

**TITLE 4**

**HEALTH AND SANITATION**

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#### **Chapters:**

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## Chapter 4.01

### TRASH AND JUNK VEHICLE REMOVAL

#### Sections:

<b>4.01.010</b>	<b>Violation defined</b>
<b>4.01.020</b>	<b>Removal notice</b>
<b>4.01.030</b>	<b>Abatement</b>
<b>4.01.040</b>	<b>Lien for expenses to abate public nuisance</b>
<b>4.01.050</b>	<b>Foreclosure for nonpayment of lien</b>

**4.01.010 Violation defined.** From and after the effective date of this chapter, it shall be unlawful for any person, organization, corporation or other entity to accumulate or to allow to accumulate trash, debris, junk, garbage, inoperable vehicles, salvage or any other refuse within twenty-five (25) feet of their property lines which adjoin a public street, highway, alley and any other public thoroughfare and within fifteen (15) feet of all other property lines, unless said debris is contained within a fully enclosed structure. Such accumulation is a serious hazard to the public health and safety and the general welfare of the community and is a public nuisance. (Ord. Unnumbered, 1982)

**4.02.020 Removal notice.** It shall be the duty of the president of the Town Council of the town to serve or cause to be served a notice upon the owner and occupant of any premises on which debris as described in Section 4.01.010 has accumulated in violation of the provisions of this chapter, and to demand the abatement of said public nuisance within ten (1) days from receipt thereof. Such notice shall be served personally on the occupant of said premises, and a copy sent by regular mail to the owner, if different from the occupant. (Ord. Unnumbered, 1982)

**4.01.030 Abatement.** If the person so served does not abate the public nuisance within ten (10) days, the town may proceed to abate such nuisance, keeping an account of the expenses of the abatement and such expenses shall be charged to the owner of said property pursuant to I.C. 36-1-6-2 and any amendments thereto. (Ord. Unnumbered, 1982)

**4.01.040 Lien for expenses to abate public nuisance.** Expenses for such debris removal shall be a lien upon the property. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the Clerk-Treasurer may file with the Recorder of Crawford County, Indiana, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the work was completed and a notice that the town claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises, if his address is known; provided, however, that failure of the clerk to record such lien, claim, or to mail such

notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 4.01.050. (Ord. Unnumbered, 1982)

**4.01.050 Foreclosure for nonpayment of lien.** The property subject to a lien for unpaid charges as aforesaid shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure actions shall be brought in the name of the town. The town attorney is authorized and directed to institute such proceeds in the town in any court having jurisdiction of such matters, against any property for which the bill has remained unpaid sixty days after the filing of the notice of lien as aforesaid. (Ord. Unnumbered, 1982)

## Chapter 4.02

### WILD GROWTH AND REFUSE REMOVAL

#### Sections:

<b>4.02.001</b>	<b>Provisions</b>
<b>4.02.005</b>	<b>Definitions</b>
<b>4.02.010</b>	<b>Weed height</b>
<b>4.02.020</b>	<b>Noxious weeds</b>
<b>4.02.030</b>	<b>Removal notice</b>
<b>4.02.040</b>	<b>Appeals procedure</b>
<b>4.02.050</b>	<b>Findings of fact</b>
<b>4.02.060</b>	<b>Removal order</b>
<b>4.02.070</b>	<b>Abatement</b>
<b>4.02.080</b>	<b>Lien</b>
<b>4.02.090</b>	<b>Foreclosure for nonpayment of lien</b>

**4.02.001 Provisions.** The Council of the Town of English, Indiana, has the responsibility and jurisdiction to prevent the existence of nuisances within said Town and to eliminate conditions which might be harmful to public health and safety. The Town Council finds it to be in the best interest of the health and safety of the citizens of the Town of English that certain, weeds, grasses and plants be controlled pursuant to IC 36-7-10.1-3. (Ord. 1998-03, April 9, 1998)

**4.02.005 Definition.** Weeds, grass and/or plants that constitute a violation of this ordinance shall be defined as: Weeds, grass, and/or plants that exceed twelve inches in height on any zoned residential, business and commercial or industrial property within the corporate limits of the Town of English, Indiana. Noxious weeds shall be defined as but not limited to Canadian thistle and Johnson grass within the corporate limits of the Town of English, Indiana. (Ord. 1998-03, S10, April 9, 1998)

**4.02.010 Weed height.** It is unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve inches on any property within the Town of English. Plants or weeds exceeding such height are hereby declared to be a nuisance. This Ordinance does not, however, apply to agriculture crops, but shall include abandon farm fields. (Ord. 1998-03, S1, April 9, 1998)

**4.02.020 Noxious weeds.** It is unlawful for anyone to permit any noxious weed, including but not limited to Canadian thistle and Johnson grass to grow or be grown on any premises in the Town of English. (Ord. 1998-03, S2, April 9, 1998)

**4.02.030 Removal notice.** It is the duty of the Town Marshal and his or her appointees to serve or cause to be served a notice upon the owner and/or occupants of any premises on which weeds, plants or other grass are permitted to grow in violation of the provisions of this Chapter, and to demand the abatement of the same within ten (10) days. (Ord. 1998-03, S3, April 9, 1998)

**4.02.040 Appeals procedure.** After a Notice of Violation has been served the violator(s) may appeal the notice to the Trustees of the Town Council of the Town of English, by filing a written appeal to the Town of English, Indiana within ten (10) days of the first Notice of Violation Citation. The Town Council of the Town of English, Indiana will hold a hearing and hear such testimony as the Board of Trustees or the owner, occupant, mortgagee, lessee or any other person having an interest in the property as shown by the land records of the recorder of deeds of Crawford County, Indiana, shall offer relative to the property. (Ord. 1998-03, S4, April 9, 1998)

**4.02.050 Findings of fact.** The Council of the Town of English, Indiana shall make written report of finding of fact from the testimony offered pursuant to Section 4.02.040 as to whether or not the property is a public nuisance. (Ord. 1998-03, S5, April 9, 1998)

**4.02.060 Removal order.** The Town Council of the Town of English shall issue an order based upon findings of fact made pursuant to Section 4.02.050 commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the property to abate the nuisance within the terms of this ordinance. (Ord. 1998-03, S6, April 9, 1998)

**4.02.070 Abatement.** If the party(ies) so served does not abate the nuisance within ten (10) days the Town of English may proceed to abate such nuisance, keeping an account of expenses of the abatement and such expenses shall be charged to and be paid by the owner(s) of property of record as shown by the Records Office of Crawford County, Indiana. The expenses and charges shall be the amount paid by the Town of English to have the weeds abated plus a service charge of fifty dollars, (\$50.00). (Ord. 1998-03, S7, April 9, 1998)

**4.02.080 Lien.** Charges for such weed, grass and/or plant removal shall be billed to the property owner(s) pursuant to Section 4.02.070. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the Clerk-Treasurer shall file with the Recorder of Crawford County, Indiana, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds, grass and/or plants were cut and a notice be mailed to the owner(s) of the premises, if his address is known; provided however, that failure of the Clerk to record such lien, claim or to mail such notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 4.02.090 of this Ordinance. (Ord. 1998-03, S8, April 9, 1998)

**4.02.090 Foreclosure for nonpayment of lien.** The property subject to a lien for unpaid removal of weeds, grass and/or plants shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens according to Indiana Law. Such foreclosure actions shall be brought in the name of the Town of English. The Council of the Town of English, Indiana, is authorized and directed to institute such proceedings in the name of the Town of English, Indiana, in any court having jurisdiction of such matters, against any property for which the bill has remained unpaid sixty (60) days after it has been rendered. (Ord. 1998-03, S9, April 9, 1998)

## Chapter 4.04

### REFUSE COLLECTION AND DISPOSAL

#### Sections:

- 4.04.010 Permit required for garbage collection**
- 4.04.020 Cost for permit**

**4.04.010 Permit required for garbage collection.** Anyone that engages in the business of collecting garbage and refuse and disposal of same, for hire, within the corporate limits of the Town of English, Indiana, must have a permit issued by the Town Council. (Ord. 123, S1, March 6, 1972)

**4.04.020 Cost for permit.** The permit to so operate will require a fee of \$100.00 annually. (Ord. 123, S2, March 6, 1972)

## Chapter 4.06

### BURNING OF WASTE MATERIALS

#### Sections:

<b>4.06.005</b>	<b>Open Burning prohibited, except as provided under Section 4.06.010</b>
<b>4.06.010</b>	<b>Exemptions</b>
<b>4.06.020</b>	<b>Liability</b>
<b>4.06.030</b>	<b>Variances</b>
<b>4.06.040</b>	<b>Penalty for violation</b>

**4.06.005 Open Burning prohibited, except as provided under Section 4.06.010.** It shall be unlawful for any person to burn or have a open fire any where inside the limits of English, Indiana. Except as provided under Section 4.06.010. (Ord. 1987-7, Dec. 22, 1987)

#### **4.06.010 Exemptions.**

- A. Fires celebrating school pep rallies.
- B. Camp fires
- C. Residential burning – where residence contains four or fewer units. Burning shall be in a noncombustible container with enclosed sides, a bottom, and a mesh covering with openings no larger than ¼” square. Burning is prohibited in apartment complexes and mobile home parks.
- D. Farm burning – wood products derived from farm operations clearing operations are not considered farm burning.
- E. Commercial burning – wood products derived from commercial wood working operations. Burning shall be in a noncombustible container with enclosed sides, a bottom and a mesh covering with openings no larger than ¼” square. Sawmill operations may apply for a open earth pit, etc. But shall be approved by the local fire department having jurisdiction.
- F. All exemptions shall be subject to the following:
  - 1. Only wood products shall be burned.
  - 2. Fires shall be attended at all times until completely extinguished.

3. If a fire creates an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished.
4. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
5. All persons during burning shall have sufficient fire suppression equipment present or a written agreement with the local fire department having jurisdiction for such equipment.
6. Local fire departments having jurisdiction – may issue emergency orders banning all burning for a period not to exceed 30 days. For ban to exceed 30 days, ban shall be approved by the local unit of government. Emergency orders shall be posted in at least 5 public places, 48 hours prior to ban becoming effective and may be run in the local paper. (Ord. 1987-7, SI, Dec. 22, 1987)

**4.06.020 Liability.** Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution shall not be excused from liability therefore on the basis that said fire was accidental or an Act of God. (Ord. 1987-7, SII, Dec, 22, 1987)

**4.06.030 Variances.** Burning with approval of board or its designated agent may be authorized:

- A. Emergency burning of petroleum products.
- B. Burning of refuse consisting of material resulting from a natural disaster.
- C. Burning for the purpose of fire training.
- D. Burning of natural growth derived from a clearing operation, I.E., removal of natural growth for change in use of land. (Ord. 1987-7, SIII, Dec. 22, 1987)

**4.06.040 Penalty for violation.** Violations of this Chapter shall be subject to the following:

First Offense	\$ 250.00 maximum fine
Second Offense	\$ 500.00 maximum fine
Third Offense And Subsequently	\$1,000.00 maximum fine

Offence's to be considered first, second, or third, must occur within a 2 year period, from the prior offense.

Special note – Violation costs do not cover, fire suppression costs, which may be charged by the responding fire departments. (Ord. 1987-7, SIV, Dec. 22, 1987)

## **Chapter 4.14**

### **CEMETERIES AND BURIALS**

#### **Sections:**

#### **4.14.010 Rules and regulations**

**4.14.010 Rules and regulations.** The following rules and regulations have been established for use of burials in the English Cemetery.

- A. Wooden boxes for burial are prohibited. Only concrete boxes, or concrete or metal vaults may be utilized. Each vault or concrete box shall contain human remains.
- B. All marker foundations shall be of sufficient width and depth to support monuments according to sizes.
- C. No flowers or shrubbery shall be planted on or around graves.
- D. No curbing or fencing shall be erected around lots or graves.
- E. Veterans markers must be level with the ground. (Ordinance 01-84, Aug. 7, 1984)

## Chapter 4.40

### CURFEW

#### Sections:

#### 4.40.010 Curfews

#### 4.40.010 Curfews.

- A. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place: After 11:00 P.M. and before 6:00 A.M. local time, on any day of the week;
- B. It is a curfew violation of or a child under the age of fifteen (15) years of age to be in a public place after 10:00 P.M. or before 6:00 A.M., local time, on any day of the week;
- C. Said curfew times do not apply to a child who is:
  - 1. Accompanied by his parent, guardian, or custodian;
  - 2. Accompanied by an adult specified by his parent, guardian, or custodian; or
  - 3. Participating in, going to, or return from:
    - (a) lawful employment
    - (b) a school sanctioned activity; or
    - (c) a religious event  
(Ord. 1996-07, June 25, 1996)