TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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Chapter 6.02

MISCELLANEOUS NUISANCES

Sections:

6.02.010 Prohibiting nuisances

6.02.010 Prohibiting nuisances. It shall be unlawful and it shall be a nuisance for any person, persons, company or corporation to erect, construct, cause, permit, keep or maintain within the limits of said Town of Dale anything whatsoever which is injurious to health or indecent or offensive to the senses or an obstruction to the free use of property, and any person, persons, company or corporation maintaining any nuisance as above set forth is declared to be the author and maintainer of a nuisance and shall upon conviction be fined in any sum not to exceed Ten Dollars ($10.00) for any one offense together with cost of prosecution and each day of continuance of such violation shall constitute a separate offense.

The town clerk shall certify to the passage of this ordinance and cause the same to be posted according to the laws which govern the same. (Ord. 94, June 22, 1956)

Chapter 6.06

LOITERING

Sections:

6.06.010 Unlawful to loiter on off-street parking facilities
6.06.020 Unlawful to remain on parking facility, for social gathering, following the lawful purpose for which entered
6.06.030 Written authorization to park
6.06.040 Alcoholic beverage consumption unlawful
6.06.050 Penalty for violation
6.06.060 Separability

6.06.010 Unlawful to loiter on off-street parking facilities. It shall be unlawful for any person, whether acting individually or in concert with a group of persons, to gather on, park on, stop on, or drive across any off-street parking facility or vacant lot offered for public use, whether publicly or privately owned, for any of the following purposes:

(1) For any purpose or reason other than for the intended purpose and reason for which the off-street parking facility or vacant lot exists. (Ord. 1981-11, SIa, Nov. 2, 1981) (Ord. 1980-10, SIa, Nov. 3, 1980)

(2) For the purpose of resting, talking or engaging in recreation or any other activity, including the consumption of alcoholic beverages, unless such activity is specifically permitted or clearly set out on signs approved by the Town of Dale or the person or persons in possession and control of said off-street parking facility or vacant lot and posted at each entrance and exit to said off-street parking facility or vacant lot. (Ord. 1981-11, SIb, Nov. 2, 1981) (Ord. 1980-10, SIb, Nov. 3, 1980)

6.06.020 Unlawful to remain on parking facility, for social gathering, following the lawful purpose for which entered. No person having lawfully entered any off-street parking facility or vacant lot and upon having completed the lawful purpose for which he or she entered thereon shall remain on such facility for the purpose of any social gathering, resting, talking or engaging in recreation inconsistent with the stated purpose for which said off-street parking facility or vacant lot exist**.** (Ord. 1981-11, SII, Nov. 2, 1981) (Ord. 1980-10, SII, Nov. 3, 1980)

6.06.030 Written authorization to park. It shall not be a violation of this Ordinance for any person to perform any of the acts prohibited by the foregoing, if the person has been given written authorization from the person or persons in possession and control of said off-street parking or vacant lot or the Town of Dale to so use or park his or her motor vehicle on said facility or lot. (Ord. 1981-11, SIII, Nov. 2, 1981) (Ord. 1980-10, SIII, Nov. 3, 1980)

6.06.040 Alcoholic beverage consumption unlawful. It shall be unlawful for any person to consume alcoholic beverage or beverages upon the public streets or sidewalks of the Town of Dale, unless said person is in a vehicle and not otherwise violating the laws of this Town, Spencer County, or the State of Indiana. (Ord. 1981-11, SIV, Nov. 2, 1981) (Ord. 1980-10, SIV, Nov. 3, 1980)

6.06.050 Penalty for violation. A person who violates a provision of this Ordinance commits a Class B misdemeanor and, upon conviction be fined not more than One Thousand Dollars ($1,000.00). (Ord. 1981-11, SV, Nov. 2, 1981) (Ord. 1980-10, SV, Nov. 3, 1980)

6.06.060 Separability. If any provision of this Ordinance is declared to be unconstitutional or invalid, the partial invalidity is not to be considered as affecting the validity of the remainder of the Ordinance and all other provisions will remain valid and enforceable. (Ord. 1981-11, SVI, Nov. 2, 1981) (Ord. 1980-10, SVI, Nov. 3, 1980)

Chapter 6.08

OPEN BURNING

Sections:

6.08.010 Definitions
6.08.020 General prohibition
6.08.030 Limited burning for special purposes
6.08.040 Conditions to be complied with during allowed open burning
6.08.050 Penalty for violation

6.08.010 Definitions. Unless otherwise stated, the following definitions apply to this Ordinance:

(1) "Adequate firefighting equipment" means equipment sufficient and appropriate under the circumstances to extinguish the fire.

(2) "Clean wood products" means wood products, including vegetation, that are not coated with stain, paint, glue, or other coating material.

(3) "Emergency burning" means the burning of clean wood waste caused by a natural disaster or an uncontrolled event, such as the following:

A. a tornado

B. high winds

C. an earthquake

D. an explosion

E. a hail storm, a rain storm or an ice storm.

(4) "Open burn" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air without passing through a stack or chimney from an enclosed chamber.

(5) "Open burning approval" means an authorization allowing an activity that otherwise is not exempt or allowed by law. (Ord. 1997-1, S1, May 5, 1997)

6.08.020 General prohibition. Open burning is prohibited in the corporate limits of the Town of Dale except as allowed in this Ordinance (Chapter). (Ord. 1997-1, S2, May 5, 1997)

6.08.030 Limited burning for special purposes. The following types of fires are allowed in the corporate limits of the Town of Dale:

(1) Recreational or ceremonial fires such as fires for scouting activities and fires used for cooking purposes such as campfires subject to the following conditions:

A. Only clean wood products, vegetation, paper, charcoal, or clean burning petroleum products may be burned.

B. The local fire department and health department must be notified at least twenty-four (24) hours prior to any burning where the size of the pile being burned is more than one hundred twenty-five (125) cubic feet.

C. Fires shall not be ignited prior to two (2) hours before the recreational activity is to take place and shall be extinguished upon conclusion of the activity.

D. The pile to be burned shall be less than or equal to one thousand (1,000) cubic feet and only one (1) pile may be burned at a time.

E. The fires shall not be used for disposal purposes.

F. Fires shall not take place within five hundred (500) feet or any fuel storage area or pipeline. (Ord. 1997-1, S3A, May 5, 1997)

(2) Private residential burning, where the building contains four (4) or fewer dwelling units. Burning is prohibited in apartment and condominium complexes and mobile home parks.

A. Burning shall be in a noncombustible container that:

1. is sufficiently vented to induce adequate primary combustion; and

2. has enclosed sides and a bottom.

B. Only clean wood products vegetation and paper may be burned. (Ord. 1997-1, S3B, May 5, 1997)

6.08.040 Conditions to be complied with during allowed open burning. All open burning that is allowed under this Ordinance (Chapter) must comply with the following conditions:

(1) A person who open burns shall extinguish the fire if the fire creates a nuisance, fire hazard, a threat to public health, or an air pollution problem.

(2) Burning may not be conducted during unfavorable meteorological conditions, such as:

A. high winds;

B. temperature inversions; or

C. air stagnation.

(3) Fires must be attended at all times until completely extinguished.

(4) All burning must comply with any other federal, state, or local laws, regulations or ordinances. (Ord. 1997-1, S4, May 5, 1997)

6.08.050 Penalty for violation. Any person violating this Ordinance (Chapter) shall be subject to a fine of Twenty-five Dollars ($25.00) for the first offense, Fifty Dollars ($50.00) for the second offense, and One Hundred Dollars ($100.00) for the third or any subsequent offense. (Ord. 1997-1, May 5, 1997)

Chapter 6.10

DISPOSAL OF TRASH AND GARBAGE

Sections:

6.10.010 Statement of Intent
6.10.015 Definitions
6.10.020 Deposit in Public Places Unlawful
6.10.030 Container and Dumpster Requirements
6.10.040 Enforcement
6.10.050 Notice to Property Owners
6.10.060 Clerk-Treasurer as fiscal officer
6.10.070 Notice of Appeal
6.10.080 Separability
6.10.090 Repeal of conflicting ordinances

6.10.010 Statement of Intent. The proper disposal of trash and garbage within the Town of Dale, Indiana, substantially affects such matters as the health and safety by emitting foul odor's and providing habitat for unwanted animals or other pests and detracting from the general appearance of the Town. Therefore, it is hereby found and determined that the disposal of trash and garbage are matters of town-wide concern over which the Town must exercise the control set forth in the Ordinance. (Ord. 2007-7, S6.10.010, May 7, 2007) (Ord. 2006-9, S6.10.010, July 31, 2006)

6.10.015 Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance.

(1) "Trash" means all rubbish and refuse including, but not limited to, glass bottles and containers, broken glass, beer and soft drink cans, rubber products, metals, rags, household appliances and furniture, construction debris and automotive parts.

(2) "Garbage" means all organic household waste, offal, animal and vegetable matter prepared or intended for use as food.

(3) "Town" shall mean those areas which are under the jurisdiction of the Town of Dale, Indiana.

(4) "Container" within meaning of this ordinance, shall mean a (96) ninety-six gallon or less storage container to be used for the collection of trash and/or garbage by a resident or independent hauler.

(5) "Dumpster" within the meaning of this ordinance, shall mean a mechanically emptied storage container larger than (96) ninety-six gallons in capacity to be used for the collection of trash and/or garbage by an independent hauler.

(6) "Town Council" shall mean the Town Council of the Town of Dale, Indiana.

(7) "Yard Wastes" shall mean, but not limited to, grass clippings, weeds, leaves, tree limbs and branches, organic matter of any kind. (Ord. 2007-7, S6.10.015, May 7, 2007) (Ord. 2006-9, S6.10.015, July 31, 2006) (Ord. 1983-2, May 2, 1983)

6.10.020 Deposit in public places unlawful. It is hereby declared to be unlawful, a public nuisance and a violation of this ordinance for any person to throw or deposit any trash, garbage or yard wastes of any kind upon any street, sidewalk, gutter, alley or other public place within the Town of Dale or to permit any such articles to accumulate upon any lot or parcel, public or private in the Town of Dale. (Ord. 2007-7, S6.10.020, May 7, 2007) (Ord. 2006-9, S6.10.020, July 31, 2006) (Ord. 15, S1, July 17, 1893)

6.10.030 Container and Dumpster Requirements.

(1) No trash or garbage shall be placed along the curbs, roadways or alley ways of the Town of Dale for pickup for final disposal unless the same has been placed in a plastic bag or container to contain the contents from being distributed in such a manner as to constitute a nuisance or littering. None of the said containers shall exceed (96) ninety-six gallons in capacity.

(2) No containers as described in Section 6.10.030 (1) herein, shall be permitted to remain along the curbs, roadways or alley ways of the Town of Dale for a period longer than (24) twenty-four hours.

(3) No dumpster shall be permitted in any residential area, except that dumpsters shall be allowed in a residential area with five (5) or more dwellings per building. A dumpster shall be permitted for temporary use for construction, deconstruction, or remodeling on residential property with less than five (5) dwellings per building upon the application for a permit from the Town of Dale Zoning Administrator which may be granted for a period not to exceed ninety (90) days. The Town of Dale Zoning Administrator shall have the discretion to renew that permit period for such period as may be deemed appropriate by such Zoning Administrator. The Zoning Administrator shall collect a fee of Twenty-five Dollars ($25.00) for each permit issued and for each renewal thereof. (Ord. 2022-5, S6.10.030(3), Apr. 12, 2022) (Ord. 2007-7, S6.10.030, May 7, 2007) (Ord. 2006-9, S6.10.030, July 31, 2006) (Ord. 1999-5, Nov. 1, 1999) (Ord. 1983-2, May 2, 1983)

6.10.040 Enforcement. The Town of Dale, Zoning Administrator and his/her representatives shall have responsibility for the administration of this article and shall have complete power to enter into and upon any street, alley way, right-of-way, lot or parcel, public or private, for the purpose of examining the same as to whether a violation of this ordinance exists. (Ord. 2007-7, S6.10.040, May 7, 2007) (Ord. 2006-9, S6.10.040, July 31, 2006) (Ord. 15, July 17, 1893)

6.10.050 Notice to Property Owners. The Town of Dale shall notify the property owner who is in violation of this ordinance by certified mail at the address listed on the tax records, or by posting a notice on the property in a conspicuous place setting forth the requirements of this article. Failure to comply with these requirements may result in the Town entering the offending property to abate the violation. Any offending property owner so notified shall be given (10) ten days to comply. If the property owner fails to comply within the ten (10) day notification period, a penalty of Twenty-five Dollars ($25.00) shall be assessed to the property owner for each seven (7) day period or part thereof, that the failure to comply may last. (Ord. 2022-5, S6.10.050, Apr. 12, 2022) (Ord. 2007-7, S6.10.050, May 7, 2007) (Ord. 2006-9, S6.10.050, July 31, 2006)

6.10.060 Clerk-Treasurer as fiscal officer. The Clerk-Treasurer of the town shall determine the actual cost of abating the violation including administrative costs as well as removal and hauling costs and shall bill the violator forthwith. If the violator fails to pay any bill issued pursuant to this article within (30) thirty days from the billing date, the Clerk-Treasurer of the town shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the town. (Ord. 2007-7, S6.10.060, May 7, 2007) (Ord. 2006-9, S6.10.060, July 31, 2006) (Ord. 1999-5, S3, Nov. 1, 1999) (Ord. 1983-2, May 2, 1983) (Ord. 15, S5, July 17, 1893)

6.10.070 Notice of Appeal. Any property owner who receives a notice of violation of this ordinance or a bill issued under this ordinance may appeal it by filing a notice of appeal with the Clerk-Treasurer within (10) ten days of the date on either the notice or bill requesting a hearing at the next Town Council meeting; and said matter will be heard at the next Town Council meeting. (Ord. 2007-7, S6.10.070, May 7, 2007) (Ord. 2006-9, S6.10.070, July 31, 2006)

6.10.080 Separability. If any section, sub section, clause, phrase or portion of this ordinance shall be for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2007-7, S6.10.080, May 7, 2007)

6.10.090 Repeal of conflicting ordinances. All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this order are hereby repealed. (Ord. 2007-7, S6.10.090, May 7, 2007)

Chapter 6.12

BUILDING AND PREMISES STANDARDS

Sections:

6.12.010 Title
6.12.020 Purpose
6.12.030 Authority
6.12.040 Scope
6.12.050 Adoption of rules by reference
6.12.060 Application for permits
6.12.070 Permit required
6.12.080 Other ordinances
6.12.090 Fees and required inspections
6.12.100 Review of application
6.12.110 Inspections
6.12.120 Inspection assistance
6.12.130 Entry
6.12.140 Stop order
6.12.150 Certificate of Occupancy
6.12.160 Workmanship
6.12.170 Violations
6.12.180 Right of appeal
6.12.190 Remedies
6.12.200 Penalties
6.12.210 Repeal and effective date

6.12.010 Title. This ordinance (chapter), and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of Dale, Indiana", may be cited as such, and will be referred to herein as "this Code". (Ord. 1990-4, S1, March 5, 1990) (Ord. 1989-5, S1, Dec. 4, 1989)

6.12.020 Purpose. The purpose of this Code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures. (Ord. 1990-4, S2, March 5, 1990) (Ord. 1989-5, S2, Dec. 4, 1989)

6.12.030 Authority. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this Code and in that capacity is acting on behalf of the governmental entity of the Town of Dale, as set forth in I.C. 34-4-16.5-2(b). Whenever in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Town of Dale, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no such provision shall be construed as giving any

officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by ordinances, or to enforce this Code in an arbitrary or discriminatory manner. (Ord. 1990-4, S3, March 5, 1990) (Ord. 1989-5, S3, Dec. 4, 1989)

6.12.040 Scope. The provisions of this Code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences and agricultural structures, within the incorporated areas of the Town of Dale. (Ord. 1990-4, S4, March 5, 1990) (Ord. 1989-5, S4, Dec. 4, 1989)

6.12.050 Adoption of rules by reference.

(1) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Code and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein or if said Articles, codes and regulations are repealed and replaced then their duly adopted successor shall be incorporated herein.

A. Article 13 - Building Codes

1. Fire and Building Safety Standards

2. Indiana Building Code

3. Indiana Building Code Standards

4. Indiana Handicapped Accessibility Code

B. Article 14 - One and Two Family Dwelling Codes

1. Council of American Building Officials
One and Two Family Dwelling Code

2. CABO One and Two Family Dwelling Code;
Amendments

3. Standard for Permanent Installation of Manufactured Homes

C. Article 16 - Plumbing Codes

1. Indiana Plumbing Code

D. Article 17 - Electrical Codes

1. Indiana Electrical Code
2. Safety Code for Health Care Facilities

E. Article 18 - Mechanical Code

1. Indiana Mechanical Code

F. Artic1e 19 - Energy Conservation Codes

1. Indiana Energy Conservation Code

2. Modifications to the Model Energy Code

G. Article 20 - Swimming Pool Codes

1. Indiana Swimming Pool Code

(2) Copies of adopted building rules, codes and standards are on file in the Dale Town Hall. (Ord. 2001-9, S1, Aug. 6, 2001) (Ord. 1990-4, S5, March 5, 1990) (Ord. 1989-5, S5, Dec. 4, 1989)

6.12.060 Application for permits. No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing property boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release. (Ord. 1990-4, S6, March 5, 1990) (Ord. 1989-5, S6, Dec. 4, 1989)

6.12.070 Permit required. A permit shall be obtained before:

(1) Beginning any new construction of a building or structure the cost of which exceeds $2,000.00; or

(2) Beginning any alteration or repair of any building or structure the cost of which exceeds $5,000.00; or

(3) Beginning any electrical, plumbing or mechanical construction the cost of which exceeds $750.00; or

(4) Beginning installation of any heating system in a building or structure.

Using forms furnished by the Building Commissioner. However, agricultural structures, such as barns, animal housing buildings, grain storage bins and similar type buildings, are exempt from this Code.

All fees required by this Code shall be paid to the Dale Plan Advisory Commission. (Ord. 1990-4, S7, March 5, 1990) (Ord. 1989-5, S7, Dec. 4, 1989)

6.12.080 Other ordinances. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto; and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances. (Ord. 1990-4, S8, March 5, 1990) (Ord. 1989-5, S8, Dec. 4, 1989)

6.12.090 Fees and required inspections. Permits required by Section 6.12.070 shall be issued upon prior payment of permit fees according to the following schedule:

Type of Construction	Required Inspections	Single Inspection Fee	Permit Fee
1 or 2 Family Dwelling, detached	3	$25.00	$ 75.00
Apartments, Hotels, Motels, ea. unit	3	$25.00	$ 75.00
Manufactured Homes	2	$25.00	$ 50.00
Business, Commercial, Public	6	$25.00	$150.00
Educational, Institutional, Church	6	$25.00	$150.00
Industrial, Warehouse, Bulk Storage	4	$25.00	$100.00
Mobile Homes, Temporary Structures	1	$25.00	$ 25.00
Accessory Buildings (residential use)	1	$25.00	$ 25.00
Additions/Alterations (all occupancies)	2	$25.00	$ 50.00
Swimming Pools	2	$25.00	$ 50.00

The minimum permit fee for any permit shall be $25.00. For unusually large or complex buildings or structures, the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner shall in all cases designate the state of construction when each required inspection must be requested by the permit holder. The proposed foundation will be inspected prior to the pouring of concrete. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. However, for unusually large or complex buildings or structures, the Building Commissioner shall have the right to make the inspections in the manner and at the times appropriate for such large or complex buildings or structures. The architect or engineer for any building requiring an architect or engineer under state law or regulation shall make available his inspection reports to the Building Commissioner. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of $25.00 for each such additional inspection. Reinspection fees shall be paid to the Dale Plan Advisory Commission prior to the issuance of a certificate of occupancy. (Ord. 1990-4, S9, March 5, 1990) (Ord. 1989-5, S9, Dec. 4, 1989)

6.12.100 Review of application. Prior to the issuance of any building permit, the Building Commissioner shall:

(1) Review all building permit applications to determine full compliance with the provisions of this Code.

(2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(3) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:

A. uses construction materials and utility equipment that are resistant to flood damage, and

B. uses construction methods and practices that will minimize flood damage.

(4) Review building permit applications for new construction, or substantial improvements, within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes):

A. is protected against flood damage,

B. is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and

C. uses construction methods and practices that will minimize flood damage. (Ord. 1990-4, S10, March 5, 1990) (Ord. 1989-5, S10, Dec. 4, 1989)

6.12.110 Inspections. After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this Code and the terms of the permit. Reinspection of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed by this Code.

Any builder herein shall schedule an appointment for said inspections with at least 24 hours prior notice to the Building Commissioner. In the event that the Building Commissioner shall not be in attendance within 2 hours of the appointed time, then the builder or permit holder shall be authorized to proceed with construction absent said Building Commissioner if the appointment has been made in compliance with this Code. The failure of the Building Commissioner to inspect as provided by this Code does not excuse compliance with Section 6.12.050 of this Code. The Building Commissioner will, within 24 hours, with the exception of Sundays and holidays, notify the builder in writing of the findings of his inspection, including the date and time of the inspection. (Ord. 1990-4, S11, March 5, 1990) (Ord. 1989-5, S11, Dec. 4, 1989)

6.12.120 Inspection assistance. The Chief of the Fire Department serving Dale, Indiana, or his designated representatives, may assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and may provide reports of such inspection to the Building Commissioner. (Ord. 1990-4, S12, March 5, 1990) (Ord. 1989-5, S12, Dec. 4, 1989)

6.12.130 Entry. Upon presentation of proper credentials, the Building Commissioner, or his duly authorized representatives, may enter, at reasonable times, any building, structure, or

premises in the Town of Dale to perform any duty imposed upon him by this Code. (Ord. 1990-4, S13, March 5, 1990) (Ord. 1989-5, S13, Dec. 4, 1989)

6.12.140 Stop order. Whenever work is being done contrary to the provisions of this Code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work. (Ord. 1990-4, S14, March 5, 1990) (Ord. 1989-5, S14, Dec. 4, 1989)

6.12.150 Certificate of occupancy. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this Code shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. The Building Commissioner will make final inspection within 24 hours of notification that the structure is completed, with the exception of Sundays and holidays, and within 24 hours thereafter, with the exception of Sundays and holidays, will issue to the applicant either a certificate of occupancy or written reason(s) for rejection. (Ord. 1990-4, S15, March 5, 1990) (Ord. 1989-5, S15, Dec. 4, 1989)

6.12.160 Workmanship. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Ord. 1990-4, S16, March 5, 1990) (Ord. 1989-5, S16, Dec. 4, 1989)

6.12.170 Violations. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, or improve any building or structure, other than fences and agricultural structures, in the Town of Dale, or cause or permit the same to be done, contrary to or in violation of the provisions of this Code. (Ord. 1990-4, S17, March 5, 1990) (Ord. 1989-5, S17, Dec. 4, 1989)

6.12.180 Right of appeal. All persons shall have the right to appeal the Building Commissioner's decision, first through the Dale Town Council, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7. Such appeals shall be filed in writing with the Clerk-Treasurer within twenty (20) days of the Building Commissioner's decision. The Dale Town Council shall conduct a hearing on any appeal within 10 days after it is filed and shall render its decision within 7 days after the conclusion of the hearing. (Ord. 1990-4, S18, March 5, 1990) (Ord. 1989-5, S18, Dec. 4, 1989)

6.12.190 Remedies. The Building Commissioner shall in the name of the Town of Dale bring actions to the Circuit Court of Spencer County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief made be joined with an action to recover the penalties provided for in this Code. (Ord. 1990-4, S19, March 5, 1990) (Ord. 1989-5, S19, Dec. 4, 1989)

6.12.200 Penalties. If any person, firm or corporation shall violate any of the provisions of this Code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this Code, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Ten Dollars ($10.00), nor more than Five Hundred Dollars ($500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. 1990-4, S20, March 5, 1990) (Ord. 1989-5, S20, Dec. 4, 1989)

6.12.210 Repeal and effective date. Ordinance No. 1989-5 and all ordinances and parts of ordinances in conflict with this Code are hereby repealed, and this Code shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law. (Ord. 1990-4, S21, March 5, 1990) (Ord. 1989-5, S21, Dec. 4, 1989)

Chapter 6.13

UNSAFE BUILDING LAW

Sections:

6.13.010 Adoption of the Unsafe Building Law
6.13.020 Appointment of Department to Administer Ordinance
6.13.030 Construction
6.13.040 Penalty for Violation
6.13.050 Severability
6.13.060 Effective Date

6.13.010 Adoption of the Unsafe Building Law. The Town of Dale, Indiana, hereby adopts Indiana Code Chapter 36-7-9, which establishes the Indiana Unsafe Building Law and explicitly incorporate by reference the definition of "substantial property interest" found in Indiana Code Section 36-7-9-2. (Ord. 2015-2, S1, Jan. 5, 2015)

6.13.020 Appointment of Department to Administer Ordinance. The Dale Town Council by through its appointees and agents shall be the executive department authorized to administer this Ordinance. (Ord. 2015-2, S2, Jan. 5, 2015)

6.13.030 Construction. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter. (Ord. 2015-2, S3, Jan. 5, 2015)

6.13.040 Penalty for Violation. Violations of this ordinance shall be addressed as established in Indiana Code Chapter 36-7-9 as it may be amended from time to time. (Ord. 2015-2, S4, Jan. 5, 2015)

6.13.050 Severability. Should any section, paragraph, sentence, clause, or any other portion of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if an only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adoption this ordinance. To this end, the provisions of this ordinance are severable. (Ord. 2015-2, S5, Jan. 5, 2015)

6.13.060 Effective Date. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Section 36-5-2-10. (Ord. 2015-2, S6, Jan. 5, 2015)

Chapter 6.15

HOUSE NUMBERING PLAN

Sections:

6.15.005 Dividing lines
6.15.010 House numbering plan
6.15.020 Maintaining proper street number records/Inspection
6.15.030 Size and placement of house numbers/Penalty for violation

6.15.005 Dividing lines. It is necessary to establish street numbers upon the lots and improvements within the Town of Dale, Indiana.

It is in the best interest of said Town that Main Street, running North and South, be the dividing line between the East and West part of Town and that Medcalf Street, running East and West, be the dividing line between the North and South part of said Town. (Ord. 108, Whereas, August 4, 1969)

6.15.010 House numbering plan. All lots, buildings and structures in the Town shall be numbered in accordance with the following plan:

(1) North and South numbers shall commence at Medcalf Street.

(2) East and West numbers shall commence at Main Street.

(3) Odd numbers shall be on the East and North sides of the streets.

(4) Even numbers shall be on South and West sides of the streets.

(5) There shall be one hundred (100) numbers to each block; one number to every fifty feet of frontage. (Ord. 108, S1, August 4, 1969)

6.15.020 Maintaining proper street number records/Inspection. The Town Clerk shall keep a chart showing the proper street number of every lot in the town which shall be open to inspection by anyone interested. (Ord. 108, S2, August 4, 1969)

6.15.030 Size and placement of house numbers/Penalty for violation. It shall be the duty of the owner and occupants of every house in the Town to have placed thereon, in the place visible from the street, figures at least two and one-half inches high, showing the number of the house; any person, firm, or corporation failing to so number any house, building, or other structure, occupied by him or if after receiving notice to do so from the clerk shall continue in his failure to so number such house or structure shall be fined One Dollar ($1.00) for each day during or on which a failure to so number continues. (Ord. 108, S3, August 4, 1969)

Chapter 6.18

HEIGHT OF GRASS, WEEDS, SIMILAR VEGETATION

Sections:

6.18.010 Statement of Intent
6.18.015 Definitions
6.18.020 Public Nuisance
6.18.030 The Town of Dale
6.18.040 Notice to Property Owners
6.18.050 Clerk-Treasurer as fiscal officer
6.18.060 Notice of Appeal
6.18.070 Exemptions
6.18.080 Separability

6.18.010 Statement of Intent. The height of grass, weeds and similar vegetation within the Town of Dale, Indiana, substantially affects such matters as the health and safety by providing habitat for unwanted animals or other pests and the general appearance of the Town. Therefore, it is hereby found and determined that the height of grass, weeds and similar vegetation are matters of town-wide concern over which the Town must exercise the control set forth in this Ordinance. (Ord. 2006-8, S6.18.010, June 20, 2006) (Ord. 2001-07, S1, May 7, 2001)

6.18.015 Definitions.

(1) Inhabited lot or parcel shall mean any lot or parcel or real estate located within the Town of Dale that has a structure located thereon.

(2) Vacant lot or parcel shall mean any lot or parcel located within the Town of Dale that does not have a structure located thereon. (Ord. 2006-8, S6.18.015, June 20, 2006) (Ord. 2001-07, S2, May 7, 2001)

6.18.020 Public Nuisance. It is hereby declared to be unlawful, a public nuisance and a violation of this ordinance for the owner of property within the corporate limits of the Town of Dale, Indiana to permit the growth of grass, weeds and similar vegetation in excess of 10 (ten) inches in height upon a lot or parcel with a structure located thereon the property. It is hereby declared to be unlawful, a public nuisance and a violation of this ordinance for the owner of property within the corporate limits of the Town of Dale, Indiana to permit the growth of grass, weeds and similar vegetation in excess of 16 (sixteen) inches in height upon a vacant lot or parcel of property. In addition to the remedies hereinafter set forth, any such nuisance may be charged as such and may be abated in such manner as nuisances are now, or may hereafter be abated under existing law. (Ord. 2006-8, S6.18.020, June 20, 2006) (Ord. 2001-7, S3 & 4, May 7, 2001)

6.18.030 The Town of Dale. The Town of Dale, Street Department shall have responsibility for the administration of this article and shall have complete power to abate a violation of this article if the owner fails to abate the violation pursuant to notice. (Ord. 2006-8, S6.18.030, June 20, 2006) (Ord. 2001-07, S7, May 7, 2001)

6.18.040 Notice to Property Owners. The Town of Dale shall notify the property owner who is in violation of this ordinance by certified mail at the address listed on the tax records, or by posting a notice on the property in a conspicuous place setting forth the requirements of this article. Failure to comply with these requirements will result in the Town entering the offending property to abate the violation. Any offending property owner so notified shall be given 10 (ten) days to comply, which notice shall remain effective for the remainder of the calendar year in which it is given. (Ord. 2006-8, S6.18.040, June 20, 2006)

6.18.050 Clerk-Treasurer as fiscal officer. The Clerk-Treasurer of the town shall determine the actual cost of abating the violation including administrative costs as well as cutting and/or removal costs and shall bill the violator forthwith. If the violator fails to pay any bill issued pursuant to this article within 30 days from the billing date, the Clerk-Treasurer of the town shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the town. (Ord. 2006-8, S6.18.050, June 20, 2006) (Ord. 2001-07, S6, May 7, 2001)

6.18.060 Notice of Appeal. Any property owner who receives a notice of violation of this ordinance or a bill issued under this ordinance may appeal it by filing a notice of appeal with the Clerk-Treasurer within 10 (the) days of the date on either the notice or bill requesting a hearing at the next Town Council meeting; and said matter will be heard at the next Town Council meeting. (Ord. 2006-8, S6.18.060, June 20, 2006)

6.18.070 Exemptions.

(1) Areas located within the corporate town limits which are used for agricultural purposes.

(2) Ornamental or other decorative grasses or garden plants specifically planted for landscape or human consumption purposes. (Ord. 2006-8, S6.18.070, June 20, 2006) (Ord. 2001-07, S5, May 7, 2001)

6.18.080 Separability. If any section, sub section, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2006-8, S6.18.080, June 20, 2006) (Ord. 2001-07, S8, May 7, 2001)

Chapter 6.19

GRASS CLIPPINGS AND OTHER VEGETATION PLACED ON PUBLIC RIGHTS OF WAY

Sections:

6.19.010 Public Nuisance
6.19.020 Penalty

6.19.010 Public Nuisance. It is hereby declared to be unlawful, a public nuisance and a violation of this Chapter for the owner of property within the corporate limits of the Town of Dale, Indiana, to place grass clippings and other vegetation from adjoining lands onto public streets, sidewalks, or public rights of way whether said grass clippings and vegetation were placed there manually or by operation of any kind of machinery. (Ord. 2019-8, S1, Nov. 11, 2019)

6.19.020 Penalty. In the event such grass clippings and vegetation are placed on such public streets, sidewalks or public rights of way, the owner of the land from which it came shall remove the same in a timely manner, not to exceed two (2) hours. Failure to remove said grass clippings and vegetation within the two-hour period shall result in a penalty of One Hundred Dollars ($100.00) being assessed to such adjoining land owner. (Ord. 2019-8, S2, Nov. 11, 2019)

Chapter 6.60

DISCHARGING FIREARMS

Sections:

6.60.010 Discharge of firearms prohibited
6.60.020 Exceptions to this ordinance
6.60.030 Penalty
6.60.040 Severability
6.60.050 Repeal of conflicting ordinances

6.60.010 Discharge of firearms prohibited. It is unlawful for any person to shoot, fire or discharge any firearms of any description, guns, pistols, shotguns, rifles, BB guns, BB pistols, or other mechanical devices which shoot or throw shot or bullets within the limits of the Town of Dale. (Ord. 2007-3, S6.60.010, Mar. 5, 2007) (Ord. 6, S1, Feb. 15, 1892)

6.60.020 Exceptions to this ordinance. This section shall not prohibit any officer of the law from discharging a firearm in the performance of such officer's official duty, nor shall it apply to any citizen when lawfully defending such citizen's person or property from physical injury. (Ord. 2007-3, S6.60.020, Mar. 5, 2007)

6.60.030 Penalty. Any person violating any of the provisions of this chapter, shall upon conviction be fined not less than Forty Dollars ($40.00) for the first violation. Second and subsequent violations will result in a fine of not less than One-Hundred Dollars ($100.00). A separate offense shall be deemed committed each time that a violation occurs or is committed. (Ord. 2007-3, S6.60.030, Mar. 5, 2007)

6.60.040 Severability. If a section, part of a section, sentence, clause or phrase of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect. (Ord. 2007-3, S6.60.040, Mar. 5, 2007)

6.60.050 Repeal of conflicting ordinances. All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this order are hereby repealed. (Ord. 2007-3, S6.60.050, Mar. 5, 2007)

Chapter 6.70

NOISE

Sections:

6.70.010 Purpose
6.70.020 Noise
6.70.030 Penalty for violations
6.70.040 Enforcement
6.70.050 Separability

6.70.010 Purpose. The intent and purpose of this chapter is declared to be that all harassments, disturbances, and annoyances by unnecessary sound and noises to the peace and quiet of the citizens of Dale be prohibited, and it is hereby declared to be unlawful for any persons, firm or corporation to create or cause to be created unnecessarily, any such disturbing, annoying, or harassing sound or noise, to declare the same to be a public nuisance, and to provide penalties for the unlawful maintenance of said nuisances. (Ord. 2000-6, S1, July 3, 2000)

6.70.020 Noise. The making, causing or permitting to be made of any unnecessary noise by any person that disturbs or that may tend to disturb the peace and quiet of the citizens of Dale, is hereby declared to be a nuisance.

(1) Sounding Horns or Bells. It shall be unlawful for any person, firm or corporation, to sound any motor vehicle or motor bicycle bell, horn or other signal device within the Town of Dale, except as provided by the motor vehicle laws of the State of Indiana now or hereafter enacted.

(2) Engine noise. Muffler required. It shall be unlawful for any person, firm or corporation except as provided in this chapter, to operate within the confines of the Town of Dale any gas, gasoline, fuel oil, or internal combustion engine which shall unnecessarily create or cause to be created any noise which shall disturb the quiet or repose of or shall annoy any person or persons within the Town of Dale. It is specifically declared to be unlawful to operate or cause to be operated any gasoline motor, diesel engine, or internal combustion engine, either stationary or moving, within the Town of Dale, without having attached to said internal combustion engine a suitable muffler or muffler attachment to silence and quiet the explosions of said motor or engine.

(3) Radio and Electronic Devices. It shall be unlawful for any person, firm or corporation to play, use, operate or permit to be played, used or operated, any radio, tape player, cassette player, compact disc player, loud speaker, sound amplifier or other device designed for generating or reproducing

sound which shall disturb the quiet or repose of or shall annoy any person or persons within the Town of Dale.

(4) Exemptions.

A. This Section shall not apply to properly operating vehicle alarms, authorized emergency vehicles, vehicle horns used as a warning of danger or public safety officials acting within the scope of their authority.

B. This Section shall not apply to licensed festivals, parades or any activity authorized by the Board of Public Works, Parks Board, Safety Board or other Governmental Board having jurisdiction and control over the property.

(5) A custodial parent shall be responsible for ensuring a minor child complies with this Chapter and is responsible for any fine imposed. (Ord. 2000-6, S2, July 3, 2000) (Ord. 80, SII, Nov. 1, 1920)

6.70.030 Penalty for violations.

(1) Any person, persons, firm or corporation causing or maintaining any nuisance, by violating any of the provisions of this chapter shall, upon conviction, be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for the first violation. Second and subsequent violations will result in a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00). In the event of a continuing or maintaining of a violation of any section of this chapter, any person, firm or corporation causing or maintaining said nuisance shall upon conviction, be fined in a sum not less than five hundred dollars ($500.00). Each day's operation or maintaining of said nuisance or any part thereof shall be a separate violation.

(2) In addition to the monetary penalties provided in (1) above, a Court may enter injunctive relief to prevent future violations for maintaining a nuisance. (Ord. 2000-6, S3, July 3, 2000)

6.70.040 Enforcement. The Dale Police Department shall enforce this ordinance. (Ord. 2000-6, S4, July 3, 2000)

6.70.050 Separability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2000-6, S5, July 3, 2000)

Chapter 6.72

REGULATING THE USE OF CONSUMER FIREWORKS

Sections:

6.72.010 IC 22-11-14-10.5 Definition
6.72.020 IC 22-11-14-1 Definition
6.72.030 Consumer Fireworks
6.72.040 Adoption
6.72.050 Regulating the Use of Consumer Fireworks
6.72.060 Incorporation of IC 22-11-14-1
6.72.070 Exemptions
6.72.080 Fines

6.72.010 IC 22-11-14-10.5 Definition. Pursuant to Indiana Code Section 22-11-14-10.5 a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality. (Ord. 2020-4, Preamble, June 9, 2020)

6.72.020 IC 22-11-14-1 Definition. Pursuant to Indiana Code Section 22-11-14-1 "consumer firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. (Ord. 2020-4, Preamble, June 9, 2020)

6.72.030 Consumer Fireworks.

(1) Include:

A. aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;

B. ground audible devices, which include firecrackers, salutes, and chasers; and

C. firework devices containing combinations of the effects described in clauses (A) and (B); and

(2) Do not include:

A. dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.

B. cylindrical fountains

C. cone fountains

D. illuminating torches

E. wheels

F. ground spinners

G. flitter sparkers

H. snakes or glow worms

I. smoke devices

J. trick noisemakers, which include:

1. party poppers

2. booby traps

3. snappers

4. trick matches

5. cigarette loads

6. auto burglar alarms (Ord. 2020-4, Preamble, June 9, 2020)

6.72.040 Adoption. (Ordinance Adopted under IC 22-11-14-10.5.)

(1) may limit the use of consumer fireworks in a municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of consumer fireworks:

A. between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

B. between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

C. between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; (Ord. 2020-4, Preamble, June 9, 2020)

6.72.050 Regulating the Use of Consumer Fireworks. The Town Council for the Town of Dale, Indiana (the "Council"), in the interest of public safety and to minimize the adverse effects of unregulated consumer fireworks, has decided to regulate the use of consumer fireworks within the corporate limits of Dale, Indiana. (Ord. 2020-4, Preamble, June 9, 2020)

6.72.060 Incorporation of IC 22-11-14-1. The definitions of Indiana Code Section 22-11-14-1 are hereby incorporated, by reference, into and made a part of this Chapter. (Ord. 2020-4, Preamble, June 9, 2020)

6.72.070 Exemptions. Consumer fireworks, as defined by Indiana Code Section 22-11-14-1, are strictly prohibited and may not be used, ignited, or discharged anywhere within the corporate limits of Dale, Indiana, except:

(1) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(2) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(3) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; (Ord. 2020-4, Preamble, June 9, 2020)

6.72.080 Fines. Any person violating this Chapter shall be fined as follows:

(1) for the first offense, Fifty Dollars ($50.00)

(2) for the second offense, One Hundred Dollars ($100.00)

(3) for the third and all subsequent offenses, Five Hundred Dollars ($500.00) (Ord. 2020-4, Preamble, June 9, 2020)

Chapter 6.75

SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES

Sections:

6.75.010 Use of Public Streets Prohibited
6.75.020 Crossing Streets
6.75.030 Use of Public Sidewalks
6.75.040 Yielding Right-of-Way to Other Pedestrians
6.75.050 Use by Handicapped Person
6.75.060 Sanctions
6.75.070 Confiscation of Equipment

6.75.010 Use of Public Streets Prohibited. Use of skate boards, roller skates, in-line skates, coasters, non-motorized scooters, toy vehicles and similar devices is prohibited on all public streets, except that the laws governing pedestrians crossing streets shall apply to any person crossing a street on a skateboard, roller skates, in-line skates., coaster, scooter, toy vehicle or similar device. (Ord. 2008-6, S1, Nov. 3, 2008)

6.75.020 Crossing Streets. Any person crossing a street on a skateboard, roller skates, in-line skates, a coaster, scooter, toy vehicle or similar devise shall yield the right-of-way to pedestrians at all crosswalks and shall not travel too fast for existing conditions. (Ord. 2008-6, S2, Nov. 3, 2008)

6.75.030 Use of Public Sidewalks. The use of skateboards, roller skates, in-line skates, coasters, scooters, toy vehicles and similar devices shall be permitted on public sidewalks as a means of travel only. However, no person shall use such devices for jumping onto or from items such as, but not limited to, railings, stairs, bicycle racks, planters, benches, curbs or similar structures or items, and the waxing of such items or similar items on public property shall not be permitted and shall be permitted on private property only with the permission of the owner of the property. Congregation on public property for the purpose of using any of the above devices, or doing any of the above-cited acts, or traveling back and forth repeatedly upon the same public sidewalk is prohibited. (Ord. 2008-6, S3, Nov. 3, 2008)

6.75.040 Yielding Right-of-Way to Other Pedestrians. No one shall erect or place ramps or other items intended to be jumped or used as a means of propelling a person who is using a skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar device on a public sidewalk, in a public parking lot or on public property, nor shall such devices be placed on private property that does not belong to the user of said devices without the express permission of the owner of the property. (Ord. 2008-6, S4, Nov. 3, 2008)

6.75.050 Use by Handicapped Person. This section does not apply to mobility handicapped persons using a motor-driven, wheeled devise on a sidewalk or in a parking lot. (Ord. 2008-6, S5, Nov. 3, 2008)

6.75.060 Sanctions. Whoever violates any portion of this section shall be fined not less than Ten Dollars ($10.00) for first offense and not less than Twenty Dollars ($20.00) for each subsequent offense. The maximum fine for any offense shall be Fifty Dollars ($50.00). (Ord. 2008-6, S6, Nov. 3, 2008)

6.75.070 Confiscation of Equipment. If a minor (a person under the age of eighteen (18) is cited for a violation of this ordinance, the police officer citing the offender may take possession of the skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar equipment and secure it until the ordinance violation is resolved or the parent or guardian of the minor appears at the police headquarters and requests its return, whichever occurs first. If a person over the age of eighteen (18) is cited for a violation, the officer citing the offender may take possession of the skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar device and secure it until the ordinance violation is resolved. (Ord. 2008-6, S7, Nov. 3, 2008)

Chapter 6.80

FEES FOR ORDINANCE VIOLATION ABATEMENT

Sections:

6.80.010 Fee Charged by the Town of Dale
6.80.020 Rental of Equipment
6.80.030 Billing Hours
6.80.040 Fee Charged by a Private Contractor
6.80.050 Clerk-Treasurer as Fiscal Officer
6.80.060 Separability

6.80.010 Fee charged by the Town of Dale. The Town of Dale shall charge a fee of ($100.00) one hundred dollars per hour when the Town of Dale uses any of its equipment, machinery or employees to abate any violation of a town ordinance. This per hour fee will cover the labor of up to, (2) two town employee's and the use of any town owned equipment or machinery used in the process of abating an ordinance violation. (Ord. 2006-10, S6.80.010, Aug. 7, 2006)

6.80.020 Rental of Equipment. The Town may at its discretion rent any equipment needed to abate a violation. The rental fee(s) will be billed to the violator of the ordinance that is being abated. (Ord. 2006-10, S6.80.020, Aug. 7, 2006)

6.80.030 Billing Hours. A minimum of (1) one hour will be charged. The Town will bill to the next full hour only, there will be no billing of partial hours. The town will begin billing at the time the town employee(s) leave the town garage and will continue billing until the next full hour after the town employee(s) return to the town garage after the abatement and disposal, if needed, has been completed. (Ord. 2006-10, S6.80.030, Aug. 7, 2006)

6.80.040 Fee charged by a private contractor. The Town of Dale may, at its discretion hire a private contractor to abate an ordinance violation. When a private contractor is hired to abate an ordinance violation the fee charged by the private contractor will be passed on to the violator at the rate charged by the private contractor. (Ord. 2006-10, S6.80.040, Aug. 7, 2006)

6.80.050 The Clerk-Treasurer as fiscal officer. The Clerk-Treasurer of the town shall determine the actual cost of abating an ordinance violation including administrative costs and shall bill the violator forthwith. If the violator fails to pay any bill issued pursuant to this article within (30) thirty days from the billing date, the Clerk-Treasurer of the town shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the town. (Ord. 2006-10, S6.80.050, Aug. 7, 2006)

6.80.060 Separability. If any section, sub section, clause, phrase or portion of this ordinance shall be for any reason be held invalid or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2006-10, S6.80.060, Aug. 7, 2006)

Chapter 6.90

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Sections:

6.90.010 Established
6.90.020 Nationwide approach
6.90.030 Domestic Incidents
6.90.040 Interoperability and compatibility
6.90.050 Required Adoption
6.90.060 Adoption

6.90.010 Established. Homeland Security Presidential Directive / HSPD, 28 Feb. 2003 established the National Incident Management Systems (NIMS). (Res. 2006-3, S1, May 1, 2006)

6.90.020 Nationwide approach. The NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management. (Res. 2006-3, S2, May 1, 2006)

6.90.030 Domestic Incidents. The NIMS provides a consistent nationwide approach for Federal, State and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity. (Res. 2006-3, S3, May 1, 2006)

6.90.040 Interoperability and compatibility. The NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting. (Res. 2006-3, S4, May 1, 2006)

6.90.050 Required Adoption. All Federal departments and agencies shall make adoption of NIMS a requirement, to the extent provided by law, for providing Federal preparedness assistance through grants, contracts or other activities to local governments. (Res. 2006-3, S5, May 1, 2006)

6.90.060 Adoption. Be it resolved that the Town of Dale, Indiana by adoption of this resolution by the Town Council of the Town of Dale, Indiana hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents of any kind or making. (Res. 2006-3, S6, May 1, 2006)

Chapter 6.94

MULTI-HAZARD MITIGATION PLAN

Sections:

6.94.010 Development of Plan
6.94.020 Risk Assessment
6.94.030 Mitigation Strategy
6.94.040 Maintenance or Implementation Process
6.94.050 Approval
6.94.060 Requirement for Grant Funding
6.94.070 Adoption of Plan

6.94.010 Development of Plan. The Town of Dale has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000.

(1) The Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan.

(2) The Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses. (Ord. 2020-08, Nov. 10, 2020)

6.94.020 Risk Assessment. The Spencer County Plan includes a risk assessment including past hazards, hazards that threaten the county, an estimate of structures at risk, a general description of land uses and development trends. (Ord. 2020-08, Nov. 10, 2020)

6.94.030 Mitigation Strategy. The Spencer County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs. (Ord. 2020-08, Nov. 10, 2020)

6.94.040 Maintenance or Implementation Process. The Spencer County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Spencer County will maintain public participation and coordination. (Ord. 2020-08, Nov. 10, 2020)

6.94.050 Approval. The Plan has been shared with the Indiana Department of Homeland Security and the Federal Emergency Management Agency for review and comment. (Ord. 2020-08, Nov. 10, 2020)

6.94.060 Requirement for Grant Funding. The Spencer County Multi-Hazards Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants. (Ord. 2020-08, Nov. 10, 2020)

6.94.070 Adoption of Plan.

(1) Spencer County Multi-Hazard Mitigation Plan updates the existing Multi-Hazard Mitigation Plan adopted in January 2011.

(2) This is a multi-jurisdictional plan and cities and towns that participated in the planning process may choose to also adopt the county plan. (Ord. 2020-08, Nov. 10, 2020)