

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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Chapter 6.10

OBSCENE PERFORMANCES

Sections:

- 6.10.010 Unlawful to engage in obscene performances**
- 6.10.020 Penalty for violation**

6.10.010 Unlawful to engage in obscene performances. It shall be unlawful for a person to knowingly or intentionally engage in, participate in, manage, produce, sponsor, present, exhibit, photograph, film or videotape any obscene performance. (Ord. 1987-1, S1, Sept. 14, 1987)

6.10.020 Penalty for violation. Any person who violates this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not exceeding \$2,500.00 for each violation. (Ord. 1987-1, S2, Sept. 14, 1987)

Chapter 6.18

RAILROAD CROSSINGS

Sections:

- 6.18.010** **Lighting of railroad crossings**
- 6.18.020** **Failure to provide lights**

6.18.010 Lighting of railroad crossings. That to further provide for the proper security and safety of the citizens of the said town and other persons from the running of trains and cars in and through the said Town of Chrisney upon all railroads, electric roads and street car lines, that the Southern Railway Company, or any Railroad Company, or any person or persons owning or operating a railroad through or within the incorporate limits of the said Town of Chrisney, Indiana, be and are hereby ordered and directed to maintain from the hour of 6 o'clock P.M. to the hour of 11 o'clock P.M., an electric light to be of a power sufficient to light each of the crossings hereinafter named, not to exceed that in use in the said Town of Chrisney, on each and every night at each and all three of the following named places, to wit: Where each of the following named streets: North Street, Chestnut Street and Market Street cross the Southern Railway Company's Railroad or any other Company's Railroad owned or operated by any person or persons through or within the incorporate limits of the said Town of Chrisney, Indiana. It is further provided that one light shall be sufficient at each of the above named crossings where said streets now cross the Southern Railway Company's Railroad or any other Company's Railroad owned or operated by any person or persons through or within the incorporate limits of the said Town of Chrisney, Indiana. (Ord. 34, S1, Dec. 7, 1903) (Ord. 32, S1, July 6, 1903)

6.18.020 Failure to provide lights. It is further ordained by the Board of Trustees of and for the said Town of Chrisney, in the County of Spencer and State of Indiana, and in regular session, that if the Southern Railway Company, or any Railroad Company, or person or persons owning and operating a railroad through or within the incorporate limits of the said Town of Chrisney, Indiana, after the taking effect of this Ordinance, violates the provisions of the forgoing section 6.18.010 shall be deemed guilty of disorderly conduct, and upon conviction thereof before any Town Clerk or Justice of the Peace shall be fined Ten (\$10.00) Dollars together with costs of prosecution: Each day to constitute a separate offense. (Ord. 34, S2, Dec. 7, 1903) (Ord. 32, S2, July 6, 1903)

CHAPTER 6.25

CONSTRUCTION STANDARDS; PERMITTING; INSPECTIONS

SECTIONS:

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6.25.600	Fees And Required Inspections
6.25.700	Effective Date

6.25.110 Title. This Ordinance and all material included herein by reference shall be known as the "Building Code of the Town of Chrisney, Indiana." (Ord. 2003-1A, Article I, S1, May 5, 2003)

6.25.120 Purpose. The purpose of this Ordinance is to protect the life, public safety, health and general welfare of the citizens of the Town of Chrisney, Indiana, and shall be construed in such a manner to effectuate this purpose. (Ord. 2003-1A, Article I, S2, May 5, 2003)

6.25.130 Definitions. Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

- (1) "Building Commissioner," as used in this Ordinance, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.
- (2) "Class I structure," pursuant to IC 22-12-1-4, has the following definition:

- A. "Class I structure" means any part of the following:
 - 1. A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (a) The public.
 - (b) Three (3) or more tenants.
 - (c) One (1) or more persons who act as the employees of another.
 - 2. A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
 - 3. Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (e).
 - B. Subsection A.1. includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:
 - 1. are intended to be or are used or leased by the owner of the unit; and
 - 2. are not completely separated from each other by an unimproved space.
 - C. Subsection A.1. does not include a building or structure that:
 - 1. is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - 2. is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
 - D. Subsection A.1. does not include a Class 2 structure.
 - E. Subsection A.1. does not include a vehicular bridge.
 - F. Pursuant to IC 22-12-1-24, structure includes swimming pool.
- (3) "Class 2 structure", pursuant to IC 22-12-1-5, has the following definition:
- A. "Class 2 structure" means any part of the following:
 - 1. A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any

part of the building or structure is regularly used as a Class I structure.

2. An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class I structure.
 - B. Subsection A. does not include a vehicular bridge.
 - C. Pursuant to IC 22-12-1-24, structure includes swimming pool.
- (4) "Construction", pursuant to IC 22-12-1-7, means any of the following:
 - A. Fabrication of any part of an industrialized building system or mobile structure for use at another site.
 - B. Erection or assembly of any part of a Class I or Class 2 structure at the site where it will be used.
 - C. Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class I or Class 2 structure at the site where it will be used.
 - D. Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class I or Class 2 structure.
 - E. Work undertaken to relocate any part of a Class I or Class 2 structure, except a mobile structure.
- (5) "Industrialized building system", pursuant to IC 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class I structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.
- (6) "Manufactured home", pursuant to IC 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984. This definition is as follows: "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect

to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5402.

- (7) "Mobile structure", pursuant to IC 22-12-1-17, has the following definition:
 - A. "Mobile structure", means any part of a fabricated unit that is designed to be:
 - 1. towed on its own chassis; and
 - 2. connected to utilities for year-round occupancy or use as a Class I structure, a Class 2 structure, or another structure.
 - B. The term includes the following:
 - 1. Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
 - 2. Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.
- (8) "Person", pursuant to IC 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.
- (9) "Structure" means both Class I and Class 2 structures, unless specifically stated otherwise.
- (10) "Vehicular bridge", pursuant to IC 22-12-1-26, means any bridge that is neither:
 - A. a pedestrian walkway; nor
 - B. a passageway for light vehicles; suspended between two (2) or more parts of a building or between two (2) or more buildings. (Ord. 2003-1A, Article I, S3, May 5, 2003)

6.25.140 Scope.

- (1) All construction shall be accomplished in compliance with the provisions of this Building Ordinance.
- (2) Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do

apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.

- (3) Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices. (Ord. 2003-1A, Article I, S4, May 5, 2003)

6.25.150 Authority. The Building Commissioner is hereby authorized and directed to administer and enforce the following:

- (1) All of the provisions of this Building Ordinance.
- (2) Variances granted in accordance with IC 22-13-2-11.
- (3) Orders issued under IC 22-12-7. (Ord. 2003-1A, Article I, S5, May 5, 2003)

6.25.160 Severability. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable. (Ord. 2003-1A, Article I, S6, May 5, 2003)

6.25.170 Effect of Adoption on Prior Ordinance. The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (Ord. 2003-1A, Article I, S7, May 5, 2003)

6.25.210 Building Permit Required. Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction. (Ord. 2003-1A, Article II, S8, May 5, 2003)

6.25.220 Application for Building Permit.

- (1) Any person required to have a building permit shall submit a complete application to the Building Commissioner.
- (2) This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:
 - A. Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

- B. A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.
 - C. A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - D. If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3.
 - E. Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
 - F. The fee established by _____.
- (2) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit. (Ord. 2003-1A, Article II, S9, May 5, 2003)

6.25.230 Issuance of Building Permit. The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws. (Ord. 2003-1A, Article II, S10, May 5, 2003)

6.25.240 Certificate of Occupancy. No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. (Ord. 2003-1A, Article II, S11, May 5, 2003)

6.25.320 General Authority to make Inspections and Investigations.

- (1) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.
- (2) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this Building Ordinance or to the rules of the Fire Prevention And Building Safety Commission is located for the purposes of inspection and

investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Ordinance and the rules of the Fire Prevention And Building Safety Commission. (Ord. 2003-1A, Article III, S12, May 5, 2003)

6.25.330 Inspections by Fire Department. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under IC 36-8-17). (Ord. 2003-1A, Article III, S13, May 5, 2003)

6.25.410 Withhold Issuance of Permits.

- (1) Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to _____, or inspection fees owed pursuant to _____) to the Building Commissioner the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
- (2) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances. (Ord. 2003-1A, Article IV, S14, May 5, 2003)

6.25.420 Permit Revocation. The Building Commissioner may revoke a building permit when any of the following are applicable:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
- (2) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
- (3) There is failure to comply with the Building Ordinance.
- (4) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use. (Ord. 2003-1A, Article IV, S15, May 5, 2003)

6.25.430 Stop-work Order.

- (1) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.
- (2) The stop-work order shall:
 - A. Be in writing.
 - B. State with specificity the construction to which it is applicable and the reason for its issuance.
 - C. Be posted on the property in a conspicuous place.
 - D. If practicable, be given to:
 1. The person doing the construction; and
 2. To the owner of the property or the owner's agent.
 - E. The stop-work order shall state the conditions under which construction may be resumed.
- (3) The Building Commissioner may issue a stop-work order if:
 - A. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during construction.
 - B. Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially difficult to correct the violation.
 - C. Construction for which a building permit is required is proceeding without a building permit being in force.
- (4) The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance. (Ord. 2003-1A, Article IV, S16, May 5, 2003)

6.25.440 Civil Action. Pursuant to IC 36-1-6-4, the City may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Ordinance. (Ord. 2003-1A, Article IV, S17, May 5, 2003)

6.25.450 Monetary Penalty. Any person violating any provision of this Building Ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation

of the penalties provided elsewhere in this Building Ordinance. (Ord. 2003-1A, Article IV, S18, May 5, 2003)

6.25.460 Right of Appeal. Any person aggrieved by an order issued under this Building Ordinance shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

- (1) Appeal to the Fire Prevention and Building Safety Commission.
 - A. A person aggrieved by an order issued under this Building Ordinance may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
 - B. The Commission may modify or reverse any order that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.
 - C. The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
 - D. The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance that cover a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety rule, or a building rule.
 - E. The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.
- (2) Appeal to an Established Local Administrative Body or Court.

If, pursuant to IC 36-1-6-9, the City has established by ordinance to hear appeals of orders issued under ordinances, where a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order. (Ord. 2003-1A, Article IV, S19, May 5, 2003)

6.25.510 Adoption of Rules by Reference.

- (1) Pursuant to IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- A. Article 13 - Building Codes
 - 1. Fire and Building Safety Standards.
 - 2. Indiana Building Code.
 - B. Article 14 - Indiana Residential Code
 - C. Article 16 - Indiana Plumbing Code
 - D. Article 17 - Indiana Electrical Code
 - E. Article 18 - Indiana Mechanical Code
 - F. Article 19 - Indiana Energy Conservation Code
 - G. Article 20 - Indiana Swimming Pool Code
 - H. Article 22 - Indiana Fire Code
- (2) Two (2) copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.
- (3) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission. (Ord. 2003-1A, Article V, S20, May 5, 2003)

6.25.520 Lifting Devices located within a private residence.

- (1) Pursuant to IC 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:
- A. Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - B. Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

- C. Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - D. Section 6, Private Residence Inclined Platform Lifts, ASME A18. 1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
 - E. Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.
- (2) Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4. (Ord. 2003-1A, Article V, S21, May 5, 2003)

6.25.600 Fees And Required Inspections. Permits required by Section 6.25.230 of this code or Section 10 of the Ordinance 2003-1A shall be issued upon prior payment of permit fees according to the following schedule:

<u>Type of Construction</u>	<u>Estimated Inspection</u>	<u>Estimated Total Inspection Fee (\$30.00 per inspection)</u>
1 or 2 Family Dwelling (including manufactured homes), including Attached Garages, Covered Patios and Non-Enclosed Porches	5	\$ 150.00
Apartments, Hotels & Motels	8	\$ 240.00
Business, Commercial & Public Buildings not here otherwise covered	8	\$ 240.00
Educational, Institutional & Churches	8	\$ 240.00
Industrial	8	\$ 240.00
Warehouse & Bulk Storage Buildings	8	\$ 240.00
Accessory Buildings for Residential Use	3	\$ 90.00
Mobile Homes	3	\$ 90.00
Swimming Pool	1	\$ 30.00

The minimum permit fee for any permit shall be \$30.00. The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. The proposed foundation will be inspected prior to the pouring of concrete. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. However, the unusually large or complex buildings or structures, the Building Commissioner shall have the right to make the inspections in the manner and at the times appropriate for such large or complex buildings or structures. The architect or engineer for any building requiring an architect or engineer under state law or regulation shall make available his inspection reports to the Building Commissioner. Where additional inspections are required due to failure to permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a re-inspection fee of \$30.00 for each such additional inspection. Reinspection fees shall be paid to the Town of Chrisney prior to the issuance of a certificate of occupancy.

The Building Commissioner shall submit an annual report to the Town Council of the Town of Chrisney which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary. (Ord. 2003-1A, Article VI, S22, May 5, 2003)

6.25.700 Effective Date. This Building Ordinance shall be in full force and effect beginning on the date on which both of the following have occurred:

- (1) The Town Council has adopted this Ordinance.
- (2) The Fire Prevention and Building Safety Commission has approved of this Ordinance as required by IC 22-13-2-5.
- (3) Publication as required by law.

(Authentication of enactment according to local style). (Ord. 2003-1A, Article VII, S23, May 5, 2003)

Chapter 6.28

UNSAFE BUILDINGS

Sections:

- 6.28.010** Town adopts by reference I.C. 36-7-9-1 through 36-7-9-28
- 6.28.020** Administrative enforcement
- 6.28.025** Hearing Authority
- 6.28.030** Definitions

6.28.010 Town adopts by reference I.C. 36-7-9-1 through 36-7-9-28. The Town Council of the Town of Chrisney hereby adopts Indiana Code 36-7-9-1 through 36-7-9-28, entitled Enforcement of Building Standards, as the Ordinance of the Town, pursuant to Indiana Code 36-7-9-3, and incorporates said statutes by reference into this Ordinance. (Ord. 1991-4, S1, Aug. 5, 1991)

6.28.020 Administrative enforcement. The executive department of the Town responsible for the administration and enforcement of this Ordinance is the Building Inspector. (Ord. 2004-2, Mar. 8, 2004) (Ord. 1991-4, S2, Aug. 5, 1991)

6.28.025 Hearing Authority. The Town Council or the person designated by it, is hereby designated as the Hearing Authority. (Ord. 2004-2, Mar. 8, 2004)

6.28.030 Definitions. The definition of “substantial property interest” as set out in Indiana Code 36-7-9-2 is specifically adopted and incorporated by reference into this Ordinance. (Ord. 1991-4, S3, Aug. 5, 1991)

Chapter 6.40

REMOVAL OF WEEDS AND RANK VEGETATION

Sections:

- 6.40.010 Administration
- 6.40.020 Definitions
- 6.40.030 Height
- 6.40.040 Notice of violation
- 6.40.050 Removal costs incurred by the Town
- 6.40.060 Appeal
- 6.40.070 Failure to pay

6.40.010 Administration. The department of the Town responsible for the administration of this Ordinance is the Town Council. (Ord. 2004-4, S1, Sept. 13, 2004)

6.40.020 Definitions. Weeds and rank vegetation include all weeds and grasses, except agriculture crops, vegetable gardens and flower gardens. (Ord. 2004-4, S2, Sept. 13, 2004)

6.40.030 Height. The height at which weeds or rank vegetation become a violation of this Ordinance is twelve (12) inches. (Ord. 2004-4, S3, Sept. 13, 2004) (Ord. 47, S1, Sept. 28, 1908)

6.40.040 Notice of Violation. Notice of the violation of this Ordinance shall be given to the owner of the real property by regular U.S. mail to the address shown on tax records or by posting a notice on property in a conspicuous place, which notice shall provide that the owner has 10 days from receipt of the notice to cut the weeds and rank vegetation and upon failure of the owner to do so the Town or its contractors may enter the real property and abate a violation of this Ordinance. (Ord. 2004-4, S4, Sept. 13, 2004) (Ord. 47, S2, Sept. 28, 1908)

6.40.050 Removal Costs incurred by the Town. When the Town or its contractors abates a violation of this Ordinance, the Clerk-Treasurer shall bill the owner of the real property for the costs incurred by the Town in abating the violation including administrative costs and removal costs. (Ord. 2004-4, S5, Sept. 13, 2004)

6.40.060 Appeal. Any property owner who receives a notice of violation of this Ordinance or a bill issued under this Ordinance may appeal the notice or the bill by filing a notice of appeal with the Clerk-Treasurer requesting a hearing at the next Town Council meeting following receipt of the notice of violation or the bill; and said matter will be heard at the next Town Council meeting. (Ord. 2004-4, S6, Sept. 13, 2004)

6.40.070 Failure to pay. If the owner of the real property fails to pay a bill issued under this Ordinance within the time specified in this Ordinance, the Clerk-Treasurer shall certify to the County Auditor the amount of the bill, plus any additional administrative costs

incurred in the certification. The Auditor 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 disbursed to the general fund of the Town. (Ord. 2004-4, S7, Sept. 13, 2004) (Ord. 47, S3, Sept. 28, 1908)

Chapter 6.45

ABANDONED VEHICLES

Sections:

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6.45.030	Abandoned Vehicles Declared a Nuisance
6.45.040	Definition of Abandoned Vehicle
6.45.050	Definition of Vehicle
6.45.060	Definition of Other Terms
6.45.070	Visibility of Abandoned Vehicle from Public Premises
6.45.080	Responsibility of Owner
6.45.090	Notice Tag Prepared by Officer or Other Designated Individual
6.45.100	Disposition of Vehicle Less Than \$750.00
6.45.110	Abandoned Vehicle Report
6.45.120	Disposal of Vehicle by Town
6.45.130	Exempt from Liability
6.45.140	Incorporation of State Statute into Ordinance

6.45.010 Purpose of Ordinance. It is the purpose of this ordinance to provide for the disposal of abandoned vehicles which are discarded or otherwise permitted to remain in any place where they are visible from a public place in the Town of Chrisney, Indiana. (Ord. 2008-7, S1, June 2, 2008) (Ord. 1981-2, S1, Apr. 6, 1981)

6.45.020 Authority for Ordinance on Abandoned Vehicles. The ordinance enacted pursuant to authorization given in I.C. 9-22-1-3 to enact an ordinance for the removal, storage and disposal of abandoned vehicles. (Ord. 2008-7, S2, June 2, 2008)

6.45.030 Abandoned Vehicles Declared a Nuisance. Abandoned vehicles are declared a public nuisance because they are detrimental to the safety, morals and welfare of the general public, economic welfare of the Town, and a scenic blight. (Ord. 2008-7, S3, June 2, 2008) (Ord. 1981-2, S2, Apr. 6, 1981)

6.45.040 Definition of Abandoned Vehicle. Abandoned vehicle is defined in I.C. 9-13-2-1 to mean the following:

- (1) A vehicle located on public property illegally.
- (2) A vehicle left on public property without being moved for three (3) days.
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right of way.

- (4) A vehicle that has remained on private property without consent of the owner or person in control of that property for more than forty-eight (48) hours.
- (5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
- (6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle removal.
- (7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. (Ord. 2008-7, S4, June 2, 2008) (Ord. 1981-2, S3 (part), Apr. 6, 1981)

6.45.050 Definition of Vehicle. Any automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, trailer or semitrailer used in the transportation of watercraft, recreational vehicle, motorized bicycle, or parts of the foregoing items. (See I.C. 9-13-2-196(d)) (Ord. 2008-7, S5, June 2, 2008) (Ord. 1981-2, S3 (part), Apr. 6, 1981)

6.45.060 Definition of Other Terms:

- (1) Public Premises. Any building right of way, street, highway, alley, park or other state, county or municipally owned property.
- (2) Private Premises. All privately owned property which is not classified within the definition of public premises.
- (3) Person. All natural persons, firms, partnership and corporations.
- (4) Officer. As used in this ordinance officer means the following:
 - A. A regular member of the state police department.
 - B. A regular member of a city or town police department.
 - C. A town marshal or town marshal deputy.
 - D. A regular member of the county police force.
 - E. The utility superintendent of the Town of Chrisney or the Zoning Administrator of the Town of Chrisney. (Ord. 2008-7, S6, June 2, 2008) (Ord. 1981-2, S3 (part), Apr. 6, 1981)

6.45.070 Visibility of Abandoned Vehicle from Public Premises. No person shall abandon a vehicle on any public or private premises in a location which is visible from public premises within the limits of the Town of Chrisney, Indiana. (Ord. 2008-7, S7, June 2, 2008) (Ord. 1981-2, S4, Apr. 6, 1981)

6.45.080 Responsibility of Owner.

- (1) Except as provided in subsection (3), the person who owns an abandoned vehicle or part is:
 - A. responsible for the abandonment; and
 - B. liable for all of the costs incidental to the removal, storage, and disposal; of the vehicle or the parts under this chapter.
- (2) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500.00).
- (3) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.
- (4) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale shall be returned to the previous owner of the vehicle if the previous owner is known. (See I.C. 9-22-1-4) (Ord. 2008-7, S8, June 2, 2008) (Ord. 1981-2, S5, Apr. 6, 1981)

6.45.090 Notice Tag Prepared by Officer or Other Designated Individual. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after seventy-two (72) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours. (See I.C. 9-22-1-11) (Ord. 2008-7, S9, June 2, 2008) (Ord. 1981-2, S6, Apr. 6, 1981)

6.45.100 Disposition of Vehicle Less Than \$750.00. If in opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with I.C. 9-22-1-12 is less than seven hundred and fifty dollars (\$750.00) the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. A towing service may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. (Ord. 2008-7, S10, June 2, 2008)

6.45.110 Abandoned Vehicle Report.

- (1) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under I.C. 9-22-1-5, I.C. 9-22-1-13, I.C. 9-22-1-14, or I.C. 9-22-1-16, the public agency or towing service shall do the following:
 - A. Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:
 1. The make.
 2. The model.
 3. The identification number.
 4. The number of the license plate.
 - B. Conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.
- (2) Notwithstanding I.C. 9-22-1-4, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (1), the public agency or towing service:
 - A. may not initially collect more in reimbursement for the costs of storing the vehicle that the cost incurred for storage for seventy-two (72) hours; and
 - B. subject to subsection (3), may collect further reimbursement only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.
- (3) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (1)B., within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

- A. name;
- B. address; and
- C. telephone number;

of the public agency or towing service. Notwithstanding I.C. 9-22-1-4 and subsection (2)B., a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth above may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (1)B.

- (4) A towing service may not collect reimbursement under both subsections (2) and (3) for storage costs incurred during a particular period for one (1) vehicle. (See I.C.9-22-1-19) (Ord. 2008-7, S11, June 2, 2008)

6.45.120 Disposal of Vehicle by Town.

- (1) This section applies to a town.
- (2) Except as provided in subsection (3), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under I.C. 9-22-1-19, the unit may sell the vehicle or parts by either of the following methods:
 - A. The unit may sell the vehicle or parts to the highest bidder at public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
 - B. The unit may sell the vehicle or part as unclaimed property under I.C. 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision. (See I.C. 9-22-1-23) (Ord. 2008-7, S12, June 2, 2008)

6.45.130 Exempt from Liability. The following are not liable for loss damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency;
- (3) An automobile scrapyard.
- (4) A storage yard. (See I.C. 9-22-1-32) (Ord. 2008-7, S13, June 2, 2008)

6.45.140 Incorporation of State Statute into Ordinance. The provisions of I.C. 9-22-1-1 through 9-22-1-32 are incorporated into and made a part of this ordinance. (Ord. 2008-7, S14, June 2, 2008)

Chapter 6.70

TRASH DISPOSAL

Sections:

- 6.70.010 Accumulation of trash unlawful
- 6.70.020 Penalty for violation
- 6.70.030 Town Attorney's responsibilities
- 6.70.040 Cumulative remedies

6.70.010 Accumulation of trash unlawful. It shall be unlawful for a landowner to have trash, rubbish and junk, that is visible from a public street on his property. (Ord. 1998-4, S1, April 6, 1998)

6.70.020 Penalty for violation. Any person or corporation, whether a principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance shall be guilty of an infraction and upon conviction, shall be fined not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars(\$300.00), for each offense, such fine to inure to the Town (I.C. 34-4-32-1). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1998-4, S2, April 6, 1998)

6.70.030 Town Attorney's responsibilities. The Town Attorney shall, immediately upon any violation of this Ordinance (Chapter) having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation (I.C. 36-1-6-4).

Such action may also be instituted by any property owner who may be especially damaged by any violation of this Ordinance (Chapter). (Ord. 1998-4, S3, April 6, 1998)

6.70.040 Cumulative remedies. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ord. 1998-4, S4, April 6, 1998)

Chapter 6.72

THROWING GARBAGE NEAR SOUTHERN RAILWAY

Sections:

- 6.72.010 Unlawful to deposit garbage on or near railroad**
- 6.72.020 Penalty for violation**

6.72.010 Unlawful to deposit garbage on or near railroad. It shall hereafter be unlawful for any person or persons to throw, place or deposit any garbage, rubbish or refuse of any kind or character on or near the railroad track of the Southern Railway Company in the Town of Chrisney, Spencer County, Indiana. (Ord. 49, S1, June 7, 1909)

6.72.020 Penalty for violation. Any person violating the provisions of this section 6.72.010 shall be fined in any sum not less than One Dollar nor more than Five Dollars to be collected in any Court of competent jurisdiction. (Ord. 49, S2, June 7, 1909)

Chapter 6.74

TRASH BURNING

Sections:

6.74.005	Joint Ordinance
6.74.010	Title
6.74.020	Purpose
6.74.030	Applicability
6.74.040	Definitions
6.74.050	Acts Prohibited
6.74.060	Acts Allowed
6.74.070	Variances
6.74.080	Burning Guidelines
6.74.090	Ordinance Enforcement Authority
6.74.100	Investigation
6.74.110	Enforcement
6.74.120	Penalties and Fines
6.74.130	Indirect Liability
6.74.140	Spencer County Illegal Burning Fund
6.74.150	Severability
6.74.160	Applicability and Effective Date

THIS IS AN ORDINANCE to control unsafe and improper burning of wastes, to define trash burning, to establish violations thereof, and to protect the citizens of Spencer County from the health threats associated with the burning of trash.

WHEREAS, the burning of residential trash has traditionally been tolerated as acceptable means of disposal;

WHEREAS, in recent years public awareness has greatly increased with regard to the source of pollutants in our environment;

WHEREAS, it is quite evident that burning in general generates smoke which by its nature contains pollutants and contaminates the environment, in turn, causing harm to human and animal life;

WHEREAS, said pollutants are a danger to the health, safety and welfare of all the citizens of Spencer County; and

WHEREAS, the health and safety factors far outweigh the traditional tolerance of burning as a means of trash disposal.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SPENCER COUNTY, INDIANA, THE SPENCER COUNTY SOLID WASTE

DISTRICT BOARD OF DIRECTORS AND PARTICIPATING INCORPORATED COMMUNITIES as follows: (Ord. 2005-6, Sept. 06, 2005-Spencer County Commissioners adoption; Sept. 12, 2005-Spencer County Solid Waste Management District adoption; Oct. 10, 2005-Town of Chrisney adoption)

6.74.010 Title. This ordinance is titled "Joint Spencer County Illegal Trash Burning Ordinance. (Ord. 2005-4, S1, Oct. 10, 2005)

6.74.020 Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Spencer County, Indiana due to the air pollution and fire hazards of outdoor burning and burning trash. (Ord. 2005-4, S2, Oct. 10, 2005)

6.74.030 Applicability. This ordinance applies to all outdoor burning and trash burning within Spencer County. If a provision in a city or town ordinance in Spencer County covers a provision contained in this ordinance, the city or town ordinance controls.

- (1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane, natural gas in cooking or grilling appliances.
- (2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device unless the material being burned includes trash as defined in 6.74.040 of this ordinance.
- (3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating construction or maintenance activities. (Ord. 2005-4, S3, Oct. 10, 2005)

6.74.040 Definitions.

- (1) "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- (2) "Emergency Situation" - refers to any situation that because of: a) the type of material being burned (i.e. hazardous or noxious materials), b) the atmospheric conditions during the burning, or c) the careless nature in which the burning is occurring; poses a threat to the public health, the safety of public or private property, or the welfare of the environment.
- (3) "Exemption" - defined under 326 IAC 4-1-0.5: Exemptions include, but are not limited to, allowances for open burning to occur when burning clean untreated wood and natural wood products (including leaves), charcoal and other traditional food cooking fuels, vegetation from a farm, an orchard, a nursery, a tree farm, or a drainage ditch as well as fires used for recreational or ceremonial purposes, such as school pep rally fires or the celebration of scout activities, unless prohibited by a burn ban or local ordinance.

- (4) "Hazardous Materials" - means any waste that because of its quantity; concentration; or physical, chemical, or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or, b) pose a substantial present or potential hazard to health or the environment when improperly treated, stored, transported, handled, disposed of or otherwise managed; or c) be nondegradable or persistent in the environment; or d) be biologically magnified; or e) cause or tend to cause cumulative effects; or f) be defined in 40 CFR 261.3 and any future amendments.
- (5) "Noxious Materials" - are defined as materials that when burned produce by-products that may be injurious to human health or the environment. This list of materials shall include, but not be limited to, tires, roofing material, treated lumber, waste oil, oil contaminated products, herbicide/pesticide products and their containers.
- (6) "Open Burning" - defined under 326 IAC 4-1-0.5 (6) as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber."
- (7) "Predominantly Wooden Structure" defined as a "clean wood" structure with no coatings, wiring, plumbing fixtures, or other non-wood items.
- (8) "Person" - for the purposes of this ordinance, shall be defined by the definition in IC 13-11-2-158 as any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (9) "Solid Waste" - shall mean any garbage, refuse, sludge, or other discard or disposed materials including solid, liquid or semi-solid or contained gaseous materials resulting from any operation, activity or source. For the purposes of this ordinance this definition excludes hazardous materials as defined above.
- (10) "Stack" - means a duct, chimney, flue, or other conduit arranged for the purpose of emission or channeling of air pollutants into the atmosphere.
- (11) "Trash" - means any waste material except clean wood products and leaves.
- (12) "Unattended Burning" - means the burning of materials without a person in attendance. This definition shall include, but not be limited to, leaving the property where open burning is occurring, being outside of visual sight of where the open burning is occurring, going indoors while open burning, and leaving a fire before it is fully extinguished.

- (13) "Variance" - a permit allowing open burning with the approval of the Indiana Air Pollution Control Board or its designated agent or agents. (Ord. 2005-4, S4, Oct. 10, 2005)

6.74.050 Acts Prohibited.

- (1) Burning of all hazardous materials and all noxious materials, as defined within this ordinance or as defined by any state or federal laws, rules or regulations.
- (2) Burning of household trash either on the ground or in a burn barrel including but not limited to food waste, packaging, newspaper, corrugated cardboard, container board, office paper, plastic containers, polystyrene and disposable diapers.
- (3) Wood products that are painted, varnished, or stained including, but not limited to, plywood, composite wood products.
- (4) Unattended burning that creates or could create an emergency situation.
- (5) Any burning not exempt as provided herein or allowed by a variance. (Ord. 2005-4, S5, Oct. 10, 2005)

6.74.060 Acts Allowed. All acts as defined by IC 13-17-9-1 subject to the conditions of IC 13-17-9-3 and as amended, including exemptions as defined herein.

- (1) Burning of clean wood, leaves, weeds, brush, stumps and any other vegetative debris.
 - A. If the brush pile is **More Than** one hundred twenty-five (125) cubic feet (for example 5 ft. long, 5 ft. wide, 5 ft. high) Spencer County Dispatch must be notified at 649-2286 before igniting.
- (2) Recreational or ceremonial fires that meet the following conditions:
 - A. Only clean untreated wood or charcoal shall be used. Paper products can be used for ignition purposes only.
 - B. If the pile is **More Than** one hundred twenty-five (125) cubic feet (for example 5 ft. long, 5 ft. wide, 5 ft. high) Spencer County Dispatch must be notified at least twenty-four (24) hours prior to any burning.
 - C. The fire shall not be ignited more than two (2) hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

- D. The pile to be burned shall be less than one thousand (1,000) cubic feet (For example: 10 ft. long, 10 ft. wide and 10 ft. high.)
 - E. The fires shall not be used solely for disposal purposes.
 - F. Fires shall not take place within five hundred (500) feet of any fuel storage area or pipeline.
- (3) Burning of predominantly wood structures on real property or wood remnants of the demolition of a predominantly wooden structure originally located on real property.
- A. The Spencer County Solid Waste Management District must be notified 72 hours (3 days) before the planned burn.
 - B. All wood structures or remnants of the demolition of wooden structures must be inspected and a notice of approval must be issued before the planned burn.
 - C. The notice of approval shall be made available at the burning site to state or local officials upon request.
- (4) All Allowed Acts and Variances are subject to and shall adhere to the Illegal Trash Burning Ordinance Policies and Guidelines as adopted by the Spencer County Solid Waste Management District Board. (Ord. 2005-4, S6, Oct. 10, 2005)

6.74.070 Variances. Variances must be obtained from the Indiana Air Pollution Control Board or its designated agent or agents for the following circumstances.

- (1) Burning of refuse consisting of material resulting from a natural disaster.
- (2) Burning for the purpose of fire training.
- (3) Burning of natural growth derived from a clearing operation or removal of natural growth for change in the use of the land. (Ord. 2005-4, S7, Oct. 10, 2005)

6.74.080 Burning Guidelines. All Allowed Acts and Variances must follow these guidelines (defined in 326 IAC 4-1-3):

- (1) Only wood products or other pre-approved material may be burned.
- (2) Fires shall be attended at all times until completely extinguished and all cold.
- (3) Burning shall occur only in daylight hours with the exception of rallies and recreational or ceremonial fires.

- (4) If a fire creates an air pollution problem, a nuisance or a fire hazard, it shall be extinguished.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
- (6) All persons during burning shall have sufficient fire suppression equipment present.
- (7) Burning must be in compliance with any state and/or local burn bans.

Any granted variance cannot violate the provisions of the 326 I.A.C. 4-1-3 et seq. and as amended, or I.C. 13-17-9. (Ord. 2005-4, S8, Oct. 10, 2005)

6.74.090 Ordinance Enforcement Authority. The following shall be authorized enforcement agents in the enforcement of this ordinance within the limits of Spencer County, Indiana: Area law enforcement officials serving the County, the Spencer County Health Department and the Spencer County Solid Waste Management District. (Ord. 2005-4, S9, Oct. 10, 2005)

6.74.100 Investigation.

- (1) It shall be the duty of the authorized enforcement agents to evaluate any report or complaint of a violation of this ordinance for proper enforcement procedures.
- (2) Authorized enforcement agents shall provide a written "Illegal Burning Case Report" of all reported burning violations to the Solid Waste Management District.
- (3) The Solid Waste Management District shall be responsible for issuing the violator a "Notice of Violation for Illegal Burning" and, if necessary, enforcement of penalties or fines as set forth herein.
- (4) If access to property is granted, the investigation shall proceed on a voluntary basis. If access is needed to proceed with any investigation, but is denied, the authorized enforcement agents may seek any necessary authorizations, including a search warrant, to enter the property; provided, however, in cases of a visible emergency situation a access to property shall be deemed granted.
 - A. Any pertinent evidence may be considered to determine whether a violation of this ordinance has occurred and the identity of any violator. (Ord. 2005-4, S10, Oct. 10, 2005)

6.74.110 Enforcement.

- (1) If a condition violating this ordinance exists on real property, the authorized enforcement agents may take the following actions:
 - A. In cases of actions violating this Ordinance a certified "Notice of Violation" shall be issued by the Solid Waste Management District to all owner(s) of record at their last known mailing address.
 - B. In cases of an emergency situation, an authorized enforcement agent, as set forth herein, may take immediate action to suppress the fire. If action to suppress the fire and bring the property into compliance is taken; the costs of these actions may be recovered as set forth in this ordinance.
- (2) It shall be a violation of this ordinance to interfere with any authorized enforcement agent while in the performance of their duties hereunder.
- (3) The owner(s) of property on which illegal burning acts have occurred may be included as a party in an enforcement action against a person who committed the violation.
- (4) A notice of ordinance violation shall state the name of the person(s) to whom the notice is being issued, the nature of the violation, the specific section of this ordinance that has been violated, the date of the notice, and the fine imposed, if warranted, for the violation in accordance with this ordinance. The notice of ordinance violation shall direct the person to whom it is issued to respond to the Director of the Spencer County Solid Waste Management District and submit an acceptable clean-up plan specifying dates and an acceptable plan for any future solid waste disposal. (Ord. 2005-4, S11, Oct. 10, 2005)

6.74.120 Penalties and Fines.

- (1) Class "C" Violation. Any person who violates any of the provisions of this ordinance, except the burning of noxious materials and/or hazardous materials, and whose violation is a first violation, commits a Class "C" violation of this ordinance. Class "C" violations have no fines. Person(s) responsible for a Class "C" violation shall:
 - A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.
 - B. Pay for the costs of fire-suppression - if the fire department was required to extinguish the fire.
 - C. Provide evidence/receipts that the site of the illegal burn, including the burn barrel, has been cleaned up and the waste has been properly

disposed or reimburse the authorized enforcement agents for all costs related to the clean-up.

D. Provide an acceptable plan for any future trash disposal.

(2) Class "B" Violation. Any person who violates any of the provisions of this ordinance, except the burning of noxious materials and/or hazardous materials, and whose violation is a second violation or any other subsequent violation, commits a Class "B" violation of this ordinance. Person(s) responsible for a Class "B" violation shall:

A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.

B. Pay a fine of One Hundred Dollars (\$100.00).

C. Pay for the cost of fire suppression, if the fire department was required to extinguish the fire.

D. Provide evidence/receipts that the site of the illegal burn, including the burn barrel, has been cleaned up and the waste has been properly disposed or reimburse the authorized enforcement agents for all costs related to the clean-up.

E. Provide an acceptable plan for any future trash disposal.

(3) Class "A" Violation. Any person whose acts violate this ordinance by the burning of noxious materials and/or hazardous materials commits a Class "A" violation of this ordinance. Person(s) responsible for a Class "A" violation shall:

A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.

B. Pay a fine of Two Hundred Fifty Dollars (\$250.00).

C. Pay for the cost of fire suppression, if the fire department was required to extinguish the fire.

D. Provide receipts evidencing all costs related to the clean-up of the waste and proper disposal of any waste related to the violation; or reimburse the authorized enforcement agents for all cost related to the clean-up.

E. Provide an acceptable plan for any future waste disposal.

(4) If further actions in violation of this ordinance occur, or if no action to bring a property into compliance by the property owner(s) occurs within the

permitted time, litigation may be pursued in the County Circuit Court, or any successor court.

- A. The County Attorney, the Solid Waste Management District Attorney, or a designated agent of these, may pursue litigation of this ordinance in the County Circuit Court, or any successor court.
- (5) Upon adjudication or admission of any violation of this ordinance in Spencer County Circuit Court, or any successor court, the violator shall be subject to the following fines and penalties:
- A. Any person who has committed a Class "C" violation of this ordinance shall be fined by the Court a sum of not less than One Hundred Dollars (\$100.00) and not greater than Five Hundred Dollars (\$500.00) per violation.
 - B. Any person who has committed a Class "B" violation of this ordinance shall be fined by the Court a sum of not less than Two Hundred Fifty Dollars (\$250.00) and not greater than One Thousand Dollars (\$1,000.00) per violation.
 - C. Any person who has committed a Class "A" violation of this ordinance shall be fined by the Court a sum of not less than Five Hundred Dollars (\$500.00) and not greater than Two Thousand Five Hundred Dollars (\$2,500.00) per violation.
 - D. Any person found to be in violation of any provision of this ordinance, whether by admission or adjudication, shall, in addition to any fines as set forth above, be required to provide an acceptable plan for any future solid waste disposal, be assessed all costs and expenses of the fire suppression, investigation, clean-up and removal of waste connected with the violation, and shall, in addition, be liable for all reasonable attorney fees, court costs, and other costs incurred by the County or District in connection with the enforcement of the ordinance.
 - E. Failure or refusal to bring property into compliance with this ordinance after adjudication of a violation shall constitute a Class "A" violation of this ordinance. Each day a noncompliance continues shall constitute a separate violation of this ordinance. (Ord. 2005-4, S12, Oct. 10, 2005)

6.74.130 Indirect Liability.

- (1) Any person who allows the accumulation or existence of combustible material(s) which constitutes or contributes to a fire causing air pollution may not refute liability for the violation of this ordinance on the basis that said

fire was set by vandals, accidental, and/or act of God, pursuant to 326 I.A.C. 4-1.

- (2) A property owner cannot direct another person to carry out actions in violation of this ordinance or knowingly allow another person to carry out actions in violation of this ordinance on their property.

Violating this provision constitutes a violation of the ordinance and carries the equivalent sanctions and penalties as the violation. (Ord. 2005-4, S13, Oct. 10, 2005)

6.74.140 Spencer County Illegal Trash Burning Fund.

- (1) All fines, penalties, and clean-up costs paid pursuant to this ordinance shall be deposited into the Spencer County Illegal Trash Burning Fund.
- (2) The funds collected in the Spencer County Illegal Trash Burning Fund shall be administered under the direction of the Spencer County Solid Waste Management District Board of Directors after a public meeting notice has been sent to all affected Spencer County taxing authorities.
- (3) The funds collected within the Spencer County Illegal Trash Burning Fund shall be used for the following purposes:
 - A. Reimbursement to area fire departments for costs related to the suppression of fires.
 - B. Clean-up and disposal cost of materials collected at illegal burn sites.
 - C. Court fees and attorney fees related to the prosecution of burn violations.
 - D. Educational materials to inform residents of and the publicizing of the Trash Burning Ordinance.
 - E. Other expenditures as deemed appropriate by the Spencer County Solid Waste Management District Board of Directors and affected Spencer County taxing authorities. (Ord. 2005-4, S14, Oct. 10, 2005)

6.74.150 Severability. If any part of this ordinance shall be deemed invalid its invalidity shall not affect the remaining parts of this ordinance. (Ord. 2005-4, S15, Oct. 10, 2005)

6.74.160 Applicability and Effective Date.

- (1) This ordinance shall apply to the entirety of Spencer County, Indiana. Enforcement shall include incorporated cities and towns that adopt this ordinance, unless such areas currently enforce a more stringent ordinance.

Incorporated Cities mid Towns, without a burn ordinance, may enter into an inter-local agreement with the Solid Waste Management District to delineate enforcement and investigation procedures of this ordinance.

- (2) All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance shall become effective from and after its adoption and publication as required by law. (Ord. 2005-4, S16, Oct. 3, 2005)

Chapter 6.90

MULTI-HAZARD MITIGATION PLAN

Sections:

6.90.005	Purpose
6.90.010	Adoption
6.90.020	Submission of Plan to State and Federal Authorities

6.90.005 Purpose. **WHEREAS,** Chrisney recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disaster occur will reduce the potential for harm to people and property and save taxpayer dollars; and;

WHEREAS, an adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, Chrisney participated jointly in the planning process with the other local units of government within the County to prepare an Multi-Hazard Mitigation Plan. (Res. 2006-3, Whereas, June 5, 2006)

6.90.010 Adoption. Chrisney hereby adopts the Spencer County Multi-Hazard Mitigation Plan as an official plan. (Res. 2006-3, June 5, 2006)

6.90.020 Submission of Plan to State and Federal Authorities. The Spencer County Emergency Management Agency will submit on behalf of the participating municipalities the adopted Multi-Hazard Mitigation Plan to the Indiana Department of Homeland Security and the Federal Emergency Management Agency for final review and approval. (Res. 2006-3, June 5, 2006)