

§ 92.23 LIEN FOR COSTS OF GRAFFITI REMOVAL INCURRED BY TOWN.

(A) Within ten days, following the removal by the town of any graffiti from private property, the town shall send the property owner a notice of intent to assess costs, detailing the cost remaining unpaid by the property owner and that, within 30 days of the date of the removal of the graffiti, the cost shall become a lien upon the real estate affected, unless appealed as provided in § 92.24, in which case the amount of the final determination shall become a lien upon the affected real estate.

(B) A town representative shall report the costs to the Town Clerk, who shall certify the costs to the County Auditor.

(C) The Auditor shall place the same on the tax duplicate as a charge against the owner of the real estate, to be collected by the County Treasurer with the state, county and municipal taxes assessed against the owner's real estate at the regular time for paying the taxes.

(Ord. 2012-5, passed 6-4-2012)

§ 92.24 APPEAL RIGHTS.

(A) The owner or occupant of the property may seek relief from the cost of the removal and abatement of the graffiti, as provided in §§ 92.22 and 92.23, by making a written request to the Town Council, providing all reasons and explanations justifying any modification or waiver of those costs.

(B) Each written request must be made within ten days after receiving the notice of intent to assess costs.

(C) The Town Council shall, at its next regularly scheduled meeting that is at least seven calendar days after receipt of such written appeal, either waive, modify or reaffirm those costs, and provide a written statement of its determination to the property owner.

(D) The determination of assessment by the Town Council shall be final and a lien shall be placed upon the affected property for all assessed costs as finally determined.

(Ord. 2012-5, passed 6-4-2012)

§ 92.25 RECOVERY OF COST OF REMOVAL FROM PERSON RESPONSIBLE FOR PLACING GRAFFITI.

The town's exercise of the remedies provided in this subchapter shall not prevent the owner or occupant from recovery, through civil suit or otherwise, of the cost of removal or other reparation from the person responsible for placing the graffiti on the owner's or occupant's property.

(Ord. 2012-5, passed 6-4-2012)

CONSUMER FIREWORKS

§ 92.35 PERMITTED USE.

(A) This subchapter applies only to the incorporated town within the town's boundaries, as they may be annexed or disannexed from time to time.

(B) Consumer fireworks may be used or discharged within the incorporated Town of Dayton, Indiana beginning on June 29 of each year and ending on July 9 of each year.

(C) Consumer fireworks may only be used or discharged within the incorporated town on days permitted in division (B) between the hours of 5:00 P.M. and 11:30 P.M., local time or two hours after sunset, whichever is later, except that on July 4 of each year fireworks may be used or discharged from 10:00 A.M. until 12:00 midnight, and on December 31 of each year fireworks may be used or discharged beginning at 10:00 A.M. and continue until 1:00 A.M. on the immediately following January 1.

(D) The Town Marshal of the town, or any of the Town Marshal's deputies, may enforce this subchapter.

(E) The Town Marshal or Deputy Marshal may seize and dispose of consumer fireworks used in violation of this subchapter, or in the possession of individuals unlawfully using or discharging fireworks in violation of this subchapter.

(F) In addition to the seizure and disposition of consumer fireworks that are used in violation of this section or in the possession of individuals unlawfully using or discharging fireworks in violation of this section, whoever violates this chapter may be fined not more than \$250. A separate offense may be deemed committed on each day that a violation occurs or continues.

(G) Notwithstanding this subchapter, to the extent that this subchapter conflicts with Indiana law or to the extent that Indiana law imposes additional or narrower restrictions on the use of consumer fireworks, the limitations of Indiana law shall be controlling.

(Ord. 2016-5A, passed 10-10-2016)

§ 92.99 PENALTY.

At the discretion of the town or the Marshal any property owner may be fined any amount up to \$500 for a violation of this chapter. Each day shall constitute a separate violation. The property owner may be cited and fined in addition to previous provisions of this chapter.

(Ord. 2012-5, passed 6-4-2012; Ord. 2016-6, passed 10-10-2016)