

TITLE 4
HEALTH AND SANITATION

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Chapter 4.02

OUTDOOR BURNING, REFUSE BURNING AND CERTAIN HEATING DEVICES

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4.02.020 Purpose and General Prohibition. 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 the Town of Ferdinand due to air pollution and fire hazards of open burning, outdoor burning, refuse burning and certain heating devices. 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 within the corporate limits of the Town of Ferdinand. No open burning, except those specified in this Chapter, shall be permitted by any means. 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. 2006-03, S2, Apr. 18, 2006) (Ord. 99-5, July 13, 1999) (Ord. 1969-5)

4.02.030 Applicability. This Ordinance applies to all outdoor burning, refuse burning, and certain heating devices within the Town of Ferdinand. This Ordinance does not apply to burning which does not create a nuisance or fire hazard and which is attended by a responsible person at all times until completely extinguished and is done for the following purposes:

- (1) Outdoor grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances;

- (2) Burning in a stove, furnace, fireplace or other heating device located within a building used for human habitation or occupation unless the material being burned includes refuse as defined herein;
- (3) The use of propane, acetylene, natural gas, heating oil, gasoline or kerosene in a device intended for heating, construction, or maintenance activities. (Ord. 2006-03, S3, Apr. 18, 2006)

4.02.040 Definitions. For purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) "Campfire" means small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.
- (2) "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.
- (3) "Fire Chief" means Chief of the Ferdinand Volunteer Fire Department, or other person authorized by the Fire Chief.
- (4) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air.
- (5) "Outdoor Burning" means open burning or burning in an Outdoor Wood Furnace.
- (6) "Outdoor Furnace" means a furnace, stove, boiler or similar device, or any part thereof, designed for burning coal, or any other combustible material not including wood or corn, to produce heat or energy used as a component of a heating system providing heat for interior space or water source, and that is not located within a building intended for habitation or occupation by humans.
- (7) "Outdoor Wood Furnace" means a commercially manufactured furnace, stove, boiler or similar device, or any part thereof, designed for burning wood or corn, to produce heat or energy used as a component of a heating system providing heat for interior space or water source, and that is not located within a building intended for habitation or occupation by humans.
- (8) "Refuse" means any waste material except clean wood.
- (9) "Wood Furnace" means a furnace, stove, boiler or similar device, or any part thereof, designated for burning wood or corn, but which is

only used as a short-term heating source. (Ord. 2006-03, S4, Apr. 18, 2006)

4.02.050 General Prohibition on Outdoor Burning and Refuse Burning. Open burning, outdoor burning, and refuse burning are prohibited in the Town of Ferdinand unless the burning is specifically permitted by this Ordinance. (Ord. 2006-03, S5, Apr. 18, 2006)

4.02.060 Materials That May Not Be Burned. Unless a specific written approval has been obtained from the Indiana Department of Environmental Management, or other appropriate state or federal agency, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or other indoor or outdoor incineration or heating device:

- (1) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes, unless otherwise permitted by the Indiana Department of Environmental Management.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board and paper products. Notwithstanding the foregoing provisions, small quantities of newspaper, paper and cardboard products may be used as starter fuel for any fire that is permitted under this Ordinance.
- (8) Leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris, except as specifically permitted by this Ordinance. (Ord. 2006-03, S6, Apr. 18, 2006)

4.02.070 Open Burning Exemptions. The following types of open burning are permitted:

- (1) Campfires contained in grills or pits and outdoor fires in pits or grills for the preparation of foods and patio type fireplaces for aesthetic purposes -

- provided they are attended by a responsible adult at all times and until completely extinguished;
- (2) Recreational fires, such as ceremonial fires in connection with religious ceremonies or scouting activities, including campfires and fires for cookouts, fires for school pep rallies, ceremonial club activities or similar activities and such other purposes as shall be approved in advance by the Ferdinand Town Council - - provided they are attended by a responsible adult at all times and until completely extinguished;
- (3) Burning of clean wood and vegetation derived from the following maintenance operations, if approved by the Town Council of the Town of Ferdinand:
 - A. Vegetation from a farm, an orchard, a nursery, a tree farm, a cemetery or drainage ditch;
 - B. Wood products derived from pruning or clearing a roadside by a county highway department.
- (4) By variance obtained from the Indiana Air Pollution Control Board Commissioner or the Commissioner's designated agent if approved by the Town Council of the Town of Ferdinand;
- (5) An owner or operator of an air curtain destructor subject to approval of Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-6 et seq., if approved by the Town Council of the Town of Ferdinand;
- (6) Burning by a volunteer fire company or other duly constituted fire department of a municipality for the purpose of fire fighting training, subject to approval by Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4, if approved by the Town Council of the Town of Ferdinand;
- (7) Emergency burning of refuse consisting of material resulting from a natural disaster or other similar occurrence when authorized by the Town Council President or his designee, subject to approval by the Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4. 1, and to such restrictions as may be imposed by the Fire Chief. (Ord. 2006-03, S7, Apr. 18, 2006)

4.02.080 Restrictions on Burning Exemptions. All burning conducted under one or more of the burning exemptions contained in Section 4.02.070 herein shall be subject to the following:

- (1) Only clean wood shall be burned unless otherwise stated;

- (2) All fires shall be attended at all times until completely extinguished;
- (3) No burning may be nearer than twenty (20) feet from a neighboring dwelling or any neighboring property adjacent to where the burning occurs;
- (4) All permitted farm and maintenance burning shall occur only between the hours of dawn to dusk; and all burning material must be consumed during these hours and the fire extinguished.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, drought, and similar circumstances, when so declared by the Fire Chief or the Town Council;
- (6) All burning shall comply with all other applicable federal or state laws, rules and regulations.

In the event a fire creates a pollution problem, threat to public health, a nuisance or a fire hazard, as determined by the Fire Chief, the fire shall be immediately extinguished. (Ord. 2006-03, S8, Apr. 18, 2006)

4.02.090 Burn Barrels. No person, firm or other entity shall use or maintain a burn barrel in the Town of Ferdinand. (Ord. 2006-03, S9, Apr. 18, 2006)

4.02.100 Outdoor Furnaces. Outdoor Furnaces, other than Outdoor Wood Furnaces, are hereby prohibited in the Town of Ferdinand. (Ord. 2006-03, S10, Apr. 18, 2006)

4.02.110 Outdoor Wood Furnaces. Ground level pollution of smoke and particulate matter caused by the incomplete combustion of Outdoor Furnaces in the Town of Ferdinand is hereby declared to be a nuisance. All Outdoor Furnaces in the Town of Ferdinand shall be installed, used, operated and maintained in strict compliance with the provisions of this Ordinance.

- (1) All Outdoor Wood Furnaces shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the stricter of the manufacturer's instructions or the regulations promulgated hereunder shall control.
- (2) Any Outdoor Wood Furnace shall be located only in the rear yard, and at least fifty (50) feet from the front, side and rear lot lines of the lot or parcel where the same is installed.
- (3) The Outdoor Wood Furnace shall have a chimney or stack through which all smoke and by-products of combustion are emitted, the height of which shall be determined by the distance from the nearest residence or other

building intended for human occupation which is not served by, or owned by the owner of, the Outdoor Wood Furnace, as follows:

- A. 50' - 100' 75% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - B. 100' - 150' 50% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - C. 150'+ 25% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - D. In no event shall the chimney or stack height be less than fifteen (15) feet.
- (4) Only clean wood or corn may be burned in an Outdoor Wood Furnace. Under no circumstance may coal, or any materials prohibited under Section 4.02.060 hereof be burned in an Outdoor Wood Furnace.
 - (5) The Outdoor Wood Furnace shall be sufficiently vented to induce complete primary combustion.
 - (6) The owner of any Outdoor Wood Furnace shall operate the same in a manner which is not harmful, and does not create a nuisance or unreasonable interference with the use and enjoyment by owners or occupants of neighboring properties, and the public in general.
 - (7) No person shall install an Outdoor Wood Furnace without first providing the Executive Secretary of the Plan Commission of the Town of Ferdinand with a copy of the manufacturer's instructions and regulations, detailed plans showing the proposed location, height of stack, etc., of the Outdoor Wood Furnaces and paying a fee in the amount of Twenty-Five Dollars (\$25.00) payable to the Town of Ferdinand and obtaining an improvement location permit from the Town of Ferdinand all prior to installation on the Owner's real estate.
 - (8) Owners of existing Outdoor Wood Furnaces within the Town of Ferdinand shall bring the same into compliance with this within thirty (30) days from the effective date of this Ordinance. (Ord. 2006-03, S11, Apr. 18, 2006)

4.02.120 Smoke and Gases. 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 do so within the Town of Ferdinand, even if

said burning is in compliance with all regulations contained herein. (Ord. 2006-03, S12, Apr. 18, 2006)

4.02.130 Liability.

- (1) Any person who conducts outdoor burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (2) Any person who allows the accumulation or existence of combustible material on property owned or occupied by such person and which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this Ordinance or 326 I.A.C. 4-1 on the basis that the fire was set by vandals, accident, or act of God. (Ord. 2006-03, S13, Apr. 18, 2006)

4.02.140 Right of Entry and Inspection. The Fire Chief, Police Officers or any authorized Code Enforcement Officer of the Town of Ferdinand who presents credentials to the Owner or adult occupant of the property may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. (Ord. 2006-03, S14, Apr. 18, 2006)

4.02.150 Enforcement and Penalties. The Fire Chief, the Code Enforcement Officer or his designee, and Police Officers are authorized to enforce the provisions of this Ordinance. Any person, firm or other entity in violation of any portion of this Ordinance shall be subject to a civil penalty in the sum of Twenty-Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense, and One Hundred Dollars (\$100.00) for the third or any subsequent offense occurring in a calendar year. Each day that a violation continues in existence constitutes a separate offense for which civil penalties may be imposed. In addition to civil penalties, the Town of Ferdinand may petition any Court having competent jurisdiction to enjoin any person, firm, partnership or corporation from further violation of this Ordinance.

The Town shall also have the right to recover the costs of administering this Ordinance (Chapter) including, but not limited to, filing fees and attorney fees. (Ord. 2006-03, S15, Apr. 18, 2006)

4.02.160 Prior Ordinances. That Ordinance No. 99-5 and any other ordinances and/or part of ordinances in conflict herewith are hereby repealed. (Ord. 2006-03, S16, Apr. 18, 2006)

4.02.170 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 effect the validity of the remaining portions thereunder. (Ord. 2006-03, S17, Apr. 18, 2006)

4.02.180 Compliance with Other 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 Town of Ferdinand 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. 2006-03, S18, Apr. 18, 2006)

Chapter 4.03

Removal of Weeds and Rank Vegetation

Sections:

4.03.010 Definitions

4.03.020 Weeds and Other Rank Vegetation Prohibited

4.03.030 Duty To Enforce Chapter

4.03.040 Enforcement Procedure

4.03.050 Abatement of Violation

4.03.060 Recovery of Costs; Abatement and Administration

4.03.070 Appeal Procedure

4.03.010 Definitions. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) Owner. The record owner of the affected real property as reflected in the Office of the Dubois County Auditor.
- (2) Weeds or Other Rank Vegetation. Any grass, weed, or plant beyond ten (10) inches in height, excluding trees, flowers, ornamental shrubs, ornamental plants, and agricultural crops. (Ord. 2003-05, S4.03.010, Apr. 9, 2003)

4.03.020 Weeds and Other Rank Vegetation Prohibited. It shall be unlawful for the owner of any real property in the Town to have growing thereon or cut but unraked thereon any weeds or other rank vegetation. (Ord. 2003-05, S4.03.020, Apr. 9, 2003)

4.03.030 Duty To Enforce Chapter. It shall be the duty of the Ferdinand Street Superintendent or his appointed agent to investigate any potential violation of this Chapter, and upon determining that a violation has occurred, to cause the abatement of the violation by the following procedures provided for in this Chapter, or in any other manner authorized by Town Code or State Statute. (Ord. 2003-05, S4.03.030, Apr. 9, 2003)

4.03.040 Enforcement Procedure.

- (1) The Street Superintendent or his appointed agent shall investigate any potential violation of this Chapter which comes to his attention, and upon determining that a violation has occurred, he shall issue a seven (7) day written notice to the owner of the real estate upon which the violation exists, to remove the weeds or other rank vegetation.

- (2) The notice shall be written and shall contain the following information:
- A. A description of the violation of this Chapter;
 - B. Address of the real estate where the violation occurred;
 - C. Demand to abate the violation by removing the weeds or other rank vegetation within seven (7) days of mailing or delivery of the notice;
 - D. That failure to comply with the demand may result in the Town entering upon the real estate for the purpose of abating the violation, and the costs thereof, together with administrative expenses, shall be billed to the owner, and if not paid within thirty (30) days of the mailing or receipt of a statement, the Town may pursue collection efforts and may certify the same to the County Auditor for collection as delinquent property taxes are collected.
- (3) The notice shall be either delivered personally to the owner of the real estate where the violation exists, or mailed by certified mail, return receipt requested, to the last known address of the owner as shown on the records of the County Treasurer. (Ord. 2003-05, S4.03.040, Apr. 9, 2003) (Ord. 0-86-17)

4.030.50 Abatement of Violation. If an owner who has been served or mailed notice of violations, does not abate the violation within seven (7) days of service or mailing, the Town, by its employees, agents, or contractors, may enter onto the owner's real estate and abate the nuisance, keeping a reasonable account of the expenses of abatement. (Ord. 2003-05, S4.03.050, Apr. 9, 2003)

4.03.060 Recovery of Costs; Abatement and Administration. Upon abatement of the violation by the Town, its employees, agents, or contractors, the Town shall issue a statement to the owner for the costs incurred in abating the violation, together with an administrative fee in the sum of Fifty Dollars (\$50.00). In the event the statement is not paid within thirty (30) days of issuance, interest shall accrue on the unpaid balance at the rate of eighteen percent (18%) per annum, and the unpaid amount plus an additional administrative fee in the sum of Fifty Dollars (\$50.00) may be certified to the county Auditor for collection as delinquent taxes are collected. The Town may also initiate legal action against the owner to recover all amounts due or to obtain injunctive relief to prevent future or repetitive violations of this Chapter. In the event legal action is initiated the Town shall also be permitted to recover its costs and attorney fees. (Ord. 2003-05, S4.03.060, Apr. 9, 2003)

4.03.070 Appeal Procedure. An owner who has received a notice of violation or a statement for the abatement of a violation may appeal the notice or the statement to the Town. The appeal shall be initiated by delivering a notice to the Clerk-Treasurer. If the

appeal is of a notice of violation, the notice of appeal must be received within the seven (7) day abatement period. If the appeal is of a statement for the abatement of a violation, the notice of appeal must be received within the thirty (30) day payment period. The appeal shall be referred to the Town Council for a hearing at a regular or special meeting with at least twenty-four (24) hours notice to the owner. (Ord. 2003-05, S4.03.070, Apr. 9, 2003)

Chapter 4.06

BUILDINGS AND PREMISES STANDARDS

Sections:

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- 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 Subsection (4) below; provided that temporary housing as hereinafter defined 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 have 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. 93-12, S1, July 27, 1993)

4.06.020 Applicability. All persons owning, controlling, or letting any buildings, structure, or premises in the Town of Ferdinand shall be subject to the requirements of this Chapter and shall be subject to the penalties and fees provided for herein upon noncompliance. (Ord. 93-12, S2, July 27, 1993)

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 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.
- (4) Every dwelling unit shall be supplied with adequate rubbish storage facilities and rubbish disposal.
- (5) 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.
- (6) 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 Town. When an approved sewer is not available and where conditions are such as to prevent safe and sanitary disposal of water-borne sewage, then at the discretion of the hearing authority, certain variances in the requirements of this Section may be permitted. (Ord. 93-12, S3, July 27, 1993)

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 a 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 the 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. 93-12, S4, July 27, 1993)

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 12) in conjunction with prevention of entry. (Ord. 93-12, S5, July 27, 1993)

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. 93-12, S6, July 27, 1993)

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 Town of Ferdinand, Indiana, to be used for the enforcement of this Chapter. (Ord. 93-12, S7(1), July 27, 1993)
- (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 Town of Ferdinand, and incorporated herein by reference. (Ord. 93-12, S7(2) July 27, 1993)
- (3) The Building and Premises Standards Department is hereby designated as the Executive Department and Enforcement Authority responsible for the administration and enforcement of the terms, provisions, standards and procedures adopted by this Ordinance. The Town Clerk-Treasurer shall assist in administration and enforcement by keeping all administrative and enforcement records and by sending all required notices. (Ord. 94-2, S2, Feb. 22, 1994)
- (4) Any person who (1) remains in, uses, or enters a building in violation of an order made under and pursuant to this Chapter 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 Chapter 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 Chapter 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. 93-12, S7(4), July 27, 1993)

4.06.080 Enforcement; Service of Notices and Orders; Hearings.

- (1) Whenever the Enforcement Authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, or any violation of a State Statute which the Enforcement Authority 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 Ferdinand Town Council 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 Enforcement Authority 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 Enforcement Authority is authorized, subject to authorized appropriation by the Town 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. 93-12, S8, July 27, 1993)

4.06.090 Conflict of Rules and Regulations; Effect or Partial Invalidity. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Town of Ferdinand 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. 93-12, S9, July 27, 1993)

4.06.100 Hardship. Where the literal application of the requirements of this Chapter would cause undue hardship, an exception may be granted upon written application subject to approval by the Enforcement Authority. 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 Chapter. (Ord. 93-12, S10, July 27, 1993)

4.06.110 Inspection of Buildings, Structures, and Premises. The Enforcement Authority is hereby authorized and directed to make inspections to determine the condition of buildings, structures, and premises located within the corporate limits of Ferdinand, 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 Enforcement Authority, 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 Enforcement Authority, 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 Chapter, or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter. In the event access is denied, the Enforcement Authority is hereby authorized to obtain an inspection warrant in conformity with the provisions of I.C. 36-7-9-16. (Ord. 93-12, S11, July 27, 1993)

Chapter 4.08

Trash Collection Services and Charges

Sections:

- 4.08.010 Trash Collection Services**
- 4.08.030 Trash Sticker Sales - Retail**
- 4.08.050 Trash Sticker Sales - Wholesale**
- 4.08.070 Trash Collection Rules**
- 4.08.090 Violation and Penalties**

4.08.010 Trash Collection Services. The Town shall provide for the curbside or street side collection of residential trash on a weekly or other periodic basis, provided the trash is within a conventional, sealed trash bag weighing no more than forty (40) pounds, with a capacity of no more than forty (40) gallons, and of sufficient strength so as not to tear when handled, and having a Ferdinand trash sticker firmly attached hereto. (Ord. 2004-18, S4.08.01, Dec. 29, 2004)

4.08.030 Trash Sticker Sales - Retail. Trash stickers may be purchased at the Town Office or from authorized wholesalers for the sum of One Dollar (\$1.00) each. (Ord. 2004-18, S4.08.03, Dec. 29, 2004)

4.08.050 Trash Sticker Sales - Wholesale. Trash stickers may be purchased by an authorized wholesaler for the sum of Ninety-five Cents (\$.95) each. An authorized wholesaler must comply with each of the following requirements:

- (1) Stickers may not be re-sold for an amount in excess of One Dollar (\$1.00) each;
- (2) The wholesaler must maintain a publicly accessible retail outlet open for business with evening and weekend hours when stickers are usually available for sale;
- (3) The wholesaler must purchase a minimum of 100 hundred stickers at a time. (Ord. 2004-18, S4.08.05, Dec. 29, 2004)

4.08.070 Trash Collection Rules. The following rules shall govern trash collection in the Town:

- (1) The Council may eliminate or adjust trash collection services at its discretion, including but not limited to collection frequency, dates and times;

- (2) Trash collection services are available only to Town residents for trash generated at their residence where the trash is placed for collection;
- (3) Trash shall not include any hazardous waste as defined by Federal or State law or any substance which the Town cannot lawfully deliver for deposit in a landfill licensed to accept normal household refuse;
- (4) Trash bags shall not be placed at the curb or street for collection more than twelve (12) hours prior to a scheduled collection time and if not picked up, must be removed within twelve (12) hours thereafter. (Ord. 2004-18, S4.08.07, Dec. 29, 2004)

4.08.090 Violations and Penalties. The Town at its option may enforce violations of the Chapter by use of the following remedies individually or in conjunction:

- (1) Refuse to collect trash placed for collection;
- (2) Issue a fine for violation in the amount of Fifty Dollars (\$50.00) for each day a violation exists, and if the violation is of a continuing nature, each day the violation exists shall constitute a separate offense;
- (3) Obtain appropriate injunctive relief from a Court with appropriate jurisdiction.

All the Town's costs and attorney fees in prosecuting any violation shall also be recoverable. (Ord. 2004-18, S4.08.09, Dec. 29, 2004)

Chapter 4.09

LIMB AND YARD WASTE COLLECTION PROGRAM

Sections:

4.09.010 Creation

4.09.020 Amendments to the Program

4.09.010 Creation. A Ferdinand Limb and Yard Waste Collection Program is hereby approved and adopted. The limb and yard waste collection service shall be implemented by the Ferdinand Street Department and be available to any resident or retail service business located within the corporate limits of the Town of Ferdinand. Limbs will be collected by the Ferdinand Street Department on the first Wednesday of every month. Yard waste will be collected by the Ferdinand Street Department at the scheduled time for regular trash collection if it is placed curbside in a sealed, watertight bag which has a Ferdinand trash sticker firmly attached to it. In order to be eligible for collection, any bagged yard waste must weigh less than thirty (30) pounds. Bagged yard waste shall not be placed at the curb or street for collection more than twelve (12) hours prior to a scheduled collection time and, if not picked up, must be removed within twelve (12) hours thereafter. For the purpose of this ordinance, "yard waste" shall be limited to grass, weeds, grass clippings, leaves, hedge trimmings, organic plant materials and other natural growth generated from the care and maintenance of gardens and yards. Limbs eligible for collection under this program shall be limited to tree limbs that have been cut to four foot lengths and have been tied together into bundles, each weighing no more than fifty (50) pounds and have been placed curbside. Any bundles tied with wire will not be collected. Large piles of limbs will be collected as time permits. In no event shall tree stumps, tree trunks, or limbs cut by any commercial tree trimming service be collected. The Ferdinand Street Department reserves the right to refuse to pick up limbs or bundles or quantities of yard waste which, upon visual inspection, fail to meet the requirements in this Ordinance. (Ord. 11-10, S1, Aug. 24, 2011)

4.09.020 Amendments to the Program. The Ferdinand Town Council has the sole authority to make any changes, additions or amendments to this program. The collection schedule may vary in certain months due to special circumstances such as severe weather, holidays, special events, or equipment failure or malfunction. In such event, the change in the collection schedule will be announced via the Town's website and other local media. (Ord. 11-10, S2, Aug. 24, 2011)