

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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Chapter 6.04

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6.04.010 Unlawful for minor to be on streets during curfew. Any and all minors (1) (15 or under 10:00 p.m.) (2) 16-17 11:00 p.m.), who shall be found on any street, alley, or public or private property within the corporate limits of said town, except at home, and who shall not be able to show good cause for being on said street, alley, or property shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one dollar nor more than five dollars. (Res. 88-10, June 9, 1988) (Ord. 11, S1, Feb. 11, 1889)

6.04.020 Exceptions to curfew. Minors being in company with their parents or out on a useful errand, such as going for a doctor or for medicine, or any useful article whatever, or when sent by some competent person shall not be deemed guilty under the provisions of this Ordinance. (Res. 88-10, June 9, 1988) (Ord. 11, S2, Feb. 11, 1889)

6.04.030 This curfew void on certain days. On Christmas Day, Fourth of July, New Years Day, and day of Thanksgiving, this Ordinance shall not be held as binding and therefore shall be void during the above named days. (Ord. 11, S3, Feb. 11, 1889)

6.04.040 Enforcement. The Town of Birdseye authorizes the Town Marshal to enforce the curfew Ordinances. (Res. 88-10, June 9, 1988)

Chapter 6.08

DISORDERLY CONDUCT

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6.08.005 Disorderly conduct defined and penalty. Any act, language or exhibition of an obscene, vulgar profane, dangerous or indecent character within the corporate limits of the Town of Birdseye, Indiana, which would tend to the corruption of good morals, or in any way endanger, the person, or property of anyone shall be deemed to be disorderly conduct. Whoever shall be guilty of disorderly conduct within the corporate limits of said Town, shall upon conviction thereof, forfeit to said town a fine penalty and forfeiture not less than three (\$3.00) dollars nor more than ten dollars to be recovered according to law. (Minutes, July 6, 1909) (Ord. unnumbered, minutes, March 2, 1896)

6.08.010 Assault. That any person who shall within the corporate limits of said town, make an unlawful attempt coupled with a present ability, to commit a violent injury on the person of another, shall be deemed guilty of an assault and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S1, Sept. 5, 1892)

6.08.020 Assault and Battery. Every person who shall in a rude, insolent or angry manner, unlawfully touch another within the corporate limits of said town, shall be deemed guilty of “assault and battery” and shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding ten dollars to be recovered according to law. (Ord. 1, S2, Sept. 5, 1892)

6.08.030 Affray. If two or more persons by agreement fight in any public place within the corporate limits of said town, the persons so offending shall be deemed guilty of an affray, and shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S3, Sept. 5, 1892)

6.08.040 Riot. If three or more persons do an act in a tumultuous and violent manner, within the corporate limits of said town, they shall be deemed guilty of a riot and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding twenty dollars to be recovered according to law. (Ord. 1, S4, Sept. 5, 1892)

6.08.050 Rout. If three or more persons shall meet together to do an unlawful act upon a common cause and shall make advance toward the commission thereof within the corporate limits of said town, they shall be deemed guilty of a rout and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding ten dollars to be recovered according to law. (Ord. 1, S5, Sept. 5, 1892)

6.08.060 Concealed weapons. Every person not being a traveler, who shall within the corporate limits of said town, wear or carry any “dirk”, pistol, bowie-knife, dagger, sword in cane or any other dangerous or deadly weapon concealed or who shall carry or wear any such weapon openly, with intent, or avowed purpose of injuring his fellow man, upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture any sum not exceeding ten dollars, to be recovered according to law. (Ord. 1, S6, Sept. 5, 1892)

6.08.070 Prostitutes. Any female who shall so conduct herself as to be recognized and known as a courtesan or who shall frequent or live in houses of illfame or associate with women of bad character for chastity, or at a house where men of bad character frequent or visit within the corporate limits of said town shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S7, Sept. 5, 1892)

6.08.080 Pimps. Any male person who shall frequent houses of illfame or associate with females known or reputed as prostitutes or frequent gambling places with females or engage in or about a house of prostitution within the corporate limits of said town shall be known and deemed to be a pimp, and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S8, Sept. 5, 1892)

6.08.090 Houses of illfame. Every person who shall keep or suffer their premises, house, building or lot to be used for any lewd conduct or acts of prostitution within the corporate limits of said town upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S9, Sept. 5, 1892)

6.08.100 Public indecency. Every person who shall be guilty of notorious lewdness or who shall in any public place make an uncovered and indecent exposure of his or their person within the corporate limits of said town, shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S10, Sept. 5, 1892)

6.08.110 Pigeon dropper. Any person who shall be found resorting to any trick or device to procure money or induce another person to engage in any game of chance or hazard by which money or any thing of value may be gained or lost such as “The Mexican Puzzle”, “Patent Safe”, “Straps”, “Shells and Ball”, “Pocketbook dropping”, “Three Card Monte” or any other plan or device of like character or import, within the corporate limits of said town shall be deemed and known as “pigeon dropper” and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not more than five nor less than one dollar to be recovered according to law. (Ord. 1, S11, Sept. 5, 1892)

6.08.120 Disturbing public meetings. If any person shall disturb any religious meeting or any member thereof when met or meeting together for public worship or shall disturb any collection of people convened for any lawful purpose within the corporate limits of said town, shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding (\$10.00) ten nor less than one dollar to be recovered according to law. (Ord. 1, S12, Sept. 5, 1892)

6.08.130 Fast driving. Any person who shall ride lead or drive any horse or horses, animal or animals, or who shall drive any vehicle drawn by any horse or animal along any street or alley, lane, or square of said town within the corporate limits thereof, in such a manner as to endanger any person or property of another shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S13, Sept. 5, 1892)

6.08.140 Riding or driving on sidewalks. Any person who shall ride, lead or drive any horse or other animal, along or upon any of the sidewalks of any of the streets of said town

unless in the necessary act of crossing the same within the corporate limits of said town shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S14, Sept. 5, 1892) (Ord. 1, S1, Feb. 17, 1884)

6.08.150 Hitching or tying animals. Any person who shall tie or hitch any horse or other animal, to any fence, shade tree or house upon any public street, alley or square, to the inconvenience or annoyance of any person within the corporate limits of said town shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars to be recovered according to law. (Ord. 1, S15, Sept. 5, 1892) (Ord. 1, S2, Feb. 17, 1884)

6.08.160 Profanity. Any person of the age of eighteen years and upward who shall curse, swear, aver or implicate by or in the name of “God”, “Jesus Christ” or the “Holy Ghost” within the corporate limits of said town shall be deemed guilty of profanity and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding three dollars to be recovered according to law. (Ord. 1, S16, Sept. 15, 1892)

6.08.170 Drunkenness. Any person of sound mind found in any public place in a state of intoxication within the corporate limits of said town shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding three nor less than one dollar to be recovered according to law. (Ord. 1, S17, Sept. 5, 1892)

6.08.180 Intoxication and disturbance. Any person found upon the public streets or other public places of said town, in a state of intoxication, making a loud and unnecessary noise or using abusive, indecent or threatening language or who shall do any act interrupting or tending to interrupt, the peace and quiet of said town within the corporate limits of said town, and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding five dollars nor less than one dollar to be recovered according to law. (Ord. 1, S18, Sept. 5, 1892)

6.08.190 Malicious trespass. Every person who shall maliciously or mischievously injure or cause to be injured any property of another or any public property within the corporate limits of said town shall be deemed guilty of malicious trespass and upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding two fold of the damage done to be recovered according to law. (Ord. 1, S19, Sept. 5, 1892)

6.08.210 Disorderly house. Any person permitting any disorderly noise in or about his saloon or any other establishment existing in said town wherein fermented or distilled liquors are kept for sale or for being given away or having permitted any person or persons to become intoxicated therein, within the corporate limits of said town, upon conviction thereof shall become liable for and forfeit to said town a fine penalty and forfeiture in any

sum not less than five nor more than ten dollars to be recovered according to law. (Ord. 1, S21, Sept. 5, 1892)

6.08.220 Nuisance. Every person who shall erect continuance or maintain anything injurious to health, indecent or offensive to the senses, or any obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of any person or persons within the corporate limits of said town shall be deemed guilty of erecting, continuing or maintaining a public nuisance and after having been duly notified to remove or discontinue the same, and upon failure so to do, shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture of not less than one nor more than three dollars for each day until such nuisance be removed to be recovered according to law. (Ord. 1, S22, Sept. 5, 1892)

6.08.240 Gaming.

- (1) Whoever keeps a building, room, arbor, garden, booth, shed, or tenement to be occupied for gaming; or knowing permits the same to be used or occupied for gaming; or whoever being the owner of any building, room, arbor, garden booth, shed or tenement rent the same to be used or occupied for gaming shall be fined not more than five hundred dollars nor less than ten dollars. (Ord. unnumbered, S1, Oct. 7, 1902) (Ord. unnumbered, minutes, March 2, 1896) (Ord. 1, S20, Sept. 5, 1892)
- (2) Whoever being an adult, by any device or pretense entices any person under the age of twenty one years knowing such person to be a minor to engage in any game whatever for money or property of any value or plays or bets at or upon any game or wager or upon the result of any game or election with a minor knowing him to be such shall be fined not more than one hundred dollars nor less than five dollars. (Ord. unnumbered, S2, Oct. 7, 1902)
- (3) Whoever by playing or betting or upon any game or wager, or upon the result of any game or horse race or trial of speed between men or animals, either loses, or wins any article of value, shall be fined in any sum not more than one hundred dollars nor less than five dollars. (Ord. unnumbered, S3, Oct. 7, 1902) (Ord. 1, S24, Sept. 5, 1892)
- (4) Whoever keeps or exhibits for gain or to win or gain money or other property, any gaming table, Jenny Lind table roulette, shuffle board, jars or Keno bank or ten pin alley, wheel of fortune, slot machine or any gambling apparatus, device, table, or machine of any kind or description under any denomination or name whatever or keep or exhibits any billiard table pigeon hole table or pool table for the purpose of betting or gaming or allow the same to be used for any such purpose shall be fined not more one hundred dollar nor less than twenty five dollar. (Ord. unnumbered, S4, Oct. 7, 1902)

6.08.250 Unwholesome provisions. Every person who shall knowingly sell any unwholesome for wholesome provisions within the corporate limits of said town shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding twenty five dollars to be recovered according to law. (Ord. 1, S25, Sept. 5, 1892)

6.08.260 Posting bills. Any person who shall post any bills posters of any kind or paint, write or print any such advertisement upon any building within the corporate limits of said town without first getting permission from the owner or agent for such property, any person who shall violate any of the provisions of this section, shall become liable for and forfeit to said town a fine penalty and forfeiture not exceeding five nor less than one dollar to be recovered according to law. (Ord. 1, S26, Sept. 5, 1892)

6.08.300 Vagabond. Be it ordained by the Town Board of the incorporated town of Birdseye, Indiana that whoever, except a female, a blind person or a cripple not being a resident of Dubois County, Indiana is found begging and asking subsistence by charity within the corporate limits of Birdseye, Indiana shall be deemed to be a tramp.

Any tramp who enters a dwelling house or enclosure or yard about a dwelling house, against the will or without the permission of the owner or occupant thereof; or who does not when requested immediately leave such place; or who does or threatens to do any injury to the person, or real or personal property of another, or who shall be found within the enclosed premises of the public school buildings, or in said school buildings or making an effort to get into said school buildings, or retiring therefrom after having gained admission or who shall be found in any church building, or making an effort to gain admission thereto except during the hours of public services; shall upon conviction thereof become liable for and forfeit to said town a fine penalty and forfeiture in any sum not exceeding six dollars to be recovered according to law. (Ord. unnumbered, minutes, March 2, 1896)

6.08.310 Vandalism to cemeteries or monuments. Any person over the age of fourteen years who is of sound mind, who shall do any damages to any property, belonging to any cemetery or monuments, flowers or any other decorations or fixtures thereto, or allowing cows, horses or any other animals to damage the same shall forfeit to said town a fine penalty and forfeiture in any sum not exceeding ten dollars to be recovered according to law. (Ord. unnumbered, minutes, March 2, 1896)

6.08.350 Discharge of Fireworks/Pistols. It shall be unlawful for any person to fire roman candles, fire crackers, pistols or to use in any way fireworks of any descriptions in the incorporated Town of Birdseye, Indiana. Any person violating the provisions of this Ordinance shall be fined in any sum not exceeding ten dollars. (Ord. unnumbered, Dec. 6, 1910)

Chapter 6.18

MAINTAINING RAILROAD CROSSINGS

Sections:

6.18.010 Maintenance required

6.18.010 Maintenance required. That according to S407 approved March 9th day 1901 an act prescribing duties and power of towns in relation to requiring railroad companies to keep and maintain in streets and railroad crossing in town. Resolved that for the security and safety of the citizens and other persons from the running trains, through the Town of Birdseye, Dubois County, State of Indiana, that the Southern Railroad Company shall keep and maintain lights on all nights at the point, where the said R.R. crosses Oak Street and one where said R.R. crosses 1st Street west of Oak Street in said town. That the said lights to be the same as is used at present time by the town i.e., a Kerosene St. lamp. (Ord. unnumbered, Nov. 10, 1902)

Chapter 6.30

MINIMUM HOUSING STANDARDS

Sections:

- 6.30.010 Compliance
- 6.30.020 Definitions
- 6.30.030 Premises sanitation, water supply, sewage disposal, sanitary fixtures
- 6.30.040 Heating, lighting and ventilation
- 6.30.050 Building maintenance
- 6.30.060 Occupancy
- 6.30.070 Cleanliness of premises
- 6.30.080 Housing Authority utilization of these minimum housing standards

6.30.010 Compliance. That all persons owning, controlling and letting property for occupancy for dwelling purposes in the Town of Birdseye, Indiana shall be subject to the requirements of the following MINIMUM HOUSING STANDARDS. (Res. 77-2, S1, April 6, 1977)

6.30.020 Definitions. Unless the context otherwise requires, words used in this Resolution shall have the following meanings:

- (1) Apartment - same as dwelling unit as defined under (5).
- (2) Basement shall mean a portion of the building located partially underground but having less than 50% of its clear floor to ceiling height below the average grade of the adjoining ground.
- (3) Cellar shall mean a portion of the building located partially or wholly underground, and having 50% or more than 50% of its clear floor to ceiling height below the average grade of the adjoining ground.
- (4) Dwelling shall mean any building which contains a dwelling unit as defined in Subsection (5) below; and dwelling shall also include rooming houses as defined in Subsection (16) below; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (5) Dwelling unit shall mean any room or group of rooms, located within a building and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking and eating.

- (6) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and similar animal and vegetable refuse.
- (7) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.
- (8) Multiple dwelling shall mean any dwelling containing more than one dwelling unit.
- (9) Occupants shall mean any person, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (10) Nuisance is a public nuisance as known at common law or in equity. Anything that is dangerous to human life or health in, under, over, around, or about a dwelling or dwelling unit, or that renders the air of human food or drink therein unwholesome; and any dwelling or unit, or part thereof, that is not sufficiently supported, ventilated, drained, cleaned or lighted, are also nuisances.
- (11) Operator shall mean any person having charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (12) Owner shall mean any person who, alone or jointly or severally with others;
 - A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - B. Shall have charge, care, or control of any dwelling or dwelling unit, as owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with provisions of this ordinance imposed upon the owner.
- (13) Person shall mean and include any individual, firm, corporation, association, or partnership.
- (14) Plumbing shall mean and include all of the following supplied facilities and equipment:

Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, closets, sinks, dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drain vents, and any other similar supplied fixtures together with all connections to water, sewer, or gas lines.

- (15) Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (16) Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.
- (17) Rubbish shall mean combustible or non-combustible waste materials except garbage; the term shall include residue from the burning of wood, coal and coke.
- (18) Rubbish storage facilities and garbage storage facilities shall mean outside containers in which rubbish and garbage are temporarily stored for collection.
- (19) Supplied shall mean paid for, furnished, or provided by control of the owner or operator.
- (20) Temporary housing shall mean any tent, mobile home, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises for more than 30 consecutive days.
- (21) Lessee shall mean any person who by written contract or lease or by any week to week or month to month tenancy agreement shall have the right to occupy a dwelling or dwelling unit.
- (22) Unfit dwelling shall mean any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located in which there exists any condition that endangers to life, limb, health, property, safety, or welfare of the public or the occupants thereof. (Res. 77-2, S2, April 6, 1977)

6.03.030 Premises sanitation, water supply, sewage disposal, sanitary fixtures. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall be supplied with adequate rubbish storage facilities and rubbish disposal. In the case of dwellings consisting of four (4) or more dwelling units, rubbish storage facilities shall be supplied by the owner, unless the rental agreement provides otherwise. In the case of dwellings consisting of fewer than four (4) units, the rubbish storage facilities shall be supplied by the occupants, unless the rental agreement provides otherwise.

- (2) Every dwelling unit shall have adequate garbage storage containers and garbage disposal. In the case of dwellings consisting of four (4) or more dwellings units, garbage storage containers or garbage disposal facilities shall be supplied by the owner, unless the rental agreement provides otherwise. In the case of dwellings consisting of fewer than four (4) units, the garbage storage containers or garbage storage facilities shall be supplied by the occupants, unless the rental agreement provides otherwise.
- (3) There shall be for each dwelling unit a safe unobstructed means of egress leading to a safe open space at ground level without going through another dwelling unit.
- (4) All courts, yards or other areas on the premises of every dwelling shall be properly graded and drained.
- (5) There shall be a safe and potable supply of running water into each dwelling unit.
- (6) Every dwelling unit shall be connected to the municipal sewage and water system.
- (7) Every dwelling unit shall be furnished with water heating facilities capable of heating water to such temperature as to permit water to be drawn in each fixture at a temperature of not less than 120 degrees Fahrenheit (120°). Water heating facilities shall be properly connected to hot and cold water lines. If gas is used as a fuel, it shall be vented to the atmosphere.
- (8) Each dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with an inside flush water closet and lavatory basin. Every dwelling unit shall also contain a kitchen sink. Every dwelling unit shall contain a bathtub or shower installed in a room affording privacy. Every flush water closet shall be connected to cold water lines and the municipal sewer system. Every kitchen sink, every lavatory basin, every bathtub, and every shower shall be connected to hot and cold water lines and to the municipal sewer system. All plumbing fixtures and fittings shall be in good working conditions. Water shall be piped to all plumbing fixtures for the proper operation of the fixtures.
- (9) Every dwelling unit shall have a single flush water closet, a single lavatory basin and a single bathtub or shower. (Res. 77-2, S3, April 6, 1977)

6.30.040 Heating, lighting and ventilation. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) Every habitable room in a dwelling or dwelling unit shall contain a window or windows or a door opening directly to the outside air and the total area of

such window or windows or door shall not be less than five percent (5%) of the floor area of such room.

- (2) Every bathroom and every water closet compartment shall have a window or skylight facing directly to the outside having a total window area of no less than five percent (5%) of the floor area and providing an openable area for outside ventilation; except where there is supplied some other device affording equivalent mechanical ventilation vented to the outside atmosphere.
- (3) All window sash shall be glazed and provided with suitable hardware for easy opening to afford adequate ventilation. This requirement may be waived in dwelling units, which are so designed and equipped as to be dependent upon mechanical ventilation, heating and cooling, except this requirement may not be waived for bedrooms.
- (4) Every dwelling and every dwelling unit shall be weather-proofed and capable of being adequately and safely heated, and the heating equipment in every dwelling or dwelling unit shall be properly vented and shall be maintained in good order and repair by the occupant unless the rental agreement provides otherwise. Such heating equipment shall be capable of maintaining the unit at sixty-eight degrees Fahrenheit (68°) when the outside temperature is zero degrees Fahrenheit (0°).
- (5) Every habitable room and non-habitable room in a dwelling or dwelling unit shall be furnished with electric power, and shall be wired for a minimum of 100 amp. service with new service drop with watertight weatherhead. All circuits to be balanced, with a minimum of six circuits, properly fused and with the following minimum outlets; two separate and remote outlets or one outlet and one light fixture in each habitable room. Kitchen shall have three outlets and bathroom and basement shall have at least one outlet each. All obsolete exposed old wiring to be removed and replaced with new wiring.
- (6) Every public hallway and stairway shall be provided with a safe and adequate type of artificial light controlled by convenient switches. Where the public hallways and stairways of a dwelling or dwelling unit are not provided with windows opening directly to the outside air, the owner shall keep a proper light burning in the hallway near the stairways, upon each floor, from sunrise to sunset. The owner shall keep a proper light burning in the public hallways and stairways of every dwelling and dwelling unit near the stairs, upon all floors every night from sunset to sunrise throughout the year.
- (7) Every dwelling unit shall be provided with suitable screen for protection against insects at every window used for ventilation and door thereof. This requirement may be waived in dwelling units which are designed and equipped to be dependent upon mechanical ventilation heating and cooling.

- (8) The basement of every dwelling shall be dry and ventilated and shall be kept free from rubbish and garbage accumulation and rodent and insect infestation, and all openable windows shall be screened.
- (9) No room in any basement shall be occupied as a habitable room unless:
 - A. The clear inner height is at least 7' and;
 - B. The floors and walls are waterproof and dampproof in accordance with accepted building methods and standards, and;
 - C. Every basement habitable room must, in all cases, comply with all of the minimum standards set out in this resolution.
- (10) No cellar space shall be used as a habitable room or dwelling and shall be kept free of accumulated garbage and rubbish and rodent and insect infestation. (Res. 77-2, S4, April 6, 1977)

6.30.050 Building maintenance. No person shall occupy as owner occupant or let to another person for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, watertight and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair. A minimum of 6" insulation shall be provided in the attic.
- (2) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair. Storm windows and storm doors shall be in place for all outside wall openings.
- (3) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that the normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (4) Every plumbing fixture and waste water pipe within a single family dwelling unit and used principally by occupants of the dwelling unit shall be maintained in good sanitary working condition free from defects, leaks and obstructions by the occupant of the dwelling unit. Every supplied facility, piece of equipment or utility which is required under this resolution shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (5) The floor and walls of every water closet compartment shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor and walls to be easily kept in a clean and sanitary condition.

- (6) Every roof of a dwelling or dwelling unit shall be equipped with adequate gutters and downspouts capable of carrying off normal rainfall, and such roof, gutters and downspouts shall be kept in good repair and free from obstruction by the owner, unless otherwise provided by the rental agreement.
- (7) All dwellings, fences, and outbuildings, in a dilapidated or unsafe condition shall be removed or repaired. All yard structures, privies, fences and rubbish, as well as abandoned automobiles incapable of operation, inoperable appliances of any sort, materials or supplies which obstruct light and air, harbor rats and vermin and create an undesirable environment shall be removed.
- (8) All occupants shall keep every dwelling and yard clean and free from accumulation of filth, rubbish, or similar matter and shall keep same free from vermin and rodent infestation. This shall apply to that portion of the property which the occupant occupies or over which the occupant has exclusive control. (Res. 77-2, S5, April 6, 1977)

6.30.060 Occupancy. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain at least One Hundred Fifty (150) square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for each additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by an occupant shall contain at least Seventy 70 square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least Fifty (50) square feet for each occupant thereof.
- (3) At least one-half of the floor area of every dwelling unit shall have ceiling height of at least Six (6) feet.
- (4) No residence building or dwelling unit containing Two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than One (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Res. 77-2, S6, April 6, 1977)

6.30.070 Cleanliness of premises.

- (1) Every owner of a dwelling containing Two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition said dwelling units and the shared or public area of the dwelling premises thereof.
- (2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, facilities, yard and otherwise, all of the premises which he and his family occupies, uses and controls. (Res. 77-2, S7, April 6, 1977)

6.30.080 Housing Authority utilization of these minimum housing standards. That the Housing Authority of the Town of Birdseye, Indiana, shall utilize these requirements as MINIMUM HOUSING STANDARDS in the evaluation of any dwelling structures considered for rehabilitation grant or loan programs. (Res. 77-2, S8, April 6, 1977)

Chapter 6.32

ADDRESS NUMBERING OF LOTS, BUILDINGS AND STRUCTURES

Sections:

- 6.32.010 Purpose**
- 6.32.020 Considerations**
- 6.32.030 Fine for violation**

6.32.010 Purpose. In order to facilitate the arrival of police, fire and medical personnel and equipment at the scene of an emergency it is necessary to require each residence, apartment and business to place identification numbers in a clearly visible area. (Ord. 92-06, June 4, 1992)

6.32.020 Considerations.

- (1) Duty of the owners (or occupants) to place numbers on structure in a place clearly visible from the road.
- (2) Numbers shall be a minimum of three (3) inches high.
- (3) Numbers should contrast with the background on which they are placed or may be reflective.
- (4) If the building is more than 50 feet from the road the numbers may be attached to a post near the street. (Multiple rural mailboxes create problems).
- (5) The numbers used must reflect the official address recognized by the town of Birdseye and 911. (Example; 309 would be the numbers used if the address is 309 east sixth street).
- (6) If the structure is a multifamily dwelling, each unit or apartment will be marked separately. (Ord. 92-06, June 4, 1992)

6.32.030 Fine for violation. Violation of this ordinance shall result in a municipal fine of five dollars (\$5) for the first violation. After thirty (30) days a twenty-five dollar (\$25) fine will be charged every month thereafter for failure to display such numbers. (Ord. 92-06, June 4, 1992)

Chapter 6.34

WEED ABATEMENT

Sections:

- 6.34.010 Weed height
- 6.34.020 Noxious weeds
- 6.34.030 Removal-Notice
- 6.34.040 Abatement
- 6.34.050 Lien
- 6.34.060 Foreclosure

6.34.010 Weed height. It is unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding twelve inches anywhere in the Town of Birdseye. Plants or weeds exceeding such height are hereby declared to be a nuisance. This Ordinance (Chapter) does not, however, apply to agricultural crops. (Ord. 91-03, S1, June 6, 1991)

6.34.020 Noxious weeds. It is unlawful for anyone to permit any noxious weed, including, but not limited to Canadian thistle and Johnson grass, to grow or be grown on any premises in the Town of Birdseye. (Ord. 91-03, S2, June 6, 1991)

6.34.030 Removal-Notice. It is the duty of the Town Marshal to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, plants or grass are permitted to grow in violation of the provisions of this chapter, and to demand the abatement of the same within ten days. (Ord. 91-03, S3, June 6, 1991)

6.34.040 Abatement. If the person so served does not abate the nuisance within ten days, the Town may proceed to abate such nuisance, keeping an account of the expenses of the abatement and such expenses shall be charged to and paid by the owner or occupant. The expenses and charges shall be the amount paid by the Town to have the weeds abated plus a service charge of twenty-five dollars. (Ord. 91-03, S4, June 6, 1991)

6.34.050 Lien. Charges for such weed, grass or plant removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the Clerk-Treasurer may file with the recorder of Dubois County, Indiana, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds, grass or plants were cut and a notice that the Town claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises, if his address is known; provided however, that failure of the clerk to record such lien, claim, or to mail such notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 6.34.060 of this Chapter. (Ord. 91-03, S5, June 6, 1991)

6.34.060 Foreclosure. The property subject to a lien for unpaid weed, grass or plant cutting charges shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure actions shall be brought in the name of the Town. The Town is authorized and directed to institute such proceedings in the name of the Town in any court having jurisdiction of such matters, against any property for which the bill has remained unpaid sixty days after it has been rendered. (Ord. 91-03, S6, June 6, 1991)

Chapter 6.36

OPEN BURNING

Sections:

- 6.36.010 Open burning restricted; general prohibitions
- 6.36.020 Limited burning and special purposes
- 6.36.030 Emergency burning
- 6.36.040 Liability
- 6.36.050 Enforcement of open burning
- 6.36.060 Penalties for open burning

6.36.010 Open burning restricted; general prohibitions.

- (1) It shall be unlawful at all times to cause, suffer or allow any open burning at any place within the Town of Birdseye except as permitted herein; provided, no person shall cause, suffer, allow or permit the emission into the atmosphere of any substance or combination of substances from the burning of any product as allowed therein in such quantities as to cause annoyance or constitute a nuisance so as to interfere with the health or well-being of any individual in his/her home or place of employment or recreation or as to interfere with the normal use and enjoyment of any such place. The burning of trash and garbage is expressly prohibited. (Ord. 1999-01, S1(a), June 3, 1999)
- (2) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, or air stagnation. (Ord. 1999-01, S1(b), June 3, 1999)

6.36.020 Limited burning and special purposes. Open burning which does not create a nuisance or a fire hazard and which is attended by a responsible person at all times until completely extinguished is allowed for the following purposes:

- (1) A bonfire in connection with a religious ceremony, school pep rallies, scouting activities and similar purposes or other purposes approved by the Town Council; (Ord. 1999-01, S2(a), June 3, 1999)
- (2) Camp fires, grills and fires for cookouts; (Ord. 1999-01, S2(b), June 3, 1999)
- (3) Any burning of grass, weeds, leaves, brush, trees and other vegetative matter, provided that such burning shall be allowed only between the hours of 7 a.m. and 7 p.m. and only at times when the actual or forecast wind speed as given by the local National Weather Service is greater than five miles per hour and less than twenty miles per hour. Such fires shall consist of such vegetative matter only. (Ord. 1999-01, S2(c), June 3, 1999)

- (4) Stoves for heating and fireplaces: First shall be permitted in stoves for heating and fireplaces if such fire does not create an air pollution problem or a fire hazard. (Ord. 1999-01, S2(d), June 3, 1999)

6.36.030 Emergency burning.

- (1) The Town Council may allow emergency burning of petroleum products, high explosives or other dangerous materials where such fires are properly controlled by a responsible person and are deemed necessary in the public interest. (Ord. 1999-01, S3(a), June 3, 1999)
- (2) The Town Council may allow open burning of refuse consisting of material resulting from a disaster if a governmental agency has declared such a disaster in the area. (Ord. 1999-01, S3(b), June 3, 1999)

6.36.040 Liability.

- (1) Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire shall not be excused from responsibility therefore on the basis that such fire was accidental or an act of God. (Ord. 1999-01, S4(a), June 3, 1999)
- (2) The person in possession of property where open burning in violation of this Ordinance (Chapter) occurs, shall be prima facie liable for the violation. (Ord. 1999-01, S4(b), June 3, 1999)

6.36.050 Enforcement of open burning. The open burning provisions of this Ordinance (Chapter) are enforceable by the duly appointed fire prevention or law enforcement officers. (Ord. 1999-01, S5, June 3, 1999)

6.36.060 Penalties for open burning.

- (1) A person violating open burning provisions of this Ordinance (Chapter) may be served by an authorized enforcement person with a notice of violation. The person upon whom a notice of violation is served may admit liability to the violation as provided in the above sections and pay a civil penalty of Twenty-five Dollars (\$25.00) to the Town of Birdseye. (Ord. 1999-01, S6(a), June 3, 1999)
- (2) If, in the opinion of the authorized enforcement person, the violation is so substantial as to warrant a more severe penalty, the authorized enforcement person may issue a notice of violation and citation to appear in the Dubois Superior or Circuit Court for determination of the alleged violation of this Ordinance. (Ord. 1999-01, S6(b), June 3, 1999)
- (3) Except as otherwise provided herein, any person found in violation of the open burning provisions of this Ordinance (Chapter) shall be fined an

amount not to exceed Twenty-five Dollars (\$25.00) for each violation. Each day in violation shall be considered a separate violation. The Town may also seek an injunction to prevent further violation of this Chapter. (Ord. 1999-01, S6(c), June 3, 1999)

Chapter 6.38

ILLEGAL DUMPING AT TOWN DUMPSITES

Sections:

- 6.38.040** Misuse of town dumpsites
- 6.38.041** Penalty for violation

6.38.040 Misuse of town dumpsites. It has become necessary to establish Resolution #86-5 to conform to compliance with County of Dubois, County Ordinance #80-1 in regards to misuse and/or illegal dumping at town dumpsites by out of county residents and/or area residents. (Res. 86-5, Dec. 30, 1986)

6.38.041 Penalty for violation. Resolution 86-5 set forth by town trustees of Town of Birdseye, authorizing Town Marshal to comply with said County Ordinance 80-1 in issuance of no less than \$500 fines for violators.

Town Marshal shall use his/her own discretion in first-time offenders; thereafter, full compliance of law shall be strictly enforced. (Res. 86-5, Dec. 30, 1986)