

**TITLE 6**

**HEALTH, PEACE, SAFETY AND SANITATION**

## TITLE 6

### HEALTH, PEACE, SAFETY AND SANITATION

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## Chapter 6.01

### PROHIBITING THE FORMATION OF LITTER, GARBAGE, REFUSE, AND RUBBISH

#### Sections:

- 6.01.010 Definitions
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**6.01.010 Definitions.** The following terms, phrases, words and their derivations shall have the meaning given herein, when not inconsistent with the context, words used in the present tense include the future, works used in the plural number include the singular number. The word "shall" is always mandatory and not merely directory:

- (1) **AUTHORIZED PRIVATE RECEPTACLE.** A litter storage and collection receptacle as required and authorized in this ordinance. (Ord. 2004-7, S1(1), August 19, 2004)
- (2) **BOARD.** The duly elected, qualified, and acting Board of Trustees of the Town of Orleans, Indiana. (Ord. 1983-2, S1(c), May 5, 1983)
- (3) **COMMERCIAL HANDBILL.** Any newspaper or similar publication containing substantial amounts of matter advertising articles or things for sale or any businesses or serviced for profit which newspaper or similar publication is in the normal course distributed without charge and without subscription therefore by the recipients, and includes, but is not limited to, any printed or written matter, any sample or device, dodger, circular, leaflet,

pamphlet, booklet, paper or other printed or otherwise reproduce original and copies of any matter or literature which:

- A. Advertises for sale any merchandise, product, commodity or things; or
  - B. Directs attention to any business or mercantile or commercial establishment or activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
  - C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of profit; or
  - D. While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for private benefit and gain for any person so engaged as advertiser or distributor. (Ord. 2004-7, S1(2), August 19, 2004)
- (4) LITTER. Garbage, refuse, and rubbish and for other waste material which, if thrown or deposited in a manner prohibited by this ordinance, tends to create a danger to public health, safety and welfare or significantly reduces the aesthetic appearance of public or private property or the public right of way. (Ord. 2004-7, S1(3), August 19, 2004)
- (5) LITTER RECEPTACLE. A dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal. (Ord. 2004-7, S1(4), August 19, 2004) (Ord. 2001-12, S4(a), S4(b), March 15, 2001)
- (6) NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law and includes, but is not limited to, any newspaper, periodical or current magazine regularly published and sold to the public by subscription. (Ord. 2004-7, S1(5), August 19, 2004)
- (7) NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill. (Ord. 2004-7, S1(6), August 19, 2004)
- (8) OWNER. 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. (Ord. 1983-2, S1(6), May 5, 1983)

- (9) PARK. A park reservation, playground, recreation center or any other public area in the Town owned or used by the Town and devoted to recreation. (Ord. 2004-7, S1(7), August 19, 2004)
- (10) PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 2004-7, S1(8), August 19, 2004)
- (11) PRIVATE PREMISES. Any dwelling, house, building, multi-family structure or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes but is not limited to, any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house building, or other structure. (Ord. 2004-7, S1(9), August 19, 2004) (Ord. 1983-2, S1(a), May 5, 1983)
- (12) PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings. (Ord. 2004-7, S1(10), August 19, 2004)
- (13) REFUSE. All putrescible and non-putrescible solid wastes except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes. (Ord. 2004-7, S1(11), August 19, 2004)
- (14) RUBBISH. Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, metal, wood, glass, crockery, bedding and similar materials. (Ord. 2004-7, S1(12), August 19, 2004)
- (15) RIGHT-OF-WAY. The entire width between the boundary lines of every public publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Ord. 2004-7, S1(13), August 19, 2004)
- (16) VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway. (Ord. 2004-7, S1(14), August 19, 2004)

**6.01.020 Litter in Public Places.** No person shall throw or deposit litter in or upon any street, sidewalk or other public place including freshwater streams, lakes, and ponds within the Town except in public receptacles, or in authorized private receptacles for refuse, recycling or yard waste collection or leaf service or other Town sponsored collection services. (Ord. 2004-7, S2, August 19, 2004) (Ord. 2001-12, S1(a), S1(b), March 15, 2001) (Ord. 1983-2, S2, May 5, 1983) (Ord. 1918-1, S4, 1918)

**6.01.030 Placement of Litter in Receptacles.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried, drawing flies or insects, or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 2004-7, S3, August 19, 2004) (Ord. 2001-12, S6, S7, March 15, 2001)

**6.01.040 Depositing Litter in Gutters.** No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter, grass, leaves, branches, or other items or snow from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premises free of litter. (Ord. 2004-7, S4, August 19, 2004) (Ord. 2001-12, S1(c), March 15, 2001)

**6.01.050 Litter from a Vehicle.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or public place within the town, or upon private property. (Ord. 2004-7, S5, August 19, 2004)

**6.01.060 Littering in Parks.** No person shall throw or deposit litter in any park within the town except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and property disposed of elsewhere as provided in this ordinance or as prescribed by other sections of the town's codified ordinances. (Ord. 2004-7, S6, August 19, 2004)

**6.01.070 Deposit of Commercial Handbills on Public Property.** No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street, or other public place within the town, without charge to the receiver thereof, any commercial handbill to any person willing to accept it. (Ord. 2004-7, S7, August 19, 2004)

**6.01.080 Handbills: Placing on Vehicles.** No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, but it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. 2004-7, S8, August 19, 2004)

**6.10.090 Handbills: Deposited On Posted Property.** No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested in writing by anyone thereon not to do so, or if there is place on the premises in a conspicuous position near the entrance thereof, a sign bearing the words, "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," or any similar notice, indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any handbill left upon such premises. (Ord. 2004-7, S9, August 19, 2004)

**6.01.100 Depositing Handbill at Inhabited Premises: Mail And Newspapers.** No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor of newspapers as defined by this ordinance. (Ord. 2004-7, S10, August 19, 2004)

**6.01.110 Deposit of Litter on Occupied Private Property.** No person shall throw or deposit litter on any occupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles or collection in such a manner that will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. (Ord. 2004-7, S11, August 19, 2004)

**6.01.120 Maintenance of Litter Free Premises.** The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage of litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building code or other regulation, order, ordinance or statute. (Ord. 2004-7, S12, August 19, 2004) (Ord. 2001-12, S2, March 15, 2001)

**6.01.130 Abandoned Refrigerators and Containers.** It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or her control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or other container, which has an airtight door or lid, without first removing the door lid from the icebox, refrigerator or container. (Ord. 2001-13, S1, March 15, 2001)

**6.01.140 Vacant Lots.** No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not. Vacant lots shall be kept free of litter at all times by the person responsible for the property. (Ord. 2004-7, S13, August 19, 2004)

**6.01.150 Business Establishments: Receptacles.** Every person owning, or managing, or having charge, control or occupancy of any real property in the town, who maintains a receptacle designated for their use shall dispose of refuse in such a way that said receptacle shall not overflow and the refuse so deposited shall not circulate freely in the environment. (Ord. 2004-7, S14, August 19, 2004) (Ord. 2001-12, S4(b), S4(c)(1), (2), S4(d), S4(e), March 15, 2001)

**6.01.060 Receptacles: Sanitary Conditions.** Every person owning, or managing, or having charge, control or occupancy of any real property in the town who maintains litter receptacles shall maintain such containers and receptacles in good condition. No receptacle may have ragged or sharp edges or any other defect liable to hamper or injure the person depositing or collecting the contents thereof. (Ord. 2004-7, S16, August 19, 2004) (Ord. 2001-12, S4(a), March 15, 2001)

**6.01.170 Unsightly Premises.** Every person owning, or managing, or having charge, control or occupancy of any real property in the town shall not allow any part of such property visible from the street of adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten safety and welfare of the immediate neighborhood. (Ord. 2004-7, S16, August 19, 2004) (Ord. 2001-12, S5, March 15, 2001) (Ord. 1983-2, S3, May 5, 1983) (Ord. 1918-1, S1 and 2, 1918)

**6.01.080 Abatement.** All persons, firms, or corporations owning, leasing or occupying buildings, grounds, or lots are hereby required to remove rubbish, trash, weeds, or other accumulation of filth or debris which constitutes a hazard to the public health, safety and welfare, from buildings, grounds, lots, contiguous sidewalks, streets, and alley. (Ord. 2004-7, S17, August 19, 2004) (Ord. 2001-12, S3, March 15, 2001)

**6.01.190 Notice of Abatement: Procedure.** Any person, whether it as principal, manager, agent or employees of the owner, lessee or occupant of any building, grounds or lots who receive Notice to Abate from the Town Clerk-Treasurer or his authorized representative will have five working days from the receipt of the Notice to Abate to abate litter as described in this section. (Ord. 2004-7, S18, August 19, 2004) (Ord. 2001-12, S4(f), March 15, 2001) (Ord. 1983-2, S4, S5, S6, May 5, 1983) (Ord. 1918-1, S1 and 5, 1918)

**6.01.200 Penalties.** Any person who violates any provision of this ordinance shall upon conviction, be deemed guilty of an offense and fined not less than fifty dollars (\$50.00) for a first offense, not less than two hundred fifty dollars (\$250.00) for a second offense, and not less than two hundred fifty dollars (\$250.00) but not more than two thousand five hundred dollars (\$2,500.00) for each offense thereafter. The violation of any provision of this ordinance shall constitute a separate violation for each day that such violation may exist. (Ord. 2004-7, S19, August 19, 2004) (Ord. 2001-13, S2, March 15, 2001) (Ord. 2001-12, S8, March 15, 2001) (Ord. 1983-2, S7, May 5, 1983)

**6.01.210 Conflicting Ordinances.** All ordinances and parts of ordinances heretofore passed and approved which are in conflict ordinance are hereby specifically repealed. (Ord. 2004-7, S20, August 19, 2004)

## Chapter 6.02

### LIMB AND STORM DEBRIS RECYCLING

#### Sections:

**6.02.010 Purpose and Intent**

**6.02.020 Providing limb and storm debris recycling service**

#### **6.02.010 Purpose and Intent.**

- The TOWN OF ORLEANS has notified any interested parties of a public meeting to discuss the town's intentions to provide a solid waste management service, in compliance with IC 13-21-3-14.5(e),and
- The TOWN OF ORLEANS has held a public meeting to discuss the need for providing limb and storm debris recycling as a waste management service to be provided or contracted by the town, and
- The TOWN OF ORLEANS has reviewed all submitted written comments and considered all verbal comments presented at a public hearing regarding the town providing limb and storm debris recycling as a waste management service to be provided or contracted by the town, and
- The TOWN OF ORLEANS has evaluated the reasonableness of costs in providing the stated waste management service as specified by state statute and in strict compliance with IC 13-21-3-14.5(f) (Res. 1998-9, Whereas, November 19, 1998)

**6.02.020 Providing limb and storm debris recycling service.** The solid waste management service is not currently available in the municipality at a reasonable cost; providing the solid waste management service by means of its own workforce will benefit the public health, welfare, and safety of residents of the town. (Res. 1998-9, S1, November 19, 1998)

## Chapter 6.03

### PROHIBITING THE DUMPING OF REFUSE AT THE ORLEANS TOWN LAKE

#### Sections:

- 6.03.010 Definitions
- 6.03.020 Prohibited Acts
- 6.03.030 Penalty

#### 6.03.010 Definitions.

- (1) The word "refuse", shall include garbage, rubbish, ashes and all other putrid and nonputrid, combustible and noncombustible materials, originating from the preparations, cooking and consumption of food, market refuse, waste from handling and sale of produce and other similar unwanted materials from residences and establishments, public and private.
- (2) The word "garbage" shall be construed to mean any waste from fruit or vegetables, and all animal or refuse matter that is incident to, or attends or arises from the preparation, use, cooking, dealing in, transporting, selling, buying or storing of meat, eggs, fish, fowl, fruit or vegetable, from all residences and establishments, public or private.
- (3) The word "rubbish" shall be construed to mean all non-putrid waste materials of every kind from public and private residences and establishments, including tree trimmings, discarded bed springs, washers, dryers, water heaters, refrigerators, and other household appliances, tin cans, crockery, glassware, bottles and wire, whether offensive or not to the public health. (Ord. 1987-1, S1, February 5, 1987)

**6.03.020 Prohibited Acts.** It shall be unlawful for any person to throw or in any way deposit refuse, garbage or rubbish in or about the Orleans Town Lake. (Ord. 1987-1, S2, February 5, 1987)

**6.03.030 Penalty.** Judgment of up to Twenty-Five Hundred Dollars (\$2,500.00) may be entered for each violation of this ordinance. (Ord. 1987-1, S3, February 5, 1987)

## Chapter 6.04

### COMMUNITY CLEANUP PROGRAM

#### Sections:

- 6.04.010 Dates and Times designated by Town Council
- 6.04.020 Deposit Site(s) designated by Town Council
- 6.04.030 Town residents may participate
- 6.04.040 Imported debris is prohibited
- 6.04.050 Commercial or construction debris or hazardous waste is prohibited
- 6.04.060 Prior arrangements for senior citizens or disabled
- 6.04.070 Prohibited materials
- 6.04.080 Penalties

**6.04.010 Dates and Times designated by Town Council.** The Town Council does hereby designate one or more weeks each year for a Community Cleanup Program for disposal by the town of residential materials that are not included in the regular trash collection, the exact dates to be selected by the council and published in the Progress Examiner. (Ord. 2006-5A, S1, April 20, 2006)

**6.04.020 Deposit Site(s) designated by Town Council.** The Town Council may designate one or more sites within the corporate limits of the Town of Orleans where residents may deposit materials not included in the regular trash collection. (Ord. 2006-5A, S2, April 20, 2006)

**6.04.030 Town residents may participate.** Only residents of the Town of Orleans may participate in said program ascertained either by their residential address being listed on their public utility statements, or other identification confirming their residency within the corporate limits of the Town of Orleans. (Ord. 2006-5A, S3, April 20, 2006)

**6.04.040 Imported debris is prohibited.** Trash or other debris is prohibited from being imported from outside the corporate limits to any collection points within for disposal by the Town. (Ord. 2006-5A, S4, April 20, 2006)

**6.04.050 Commercial or construction debris or hazardous waste is prohibited.** Commercial or construction debris or hazardous waste is strictly prohibited regardless of its origin. (Ord. 2006-5A, S5, April 20, 2006)

**6.04.060 Prior arrangements for senior citizens or disabled.** Residential senior citizens or residents who are disabled may participate in the Community Cleanup Programs by making prior arrangements in advance with the Superintendent of the Orleans Street Department. (Ord. 2006-5A, S6, April 20, 2006)

**6.04.070 Prohibited materials.** The following materials are prohibited and may not be accepted at the collection points:

Paint, motor oil, solvents and other household chemicals, tires and batteries, stereos, computers, small scrap metal, air conditioners, freezers, gas powered or refrigeration appliances; electric motors; porcelain tubs, sinks or toilets. All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes. (Ord. 2006-5A, S7, April 20, 2006)

**6.04.080 Penalties.** Any person who violates any provision of this ordinance shall upon conviction, be deemed guilty of an offense and fined not less than fifty dollars (\$50.00) for a first offense, not less than two hundred fifty dollars (\$250.00) for a second offense, and not less than two hundred fifty dollars (\$250.00) but not more than two thousand five hundred dollars (\$2,500.00) for each offense thereafter. The violation of any provision of this ordinance shall constitute a separate violation for each day that such violation may exist. (Ord. 2006-5A, S8, April 20, 2006)

## Chapter 6.05

### UNSAFE BUILDINGS

#### Sections:

- 6.05.010 Adopting Indiana Code 36-7-9**
- 6.05.020 Enforcement**
- 6.05.030 Hearing Authority**
- 6.05.040 Definitions**
- 6.05.050 Penalty for Violation**

**6.05.010 Adopting Indiana Code 36-7-9.** The Town Council of the Town of Orleans, Indiana, does hereby adopt INDIANA CODE 36-7-9, et seq., and as amended from time to time hereafter, for enforcement of building standards within the Town of Orleans, Indiana, incorporating the same herein by reference. (Ord. 1996-6, S1, June 6, 1996) (Ord. 1983-1, February 17, 1983)

**6.05.020 Enforcement.** The Town Council does hereby designate the Town Council of the Town of Orleans, Indiana, as the executive department authorized to enforce this ordinance under INDIANA CODE 36-7-9, et seq., and as amended from time to time hereafter. (Ord. 1996-6, S2, June 6, 1996)

**6.05.030 Hearing Authority.** The Town Council does hereby designate the Town Council of the Town of Orleans, Indiana, as the Hearing Authority under this Ordinance. (Ord. 1996-6, S3, June 6, 1996)

**6.05.040 Definitions.** That the definition of "substantial property interest" as found in IND. CODE 36-7-9-2, et seq., and as amended from time to time hereafter, is further adopted and incorporated herein by reference. (Ord. 1996-6, S4, June 6, 1996)

**6.05.050 Penalty for Violation.** Penalties for violations of building standards found in IND. CODE 36-7-9, et seq., and as amended from time to time hereafter, are incorporated herein by reference. (Ord. 1996-6, S5, June 6, 1996) (Ord. 1983-1, S5, Feb. 17, 1983)

## Chapter 6.08

### OPEN BURNING

#### Sections:

- 6.08.010 Definition
- 6.08.020 Permit
- 6.08.030 Indiana Administrative Code
- 6.08.040 Penalty

**6.08.010 Definition.** Refuse means combustible waste materials, including, but not limited to, clean and untreated wood, paper, excelsior, tree branches, leaves, and yard trimmings. (Ord. 2002-5, S1, July 18, 2002)

#### **6.08.020 Permit.**

- (1) Permit required. No person shall cause or allow open burning of refuse unless a refuse-burning permit has been obtained from the Town Hall.
- (2) Term of permit. A refuse-burning permit shall be for a specified time period, not to exceed one (1) year, and the expiration date shall show on the face of said refuse-burning permit.
- (3) Application for permit. The open burning of refuse shall be permitted only when it can be shown that the open burning is absolutely necessary and in the public interest. Any person desiring to engage in open burning of refuse shall file an application for a refuse-burning permit with the Town Council. The application shall state the following information and any such additional information as the Town Council may require:
  - A. The name, address and telephone number of the person submitting the application;
  - B. The type of business or activity involved;
  - C. The description and exact location, (especially in relation to adjacent buildings,) of the burning site, any equipment to be used, and proposed operating procedures;
  - D. The schedule of burning operations;
  - E. The type, quantity and composition of the material to be burned;
  - F. The reason(s) that no method other than open burning is approved; and

- G. Evidence that the proposed open burning has been approved as safe by the fire department.
- (4) Imposition of restrictions. The Town Council and fire chief, or their designee, may, in their discretion, impose any reasonable restrictions on open burning which are necessary to prevent the creation of a nuisance or hazard to the public.
- (5) Salvage operations Involving open burning. No person shall conduct a salvage operation involving open burning, or allow his property to be used for the burning. (Ord. 2002-5, S2, July 18, 2002) (Ord. 206, S1, Nov. 18, 1953)

**6.08.030 Indiana Administrative Code.** The provisions of the Indiana Fire Prevention Code IAC 675-22, Open Burning Regulations 326 IAC 4-1, and Open Burning Law IC 13-17-9 as now or hereafter amended, are adopted by reference. (Ord. 2002-5, S2, July 18, 2002)

**6.08.040 Penalty.** Any person who violates any of the provisions of this Ordinance or IAC 675-22, which has been adopted by reference under Section 6.08.030 (Section 2 of Ordinance 2002-5) be punished by a fine not to exceed \$2,500.00. Any violation shall constitute a separate offense on each successive day continued. (Ord. 2002-5, S3, July 18, 2002) (Ord. 206, S2, Nov. 18, 1953)

## Chapter 6.10

### FIREWORKS

#### Sections:

##### 6.10.010 Public Nuisance

**6.10.010 Public Nuisance.** It is unlawful to shoot fire works of any kind on the streets and alleys and public grounds in the Town of Orleans, Indiana. (Ord. 1925-3, December 7, 1925)

## Chapter 6.12

### DISCHARGING FIREARMS

#### Sections:

#### 6.12.010 Prohibited-Exception

#### 6.12.020 Penalty

**6.12.010 Prohibited-Exception.** 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 Orleans, 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. 1987-3, S1, May 7, 1987)

**6.12.020 Penalty.** Judgment of up to Twenty-Five Hundred Dollars (\$2,500.00) may be entered for each violation of this ordinance. (Ord. 1987-3, S2, May 7, 1987)

## Chapter 6.20

### NOISE

#### Sections:

- 6.20.010 Public Policy
- 6.20.020 Unlawful Noises
- 6.20.030 Muffler required; standards
- 6.20.040 Penalties

**6.20.010 Public Policy.** It is hereby declared, as a matter of public policy of this town, as follows:

- (1) That the making and creation of loud, unnecessary or unusual noises of various kinds and by various means within the limits of the town have so increased to constitute a public nuisance.
- (2) That the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the town.
- (3) That the necessity, in the public interest, for the provisions of this ordinance is declared, as a matter of legislative determination for the declaration of public policy, to be designed to secure and promote the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the inhabitants and visitors in this town. (Ord. 2005-7, S1, March 17, 2005)

**6.20.020 Unlawful Noises.** Except as otherwise provided in this ordinance, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the town. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noises and in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.

- (2) Radios and phonographs. Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance.
- (3) Loudspeakers, amplifiers for advertising. Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in their right of personal privacy and quiet.
- (4) Yelling, or shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- (5) Animals or birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) Steam whistles. The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper town authorities.
- (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

- (8) Defect in vehicle or load. The use of any automobile, motorcycle or other kind of vehicles so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (9) Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.
- (10) Construction and repairing of buildings. The erection, demolition, alteration or repair of any building, or the excavation therefor, other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Town Council, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues. If the Town Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefor, or of any streets or highways, between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, and that loss or inconvenience would result to any party in interest, it may grant permission for such work to be done between the hours 6:00 p.m. and 7:00 a.m., or on Sunday, upon application being made at the time the permit for the work is issued or during the progress of the work.
- (11) Schools and churches. The creation of any excessive noise on any street adjacent to any school or church while it is in use which unreasonably interferes with the operation thereof, providing that conspicuous signs are displayed in such streets indicating that the same has been declared and is a school or church and is such a quiet zone.
- (12) Hawkers and peddlers. The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (13) Drums. The use of any drum, horn, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.
- (14) Transporting metal rails, pillar and columns. The transportation of rails, pillars or columns of iron, steel or other material over along the streets and other public places of the town, upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or public places.
- (15) Railway cars, buses. Causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracts.

- (16) Pile drivers, hammers. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.
- (17) Blowers. The operation of any noise-creating blower or power fan, or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.
- (18) Vendor's vehicle. Using, operating or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in or upon any of the streets or highways within the town, which sound-producing instruments are set to produce any noise, music or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day; or the use and operation of any such sound-producing equipment in or upon any such vehicle while the vehicle is moving along or upon any street or highway; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the hours provided in this subsection. (Ord. 2005-7, S2, March 17, 2005) (Ord. 1995-14, S1, S2, S3, December 7, 1995) (Ord. 209, S1, April 4, 1951)

**6.20.030 Muffler required; standards.**

- (1) It shall be unlawful for any person to operate any motor vehicle or other machine powered by an internal-combustion engine, which is not equipped with a muffler or similar noise abatement device which will effectively reduce and prevent loud or explosive noises therefrom. With respect to the following vehicles and equipment, the muffling or noise abatement device shall be at least sufficient to eliminate noise emission from the motor vehicle or equipment by the guidelines set forth in the following schedule. The measurements shall be made at least fifty (50) feet from the motor vehicle, device or equipment in question:
  - A. Any motor vehicle with a manufacturer's gross vehicle weight rating of seven thousand (7,000) pounds or more:
    1. 88 db(A) for vehicles traveling thirty-five (35) miles per hour or less; or

2. 90 db(A) for vehicles traveling over thirty-five (35) miles per hour.
- B. Any motorcycle, motorbike, minicycle or other motor-driven cycle:
1. 82 db(A) for vehicles traveling thirty-five (35) miles per hour, or less; or
  2. 86 db (A) for vehicles traveling over thirty-five (35) miles per hour.
- C. Any other motor vehicle:
1. 76 db(A) for vehicles traveling thirty-five (35) miles per hour or less; or
  2. 82 db (A) for vehicles traveling over thirty-five (35) miles per hour.
- (2) All noise limits described in this section shall apply to the total noise from a motor vehicle or other internal-combustion powered devices or equipment, including other motor vehicles, devices or equipment attached thereto.
  - (3) It shall be unlawful for any person to possess or to operate any motor vehicle or machine powered by an internal-combustion engine with "straight pipes," baffles," "muffler cutouts," "bypasses," or any other similar type of exhaust system constructed so that the exhaust bypasses or, without structural alteration, can be operated to bypass the required muffler, muffling device or adequate noise abatement equipment which meets the noise limit standards described in this section.
  - (4) This section shall not apply to persons who are entrants or participants in a scheduled race or sporting event which involves the use of racing motor vehicles or equipment powered by internal-combustion engines while involved in such activities, nor to owners or operators of internal-combustion powered equipment or devices used in the construction, demolition or similar labor or maintenance trades. (Ord. 2005-7, S3, March 17, 2005)

**6.20.040 Penalties.** Any person who violates any provision of this ordinance shall upon conviction, be deemed guilty of an offense and fined not less than fifty dollars (\$50.00) for a first offense, not less than two hundred fifty dollars (\$250.00) for a second offense, and not less than two hundred fifty dollars (\$250.00) but not more than two thousand five hundred dollars (\$2,500.00) for each offense thereafter. The violation of any provision of this ordinance shall constitute a separate violation for each day that such violation may exist. (Ord. 2005-7, S4, March 17, 2005) (Ord. 1995-14, S4, December 7, 1995) (Ord. 209, S2, April 4, 1951)

## Chapter 6.23

### SKATEBOARDS

#### Sections:

- 6.23.010 Skateboards prohibited in certain areas**
- 6.23.020 Definitions**
- 6.23.030 Where prohibited**
- 6.23.040 Penalty for violation**
- 6.23.050 Confiscation of skateboard**
- 6.23.060 Effective when**

**6.23.010 Skateboards prohibited in certain areas.** To protect the citizens of and visitors to the Town of Orleans, Orange County, Indiana, the use of a "skateboard", as defined by Section 6.23.020 herein, is prohibited within certain areas of the Town of Orleans, Orange County, Indiana. (Ord. 1990-6, S1, September 20, 1990)

**6.23.020 Definitions.** A "skateboard", as used herein, is defined as a piece of board or other material to which skate wheels are attached. (Ord. 1990-6, S2, September 20, 1990)

**6.23.030 Where prohibited.** The use of a skateboard by any person shall be prohibited at all times within the Town of Orleans, Orange County, Indiana upon the public streets and public sidewalks within an area described as follows:

On the north and south extending to the town limits; on the east to and including Roosevelt Street; and, on the west to and including Fourth Street. (Ord. 1990-6, S3, September 20, 1990)

**6.23.040 Penalty for violation.** Failure to comply with this Ordinance is punishable by a fine of Twenty Five Dollars (\$25.00) for each violation. (Ord. 1990-6, S4, September 20, 1990)

**6.23.050 Confiscation of skateboard.** The members of the Orleans Police Department are hereby authorized, in their sole discretion, to confiscate the skateboard of any person violating this ordinance until such fine is paid. (Ord. 1990-6, S5, September 20, 1990)

**6.23.060 Effective when.** This ordinance shall be in full force and effect from and after October 5, 1990. (Ord. 1990-6, S6, September 20, 1990)

## Chapter 6.24

### PROHIBITING GAMES IN STREETS

#### Sections:

- 6.24.010 Games in Streets Prohibited
- 6.24.020 Inconsistent Ordinances Repealed
- 6.24.030 Saving Clause
- 6.24.040 Effective date
- 6.24.050 Penalty

**6.24.010 Games in Streets Prohibited.** No person shall participate in any sport or game on any street, alley or other public place, nor place any sports or game equipment in or upon any street, alley or other traffic thoroughfare, which is likely to, or does injure persons or interfere with the free passage of vehicles thereon. (Ord. 2003-3, S1, Feb. 20, 2003)

**6.24.020 Inconsistent Ordinances Repealed.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. (Ord. 2003-3, S2, Feb. 20, 2003)

**6.24.030 Saving Clause.** The expressed or implied repeal or amendment of this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance has not been adopted. (Ord. 2003-3, S3, Feb. 20, 2003)

**6.24.040 Effective date.** This ordinance shall be in full force and effect from and after its passage and signing as provided by law and compliance with Ind. Code § 36-3-4-14. (Ord. 2003-3, S4, Feb. 20, 2003)

**6.24.050 Penalty.** Any person convicted of a violation of any section violation of this ordinance shall upon conviction be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. In addition, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this ordinance. (Ord. 2003-3, S5, Feb. 20, 2003)

## Chapter 6.25

### CURFEW FOR MINORS

#### Sections:

- 6.25.010 Curfew for minors
- 6.25.020 Definitions
- 6.25.030 Fines, judgments and collections
- 6.25.040 Custodial responsibility
- 6.25.050 Severability
- 6.25.060 Inconsistent Ordinances Repealed
- 6.25.070 Effective Date

#### 6.25.010 Curfew for minors.

- (1) It is unlawful for any person under the following ages to remain in or on any of the public streets, alleys or public places in the town during the following times of day:
  - A. For any person under the age of eighteen (18) years, the following curfew applies:
    1. Eleven p.m. to midnight on Sunday, Monday, Tuesday, Wednesday or Thursday, Friday, and Saturday;
    2. Midnight to five a.m. on Saturday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.
  - B. For any person under the age of sixteen (16) years, the following curfew applies:
    1. Eleven p.m. to midnight on Friday or Saturday;
    2. Midnight to five a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday;
    3. Ten p.m. to midnight on Sunday, Monday, Tuesday, Wednesday or Thursday; and (Ord. 2006-10, S1A, September 21, 2006) (Ord. 1970-1, SI, February 10, 1970)
- (2) Any child under eighteen (18) years of age who is found violating subsection (1) of this section by any police officer or other peace officer shall be taken before the juvenile court of the county or the judge thereof, to be charged, tried and punished for the violation of subsection (1) of this section, as now or hereafter provided by laws of the state for the punishment of juvenile offenders. The police officer may also have the option of issuing the same

said child a written citation for this violation in any court in Orange County of general jurisdiction to pay a fine. (Ord. 2006-10, S1B, September 21, 2006)

- (3) This section shall not apply to a child who is:
  - A. Accompanied by the child's parent, guardian or custodian;
  - B. Accompanied by an adult specified by the child's parent, guardian or custodian;
  - C. Participating in, going to, or returning from:
    - 1. Lawful employment;
    - 2. A school-sanctioned activity;
    - 3. A religious event;
    - 4. A necessary errand or duty directed by the child's parent, guardian, or custodian;
  - D. Exercising First Amendment rights protected by the United States Constitution;
  - E. In a vehicle involved in interstate travel;
  - F. Involved in an emergency. (Ord. 2006-10, S1C, September 21, 2006)
- (4) It is unlawful for any parent, guardian, or other person having the legal custody of any child to allow, suffer, or permit such child to violate the provisions of subsection (1) of this section after having been warned in writing that such child has previously been found violating such section. Conviction of the child is not required to be proven in any prosecution for a violation of this section. (Ord. 2006-10, S1D, September 21, 2006)

**6.25.020 Definitions.**

- (1) "Emergency" means unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances. (Ord. 2006-10, S2, September 21, 2006)

**6.25.030 Fines, judgments and collections.**

- (1) Any person who violates this chapter will be ticketed accordingly, and fined as follows:

First offense	Twenty-five dollars (\$25.00)
Second offense	Fifty dollars (\$50.00)
Third offense and thereafter	One hundred dollars (\$100.00) (Ord. 2006-10, S3A, September 21, 2006)

- (2) Any child under eighteen (18) years of age who is found violating Section 6.25.010 of this chapter by any police officer or other peace officer shall be taken before the juvenile court of the county or the judge thereof, to be charged, tried and punished for the violation of Section 6.25.010 of this chapter, as now or hereafter provided by laws of the state for the punishment of juvenile offenders. The police officer may also have the option of issuing the said child a written citation for this violation in any court of competent jurisdiction to pay a fine. In the event enforcement action is required in order to collect the fine and/or obtain the judgment, the violator will also be subject to an award of reasonable attorneys fees and other costs of collection, in addition to the fines above-referenced. (Ord. 2006-10, S3B, September 21, 2006) (Ord. 1970-1, SII, February 10, 1970)

**6.25.040 Custodial responsibility.** A custodian (parent, guardian or otherwise) of a child under eighteen (18) years of age will be responsible for any fine imposed for a violation of this chapter by such child.

Whoever violates any provision of this title for which no other penalty is otherwise specifically provided shall be fined not more than one thousand dollars (\$1,000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues. (Ord. 2006-10, S4, September 21, 2006) (Ord. 1970-1, SII, February 10, 1970)

**6.25.050 Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected. (Ord. 2006-10, S4, September 21, 2006)

**6.25.060 Inconsistent Ordinances Repealed.** All ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed and replaced with the foregoing provisions. (Ord. 2006-10, S5, September 21, 2006).

**6.25.070 Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Town Council and publication as required by law. (Ord. 2006-10, S6, September 21, 2006)

## Chapter 6.27

### USE AND ENJOYMENT OF THE ORLEANS TOWN PARK

#### Sections:

- 6.27.010 Definitions
- 6.27.020 Unlawful Acts
- 6.27.030 Preschool Children accompanied by adult or older responsible child
- 6.27.040 Closing hours
- 6.27.050 Loitering
- 6.27.060 Public Assemblies
- 6.27.070 Vendors selling Food and Refreshment
- 6.27.080 Gifts, Donations and Subsidies; Approval; Disposition
- 6.27.090 Separability
- 6.27.100 Penalty
- 6.27.110 Compliance with Indiana Code

**6.27.010 Definitions.** “Park” means the area within the square formed by the travel portion of Second Street, Jefferson Street, Washington Street, and the angle parking driveway adjacent to and directly west of Maple Street in the Town of Orleans, Indiana. “Park” includes but is not limited to all curbs, sidewalks, paved areas, concerted areas, grassy areas, dirt areas, gravel areas, and brick areas within said square. “Park” also includes but is not limited to all equipment, trees, shrubs, benches, memorials, buildings and appurtenances within said square. “Park” does not include designated parking spaces on Second Street, Jefferson Street, Washington Street, or the angle parking driveway adjacent to and directly west of Maple Street. Notwithstanding any other provision hereof, “park” does not include the entrance to and interior of the Orleans Police Station. (Ord. 1988-2, SI, October 20, 1988)

**6.27.020 Unlawful Acts.** It shall be unlawful for any person in the Orleans Town Park to:

- (1) Bring any glass container into the Orleans Town Square Park without prior approval of the Town Council. (Ord. 2001-18, S1(1), July 19, 2001)
- (2) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation. (Ord. 2001-18, S1(2), July 19, 2001)
- (3) Cause or permit to run loose any animal, walk any domestic animal without a leash, such leash to be no longer than six feet. Further, the owner or person having custody of such domestic animal shall be responsible for removal of any animal solid waste. (Ord. 2001-18, S1(3), July 19, 2001)

- (4) Drive any vehicle on any area except designated paved road or parking areas, or such areas as may be specifically designated by the Town Council. (Ord. 2001-18, S1(4), July 19, 2001)
- (5) Park a vehicle anywhere except on a designated parking area as established by the Town Council. (Ord. 2001-18, S1(5), July 19, 2001)
- (6) Kindle, build, maintain or use a fire, except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material. (Ord. 2001-18, S1(6), July 19, 2001)
- (7) Violate any written terms or conditions of any permit issued by the Council. (Ord. 2001-18, S1(7), July 19, 2001)
- (8) Use or be present in parks during hours other than those established by the Council. (Ord. 2001-18, S1(8), July 19, 2001)
- (9) Operate any vehicle, including any bicycle, upon any sidewalk. This subsection shall not apply to a baby carriage or a wheelchair. (Ord. 2001-18, S1(9), July 19, 2001)
- (10) Bring any horse into the Orleans Town Square Park. (Ord. 2001-18, S1(10), July 19, 2001)
- (11) Bring into or have any firearm, slingshot, archery equipment, firecrackers, torpedoes, fireworks, or other missile propelling instrument or explosives. (Ord. 2001-18, S1(11), July 19, 2001)
- (12) Bring any intoxicants of any kind, including wine, beer, ale, or other alcoholic beverages, into the Orleans Town Square Park area, consumed, sold or given away on the premises of the Orleans Town Square Park or public parking areas adjacent thereto. (Ord. 2001-18, S1(12), July 19, 2001)
- (13) Disturb any picnic in the Orleans Town Square Park or intrude himself on it without the consent of those composing it. (Ord. 2001-18, S1(13), July 19, 2001)
- (14) Engage in disorderly conduct and or use vulgar, obscene and profane language in the Orleans Town Square Park. (Ord. 2001-18, S1(14), July 19, 2001)
- (15) Remove at any time or from change from their place in the Orleans Town Square Park any benches or seats without permission to do so having been obtained first from the Town Council. (Ord. 2001-18, S1(15), July 19, 2001)

- (16) To gamble, or violate any federal, state, or town laws pertaining thereto in the Orleans Square Town Park. (Ord. 2001-18, S1(16), July 19, 2001)
- (17) Smoking by minors in the Orleans Town Square Park. (Ord. 2001-18, S1(17), July 19, 2001)
- (18) Carry firearms in the Orleans Town Park with the exception of law enforcement officers. "BB" guns, slingshots, pea shooters and water pistols are also prohibited in the Town Park. (Ord. 2001-18, S1(18), July 19, 2001)
- (19) To fly model airplanes, throw objects, practice archery or shooting, or participate in any other games or activities which are hazardous to others in the Orleans Town Square Park. (Ord. 2001-18, S1(19), July 19, 2001)
- (20) No person shall cut, break or pluck flowers or in any way damage or deface the trees, shrubs, plants or turf or any of the buildings, fences, benches, structures or statuary within the Orleans Town Square Park. (Ord. 2001-18, S1(20), July 19, 2001)
- (21) Play ball or other active games except in the area(s) so designated for this purpose. In all cases of disagreements as to the use of the courts, the Chief of Police or his deputy shall make the final decision. (Ord. 2001-18, S1(21), July 19, 2001)
- (22) To litter, dump or deposit any garbage or other offensive substance or article upon Orleans Town Square Park. (Ord. 2001-18, S1(22), July 19, 2001)
- (23) The use of skateboards, two-wheel scooters, in-line skates (roller blades) or roller skates in the Orleans Town Square Park property is prohibited. (Ord. 2001-18, S1(23), July 19, 2001)
- (24) To paint, post or otherwise affix any bill, notice or advertising sign upon any structure, tree or thing within the Orleans Town Park without first having obtained written permission therefor from the Town Council. (Ord. 2001-18, S1(24), July 19, 2001)
- (25) Sell, offer for sale or barter any goods, wares or merchandise of any kind whatever within the Orleans Town Park without first having obtained written consent or a concession therefor from the Town Council. (Ord. 2001-18, S1(25), July 19, 2001)
- (26) To be under the influence or effect of an alcoholic beverage or controlled substances in the Orleans Town Square Park. (Ord. 2001-18, S1(26), July 19, 2001)

**6.27.030 Preschool Children accompanied by adult or older responsible child.**

Preschool children on playgrounds must be accompanied by an older responsible child or an adult. (Ord. 2001-18, S2, July 19, 2001)

**6.27.040 Closing hours.** Closing hours of the Orleans Square Town Park:

- (1) The Orleans Town Square Park shall be closed to the public from 11:00 p.m. until sunrise. It is unlawful for any unauthorized person to utilize or go upon the areas during such hours. (Ord. 2001-18, S3(A), July 19, 2001) (Ord. 1999-10, SII, October 21, 1999) (Ord. 1988-2, SII, October 20, 1988)
- (2) The only person authorized to go in such areas from the hours of 11:00 p.m. until sunrise shall be those persons who are employed by the town who are either policing the area or maintaining the same. (Ord. 2001-18, S3(B), July 19, 2001)
- (3) Notwithstanding any other of the provisions of this section, the Town Council may sponsor or sanction specific supervised activities in the Town Park between 11:00 p.m. and sunrise, or specifically designated days and hours, and permission for the same are to be obtained from the Town Council. (Ord. 2001-18, S3(C), July 19, 2001)

**6.27.050 Loitering.** No person shall loiter or prowl in the Town Park, at a time or in a manner not usual for law abiding persons, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, or in any public way, street, highway which is in or adjacent to the Town Park and refuse to obey the lawful command of a police officer to move on or provided to such police officer a lawful reason for remaining on such Town Park, public way, street or highway if the alleged loitering by such person would create or cause to be created any of the following:

- (1) Danger of a breach of the peace;
- (2) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in said Town Park, public way, street, or highway adjacent thereto, reserved for pedestrians;
- (3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, or highway adjacent to the Town Park;
- (4) The obstruction, molestation or interference or attempt to obstruct, molest, or interfere with any person lawfully in said Town Park or in a public way, street, or highway in a manner that would cause a reasonable person or pedestrian of such public way, street, or highway adjacent to said Town Park to fear for his or her safety. (Ord. 1999-10, SIII, October 21, 1999)

**6.27.060 Public Assemblies.** No gathering or meeting of any kind assembled through advertisement shall be permitted in Orleans Town Square Park without previous permission having been obtained from the Town Council. (Ord. 2001-18, S4, July 19, 2001)

**6.27.070 Vendors selling Food and Refreshment.**

- (1) Every person who vends, sells or offers for sale from a vehicle, tent or table, food or refreshments in or upon the Orleans Town Square Park at a public event shall, before engaging in such business, obtain permission from the Orleans Town Council permission to do so. (Ord. 2001-18, S5(A), July 19, 2001)
- (2) The Town Council may limit the number of any food concessions to a quantity sufficient to adequately serve the patrons of the town square park at any single public event scheduled therein. (Ord. 2001-18, S5(B), July 19, 2001)
- (3) The Town Council shall designate, in writing the specific times and areas in the Orleans Town Square Park where vending or selling of food or refreshments may take place. (Ord. 2001-18, S5(C), July 19, 2001)
- (4) Permission granted under this section shall be construed to entitle any person to vend or sell in any place but in the areas specifically designated, nor to sell any item other than food or refreshments. (Ord. 2001-18, S5(D), July 19, 2001)
- (5) Permission to any person who shall violate or fail to comply with any provisions of this section may be revoked by the Town Council. (Ord. 2001-18, S5(E), July 19, 2001)

**6.27.080 Gifts, Donations and Subsidies; Approval; Disposition.** Pursuant to IC § 36-10-3-18:

- (1) The Town Council may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the Town Council may not be made without its approval. (Ord. 2001-18, S6(A), July 19, 2001)
- (2) A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the council for purposes specified by the grantor. The disbursing officer of the Town of Orleans may draw warrants against the fund only upon vouchers approved by the Town Council. (Ord. 2001-18, S6(B), July 19, 2001)

**6.27.090 Separability.** If any section, subsection, or clause of this ordinance shall be deemed invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby. (Ord. 2001-18, S7, July 19, 2001)

**6.27.100 Penalty.** Any person convicted of a violation of any section violation of this ordinance shall upon conviction be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. In

addition, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this ordinance. (Ord. 1999-10, SVII, October 21, 1999) (Ord. 2001-18, S9, July 19, 2001)

**6.27.110 Compliance with Indiana Code.** This Ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14. (Ord. 2001-18, S10, July 19, 2001)

## Chapter 6.44

### PROTECTION OF SHADE OR ORNAMENTAL TREES OR SHRUBS

#### Sections:

- 6.44.005 Purpose
- 6.44.010 Definitions
- 6.44.020 Authority of Town Superintendent
- 6.44.030 Public Nuisances
- 6.44.040 Damaging or Defacing Trees
- 6.44.050 Costs of Repair or Removal to be borne by party in violation
- 6.44.060 Severability

#### 6.44.005 Purpose.

- The Town of Orleans, Indiana, has for many years been known as the Dogwood Capital of Indiana, due to the efforts of its citizens planting, priming, cultivating, and maintaining dogwood trees or other ornamental trees and shrubs, for beautification of the community; and
- Such efforts have resulted in increased community pride; and
- Trees and shrubs protect public health by absorbing air pollutants and contamination, by providing buffering to reduce excessive noise, wind and storm impacts, and by maintaining visual screening with its accompanying cooling effect during the summer months; and
- Trees and shrubs provide for public safety through the prevention of erosion, siltation, and flooding; and
- Trees and shrubs contribute significantly to the general welfare of the town by providing natural beauty and recreational opportunities for existing and future residents; and
- The Town Council believes it is necessary for the municipality to maintain standards for the continuation of such efforts upon public property for the future generations of the Town of Orleans, Indiana; (Ord. 1997-7, Whereas, August 21, 1997)

**6.44.010 Definitions.** Whenever the following words or terms are used in this Ordinance, they shall have the following meanings:

- (1) “Superintendent” shall mean the town superintendent of the Town of Orleans, or his designee.

- (2) “Parkway” shall mean that portion of the public way between a public street and the nearest parallel property line excluding sidewalk areas.
- (3) “Shrub” shall mean a multi-stemmed woody plant.
- (4) “Public tree or shrub” shall include, without limitation, any dogwood, shade or ornamental tree or shrub now or hereafter growing on property of the Town of Orleans.
- (5) “Parkway tree” shall mean a tree planted in a parkway.
- (6) “Forestry operations” shall mean any planting, priming, cultivating, maintenance or removal of any tree, shrub, or other plant material by the street commissioner in accordance with this ordinance. (Ord. 1997-7, S1, August 21, 1997)

**6.44.020 Authority of Town Superintendent.** In addition to all other powers and duties conferred on him by the town council, the town superintendent, or his designee, shall have the authority:

- (1) to prohibit or restrict parking on any street or portion thereof the purpose of facilitating forestry operations.
- (2) to erect temporary signs designating the street or portion thereof in which the parking of vehicles is prohibited during forestry operations.
- (3) to remove and relocate any vehicle parked in violation of such notices, either to the nearest legal parking place or to a facility operated by the Town of Orleans for storage of towed automobiles.
- (4) to plant, prune, cultivate, maintain and remove any tree, shrub, or other plant material now or hereafter located on a parkway, median, or other public property.
- (5) to place barricades at streets, curbs, sidewalks, and other locations where necessary to protect persons and property during the performance of all forestry operations.
- (6) to remove any unauthorized object, structure or fixture from a parkway.
- (7) to enter upon private property, with the permission of the property owner, within the Town of Orleans at all reasonable times for the purpose of examining any tree, shrub or other plant material located upon or over such private property, and for the purposes of carrying out the provisions of this ordinance.
- (8) to recommend to the Town Council rules and regulations not inconsistent with this ordinance governing the planting, pruning, cultivating, maintenance

and removal of public plant materials, and for the protection of parkways. (Ord. 1997-7, S2, August 21, 1997)

**6.44.030 Public Nuisances.** Any tree, shrub or other plant material on private property which interferes with the proper spread of light along a street or alley from a street-light, or interferes with the visibility of any traffic control sign or device, or has dead, dying diseased or broken limbs which may be hazardous to public safety, or is dead or diseased or harbors insects or pests which constitute potential threat to nearby human or animal life or to other trees within the Town, is hereby declared to be a public nuisance. (Ord. 1997-7, S3, August 21, 1997)

**6.44.040 Damaging or Defacing Trees.** No person shall break, tear, paint, deface or damage any dogwood or other tree or shrub on public property in the Town of Orleans; nor shall any person cause or allow any toxic chemical, gas, salt, oil, or other injurious substance to be dumped, drained or applied to or to seep or drain upon or about any dogwood, shrub or other plant materials on public property; provided, however, that this Section shall not apply to the salting of streets by the Street Commissioner for the purpose of melting ice and snow. (Ord. 1997-7, S4, August 21, 1997)

**6.44.050 Costs of Repair or Removal to be borne by party in violation.** If, as the result of the violation of any provision of this ordinance, the injury, mutilation or death of a dogwood or other tree, shrub, or other plant material is caused, the costs of repair, removal or replacement of such tree, shrub or other plant material shall be borne by the party in violation; and/or any person violating this ordinance may be fined up to \$2500.00. (Ord. 1997-7, S5, August 21, 1997)

**6.44.060 Severability.** Should any provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the ordinance as a whole or part thereof, other than the part so declared to be invalid. To this end the provisions of this ordinance are declared to be severable. (Ord. 1997-7, S6, August 21, 1997)

## Chapter 6.50

### LOITERING

#### Sections:

<b>6.50.010</b>	<b>Loitering and unlawful assemblies</b>
<b>6.50.020</b>	<b>Exemptions</b>
<b>6.50.030</b>	<b>Penalty</b>

#### **6.50.010 Loitering and unlawful assemblies.**

- (1) Loitering. No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public way, street, highway, place or alley and refuse to obey the lawful command of a police officer to move on or provide to such police officer a lawful reason for remaining on such public way, street, highway, place or alley if the alleged loitering by such person would create or cause to be created any of the following:
  - A. Danger of a breach of the peace;
  - B. The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
  - C. The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
  - D. The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.
- (2) Unlawful assembly. No person who is a member of a group of three (3) or more persons who are loitering or prowling in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in a public way, street, highway, place or alley, shall refuse the lawful command of a police officer to move or provide to the police officer a lawful reason for remaining in a public way, street, highway, place or alley, whether such group is stationary or in transit, if the alleged loitering would create or cause to be created any of the following:

- A. Danger of a breach of the peace;
  - B. The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
  - C. The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
  - D. The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.
- (3) Failure of police officer to comply with proper procedure. No person shall be convicted under this section if the police officer failed to comply with the procedure outlined herein.
- (4) Person's explanation deemed true at trial. No person shall be convicted under this section if it appears at trial that the explanation given by the person is true and, if believed by the
- A. Have dispelled the fear for human safety;
  - B. Have dispelled the concern for safety of property;
  - C. Have dispelled the fear of a breach of the peace;
  - D. Have provided a justifiable reason for obstructing vehicular or pedestrian traffic, subject to the discretion of the court.
- (5) Probable cause to assume violation. If a person takes flight of a police officer who identifies himself as such, or refuses to identify himself, or attempts to conceal himself, such police officer has probable cause to believe a violation of this section has occurred. (Ord. 2002-6A, S1, August 15, 2002)

**6.50.020 Exemptions.** The provisions of this section shall not apply to solicitation for any lawful business or any lawful charity. (Ord. 2002-6A, S2, August 15, 2002)

**6.50.030 Penalty.** The first violation in any calendar year shall be subject to admission of violation and payment of a designated civil penalty of Twenty Five Dollars (\$25.00). All second and subsequent violations are subject to a penalty of not less than Twenty Five Hundred Dollars (\$2,500.00). (Ord. 2002-6A, S3, August 15, 2002)

## Chapter 6.70

### NOXIOUS SUBSTANCES

#### Sections:

- 6.70.010 Manure, Offal, Fertilizer to be confined or buried on keepers premises to prevent entering Public Street, Sidewalks, Alleys, or Gutters of the Town**
- 6.70.020 Saving Clause**
- 6.70.030 Effective Date**
- 6.70.040 Penalty**

**6.70.010 Manure, Offal, Fertilizer to be confined or buried on keepers premises to prevent entering Public Street, Sidewalks, Alleys, or Gutters of the Town.** It shall be unlawful for any person to place, or cause to be placed or stored, any manure or fertilizer in or upon any premises or open alley or space adjoining or near any street, sidewalk or alley, without confining it in a manner so as to prevent the same from falling into or upon or being scattered or thrown into or upon such street, sidewalk or alley. Every person keeping or harboring any horse, mule, cow, fowl or animal of any kind whatever shall keep or cause to be kept all manure or offal which shall accumulate from such animal securely and closely confined to or buried upon his premises and in such a manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the city. Such manure or offal shall be covered so as to prevent and eliminate the accumulation of flies and insects and offensive odors therefrom, and shall be removed regularly, or buried or used so as to prevent any undue accumulation thereof. (Ord. 2003-4, S1, April 17, 2003)

**6.70.020 Saving Clause.** The expressed or implied repeal or amendment of this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance has not been adopted. (Ord. 2003-4, S2, April 17, 2003)

**6.70.030 Effective Date.** This ordinance shall be in full force and effect from and after its passage and signing as provided by law and compliance with Ind. Code § 36-3-4-14. (Ord. 2003-4, S3, April 17, 2003)

**6.70.040 Penalty.** Any person convicted of a violation of any section violation of this ordinance shall upon conviction be punished by a fine of not more than twenty-five dollars (\$25.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. In addition, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this ordinance. (Ord. 2003-8, S4, August 21, 2003) (Ord. 2003-4, S4, April 17, 2003)