Councilors. The Clerk-Treasurer shall make a certified statement of the actual costs incurred by the Town in the removal of such weeds or other vegetation and such certification shall be delivered by certified mail to the owner and the owner shall pay such sum to the Clerk-Treasurer in reimbursement of such costs. If the owner fails to pay the amount within ten (10) days after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the Auditor of the county in which the property is located. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes and shall be disbursed to the general fund of the Town pursuant to the laws of the State of Indiana (currently IC 36-7-10.1-1 et seq., as amended).

## CHAPTER XI

### WEAPONS

**Sec. 1. Discharge Prohibited.** No person shall fire or discharge any cannon, gun, revolver, pistol, or other firearm or any air gun within the corporate limits of the Town.

**Sec. 2. Police Officers Exempt.** The prohibitions of this chapter relating to the discharge of weapons shall not apply to the officers or members of the police force of the Town, nor to any officer of any law enforcement agency or court, whose duty may be to serve warrants or to make arrests; nor to persons authorized under the statutes of this state or of the United States to carry concealed weapons, nor to special police officers appointed as security personnel.

## CHAPTER XII

### MISCELLANEOUS ACTIVITIES PROHIBITED

**Sec. 1. Advertisements.** No person shall post or paste any advertisements upon any bridge, fence, building, house, schoolhouse, church building, electric light or telephone pole or public building or place.

**Sec. 2. Destruction of Property.** No person, firm or corporation shall injure, destroy, deface or assist in injuring, destroying or defacing any structure, fence, building, sign, bulletin board, lamp, mailbox, hydrant or other public or private property within the Town.

**Sec. 3. Storage of Boats, Cars, Recreational Vehicles and Similar Conveyances.** No person shall store motor vehicles, either commercial or noncommercial, automobiles, boats, trailers, campers, recreational vehicles or other land, sea or air conveyances on the public streets or rights-of-way. Such items of personal property shall also not be stored outside of fully enclosed buildings, anywhere in the Town, except as follows:

- a. The boat, camper or recreational vehicle is parked to the rear of any residential structure located on said lot or parcel; and
- b. Does not encroach upon either the front, side or rear setback line of the lot or parcel upon which it is parked; and
- c. Is no closer than fifteen feet (15') to any lot line of the lot on which it is parked.

**Sec. 4. Signs.** Except as provided in Chapter XIV relating to Temporary Signs, no signs shall be displayed to the public view on any privately owned residential lot except one unlighted professional sign of not more than one square foot describing an allowed home occupation as that term is defined in the dwelling district zoning ordinance of the County or its successor ordinances. Provided, however, that one sign of not more than six (6) square feet advertising a property for sale or rent may be used by an owner or his representative as further described in Chapter XIV, Article 1, Sec. 3 of this Code.

## CHAPTER XIII

### TRAFFIC REGULATIONS

**Sec. 1. Definitions.** Terms used in this chapter shall have the same meaning set forth in the laws of the State of Indiana (currently IC 9-21-1-1 et seq., as amended).

**Sec. 2. Town Council.** The Town Council is empowered to establish zones for no parking, limited parking, restricted parking, reserved parking, school and church zones and to declare any street preferential over any intersecting street and promulgate any rule or ordinance for the use of streets within the Town not inconsistent with the laws of the State of Indiana.

**Sec. 3. Signs.**

a. Upon the adoption of any traffic ordinance or rule by the Town Council, the Town Council shall cause a sign, marker or traffic control device applicable thereto, to be erected in appropriate places upon which shall be imprinted instructions which are applicable to the rule or ordinance so adopted. Said posting of signs shall comply in all respects with the laws of the State of Indiana. The Town shall replace and maintain said signs as deemed appropriate by the Town Council and Town Marshal.

b. Meridian Hills Traffic Sign Standard.

- 1) General. All traffic signs within the Town of Meridian Hills shall comply with the requirements of the Indiana Manual on Uniform Traffic Code Devices, including the size and the height of installation of the sign.
- 2) Grades. All warning traffic signs shall be diamond grade in the fluorescent yellow-green (chartreuse) color. All STOP and YIELD signs shall be diamond grade. All other regulatory traffic signs, at minimum, shall be high-intensity grade and all information signs, at minimum, shall be engineer grade.
- 3) Versions. A decorative sign with a painted break-a-way pole, painted back side of sign, a frame for the sign and, if approved by the Town Council, a finial, shall be used on high volume streets. A sign with a painted break-a-way pole and painted backside of the sign shall be used on low volume streets. The Town Council shall determine which streets are considered high volume or low volume for purposes of traffic signage. All traffic sign poles and the back of all traffic signs shall be powder-coated semi-gloss black.

**Sec. 4. Traffic Duty of Marshal.** In addition to other activities, it shall be the duty of the Town Marshal and Deputy Marshals to enforce the street traffic regulations of the Town and all state motor vehicle laws applicable to the street traffic in the Town; to make arrests for traffic violations; to investigate all traffic accidents and make reports on the appropriate accident report forms; to maintain records of all arrests and warnings; to cooperate with other officers of the City for the improvement of traffic conditions and to file an annual report with the Town Council concerning the number of moving traffic violations and other data on traffic law enforcement activities.

**Sec. 5. Speed Limit Designations – No Passing Zones.**

- a. Generally. Except as otherwise specifically provided for expressly designated areas or zones, no person shall drive a motor vehicle within the Town limits in excess of twenty-five (25) miles per hour.
- b. Area and Zone Limits. No person shall drive a motor vehicle in excess of the designated speed zone areas set forth in the attached Appendix B, incorporate herein by reference as amended from time to time with appropriate signs posted declaring such limits.
- c. No motor vehicle shall pass another where distinctive double lines have been painted along the centerline of the roadway as designated from time to time by the Town Council, with the initial designation by the Town Council to those “No Passing Zones” designated in the attached Appendix C, incorporated herein by reference, as amended from time to time.
- d. Other Traffic Regulations. The Town Council may, from time to time, by resolution, designate certain portions of streets in the Town for special posting with signs depicting the words “slow”, or “curve”, “children present”, “no outlet” and such other signs customarily used in the promotion of the public safety on behalf of the Town’s citizens and visitors. Where so designated, all motorists shall operate their vehicles in a manner consistent with the words displayed on the posted signs.

**Sec. 6. Stop and Yield Intersections.** The Town Council shall by proper ordinance have the authority to establish stop and yield intersections. The intersections described in Appendix D entitled “Designated Stop Streets 2000 Supplement” appears at the end of this Code and shall be amended from time to time as the Town Council determines. When signs are erected giving notice thereof, drivers of motor vehicles shall obey the respective signs before entering any of the streets or portions thereof described in Appendix D, incorporated herein by reference, and as amended from time to time.

**Sec. 7. Pedestrian Crosswalks.** The Town Council is empowered, in addition to its other authority, to designate and maintain by appropriate devices, marks or lines, upon the surfaces of any roadway, crosswalks for the safe passage of pedestrian traffic crossing such roadway.

**Sec. 8. Vehicle Weight Limits.** No person shall drive any motor vehicle on a residential street in the Town that has a gross weight of more than 10,000 pounds. This Section 8 restriction shall not apply to the following:

- a. Any public or private emergency or medical services vehicle;
- b. Regular trash removal and pick up service vehicles;
- c. Mail or package delivery vehicles;
- d. Recreational vehicles owned by residents of the Town or visiting guests;

- e. Moving vans engaged in removing or delivering furnishings or similar property;
- f. Construction vehicles which are entering or leaving a construction site within the Town which cannot reasonably be accessed by another route;
- g. School buses;
- h. Vehicles engaged by the Town for public works and related public services.

**Sec. 9. Enforcement, Penalties.** Except as otherwise provided in the foregoing traffic regulations, the laws of the State of Indiana and the ordinances of the consolidated City of Indianapolis/Marion County, Indiana shall govern the activities of operators of motor vehicles, including the penalties and enforcement for violations thereof.

## CHAPTER XIV

### PLANNING, ZONING AND DEVELOPMENTAL STANDARDS

#### ARTICLE 1

#### INTRODUCTION

The Town acknowledges its role as an included town as that term is defined in the laws of the State of Indiana (currently IC 36-3-1-1 et seq., as amended, sometimes known as UNIGOV), and as such recognizes that many matters of zoning and planning affecting the Town rest with the Metropolitan Development Department and Metropolitan Development Commission of Indianapolis, Indiana. However, as provided by the Residential Dwelling Ordinance of 1984, as amended, the Town expressly reserves unto itself, jurisdiction over the following matters relating to development standards for the construction and occupation of residential real estate:

**Sec. 1. Setback Requirement.** The Dwelling District regulations of Marion County, Indiana currently in force (2000) are generally applicable as are other zoning laws, of Marion County, Indiana. However, said Dwelling District regulations specifically provide as follows:

“Section 2.00

\* \* \*

3. The front setback and minimum front yard requirements of all zoning districts shall be subject to the following exception, which shall be applied to all land within the Town of Meridian Hills, Indiana:

Except, however, the required front setback and minimum yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall not be less than standards of the Class R-1, R-2 and R-3 area Districts respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land. (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference.)”

Said General Ordinance No. 1, 1946 is expressly reserved and not repealed and the “required front setback and minimum yard requirements” thereof are herein reproduced:

“Sec. 9. Side Yards in Residence District. In a residence district, for every building erected, there shall be a side yard along each lot line other than a street line

or a rear line. Each dwelling shall be deemed a separate building and shall have side yards as above prescribed. At least 30 percent of the width of each lot shall be devoted to side yards, provided not more than 30 feet need be so devoted. The least dimension of a side yard shall not be less than 15 feet in a Class R-1 district; not less than 12 feet in a Class R-2 district; and not less than 10 feet in a Class R-3 district.

Sec. 10. Rear Yards in Residence Districts. In a residence district every building erected shall have a rear yard. In a residence district the least dimension of the rear yard shall be at least 15 percent of the depth of the lot, but such least dimension need not be more than 30 feet. Forty percent of the area of the rear yard may be occupied by a one-story accessory building not more than 15 feet in height. And provided that on a corner lot the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected nearer than 50 feet to any side street line, nor nearer than 15 feet of the side line of such adjacent lot.

Sec. 11. Side and Rear Yard Exceptions. (a) The area requirement in a side or rear yard shall be open from the established grade or from the natural grade if higher than the established grade, or from the natural grade if higher than the established grade, to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, and provided that the cornice or eaves may project not more than 3 feet into such yard.

(b) A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements, be considered as a single building.

Sec. 12. Front Yards in Residence Districts. (a) Between a front yard line as herein established and the street line no building or portion of a building other than a fence may be erected.

(b) In a residence district front yard lines are hereby established as follows:

1. On a street frontage on either side of a street where 50 percent of such frontage between two intersection streets, exclusive of that part thereof which is improved with buildings at the street line and exclusive also of the side line of a corner lot, is improved with residence buildings which are set back from the street line, the front yard line shall be the distance back from the street line equal to the average distance of existing residence buildings back from the street line.
2. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a class R-1 district where the front yard line is not established by the provisions of subdivision (b) 1 of this section, the distance of the front yard line back from the street line shall be 40 percent of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 100 feet.

3. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a class R-2 district where the front yard line is not established by the provisions of subdivision (b) 1 from the street line shall be 40 percent of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 75 feet.
4. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a class R-3 district where the front yard line is not established by the provisions of subdivision (b) 1 of this section, the distance of the front yard line back from the street line shall be 40 percent of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 60 feet.
5. The words 'existing building' as used in this section shall be taken to mean any building for which a building license has been lawfully issued and on which work has been begun and completed up to the first floor line.
6. The unit for determining the percentage of frontage between two intersecting streets for the purpose of determining the front yard line regulations herein established shall be the lot in a subdivision or addition comprising such frontage or a part thereof, the plat for which has been regularly filed for record in the office of the Recorder of Marion County, Indiana; or if no such plat has been so filed for record then such unit for frontage shall, for the purpose hereof, be considered to be a parcel of ground 100 feet in width in the Class R-1 district and 75 feet in width in all other districts, whether all of said frontage is owned by one or more persons. Only such lots or parcels as are actually occupied by residence buildings shall be considered as improved frontage in determining the front yard line for any block or part thereof.

Sec.13. Front Yard Exceptions. Front Yards Exceptions. Whenever any parcel of land now separately owned and which was so owned prior to the passage of this ordinance is of such restricted area that it cannot be appropriately improved without building beyond the front yard line established by the above sections, the Board of Zoning Appeals may on application in a specific case authorize the construction of a building beyond said front yard line to an extent necessary to secure an appropriate improvement of such parcel of land. Whenever a plat of a land subdivision approved by the Town Council is on record in the office of the County Recorder which shows building lines along any frontage for the purpose of creating front yard area, the building line thus shown shall along such frontage apply in place of any front yard lines herein established."

**Sec. 2. Signs.** As provided in Chapter XII, Section 4, only a single one square foot unlighted sign related to an allowed home occupation is permitted to be permanently placed on private property in the Town.

**Sec. 3. Temporary Signs.** “The following signs shall be allowed on a temporary basis as prescribed hereunder, with no other temporary signs being permitted:

a. Real Estate Signs.

- (i) **On Premise.** Real Estate “For Sale” or “For Rent” signs advertising the premises for sale or rent up to a total of six (6) square feet are permitted subject to being promptly removed upon the completion on the sale of the premises or rental thereof. Such signs shall not be in the public right-of-way.
- (ii) **Off Premises.** “Open House” signs, informing the motoring public of the location of an “open house”, will be permitted within a two block radius of the premises for a period of one hour prior to the open house, during the time of the open house, and one hour thereafter.

b. Personal Property Sale Sign.

A personal property sale sign of not more than six (6) square feet advertising the sale of personal property is permitted on the premises for not longer than two consecutive days subject to being removed within one hour following the completion of such sale. The placement of such sign shall not occur more than one hour prior to the commencement of such sale.

**Sec. 4. Enforcement.** Enforcement of the sign provisions of this Code shall be by such legal action determined appropriate by the Town Council and/or by the Office of Code Enforcement of Indianapolis/Marion County, Indiana.

**NOW BE IT FURTHER ORDAINED** that this Code shall be in full force and effect from and after January 1, 2010.

Code Updated With all  
Subsequent Ordinances  
To January 1, 2010

**TOWN OF MERIDIAN HILLS, INDIANA**

James Rush, President, Town Council

Terrence O'Brien, Town Councilor

Walter B. Freihofer, Town Councilor

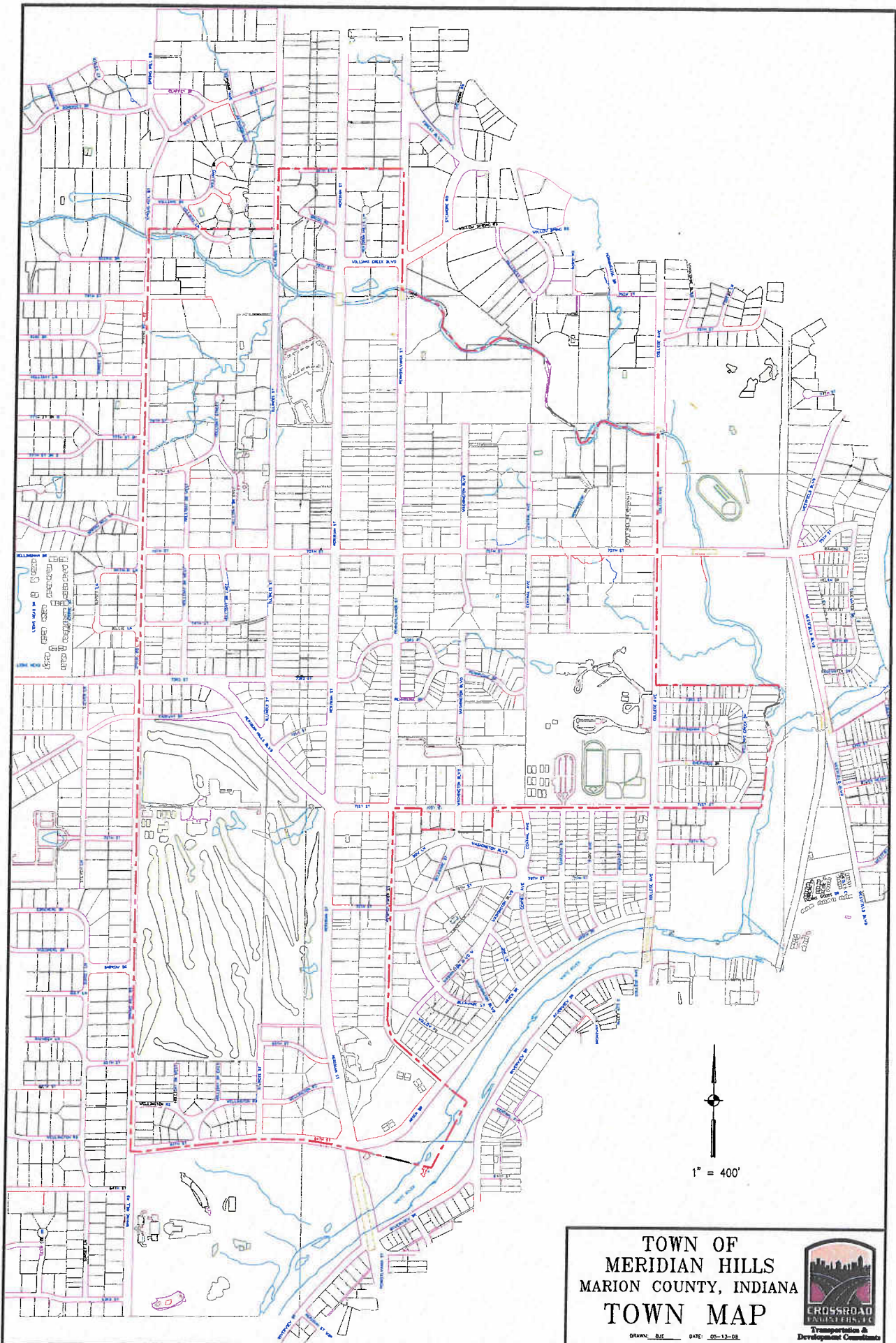
**ATTEST:**

John Taylor, Clerk-Treasurer

**APPENDIX A**


**MAP OF THE TOWN OF MERIDIAN HILLS, INDIANA  
1989**

**[map immediately following]**



**TOWN OF**  
**MERIDIAN HILLS**  
 MARION COUNTY, INDIANA  
**TOWN MAP**

DRAWN BY: \_\_\_\_\_ DATE: 05-15-08



## APPENDIX B

### AREA AND ZONE TRAFFIC RESTRICTIONS 2006 SUPPLEMENT

Speed increased respectively on the following streets:

1. Pennsylvania Street – 30 MPH
2. 64<sup>th</sup> Street – 30 MPH
3. 75<sup>th</sup> Street – 30 MPH, other than School Zone
4. College Avenue – 40 MPH, other than School Zone
5. 71<sup>st</sup> Street, from College Avenue to Meridian Street – 35 MPH,  
other than School Zone
6. Meridian Hills Blvd. – 25 MPH
7. 71<sup>st</sup> Street, from Meridian Hills Blvd. To Springmill Road – 30 MPH
8. Meridian Street – 45 MPH
9. Springmill Road – 35 MPH
10. All School Zones – 25 MPH

All streets listed above which are maintained by the City are subject to change pursuant to the jurisdiction of the City.

## **APPENDIX C**

### **NO PASSING ZONES 2000 SUPPLEMENT**

1. 64<sup>th</sup> Street from Springmill Road to Meridian Street
2. Pennsylvania from 71<sup>st</sup> to Williams Creek Boulevard
3. 75<sup>th</sup> Street, Springmill to College Avenue
4. Pennsylvania from Arden Drive to 71<sup>st</sup> Street

## APPENDIX D

### DESIGNATED STOP STREETS 2000 SUPPLEMENT

1. 71<sup>st</sup> Street and College Avenue (stop light)
2. Sherwood Drive at College
3. Nottingham Drive at College
4. East 75<sup>th</sup> Street at College (stop light)
5. Gypsy Hill Road at 75<sup>th</sup> Street, southbound
6. Morningside Drive at 75<sup>th</sup> Street, southbound
7. Park Street at 75<sup>th</sup> Street, southbound
8. Central Avenue at 75<sup>th</sup> Street, north and southbound
9. Pennsylvania at 75<sup>th</sup> Street (four-way stop)
- 9a. Pennsylvania at 73<sup>rd</sup> Street, northbound and southbound
10. Pennsylvania at 71<sup>st</sup> Street, north and southbound
11. Pennsylvania at 70<sup>th</sup> Street (four-way stop)
12. Pennsylvania at Arden Drive, southbound
13. Arden Drive at Meridian Street, westbound
14. Pennridge at Pennsylvania, westbound
15. Washington Boulevard At Pennridge, northbound
- 15a. Washington Boulevard at Pennridge, southbound
- 15b. Washington Boulevard at 75<sup>th</sup> Street, northbound
16. 73<sup>rd</sup> Street at Pennsylvania, east and westbound
17. 73<sup>rd</sup> Street and Meridian, east and westbound
18. 79<sup>th</sup> Street, eastbound at Meridian
19. Williams Creek Boulevard, westbound at Meridian

20. Gregg Road, eastbound at Meridian
21. 80<sup>th</sup> Street, eastbound at Meridian
22. Meridian Hills Lane, southbound at Williams Creek Boulevard
23. Williams Creek Boulevard, eastbound at Pennsylvania
24. 75<sup>th</sup> and Illinois (four-way stop)
25. 75<sup>th</sup> and Holliday Drive East, Southbound
26. 77<sup>th</sup> Street, eastbound at Holliday Drive East
27. Holliday Drive West at 77<sup>th</sup> Street, northbound
28. 77<sup>th</sup> Street, westbound at Springmill Road
29. Holliday Drive West at 75<sup>th</sup> Street, north and southbound
30. 75<sup>th</sup> and Holliday Drive West (four-way stop)
31. 74<sup>th</sup> and Holliday Drive West (four-way stop)
32. 74<sup>th</sup> and Springmill Road, westbound
33. Holliday Drive West, southbound at 73<sup>rd</sup> Street
34. Holliday Drive East, northbound at 75<sup>th</sup> Street
35. 73<sup>rd</sup> and Illinois (four-way stop)
36. Illinois Street, southbound at Meridian Hills Boulevard
37. 72<sup>nd</sup> Street, eastbound at Meridian Street
38. Fairway Drive, eastbound at Meridian Hills Boulevard
39. Fairway Drive, westbound at Springmill Road
40. Wellington Road, westbound at Springmill Road
41. Holliday Drive, southbound at 64<sup>th</sup> Street
42. Illinois Street, southbound at 64<sup>th</sup> Street
43. Wellington Road, east and westbound at Illinois Street

44. 65<sup>th</sup> Street, eastbound at Meridian Street
45. Wellington Road, eastbound at Meridian Street
46. 64<sup>th</sup> Street, eastbound at Meridian Street
47. 72<sup>nd</sup> Street, westbound at Washington Boulevard
48. Illinois Street, north and southbound at Wellington Road