

IC 33-36

ARTICLE 36. ORDINANCE VIOLATIONS BUREAUS

IC 33-36-1

Chapter 1. Definitions

IC 33-36-1-1

Definitions; applicability

Sec. 1. The definitions in IC 36-1-2 apply throughout this article.

As added by P.L.98-2004, SEC.15.

IC 33-36-2

Chapter 2. Establishment

IC 33-36-2-1

Establishment of ordinance violations bureau; clerk

Sec. 1. The legislative body of a municipal corporation may establish, by ordinance or code, an ordinance violations bureau. Upon the creation of a bureau, the legislative body shall provide for the appointment of a violations clerk (who may be the clerk or clerk-treasurer of the municipal corporation) to be the administrator of the bureau.

As added by P.L.98-2004, SEC.15.

IC 33-36-2-2

Clerk or clerk-treasurer to serve as violations clerk if ordinance violations bureau not established

Sec. 2. If the legislative body does not establish an ordinance violations bureau under section 1 of this chapter, the clerk or clerk-treasurer of the municipal corporation is designated the violations clerk for purposes of this chapter.

As added by P.L.98-2004, SEC.15.

IC 33-36-2-3

Violations clerk; duties

Sec. 3. The violations clerk may accept:

- (1) written appearances;
- (2) waivers of trial;
- (3) admissions of violations; and
- (4) payment of civil penalties up to a specific dollar amount set forth in an ordinance adopted by the legislative body, but not more than two hundred fifty dollars (\$250);

in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the legislative body.

As added by P.L.98-2004, SEC.15. Amended by P.L.169-2006, SEC.44.

IC 33-36-2-4

Interlocal agreements; ordinance violations

Sec. 4. A city or town that has not established a court under IC 33-35-1 or an ordinance violations bureau under this chapter may enter into an interlocal agreement under IC 36-1-7 with a municipal corporation that:

- (1) has established an ordinance violations bureau under this chapter; and
- (2) is located in the same judicial circuit as the city or town that has not established a court or an ordinance violations bureau;

to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of an ordinance violations bureau established by the city or town under this chapter.

As added by P.L.55-2010, SEC.4.

IC 33-36-3

Chapter 3. Schedule of Ordinance and Code Provisions; Violations

IC 33-36-3-1

Schedule of ordinance and code provisions; civil penalties

Sec. 1. (a) Upon the appointment or designation of the violations clerk as provided by IC 33-36-2-1, the legislative body shall designate, by ordinance or code, a schedule of ordinance and code provisions of the municipal corporation that are subject to admission of violation before the violations clerk and the amount of civil penalty to be assessed to a violator who elects to admit a violation under this chapter.

(b) Civil penalties shall be paid to, receipted by, and accounted for by the clerk under procedures provided for by the state board of accounts. Payment of civil penalties under this chapter may be made in person, by mail, or to an agent or agents designated by the legislative body.

As added by P.L.98-2004, SEC.15.

IC 33-36-3-2

Right to trial

Sec. 2. A person charged with an ordinance or a code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk. Upon an admission, the clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established under section 1 of this chapter.

As added by P.L.98-2004, SEC.15.

IC 33-36-3-3

Denial; exercise of the right to trial

Sec. 3. If a person charged with a violation wants to exercise the right to trial, the person shall appear before the violations clerk and deny the violation or enter a written denial with the clerk.

As added by P.L.98-2004, SEC.15.

IC 33-36-3-4

Repealed

(Repealed by P.L.88-2006, SEC.9.)

IC 33-36-3-5

Failure to appear or to satisfy assessed civil penalty; report; prosecution

Sec. 5. (a) If a person:

- (1) denies an ordinance or code violation under this article;
- (2) fails to satisfy a civil penalty assessed by the violations clerk after having entered an admission of violation; or
- (3) fails to deny or admit the violation under this article;

the clerk shall report this fact to the official having the responsibility

to prosecute ordinance violation cases for the municipal corporation.

(b) Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

As added by P.L.98-2004, SEC.15.

IC 33-36-3-6

Court costs fee; admitted ordinance violations

Sec. 6. (a) An ordinance violation admitted under this article does not constitute a judgment for the purposes of IC 33-37. An ordinance violation costs fee may not be collected from the defendant under IC 33-37-4.

(b) An ordinance violation processed under this chapter may not be considered for the purposes of IC 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

As added by P.L.98-2004, SEC.15. Amended by P.L.1-2010, SEC.134.

IC 33-36-3-7

Disposition of civil penalties and costs collected

Sec. 7. (a) Subject to subsection (b), all sums collected by the violations clerk as civil penalties for ordinance violations shall be accounted for and paid to the municipal corporation as provided by law.

(b) If a city or town that has not established a court under IC 33-35-1 or an ordinance violations bureau under IC 33-36-2 has entered into an interlocal agreement described in IC 33-36-2-4 with a municipal corporation, the sums collected by the violations clerk that involve the city or town that has not established a court or an ordinance violations bureau shall be accounted for and paid as provided in the interlocal agreement.

As added by P.L.98-2004, SEC.15. Amended by P.L.55-2010, SEC.5.