

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 02-2009

**AN ORDINANCE TO AMEND
THE PLAINFIELD ZONING ORDINANCE
OF THE TOWN OF PLAINFIELD, INDIANA,
AND FIXING A TIME WHEN
THE SAME SHALL TAKE EFFECT**

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Plainfield Plan Commission to hold public hearings and make recommendations to the Town Council of the Town of Plainfield concerning ordinances for the zoning or districting of all lands within the incorporated areas of the Town of Plainfield; and,

WHEREAS, the Town of Plainfield Plan Commission has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Plainfield Zoning Ordinance of the Town of Plainfield, Indiana, and has certified such proposal to the Town Council of the Town of Plainfield with a favorable recommendation:

**NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Section 1. Amendment Of Zoning Ordinance

That the Plainfield Zoning Ordinance, Ordinance No. 21-97, as amended, be further amended by deleting the ~~strikeout~~ text and inserting the double-underlined text as set forth in the attached Exhibit A attached hereto and incorporated herein by this reference.

Section 2. Severability

If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date

This Ordinance shall be effective within the incorporated areas of the Town of Plainfield, Hendricks County, Indiana upon its adoption by the Town Council of the Town of Plainfield, as provided in I.C. 36-7-4.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this 26th day of Jan., 2009.

**TOWN COUNCIL, THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA**

Robin G. Brandgard
Robin G. Brandgard, President

Bill Kirchoff
Bill Kirchoff, Vice President

Kent McPhail
Kent McPhail

Edmund L. Gaddie, Jr.
Renea S. Whicker
Renea S. Whicker

Constituting a majority of all the members of the Town Council

ATTESTED BY:

Wesley R. Bennett
Wesley R. Bennett, Clerk-Treasurer of the Town of Plainfield, Indiana

PUBLISHED:
Hendricks County Flyer JAN 31 2009
Hendricks County Flyer FEB 7 2009

2. the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
3. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

III. LICENSE REQUIRED

A. No person shall:

1. Operate an adult entertainment business as defined by Section II, sub-section G without a valid adult entertainment business license issued by Plainfield pursuant to this Ordinance.
2. In connection with operating an adult entertainment business, retain the services of a person as an employee, as defined in this Ordinance, who is not licensed as an adult entertainment business employee by Plainfield pursuant to this Ordinance.

B. Any person who violates sub-section A.1. above shall be guilty of a _____ for a first offense, and a _____ for a second offense.

C. A violation(s) of sub-section A.2. above constitutes grounds for the suspension of an adult entertainment business license as provided for in Section IX of this Ordinance.

D. No person shall act as an employee, as defined in this Ordinance, on the premises of an adult entertainment business without having secured an adult entertainment business employee license ("employee license") pursuant to this Ordinance.

E. A violation of this section shall be a ground for the suspension of an adult entertainment business employee license as provided for in Section IX of this Ordinance.

IV. APPLICATION FOR LICENSE

A. An original or renewal application for an adult entertainment business license shall be submitted to the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee on a form provided by the ~~Clerk/Treasurer~~ Town Manager. Plainfield's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable Plainfield to determine whether the applicant meets the qualifications established in this Ordinance.

B. A nonrefundable filing fee of Two Hundred, Fifty Dollars (\$250) shall be paid at the time of filing the application for the first application for a new license and One Hundred Twenty-Five Dollars (\$125) for each consecutive year of renewal.

C. The License Fee for an Adult Entertainment Business shall be Seven Hundred Dollars (\$700) for the first year or any part thereof, and Three Hundred Fifty Dollars (\$350) for each consecutive year of renewal.

C. By filing the application for approval with the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield, the applicant is agreeing to and is submitting himself, herself, or itself to the personal jurisdiction of the Plainfield Town Council, Plainfield Town Court, and Hendricks County Indiana courts.

D. An application for an adult entertainment business license shall identify and shall be signed by the following persons:

1. If the business entity is owned by an individual, that individual.
2. If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty percent (50%) of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed adult entertainment business.
3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed adult entertainment business.

E. An application for an adult entertainment business license must designate one or more individuals who are to be principally responsible for the operation of the proposed adult entertainment business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed adult entertainment business. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Ordinance, and shall be considered a licensee if a license is granted.

F. An application for an adult entertainment business license shall be completed according to the instructions on the application form, which shall require the following:

1. If the applicant is:
 - a. an individual, state the legal name and any aliases of such individual; or
 - b. a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

c. a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

d. a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.

2. If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

3. State whether any applicant has been convicted of a specified criminal activity as defined in this Ordinance, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.

4. State whether any applicant has had a previous license under this Ordinance or other similar regulation of another jurisdiction denied, suspended, or revoked, including the name and location of the adult entertainment business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty percent (50%) or greater owner of a corporation licensed under this Ordinance whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

5. State whether any applicant holds any other licenses under this Ordinance or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

6. State the location of the proposed adult entertainment business, including a legal description of the property (*i.e.*, permanent parcel number), street address, and telephone number(s), if any.

7. State the physical mailing address and residential address of each applicant and each person signing the application. A post office box does not satisfy this requirement. This address must be updated within thirty (30) days of any address change by the applicant/licensee. By submitting an application, the applicant/licensee represents and agrees that the address provided (as updated) is sufficient to allow for service of process at that address. By submitting an application, the applicant/licensee also agrees that any service attempted, pursuant

to Indiana law, at the address provided constitutes sufficient service of process under Indiana law, and he, she, and/or it agrees to waive any challenge to any suit instituted by the Town of Plainfield against the applicant/licensee based upon personal jurisdiction and/or insufficient/inadequate service of process made at the address provided. Failure to provide an adequate address or to update timely that address constitutes grounds for denying an application for an adult entertainment license or revoking an adult entertainment license.

8. Submit a recent photograph of each applicant who is a natural person, taken by Plainfield that clearly shows the applicant's face.

9. Submit the fingerprints of each applicant, who is a natural person, recorded by the Plainfield Police Department.

10. For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed adult entertainment business.

11. State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

12. Submit proof that each applicant who is a natural person is at least eighteen (18) years old.

13. Submit a sketch or diagram showing the configuration of the premises of the adult entertainment business. The diagram shall also designate the place at which the adult entertainment business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

14. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that Plainfield can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

V. ISSUANCE OF A LICENSE

A. Upon receipt of an application for an adult entertainment business license, the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee shall promptly request that the Plainfield Director of Planning and Zoning review the

information provided in the application concerning the criminal background of the applicant(s) and that the Director of Planning and Zoning transmit the results of the investigation in writing to the ~~Clerk/Treasurer~~ Town Manager or his or her designee within five business (5) days of the completion of the investigation.

B. Within five business (5) days of receipt of an application for an adult entertainment business, the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee shall notify the Plainfield Fire Chief of such application. In making such notification, the ~~Clerk/Treasurer~~ Town Manager or his or her designee shall request that the Fire Chief promptly inspect the premises for which the adult entertainment business license is sought to assess compliance with all applicable regulations under his jurisdiction.

C. The Fire Chief shall provide to the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee a written certification of whether the premises are in compliance with Plainfield's Fire Regulations within ten business (10) days of receipt of notice of the application.

D. The Plainfield Director of Planning and Zoning shall commence the inspection of the premises for which an adult entertainment business license is sought promptly upon receipt of the application, and shall complete, within ten business (10) days after receipt of the application, a written certification of whether the premises are in compliance with Plainfield's Zoning Ordinance.

E. Within thirty (30) days after receipt of a completed adult entertainment business license application, the ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee shall approve or deny the issuance of a license. The ~~Clerk/Treasurer~~ Town Manager or his or her designee shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings are true:

1. An applicant who is a natural person is under eighteen (18) years of age.
2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number.
3. An applicant has, within the preceding twelve (12) months, been denied an adult entertainment business license by any jurisdiction or has had a license to operate an adult entertainment business revoked by any jurisdiction.
4. An applicant has been convicted of a specified criminal activity as defined in this Ordinance.
5. The proposed adult entertainment business would violate or fail to be in compliance with any provisions of this Ordinance, Plainfield's Zoning Ordinance, any state statute or regulation, or any federal statute or regulation.

6. The application and investigation fee required by this Ordinance has not been paid.

7. An applicant is in violation of or not in compliance with any provision of this Ordinance, except as provided in Section (V), sub-section (F) of this section.

F. An adult entertainment business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed adult entertainment business. All adult entertainment business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

G. The ~~Clerk/Treasurer~~ Town Manager for the Town of Plainfield or his or her designee shall advise the applicant in writing within three (3) business days of the decision of the reasons for any license denial. If the ~~Clerk/Treasurer~~ Town Manager finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

VI. EMPLOYEE LICENSE APPLICATION

A. An application for an Employee license shall be submitted to the ~~Clerk/Treasurer~~ Town Manager or his or her designee on a form provided by it. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the ~~Clerk/Treasurer~~ Town Manager to determine whether the applicant meets the qualifications established in this Ordinance.

B. An application for an employee license shall be completed according to the instructions of the application form which shall require the following:

1. State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.
2. State the applicant's date and place of birth.
3. State the applicant's height, weight, and hair and eye color.
4. Submit a recent photograph of the applicant taken by the Plainfield Police Department which clearly shows the applicant's face.
5. Submit the applicant's fingerprints recorded by the Plainfield Police Department.
6. Describe and identify the location of any tattoos on the applicant's face, arms, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed adult entertainment business.
7. State the applicant's present residence address and telephone number.

8. State the applicant's present or intended business address and telephone number.
9. State the applicant's driver's license number and Social Security number.
10. Submit proof that the applicant is at least eighteen (18) years old.
11. Provide a statement detailing the adult entertainment business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate an adult entertainment business, in this or any other jurisdiction, and whether the applicant has ever had an adult entertainment business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.
12. State whether the applicant has been convicted of a specified criminal activity as defined in this Ordinance and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
13. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment businesses and sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

VII. ISSUANCE OF ADULT ENTERTAINMENT BUSINESS EMPLOYEE LICENSE

- A. Upon the filing of a completed application for an employee license, the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall issue a license to said applicant immediately.
- B. Within five (5) business days of receipt of a completed application for an employee license, the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall request that the Plainfield Director of Planning and Zoning initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Director of Planning and Zoning shall document the results of its investigation in writing within five business (5) days of the completion of its investigation and transmit this writing to the ~~Clerk/Treasurer~~ Town Manager or his or her designee.

C. Within ten business (10) days after completion of the criminal background investigation of the applicant, the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall either affirm the prior issuance of the license or revoke the license. The ~~Clerk/Treasurer~~ Town Manager or his or her designee shall affirm the prior issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:

1. The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number.
2. The applicant is under eighteen (18) years of age.
3. The applicant has been convicted of a specified criminal activity as defined in this Ordinance.
4. The employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.
5. The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.

D. If the employee license is revoked, the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall advise the applicant in writing within three business (3) days of the reason(s) for any such revocation.

VIII. EXPIRATION AND RENEWAL OF LICENSE

A. Each license issued pursuant to this Ordinance shall expire one (1) year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than thirty (30) days before the expiration date. If application is made less than thirty (30) days before the expiration date, the license will not be extended pending a decision on the application but will expire on its normal expiration date.

B. An application for renewal of an adult entertainment business license shall be submitted to the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an adult entertainment business license application may be resubmitted with

subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

C. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Ordinance.

D. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or its designee shall advise the applicant in writing within three business (3) days of the reason(s) for any denial of a license renewal.

E. An application for renewal of an employee license shall be submitted to the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

F. When the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield denies an application for renewal of a license, the applicant shall not be issued another license for one (1) year from the date of denial. However, if the ~~Clerk/Treasurer~~ Town Manager finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one (1) year period.

IX. SUSPENSION

A. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield shall suspend an adult entertainment business license for a period not to exceed thirty (30) days if it determines that a licensee:

1. has violated or is not in compliance with any section of this Ordinance; or
2. has knowingly allowed an employee to violate or fail to comply with any section of this Ordinance.

B. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield shall suspend an adult entertainment business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the adult entertainment business premises as authorized by this Ordinance.

C. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or does not comply with any section of this Ordinance.

D. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall advise the licensee in writing within three business (3) days of the reason(s) for any suspension.

X. REVOCATION

A. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or its designee shall revoke an adult entertainment business license or employee license if a cause of suspension under this Ordinance occurs and the license has been suspended two (2) times within the preceding twelve (12) months.

B. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or its designee shall revoke an adult entertainment business license if it determines that:

1. a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
2. the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Ordinance, to correct specified deficiencies within one hundred twenty (120) days;
3. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
4. a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;
5. a licensee knowingly operated the adult entertainment business during a period of time when the licensee's license was suspended;
6. a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises;
7. a licensee has been convicted of a specified criminal activity, as defined in this Ordinance, during the term of the license; or
8. a licensee is delinquent in payment to the Township, County, State, or United States government for any taxes or fees that were assessed or imposed in relation to any business.

C. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall revoke an employee license if it determines that:

1. the licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

2. the licensee has knowingly acted as an employee on the premises of an adult entertainment business during a period of time when the licensee's license was suspended; or

3. the licensee has been convicted of a specified criminal activity, as defined in this Ordinance during the term of the license.

D. The ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee shall advise the licensee in writing within three business (3) days of the reason(s) for any revocation.

E. When the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee revokes a license pursuant to sub-sections A, B.3-7, C.2 or 3 above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

F. When the ~~Clerk/Treasurer~~ Town Manager of the Town of Plainfield or his or her designee revokes a license pursuant to sub-sections B.1, B.8 or C.1 above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

- f. *Window Sign* for any Commercial or Industrial *District* - shall not exceed the lesser of:
- (1) twenty-five (25) percent of the area of the window, provided, in the case of multi-pain windows the surface area of the window shall be the combined surface area the individual pains, or in the case of a glass curtain wall the surface area of the window shall be the combined surface area of the individual glass panels; or,
 - (2) twelve (12) square feet in *Sign Surface Area*.

M. Political campaign *Signs*, provided that such *Signs*:

1. shall not be located in any *Public Right-of-Way* or within a Vision Clearance Area;
2. shall not be placed in such a manner or in such a location as to create a public safety hazard. ~~exceed sixteen (16) square feet in *Sign Surface Area*;~~
3. ~~shall not be illuminated; and,~~

~~shall not be erected sooner than thirty days (30) days prior to election day and shall be removed not later than five (5) days after the election day.~~

a citation to allow said person an opportunity to correct the violation and to come into compliance with the prescribed zoning ordinance or regulation.

However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a Stop-work Order issued pursuant to this Article XII.

3. If a person who is served with a notice of civil zoning violation or receives a citation elects to file a petition for Zone Map Change, Variance, Special Exception or *Development Plan* Approval to correct such violation, then the person must indicate the intent to file such a petition on the served notice or citation and return a copy to the *Plan Commission*. A person shall have ten (10) days from service of a notice of civil zoning violation or receipt of citation to file the petition. During the pendency of said petition the issuance of additional citations and additional monetary fines as prescribed in Article 12.7, B. shall be stayed. A person who files the petition within said time period shall pursue the petition in an expeditious and diligent manner. If the petition is denied, withdrawn or dismissed and the civil zoning violation continues, ~~then a lawsuit may be commenced by the Plan Commission, Board of Zoning Appeals or other appropriate enforcement official (as provided by applicable laws)~~ may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this Ordinance.

B. Fines.

Monetary fines for civil zoning violations shall be assessed as follows:

1. RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U, M-U, P, S and REL Districts.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars (\$50.00). The following monetary fines shall apply for each subsequent citation:

Second Citation	Minimum \$50.00, not to exceed \$100.00
Third Citation	Minimum \$50.00, not to exceed \$150.00
Fourth Citation	Minimum \$50.00, not to exceed \$200.00
Each additional	Minimum \$50.00, not to exceed a \$300.00 increase in the previously assessed monetary fine, to a maximum monetary fine for each citation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

Provided, however, in no event shall a subsequent citation be issued within ten (10) days of the issuance of a previous citation.

2. All Commercial (TC, NR, OD and GC) Districts, All Industrial (I-1, I-2, I-3 and I-4) Districts, the C-I District and the Agricultural (AG) District.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars (\$50.00). The following monetary fines shall apply for each subsequent citation:

Second Citation	Minimum \$50.00, not to exceed \$100.00 per day that the civil zoning violation remains uncorrected.
Third Citation	Minimum \$50.00, not to exceed \$150.00 per day that the civil zoning violation remains uncorrected.
Fourth Citation	Minimum \$50.00, not to exceed \$200.00 per day that the civil zoning violation remains uncorrected.
Additional Citations	Minimum \$50.00, not to exceed a \$300.00 increase in the previously assessed monetary fine for each day that the civil zoning violation remains uncorrected, to a maximum monetary fine for each civil zoning violation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day that the civil zoning violation remains uncorrected.

Provided, however, in no event shall a subsequent citation be issued within five (5) days of the issuance of a previous citation.

All fines prescribed by this Article XII for civil zoning violations shall be paid to the Clerk/Treasurer of the Town of Plainfield, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town. All fines thus received shall be deposited with the General Fund of the Town of Plainfield.

C. Trial for Civil Zoning Violations.

1. A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his intent to stand

trial and returning a copy of the citation to the *Plan Commission*. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed in Article 12.7, B. shall be stayed upon receipt of the notice. The notice shall be given at least five (5) days before the date that payment of the citation is due as set forth in Article 12.7, C., 2. below. On receipt of the notice of intention to stand trial, ~~a lawsuit may be commenced by the *Plan Commission*, *Board of Zoning Appeals* or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction~~ to enforce the terms and provisions of this Ordinance.

2. If a person who receives a citation fails to:
 - a. pay the assessed fine within forty-five (45) days after the issuance of a citation;
 - b. file a petition as prescribed in Article 12.7, A., 3. above; or,
 - c. give notice of his intention to stand trial as prescribed in Article 12.7, C., 1. above,

~~the *Plan Commission*, *Board of Zoning Appeals* or ~~designated other~~ appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction file a lawsuit as provided by applicable law to enforce the terms and provisions of this Ordinance.~~

the *Plan Commission*, *Board of Zoning Appeals*, or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this Ordinance.

3. Seeking a civil penalty as authorized in this Article does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of Indiana Code 36-7-4 or any ordinance adopted or action taken under Indiana Code 36-7-4.
4. In the event that a violation of the Plainfield Zoning Ordinance is determined to exist by a court of competent jurisdiction, the Owner shall be liable to the Town for all costs associated with filing and prosecuting the enforcement action, including but not necessarily limited to all reasonable attorney's fees ~~the Town's reasonable attorney fees in accordance with Indiana Code 36-7-4-1014(f).~~