

TITLE 4

HEALTH, SAFETY, AND SANITATION

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HEALTH, SAFETY, AND SANITATION

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Chapter 4.01

WEED ABATEMENT

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4.01.010 Weeds or Rank Vegetation Height. It is unlawful for anyone to permit any weeds, rank vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine inches anywhere in the City. The definition of "weeds and rank vegetation" does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose or a natural or developed wooded area or forest which does not create a health or safety hazard. The determination as to whether vegetation meets the definition of "weeds and rank vegetation" shall be at the discretion of the Street Commissioner and/or the Board of Public Works and Safety. Weeds or rank vegetation exceeding such a height are hereby declared to be a nuisance. (Ord. 06-06, S4.01.010, June 12, 2006) (Ord. 88-13, S2, 1988)

4.01.020 Vegetation or Permanent Structures on Easements and Governmental Property. It is unlawful to permit weeds, vegetation, trees, permanent structures or woody growth on private property which, due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way, or easement. Such interference is hereby declared to be a nuisance. (Ord. 06-06, S4.01.020, June 12, 2006)

4.01.035 Complaints. The Street Commissioner and his Department shall inspect any real estate within the City upon which they receive a request to inspect or any real estate on their own initiative or upon which a complaint for a violation of this Chapter has been received by any other City Department or the public. In order to preserve the health and safety of the City, the Street Commissioner or any of his employees or his designees may enter the property to inspect same for a violation of this Chapter. (Ord. 06-06, S4.01.030, June 12, 2006)

4.01.040 Removal - Notice. The Street Commissioner and his Department, and the Clerk-Treasurer shall be responsible for the enforcement of this Ordinance. The Clerk-Treasurer, upon notice of a violation of this Chapter, shall issue a five-day written notice to the record owner(s) of the property at the property address or at the address provided on the tax duplicates in the office of the Treasurer of Perry County, Indiana by certified mail, to remove the weeds or rank vegetation. (Ord. 06-06, S4.01.040, June 12, 2006) (Ord. 88-13, S3, 1988)

4.01.050 Failure to Abate. If the landowner fails to cut and remove the weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted by the Board of Public Works and Safety, the City of Cannelton, through City employees or contractors hired by the City may enter the property to abate the violation of this Ordinance may cut and remove, or cause to be cut and removed, such weeds and/or rank vegetation. (Ord. 06-06, S4.01.050, June 12, 2006) (Ord. 88-13, S4, 1988)

4.01.060 Civil Penalty. In the event that the City sends a violation notice; or in the event that the City sends a second notice after the first complaint had been abated in the same calendar year regarding the same parcel of ground, which is owned by the same person, then a civil penalty will be assessed, as follows:

Second Offense:	\$ 100.00
Third and Subsequent Offenses:	\$ 200.00

(Ord. 06-06, S4.01.060, June 12, 2006)

4.01.070 Billing Procedure. The Clerk-Treasurer shall then issue a bill to the landowner for the costs incurred by the City in abating the violation, a civil penalty, administrative costs, including, but not limited to, certified mail expenses for all notifications sent to the landowner, and removal costs. The bill shall be served upon the landowner in the same manner as the service of the notice of violation. Costs for the abatement of weeds are determined by the Board of Public Works and Safety. (Ord. 06-06, S4.01.070, June 12, 2006)

4.01.080 Appeal. Any appeal of the removal notice or bill must be made in writing, within ten (10) calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Board of Public Works, which shall set the matter for hearing. The hearing may be at a special meeting of the Board of Public Works or any regularly scheduled meeting of the Board of Public Works. After the hearing, the Board of Public Works shall issue its written findings. Any appeal from written findings of the Board of Public Works must be made to a court of competent jurisdiction located in Perry County, Indiana, within ten (10) calendar days of the issuance of its written findings by the Board of Public Works. (Ord. 06-06, S4.01.080, June 12, 2006)

4.01.090 Lien. If the landowner fails to pay a bill issued under Section 4.01.070 of this Chapter within the time specified, the Clerk-Treasurer shall certify to the Auditor of Perry County the amount of the bill, plus any additional administrative costs incurred

in the certification. The auditor of Perry County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be reimbursed to the appropriate funds of the City of Cannelton. (Ord. 06-06, S4.01.090, June 12, 2006)

4.01.100 Administrative Liability. No officer, agent, or employee of the City of Cannelton shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Cannelton as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City until the final determination of the proceedings therein. (Ord. 06-06, S4.01.100, June 12, 2006)

4.01.120 Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 06-06, S4.01.120, June 12, 2006)

4.01.130 Prior Ordinances. All ordinances and/or part of ordinances in conflict herewith are hereby repealed. (Ord. 06-06, S4.01.130, June 12, 2006)

Chapter 4.02

GARBAGE AND REFUSE DISPOSAL

Sections:

4.02.001	Definitions
4.02.005	Health and safety concerns
4.02.010	Authority of the Board of Public Works
4.02.020	Standard Containers
4.02.025	Number of containers
4.02.026	Restriction of Use of Trash Pick Up
4.02.027	Fees for additional collection and charges for extra/bulky items
4.02.030	Building material disposal
4.02.040	Hazardous Waste Disposal
4.02.060	Air pollution
4.02.200	Hauling waste materials; private dumps
4.02.230	Exceptions
4.02.290	Scope of Services, Fees, and Billing
4.02.300	Delinquency charge; Lien; Disconnection of water service
4.02.310	Collection
4.02.320	Board of Public Works
4.02.340	Increase in units
4.02.380	New and remodeled building regulation on installation of garbage disposal units
4.02.390	Violation and penalty

4.02.001 Definitions. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Commercial Unit" – An occupied or unoccupied commercial structure specifically including, but not limited to, commercial buildings for small scale and intense commercial uses.
- (2) "Curbside Collection" - Collection in a standard container, as defined herein, at or near the street or alley adjacent to the premises served or at such other location as the City may direct.
- (3) "Industrial Unit" – An occupied or unoccupied industrial structure specifically including, but not limited to, industrial buildings for light and heavy industrial uses.
- (4) "Refuse" - By way of example, but not limited to except as herein expressly provided, such items as discarded containers, paper, ashes, cans, glass, wood, small solid objects and other liter capable of being placed in a standard container, but specifically excluding such wastes as rejected food wastes, including every waste accumulation of animal, fruit and vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit,

or vegetable, and such items as household appliances (refrigerators, stoves, washers, dryers), mattresses, tires, chemicals (including paint and lacquer products), box springs, automotive parts, automotive batteries, combustible items, illegal or contraband items, tree limbs, leaves and grass clippings. The term "refuse" shall also include all items that might be defined as such under the terms and conditions of a contract for refuse collection services, which may be entered into by the board as authorized herein, which contract shall be on file in the Clerk-Treasurer's Office.

- (5) "Residential Unit" - An occupied or unoccupied single-family residential dwelling unit specifically including but not limited to a mobile home and each individual housekeeping, living, or dwelling unit of a multi-unit building.
- (6) "Standard Container" - The term "standard container" shall mean a container not larger than a 55 gallon drum of sufficient strength to enable the collector to easily lift and empty the container, or a 30 pound capacity plastic trash bag. (Ord. 04-16, S4.02.001, Sept. 27, 2004) (Ord. 97-11, S4.02.001, Dec. 22, 1997) (Ord. 89-12, S7, 1989)

4.02.005 Health and safety concerns. The Common Council now finds as follows:

- (1) In the interests of the health, safety and general welfare of the citizens of the City, it is necessary to make available curbside collection of refuse from structures consisting of residential units and small scale commercial units and units of government operating in the City.
- (2) Structures consisting of certain more intense commercial units, and industrial units are of a different character and have different needs than structures consisting of residential units; and,
- (3) Structures consisting of certain more intense commercial units, and industrial units may be better served by methods other than curbside collection. (Ord. 04-16, S4.02.005, Sept. 27, 2004) (Ord. 97-11, S4.02.005, Dec. 22, 1997) (Ord. 89-12, S8, 1989)

4.02.010 Authority of the Board of Public Works.

- (1) The Board of Public Works of the City of Cannelton, Indiana (the "Board") is authorized and empowered to provide for collection and disposal of all household refuse which accumulates from time to time on or about the premises of all residences in the City, and to provide for the collection of refuse of the various units of government operating in the City and certain smaller scale commercial units. The Board may also, pursuant to the powers vested in it by the laws of the State of Indiana, contract for the collection and disposal of refuse from structures consisting of commercial units and industrial units. The Board may acquire equipment, vehicles,

and containers, and employ the personnel necessary and required to accomplish the collection and disposal of refuse.

- (2) The Board is authorized to fix the hours or days of the week for the collections, and from time to time to adopt any regulations, not inconsistent with the provisions of this chapter, required for the collection and disposal of household refuse.
- (3) The Board is authorized and empowered to lease and rent, and renew and re-lease, from time to time real estate within or without the corporate limits, suitable and conveniently located for the establishment of public dumps. The Board may make from time to time any regulations for the control and use of the public dumps as may be necessary and proper with due regard for the health, sightliness, and cleanliness of the City, and for the regulation and control of the public dumps not inconsistent, however, with the provisions of this chapter. (Ord. 04-16, S4.02.010, Sept. 27, 2004) (Ord. 97-11, S4.02.010, Dec. 22, 1997) (Ord. 89-12, S1, 1989)

4.02.020 Standard Containers. All refuse must be bagged. Every residential unit, small scale commercial unit and every unit of government operating within the City shall keep all its refuse in a standard container not exceeding a weight limit of thirty (30) pounds. All standard containers shall be kept on the rear portion of property; whenever the rear portion of the property is not easily accessible to City employees, standard containers shall be placed in an accessible location not more than 12 hours before the regular trash pick up time of the City, and must be removed, when not picked up by the City, no more than 12 hours after the regular trash pick up time. (Ord. 04-16, S4.02.020, Sept. 27, 2004) (Ord. 97-11, S4.02.020, Dec. 22, 1997) (Ord. 93-04, S1, 1993) (Ord. 80-10, S 1, 1980) (Ord. 60-2, S2, 1960)

4.02.025 Number of containers. The occupying owner or occupying tenant of any residential unit, apartment house, building, or structure, of which provisions are made for the collection of refuse at public expense, shall provide the residential unit, apartment house, building, or structures with not more than two standard containers. Each occupying owner or occupying tenant of each residential unit, apartment house, building, or structure shall cause to be placed at the curb or at the alley location no more than two standard containers. Each occupying owner or occupying tenant of each residential unit apartment house, building or structure exceeding the two standard container limit will be charged an additional fee for exceeding the two standard container limit. (Ord. 04-16, S4.02.025, Sept. 27, 2004) (Ord. 97-11, S4.02.025, Dec. 22, 1997) (Ord. 89-12, S2, 1989)

4.02.026 Restriction on Use of Trash Pick Up. No person shall haul, transport, convey, or place for pick up any rubbish, trash, ashes, refuse, junk, or other discarded or waste materials on private property unless said person is the owner or occupying tenant of the private residential unit or the commercial or governmental unit for which provision has been made for the collection of household waste, and such waste has been generated from such unit. (Ord. 04-16, S4.02.026, Sept. 27, 2004) (Ord. 97-11, S4.02.026, Dec. 22, 1997)

4.02.027 Fees for Additional Collection and Charges for Extra/Bulky Items. The fee for each trash bag exceeding the two standard container limit shall be \$1.00 per bag. For an additional charge and if request is made in advance and approval is given certain other items may be picked up along with the regular curbside collection. Such additional charges include:

Large Furniture/Carpet/Hot Water Tanks	\$ 25.00 per item
Small appliances and household items	\$ 15.00 per item

(Ord. 04-16, S4.02.027, Sept. 27, 2004)

4.02.030 Building material disposal. All building materials such as plaster, bricks, and excavated dirt will not be collected by the City and must be disposed of and hauled away at the expense of the property owner. (Ord. 97-11, S4.02.030, Dec. 22, 1997) (Ord. 80-10, S1, 1980) (Ord. 60-2, S5, 1960)

4.02.040 Hazardous Waste Disposal. Any hazardous wastes will not be collected by the City and must be disposed of and hauled away at the expense of the property owner. (Ord. 97-11, S4.02.040, Dec. 22, 1997)

4.02.060 Air pollution. No person shall discharge, emit, cause, allow or threaten to discharge, emit, cause or allow any contaminant to the air in the City of Cannelton. (Ord. 97-11, S4.02.060, Dec. 22, 1997) (Ord. 80-10, S3, 1980)

4.02.200 Hauling waste materials; private dumps.

- (1) No person shall haul, transport, convey, or cause to be hauled, transported, or conveyed, any trash, ashes, rubbish, refuse, junk, or other discarded or waste materials, and deposit, place, or dump the materials on any public property, street, or thoroughfare or on any privately owned property, except on public dumps established by the Board of Public Works under Section 4.02.010.
- (2) Nothing in this chapter shall be construed to prohibit the dumping or depositing of dirt, sand, gravel, the compound commonly known as fly ash, concrete rubble, or similar materials. These substances shall be free of all trash, rubbish, or refuse materials of all kinds, and may be dumped or deposited on any lot either publicly or privately owned, at the request of the owner, for the purpose of elevating the grade of the lot or the unimproved part of the lot. (Ord. 97-11, S4.02.200, Dec. 22, 1997) (Ord. 89-12, S3, 1989)

4.02.230 Exceptions. Nothing contained in this chapter shall be construed or interpreted as requiring, at public expense, the collection and disposal of waste material that shall result from the operation of any manufacturing, processing, or commercial concern or business. (Ord. 97-11, S4.02.230, Dec. 22, 1997) (Ord. 89-12, S6, 1989)

4.02.290 Scope of Services, Fees, and Billing.

- (1) Scope of Services. Curbside collection of refuse shall be available to structures consisting of residential units, units of government operating within the City of Cannelton and smaller scale commercial units operating within the City of Cannelton under the terms and regulations as the Board may adopt. The Board reserves the right to determine which commercial units qualify as smaller scale commercial units for the purpose of being eligible for curbside collection services.
- (2) Fees.
 - A. There is hereby imposed a fee of \$15.00 dollars per month upon each occupied residential unit. There is hereby imposed a fee of \$40.00 dollars per month upon each occupied smaller scale commercial unit or governmental unit for which provisions are made for the collection of refuse at public expense.
 - B. The fees imposed upon structures consisting of commercial units and industrial units will be determined by the terms of any independent contracts for the collection and disposal of refuse from said structures, based upon the amount and nature of items to be collected by the City.
 - C. The fees established herein shall be imposed on, and be the obligation of the owner of record, as shown in the Office of the Perry County Auditor or Recorder, of the unit or units, should said fees be unpaid by the person occupying the unit or units, or in whose name the bill is issued.
- (3) Billing. The fees imposed herein shall be due and payable at the Office of the Cannelton Utilities Department, as and when charges for water and electric service charges are due and payable. Fees shall be billed to the person owning or occupying the units. (Ord. 07-12, July 9, 2007) (Ord. 04-16, S4.02.290, Sept. 27, 2004) (Ord. 97-11, S4.02.290, Dec. 22, 1997) (Ord. 89-12, S9, 1989)

4.02.300 Delinquency charge; Lien; Disconnection of water service. If the net fee imposed pursuant to this chapter is not paid by the 30th day of the month following the month in which said fee is incurred, as indicated conspicuously on the billing referred to in Section 4.02.290, there shall be assessed a delinquency charge in the amount of 10%, which delinquency charge and net fee shall be immediately due and payable. If the fee and delinquency charges are not paid as required by this section, these amounts, together with a reasonable attorney fee, may be recovered by the City in a civil action in the name of the City. (Ord. 97-11, S4.02.300, Dec. 22, 1997) (Ord. 89-12, S10, 1989)

4.02.310 Collection. The fees as provided for in this chapter shall be paid as they become due at the Office of the Cannelton Utilities Department. All such collections

shall be and constitute a separate and distinct fund from other funds of the City and shall not be merged or commingled with other funds of the City. (Ord. 97-11, S4.02.310, Dec. 22, 1997) (Ord. 89-12, S11, 1989)

4.02.320 Board of Public Works.

- (1) The Board is hereby authorized to enter into agreements and shall have such other authority as is necessary to effectuate the purposes of this chapter.
- (2) The Board is hereby authorized to make such reasonable rules and regulations and to revise and amend them from time to time as the Board may deem advisable to effectuate the purposes of this chapter.
- (3) To facilitate the collection of the fee imposed by this chapter, the Board in its discretion may show the amount of the refuse collection fee upon statements rendered by the Cannelton Utilities Department. The failure or omission to render any statement or bill shall not in any manner relieve the owner or occupier of the unit, building or premises of the obligation to pay any fee under this chapter. (Ord. 97-11, S4.02.320, Dec. 22, 1997) (Ord. 89-12, S 12, 1989)

4.02.340 Increase in units.

- (1) Owners of property subject to the fees provided for herein shall report any increase in the number of residential units on the property to the Board prior to the completion of construction or occupancy, whichever first shall occur.
- (2) No person shall utilize the services provided for herein except in the manner prescribed by this ordinance and the rule and regulations of the Board. (Ord. 97-11, S4.02.340, Dec. 22, 1997) (Ord. 89-12, S 14, 1989)

4.02.380 New and remodeled building regulation on installation of garbage disposal units. All buildings hereinafter constructed containing a kitchen or kitchens and all kitchens hereafter remodeled shall have installed in each kitchen a garbage disposal connected to the sewers, which shall effectively pulverize garbage, or shall have installed a calcinator in each of said kitchens, or an adjoining room, which shall effectively dispose of garbage without emitting odor or smoke. Each of said kitchens shall be equipped with other similar devices which effectively dispose of garbage. All devices shall be approved by the City Building Inspector. (Ord. 97-11, S4.02.380, Dec. 22, 1997) (Ord. 89-12, S 18, 1989)

4.02.390 Violation and penalty.

- (1) A violation of this ordinance may be enforced pursuant to any action authorized by law including but not limited to the procedures stated in the municipal code of the City.

- (2) A person who violates the provisions of this ordinance shall be subject to a civil penalty in the amount of \$500.00 for each day during which a violation exists. If the violation is of a continuing nature, each day the violation exists shall constitute a separate offense. In addition, such person shall be responsible for all of the City's costs and attorney fees in prosecuting violations of this ordinance. (Ord. 97-11, S4.02.390, Dec. 22, 1997) (Ord. 89-12, S 19, 1989)

- (3) No person shall retain any privacy rights or privacy expectations with regard to any item covered by this ordinance placed for collection or otherwise placed on public or private property within the City. (Ord. 97-11, Dec. 22, 1997)

Chapter 4.03

SALVAGE YARDS

Sections:

- 4.03.010 **Definitions**
- 4.03.020 **Requirements**
- 4.03.030 **Violation and penalty**

4.03.010 Definitions.

- (1) Salvage yards, including automobile wrecking - shall be defined as any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom. (Ord. 76-9, S1, 1976)

4.03.020 Requirements. A salvage yard as defined herein must meet the following requirements:

- (1) Entire salvage yard must be one acre in size.
- (2) Use permitted not closer than three hundred (300) feet to a residential use.
- (3) Must be surrounded by a solid wall or solid painted fence eight (8) feet high.
- (4) Provide for two loading and unloading berths that may not face on a bordering highway. (Ord. 76-9, S2, 1976)

4.03.030 Violation and Penalty. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, or use any structure or land in violation of any regulation in or any provision of this chapter. The City Council may institute a suit for a mandatory injunction directing the removal of a structure erected in violation of this chapter. Any structure or use that violates this chapter shall be deemed to be a common nuisance and the owner of the structure or land shall be liable for maintaining a common nuisance. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and , upon conviction, shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00). Each day the violation continues shall constitute a separate offense. (Ord. 76-9, S3, 1976)

Chapter 4.04

DISPOSAL OF UNOPERABLE AND UNLICENSED VEHICLES

Sections:

4.04.010	Public nuisance
4.04.020	Time period
4.04.030	Issuance of removal order on public property
4.04.040	Issuance of removal order on private property
4.04.050	Exceptions
4.04.060	Penalty for violation
4.04.070	Separability of provisions

4.04.010 Public nuisance. Because of the danger to health from vermin and insects and because of the danger to the safety of children attracted by such vehicles, abandoned and junked motor vehicles are hereby declared to be nuisances, except in lawfully operated junk yards. (Ord. 70-1, S1, 1970)

4.04.020 Time period. It shall be unlawful for any person to store or to allow to remain in the open upon public or private property within the City of Cannelton, Indiana, any disassembled, or unoperable and unlicensed, or any junked, wrecked or abandoned motor vehicle for a period of five (5) or more days on public property, or for a period of fifteen (15) or more days on private property, unless it is in connection with an automotive sales or repair business enterprise. (Ord. 70-1, S2, 1970)

4.04.030 Issuance of removal order on public property. Whenever the Building Commissioner of the City of Cannelton, Indiana, or the Chief of Police of the City of Cannelton, Indiana, shall find any such vehicle placed or stored in the open upon public property within the corporate limits of the City of Cannelton, Indiana, he shall issue an order to the owner of such vehicle to remove such vehicle within three (3) days. Notice of such order shall be placed upon said vehicle. If such vehicle is not removed within three (3) days pursuant to said order and notice, the Building Commissioner or Chief of Police shall cause such vehicle to be removed by a junk or salvage yard or wrecker service, the cost and expense of such removal by the junk or salvage yard or wrecker service to be paid by the owner of such vehicle. (Ord. 70-1, S3, 1970)

4.04.040 Issuance of removal order on private property. Whenever the Building Commissioner of the City of Cannelton, Indiana, or the Chief of Police of the City of Cannelton, Indiana, shall find any such vehicle placed or stored in the open upon private property within the corporate limits of the City of Cannelton, Indiana, he shall issue an order to the owner of such vehicle to remove such vehicle within ten days. Notice of such order shall be placed upon such vehicle and copies of such notice shall be served upon any adult occupying the real estate on which the vehicle is located and also upon the owner of the vehicle, if his name and whereabouts be known. If no occupant of the real estate or owner of such vehicle can be found, a notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate and to the owner of the vehicle. If there is no building on the real estate said

notice may be affixed elsewhere on the real estate. If such vehicle is not removed within ten days pursuant to said order and notice, and if said order is not stayed by the issuing officer pursuant to written request showing good cause for a permanent or temporary stay, the Building Commissioner of the City of Cannelton, Indiana, or the Chief of Police of the City of Cannelton, Indiana, shall cause such vehicle to be removed by a junk or salvage yard or wrecker service, the cost and expense of such removal by the junk or salvage yard or the wrecker service to be paid by the owner of such vehicle. (Ord. 70-1, S4, 1970)

4.04.050 Exceptions. The provisions of this chapter shall not apply to auto salvage yards and/or junk yards that are duly operated as a commercial business. (Ord. 70-1, S5, 1970)

4.04.060 Penalty for violation. Any person, firm or corporation who violates any of the provisions of this chapter or who interferes in any way whatsoever with the due process of enforcement of any of the provisions of this chapter or who does not obey within the time fixed any order issued pursuant to this chapter, and who shall be found guilty thereof, shall be subject to a fine and penalty in the amount of Fifty Dollars (\$50.00). Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues. (Ord. 70-1, S6, 1970)

4.04.070 Separability of provisions. If any clause, sentence, paragraph, section, or portion of this chapter for any reason shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this chapter directly involved in the controversy in which judgment was rendered. (Ord. 70-1, S7, 1970)

Chapter 4.05

PROHIBITION OF ACTIVITIES ON PARKED MOTOR VEHICLES

Sections:

- 4.05.010 **Prohibition of activities on parked motor vehicles**
- 4.05.020 **Fines for violation**

4.05.010 Prohibition of activities on parked motor vehicles. It shall be unlawful for any person to stand, sit, lie or lounge on the top or hood of any motor vehicle while such motor vehicle is parked on any of the public streets and alleys in the City of Cannelton, Indiana or for any person to stand in the public streets or alleys while talking to a person while said person is standing, sitting, lying, or lounging on top or hood of any motor vehicle or seated inside said motor vehicle while such motor vehicle is parked on any of the public streets or alleys in the City of Cannelton, Indiana. (Ord. 81-4, S1, 1984) (Ord. 74-3, S1, 1974)

4.05.020 Fines for violation. Any person who violates the provisions of this chapter may, upon conviction, be fined in any sum not to exceed One Hundred Dollars \$100.00. (Ord. 81-4, S2, 1984) (Ord. 74-3, S2, 1974)

Chapter 4.06

BUILDING AND PREMISES STANDARDS

Sections:

4.06.010	Definitions
4.06.020	Applicability
4.06.030	Sanitation Standards
4.06.040	Heating, Lighting, Ventilation Standards
4.06.050	Maintenance and Structural Standards
4.06.060	Number of Occupants
4.06.070	Reference to State Statute
4.06.080	Enforcement; Service of Notices and Orders; Hearings
4.06.090	Conflict of Rules and Regulations; Effect or Partial Invalidity
4.06.100	Hardship
4.06.110	Inspection of Buildings, Structures, and Premises

4.06.010 Definitions. Unless the context otherwise requires, words used in this chapter shall have the following meanings:

- (1) Basement shall mean a portion of the building located partially underground but having less than Fifty Percent (50%) of its clear floor to ceiling height below the average grade of the adjoining ground.
- (2) Cellar shall mean a portion of the building located partially or wholly underground, and having Fifty Percent (50%) or more of its clear floor to ceiling height below the average grade of the adjoining ground.
- (3) Dwelling shall mean any building which contains a dwelling unit as defined in Subparagraph (d) below; and dwelling shall also include rooming houses; provided that temporary housing as hereinafter defined in Subparagraph (o) shall not be regarded as a dwelling.
- (4) Dwelling unit shall mean any room or group of rooms located within a building and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, and eating.
- (5) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food and similar animal and vegetable refuse.
- (6) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

- (7) Occupants shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.
- (8) Operator shall mean any person having charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (9) Owner shall mean any person who, alone or jointly or severally with others:
 - A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - B. Shall have charge, care, or control of any dwelling or dwelling unit, as owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with provisions of this Ordinance imposed upon the owner.
- (10) Person shall mean and include any individual, firm, corporation, association or partnership.
- (11) Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drain vents, and any other similar supplied fixtures together with all connections to water, sewer, or gas lines.
- (12) Rubbish shall mean combustible or non-combustible waste materials except garbage; the term shall include residue from the burning of wood, coal, and coke.
- (13) Rubbish storage facilities and garbage storage facilities shall mean outside containers in which rubbish and garbage are temporarily stored for collection.
- (14) Supplied shall mean paid for, furnished, or provided by control of the owner or operator.
- (15) Temporary housing shall mean any trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises for more than Thirty (30) days in any year.
- (16) Lessee shall mean any person who by written contract or lease or by any week-to-week or month-to-month tenancy agreement shall having the right to occupy a dwelling or dwelling unit.

- (17) Substantial Property Interest as defined in I.C. 36-7-9. Any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, or an equitable interest of a contract purchaser.
- (18) Vacant Structure. Any structure that has been uninhabited or unoccupied for a period greater than Ninety (90) days in any year.
- (19) Deterioration: The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance or excessive use. (Ord. 96-06, S1, May 28, 1996) (Ord. 77-4, S2, 1977)

4.06.020 Applicability. All persons owning, controlling, or letting any building, structure, or premises in the City of Cannelton shall be subject to the requirements of this Ordinance and shall be subject to the penalties and fees provided for herein upon noncompliance. (Ord. 96-06, S2, May 28, 1996) (Ord. 77-4, S1, 1977)

4.06.030 Sanitation Standards. No person shall occupy or allow another to occupy any dwelling which does not comply with the following requirements:

- (1) There shall be a safe and potable supply of running water into each dwelling unit.
- (2) Each dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with an inside flush toilet and sink. Every dwelling unit shall also contain a kitchen sink to which shall be attached an operating electric garbage disposal. Each garbage disposal shall be a minimum of 1/3 horsepower. Every dwelling unit shall contain a bathtub or shower installed in a room affording privacy. Every flush toilet shall be connected to cold water lines and an approved sewer or approved individual sewage system. Every sink, every bathtub, and every shower shall be connected to hot and cold water lines and to an approved sewer or approved individual sewage disposal unit. All plumbing fixtures and fittings shall be in good working conditions. Water shall be piped to all plumbing fixtures for the proper operation of the fixtures.
- (3) Every dwelling unit shall have a minimum of a single toilet, sink, and a single bathtub or shower.
- (4) Every dwelling unit shall be furnished with water heating facilities capable of heating water to such temperature as to permit water to be drawn in each fixture at a temperature of not less than One Hundred Twenty Degrees Fahrenheit (120°F). Water heating facilities shall be properly connected to hot and cold water lines. If gas is used as a fuel, it shall be vented to the outside atmosphere.

- (5) Every dwelling unit shall be supplied with adequate rubbish storage facilities and rubbish disposal.
- (6) There shall be for each dwelling unit a safe unobstructed means of egress leading to a safe open space at ground level without going through another dwelling unit.
- (7) When service from a public or semi-public sewage and water system is not available or feasible, an individual system of water supply and sewage disposal may be considered adequate, provided it is installed in accordance with the requirements of the City. When an approved sewer is not available and where conditions are such as to prevent safe and sanitary disposal of waterborne sewage, then at the discretion of the hearing authority, certain variances in the requirements of Section 4.06.030 may be permitted. (Ord. 96-04, S3, May 28, 1996) (Ord. 77-4, S3, 1977)

4.06.040 Heating, Lighting, Ventilation Standards. No person shall occupy or allow another to occupy any dwelling which does not comply with the following requirements:

- (1) Every habitable room in a dwelling or dwelling unit shall contain a window or windows or a door opening directly to the outside air and the total area of such window or windows or door shall not be less than Five Percent (5%) of the floor area of such room, and shall be capable of being opened for ventilation.
- (2) All window sashes shall be glazed and provided with suitable hardware for easy opening to afford adequate ventilation. This requirement may be waived in dwelling units which are so designed and equipped as to be dependent upon mechanical ventilation, heating and cooling, except this requirement may not be waived for bedrooms.
- (3) Every dwelling and every dwelling unit shall be weather-proofed and capable of being adequately and safely heated, and the heating equipment in every dwelling or dwelling unit shall be properly vented and shall be maintained in good order and repair by the occupant unless the rental agreement provides otherwise. Such heating equipment shall be capable of maintaining the unit at Sixty-Eight Degrees Fahrenheit (68°F) when the outside temperature is Zero Degrees Fahrenheit (0°F).
- (4) Every habitable room and non-habitable room in a dwelling or dwelling unit shall be furnished with electric power and shall be wired in accordance with the 1990 Edition of the National Electric Code, (NFPA) - #70, 1990), with Indiana Amendments as it now exists or may hereafter be amended. Minimum requirements per room shall be one (1) receptacle.

- (5) Every public hallway and stairway shall be provided with a safe and adequate type of artificial light controlled by convenient switches.
- (6) The basement of every dwelling shall be dry and ventilated and shall be kept free from rubbish and garbage accumulation and rodent and insect infestations.
- (7) No room in any basement shall be occupied as a habitable room unless:
 - A. The cellar inner height is at least Six (6) Feet; and
 - B. The floors and walls are water proof and damp proof in accordance with accepted building methods and standards, and;
 - C. Every basement habitable room must, in all cases, comply with all of the minimum standards set out in this ordinance. (Ord. 96-04, S4, May 28, 1996) (Ord. 77-4, S4, 1977)

4.06.050 Maintenance and Structural Standards. All building, structures, and premises, whether or not occupied, must comply with the following requirements:

- (1) Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, watertight, and rodent-proof; and shall be kept in good repair.
- (2) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof, and shall be kept in good repair.
- (3) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that the normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (4) All dwellings, fences, and outbuildings in a dilapidated or unsafe condition shall be removed or repaired. All yard structures, privies, fences and rubbish, as well as abandoned automobiles incapable of operation, inoperable appliances of any sort, materials or supplies which obstruct light and air, harbor rats and vermin and create an undesirable environment shall be removed.
- (5) All occupants shall keep every dwelling and yard clean and free from accumulation of filth, rubbish, or similar matter and shall keep same free from vermin and rodent infestation.
- (6) Interior walls or other vertical structural members shall not list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

- (7) Structures and buildings, exclusive of the foundation, shall not show thirty-three percent (33%) or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (8) Structures and buildings shall not have improperly distributed loads upon the floors or roofs or shall not be overloaded, and shall have sufficient strength to be reasonably safe for the purpose used.
- (9) Buildings shall have adequate facilities for egress in case of fire with sufficient stairways, elevators, fire escapes, or other means of communication.
- (10) Buildings and structures shall not have parts thereof which are so attached that they may fall and injure members of the public or property.
- (11) No buildings or structures shall have any condition of the walls, floors, or roofs such that the buildings or structures are likely to fall on account thereof, thereby endangering the safety of its occupants or of the public.
- (12) The exterior of every building or structure shall be maintained in good repair. The same shall be maintained free of broken glass (boarding will not be permitted), loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate property maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.
- (13) The outside building or structure walls shall not have any holes or loose boards.
- (14) All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walls, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes danger to health or safety, it shall be repaired, replaced or removed.
- (15) Buildings and structures must be secured to prevent entry by animals, rodents, or persons, if unoccupied. Outward appearance of the structure must be maintained (as outlined in Item 1) in conjunction with prevention of entry. (Ord. 96-06, S5, May 28, 1996) (Ord. 77-4, S5, 1977)

4.06.060 Number of Occupants. No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain at least One Hundred Fifty (150) square feet of floor space for the first occupant thereof and at least One Hundred (100) additional square feet of floor space for each additional occupant

thereof, the floor space to be calculated on the basis of total habitable room area.

- (2) In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by an occupant shall contain at least Seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least Fifty (50) square feet for each occupant thereof.
- (3) At least one-half (1/2) of the floor area of every dwelling unit shall have ceiling height of at least six (6) feet.
- (4) No residence building or dwelling unit containing Two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom intended for use by occupants of more than One (1) sleeping room can be had only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom. (Ord. 96-04, S6, May 28, 1996) (Ord. 77-4, S6, 1977)

4.06.070 Reference to State Statute.

- (1) The terms, provisions, standards and procedures set forth in Chapter 36-7-9 of the Indiana Code are hereby adopted in its entirety, as the terms, provisions, standards and procedures of the City of Cannelton, Indiana, to be used for the enforcement of this Ordinance.
- (2) All terms, definitions and procedures as defined in I.C. 36-7-9 as they now exist or may hereafter be amended are adopted by the City of Cannelton, and incorporated herein by reference.
- (3) The Cannelton Building Inspector, as chief building officer of the City of Cannelton, shall be responsible for the administration and enforcement of the terms, provisions, standards and procedures adopted by this Ordinance.
- (4) Any person who (1) remains in, uses, or enters a building in violation of an order made under and pursuant to this Ordinance and the Chapter of the Indiana Code incorporated by reference herein; (2) knowingly interferes with or delays the carrying out of an order made under this Ordinance or the Chapter of the Indiana Code adopted by reference herein; (3) knowingly obstructs, damages persons engaged or property used in performing any work or duty under this Ordinance or the Chapter of the Indiana Code adopted by reference herein; or, (4) fails to comply with I.C. 36-7-9-27 as adopted by reference herein may be fined not more than One Thousand Dollars (\$1,000.00) for each violation thereof. Each day that the violation continues shall constitute a separate offense. (Ord. 96-04, S7, May 28, 1996)

4.06.080 Enforcement; Service of Notices and Orders; Hearings.

- (1) Whenever the Cannelton Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, or any violation of a State Statute which the Building Inspector is authorized to enforce, he shall give a written notice/order of such violation to the person or persons responsible therefore, as herein provided. Such notice/order shall be in conformity with the provisions of I.C. 36-7-9-5.
- (2) Such notice/order shall be served in conformity with the provisions of I.C. 36-7-9-25.
- (3) The Cannelton Board of Public Works and Safety is hereby designated as the hearing authority pursuant to I.C. 36-7-9. All hearings required as a result of issuance of a notice/order shall be held and concluded in conformity with the provisions of I.C. 36-7-9-7 before and by the hearing authority.
- (4) Whenever the Cannelton Building Inspector finds it necessary to take emergency action concerning any violation of this Ordinance in order to protect life, safety, or property, such emergency action shall be taken in conformity with the provisions of I.C. 36-7-9-9.
- (5) The Cannelton Building Inspector is authorized, subject to authorized appropriation by the Common Council, to contract with or employ any person or persons as his designee to make any inspection of any building, structure or premises and to secure compliance with any order in conformity with the provisions of I.C. 36-7-9-10 and 11.
- (6) Costs may be recovered in conformity with the provisions of I.C. 36-7-9-12 and 13. (Ord. 96-04, S8, May 28, 1996) (Ord. 77-4, S9, 1977)

4.06.090 Conflict of Rules and Regulations; Effect or Partial Invalidity. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City of Cannelton or laws of the State of Indiana, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Ord. 96-04, S9, May 28, 1996) (Ord. 77-4, S10, 1977)

4.06.100 Hardship. Where the literal application of the requirements of this Ordinance would cause undue hardship, an exception may be granted upon written application subject to approval by the Cannelton Building Inspector. Such orders of exception shall be made only when it is clearly evident that reasonable safety and sanitation is assured, and such orders may be conditioned in such a manner as to achieve that end. Such conditions may include restrictions not generally specified by this Ordinance. (Ord. 96-04, S10, May 28, 1996) (Ord. 77-4, S11, 1977)

4.06.110 Inspection of Buildings, Structures, and Premises. The Cannelton Building Inspector is hereby authorized and directed to make inspections to determine the condition of buildings, structures, and premises located within the corporate limits of Cannelton, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Building Inspector, or his designee, is hereby authorized to enter, examine and survey at all reasonable times all buildings, structures, and premises. The owner or occupant of every unit, or the person in charge thereof, shall give the Building Inspector, or his designee, free access to such building, structure, and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, of said premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance, or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance. In the event access is denied, the Building Inspector is hereby authorized to obtain an inspection warrant in conformity with the provisions of I.C. 36-7-9-16. (Ord. 96-04, S11, May 28, 1996) (Ord. 77-4, S13, 1977)

Chapter 4.07

BUILDING STANDARDS WITHIN THE FIRE LIMITS OF THE CITY

Sections:

4.07.010	Fire limits
4.07.020	Permit required
4.07.030	Incombustible walls, cornices and roofs required within the Fire limits
4.07.040	Repairing frame building within Fire limits
4.07.050	Walls
4.07.060	Roof covering
4.07.070	Stairways, doors and exits
4.07.080	Classification of buildings
4.07.090	Electrical installations
4.07.100	Chimneys for low temperature appliances
4.07.110	Safety of design. Construction of private garages and out buildings.
4.07.120	Effective when
4.07.130	Violation

4.07.010 Fire limits. The following shall be and are hereby declared to be the fire limits: beginning at the intersection of a center line on Front Street with a center line on Adams Street, thence starting from said intersection on a center line up Adams Street in a northeasterly direction to Seventh Street, thence continuing on with said center line to a center line on Richardson Street, thence continuing on a center line on Richardson Street in a southerly direction to the intersection with a center line on Taylor Street, thence with said centerline on Taylor and running to a center line on Front Street, thence down Front in a northerly direction on said center line to the place of beginning, and the district herein described shall be and constitute the fire limits of the City of Cannelton, Perry County, State of Indiana. (Ord. 146, S1, 1931)

4.07.020 Permit required. No wall structure building or part thereof shall hereafter be built, enlarged or altered, where the estimated cost exceeds One Hundred Dollars (\$100.00) until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted in duplicate to the Building Inspector who shall if in accordance with the provisions herein contained issue a permit for the proposed or prospective builder. Structures hereafter erected without permit, or not in conformity with this ordinance, shall be removed. No building shall be moved until a permit has been obtained from the Building Inspector; and such official shall not issue such permit if in his judgment the proposed new location of the building would seriously increase the fire hazard or depreciated the value of the surrounding buildings. Each building permit shall recite this section. (Ord. 146, S2, 1931)

4.07.030 Incombustible walls, cornices and roofs required within the Fire limits.

Every building hereafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, brick, hollow building tile, concrete or other equivalent incombustible materials and shall have the roof, top, and sides of all roof structures including dormer windows covered with incombustible material. All cornices shall be of incombustible material. All foundations must be started below frostline and must begin on solid earth or rock. Temporary buildings used during construction shall not be governed by this chapter. (Ord. 146, S3, 1931)

4.07.040 Repairing frame building within Fire limits. Any existing frame within the fire limits which may hereafter be damaged by fire, decay, or otherwise to an amount greater than one half of its present value, exclusive of the foundation shall not be repaired or rebuilt but shall be removed within a reasonable time by the owner thereof. (Ord. 146, S4, 1931)

4.07.050 Walls. All exterior or division walls of buildings hereafter erected of masonry or concrete shall be sufficient thickness to support safely the load to be carried, and have a footing at least six inches thick and at least eight inches wider than thickness of foundation walls, excepting party and fire walls, for all buildings of other than the dwelling house class, not exceeding five stories or sixty-five feet in height, shall have the upper two stories not less than twelve inches thick, increasing four inches in thickness for each two stories of fraction thereof below. Projections over street prohibited. No open area, railing, steps, show windows or any projection of a building or structure except cornices and marquises shall project over a street, sidewalk or alley. But bases, columns, pilasters, capitals, corbels, moldings, sculpture and other decorative features, which are part of the construction may project eight inches beyond the building line.

Solid masonry exterior walls of dwellings not exceeding thirty feet in height, exclusive of gables, and occupied by not more than two families may be not less than eight inches thick, and shall include cellar and basement walls if built the same thickness. The unsupported length of such walls shall not exceed 25 feet. Reinforced concrete walls with steel reinforcement running both horizontally and vertically and weighing not less than one half pound per square foot of wall, may have a thickness of four inches less than that prescribed for brick walls. Rubble stone walls shall be four inches thicker than required for brick walls. The foundation walls of all buildings over two stories in height, except as above provided shall be four inches thicker from footing to grade than required for the remainder of the wall.

All exterior and division or party walls over one story high shall extend the full thickness of top story to at least two feet above the roof surfacing of a building as a parapet and be properly coped, excepting walls which face on a street and are finished with incombustible cornices, gutters or crown moldings excepting also the walls of detached buildings with peaked or hipped roofs. The parapet walls of warehouses and all manufacturing or commercial buildings shall extend three feet above roof level and shall be coped.

Brick or concrete walls of buildings outside the fire limits, which under this chapter could be of wood, have a minimum thickness of eight inches. Such walls shall not exceed two stories or thirty feet in height, exclusive of gable, nor shall they exceed thirty-five feet in length unless properly braced by cross walls, piers or buttresses.

All walls and partitions in schools, hospitals and places of public assemblage, over one story high, and all walls and partitions in theaters, shall hereafter be built of brick, stone, concrete, hollow or solid blocks of metal lath and Portland Cement plaster on metal studding, or other equivalent incombustible construction, and the mortar use in any masonry wall must contain at least on fifth part Portland Cement or the equivalent thereof. (Ord. 146, S5, 1931)

4.07.060 Roof covering. Every building hereafter erected within the corporate limits shall have a fire resistive covering, and no existing wooden shingle roof if damaged more than ten percent shall be renewed or repaired with other than a fire-resistive roof covering. (Ord. 146, S6, 1931)

4.07.070 Stairways, doors and exits. Except in dwellings no required stairway shall be less than forty-four inches wide, and in all public buildings the total width of exit doorways leading therefrom shall at least be equal to the total width of the stairways which they serve. Every school, hospital and theater over one story high shall have at least two stairways constructed entirely of incombustible material located remote from each other and continuous from grade line to the topmost story. All exit doors in schools, hospitals, theaters, and other public places or assemblages shall open outward. (Ord. 146, S7, 1931)

4.07.080 Classification of buildings. Buildings with wooden frame-work as frame buildings. (Ord. 146, S8, 1931)

4.07.090 Electrical installations. All electrical installations shall conform to the requirements of the National Electrical Code, and all plumbing shall be done strictly according to standard plumbing rules. (Ord. 146, S9, 1931)

4.07.100 Chimneys for low temperature appliances. All chimneys which form a part of a building construction and not used for high pressure boilers or other furnaces where high temperatures are maintained shall be constructed in accordance with the requirements of the "Ordinance of Construction of Chimneys" issued by the National Board of Fire Underwriters.

No smoke pipe shall be within twelve inches of any woodwork, or any wooden lath and plaster partition, or ceiling unless the surface above the pipe be protected by metal lath and plaster. Where smoke pipes pass through a wooden lath and plaster partition they shall be guarded by galvanized iron ventilated thimbles at least twelve inches large in diameter than the pipes, or by galvanized iron thimbles built in at least eight inches of brick work or other incombustible material. No smoke pipe shall pass through any floor, or a roof having wooden frame-work or covering.

Every hot-air furnace shall have at least one register without valve or louvers. No open frame heating or lighting device shall be used in any room where gasoline or other volatile flammable fluids are stored or hauled. (Ord. 146, S10, 1931)

4.07.110 Safety of design. Construction of private garages and out buildings. All parts of every building shall be designed to safely carry the loads to be imposed thereon, and shall in all other respects conform to good engineering practice. No out building in a residential district shall be constructed closer than twenty feet to front property line. No part of fire limit district is considered residential district.

No private garage shall be erected or used as such nearer than fifteen feet to any church or public building unless same be constructed of brick, concrete, or other non-combustible material when the same may be erected or used if not nearer than ten feet to any church or public building.

And for the purpose of carrying out the provisions of the within ordinance the Common Council of the City of Cannelton, Perry County, State of Indiana, creates and established the Office of Building Inspector for said city, and he shall be appointed to serve until January 1, 1932, and each year thereafter as Building Inspector shall be appointed by said Common Council to serve for the period of one year or until his successor is appointed and that said Common Council retains the right at any time to discharge said Building Inspector when in their judgment he is not properly performing his duties as such official.

And said Building Inspector shall collect a fee as pay for his services as such official the sum of \$3.00 upon the first One Thousand or fractional part thereof of the cost of construction under said chapter and the sum of \$1.00 for each One Thousand thereafter or fraction part thereof and said fee is to be paid by the owner or the prospective builder. (Ord. 146, S11, 1931)

4.07.120 Effective when. This ordinance shall be in force and effect from the date of its passage by said common Council of said city of Cannelton, State of Indiana. (Ord. 146, S12, 1931)

4.07.130 Violation. Any person or persons, firm or corporation violating any of the provisions of this ordinance or any of its sections shall upon conviction forfeit and pay a fine of not more than Twenty-five Dollars for each offense, and not more than Five Dollars for every day thereafter so long as the said violation exists, and a fine of not more than Twenty-five Dollars for subsequent violations. (Ord. 146, S13, 1931)

Chapter 4.08

INSPECTION, REPAIR OR REMOVAL OF UNSAFE BUILDINGS

Sections:

4.08.010	Establishment of Cannelton Unsafe Building Law
4.08.020	Incorporation of state statute
4.08.030	Public nuisance
4.08.040	Administration of Law
4.08.050	Determination of compliance
4.08.060	Unsafe building description
4.08.070	Substantial property interest defined
4.08.080	Acceptable building standards
4.08.090	Unsafe Building Fund
4.08.100	Violation
4.08.110	Separability of provisions

4.08.010 Establishment of Cannelton Unsafe Building Law. Under the provisions of Indiana Code 36-7-9, there is hereby established the Cannelton Unsafe Building Law. (Ord. 93-02, S1, 1993)

4.08.020 Incorporation of state statute. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Cannelton Unsafe Building Law. All proceedings within the City of Cannelton for the inspection, repair and removal of unsafe buildings shall be governed by said law and the provisions of this chapter. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. 93-02, S2, 1993)

4.08.030 Public nuisance. All buildings or portions thereof within the City of Cannelton which are determined after Inspection by the Building Inspector to be unsafe as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. (Ord. 93-02, S3, 1993)

4.08.040 Administration of Law. The Cannelton Building Inspector, as chief building administrative officer of the City of Cannelton, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified hereafter. (Ord. 93-02, S4, 1993)

4.08.050 Determination of compliance. Wherever in the building laws and the regulations of the City of Cannelton, State of Indiana, or the Cannelton Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to

require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. 93-02, S5, 1993)

4.08.060 Unsafe building description. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the City of Cannelton, Indiana, by adding the following definition:

UNSAFE BUILDING means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:

- (1) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location.
- (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength of stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.
- (5) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.
- (7) Whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

- (8) Whenever the building or structure, or any portion thereof, because of:
- A. dilapidation, deterioration or decay;
 - B. faulty construction;
 - C. the removal, movement or instability of any portion of the ground necessary for the purpose of support such building;
 - D. the deterioration, decay or inadequacy of its foundation; or
 - E. any other cause, is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated so as to become:
- A. an attractive nuisance to children, or
 - B. freely accessible to persons for the purpose of committing unlawful acts.
- (13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City of Cannelton, or of any law or ordinance of this state or the City of Cannelton relating to the condition, location, or structure of buildings.
- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member or portion less than 66 percent of the:
- A. strength,
 - B. fire-resisting qualities or characteristics, or

- C. weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the Perry County Sanitarian to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits or lack of sufficient fire-resistive construction is determined by the Chief of the Cannelton Fire Department to be a fire hazard.
- (17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 93-02, S6, 1993)

4.08.070 Substantial property interest defined. The definition of "substantial property interest" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full. (Ord. 93-02, S7, 1993)

4.08.080 Acceptable building standards. All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this chapter or orders issued pursuant to this chapter by the Building Inspector of the City of Cannelton, Indiana. (Ord. 93-02, S8, 1993)

4.08.090 Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the City of Cannelton in accordance with the provisions of IC 36-7-9-14. (Ord. 93-02, S9, 1993)

4.08.100 Violation. No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter or any order issued by the Building Inspector. Any person violating the provisions of the chapter or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues. (Ord. 93-02, S10, 1993)

4.08.110 Separability of provisions. Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reasons, the remainder of said chapter shall not be affected thereby. (Ord. 93-02, S11, 1993)

Chapter 4.09

OPEN BURNING BAN

Sections:

4.09.010	General Prohibition
4.09.020	Smoke and Gas Emission
4.09.030	Limited Burning for special purposes
4.09.040	Emergency / Necessary Burning
4.09.050	Liability
4.09.060	Enforcement
4.09.070	Penalties for Violation
4.09.080	Administrative Liability
4.09.090	Separability
4.09.100	Prior Ordinances
4.09.110	Compliance with Conflict of Rules and Regulations
4.09.120	Effective Date

4.09.010 General Prohibition. It shall be unlawful for any person, persons, firm, partnership or corporation, commercial or residential, to cause, suffer or allow open burning at any place in the City of Cannelton. No open burning, except those specified in this Chapter, shall be permitted by any means. As used in this Ordinance, "open burning" means burning under such conditions that the products of combustion are emitted directly into the surrounding air and are not conducted into the air through a stack, chimney, duct, or pipe and the term includes above ground or under ground smoldering fires. It shall be unlawful for any person, persons, firm, partnership or corporation, commercial or residential, to negligently or carelessly cause a fire by any means, or by a lighted match, cigar, cigarette or other burning article, which damages property not his own. (Ord. 03-04, S4.09.010, Apr. 14, 2003)

4.09.020 Smoke and Gas Emission. It shall be unlawful to cause or permit the emission or escape of any foul or noxious smoke, fumes, gases or ash, dust, soot or cinders into the open air in such quantities as to cause injury or annoyance to the public or damage to any property or to have a natural tendency to cause such injury, annoyance or damage, in the City of Cannelton. This is hereby declared to be a nuisance. (Ord. 03-04, S4.09.020, Apr. 14, 2003)

4.09.030 Limited Burning for Special Purposes

- (1) Open burning is prohibited except as specifically allowed in this Section. Open burning which does not create an air pollution problem, nuisance, threat to public health or fire hazard and which is attended by a responsible person at all times until completely extinguished is allowed, only for the special purposes enumerated herein and only provided that:

- A. no such burning is conducted during unfavorable meteorological conditions such as temperature inversions, high winds, or air stagnation;
 - B. such fires are fueled only by wood and clean wood products (leaves, branches and paper) or charcoal (except for minimal amounts, of uncontaminated petroleum products which may be used for ignition purposes); and
 - C. no burning is nearer than twenty (20) feet from a dwelling on any property adjacent to where the burning occurs or nearer than ten (10) feet from any property line.
- (2) Those special purposes are as follows:
- A. Recreational or ceremonial fires in connection with religious ceremonies or scouting activities, including campfires and fires for cookouts, ceremonial club activities and other similar purposes; and such other purposes as shall be approved in advance by the Cannelton City Council;
 - B. Outdoor fires in pits or grills used solely for the preparation of food;
 - C. Open burning of vegetation from a farm, orchard, nursery, cemetery, tree farm or a drainage ditch for maintenance purposes; open burning of wood products derived from pruning or clearing a roadside by a county highway department for maintenance purposes; open burning of clean petroleum products for the purpose of maintaining or repairing of railroad tracks, including the railroad rights-of-way, however, railroad ties may not be so burned; and
 - D. Stoves and outdoor fireplaces used for both heating and non-heating (aesthetic) purposes.

Any burning of vegetative matter as provided in 4.09.030(b)(3) herein shall be allowed only during daylight hours (between 10:00 a.m. and 7:00 p.m.) and only at times when the actual or forecast wind speed as given by the National Weather Service is greater than five (5) miles per hour and less than twenty (20) miles per hour. (Ord. 03-04, S4.09.030, Apr. 14, 2003)

4.09.040 Emergency / Necessary Burning

- (1) The Cannelton City Council may allow emergency burning of petroleum products, high explosives or other dangerous material where such fires

are controlled by a responsible person and are deemed necessary and in the public interest.

- (2) The Cannelton City Council may allow open burning of refuse consisting of material resulting from a disaster if the City Council has declared such a disaster in the area.
- (3) The Cannelton City Council may allow such open burning by employees or agents of the City of Cannelton as it may determine to be necessary, and at such time or times and in such manner as it may determine to be necessary or in the public interests in situations where there are no practical alternatives or methods of disposal available to the City of Cannelton. (Ord. 03-04, S4.09.040, Apr. 14, 2003)

4.09.050 Liability. The person in possession of property where open burning in violation of this Chapter and its regulations occurs shall be prima facie liable for the violation. (Ord. 03-04, S4.09.050, Apr. 14, 2003)

4.09.060 Enforcement. The open burning provisions of this Chapter are enforceable by the duly appointed fire prevention or law enforcement officers within the City of Cannelton, acting on his/her own initiative or at the request of the Cannelton City Council. (Ord. 03-04, S4.09.060, Apr. 14, 2003)

4.09.070 Penalties for Violation. Any person, firm, partnership or corporation who does not comply with any of the provisions of this Chapter may be served by an authorized enforcement person with a Notice of Violation. The person upon whom a violation notice is served may admit liability and pay a civil penalty/fine of Fifty Dollars (\$50.00) for the first offense. Second or subsequent violations shall be fined One Hundred Dollars (\$100.00). Each day any violation of this Ordinance continues shall be a separate offense. The City of Cannelton shall be entitled to petition any Court having competent jurisdiction to enjoin any person, firm, partnership or corporation from further violations of this Ordinance.

The City shall also have the right to recover the costs of administering this Ordinance, including but not limited to, filing fees and attorney fees. (Ord. 03-04, S4.09.070, Apr. 14, 2003)

4.09.080 Administrative Liability. No officer, agent or employer of the City of Cannelton shall render himself or herself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Chapter. (Ord. 03-04, S4.09.080, Apr. 14, 2003)

4.09.090 Separability. If any section, subsection, sentence, clause, phrase or portion of this Chapter shall, for any reason, be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision and such holding shall not affect the validity of the remaining portions hereunder. (Ord. 03-04, S4.09.090, Apr. 14, 2003)

4.09.100 Prior Ordinances. All Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed. (Ord. 03-04, S4.09.100, Apr. 14, 2003)

4.09.110 Compliance with Conflict of Rules and Regulations.

- (1) All burning shall comply with other federal, state and local laws, rules and ordinances then in effect.
- (2) In any case where a provision of this Chapter is found to be in conflict with a provision of any building, fire, safety or health ordinance or code of the City of Cannelton or laws of the State of Indiana, the provisions which established the higher standards for the promotion and protection of the health and safety of the public shall prevail. (Ord. 03-04, S4.09.110, Apr. 14, 2003)

4.09.120 Effective Date. This Ordinance shall be in full force and effect after adoption and publication according to law. (Ord. 03-04, S4.09.120, Apr. 14, 2003)

Chapter 4.10

UNLAWFUL MOWING, BLOWING, AND RAKING ONTO STREETS

Sections:

4.10.010	Public Nuisance
4.10.020	Liability
4.10.030	Charge for Violation
4.10.040	Enforcement
4.10.050	Payment to Ordinance Violation Clerk
4.10.060	Recovery of Expenses
4.10.070	Validity and Effective Date

4.10.010 Public Nuisance. It shall be unlawful for the owner of any real estate within the jurisdictional limits of the City of Cannelton to mow or blow grass or rake or blow leaves directly on to any street or toward any related storm water drainage infrastructure or mow or blow grass or rake or blow leaves in such a manner that the grass or leaves blow onto the street or related storm water drainage infrastructure. Such unlawful mowing, blowing or raking is hereby declared to be a nuisance and detrimental to the health and safety to the citizens of the City of Cannelton. (Ord. 06-11, S1, Aug. 14, 2006)

4.10.020 Liability. The owner of the real estate where unlawful mowing, blowing or raking in violation of this Ordinance occurs shall also be liable for the violation of this Ordinance. (Ord. 06-11, S2, Aug. 14, 2006)

4.10.030 Charge for Violation. Any person violating any provision of this Ordinance by failing, neglecting or refusing to comply with the provisions of this Ordinance shall be guilty of a municipal ordinance violation punishable by a fine of Twenty-five Dollars (\$25.00) for each violation. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 06-11, S3, Aug. 14, 2006)

4.10.040 Enforcement. All violations of this Section shall be issued in writing upon the violator, if known, on the most recently approved universal 'Official Citation' form then in use. A copy of the citation shall be filed with the Ordinance Violations Clerk. (Ord. 06-11, S4, Aug. 14, 2006)

4.10.050 Payment to Ordinance Violation Clerk. Said monies shall be paid to the Violations Clerk, who shall issue a receipt in duplicate to the violator. (Ord. 06-11, S5, Aug. 14, 2006)

4.10.060 Recovery of Expenses. In addition to any monies owed to the City pursuant to Ordinance, the City is entitled to and may collect all costs and attorney fees incurred to enforce this Ordinance (Chapter) or to defend the City regarding any suits brought against the City in connection with action taken by the City pursuant thereto. Enforcement activity may include suit to recover fines and to enjoin repeated violations. (Ord. 06-11, S6, Aug. 14, 2006)

4.10.070 Validity and Effective Date. If any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or application of this Ordinance which can be given affect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable. This Ordinance shall be in full force and effect from and after its passage and publication as required by law. (Ord. 06-11, S7, Aug. 14, 2006)

Chapter 4.12

RENTAL HOUSING CODE

Sections:

4.12.010	Definitions
4.12.020	Purpose; Rules of Construction
4.12.030	Compliance Required; Application of Chapter
4.12.040	Inventory and Damage Lists; Security Deposits
4.12.050	Disclosure
4.12.060	Registration of Rental Units Required
4.12.070	Inspection; Right of Entry; Fees
4.12.080	Occupancy Permits
4.12.090	Retaliatory Eviction Prohibited
4.12.100	Penalty
4.12.110	Severability

4.12.010 Definitions. As used in this Ordinance, the following terms have the following meanings unless otherwise designated:

- (1) "CYCLE INSPECTION." The normal inspection of rental units on a three year cycle.
- (2) "DWELLING UNIT." A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (3) "HOUSING CODE." Title 4 of the Code of Ordinances of Cannelton, Indiana, as amended from time to time including specifically the building and premises standards set forth in Chapter 4.06 and Chapter 4.07.
- (4) "OFF-CYCLE INSPECTION." Any other inspection conducted pursuant to this Ordinance other than a cycle inspection.
- (5) "ORGANIZATION." Includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.
- (6) "OWNER." Any person, agent, firm or corporation having a legal or equitable interest in the property.
- (7) "PERSON." A corporation, limited liability company, joint venture, professional corporation or co-partnership as well as an individual.

- (8) "PREMISES." A lot, plot or parcel of land including the buildings or structures thereon.
- (9) "RENTAL BUILDING." A building containing one or more rental units.
- (10) "RENTAL DWELLING UNIT." A dwelling unit in a residential premises covered by a tenancy agreement.
- (11) "RENTAL UNIT". A rented dwelling unit or rooming unit.
- (12) "ROOMING UNIT." Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (13) "SECURITY DEPOSIT." Any advance or deposit of money, regardless of its denomination, the primary function of which is to secure the performance of a tenancy agreement for rental premises or any part thereof
- (14) "TENANT." Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.
- (15) "TENANCY AGREEMENT" Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit and premises.
- (16) "TRANSIENT OCCUPANCY." Occupancy which is less than two weeks duration in the same or similar units owned by the same owner. (Ord. 11-04, S1, July 11, 2011)

4.12.020 Purpose; Rules of Construction. This Ordinance shall be liberally construed and applied to promote its underlying purpose, which is to encourage the maintenance and improvement of the quality of housing in the city. The penalties, procedures and remedies provided herein shall be supplemental and in addition to any such penalties, procedures and remedies set forth in Title 4 of the Cannelton City Ordinances. (Ord. 11-04, S2, July 11, 2011)

4.12.030 Compliance Required; Application of Chapter.

- (1) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this Ordinance.
- (2) This Ordinance applies to rental units located within the city, including governmental or public agencies acting as landlords, but

shall not apply to the following arrangements unless the arrangements are created to avoid the application of the Ordinance:

- A. Occupancy by the purchaser of a dwelling unit under a contract of sale;
- B. Transient occupancy in a hotel, motel or other similar lodgings;
- C. Owners who reside in a single-family dwelling unit but who wish to lease to individuals or a family while they are absent from the city for short periods of time, not to exceed six months, and who intend to return to their single-family dwelling unit at the expiration of the lease period;
- D. Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with the tenant. (Ord. 11-04, S3, July 11, 2011)

4.12.040 Inventory and Damage Lists; Security Deposits.

- (1) The owner or owner's agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be deemed a part of the tenancy agreement.
- (2) The owner or agent shall contact the tenant and arrange a joint inspection of the premises to occur at the end of the tenant's occupancy and prior to the occupancy of the next tenant. Any damages to the rental unit shall be noted on the inventory and damage list, and the list shall thereupon be signed by the parties. If the parties can agree to the cost of repair, such portion as is due the tenant, shall be refunded within 45 days.
- (3) A. The owner or agent shall have a duty to initiate the joint inspections; however, both the owner or agent and the tenant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections. In the event the owner or agent is unable to schedule an inspection with the tenant through contacting the tenant by telephone, personal message or personal contact, the owner or agent may show compliance with this Section by producing the following: a copy of a letter to tenant stating the time and place of inspection; and, a normal business record showing that this letter was mailed to the tenant

by first class mail at least two days prior to the date of the inspection.

- B. If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed and dated inspection report any damages, which exceed normal wear and tear.
- (4) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and two subsequent lease periods, or for a period of four years, whichever is less. (Ord. 11-04, S4, July 11, 2011)

4.12.050 Disclosure.

- (1) A party signing a tenancy agreement as owner shall disclose therein or in a separate writing furnished to the tenant at or before the commencement of tenancy the name and usual address of each person who is:
- A. Authorized to manage the premises; and
 - B. An owner of the premises or agent who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.
- (2) In case of an oral tenancy agreement, the owner or owner's agent, upon written request, shall furnish the tenant with a written statement containing the information required by division (1) of this Section.
- (3) The information required by this Section shall be kept current. The provisions of this Section shall extend to and be enforceable against any successor owner or manager. (Ord. 11-04, S4, July 11, 2011)

4.12.060 Registration of Rental Units Required.

- (1) No owner of real estate within the city shall use real estate for the purpose of erecting or maintaining a rental unit thereon without registering such property with the building inspector of the city. Such registration shall be effected by furnishing to the building inspector, upon a form furnished by the inspector, the following information:
- A. Name of owner;
 - B. Address of owner;

- C. Street address of property;
 - D. Brief description of type and number of rental unit(s); and
 - E. Name and street address of agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the state. Any owner who does not reside in the state shall be required to designate such an agent.
- (2) The registration form shall be signed by the owner.
 - (3) Whenever ownership of a rental unit changes, the new owner shall register the property.
 - (4) Notification of the owner or owner's agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this Ordinance.
 - (5) It shall be a violation of this Ordinance for any owner to maintain a rental unit which has not been registered in accordance with this Section. (Ord. 11-04, S6, July 11, 2011)

4.12.070 Inspection; Right of Entry; Fees.

- (1) Each rental unit and premises within the city shall be inspected by the building inspector or the building inspector's duly authorized assistant immediately prior to the issuance of the first occupancy permit hereunder and immediately prior to the expiration of its current occupancy permit, to establish compliance with the Housing Code and the city zoning ordinance. Occupancy permits shall be issued for a period of three years. If no violations of the Housing Code are found during the occupancy permit period, an extra year shall be added.
- (2) No rental unit having an occupancy permit shall be inspected in good faith more often than once every three years, unless a request for inspection is made as provided in subdivision (4) of this Section.
- (3) An occupancy permit shall be issued for each rental unit upon which a cycle inspection or a complete off-cycle inspection is performed after the effective date of the Ordinance, provided all violations cited on the inspection report, excluding exterior painting, are satisfactorily corrected and the unit re-inspected within sixty (60) days after such report is mailed to the owner or agent.

- (4) Off-cycle inspection may be done at the discretion of the building inspector upon the written, signed request of any resident of the city, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent. An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the building inspector determines that the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the Housing Code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance, provided all violations excluding exterior painting are satisfactorily completed, and the unit re-inspected, within sixty (60) days after such report is mailed to the owner or owner's agent.
- (5) Unless waived by the landlord or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of any inspection. The owner of the unit shall be contacted and a date shall be established for inspection. The owner shall then furnish to the building inspector a current list of tenants in each rental unit. The building inspector shall then send a letter and a self-addressed postcard to each tenant. If there is evidence that the tenant received the letter, but no other response was received from the tenant, consent to enter will be presumed. An official record shall be maintained of all notices. The landlord shall be responsible for granting access to the inspector upon presentation of a copy of the official record of notices and responses. If either the tenant or the owner refuses entry for inspection after proper notification, the building inspector shall not inspect without first obtaining a search warrant.
- (6) All cycle inspections and complete off-cycle inspections shall be charged an inspection fee to be determined by reference to the schedule in subsection (7). Complaint and limited off-cycle inspections shall not be charged an inspection fee. An administrative fee or three times the inspection fee shall be assessed in addition to the inspection fee for any rental properties subject to this Ordinance and operating without a valid Rental Occupancy Permit. First re-inspections shall not be charged an inspection fee. The fee for each subsequent re-inspection that requires entry to the rental unit after the first re-inspection shall be \$25 per rental unit. The failure of a property owner or owner's appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in the inspector being unable to complete the inspection, shall cause an assessment of a no-show fee of \$25. Inspectors shall be required to remain at the property until 15 minutes past the appointed time. All

fees shall be paid by the owner or owner's agent prior to the issuance of an occupancy permit. All fees are to be paid within 30 days of assessment or any occupancy permit will be rescinded.

(7) The Fee Schedule for inspections shall be as follows:

<u>NUMBER OF UNITS/RENTAL BUILDING</u>	<u>FEE</u>
First Time Inspection:	
Single Family/One Unit Rental Building.....	\$40.00
Duplex/Two Unit Rental Building	\$50.00
3-4 Units per Rental Building.....	\$65.00
5-8 Units per Rental Building.....	\$90.00
9-12 Units per Rental Building.....	\$115.00
13-18 Units per Rental Building.....	\$150.00
19-25 Units per Rental Building.....	\$185.00
26 Units and Over per Rental Building.....	\$245.00
Regular Inspection:	
Single Family/One Unit Rental Building	\$30.00
Duplex/Two Unit Rental Building	\$40.00
3-4 Units per Rental Building.....	\$55.00
5-8 Units per Rental Building.....	\$75.00
9-12 Units per Rental Building.....	\$100.00
13-18 Units per Rental Building.....	\$130.00
19-25 Units per Rental Building.....	\$165.00
26 Units and Over per Rental Building	\$225.00

(Ord. 11-04, S7, July 11, 2011)

4.12.080 Occupancy Permits.

- (1) All rental units and premises inspected and found not to be in violation of the Housing Code shall be issued an occupancy permit by the building inspector. Upon registration of a rental unit not previously used as such, the building inspector shall issue a temporary occupancy permit which shall be in effect until the unit has been inspected and either an occupancy permit has been issued or the temporary permit is revoked as provided in division (4) of this section.
- (2) All rental units shall be required to have a current occupancy permit to be displayed on the inside of the main entrance of the unit. The permit

shall contain the name of the owner or Owner's agent and the expiration date of the permit.

- (3) The owners of rental units and premises found to be in violation of the Housing Code shall be notified in writing of the reason for disapproval and the reasonable time period during which compliance with the Housing Code is expected.
- (4) At the end of the time period specified in the notice described in division (3), any rental unit or premises found to be in violation of the Housing Code shall be re-inspected by the city at the request of the owner or his agent after such owner or agent has effected those corrections and additions required by the city as a result of any previous inspection, and upon such re-inspection such rental unit and premises shall be approved or disapproved for an occupancy permit. If re-inspection is not requested by the owner or his agent at the end of the time period specified in the notice described in division (3), or upon re-inspection the unit and premises is not approved, any occupancy permit shall be revoked.
- (5) It shall be a violation of this Ordinance for any owner to maintain a rental unit without an occupancy permit. (Ord. 11-04, S8, July 11, 2011)

4.12.090 Retaliatory Eviction Prohibited. It shall be a violation of this Ordinance for any owner or owner's agent to bring or threaten to bring an action for possession or eviction for the purpose of retaliating against a tenant for requesting an inspection as provided for in subsection (4) of Section 4.12.070. (Ord. 11-04, S9, July 11, 2011)

4.12.100 Penalty. Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than \$100 and those other penalties provided in the Housing Code, plus reasonable attorney fees and court costs. Each day that a violation continues shall be deemed a separate offense. In addition, the City Building Inspector may:

- (1) Declare a rental unit to be unsafe.
- (2) Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the rental unit.
- (3) Seek any of the additional remedies which provide for an appropriate action or proceeding at a law or in equity against the person responsible for the violation for the purpose of ordering the person to:

A. Restrain, correct or remove the violation or refrain from any

further execution of work.

- B. Restrain or correct the erection, installation, or alteration of such structure.
- C. Require the removal of work in violation, or
- D. Prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Ordinance or the Housing Code, or in violation of a plan or specification under which an approval, permit or certificate was issued. (Ord. 11-04, S10, July 11, 2011)

4.12.110 Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application. (Ord. 11-04, S11, July 11, 2011)

Chapter 4.14

PROHIBITING LITTERING

Sections:

4.14.010	Definitions
4.14.020	Littering in Public Places
4.14.030	Littering from Vehicles
4.14.040	Tampering with Receptacles
4.14.050	Penalty

4.14.010 Definitions.

- (1) "Litter" shall mean any man-made or man-used waste, which, if deposited within the City otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the City. Litter shall include, but is not limited to garbage, trash, refuse, debris, paper products, glass, metal, plastic or paper containers, motor vehicle parts, discarded furniture and appliances, carcasses of dead animals or any other waste material of an unsightly, unsanitary, nauseous or offensive nature.
- (2) "Public Place" shall mean any and all streets, curbs, gutters, sidewalks, alleys or other public ways and any and all public parks, public spaces, public grounds or public buildings within the corporate limits of the City of Cannelton. (Ord. 2010-03, S1, Mar. 24, 2010)

4.14.020 Littering in Public Places. It shall be unlawful for any person to place, cause or allow to be thrown or disposed of in any similar manner, any litter along or on any Public Place, except in authorized litter receptacles maintained on a Public Place. (Ord. 2010-03, S2, Mar. 24, 2010)

4.14.030 Littering from Vehicles. No person, while the operator of or passenger in a vehicle, shall deposit litter upon any Public Place or private premises. No person shall drive or move any loaded or partially loaded truck or other vehicle within the City unless the vehicle is so constructed or loaded as to prevent any part of its load, contents, or litter from being blown or deposited upon any Public Place or private premises. (Ord. 2010-03, S3, Mar. 24, 2010)

4.14.040 Tampering with Receptacles. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter. (Ord. 2010-03, S4, Mar. 24, 2010)

4.14.050 Penalty. Whoever violates any of the provisions of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed upon each day on which such violation occurs or continues. (Ord. 2010-03, S5, Mar. 24, 2010)

Chapter 4.22

CURFEW FOR JUVENILES

Sections:

4.22.010	Definitions
4.22.020	Ages 15, 16, or 17
4.22.030	Under age 15
4.22.040	Exceptions
4.22.045	Violation
4.22.050	Responsibility of parent, guardian or custodian
4.22.060	Fines for violation
4.22.063	Injunctive relief
4.22.070	Recovery of fees for enforcement

4.22.010 Definitions. The following definitions shall apply throughout this Ordinance (Chapter) unless the context clearly indicates another meaning:

- (1) Child shall mean any unemancipated person under the age of eighteen (18) years.
- (2) Public Place shall mean a place available to all or a certain segment of the public including, but not limited to, any place where the public is invited and is free to go upon special or implied invitation. It is specifically intended that this definition of Public Place shall include the interior of a vehicle if said vehicle is located at a public place. (Ord. 99-8, S1, Sept. 13, 1999)

4.22.020 Ages 15, 16, or 17. It is a violation of this ordinance (chapter) for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (1) Between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday of any week;
- (2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday of any week; or
- (3) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday of any week. (Ord. 99-8, S2, Sept. 13, 1999)

4.22.030 Under age 15. It is a violation of this ordinance (chapter) for a child under fifteen (15) years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day. (Ord. 99-8, S3, Sept. 13, 1999)

4.22.040 Exceptions. This Chapter shall not apply to a child who is:

- (1) Accompanied by the child's parent, guardian, or custodian;

- (2) Accompanied by adult specified by child's parent, guardian, or custodian;
- (3) With the consent of the child's parent, guardian, or custodian, either participating in, going to, or returning from:
 - A. Lawful employment;
 - B. A school-sanctioned activity;
 - C. A religious event;
 - D. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - E. An expressive, religious, or associational activity protected by either federal or state law, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly;
 - F. An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
 - G. An activity undertaken at the written direction of the child's parent, guardian, or custodian; or
- (4) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana." (Ord. 2005-13, S1, Sept. 12, 2005) (Ord. 2000-07, S1, Nov. 13, 2000)

4.22.045 Violation. No complaint to enforce this Chapter shall be filed unless a police officer reasonably believes that a violation has occurred under this Chapter and that no defense exists for the alleged violation. (Ord. 2005-13, S2, Sept. 12, 2005)

4.22.050 Responsibility of parent, guardian or custodian. It shall be a violation of this ordinance (chapter) for a parent, guardian, or custodian to permit a child under his or her care to violate this ordinance (chapter). It shall be a defense for a parent, guardian, or custodian that the child was within the lawful care and custody of his or her other parent, a legal guardian, or legal custodian (including visitation periods permitted by court order) during the time period that the violation occurred. (Ord. 99-8, S5, Sept. 13, 1999)

4.22.060 Fines for violation. Any person who violates this ordinance (chapter) shall be subject to the following fines: \$50.00 each violation of the ordinance (chapter). (Ord. 2005-13, S3, Sept. 12, 2005) (Ord. 99-8, S6, Sept. 13, 1999)

4.22.063 Injunctive relief. In addition to the imposition of a fine, the City may request such injunctive relief as is appropriate and necessary to prevent a child from committing further violations of this Chapter. (Ord. 2005-13, S4, Sept. 12, 2005)

4.22.070 Recovery of fees for enforcement. The City shall be entitled to its reasonable attorney fees and other legal expenses it incurs in enforcing this ordinance (chapter). (Ord. 99-8, S7, Sept. 13, 1999)

Chapter 4.24

CITY PARKS (CLOSING HOURS)

Sections:

4.24.010	Closing Time
4.24.020	Application to Extend
4.24.030	Penalty for Violation
4.24.040	Effective date

4.24.010 Closing Time. All city parks within the City of Cannelton shall be closed at 10:00 p.m., local time, until 6:00 a.m., local time, the following morning, and during the hours of closure, no person shall be entitled to be present on any portion of the City's public parks, and all vehicles must be removed from said city parks during the aforesaid hours of closure; provided, however, that the park closure hours with respect to the city park located along the Ohio River behind the flood wall shall not apply to those persons who are fishing or boating in the Ohio River. (Ord. 09-01, S1, June 8, 2009)

4.24.020 Application to Extend. That upon prior application being made to the Cannelton Board of Public Works and Safety by any individual, group, or organization desiring to use a city park for a particular purpose which use would extend into the normal hours of closure of said park, the Cannelton Board of Public Works and Safety may, in its sole discretion, grant permission to such individual, group or organization to be present at the park for specified purposes at specified periods during normal closure hours for a particular park. (Ord. 09-01, S2, June 8, 2009)

4.24.030 Penalty for Violation. Upon conviction or admission of any violation of this Ordinance, the Violator shall be deemed guilty and shall be subject to a penalty of \$25.00 for the first violation and \$50.00 for each additional violation. (Ord. 09-01, S3, June 8, 2009)

4.24.040 Effective date. This Ordinance shall be in full force and effect from and after its passage and legal publication as required by law. (Ord. 09-01, S4, June 8, 2009)