

TITLE 4
HEALTH AND SANITATION

TITLE 4

HEALTH AND SANITATION

Chapters:

- 4.01 Key Box Emergency Access System
- 4.02 Outdoor Burning, Refuse Burning and Certain Heating Devices
- 4.03 Removal of Weeds and Rank Vegetation
- 4.06 Building and Premises Standards
- 4.07 Voluntary Demolition and Moving of Structures
- 4.08 Trash Collection Services and Charges
- 4.09 Limb and Yard Waste Collection Program
- 4.12 Recycling

Chapter 4.01

KEY BOX EMERGENCY ACCESS SYSTEM

Sections:

- 4.01.010 Definitions
- 4.01.020 Mandatory Key Boxes for Newly Built Structures with Suppression Systems and/or Standpipe Systems
- 4.01.030 Mandatory Key Boxes for Newly Built Structures with Fire Alarm System
- 4.01.040 Mandatory Key Boxes for Newly Built Commercial and Industrial Structures which are Unduly Difficult to Access
- 4.01.050 Non-Applicability to Certain Dwellings
- 4.01.060 Key Lock Boxes
- 4.01.070 Registration and Installation of Key Lock Boxes
- 4.01.080 Voluntary Compliance
- 4.01.090 Penalty

4.01.010 Definitions.

- (1) *Automatic Dialer* shall refer to a device that automatically dials and relays a prerecorded message to the fire department.
- (2) *Automatic Suppression System* refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.
- (3) *Fire Chief* shall refer to the Chief of the Ferdinand Fire Department or his designee.
- (4) *Central Station* shall refer to an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.
- (5) *Lock Box or Key Box* – A high security key vault, which shall refer to a UL type box, standards, size, and style approved by the Fire Chief.
- (6) *Responsible Party* shall refer to the property owner of a structure subject to this ordinance.

- (7) *Standpipe System* shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires. (Ord. 2015-13, S4.01.010, Dec. 15, 2015)

4.01.020 Mandatory Key Boxes for Newly Built Structures with Suppression Systems and/or Standpipe Systems. Each commercial or industrial structure built after January 1, 2016 which is protected by an automatic suppression system and/or standpipe system and not manned during a 24 hour, 7-day a week operation, shall be equipped with a key box at or near the main entrance. The key box shall be a “Knox Box-type” and size approved by the Fire Chief. (Ord. 2015-1, S4.01.020, Dec. 15, 2015)

4.01.030 Mandatory Key Boxes for Newly Built Structures with Fire Alarm System. Each structure built after January 1, 2016 which is protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned during a 24 hour, 7-day a week operation, shall be equipped with a key lock box at or near the main entrance. The key lock box shall be a “Knox Box-type” and size approved by the Fire Chief. (Ord. 2015-13, S4.010.030, Dec. 15, 2015)

4.01.040 Mandatory Key Boxes for Newly Built Commercial and Industrial Structures which are Unduly Difficult to Access. Any commercial or industrial structure built after January 1, 2016 that is unduly difficult to access because of secured openings, and where immediate access is necessary for lifesaving or firefighting purposes, shall be equipped with a key box at or near the main entrance. The key box shall be a “Knox Box-type” and size approved by the Fire Chief. (Ord. 2015-13, S4.01.040, Dec. 15, 2015)

4.01.050 Non-Applicability to Certain Dwellings. This Ordinance (Chapter) shall not apply to owner occupied one and two family dwellings and commercial apartment complexes and other multi-family residential structures which do not have a common corridor for access to the living quarters. (Ord. 2015-13, S4.01.050, Dec. 15, 2015)

4.01.060 Key Lock Boxes. The responsible party is required at all times to keep a key(s) in the lock box that will allow access to the structures. The key box shall contain the following items:

- (1) Labeled keys to locked points of egress, whether in interior or exterior of such structures;
- (2) Labeled keys to the locked mechanical rooms;
- (3) Labeled keys to locked elevator rooms and controls;
- (4) Labeled keys to any fence or secured areas;

- (5) Labeled keys to areas of the structure where fire alarm panels and fire protection systems are located;
- (6) Labeled keys to any other areas that may be required by the Fire Chief;
- (7) A card containing the emergency contact people and phone numbers for such structures;
- (8) Floor plans of the rooms within the structure showing locations of shut offs;
- (9) Hazardous materials information; and
- (10) An inventor of the keys is to be placed inside all lock boxes.

The responsible party shall notify the Ferdinand Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the key lock box free and clear of any and all obstructions.

The key lock box shall be kept functional at all times after installation. (Ord. 2015-13, S4.01.060, Dec. 15, 2015)

4.01.070 Registration and Installation of Key Lock Boxes. It shall be the duty of the responsible party to apply to the Ferdinand Chief of the Ferdinand Fire Department to register for a key lock box. Registration is required prior to the installation of a key lock box in order to verify the proper mounting location and installation of said key lock box.

The key lock box shall be installed on the front exterior of the structure near the main entry door at a location approved by the Fire Chief. No key lock box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Chief of the Ferdinand Fire Department. The responsible party shall be responsible for the cost to purchase, install, and maintain the key lock box. (Ord. 2015-13, S4.01.070, Dec. 15, 2015)

4.01.080 Voluntary Compliance. All commercial and industrial structures built prior to January 1, 2016 are requested to voluntarily comply with this Ordinance (Chapter) and, to that end, the Fire Chief is instructed to meet with all existing commercial and industrial structure owners or occupants for the purpose of informing them of the public health, safety and welfare benefits of the establishment of a key box on their premises. Notwithstanding this provision, any existing structure which is remodeled or structurally altered in any way hereafter shall comply with the terms and provisions of this Ordinance (Chapter). All newly built structures which are not yet occupied; those currently under construction; and all structures or businesses awaiting the fire marshal's release prior to occupancy; shall comply immediately upon passage of this Ordinance. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be born by the responsible party.

The Fire Chief shall be authorized to implement rules and regulations governing the installation and use of any key box system and maintain a log of registered key lock boxes. (Ord. 2015-13, S4.01.080, Dec. 15, 2015)

4.01.090 Penalty. The responsible party shall be subject to a fine of \$50.00 for each day of non-compliance with this Ordinance. Each day of non-compliance shall be considered a separate offense. Nothing herein shall prevent the Town of Ferdinand from taking such other lawful action as may be deemed necessary or appropriate to prevent or remedy any violations including the right to obtain injunctive relief to require compliance. The Town of Ferdinand may recover all costs, including its attorney fees, if legal action is taken involving a violation of this Ordinance (Chapter). (Ord. 2015-13, S4.01.090, Dec. 15, 2015)

Chapter 4.02

OUTDOOR BURNING, REFUSE BURNING AND CERTAIN HEATING DEVICES

Sections:

- 4.02.020 Purpose and General Prohibition
- 4.02.030 Applicability
- 4.02.040 Definitions
- 4.02.050 General Prohibition on Outdoor Burning and Refuse Burning
- 4.02.060 Materials That May Not Be Burned
- 4.02.070 Open Burning Exemptions
- 4.02.080 Restrictions on Burning Exemptions
- 4.02.090 Burn Barrels
- 4.02.100 Outdoor Furnaces
- 4.02.110 Outdoor Wood Furnaces
- 4.02.120 Smoke and Gases
- 4.02.130 Liability
- 4.02.140 Right of Entry and Inspection
- 4.02.150 Enforcement and Penalties
- 4.02.160 Prior Ordinances
- 4.02.170 Separability
- 4.02.180 Compliance with Other Rules and Regulations

4.02.020 Purpose and General Prohibition. This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Ferdinand due to air pollution and fire hazards of open burning, outdoor burning, refuse burning and certain heating devices. It shall be unlawful for any person, persons, firm, partnership or corporation, commercial or residential, to cause, suffer or allow open burning at any place within the corporate limits of the Town of Ferdinand. No open burning, except those specified in this Chapter, shall be permitted by any means. It shall be unlawful for any person, persons, firm, partnership or corporation, commercial or residential, to negligently or carelessly cause a fire by any means, or by a lighted match, cigar, cigarette or other burning article, which damages property, not his own. (Ord. 2006-03, S2, Apr. 18, 2006) (Ord. 99-5, July 13, 1999) (Ord. 1969-5)

4.02.030 Applicability. This Ordinance applies to all outdoor burning, refuse burning, and certain heating devices within the Town of Ferdinand. This Ordinance does not apply to burning which does not create a nuisance or fire hazard and which is attended by a responsible person at all times until completely extinguished and is done for the following purposes:

- (1) Outdoor grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances;

- (2) Burning in a stove, furnace, fireplace or other heating device located within a building used for human habitation or occupation unless the material being burned includes refuse as defined herein;
- (3) The use of propane, acetylene, natural gas, heating oil, gasoline or kerosene in a device intended for heating, construction, or maintenance activities. (Ord. 2006-03, S3, Apr. 18, 2006)

4.02.040 Definitions. For purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) "Campfire" means small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.
- (2) "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
- (3) "Fire Chief" means Chief of the Ferdinand Volunteer Fire Department, or other person authorized by the Fire Chief.
- (4) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air.
- (5) "Outdoor Burning" means open burning or burning in an Outdoor Wood Furnace.
- (6) "Outdoor Furnace" means a furnace, stove, boiler or similar device, or any part thereof, designed for burning coal, or any other combustible material not including wood or corn, to produce heat or energy used as a component of a heating system providing heat for interior space or water source, and that is not located within a building intended for habitation or occupation by humans.
- (7) "Outdoor Wood Furnace" means a commercially manufactured furnace, stove, boiler or similar device, or any part thereof, designed for burning wood or corn, to produce heat or energy used as a component of a heating system providing heat for interior space or water source, and that is not located within a building intended for habitation or occupation by humans.
- (8) "Refuse" means any waste material except clean wood.
- (9) "Wood Furnace" means a furnace, stove, boiler or similar device, or any part thereof, designated for burning wood or corn, but which is

only used as a short-term heating source. (Ord. 2006-03, S4, Apr. 18, 2006)

4.02.050 General Prohibition on Outdoor Burning and Refuse Burning. Open burning, outdoor burning, and refuse burning are prohibited in the Town of Ferdinand unless the burning is specifically permitted by this Ordinance. (Ord. 2006-03, S5, Apr. 18, 2006)

4.02.060 Materials That May Not Be Burned. Unless a specific written approval has been obtained from the Indiana Department of Environmental Management, or other appropriate state or federal agency, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or other indoor or outdoor incineration or heating device:

- (1) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes, unless otherwise permitted by the Indiana Department of Environmental Management.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board and paper products. Notwithstanding the foregoing provisions, small quantities of newspaper, paper and cardboard products may be used as starter fuel for any fire that is permitted under this Ordinance.
- (8) Leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris, except as specifically permitted by this Ordinance. (Ord. 2006-03, S6, Apr. 18, 2006)

4.02.070 Open Burning Exemptions. The following types of open burning are permitted:

- (1) Campfires contained in grills or pits and outdoor fires in pits or grills for the preparation of foods and patio type fireplaces for aesthetic purposes -

- provided they are attended by a responsible adult at all times and until completely extinguished;
- (2) Recreational fires, such as ceremonial fires in connection with religious ceremonies or scouting activities, including campfires and fires for cookouts, fires for school pep rallies, ceremonial club activities or similar activities and such other purposes as shall be approved in advance by the Ferdinand Town Council - - provided they are attended by a responsible adult at all times and until completely extinguished;
- (3) Burning of clean wood and vegetation derived from the following maintenance operations, if approved by the Town Council of the Town of Ferdinand:
 - A. Vegetation from a farm, an orchard, a nursery, a tree farm, a cemetery or drainage ditch;
 - B. Wood products derived from pruning or clearing a roadside by a county highway department.
- (4) By variance obtained from the Indiana Air Pollution Control Board Commissioner or the Commissioner's designated agent if approved by the Town Council of the Town of Ferdinand;
- (5) An owner or operator of an air curtain destructor subject to approval of Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-6 et seq., if approved by the Town Council of the Town of Ferdinand;
- (6) Burning by a volunteer fire company or other duly constituted fire department of a municipality for the purpose of fire fighting training, subject to approval by Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4, if approved by the Town Council of the Town of Ferdinand;
- (7) Emergency burning of refuse consisting of material resulting from a natural disaster or other similar occurrence when authorized by the Town Council President or his designee, subject to approval by the Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4. 1, and to such restrictions as may be imposed by the Fire Chief. (Ord. 2006-03, S7, Apr. 18, 2006)

4.02.080 Restrictions on Burning Exemptions. All burning conducted under one or more of the burning exemptions contained in Section 4.02.070 herein shall be subject to the following:

- (1) Only clean wood shall be burned unless otherwise stated;

- (2) All fires shall be attended at all times until completely extinguished;
- (3) No burning may be nearer than twenty (20) feet from a neighboring dwelling or any neighboring property adjacent to where the burning occurs;
- (4) All permitted farm and maintenance burning shall occur only between the hours of dawn to dusk; and all burning material must be consumed during these hours and the fire extinguished.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, drought, and similar circumstances, when so declared by the Fire Chief or the Town Council;
- (6) All burning shall comply with all other applicable federal or state laws, rules and regulations.

In the event a fire creates a pollution problem, threat to public health, a nuisance or a fire hazard, as determined by the Fire Chief, the fire shall be immediately extinguished. (Ord. 2006-03, S8, Apr. 18, 2006)

4.02.090 Burn Barrels. No person, firm or other entity shall use or maintain a burn barrel in the Town of Ferdinand. (Ord. 2006-03, S9, Apr. 18, 2006)

4.02.100 Outdoor Furnaces. Outdoor Furnaces, other than Outdoor Wood Furnaces, are hereby prohibited in the Town of Ferdinand. (Ord. 2006-03, S10, Apr. 18, 2006)

4.02.110 Outdoor Wood Furnaces. Ground level pollution of smoke and particulate matter caused by the incomplete combustion of Outdoor Furnaces in the Town of Ferdinand is hereby declared to be a nuisance. All Outdoor Furnaces in the Town of Ferdinand shall be installed, used, operated and maintained in strict compliance with the provisions of this Ordinance.

- (1) All Outdoor Wood Furnaces shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the stricter of the manufacturer's instructions or the regulations promulgated hereunder shall control.
- (2) Any Outdoor Wood Furnace shall be located only in the rear yard, and at least fifty (50) feet from the front, side and rear lot lines of the lot or parcel where the same is installed.
- (3) The Outdoor Wood Furnace shall have a chimney or stack through which all smoke and by-products of combustion are emitted, the height of which shall be determined by the distance from the nearest residence or other

building intended for human occupation which is not served by, or owned by the owner of, the Outdoor Wood Furnace, as follows:

- A. 50' - 100' 75% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - B. 100' - 150' 50% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - C. 150'+ 25% of the height of the eave line of the nearest residence or occupied building which is not served, plus 2 feet.
 - D. In no event shall the chimney or stack height be less than fifteen (15) feet.
- (4) Only clean wood or corn may be burned in an Outdoor Wood Furnace. Under no circumstance may coal, or any materials prohibited under Section 4.02.060 hereof be burned in an Outdoor Wood Furnace.
 - (5) The Outdoor Wood Furnace shall be sufficiently vented to induce complete primary combustion.
 - (6) The owner of any Outdoor Wood Furnace shall operate the same in a manner which is not harmful, and does not create a nuisance or unreasonable interference with the use and enjoyment by owners or occupants of neighboring properties, and the public in general.
 - (7) No person shall install an Outdoor Wood Furnace without first providing the Executive Secretary of the Plan Commission of the Town of Ferdinand with a copy of the manufacturer's instructions and regulations, detailed plans showing the proposed location, height of stack, etc., of the Outdoor Wood Furnaces and paying a fee in the amount of Twenty-Five Dollars (\$25.00) payable to the Town of Ferdinand and obtaining an improvement location permit from the Town of Ferdinand all prior to installation on the Owner's real estate.
 - (8) Owners of existing Outdoor Wood Furnaces within the Town of Ferdinand shall bring the same into compliance with this within thirty (30) days from the effective date of this Ordinance. (Ord. 2006-03, S11, Apr. 18, 2006)

4.02.120 Smoke and Gases. It shall be unlawful to cause or permit the emission or escape of any foul or noxious smoke, fumes, gases or ash, dust, soot or cinders into the open air in such quantities as to cause injury or annoyance to the public or damage to any property or to have a natural tendency to do so within the Town of Ferdinand, even if

said burning is in compliance with all regulations contained herein. (Ord. 2006-03, S12, Apr. 18, 2006)

4.02.130 Liability.

- (1) Any person who conducts outdoor burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (2) Any person who allows the accumulation or existence of combustible material on property owned or occupied by such person and which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this Ordinance or 326 I.A.C. 4-1 on the basis that the fire was set by vandals, accident, or act of God. (Ord. 2006-03, S13, Apr. 18, 2006)

4.02.140 Right of Entry and Inspection. The Fire Chief, Police Officers or any authorized Code Enforcement Officer of the Town of Ferdinand who presents credentials to the Owner or adult occupant of the property may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. (Ord. 2006-03, S14, Apr. 18, 2006)

4.02.150 Enforcement and Penalties. The Fire Chief, the Code Enforcement Officer or his designee, and Police Officers are authorized to enforce the provisions of this Ordinance. Any person, firm or other entity in violation of any portion of this Ordinance shall be subject to a civil penalty in the sum 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 occurring in a calendar year. Each day that a violation continues in existence constitutes a separate offense for which civil penalties may be imposed. In addition to civil penalties, the Town of Ferdinand may petition any Court having competent jurisdiction to enjoin any person, firm, partnership or corporation from further violation of this Ordinance.

The Town shall also have the right to recover the costs of administering this Ordinance (Chapter) including, but not limited to, filing fees and attorney fees. (Ord. 2006-03, S15, Apr. 18, 2006)

4.02.160 Prior Ordinances. That Ordinance No. 99-5 and any other ordinances and/or part of ordinances in conflict herewith are hereby repealed. (Ord. 2006-03, S16, Apr. 18, 2006)

4.02.170 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 effect the validity of the remaining portions thereunder. (Ord. 2006-03, S17, Apr. 18, 2006)

4.02.180 Compliance with Other Rules and Regulations.

- (1) All burning shall comply with other federal, state and local laws, rules and ordinances then in effect.
- (2) In any case where a provision of this Chapter is found to be in conflict with a provision of any building, fire, safety or health ordinance or code of the Town of Ferdinand or laws of the State of Indiana, the provisions which established the higher standards for the promotion and protection of the health and safety of the public shall prevail. (Ord. 2006-03, S18, Apr. 18, 2006)

Chapter 4.03

Removal of Weeds and Rank Vegetation

Sections:

4.03.010 Definitions

4.03.020 Weeds and Other Rank Vegetation Prohibited

4.03.030 Duty To Enforce Chapter

4.03.040 Enforcement Procedure

4.03.050 Abatement of Violation

4.03.060 Recovery of Costs; Abatement and Administration

4.03.070 Appeal Procedure

4.03.010 Definitions. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) Owner. The record owner of the affected real property as reflected in the Office of the Dubois County Auditor.
- (2) Weeds or Other Rank Vegetation. Any grass, weed, or plant beyond ten (10) inches in height, excluding trees, flowers, ornamental shrubs, ornamental plants, and agricultural crops. (Ord. 2003-05, S4.03.010, Apr. 9, 2003)

4.03.020 Weeds and Other Rank Vegetation Prohibited. It shall be unlawful for the owner of any real property in the Town to have growing thereon or cut but unraked thereon any weeds or other rank vegetation. (Ord. 2003-05, S4.03.020, Apr. 9, 2003)

4.03.030 Duty To Enforce Chapter. It shall be the duty of the Ferdinand Street Superintendent or his appointed agent to investigate any potential violation of this Chapter, and upon determining that a violation has occurred, to cause the abatement of the violation by the following procedures provided for in this Chapter, or in any other manner authorized by Town Code or State Statute. (Ord. 2003-05, S4.03.030, Apr. 9, 2003)

4.03.040 Enforcement Procedure.

- (1) The Street Superintendent or his appointed agent shall investigate any potential violation of this Chapter which comes to his attention, and upon determining that a violation has occurred, he shall issue a seven (7) day written notice to the owner of the real estate upon which the violation exists, to remove the weeds or other rank vegetation.

- (2) The notice shall be written and shall contain the following information:
- A. A description of the violation of this Chapter;
 - B. Address of the real estate where the violation occurred;
 - C. Demand to abate the violation by removing the weeds or other rank vegetation within seven (7) days of mailing or delivery of the notice;
 - D. That failure to comply with the demand may result in the Town entering upon the real estate for the purpose of abating the violation, and the costs thereof, together with administrative expenses, shall be billed to the owner, and if not paid within thirty (30) days of the mailing or receipt of a statement, the Town may pursue collection efforts and may certify the same to the County Auditor for collection as delinquent property taxes are collected.
 - E. The Town may issue, as part of the initial notice it sends via certified mail, notice advising the owner of the real estate that the initial notice shall serve as a continuous abatement notice and that each subsequent violation, during the same year as the initial notice of violation, may also be abated by the Town or its contractors with notice posted at the subject property at the time of the second abatement, instead of being sent by certified mail. (Ord. 2012-06, S2, Aug. 14, 2012)
- (3) The initial notice shall be delivered to the owner of the real estate where the violation exists, by certified mail, return receipt requested, to the last known address of the owner as shown on the records of the County Auditor on the date of the notice. (Ord. 2012-06, S3, Aug. 14, 2012) (Ord. 2003-05, S4.03.040, Apr. 9, 2003) (Ord. 0-86-17)

4.030.50 Abatement of Violation. If an owner who has been served or mailed notice of violations, does not abate the violation within seven (7) days of service or mailing, the Town, by its employees, agents, or contractors, may enter onto the owner's real estate and abate the nuisance, keeping a reasonable account of the expenses of abatement. (Ord. 2003-05, S4.03.050, Apr. 9, 2003)

4.03.060 Recovery of Costs; Abatement and Administration. Upon abatement of the violation by the Town, its employees, agents, or contractors, the Town shall issue a statement to the owner for the costs incurred in abating the violation, together with an administrative fee in the sum of Fifty Dollars (\$50.00). In the event the statement is not paid within thirty (30) days of issuance, interest shall accrue on the unpaid balance at the rate of eighteen percent (18%) per annum, and the unpaid amount plus an additional administrative fee in the sum of Fifty Dollars (\$50.00) may be certified to the county

Auditor for collection as delinquent taxes are collected. The Town may also initiate legal action against the owner to recover all amounts due or to obtain injunctive relief to prevent future or repetitive violations of this Chapter. In the event legal action is initiated the Town shall also be permitted to recover its costs and attorney fees. (Ord. 2003-05, S4.03.060, Apr. 9, 2003)

4.03.070 Appeal Procedure. An owner who has received a notice of violation or a statement for the abatement of a violation may appeal the notice or the statement to the Town. The appeal shall be initiated by delivering a notice to the Clerk-Treasurer. If the appeal is of a notice of violation, the notice of appeal must be received within the seven (7) day abatement period. If the appeal is of a statement for the abatement of a violation, the notice of appeal must be received within the thirty (30) day payment period. The appeal shall be referred to the Town Council for a hearing at a regular or special meeting with at least twenty-four (24) hours notice to the owner. (Ord. 2003-05, S4.03.070, Apr. 9, 2003)

Chapter 4.06

BUILDINGS AND PREMISES STANDARDS

Sections:

- 4.06.010 Definitions
- 4.06.020 Applicability
- 4.06.030 Sanitation Standards
- 4.06.040 Heating, Lighting, Ventilation Standards
- 4.06.050 Maintenance and Structural Standards
- 4.06.060 Number of Occupants
- 4.06.070 Reference to State Statute
- 4.06.080 Enforcement; Service of Notices and Orders; Hearings
- 4.06.090 Conflict of Rules and Regulations; Effect or Partial Invalidity
- 4.06.100 Hardship
- 4.06.110 Inspection of Buildings, Structures, and Premises

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

- (1) Basement shall mean a portion of the building located partially underground but having less than Fifty Percent (50%) of its clear floor to ceiling height below the average grade of the adjoining ground.
- (2) Cellar shall mean a portion of the building located partially or wholly underground, and having Fifty Percent (50%) or more of its clear floor to ceiling height below the average grade of the adjoining ground.
- (3) Dwelling shall mean any building which contains a dwelling unit as defined in Subsection (4) below; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (4) 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.
- (5) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and similar animal and vegetable refuse.

- (6) 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.
- (7) Occupants shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.
- (8) 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.
- (9) 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.
- (10) Person shall mean and include any individual, firm, corporation, association or partnership.
- (11) 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, water 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.
- (12) Rubbish shall mean combustible or non-combustible waste materials except garbage; the term shall include residue from the burning of wood, coal, and coke.
- (13) Rubbish storage facilities and garbage storage facilities shall mean outside containers in which rubbish and garbage are temporarily stored for collection.

- (14) Supplied shall mean paid for, furnished, or provided by control of the owner or operator.
- (15) Temporary housing shall mean any trailer 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 Thirty (30) days in any year.
- (16) 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.
- (17) Substantial Property Interest as defined in I.C. 36-7-9. Any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, or an equitable interest of a contract purchaser.
- (18) Vacant Structure: Any structure that has been uninhabited or unoccupied for a period greater than Ninety (90) days in any year.
- (19) Deterioration: The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance or excessive use. (Ord. 93-12, S1, July 27, 1993)

4.06.020 Applicability. All persons owning, controlling, or letting any buildings, structure, or premises in the Town of Ferdinand shall be subject to the requirements of this Chapter and shall be subject to the penalties and fees provided for herein upon noncompliance. (Ord. 93-12, S2, July 27, 1993)

4.06.030 Sanitation Standards. No person shall occupy or allow another to occupy any dwelling which does not comply with the following requirements:

- (1) There shall be a safe and potable supply of running water into each dwelling unit.
- (2) Each dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with an inside flush toilet and sink. Every dwelling unit shall also contain a kitchen sink to which shall be attached an operating electric garbage disposal. Each garbage disposal shall be a minimum of 1/3 horsepower. Every dwelling unit shall contain a bathtub or shower installed in a room affording privacy. Every flush toilet shall be connected to cold water lines and an approved sewer or approved individual sewage system. Every sink, every bathtub, and every shower shall be connected to hot and cold water lines and to an approved sewer or approved individual sewage disposal unit. 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.

- (3) 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 One Hundred Twenty Degrees Fahrenheit (120° F). 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 outside atmosphere.
- (4) Every dwelling unit shall be supplied with adequate rubbish storage facilities and rubbish disposal.
- (5) 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.
- (6) When service from a public or semi-public sewage and water system is not available or feasible, an individual system of water supply and sewage disposal may be considered adequate, provided it is installed in accordance with the requirements of the Town. When an approved sewer is not available and where conditions are such as to prevent safe and sanitary disposal of water-borne sewage, then at the discretion of the hearing authority, certain variances in the requirements of this Section may be permitted. (Ord. 93-12, S3, July 27, 1993)

4.06.040 Heating, Lighting, Ventilation Standards. No person shall occupy or allow another to occupy any dwelling 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 a window or windows or door shall not be less than Five Percent (5%) of the floor area of such room, and shall be capable of being opened for ventilation.
- (2) All window sashes 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.

- (3) 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° F) when the outside temperature is Zero Degrees Fahrenheit (0° F).
- (4) Every habitable room and non-habitable room in a dwelling or dwelling unit shall be furnished with electric power and shall be wired in accordance with the 1990 Edition of the National Electric Code, (NFPA) - #70, 1990), with Indiana Amendments as it now exists or may hereafter be amended. Minimum requirements per room shall be one (1) receptacle.
- (5) Every public hallway and stairway shall be provided with a safe and adequate type of artificial light controlled by convenient switches.
- (6) The basement of every dwelling shall be dry and ventilated and shall be kept free from rubbish and garbage accumulation and rodent and insect infestations.
- (7) No room in any basement shall be occupied as a habitable room unless:
 - A. The cellar inner height is at least Six (6) Feet; and
 - B. The floors and walls are water proof and damp proof in accordance with the 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 Ordinance. (Ord. 93-12, S4, July 27, 1993)

4.06.050 Maintenance and Structural Standards. All building, structures, and premises, whether or not occupied, must comply with the following requirements:

- (1) Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, watertight and rodent-proof, and shall be kept in good repair.

- (2) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof, and shall be kept in good repair.
- (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) 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.
- (5) 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.
- (6) Interior walls or other vertical structural members shall not list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (7) Structures and buildings, exclusive of the foundation, shall not show thirty-three percent (33%) or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (8) Structures and buildings shall not have improperly distributed loads upon the floors or roofs or shall not be overloaded, and shall have sufficient strength to be reasonably safe for the purpose used.
- (9) Buildings shall have adequate facilities for egress in case of fire with sufficient stairways, elevators, fire escapes, or other means of communication.
- (10) Buildings and structures shall not have parts thereof which are so attached that they may fall and injure members of the public or property.
- (11) No buildings or structures shall have any condition of the walls, floors, or roofs such that the buildings or structures are likely to fall on account thereof, thereby endangering the safety of its occupants or of the public.

- (12) The exterior of every building or structure shall be maintained in good repair. The same shall be maintained free of broken glass (boarding will not be permitted), loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate property maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.
- (13) The outside building or structure walls shall not have any holes or loose boards.
- (14) All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walls, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes danger to health or safety, it shall be repaired, replaced or removed.
- (15) Buildings and structures must be secured to prevent entry by animals, rodents, or persons, if unoccupied. Outward appearance of the structure must be maintained (as outlined in Item 12) in conjunction with prevention of entry. (Ord. 93-12, S5, July 27, 1993)

4.06.060 Number of occupants. 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 One Hundred (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 (2) 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 (1/2) 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 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. (Ord. 93-12, S6, July 27, 1993)

4.06.070 Reference to State Statute.

- (1) The terms, provisions, standards and procedures set forth in Chapter 36-7-9 of the Indiana Code are hereby adopted in its entirety, as the terms, provisions, standards and procedures of the Town of Ferdinand, Indiana, to be used for the enforcement of this Chapter. (Ord. 93-12, S7(1), July 27, 1993)
- (2) All terms, definitions and procedures as defined in I.C. 36-7-9 as they now exist or may hereafter be amended are adopted by the Town of Ferdinand, and incorporated herein by reference. (Ord. 93-12, S7(2) July 27, 1993)
- (3) The Building and Premises Standards Department is hereby designated as the Executive Department and Enforcement Authority responsible for the administration and enforcement of the terms, provisions, standards and procedures adopted by this Ordinance. The Town Clerk-Treasurer shall assist in administration and enforcement by keeping all administrative and enforcement records and by sending all required notices. (Ord. 94-2, S2, Feb. 22, 1994)
- (4) Any person who (1) remains in, uses, or enters a building in violation of an order made under and pursuant to this Chapter and the Chapter of the Indiana Code incorporated by reference herein; (2) knowingly interferes with or delays the carrying out of an order made under this Chapter or the Chapter of the Indiana Code adopted by reference herein; (3) knowingly obstructs, damages persons engaged or property used in performing any work or duty under this Chapter or the Chapter of the Indiana Code adopted by reference herein; or, (4) fails to comply with I.C. 36-7-9-27 as adopted by reference herein may be fined not more than One Thousand Dollars (\$1,000.00) for each violation thereof. Each day that the violation continues shall constitute a separate offense. (Ord. 93-12, S7(4), July 27, 1993)

4.06.080 Enforcement; Service of Notices and Orders; Hearings.

- (1) Whenever the Enforcement Authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, or any violation of a State Statute which the Enforcement Authority is authorized to enforce, he shall give a

written notice/order of such violation to the person or persons responsible therefore, as herein provided. Such notice/order shall be in conformity with the provisions of I.C. 36-7-9-5.

- (2) Such notice/order shall be served in conformity with the provisions of I.C. 36-7-9-25.
- (3) The Ferdinand Town Council is hereby designated as the hearing authority pursuant to I.C. 36-7-9. All hearings required as a result of issuance of a notice/order shall be held and concluded in conformity with the provisions of I.C. 36-7-9-7 before and by the hearing authority.
- (4) Whenever the Enforcement Authority finds it necessary to take emergency action concerning any violation of this Ordinance in order to protect life, safety, or property, such emergency action shall be taken in conformity with the provisions of I.C. 36-7-9-9.
- (5) The Enforcement Authority is authorized, subject to authorized appropriation by the Town Council, to contract with or employ any person or persons as his designee to make any inspection of any building, structure or premises and to secure compliance with any order in conformity with the provisions of I.C. 36-7-9-10 and 11.
- (6) Costs may be recovered in conformity with the provisions of I.C. 36-7-9-12 and 13. (Ord. 93-12, S8, July 27, 1993)

4.06.090 Conflict of Rules and Regulations; Effect or Partial Invalidity. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Town of Ferdinand or laws of the State of Indiana, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Ord. 93-12, S9, July 27, 1993)

4.06.100 Hardship. Where the literal application of the requirements of this Chapter would cause undue hardship, an exception may be granted upon written application subject to approval by the Enforcement Authority. Such orders of exception shall be made only when it is clearly evident that reasonable safety and sanitation is assured, and such orders may be conditioned in such a manner as to achieve that end. Such conditions may include restrictions not generally specified by this Chapter. (Ord. 93-12, S10, July 27, 1993)

4.06.110 Inspection of Buildings, Structures, and Premises. The Enforcement Authority is hereby authorized and directed to make inspections to determine the condition of buildings, structures, and premises located within the corporate limits of Ferdinand, in order that he may perform his duty of

safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Authority, or his designee, is hereby authorized to enter, examine, and survey at all reasonable times all buildings, structures, and premises. The owner or occupant of every unit, or the person in charge thereof, shall give the Enforcement Authority, or his designee, free access to such building, structure, and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, of said premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter, or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter. In the event access is denied, the Enforcement Authority is hereby authorized to obtain an inspection warrant in conformity with the provisions of I.C. 36-7-9-16. (Ord. 93-12, S11, July 27, 1993)

Chapter 4.07

Voluntary Demolition and Moving of Structures

Sections:

- 4.07.010 Created
- 4.07.020 Permit Required
- 4.07.030 Definitions
- 4.07.040 Moving of Structures
- 4.07.050 Demolition Permit Requirements
- 4.07.060 Contacts
- 4.07.070 Residential Demolition or Removal Permit – Exhibit A
- 4.07.080 Commercial/Industrial Demolition Permit Form – Exhibit B

4.07.10 Created.

- (1) Title 4 of the Ferdinand Municipal Code is hereby amended to include and it hereby adopts and incorporates by reference Attachment 1 including Exhibits A and B and the same shall be a part of Title 4 as additions to the text of Title 4 and the same shall be entitled Chapter 4.07 of the Ferdinand Municipal Code, "Voluntary Demolition and Moving of Structures".
- (2) The required form of Residential Demolition Permit Form is attached to Attachment 1 and labelled as Exhibit A.
- (3) The required form of Commercial/Industrial Demolition Permit Form is attached to Attachment 1 and labelled as Exhibit B.
- (4) 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 effect the validity of the remaining portions thereunder.
- (5) Compliance with Other Rules and Regulations.
 - A. All demolition and moving shall comply with other federal, state and local laws, rules and ordinances then in effect.
 - B. In any case where a provision of this Chapter is found to be in conflict with a provision of any building, fire, safety or health ordinance or code of the Town of Ferdinand or laws of the State of Indiana, the provisions which established the higher standards for the

promotion and protection of the health and safety of the public shall prevail. (Ord. 2014-07, April 8, 2014)

4.07.020 Permit Required. Applicants wishing to move or remove all or part of a building or structure from a property must first obtain a demolition (demo) permit. A demo permit is required for the demolition or moving of any structure which exceeds the lesser of 1,000 square feet or 10,000 cubic feet, regardless of whether it is a commercial or a residential property. The Permittee must remove all construction materials from the jobsite including the building slab (with certain exceptions if approved by the Street Department supervisor) and must leave the site free of debris and level within the boundaries of the property. A demolition permit does not authorize work located in the right-of-way including, but not limited to, sidewalks, driveways, curbs, and accessibility ramps.

Note: A separate permit is required for EACH separate building or structure being moved or removed, in whole or in part. (Ord. 2014-07, April 8, 2014)

4.07.030 Definitions.

- (1) Demolition: any act which destroys in part or in whole a structure or a group of structures; and/or the destruction or replacement or removal of any hard surface area not otherwise exempt by the terms of this ordinance including but not limited to parking lots, concrete surfaces, asphalt pavements and block pavers, etc.. Exceptions: public utility, communication and electrical transmission lines and equipment and facilities supporting the same and/or incidental thereto.
- (2) Structure: For purposes of this permit a structure is defined as: Anything constructed or erected that requires location on or in the ground or attachments to something having allocation on or in the ground which includes but is not limited to,
 - A. anything with a roof constructed, erected, or placed, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground;
 - B. an inground or above ground swimming pool permanently installed;
 - C. fences, buildings and walls. (Ord. 2014-07, April 8, 2014)

4.07.040 Moving of Structures. The following conditions apply to a proposal to move structures:

- (1) The Town reserves the right to determine on the basis of information forwarded by the applicant the suitability of locations to which such buildings are to be moved and direct the route required to be used, taking into consideration possible interference with traffic movement, and inconvenience to the general public resulting from the use of public highways.
- (2) Submit the following information for each structure:
 - A. Location to which building is to be moved.
 - B. Route over which the building is proposed to be moved.
 - C. Overall length, width, height, and estimated gross weight of structure.
- (3) The route to be used, the methods employed in moving, and the time of moving shall be subject to the approval of the Town.
- (4) All moving proposals require approval of the Street Department Supervisor.
- (5) Permittee is responsible for all costs associated with moving a structure including, but not limited to the use of town employees for moving of utilities, management of traffic, relocation of meters or other infrastructure, etc. (Ord. 2014-07, April 8, 2014)

4.07.050 Demolition Permit Requirements:

- (1) Owner or agent must apply for a Demolition Permit at town hall located at 2065 Main Street in Ferdinand, a minimum of 30 days prior to date of demolition or moving. Proof of ownership of the property to be demolished or moved must be provided. If acting as an agent, a signed letter of approval from the owner to demolish is required. A signed contract is also acceptable.
- (2) The Contractor applying for the permit must be a builder or contractor licensed with the State of Indiana. This includes proper licensure for asbestos/hazardous substances removal, if applicable. Such proof must be provided at the time of application.
- (3) The Contractor shall not assign the work or any part thereof, without the previous written consent of the Town.
- (4) The Contractor is required to perform all demolition work in a good, workmanlike, manner according to accepted standards and practices in the

trade including control of all dust and airborne particles during the demolition.

- (5) Unless otherwise specifically authorized by the Town of Ferdinand, the use of explosives WILL NOT be permitted.
- (6) Open burning of combustible materials is prohibited.
- (7) If any Town Street closings are necessary, prior approval of the Town Council is necessary before a permit will be issued (Additionally, the approval of INDOT is required if State Road 162 must be temporarily closed). The Town Council meets the second Tuesday of each month.
- (8) Holey Moley must be contacted before underground work begins.
- (9) The Applicant/Contractor must provide to the Town of Ferdinand a certificate of insurance showing limits of liability of at least \$1,000,000/2,000,000 aggregate. Such certificate must be provided with the permit application.
- (10) In addition to the Certificate of Insurance, the Applicant/Contractor must provide to the Town, a bond of not less than \$25,000 to be held as security against damage to Town owned property during demolition, failure to adequately complete the project or other damages resulting from the work for which the permit was issued. The bond must be filed with the permit application.
- (11) It is the responsibility of the Applicant/Contractor to make necessary arrangements regarding applicable utilities. Before commencing the work, the Applicant/Contractor shall assure that all utility service connections, such as water, gas, electricity and telephone to each of the buildings have been disconnected. **A permit to demolish or remove a building shall NOT be issued until a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner or do not exist.**
- (12) The Applicant/Contractor shall take necessary precautions to provide adjoining public and private property is protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, shared walls, chimneys, skylights and roofs. Foundation walls supporting adjacent right of way or other property shall be preserved in a structurally sufficient condition.
- (13) The Applicant/Contractor must control water runoff and erosion

during construction or demolition activities.

- (14) The person making or causing a demolition to be made shall provide written notice to the owners of adjoining buildings advising the date and approximate time of the demolition so that the adjoining buildings can be protected. Said notification shall be sent via certified mail not less than 7 days prior to the scheduled starting date of the demolition. A notice shall also be hand delivered and affixed to each building situated on such adjacent property to inform occupants or residents of the proposed demolition.
- (15) Applicant shall submit two (2) sets of the plot plan showing the location of all structures to be demolished and all structures that are to remain. The plot plan must show approximate location of wells, septic tanks and drain fields.
- (16) All septic tanks must be broken open, pumped out and then filled with sand. It is the responsibility of the Applicant/Contractor to notify the Ferdinand Wastewater supervisor immediately after work is complete and obtain his inspection and approval.
- (17) No well shall be abandoned, but must be filled in to the approval of the Electric/Water department supervisor. It is the responsibility of the Applicant/Contractor to obtain that approval.
- (18) Inspection is required by Wastewater supervisor for sewer cut off and capping and termination of water service in compliance with all applicable regulations.
 - A. Sanitary sewer leads shall be capped at the property line by an approved material as per State plumbing code and method approved by Wastewater superintendent.
 - B. Domestic water service will be retired by shutting off the corporation stop at the water main, physically disconnecting the service line from the corporation stop, and also, remove curb stop box. An exception to this procedure may be considered if a new structure of same or similar use will be constructed on the site within six (6) months of the date of approval of the Demolition permit.
 - C. No water meters are to be removed by the Applicant/Contractor. Applicant/Contractor must notify the Water department supervisor if meter is ready to be removed.

- (19) The presence of any underground flammable liquid storage tanks must be noted on the special conditions portion of the permit application and must be removed and disposed in accordance with any applicable laws of regulations.
- (20) Any footings, foundation walls, and concrete must be removed to a minimum of 12" below grade. This to be verified by Street Department supervisor prior to backfill.
- (21) The presence of any asbestos or hazardous materials must be noted in the Special Conditions section of the permit application. The Applicant/Contractor must provide proof of qualification to handle such substances. Before demolition can begin, all structures require proof of an asbestos inspection. If asbestos is found to be present the permit will not be issued until an Independent Applicant/Contractor certifies that the asbestos and/or other hazardous materials have been properly removed. All demolition work involving asbestos containing materials shall be accomplished in accordance with federal, state and local laws and regulations. All debris must be removed from the site.
- (22) Where a structure has been removed or demolished and a building permit has not been approved for a new structure, the vacant lot shall be filled, graded and maintained to prevent the accumulation of water or damage to any foundation on the premises or the adjoining property. The soil must be stabilized.
- (23) All work necessary to be performed under a demo permit must be completed within 45 days of the begin date stated on the demolition permit application. If additional time is necessary to complete the demolition a written request showing the reasons for delay, must be made with the Ferdinand Town Council. The Council will determine if an extension will be granted.
- (24) No demolition work may be performed on legal holidays, Saturdays or Sundays without receiving advance written permission from the Town Council. This written permission must be displayed at the jobsite at all times for inspection by police or other authorized personnel.
- (25) Demolition is permitted on private property ONLY. This permit does not grant authority for work in the Town's right-of-way (which may include unpaved areas). Do NOT remove sidewalks, driveways, curbs, ramps, or trees from within the street right-of-way. Applicant/Contractor is responsible for restoration of any damage caused by operations undertaken under the permit including, but not

limited to, streets, curbs, or sidewalks, retaining walls, or other existing soil retention facilities on public or private properties.

- (26) It shall be unlawful for any person, firm or corporation to demolish or move a structure or cause a structure to be demolished or moved contrary to or in violation with any provision of this code.
- (27) Upon completion of demolition/removal work all Contractor signs shall be removed from the premises.
- (28) The Applicant/Contractor at all times shall observe and comply with all Federal and State Laws, and the Ferdinand Municipal Code Ordinances and regulations in any manner affecting the work. The Contractor shall not proceed with or finish any work, even though same is called for in the plans and specifications, if it is contrary to any of the laws aforementioned, but shall notify the Town's Street Superintendent of such conflict. If the Contractor performs any work knowing it to be contrary to such law, ordinances and regulations, and without such notice to the Town's representative it shall assume full responsibility therefore and shall bear all costs.
- (29) **Penalties for violation of any provision of this ordinance:** \$100 per day for residential and \$500 per day for commercial and/or industrial. Every day a violation or non-compliance exists shall constitute a separate offense. The Town may also seek mandatory and injunctive relief in the enforcement of and to secure compliance with this ordinance and any such action may be joined with an action to recover penalties. Nothing contained herein shall prevent the Town from taking such other action to prevent or remedy any violation or noncompliance. In addition to any monetary penalties, the Town shall also be entitled to recover any and all costs connected with the enforcement of this ordinance, including the Town's reasonable attorney fees, from the persons or entities responsible for the violation or noncompliance.

If demolition or moving begins prior to a demolition permit being issued or if any work is being performed in a manner which violates or does not comply with this ordinance, the Town of Ferdinand reserves the right to demand that such demolition or moving immediately cease until such a time as the permit is issued or compliance is accomplished; and may assess a penalty of not less than \$500 per day for each day that demolition or moving is undertaken without a permit. Both the owner and/or Contractor performing the demolition or moving shall be responsible for and pay the penalty and any and all costs connected with the enforcement of this ordinance, including the Town's reasonable attorney fees. Any such stop order shall be in writing from the Street Superintendent and shall be served up the owners of any person doing the work at the site.

When demolition is complete notification must be given to the Street Department Supervisor to schedule a final inspection of the property where demolition was conducted. The inspection will be completed by the Town's Property/Street Department Supervisor and/or his delegate.

PERMIT FEES ARE PAYABLE TO THE TOWN OF FERDINAND AT THE TIME OF APPLICATION. (Ord. 2014-07, April 8, 2014)

4.06.060 Contacts.



Town of Ferdinand
2065 Main Street
FERDINAND, IN 47532-0007
Phone 812-367-2280
Fax 812-367-1303
E-mail:
twnofferdinand@nsoci.net

BUILDING CONTACTS

FERDINAND TOWN HALL

Clerk-Treasurer
P.O. Box 7; 2065 Main Street
Ferdinand, IN 47532

Phone: (812) 367-2280
Fax: (812) 367-1303

TOWN MANAGER

Town Manager
P.O. Box 7; 2065 Main Street
Ferdinand, IN 47532

Phone: (812) 367-2282
Fax: (812) 367-2683

WATER & ELECTRIC DEPARTMENTS

Electric & Water Superintendent
P.O. Box 7; 2065 Main Street
Ferdinand, IN 47532

Phone: (812) 367-2281

Fax: (812) 367-1303

STREET DEPARTMENT

Street Superintendent
P.O. Box 7; 2065 Main Street
Ferdinand, IN 47532

Phone: (812) 367-2282

Fax: (812) 367-1303

Dubois REC

1408 Energy Drive
Jasper, IN 47546
Phone: (812) 482-5454

STORM WATER MANAGER

Town Hall/2065 Main St.
Ferdinand, IN 47532
Phone: (812) 367-2280

WASTEWATER DEPARTMENT

Wastewater Superintendent
P.O. Box 7; 2065 Main Street
Ferdinand, IN 47532
Phone: (812) 367-2283
Fax: (812)367-1303

PLAN COMMISSION AND BOARD OF ZONING APPEALS

P.O. Box 7, 2065 Main Street
Ferdinand, IN 47532
Phone 812-367-2280
Fax: (812) 367-1303



Town of Ferdinand
2065 Main Street
FERDINAND, IN 47532-0007
Phone 812-367-2280
Fax 812-367-1303
E-mail:
townofferferdinand@nsci.net

OHIO VALLEY GAS

701 7th Street
Tell City, IN 47586
Phone: (812) 547-2396

HOLEY MOLEY

Phone: 811

You will need this information when calling:

1. Address of Digging Location
2. Contractor Doing the Digging
3. Township of Digging Location
4. Timing of Dig

Dubois County Health Department

1187 S Saint Charles St.
Jasper, IN 48546

Phone: (812) 481-7050

PSC (Internet/phone/wifi)

P.O. Box 126; 11877 E. St. Rd. 62
St. Meinrad, IN 47577

Phone: (812) 357-2123

New Wave Communications

2603 Hart St.
Vincennes, IN 47591

Phone: (800) 882-7185

Dubois County Health Department

1187 S Saint Charles St.
Jasper, IN 48546

Phone: (812) 481-7050

Frontier

Phone: (877) 462-8188

Indiana Dept of Environmental Management

Phone 888-672 8323

For a list of hazardous waste remediation Companies

Town ordinances are accessible on the Town's website, www.ferdinandindiana.org.

For any other inquiries, call the Ferdinand Town Hall at (812) 367-2280 and a representative will direct your call or visit the Town of Ferdinand's website, www.ferdinandindiana.org.

(Ord. 2014-07, April 8, 2014)

Application #: _____



Town of Ferdinand

2065 Main Street
FERDINAND, IN 47532-0007
Phone 812-367-2280
Fax 812-367-1303
E-mail: townofferdinand@psci.net
www.ferdinandindiana.org

RESIDENTIAL DEMOLITION OR REMOVAL PERMIT

Location of Construction Activity

Address _____

Lot and subdivision _____

Owner of the Premises (where work is to be carried out)

Name _____

Address _____

Phone # _____

Optional Contact information _____

Category of Demolition

(Circle One)

Demolition of a structure / Moving of structure

Height of structure _____ Number of Stories _____

Square feet of building/structure to be demolished _____ Cubic feet _____

Type of bearing wall: (circle one)

Masonry / Pole / Wood frame / Reinforced Concrete / Structural Steel / Other _____

Type of Structure: (circle one)

Principal structure / Accessory structure/ Addition to structure / Other, specify _____

Prior use of Structure: _____

Water: Well or Public

Sanitary Sewer: Septic or Public

Heat: Fuel Oil or Natural Gas or Other _____

Exhibit A to Attachment 1 of Ordinance 14-_____

Date work is set to begin: _____

NOTE: All work must begin within 30 days of issuance of permit and completed within 45 days of the start date.

Contractor/Applicant responsible for this permit

Contact Name _____ Contractor _____
Address _____
Phone number/email _____

6.) Applicant/Contractor shall provide a bond to the Town in the amount of not less than \$25,000 as security to protect Town owned property during demolition; pay for damages to other property; or finish uncompleted work.

7.) Applicant/Contractor shall provide a Certificate of Insurance to the Town showing liability limits of not less than \$1,000,000/\$2,000,000 aggregate.

8.) Applicant/Contractor shall provide a certificate or report before demolition begins stating that remediation of hazardous conditions such as asbestos removal, open wells, etc. has been completed.

NOTE: FAILURE TO COMPLY WITH THE FOREGOING WILL RESULT IN THE APPLICATION BEING DENIED OR AN EXISTING PERMIT BEING REVOKED.

Special conditions

(Please note the presence of any hazardous materials, asbestos, wells, underground tanks, etc. if applicable.)

IF MOVING A STRUCTURE PLEASE COMPLETE THE FOLLOWING ADDITIONAL INFORMATION:

1.) Location to which building is being moved:

2.) Route over which the building will be moved:

3.) Gross estimated weight of building to be moved: _____

Permission must be given by the Street Department Supervisor for routes only using Town streets. If State Roads are being used, INDOT must give written permission.

I certify that the information on this form is complete and accurate and activity undertaken pursuant to this permit will comply with all applicable laws, regulations and ordinances.

Signature of property owner (Signature of Applicant if other than owner)
Relationship to Owner: _____

NOTE: A DEMOLITION PERMIT MAY ONLY BE ISSUED UPON APPROVAL OF THE FERDINAND TOWN COUNCIL. MEETINGS ARE HELD THE SECOND TUESDAY OF EACH MONTH AT 7:30 P.M. EASTERN TIME. FERDINAND TOWN HALL LOCATED AT 2065 MAIN STREET.

For office use ONLY:
Application approved by _____
Date _____

President/Ferdinand Town Council

Permit Fee \$25.00 payable with application

Payment received by: _____
Date _____ Check # _____

SEE "DEMOLITION PERMIT REQUIREMENTS FORM" FOR DETAILED INFORMATION REGARDING THIS PERMIT.

FOR INTERNAL USE ONLY

Permit approval signatures:
Wastewater Supervisor _____
Street Department Supervisor _____
Electric/Water Supervisor _____
Certificate of Insurance received _____ Clerk/Treasurer
Application and fee received _____ Clerk/Treasurer
Bond received in the amount of \$25,000 _____ Clerk/Treasurer
Hazardous Conditions Certificate/Report _____



Town of Ferdinand

2065 Main Street
FERDINAND, IN 47532-0007
Phone 812-367-2280
Fax 812-367-1303
E-mail: town@ferdinand.in.gov
www.ferdinandindiana.org

COMMERCIAL/INDUSTRIAL DEMOLITION OR REMOVAL PERMIT

Location of Construction Activity

Address _____
Lot and subdivision _____

Owner of the Premises (where work is to be carried out)

Name _____
Address _____
Phone # _____
Optional Contact information _____

Category of Demolition

(Circle One)
Demolition of a structure / Moving of structure

Height of structure _____ Number of Stories _____

Square feet of building/structure to be demolished _____ Cubic feet _____

Type of bearing wall: (circle one)

Masonry / Pole / Wood frame / Reinforced Concrete / Structural Steel / Other _____

Type of Structure: (circle one)

Principal structure / Accessory structure / Addition to structure / Other, specify _____

Prior use of Structure: _____

Water: Well or Public **Sanitary Sewer:** Septic or Public

Heat: Fuel Oil or Natural Gas or Other _____

Date work is set to begin: _____

NOTE: All work must begin within 30 days of issuance of permit and completed within 45 days of the start date.

Exhibit B to Attachment 1 of Ordinance 14-_____

Contractor/Applicant responsible for this permit

Contact Name _____ Contractor _____

Address _____

Phone number/email _____

6.) Applicant/Contractor shall provide a bond to the Town in the amount of not less than \$25,000 as security to protect Town owned property during demolition; pay for damages to other property; or finish uncompleted work.

7.) Applicant/Contractor shall provide a Certificate of Insurance to the Town showing liability limits of not less than \$1,000,000/\$2,000,000 aggregate.

8.) Applicant/Contractor shall provide a Certificate stating that remediation of hazardous conditions such as asbestos removal, open wells, etc. has been completed.

NOTE: FAILURE TO COMPLY WITH THE FOREGOING WILL RESULT IN THE APPLICATION BEING DENIED OR AN EXISTING PERMIT BEING REVOKED.

Special conditions

(Please note the presence of any hazardous materials, asbestos, wells, underground tanks, etc. if applicable.)

IF MOVING A STRUCTURE PLEASE COMPLETE THE FOLLOWING ADDITIONAL INFORMATION:

1.) Location to which building is being moved:

2.) Route over which the building will be moved:

3.) Gross estimated weight of building to be moved: _____

Permission must be given by the Street Department Supervisor for routes only using Town streets. If State Roads are being used, INDOT must give written permission.

I certify that the information on this form is complete and accurate and activity undertaken pursuant to this permit will comply with all applicable laws, regulations and ordinances.

Signature of property owner

Signature of applicant if other than owner

Relationship to owner: _____

NOTE: A DEMOLITION PERMIT MAY ONLY BE ISSUED UPON APPROVAL OF THE FERDINAND TOWN COUNCIL. MEETINGS ARE HELD THE SECOND TUESDAY OF EACH MONTH AT 7:30 P.M. EASTERN TIME.

FERDINAND TOWN HALL LOCATED AT 2065 MAIN STREET.

For office use ONLY:

Application approved by _____

Date _____

_____ President/Ferdinand Town Council

Permit Fee \$25.00 payable with application

Payment received by: _____

Date _____ Check # _____

SEE "DEMOLITION PERMIT REQUIREMENTS FORM" FOR DETAILED INFORMATION REGARDING THIS PERMIT.

FOR INTERNAL USE ONLY

Permit approval signatures:

Wastewater Supervisor _____

Street Department Supervisor _____

Electric/Water Supervisor _____

Certificate of Insurance received _____ Clerk/Treasurer

Application and fee received _____ Clerk/Treasurer

Bond received in the amount of \$25,000 _____ Clerk/Treasurer

Hazardous Conditions Certificate/Report _____

Chapter 4.08

Trash Collection Services and Charges

Sections:

- 4.08.010 Trash Collection Services**
- 4.08.020 Special Services**
- 4.08.030 Trash Sticker Sales - Retail**
- 4.08.050 Trash Sticker Sales - Wholesale**
- 4.08.070 Trash Collection Rules**
- 4.08.090 Violation and Penalties**

4.08.010 Trash Collection Services. The Town shall provide for the curbside or street side collection of residential trash on a weekly or other periodic basis, provided the trash is within a conventional, sealed trash bag weighing no more than forty (40) pounds, with a capacity of no more than forty (40) gallons, and of sufficient strength so as not to tear when handled, and having a Ferdinand trash sticker firmly attached hereto. (Ord. 2004-18, S4.08.01, Dec. 29, 2004)

4.08.020 Special Services. The Town may provide special services under contract to Ferdinand Housing, Inc. or any other similarly situated residential trash customer if conditions and situations warrant. (Ord. 14-09, S1, May 13, 2014)

4.08.030 Trash Sticker Sales - Retail. Trash stickers may be purchased at the Town Office or from authorized wholesalers for the sum of One Dollar and Fifty Cents (\$1.50) each. (Ord. 13-15, S1, Nov. 12, 2013) (Ord. 2004-18, S4.08.03, Dec. 29, 2004)

4.08.050 Trash Sticker Sales - Wholesale. Trash stickers may be purchased by an authorized wholesaler for the sum of One Dollar and Forty-five Cents (\$1.45) each. An authorized wholesaler must comply with each of the following requirements:

- (1) Stickers may not be re-sold for an amount in excess of One Dollar and Fifty Cents (\$1.50) each;
- (2) The wholesaler must maintain a publicly accessible retail outlet open for business with evening and weekend hours when stickers are usually available for sale;
- (3) The wholesaler must purchase a minimum of 100 hundred stickers at a time. (Ord. 13-15, S2, Nov. 12, 2013) (Ord. 2004-18, S4.08.05, Dec. 29, 2004)

4.08.070 Trash Collection Rules. The following rules shall govern trash collection in the Town:

- (1) The Council may eliminate or adjust trash collection services at its discretion, including but not limited to collection frequency, dates and times;
- (2) Trash collection services are available only to Town residents for trash generated at their residence where the trash is placed for collection;
- (3) Trash shall not include any hazardous waste as defined by Federal or State law or any substance which the Town cannot lawfully deliver for deposit in a landfill licensed to accept normal household refuse;
- (4) Trash bags shall not be placed at the curb or street for collection more than twelve (12) hours prior to a scheduled collection time and if not picked up, must be removed within twelve (12) hours thereafter. (Ord. 2004-18, S4.08.07, Dec. 29, 2004)

4.08.090 Violations and Penalties. The Town at its option may enforce violations of the Chapter by use of the following remedies individually or in conjunction:

- (1) Refuse to collect trash placed for collection;
- (2) Issue a fine for violation in the amount of Fifty Dollars (\$50.00) for each day a violation exists, and if the violation is of a continuing nature, each day the violation exists shall constitute a separate offense;
- (3) Obtain appropriate injunctive relief from a Court with appropriate jurisdiction.

All the Town's costs and attorney fees in prosecuting any violation shall also be recoverable. (Ord. 2004-18, S4.08.09, Dec. 29, 2004)

Chapter 4.09

LIMB AND YARD WASTE COLLECTION PROGRAM

Sections:

4.09.010 Creation

4.09.020 Amendments to the Program

4.09.010 Creation. A Ferdinand Limb and Yard Waste Collection Program is hereby approved and adopted. The limb and yard waste collection service shall be implemented by the Ferdinand Street Department and be available to any resident or retail service business located within the corporate limits of the Town of Ferdinand. Limbs will be collected by the Ferdinand Street Department on the first Wednesday of every month. Yard waste will be collected by the Ferdinand Street Department at the scheduled time for regular trash collection if it is placed curbside in a sealed, watertight bag which has a Ferdinand trash sticker firmly attached to it. In order to be eligible for collection, any bagged yard waste must weigh less than thirty (30) pounds. Bagged yard waste shall not be placed at the curb or street for collection more than twelve (12) hours prior to a scheduled collection time and, if not picked up, must be removed within twelve (12) hours thereafter. For the purpose of this ordinance, "yard waste" shall be limited to grass, weeds, grass clippings, leaves, hedge trimmings, organic plant materials and other natural growth generated from the care and maintenance of gardens and yards. Limbs eligible for collection under this program shall be limited to tree limbs that have been cut to four foot lengths and have been tied together into bundles, each weighing no more than fifty (50) pounds and have been placed curbside. Any bundles tied with wire will not be collected. Large piles of limbs will be collected as time permits. In no event shall tree stumps, tree trunks, or limbs cut by any commercial tree trimming service be collected. The Ferdinand Street Department reserves the right to refuse to pick up limbs or bundles or quantities of yard waste which, upon visual inspection, fail to meet the requirements in this Ordinance. (Ord. 11-10, S1, Aug. 24, 2011)

4.09.020 Amendments to the Program. The Ferdinand Town Council has the sole authority to make any changes, additions or amendments to this program. The collection schedule may vary in certain months due to special circumstances such as severe weather, holidays, special events, or equipment failure or malfunction. In such event, the change in the collection schedule will be announced via the Town's website and other local media. (Ord. 11-10, S2, Aug. 24, 2011)

Chapter 4.12

RECYCLING

Sections:

- 4.12.010 Recycling bins provided to residents/Property of the Town
- 4.12.020 Scheduled collection time
- 4.12.030 Returning recycling bins
- 4.12.040 Recover lost or damaged bin charges

4.12.010 Recycling bins provided to residents/Property of the Town. Recycling bins provided to residents for recycling purposes shall at all times remain the property of the Town of Ferdinand, and may only be used for recycling purposes in conjunction with authorized independent third party contractors providing curbside recyclables pick-up within the Town. (Ord. 13-14, S1, Nov. 12, 2013)

4.12.020 Scheduled collection time. Recycling bins shall be placed at the curb or street along with any trash bags and shall not be placed at the curb or street for collection more than twelve (12) hours prior to a scheduled trash collection time and if not picked up, must be removed within twelve (12) hours thereafter. (Ord. 13-14, S2, Nov. 12, 2013)

4.12.030 Returning recycling bins. Recycling bins must be returned to the Town in reasonably good condition, reasonable wear and tear expected, no later than thirty (30) days after the date the recipient of the bin no longer receives any utility services from the Town. (Ord. 13-14, S3, Nov. 12, 2013)

4.12.040 Recover lost or damaged bin charges. In the event a bin is not so returned, a charge of Fifteen Dollars (\$15.00) will be assessed and collected from the person or persons who received the bin. The Town may also recover said amount from what otherwise would be paid as a refund of a utility deposit, but only if all utility obligations have been satisfied. The Town shall also be entitled recover its collection costs, including attorney fees, in seeking to recover lost or damaged bin charges. The responsibility for bin return and bin charges shall be the joint and several responsibility of all persons who are liable for payment of utilities. (Ord. 13-14, S4, Nov. 12, 2013)