

TITLE XIII: GENERAL OFFENSES

Chapter

130. POSSESSION OF WEAPONS

131. OFFENSES TO PROPERTY

Wells County - General Offenses

CHAPTER 130: POSSESSION OF WEAPONS

Section

- 130.01 Definitions
- 130.02 Restrictions
- 130.03 Exceptions

- 130.99 Penalty

§ 130.01 DEFINITIONS.

For purposes of this chapter, the term *WEAPON* shall include, but is not limited to any of the following:

(A) *DEADLY WEAPON*;

(B) *FIREARM* as defined by I.C. 35-47-1-5;

(C) *ELECTRIC STUN GUN* as defined by I.C. 35-47-8-1;

(D) *STUN GUN* as defined by I.C. 35-47-8-2;

(E) *TASER* as defined by I.C. 35-47-8-3;

(F) *KNIFE*;

(G) *EXPLOSIVE* refers to any agent or substance tending or serving to explode. *EXPLOSIVE* shall include but not be limited to gunpowder and dynamite;

(H) *CLUB*; and

(I) Any other object that in the manner in which it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury (as defined by state law) as determined by the County Sheriff or the County Sheriff's agent.

(Ord. 2007-5, passed 6-18-2007)

§ 130.02 RESTRICTIONS.

Except as provided in § 130.03 below, a person shall not possess on or about his or her person a weapon within the county courthouse.

(Ord. 2007-5, passed 6-18-2007) Penalty, see § 130.99

§ 130.03 EXCEPTIONS.

(A) The following persons are exempt from this order:

(1) Law enforcement officers under state law;

(2) State Department of Correction officers;

(3) Community Correction officers;

(4) Judicial officers;

(5) Probation officers who are in the courthouse for official business and duly authorized to carry deadly weapons; and

(6) Employees of the courthouse who carry chemical spray devices for personal protection.

(B) The persons described as exempt from this chapter shall not be exempt if they or any member of their family is a party to any proceeding taking place in the court.

(Ord. 2007-5, passed 6-18-2007)

§ 130.99 PENALTY.

Any person violating the terms of this chapter shall:

(A) Be subject to a fine between \$25 and \$2,500 per occurrence at the discretion of the judge of the court; and

(B) Shall also be subject to having the firearm or weapon confiscated; and

(C) Shall also be required to pay all court costs relating to an action filed under the terms of this chapter.

(Ord. 2007-5, passed 6-18-2007)

CHAPTER 131: OFFENSES TO PROPERTY

Section

131.01 Section corner markers

131.99 Penalty

§ 131.01 SECTION CORNER MARKERS.

(A) Except as provided by this section, it shall be unlawful to any person to move, change, damage or otherwise alter a monument marking a section corner without complying with the provisions of I.C. 36-2-12-13.

(B) It shall be unlawful for any person to damage or remove a monument marking a section corner or HARN point. Any person who damages or removes a monument marking a corner or HARN point shall reimburse the county for the cost of repairing or replacing the monument or marker.

(C) A person may, for excavation, mineral extraction or other purposes related to the person's business, including the activities described in division (E) below, temporarily remove a monument marking a corner.

(1) The person must notify the County Surveyor in writing at least 30 days prior to removing the monument.

(2) The person must, within a reasonable time, either replace the monument at his or her own expense utilizing a registered land surveyor under the supervision of the County Surveyor, or, if the County Surveyor is not registered under I.C. 25-21.5 or I.C. 25-31, a registered person who is appointed by the County Board of Commissioners under I.C. 36-2-12-11, or have the County Surveyor replace the monument.

(3) The person shall reimburse the county for the cost of the supervision or the replacement by the County Surveyor.

(4) The surveyor shall file a copy of the notice in the corner record book.

Wells County - General Offenses

(D) Only the County Surveyor or his or her designee may change the location of any monument.

(1) A person who wishes to have the location of a monument changed must make a request to the County Surveyor in writing and also furnish written approval of all landowners whose property is affected by the proposed change.

(2) The County Surveyor may approve, reject or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.

(E) When, in the construction or maintenance of a state, county or municipal road or street, it is necessary to remove or bury a monument marking a corner, the owner of the public right-of-way shall notify the County Surveyor in writing at least 15 days before commencing the work.

(F) The County Sheriff or any deputy of the County Sheriff, or the County Surveyor may issue a citation under the terms and conditions of this section.

(G) All fines imposed for violations of this section shall be deposited in the County Surveyor's Corner Perpetuation Fund.

(H) This section does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this section shall supersede the conflicting provisions.
(Ord. 2009-2, passed 2-17-2009) Penalty, see § 131.99

§ 131.99 PENALTY.

Any person who violates § 131.01 shall be deemed guilty of an infraction and may be fined up to \$2,000 for each monument or marker damaged or removed and shall be responsible for all costs, including court costs for each violation, and shall reimburse the county for all costs of repairing each monument or marker.
(Ord. 2009-2, passed 2-17-2009)