

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

Chapters:

- 6.05 Inspection of On-site Wastewater and Sewage Treatment System**
- 6.07 Offensive or noxious substances**
- 6.10 Discharge of firearms**
- 6.11 Litter**
- 6.12 Dangerous trees, walls, poles etc., adjoining streets**
- 6.13 Unreasonable noise**
- 6.14 Open holes**
- 6.15 Weeds**
- 6.18 Burning on public rights of way**
- 6.19 Burning on private property**
- 6.20 Nuisances created by others**
- 6.21 Inspection of premises for nuisances**
- 6.22 Abatement of Nuisances**
- 6.33 Curfew Ordinance**

Chapter 6.05

INSPECTION OF ON-SITE WASTEWATER AND SEWAGE TREATMENT SYSTEM

Sections:

- 6.05.005 Purpose**
- 6.05.010 Inspections**
- 6.05.020 Notice of failure/Modifications**
- 6.05.030 Recovery of costs**

6.05.005 Purpose. It has been determined that improperly designed and/or installed waste water and sewage treatment systems on private property endanger the public health of the residents of the Town of Spurgeon. (Ord. 657, Whereas, Mar. 2, 1982)

6.05.010 Inspections. At least once each calendar year, and with intervals of no more than twelve (12) months, the Town shall engage qualified, professional persons to make onsite inspection of private waste water and sewage treatment systems, to determine if the public health is endangered by their operation. (Ord. 657, Mar. 2, 1982)

6.05.020 Notice of failure/Modifications. If it is determined by such inspection that the public health is endangered because of the operation of an on-site treatment system, the Town shall give written notice to the owner of the system of the required modifications to eliminate the health hazard. The owner of the system shall be given a reasonable time to make the modifications at the owner's expense; and if the modifications are not made by the owner within a reasonable time after such notice, the Town shall engage qualified persons to make such modifications at the expense of the owner of the treatment system. (Ord. 657, Mar. 2, 1982)

6.05.030 Recovery of costs. The Town shall have the right to collect the cost of the treatment system modifications from the owner, by all means provided by law. (Ord. 657, Mar. 2, 1982)

Chapter 6.07

OFFENSIVE OR NOXIOUS SUBSTANCES

Sections:

6.07.010 **Offensive or noxious substances**

6.07.020 **Penalty for violation**

6.07.010 Offensive or noxious substances. Nothing shall be allowed on the premises in any part of the incorporated Town of Spurgeon that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, light, or vibration. (Ord. 1995-2, Aug. 7, 1995) (Ord. 615, S1, May 7, 1968)

6.07.020 Penalty for violation. Penalties for violation of the above sections of the ordinance shall be handled by observing the applicable Statutes of the State of Indiana. (Ord. 615, S4, May 7, 1968)

Chapter 6.10

DISCHARGE OF FIREARMS

Sections:

6.10.010 Discharge of firearms

6.10.020 Penalty for violation

6.10.010 Discharge of firearms. No firearms shall be fired within the Corporation. (Ord. 615, S3, May 7, 1968)

6.10.020 Penalty for violation. Penalties for violation of the above sections of the ordinance shall be handled by observing the applicable Statutes of the State of Indiana. (Ord. 615, S4, May 7, 1968)

Chapter 6.11

LITTER

Sections:

- 6.11.010 Definition**
- 6.11.020 Acts and conditions prohibited**
- 6.11.030 Enforcement**

6.11.010 Definition. Any man-made or man-used waste which includes, but is not limited to, garbage, trash, refuse, debris, grass clippings, or other lawn or garden waste, paper products, glass, metal, plastic or paper containers, unlicensed inoperable motor vehicles and parts, furniture, carcasses of dead animals, or any other waste material of an unsightly, unsanitary, nauseous, or offensive nature. Hobby cars such as race cars, demolition cars, and restorations would be exempt as long as that hobby is actively being pursued. (Ord. 2002-5, July 3, 2002) (Ord. 1995-2, Chapter I, S1, Aug. 7, 1995)

6.11.020 Acts and conditions prohibited.

- (1) The placing, causing or allowing to be thrown or disposed of, any litter along or on any public place, except in authorized litter receptacles, maintained on such public place or public property, including from a passenger or truck or other vehicle, which permits its load to fall from or be blown from, the vehicle. (Ord. 1995-2, Chapter I, S2A, Aug. 7, 1995) (Ord. 615, S2, May 7, 1986)
- (2) The placing, causing or allowing to be thrown or disposed of, or the accumulation of, litter on private premises, such that the litter is capable of being carried or deposited by the elements upon any public place or other private premises. (Ord. 1995-2, Chapter I, S2B, Aug. 7, 1995) (Ord. 615, S2, May 7, 1986)

6.11.030 Enforcement. Any person who creates or maintains any nuisance prohibited by Section 6.11.020, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The Town of Spurgeon shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter I, S3, Aug. 7, 1995)

Chapter 6.12

DANGEROUS TREES, WALLS, POLES, ETC., ADJOINING STREETS

Sections:

6.12.010 Acts and conditions prohibited

6.12.020 Enforcement

6.12.010 Acts and conditions prohibited. The causing or permitting of any tree, wall, pole, or similar object or structure, to remain standing upon any premises, in such a condition that it shall, if the condition is permitted to continue, endanger the life, limb, or property, or cause hurt, damage or injury to persons or property, upon the public streets, or public ways, adjacent thereto, by the falling thereof, or of any parts thereof. (Ord. 1995-2, Chapter II, S1, Aug. 7, 1995)

6.12.020 Enforcement. The Town of Spurgeon shall have the power to abate the nuisance described in Section 6.12.010, under Ind. Code 36-1-6-2, by notifying all persons who have a substantial interest in the property and giving them a reasonable opportunity to abate the nuisance; and if they do not do so, the Town shall have the power to enter upon the offending property, and cut, dismantle, demolish, and/or remove the dangerous object constituting the nuisance, and cause the cost of such abatement to be made a lien on the real estate. (Ord. 1995-2, Chapter II, S2, Aug. 7, 1995)

Chapter 6.13

UNREASONABLE NOISE

Sections:

6.13.010 Acts prohibited

6.13.020 Enforcement

6.13.010 Acts prohibited. The making of noise of a nature or volume, such that it is enough to significantly interfere with the ordinary comforts of the occupants of adjoining property, or of other property in the immediate vicinity; including, but not limited to,

- (1) unnecessary sounding of horns;
- (2) racing the motor or causing the screeching or squealing of tires on a vehicle;
- (3) operating vehicles with noise-making apparatus;
- (4) operating sound tracks or public address systems;
- (5) playing radios, phonographs, disc or tape player, or televisions unnecessarily loudly. (Ord. 1995-2, Chapter III, S1, Aug. 7, 1995) (Ord. 615, S1, May 7, 1968)

6.13.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 6.13.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The Town of Spurgeon shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter III, S2, Aug. 7, 1995)

Chapter 6.14

OPEN HOLES

Sections:

6.14.010 Acts and conditions prohibited

6.14.020 Enforcement

6.14.010 Acts and conditions prohibited. Causing or maintaining any open or uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault upon private premises, in any open or unfenced lot or place. (Ord. 1995-2, Chapter IV, S1, Aug. 7, 1995)

6.14.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 6.14.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The Town of Spurgeon shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter IV, S2, Aug. 7, 1995)

Chapter 6.15

WEEDS

Sections:

6.15.010 Conditions prohibited

6.15.020 Enforcement

6.15.010 Conditions prohibited. Permitting the growing of thistles, burdock, jimpsion weeds, ragweeds, milk weeds, poison ivy, poison oak, iron weeds and all other noxious weeds or rank vegetation in excess of the height of 12 inches, on any private premises. (Ord. 1995-2, Chapter V, S1, Aug. 7, 1995) (Ord. 615, S2, May 7, 1968)

6.15.020 Enforcement. The Town of Spurgeon shall have the power to abate the nuisance described in Section 6.15.010, under Ind. Code 36-1-6-2, by notifying all persons who have a substantial interest in the property and giving them a reasonable opportunity to abate the nuisance; and if they do not do so, the Town shall have the power to enter upon the offending property, and cut and/or remove the growth constituting the nuisance, and cause the cost of such abatement to be made a lien on the real estate. (Ord. 1995-2, Chapter V, S2, Aug. 7, 1995) (Ord. 615, S4, May 7, 1968)

Chapter 6.18

BURNING ON PUBLIC RIGHTS OF WAY

Sections:

- 6.18.010 Acts prohibited**
- 6.18.020 Enforcement**

6.18.010 Acts prohibited. The burning of any trash, leaves or other matter, upon any street or alley in the Town. (Ord. 1995-2, Chapter VIII, S1, Aug. 7, 1995)

6.18.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 6.18.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The Town of Spurgeon shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter VIII, S2, Aug. 7, 1995)

Chapter 6.19

BURNING ON PRIVATE PROPERTY

Sections:

- 6.19.010 Comply with state law**
- 6.19.020 Enforcement**

6.19.010 Comply with state law. The burning of any material permitted by Ind. Code §13-1-1.2 on the outside, on any private property, shall be done only between the hours of 8:00 AM and 5:00 PM. (Ord. 1995-2, Chapter IX, S1, Aug. 7, 1995)

6.19.020 Enforcement. Any person who creates or maintains the nuisance of burning during prohibited hours as prohibited by Section 6.19.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The Town of Spurgeon shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter IX, S2, Aug. 7, 1995)

Chapter 6.20

NUISANCES CREATED BY OTHERS

Sections:

6.20.010 Liable parties

6.20.010 Liable parties. For the purposes of Ordinance 1995-2, the owner or operator of the affected property shall be liable for the conduct or conditions created or contributed to by their agents, representatives, licensees, invitees, guests or other public who enter upon the property. (Ord. 1995-2, Chapter X, S1, Aug. 7, 1995)

Chapter 6.21

INSPECTION OF PREMISES FOR NUISANCES

Sections:

6.21.010 Reporting violations

6.21.010 Reporting violations. For the purpose of carrying out the provisions of Ordinance 1995-2, it is hereby made the duty of all officers and employees of the Town of Spurgeon, to report the existence of nuisances to the Spurgeon Town Council, or the Spurgeon Town Marshall, and for this purpose, the Spurgeon Town Marshall, or other employees designated by the Town Board, shall be permitted, upon 5 days notice given to the person in possession of the real estate, to enter into or upon any building, lot, grounds or premises, within the limits of the Town, to ascertain and discover any such nuisances and make examination thereof. (Ord. 1995-2, Chapter XI, S1, Aug. 7, 1995)

Chapter 6.22

ABATEMENT OF NUISANCES

Sections:

- 6.22.010 Notice**
- 6.22.020 Refusal or neglect to abate**
- 6.22.030 Manner of notification**

6.22.010 Notice. In any case where any nuisance may be found to exist, the Town Marshall shall cause notice to be served upon the owner or occupant of the premises where such nuisance exists, or upon any other person so causing such nuisance, with said notice to request that person to abate such nuisance by the date specified in the notice. In determining the specified date in the notice, the Town Marshall shall consult with the Town Executive, and the two shall take into consideration the degree of threat to public health, safety and welfare, and the means required to abate such nuisance, in setting such date. It shall not be necessary for the Town Marshall to designate in said notice the manner in which any nuisance shall be abated, unless the Town Executive deems it advisable to do so. (Ord. 1995-2, Chapter XII, S1, Aug. 7, 1995)

6.22.020 Refusal or neglect to abate. If the owner, occupant, or other person served with a notice to abate the nuisance shall refuse or neglect to abate such nuisance within the time designated in said notice, the Town shall proceed to enforce this ordinance as provided by the applicable enforcement Section for that violation. If the nuisance is abated within the time designated in said notice, then the Town shall not seek further penalty for that specific incident of violation. (Ord. 1995-2, Chapter XII, S2, Aug. 7, 1995)

6.22.030 Manner of notification. The requirement for service of notice under the provisions of Section 6.22.010 of this Chapter 6.22, shall be complied with by first attempting personal service of a written notice by the Town Marshal on the owner, occupant or other person suspected of causing the nuisance; and if personal service cannot be accomplished, then by mailing such notice by registered or certified mail to the last know address of the person sought to be notified or the address of the property where the nuisance exists. (Ord. 1995-2, Chapter XII, S3, Aug. 7, 1995)

Chapter 6.33

CURFEW ORDINANCE

Sections:

6.33.010 Curfew

6.33.020 Penalty for violation

6.33.010 Curfew. No one under the age of eighteen (18) will be permitted to roam the streets of the Town of Spurgeon between the hours of 10 P.M. and 5:00 A.M. unless accompanied by a parent or on legitimate business. (Ord. 2003-2, Aug. 6, 2003) (Ord. 625, Sept. 5, 1972)

6.33.020 Penalty for violation. Anyone caught violating this ordinance shall be first cited to his or her parents and for any additional offenses shall be cited to proper authorities for further action. (Ord. 625, Sept. 5, 1972)