

TITLE 6
HEALTH, PEACE, SAFETY AND SANITATION

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HEALTH, PEACE, SAFETY AND SANITATION

Chapters:

- 6.04 Town Health Ordinance**
- 6.05 Removal and control of waste materials**
- 6.08 Spitting on sidewalks**
- 6.10 Skateboarding**
- 6.22 Loafing/Vagrancy**
- 6.25 Loitering**
- 6.28 Curfew**
- 6.30 Noise control**
- 6.33 Discharge of firearms**
- 6.53 Sale of milk and milk products**
- 6.66 Trash collection**

Chapter 6.04

TOWN HEALTH ORDINANCE

Sections:

- 6.04.050 Prevention of the spread of infectious diseases**
- 6.04.060 Enforcement**
- 6.04.070 Penalty for violations**

6.04.050 Prevention of the spread of infectious diseases. If at any time the work of the prevention of the spread of infectious or contagious diseases is more than can be reasonably expected of the town health officer, he may, with the consent of the Chairman of the Town Health Board, employ one or more intelligent men to act as deputies to establish quarantine, remove patients to the special hospital and conduct disinfections. All houses wherein infectious and contagious diseases may exist, or have existed, shall at the proper time be thoroughly disinfected with formaldehyde, according to the rules of the State Board of Health, by the health officer or his deputies, at the expense of the Town, as the work is obviously for the benefit of the people. A complete record of all disinfections, all vaccinations and all other health work done shall be kept by the health officer in the minute book of the Town Board of Health. (Ord. 46, S5, June 1, 1914)

6.04.060 Enforcement. It shall be the duty of the Town Marshal at all times to aid the Town Health Officer in the work of enforcing this Ordinance upon demand of said health officer. (Ord. 46, S6, June 1, 1914)

6.04.070 Penalty for violations. Any person or persons violating any of the provisions of this Ordinance, upon conviction thereof, except as otherwise provided, shall be fined for each offense in any sum not less than ten nor more than twenty-five dollars, and each days violation shall constitute a separate offense. (Ord. 46, S7, June 1, 1914)

Chapter 6.05

REMOVAL AND CONTROL OF WASTE MATERIAL

Sections:

- 6.05.010 Definitions**
- 6.05.020 Offensive or injurious nuisances unlawful**
- 6.05.030 Deposit and accumulation of waste unlawful**
- 6.05.040 Complaint**
- 6.05.050 Notice**
- 6.05.060 Hearing**
- 6.05.070 Penalty for violation**

6.05.010 Definitions. When used in this Ordinance the following terms shall be defined as follows:

- (1) Private property means real estate which is not owned or leased by the United States, the State of Indiana, Orange County, or the Town of French Lick, Indiana.
- (2) Owner means the holder of fee simple title to real estate and the life tenant (if there be one). For purposes of notice to the "owner", the owner shall be presumed to be the persons or entities shown as owner on the current property tax duplicate in the Office of the Auditor of Orange County, Indiana; notice shall be deemed given to the actual owner of mail addresses as indicated by the said tax duplicate.
- (3) Board means the duly elected, qualified, and acting Board of Trustees of the Town of French Lick, Indiana. (Ord. 74-2, S1, Mar. 4, 1974)

6.05.020 Offensive or injurious nuisances unlawful. It shall be the duty of all owners of private property within the corporate limits of the Town of French Lick, Indiana, to remove or cause to be abated any public nuisance as specified in Section 6.05.030 of this Chapter. (Ord. 74-2, S2, Mar. 4, 1974) (Ord. 46, S1, June 1, 1914)

6.05.030 Deposit of and accumulation of waste unlawful. Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon, including, but not solely limited to waste paper, rags, cans, bottles, boxes, lumber, metal, garbage or disused or inoperable motor vehicles, trailers, or any other machinery, or appliances or furniture thereon, unless specifically authorized under existing laws and regulations, or to allow a rank growth of grass, weeds, or other vegetation to remain thereon, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity or offensive to

the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance. (Ord. 74-2, S3, Mar. 4, 1974) (Ord. 46, S2, June 1, 1914)

6.05.040 Complaint. The Board upon receiving a complaint concerning an alleged public nuisance as defined by Section 6.05.030, shall give notice in accordance with Section 6.05.050. (Ord. 74-2, S4, Mar. 4, 1974) (Ord. 46, S4, June 1, 1914)

6.05.050 Notice. The notice required by Section 6.05.040 shall be by certified mail, return receipt requested. Such notice shall state the location of the alleged public nuisance exists, state the action deemed necessary to correct the situation, and fix a date and time when the owner may be heard before the Board. The notice shall be mailed to the owner at the address appearing on the current tax duplicate in the Office of the Auditor of Orange County, Indiana, at least ten (10) days prior to the hearing. If someone other than the owner occupies the affected property, a copy of the notice shall be mailed by first class mail to the occupant in addition to the notice given the owner. (Ord. 74-2, S5, Mar. 4, 1974)

6.05.060 Hearing. The hearing shall be held publicly before the Board. If the owner appears, the Board shall proceed to hear evidence and determine if such an alleged public nuisance exists. Such hearing may be continued from time to time by the Board. If on a final hearing, the Board determines that a public nuisance does exist, it shall give the owner not more than ten (10) days to remove or cause to be abated the said nuisance. In the event that the owner does not appear at the hearing, or refuses, fails, or neglects to remove or cause to be abated the public nuisance, the Board may instruct the Town Attorney to enforce this Ordinance against the owner by suit in the Orange Circuit Court. In the event that the public nuisance consists of weeds or other rank vegetation, the Board may provide for the cutting and removal of the same, the expenses of such to be certified to the Auditor of Orange County, Indiana, and said expenses shall be collected as taxes on the real estate as provided by the Acts of 1969, ch. 252, (Burns 48-325, I.C. 18-3-1-51). (Ord. 74-2, S6, Mar. 4, 1974)

6.05.070 Penalty for violation. Any person, firm, or corporation causing any public nuisance, as hereinabove defined, in violation of any provision of this Ordinance, shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each violation thereof, and in the event of a continuing nuisance of any public nuisance defined in this Ordinance, any person, firm, or corporation so causing said nuisance shall be fined not less than the sum of one dollar (\$1.00) nor more than five hundred dollars (\$500.00); and if said public nuisance continues, each day's operation of said public nuisance or the operation thereof on any part of each day shall be deemed to be a separate violation and for each day's maintenance of said nuisance, said person, firm, or corporation shall suffer the penalty herein set out. (Ord. 74-2, S7, Mar. 4, 1974)

Chapter 6.08

SPITTING ON SIDEWALKS

Sections:

6.08.010 Unlawful to spit upon sidewalks

6.08.020 Penalty for violation

6.08.010 Unlawful to spit upon sidewalks. Be it ordained by the Board of Trustees of the Town of French Lick, in the County of Orange and State of Indiana, that from and after the 15th day of October, 1914, and the publication of this Ordinance for two consecutive weeks in the Springs Valley Herald, a newspaper of general circulation, printed and published at French Lick, Indiana, it shall be unlawful for any person or persons to spit upon any plank, stone, concrete or improved sidewalk of any street or alley in the Town of French Lick, Indiana. (Ord. 50, S1, Sept. 21, 1914)

6.08.020 Penalty for violation. That any person or persons violating the provisions of Section 6.08.010 of this Chapter, upon conviction thereof, shall be fined in any sum not exceeding Two Dollars for each offense. (Ord. 50, S2, Sept. 21, 1914)

Chapter 6.10

SKATEBOARDING

Sections:

- 6.10.010 Definitions**
- 6.10.020 Authority**
- 6.10.030 Purpose**
- 6.10.040 Prohibition**
- 6.10.050 Penalty**

6.10.010 Definitions. As used in this ordinance:

- (1) public property shall include all public streets, sidewalks, alleyways, right-of-ways, parking lots or any other property owned or utilized by the Town of French Lick. However, the term "public property" shall not include public parks located in the Town of French Lick.
- (2) skateboard shall include any board or board-like vehicle with zero or more sets of wheels upon which a rider or operator can stand, sit, or otherwise occupy for the purpose of skateboarding. A skateboard specifically does not include a wheelchair or other motorized or non-motorized vehicle used in assisting travel for disabled persons.
- (3) skateboarding shall include riding, operating, or otherwise causing a skateboard to travel on or along the ground or other surface while carrying a rider or riders.
- (4) skate includes roller blades, roller skates, or other skating devices that are shoe-like or boot-like in structure and remain affixed to each individual foot during use.
- (5) skating shall include riding, operating, or otherwise causing a skate or a pair of skates to travel on or along the ground or other surface while carrying a rider or riders. (Ord. 03-07, S1, Dec. 15, 2003)

6.10.020 Authority. The adoption of this ordinance is authorized by the laws of the State of Indiana and the action of the Town Board for the Town of French Lick. (Ord. 03-07, S2, Dec. 15, 2003) (Ord. 97-12, S2, Dec. 15, 1997)

6.10.030 Purpose. This ordinance is to be used to prohibit and control Skating and Skateboarding on public property within the town limits and for the protection of the participants, property of the Town of French Lick and its citizens. (Ord. 03-07, S3, Dec. 15, 2003) (Ord. 97-12, S3, Dec. 15, 1997)

6.10.040 Prohibition. Skateboarding or skating on the public property within the Town limits of French Lick, Indiana is specifically prohibited. (Ord. 03-07, S4, Dec. 15, 2003) (Ord. 97-12, S4, Dec. 15, 1997)

6.10.050 Penalty. Violation of this ordinance shall be enforced as a Class D Infraction and shall be punishable to the full extent provided for pursuant to Indiana Code 34-4-32-4. (Ord. 03-07, S5, Dec. 15, 2003) (Ord. 97-12, S5, Dec. 15, 1997)

Chapter 6.22

LOAFING/VAGRANCY

Sections:

- 6.22.005 Purpose**
- 6.22.010 Unlawful to be found loafing**
- 6.22.020 Penalty for violation**

6.22.005 Purpose. The Government of the United States is now engaged in a War with Germany and other Central Powers of Europe, in which said War, millions of American Soldiers are engaged, together with the French and English Armies, waging a bitter contest for the supremacy of Free and just Governments and for the protection and defense of all civilized Peoples, and against Military Barbarism and the Piracy of the Seas, and,

The Government of the United States is sending millions of soldiers to France, and spending billions of dollars in the defense of a most just and rich cause, and,

It is very necessary that all persons, do all in their power, to aid and help in the successful prosecution of this War, to contribute by labor and all other means to the material recourses of the Government, in supporting the American and allied Armies. (Ord. No. 6, Whereas, July 17, 1918)

6.22.010 Unlawful to be found loafing. It shall be unlawful for any person over the age of 18 years and under 50 years, and physically able to perform manual labor, who has not made reasonable effort to secure some useful employment, or who has refused to labor for compensation when some useful labor is offered, to be found in idleness or in loafing, or in a state of vagrancy. (Ord. No. 6, S1, July 17, 1918)

6.22.020 Penalty for violation. That any person violating any of the provisions of this Ordinance, shall upon conviction thereof, be fined and pay over to the Town of French Lick, Indiana, the sum of Twenty-Five Dollars, for each and every offense. (Ord. No. 6, S2, July 17, 1918)

Chapter 6.25

LOITERING

Sections:

6.25.010 Loitering unlawful

6.25.020 Penalty

6.25.010 Loitering unlawful. It shall be unlawful for persons to collect, assemble, or group together, and after being so collected, assembled, or grouped together, to stand or loiter on any doorway, sidewalk, parking area, or any street corner, or at any place in the Town, to the hindrance or obstruction of free passage or access of any person passing on or along any sidewalk or street in the Town. (Ord. 76-4, S1, May 3, 1976)

6.25.020 Penalty. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00). (Ord. 76-4, S2, May 3, 1976)

Chapter 6.28

CURFEW

Sections:

6.28.010 Curfew

6.28.020 Penalty for violation

6.28.010 Curfew. It is hereby made unlawful for any parent, guardian or other person having the authorized custody, care and control of any minor person, to permit such minor, if under the age of eighteen years, and it is also unlawful for such minor, to loiter, idle, congregate, stroll, play or remain in or upon any of the streets, alleys, parks or public places, either on foot or in vehicles of any type within the corporate limits of the Town of French Lick, Indiana, Orange County, Indiana, between the hours of 11:00 o'clock P.M. EST and 5:00 o'clock A.M. EST of any day. Provided, however, that the above provision shall not apply to any such minor when accompanied by his or her parent or guardian, or other person having the authorized custody care and control of such minor; or if such minor be then engaged in the performance of a lawful errand, or employment, if authorized and/or directed by such parent, guardian, or other person having the authorized care and custody of such minor when returning home from school and church sponsored activities or other legal and authorized assemblages, when such minor's presence was authorized by his or her parent, guardian of such person having authorized custody of such minor. However, such minor is not permitted to loiter during prohibited hours in returning to his or her home from such activities and assemblages. (Ord. 1-5-70, S1, Dec. 17, 1969) (Ord. 1, S1, Oct. 5, 1944)

6.28.020 Penalty for violation. Any person violating the terms and provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. (Ord. 1-5-70, S2, Dec. 17, 1969) (Ord. 1, S2, Oct. 5, 1944)

Chapter 6.30

NOISE CONTROL

Sections:

- 6.30.010 Loud and unnecessary noise prohibited**
- 6.30.020 Enumeration of certain prohibited acts concerning the use of property**
- 6.30.030 Enumeration of certain prohibited acts concerning the use of motorized vehicles**
- 6.30.040 Enumeration of certain acts concerning the producing or reproducing of sound on or from a motor vehicle**
- 6.30.050 Standards**
- 6.30.060 Exemptions**
- 6.30.070 Prosecution**
- 6.30.080 Penalty**

6.30.010 Loud and unnecessary noise prohibited.

- (1) It shall be a violation of this section for a person to make any loud, improper, unreasonable, offensive, or unusual noise, which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Town.
- (2) It shall be unlawful to use, maintain, or operate any portable entertainment appliance, radio, phonograph, tape, or compact disc player, or other sound emitting device which sounds are magnified unnecessarily and made audible which causes discomfort or annoyance to any reasonable person of normal sensitiveness over any public street or public place in the Town of French Lick, Indiana. (Ord. 99-8, S1, July 19, 1999)

6.30.020 Enumeration of certain prohibited acts concerning the use of property. The following acts, among others, are declared to be loud or disturbing noises in violation of this section, but such enumeration shall not be deemed exclusive:

- (1) Using, operating, or permitting to be played, used or operated, any radio receiving set, phonograph, or other machine or device for the producing or reproducing of inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, phonograph, machine, or device, in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk, or vehicle shall be prima facie evidence of a violation of this section.

- (2) Using, operating, or permitting to be played, used or operated, any radio receiving set, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. (Ord. 99-8, S2, July 19, 1999)

6.30.030 Enumeration of certain prohibited acts concerning the use of motorized vehicles.

- (1) The use of any automobile, motorcycle, truck, or other motorized vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling, or other noise. It shall be unlawful for any person to operate, cause to operate, or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified muffler and/or exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving, tire squeal or jake brakes. (Ord. 99-8, S3, July 19, 1999) (Ord. No. 1, 1916, S2, Jan. 3, 1916)

6.30.040 Enumeration of certain acts concerning the producing or reproducing of sound on or from a motor vehicle.

- (1) It shall be unlawful for any person to produce or reproduce any sound so as to cause excessive noise levels as a result of the operation of audio devices such as but not limited to radios, phonographs, C.D. players, and cassette players on or from motor vehicles within the Town of French Lick. (Ord. 99-8, S4, July 19, 1999)

6.30.050 Standards. The standards which shall be considered in determining whether a violation of the provisions of this ordinance exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;

- (8) The density of the inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent, or noncommercial activity.

6.30.060 Exemptions. The following are exempted from the provisions of this section:

- (1) Sound emitted from sirens of authorized emergency vehicles.
- (2) Lawn mowers, garden tractors, and similar home power tools, when properly muffled.
- (3) Celebrations on legal holidays and celebrations in connection with duly authorized parades.
- (4) School band practice.
- (5) Railroad trains
- (6) Sound emitted from devices in homes or in private pleasure vehicles, when operated in such a manner as not to be audible at a distance of fifty (50) feet or less from the vehicle or home. (Ord. 99-8, S6, July 19, 1999)

6.30.070 Prosecution.

- (1) In any prosecution for a violation of this Ordinance, the Court may admit any evidence of a noise level as tested by a sound level meter, testimony of the police officer who investigated the violation, or testimony of a subpoenaed witness or complaining witness who had the opportunity to evaluate the noise level.
- (2) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer issues a citation for any violation of the provisions of this subchapter, he or she shall take down the name, address, and/or the operator's license number, if it applies, and shall issue to the alleged violator in writing on the form provided by the Town Clerk/Treasurer, a citation for a violation of any provisions of this subchapter. (Ord. 99-8, S7, July 19, 1999)

6.30.080 Penalty. Whoever violates any provisions of this Ordinance, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500.00 and not less than \$50.00. Each day any violation shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the Ordinances of the Town of French Lick, the Town Attorney may elect under which to proceed, but not more than one recovery shall be paid against the same person for the same offense. (Ord. 99-8, S8, July 19, 1999)

Chapter 6.33

DISCHARGE OF FIREARMS

Sections:

6.33.010 Unlawful to discharge any firearm

6.33.020 Penalty

6.33.010 Unlawful to discharge any firearm. It shall be unlawful to discharge any firearm or airgun, beebee gun, or any toy gun, projecting lead or any similar metal projectile, within the corporate limits of the Town of French Lick, Indiana, excepting in a regularly established shooting gallery; providing that this Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property. (Ord. 75-4, S1, Apr. 7, 1975)

6.33.020 Penalty. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00). (Ord. 75-4, S2, Apr. 7, 1975)

Chapter 6.53

SALE OF MILK AND MILK PRODUCTS

Sections:

- 6.53.010 Health Officer shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and milk products sold in French Lick**
- 6.53.020 Standards to be followed**
- 6.53.030 Sale of ungraded milk or milk products prohibited**
- 6.53.040 Permit required**
- 6.53.045 Permit fees**
- 6.53.050 Suspension of permit for noncompliance**
- 6.53.060 Qualified inspectors**
- 6.53.065 Inspector salary and expenses**
- 6.53.070 Penalty for violation**

6.53.010 Health Officer shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and milk products sold in French Lick. The Health Officer having jurisdiction within the territorial limits of the Town of French Lick, Indiana, or his authorized representative shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of all milk and milk products sold at retail or wholesale within the Town of French Lick, Indiana or its police jurisdiction; the inspection of dairy herds, dairies and milk plants; and the issuing and revocation of permits to milk producers, milk haulers, and distributors. (Ord. unnumbered, S1, Sept. 4, 1956)

6.53.020 Standards to be followed. Grade A Milk Ordinance – The Health Officer having jurisdiction within the territorial limits of the Town of French Lick, Indiana in the performance of his duties under Section 6.53.010 of this Chapter, shall adopt as standards to be followed, the provision in paragraph HDP4H entitled “Grade A Milk and Milk Products” of regulations of the Indiana Board of Health duly passed on September 13, 1945, and filed with the Secretary of State, October 18, 1945, as amended by the State Board of Health on February 19, 1954, and filed with the Secretary of State on March 17, 1954, of the regulations of the State Board of Health entitled, “Regulations Relating to Dairy Products including Definitions and Standards of Identity”.

Grade A Milk and Milk Products, as referred to in the aforesaid regulation shall in this Ordinance be taken to mean and include; Raw and Pasteurized milk, extra rich milk, Jersey milk, Guernsey milk, homogenized milk, flavored milk, skimmed milk, flavored skimmed milk, buttermilk, creamed milk fat, light cream, whipping cream, a mixture of milk and cream, cottage cheese, creamed cottage cheese, concentrated milk, and any other product made by the addition of any substance to milk or to any of these products and used for similar purposes and designated as a milk product by the Health Officer.

For the purpose of interpreting the aforesaid requirements until January 1, 1957, the unabridged form of Public Health Bulletin No. 220 entitled "The 1939 Edition of the Milk Ordinance and Code Recommended by the U.S. Public Health Service", shall be used. After that date the unabridged form of the Public Health Service publication #229 entitled "The 1953 Milk Ordinance and Code Recommended by the Public Health Service", shall be used. Two copies of said Regulations of the Indiana State Board of Health and said publication in effect shall be on file in the Office of the Health Officer for public inspection. (Ord. unnumbered, S2, Sept. 4, 1956)

6.53.030 Sale of ungraded milk or milk products prohibited. No person shall within the municipality of French Lick, Indiana, or its police jurisdiction, produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is upgraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any upgraded milk or milk product: PROVIDED, that in an emergency the sale of upgraded pasteurized milk or pasteurized milk products may be authorized by the Health Officer, upon the approval of the State Health authority, in which case they shall be labeled "Ungraded". (Ord. unnumbered, S3, Sept. 4, 1956)

6.53.040 Permit required. It shall be unlawful for any person to bring into, send in to, or receive into the municipality of French Lick, Indiana, or its police jurisdiction, for sale, or to sell, or offer for sale therein or to have in storage where milk or milk products are sold or served, and milk or milk products defined in this Ordinance, who does not possess a permit from the Health Officer of the municipality of French Lick, Indiana.

Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable with the respect to persons and/or locations.

Such a permit may be temporarily suspended by the Health Officer upon violation by the holder of any of any terms of this Ordinance, or for interference with the Health Officer in the performance of his duties, or may be revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violations. Any person, firm or corporation shall have the right to take an appeal from any decision of the Health Officer to the Circuit Court of Orange County, as in other civil cases. (Ord. unnumbered, S4, Sept. 4, 1956)

6.53.045 Permit fees. The permit fee for the sale or disposal of milk or milk products in the Town of French Lick, Indiana, shall be as follows:

All milk plants engaged in the processing and distribution of pasteurized fluid milk or milk products shall pay a permit fee of four cents per hundred weight (4¢ cwt) on all milk received for such purposes.

Fees referred to above shall be paid on or before the 15th day of the month for the previous month, the first payment being due thirty (30) days after the effective date of this Ordinance. The original weight sheets and other shall be made available once each month to the Town Clerk-Treasurer for determination of these fees. All plants operating under the provision above shall purchase; milk by weight or its equivalent by volume. Any dairy selling direct to any other dairy or dairies which purchasing dairy or dairies pay the permit fee on the hundred weight as above set out on the milk so produced shall not be required to pay the aforesaid permit fees. Provided, further, that any person, firm, or corporation having a permit issued by the Health Officer of any other municipality or other unit of government operating under the standards required by this Ordinance shall be exempt from paying permit fees required in Section 6.53.040. Provided, however, every such person, firm or corporation shall, in lieu of such permit fees, pay a flat license fee of \$25.00 per year for each truck or other vehicle used in transporting or delivering milk or other dairy products to distributors or ultimate consumers within the corporation of said Town and every such truck or vehicle shall display a suitable license tag issued by the Town evidencing the payment of such license.

These fees shall be paid to the Town Clerk-Treasurer of the Town of French Lick, Indiana, and shall be used only for the salary, expenses and supplies of an enforcement officer. (Ord. unnumbered, S4A, Sept. 4, 1956)

6.53.050 Suspension of permit for noncompliance. From and after November 1, 1956 and due publication as herein below set out, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments, except Grade A Pasteurized milk or milk products as defined in the standards required to be adopted by this Ordinance; provided that then any milk distributor fails to qualify for the above grade, the Health Officer is authorized to suspend his permit and/or institute court action. (Ord. unnumbered, S5, Sept. 4, 1956)

6.53.060 Qualified inspectors. Such sanitary police and inspectors shall be persons qualified and approved by the Indiana State Board of Health for the performance of said duties and shall be paid such sum as may be agreed upon by the President of the Town Board and the Health Officer having jurisdiction out of such funds as may hereafter be appropriated by the Town Board. (Ord. unnumbered, S6, Sept. 4, 1956)

6.53.065 Inspector salary and expenses.

For the year 1957 \$250.00
(Ord. unnumbered, Feb. 5, 1957)

6.53.070 Penalty for violation. Any person, firm or corporation violating any provisions of this Ordinance shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than thirty (30) days or both such fine and imprisonment at the discretion of the court. Each and every violation of the provisions of this Ordinance shall constitute a separate offense. (Ord. unnumbered, S7, Sept. 4, 1956)

Chapter 6.66

TRASH COLLECTION

Sections:

- 6.66.010** **Collection of trash**
- 6.66.020** **Collection schedule**
- 6.66.030** **Trash containers**
- 6.66.040** **Placement of containers**
- 6.66.050** **Failure to comply**
- 6.66.060** **Each day is a separate offense**
- 6.66.070** **Refusal to pick up trash for violators**
- 6.66.080** **Not mandatory to participate**
- 6.66.090** **Service dependent upon available funding**
- 6.66.100** **Title**
- 6.66.110** **Repeal of former ordinances**
- 6.66.120** **Effective when**
- 6.66.200** **Schedule of service charges**
- 6.66.210** **Charges added to utility bill**
- 6.66.220** **Garbage refused to be collected**
- 6.66.230** **If not a municipal utility user, billing will be forwarded directly**
- 6.66.240** **Failure to pay**
- 6.66.250** **Separate fund for revenues**

6.66.010 Collection of trash. The Town of French Lick, by its employees and agents, shall in a regular and orderly manner collect from the residents of the Town, and properly dispose of, all garbage, ashes and trash found within the limits of the Town. (Ord. 64-1, paragraph 1, Sept. 15, 1964) (Minutes, Jan.5, 1948)

6.66.020 Collection schedule. Such collection shall be made upon the regular day of the week, to be determined and announced as pick-up day by the Board of Trustees of the Town. (Ord. 64-1, paragraph, Sept. 15, 1964)

6.66.030 Trash containers. To promote orderly and proper collection of such material, all such material so to be collected shall be kept by the owner thereof in a tightly covered metal container having a volume of not to exceed 25 gallon. All garbage is to be securely wrapped. (Ord. 64-1, paragraph 3, Sept. 15, 1964) (Ord. 46, S3, June 1, 1914)

6.66.040 Placement of container. Such material in such containers shall be placed by the owner thereof on the tree-line, or utility strip, adjoining a public street, on the day and only on the day announced as pick-up day. At all other times such material shall be kept in safe and sanitary containers upon the property of the owner. (Ord. 64-1, paragraph 4, Sept. 15, 1964)

6.66.050 Failure to comply. Failures to comply with the requirements of this Ordinance shall constitute a public nuisance, punishable by a fine of \$5.00, to be enforced as other public nuisances are enforced. (Ord. 64-1, paragraph 5, Sept. 15, 1964)

6.66.060 Each day is a separate offense. Each day on which this Ordinance is violated, shall constitute a separate offense punishable by such fine. (Ord. 64-1, paragraph 6, Sept. 15, 1964)

6.66.070 Refusal to pick up trash for violators. In addition to penalty above prescribed for violations of this Ordinance, the Town may refuse to pick up such material for any resident failing to comply with the requirements of this Ordinance. (Ord. 64-1, paragraph 7, Sept. 15, 1964)

6.66.080 Not mandatory to participate. Nothing in this Ordinance shall require or compel any resident of the Town of French Lick to use the service so furnished by the Town, or interfere in any way with the right of any resident properly to dispose of his garbage, ashes and trash. (Ord. 64-1, paragraph 8, Sept. 15, 1964)

6.66.090 Service dependent upon available funding. The burden imposed by this Ordinance upon the Town of French Lick shall be subject to availability of properly appropriated funds. (Ord. 64-1, paragraph 9, Sept. 15, 1964)

6.66.100 Title. This Ordinance may be referred to as the Garbage Pick-Up Ordinance. (Ord. 64-1, paragraph 10, Sept. 15, 1964)

6.66.110 Repeal of former Ordinances. That any existing Ordinance or Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict. (Ord. 64-1, paragraph 11, Sept. 15, 1964)

6.66.120 Effective when. This Ordinance shall be in full force and effect from and after the 1st day of November, 1964. (Ord. 64-1, paragraph 12, Sept. 15, 1964)

6.66.200 Schedule of service charges. There is hereby imposed on each owner, tenant or occupant of residential or commercial property in the Town of French Lick, Indiana, to whom municipal refuse and garbage collection is made available by said Town directly or through any person, firm or corporation with which the Town may contract for the furnishing of such service, a service charge for the collection and removal of refuse and garbage according to the following schedule:

- (1) For all residential dwellings there will be a minimum \$9.00 monthly charge.
- (2) For a multi-family or apartment dwelling, there will be a minimum \$9.00 monthly charge per dwelling.

- (3) Commercial establishment rates will vary depending upon the size of business, type of business, number of hoppers, number of pick-ups per week/month, amount of refuse, etc. Present rates will range from \$15.00 to \$300.00 per month. (Ord. 91-5, Sept. 16, 1991) (Ord. 88-2, S1, June 20, 1988) (Ord. 87-2, S1, Jan. 19, 1987) (Ord. No. 2, S1, Jan. 18, 1982)

6.66.210 Charges added to utility bill. Service charges as specified above, shall be added to the utility bill charges and shall be payable as are bills for sanitation service (sewage). (Ord. 88-2, S2, June 20, 1988) (Ord. No. 2, S2, Jan. 18, 1982)

6.66.220 Garbage refused to be collected. Said garbage service shall not include any of the following:

- (1) Any item not in containers.
- (2) Any garbage not drained of free liquid or wrapped in several thickness of paper.
- (3) Hot ashes.
- (4) Any liquids.
- (5) No tree limbs.
- (6) Any broken concrete asphalt building materials or earth.
- (7) Hot water heaters, auto parts, furniture or any other extraordinary items. (Ord. 88-2, S3, June 20, 1988) (Ord. No. 2, S3, Jan. 18, 1982)

6.66.230 If not a municipal utility user, billing will be forwarded directly. In the event any resident of municipal refuse and garbage service is not a recipient of municipal sanitation service and does not therefore receive a utility bill, said recipient will be billed directly for said service and said bill will be payable on the same basis as are bills for sanitation service. (Ord. 88-2, S4, June 20, 1988) (Ord. No. 2, S4, Jan. 18, 1982)

6.66.240 Failure to pay. Failure to pay service charges for refuse and garbage collection shall be grounds for discontinuance of refuse and garbage collection service and in addition the Town may pursue any one of the following remedies:

- (1) If said service charge or any part thereof shall not be paid within thirty (30) days after the payment is due, the amount thereof, together with a penalty of ten (10) percent and a reasonable attorney's fee, may be recovered by the Town in a civil action in the name of the Town, and provided in Indiana Code 36-9-30-21.

- (2) If any service charge remains unpaid for a period of six (6) months, said charges may be certified to the Auditor of Orange County for placement upon the tax duplicate by the Auditor and collection as taxes are collected, as provided by Indiana Code. (Ord. 88-2, S5, June 20, 1988) (Ord. No. 2, S5, Jan. 18, 1982)

6.66.250 Separate fund for revenues. Revenue from service charge collections will be deposited in a separate fund. Only payments of costs incident to the service will be made from this fund. Any surplus accumulating in this fund will be retained to apply to any increase in the cost of providing the service, or to permit reduction in service charges, by action of the Board of Trustees when feasible. (Ord. 88-2, S6, June 20, 1988) (Ord. No. 2, S6, Jan. 18, 1982)