

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

Chapters:

- 6.04 Town Health Ordinance
- 6.05 Removal and control of waste material
- 6.07 Weed Abatement
- 6.08 Spitting on sidewalks
- 6.10 Skateboarding
- 6.15 Open burning
- 6.22 Loafing/Vagrancy
- 6.25 Loitering
- 6.26 Smoking and use of tobacco in all Town Owned places
- 6.28 Curfew
- 6.30 Noise control
- 6.33 Discharge of firearms
- 6.53 Sale of milk and milk products
- 6.60 Unattended Signage on Public Property
- 6.66 Trash collection
- 6.68 Debris within public right-of-way
- 6.70 Multi-Hazard Mitigation Plan

Chapter 6.04

TOWN HEALTH ORDINANCE

Sections:

- 6.04.050** **Prevention of the spread of infectious diseases**
- 6.04.060** **Enforcement**
- 6.04.070** **Penalty for violations**

6.04.050 Prevention of the spread of infectious diseases. If at any time the work of the prevention of the spread of infectious or contagious diseases is more than can be reasonably expected of the town health officer, he may, with the consent of the Chairman of the Town Health Board, employ one or more intelligent men to act as deputies to establish quarantine, remove patients to the special hospital and conduct disinfections. All houses wherein infectious and contagious diseases may exist, or have existed, shall at the proper time be thoroughly disinfected with formaldehyde, according to the rules of the State Board of Health, by the health officer or his deputies, at the expense of the Town, as the work is obviously for the benefit of the people. A complete record of all disinfections, all vaccinations and all other health work done shall be kept by the health officer in the minute book of the Town Board of Health. (Ord. 46, S5, June 1, 1914)

6.04.060 Enforcement. It shall be the duty of the Town Marshal at all times to aid the Town Health Officer in the work of enforcing this Chapter upon demand of said health officer. (Ord. 46, S6, June 1, 1914)

6.04.070 Penalty for violations. Any person or persons violating any of the provisions of this Chapter, upon conviction thereof, except as otherwise provided, shall be fined for each offense in any sum not less than ten nor more than twenty-five dollars, and each days violation shall constitute a separate offense. (Ord. 46, S7, June 1, 1914)

Chapter 6.05

REMOVAL AND CONTROL OF WASTE MATERIAL

Sections:

6.05.010	Definitions
6.05.020	Offensive or injurious nuisances unlawful
6.05.030	Deposit and accumulation of waste unlawful
6.05.040	Complaint
6.05.050	Notice
6.05.060	Hearing
6.05.070	Penalty for violation

6.05.010 Definitions. When used in this Chapter the following terms shall be defined as follows:

- (1) Private property means real estate which is not owned or leased by the United States, the State of Indiana, Orange County, or the Town of French Lick, Indiana.
- (2) Owner means the holder of fee simple title to real estate and the life tenant (if there be one). For purposes of notice to the “owner”, the owner shall be presumed to be the persons or entities shown as owner on the current property tax duplicate in the Office of the Auditor of Orange County, Indiana; notice shall be deemed given to the actual owner of mail addresses as indicated by the said tax duplicate.
- (3) Board means the duly elected, qualified, and acting Board of Trustees of the Town of French Lick, Indiana. (Ord. 74-2, S1, Mar. 4, 1974)

6.05.020 Offensive or injurious nuisances unlawful. It shall be the duty of all owners of private property within the corporate limits of the Town of French Lick, Indiana, to remove or cause to be abated any public nuisance as specified in Section 6.05.030 of this Chapter. (Ord. 74-2, S2, Mar. 4, 1974) (Ord. 46, S1, June 1, 1914)

6.05.030 Deposit of and accumulation of waste unlawful. Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon, including, but not solely limited to waste paper, rags, cans, bottles, boxes, lumber, metal, garbage or disused or inoperable motor vehicles, trailers, or any other machinery, or appliances or furniture thereon, unless specifically authorized under existing laws and regulations, or to allow a rank growth of grass, weeds, or other vegetation to remain thereon, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity or offensive to the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance. (Ord. 74-2, S3, Mar. 4, 1974) (Ord. 46, S2, June 1, 1914)

6.05.040 Complaint. The Board upon receiving a complaint concerning an alleged public nuisance as defined by Section 6.05.030, shall give notice in accordance with Section 6.05.050. (Ord. 74-2, S4, Mar. 4, 1974) (Ord. 46, S4, June 1, 1914)

6.05.050 Notice. The notice required by Section 6.05.040 shall be by certified mail, return receipt requested. Such notice shall state the location of the alleged public nuisance exists, state the action deemed necessary to correct the situation, and fix a date and time when the owner may be heard before the Board. The notice shall be mailed to the owner at the address appearing on the current tax duplicate in the Office of the Auditor of Orange County, Indiana, at least ten (10) days prior to the hearing. If someone other than the owner occupies the affected property, a copy of the notice shall be mailed by first class mail to the occupant in addition to the notice given the owner. (Ord. 74-2, S5, Mar. 4, 1974)

6.05.060 Hearing. The hearing shall be held publicly before the Board. If the owner appears, the Board shall proceed to hear evidence and determine if such an alleged public nuisance exists. Such hearing may be continued from time to time by the Board. If on a final hearing, the Board determines that a public nuisance does exist, it shall give the owner not more than ten (10) days to remove or cause to be abated the said nuisance. In the event that the owner does not appear at the hearing, or refuses, fails, or neglects to remove or cause to be abated the public nuisance, the Board may instruct the Town Attorney to enforce this Chapter against the owner by suit in the Orange Circuit Court. In the event that the public nuisance consists of weeds or other rank vegetation, the Board may provide for the cutting and removal of the same, the expenses of such to be certified to the Auditor of Orange County, Indiana, and said expenses shall be collected as taxes on the real estate as provided by the Acts of 1969, ch. 252, (Burns 48-325, I.C. 18-3-1-51). (Ord. 74-2, S6, Mar. 4, 1974)

6.05.070 Penalty for violation. Any person, firm, or corporation causing any public nuisance, as hereinabove defined, in violation of any provision of this Chapter, shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each violation thereof, and in the event of a continuing nuisance of any public nuisance defined in this Chapter, any person, firm, or corporation so causing said nuisance shall be fined not less than the sum of one dollar (\$1.00) nor more than five hundred dollars (\$500.00); and if said public nuisance continues, each day's operation of said public nuisance or the operation thereof on any part of each day shall be deemed to be a separate violation and for each day's maintenance of said nuisance, said person, firm, or corporation shall suffer the penalty herein set out. (Ord. 74-2, S7, Mar. 4, 1974)

Chapter 6.07

WEED ABATEMENT

Sections:

- 6.07.010 Weeds and Rank Vegetation Defined
- 6.07.020 Administration
- 6.07.030 Weeds and Rank Vegetation Prohibited
- 6.07.040 Notice of Violation
- 6.07.050 Abatement by the Department
- 6.07.060 Cost of Abatement and Billing
- 6.07.070 Appeal
- 6.07.080 Collection of Bill
- 6.07.090 Construction of Headings
- 6.07.100 Severability Provisions
- 6.07.110 Duration and Effective Date

6.07.010 Weeds and Rank Vegetation Defined.

- (1) As used in this Chapter, the term “Weeds and Rank Vegetation” shall mean the following:
 - A. Grass in excess of seven (7) inches in height, as measured from the ground.
 - B. Broadleaf and non-broadleaf weeds in excess of seven (7) inches in height, as measured from the ground.
 - C. Trees and shrubs in excess of seven (7) inches in height, as measured from the ground, unless the same are located in a planting bed or are otherwise being maintained in a manner that would serve a useful ornamental purpose.
- (2) For purposes of this definition, mature or semi-mature trees growing among other types of Weeds and Rank Vegetation shall not themselves be considered Weeds and Rank Vegetation. In addition, wooded areas and forest that does not pose a health and safety risk or adversely affect neighboring property shall not be considered Weeds and Rank Vegetation.
- (3) The term Weeds and Rank Vegetation shall not include agricultural crops or related grasses such as hay and pasture. (Ord. 20-03, S1, May 18, 2020) (Ord. 09-10, S1, Sept. 21, 2009)

6.07.020 Administration. This Chapter shall be administered by the Department of Unsafe Building Enforcement of the Town of French Lick, Indiana (the “Department”). (Ord. 20-03, S2, May 18, 2020) (Ord. 09-10, S2, Sept. 21, 2009)

6.07.030 Weeds and Rank Vegetation Prohibited. It shall be unlawful for the owner(s) of any lot or parcel of real estate within the Town of French Lick to allow Weeds and Rank Vegetation to cover more than five percent (5%) of the area of said lot or parcel of real estate. (Ord. 09-10, S3, Sept. 21, 2009)

6.07.040 Notice of Violation. If the Department receives notice of violation of this Chapter, the Department shall send the owner(s) of the property one written notice of the violation via first class mail or an equivalent service, as required by I.C. 36-7-10.1-3(c). The notice shall generally describe the violation and give the property owner(s) a point of contact within the Department with whom questions and clarifications can be addressed and with whom an appeal to the Town Council may be requested. The Notices shall require the property owner(s) to abate the violation within five (5) days of the date the notice was mailed and affixed to the property. The notices shall further inform the property owner(s) that notices of subsequent violations during the same calendar year will be posted on the property where the violation exists, without additional notice via first class mail or otherwise, and will only allow the property owner(s) forty-eight (48) hours to abate the violation before the Department may proceed under Section 6.07.050 hereof. For purposes of the written notice, it shall be deemed sufficient if the notice is mailed to the owner(s) listed on the property tax records available to the public in the office of the Auditor of Orange County, Indiana. (Ord. 20-03, S4, May 18, 2020) (Ord. 09-10, S4, Sept. 21, 2009)

6.07.050 Abatement by the Department. If, after required notification, the property owner(s) fails to fully abate and correct the violation, then the Department may cause employees or contractors of the Town of French Lick to enter onto the property in question during regular Town business hours and abate the violation. (Ord. 20-03, S5, May 18, 2020) (Ord. 09-10, S5, Sept. 21, 2009)

6.07.060 Cost of Abatement and Billing. If the Department must abate a violation pursuant to Section 6.07.060, then the Department shall compile an itemized billing of the full hourly cost of manpower and administrative costs (inclusive of any taxes and benefits), equipment, and any other disposal fees. For purposes of the Section, equipment costs allowed under FEMA guidelines shall be deemed acceptable. Upon finalization of the billing, a demand for the same shall be sent to the property owner(s) via first class mail to the address listed on the property tax records available to the public in the office of the Auditor of Orange County, Indiana. The property owner shall be allowed thirty (30) days to pay the bill in full. (Ord. 20-03, S6, May 18, 2020) (Ord. 09-10, S6, Sept. 21, 2009)

6.07.070 Appeal. A property owner(s) who wishes to appeal either a notice of violation or the amount or due date of a bill from the Town for abating the violation may request a hearing before the Town Council by notifying the Department by phone, e-mail or in writing within seven (7) days of the date the notice of violation was mailed and affixed to the property in question for appeals of the violation, or within seven (7) days of the date the bill was mailed for appeals of the amount or due date of the bill. If the property owner(s) requests an appeal, the Town Council shall set the matter for hearing within its next two regular meeting dates and all further enforcement action shall be stayed until five (5) days after the conclusion of the hearing. (Ord. 20-03, S7, May 18, 2020) (Ord. 09-10, S7, Sept. 21, 2009)

6.07.080 Collection of Bill. If the property owner(s) fail to pay a bill issued pursuant to Section 6.07.060 in full by the due date, then, pursuant to I.C. § 36-7-10.1-4, the Clerk-Treasurer and the Department shall certify to the Auditor of Orange County the amount of the bill, plus any additional administrative costs associated with the certification. The Auditor of Orange County shall then place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town of French Lick, Indiana. (Ord. 20-03, S8, May 18, 2020) (Ord. 09-10, S8, Sept. 21, 2009)

6.07.090 Construction of Headings. The section headings appearing in this chapter have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the section to which they pertain. (Ord. 20-03, S9, May 18, 2020) (Ord. 09-10, S9, Sept. 21, 2009)

6.07.100 Severability Provisions. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (Ord. 20-03, S10, May 18, 2020) (Ord. 09-10, S10, Sept. 21, 2009)

6.07.110 Duration and Effective Date. This chapter shall become effective upon its passage and publication required by law. This chapter shall remain in full force and effect and until its repeal by ordinance. (Ord. 20-03, S11, May 18, 2020) (Ord. 09-10, S11, Sept. 21, 2009)

Chapter 6.08

SPITTING ON SIDEWALKS

Sections:

- 6.08.010** **Unlawful to spit upon sidewalks**
- 6.08.020** **Penalty for violation**

6.08.010 Unlawful to spit upon sidewalks. Be it ordained by the Board of Trustees of the Town of French Lick, in the County of Orange and State of Indiana, that from and after the 15th day of October, 1914, and the publication of this Chapter for two consecutive weeks in the Springs Valley Herald, a newspaper of general circulation, printed and published at French Lick, Indiana, it shall be unlawful for any person or persons to spit upon any plank, stone, concrete or improved sidewalk of any street or alley in the Town of French Lick, Indiana. (Ord. 50, S1, Sept. 21, 1914)

6.08.020 Penalty for violation. That any person or persons violating the provisions of Section 6.08.010 of this Chapter, upon conviction thereof, shall be fined in any sum not exceeding Two Dollars for each offense. (Ord. 50, S2, Sept. 21, 1914)

Chapter 6.10

SKATEBOARDING

Sections:

6.10.010	Definitions
6.10.020	Authority
6.10.030	Purpose
6.10.040	Prohibition
6.10.050	Penalty

6.10.010 Definitions. As used in this chapter:

- (1) public property shall include all public streets, sidewalks, alleyways, right-of-ways, parking lots or any other property owned or utilized by the Town of French Lick. However, the term "public property" shall not include public parks located in the Town of French Lick.
- (2) skateboard shall include any board or board-like vehicle with zero or more sets of wheels upon which a rider or operator can stand, sit, or otherwise occupy for the purpose of skateboarding. A skateboard specifically does not include a wheelchair or other motorized or non-motorized vehicle used in assisting travel for disabled persons.
- (3) skateboarding shall include riding, operating, or otherwise causing a skateboard to travel on or along the ground or other surface while carrying a rider or riders.
- (4) skate includes roller blades, roller skates, or other skating devices that are shoe-like or boot-like in structure and remain affixed to each individual foot during use.
- (5) skating shall include riding, operating, or otherwise causing a skate or a pair of skates to travel on or along the ground or other surface while carrying a rider or riders. (Ord. 03-07, S1, Dec. 15, 2003)

6.10.020 Authority. The adoption of this chapter is authorized by the laws of the State of Indiana and the action of the Town Board for the Town of French Lick. (Ord. 03-07, S2, Dec. 15, 2003) (Ord. 97-12, S2, Dec. 15, 1997)

6.10.030 Purpose. This chapter is to be used to prohibit and control Skating and Skateboarding on public property within the town limits and for the protection of the participants, property of the Town of French Lick and its citizens. (Ord. 03-07, S3, Dec. 15, 2003) (Ord. 97-12, S3, Dec. 15, 1997)

6.10.040 Prohibition. Skateboarding or skating on the public property within the Town limits of French Lick, Indiana is specifically prohibited. (Ord. 03-07, S4, Dec. 15, 2003) (Ord. 97-12, S4, Dec. 15, 1997)

6.10.050 Penalty. Violation of this chapter shall be enforced as a Class D Infraction and shall be punishable to the full extent provided for pursuant to Indiana Code 34-4-32-4. (Ord. 03-07, S5, Dec. 15, 2003) (Ord. 97-12, S5, Dec. 15, 1997)

Chapter 6.15

OPEN BURNING

Sections:

- 6.15.010 Definition
- 6.15.020 Administration
- 6.15.030 Exemptions
- 6.15.040 Variances
- 6.15.050 Conditions
- 6.15.060 Violation
- 6.15.070 Enforcement
- 6.15.080 Duration and Effective Date

6.15.010 Definition. Open burning is defined as 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. (Ord. 15-10, S1, Nov. 16, 2015)

6.15.020 Administration. No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this chapter. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning. (Ord. 15-10, S2, Nov. 16, 2015)

6.15.030 Exemptions.

- (1) The following types of burning are allowed:
 - A. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill, traditional food cooking devices, or campfires.
 - B. Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial shall meet the following conditions:
 1. Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.
 2. The fire shall not be ignited more than 2 hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.
 3. The pile to be burned shall be less than 1,000 cubic feet (for example: 10ft. x 10ft. x 10ft.).

4. The local fire department shall be notified 24 hours in advance if the pile to be burned is more than 125 cubic feet (for example: 5ft. x 5ft. x 5ft.).
 5. The fire shall not be for disposal purposes.
 6. The fire shall not be within 500 feet of a pipeline or fuel storage area.
- C. 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. Burning shall be subject to the conditions in section 6.15.050 and the following conditions:
- (1) Burning shall be in a noncombustible container that:
 - a. is sufficiently vented to induce adequate primary combustion; and
 - b. has enclosed sides and a bottom.
 - c. Only clean wood products and paper may be burned. (Ord. 15-10, S3, Nov. 16, 2015)

6.15.040 Variances.

- (1) Other types of fires may be approved as follows:
 - A. Any other type of fire whereby a citizen of the Town of French Lick has obtained a variance from the provisions of this chapter by petitioning the Town of French Lick Fire Chief or his designee may be allowed. However, the Fire Chief or his designee cannot grant a variance for burning that would otherwise violate the provisions of the 326 Indiana Administrative Code 4-1 et seq. and as amended and Indiana Code 13-17-9.
 - B. The following types of fires may be allowed if approved by the Indiana Department of Environmental Management:
 1. Fire fighter training
 2. Fire extinguisher training
 3. Vegetation propagation
 4. Use of an air curtain destructor

5. Please refer to Attachment A for expanded version of variance situations based on 326 IAC 4-1-3(c)(3-8) and 326 IAC 4-1-4. (Ord. 15-10, S4, Nov. 16, 2015)

6.15.050 Conditions.

- (1) The following conditions apply to all exemptions and variances:
 - A. Burning shall be done during safe weather conditions. Burning shall not occur, during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.
 - B. Fires must be attended at all times until completely extinguished.
 - C. Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.
 - D. Fire fighting equipment adequate for the size of the fire shall be on-site and nearby during times of burning.
 - E. Burning shall not be for disposal purposes.
 - F. All burning shall comply with other federal, state, and local laws, rules, and ordinances. (Ord. 15-10, S5, Nov. 16, 2015)

6.15.060 Violation.

- (1) Any person found in violation of this chapter shall be subject to the following procedures:
 - A. The Fire Chief shall issue a warning notice to a first-time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued.
 - B. Issuance of a citation to the violator shall result in the imposition of a two hundred dollar fine (\$200.00) as administered by the Town Clerk pursuant to Ordinance No. (15-10).
 - C. Failure or refusal by the violator to immediately extinguish the fire in violation of this chapter shall also result in the Fire Department having the authority to go upon private property to extinguish said fire.
 - D. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate offense.

- E. Liability for Fire: Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this chapter on the basis that said fire was set by vandals, accidental, or act of God. (Ord. 15-10, S6, Nov. 16, 2015)

6.15.070 Enforcement. The open burning provisions are enforceable by the duly appointed fire department personnel or law enforcement officers within the Town of French Lick, acting on his/her own initiative or at the request of the Town Council. (Ord. 15-10, S7, Nov. 16, 2015)

6.15.080 Duration and Effective Date. This chapter shall be in full force and effect from and after its passage by the Town Council, approval by the Council President, and legal publication. (Ord. 15-10, S8, Nov. 16, 2015)

Attachment A

- (1) Waste oil burning where waste oil originates from spillage during testing of an oil well and has been collected in a properly constructed and located burn off pit as prescribed in 310 IAC 7-1-37(a) in the Indiana Department of Natural Resources (DNR) rules, oil and gas operations. Burning shall be subject to the following conditions:
 - A. Each oil pit may be burned once every two-(2) months.
 - B. The fire must be extinguished within thirty (30) minutes of ignition.
- (2) Indiana Department of Natural Resources (DNR) burning, to facilitate prescribed burning on DNR-controlled properties for wildlife habitat maintenance, forestry purposes, natural area management, and firefighting or prevention; United States Department of the Interior burning, to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore, for example; and United States Department of Agriculture, Forest Service burning, to facilitate wildlife habitat maintenance, forestry purposes, natural area management, ecosystem management, and fire-fighting or prevention.
- (3) Burning by the United States Forest Service for firefighting or prevention is not subject to the conditions in section 6.15.050.
- (4) Burning of marijuana by federal, state, and local law enforcement offices. Only clean petroleum products shall be used for ignition purposes.
- (5) Burning, for the purpose of heating, using clean, wood products or paper in a noncombustible container that is sufficiently vented to induce adequate primary combustion, and has enclosed sides and a bottom. Burning shall be subject to the following conditions:

- A. Burning shall only occur between October 1 and May 15.
 - B. Burning shall not be conducted for the purpose of disposal.
- (6) Burning of vegetation by fire departments and firefighters to create fire breaks for purposes of extinguishing an existing fire. Such burning is not subject to the conditions in section 6.15.050.
- (7) Burning of clean petroleum products for fire extinguisher training, subject the following conditions:
- A. The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.
 - B. All burning shall take place in a noncombustible container or enclosure, enclosed on all sides with a bottom.
 - C. A total of no more than fourteen (14) gallons of fuel may be burned per day.
 - D. Only one (1) fire may be allowed to burn at a time.
 - E. All burning shall be conducted in such a manner so as to prevent any possibility of soil contamination.
- (8) Emergency burning with prior oral approval of the Commissioner of the Indiana Department of Environmental Management of the Commissioner's designated agent may be authorized for the following:
- A. Spilled or escaping liquid or gaseous petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire or health hazard or air or water pollution problem; or
 - B. Clean wood waste, vegetation, or deceased animals resulting from a natural disaster where failure to burn would result in an imminent health or safety hazard.

Chapter 6.22

LOAFING/VAGRANCY

Sections:

6.22.005	Purpose
6.22.010	Unlawful to be found loafing
6.22.020	Penalty for violation

6.22.005 Purpose. The Government of the United States is now engaged in a War with Germany and other Central Powers of Europe, in which said War, millions of American Soldiers are engaged, together with the French and English Armies, waging a bitter contest for the supremacy of Free and just Governments and for the protection and defense of all civilized Peoples, and against Military Barbarism and the Piracy of the Seas, and,

The Government of the United States is sending millions of soldiers to France, and spending billions of dollars in the defense of a most just and rich cause, and,

It is very necessary that all persons, do all in their power, to aid and help in the successful prosecution of this War, to contribute by labor and all other means to the material resources of the Government, in supporting the American and allied Armies. (Ord. No. 6, Whereas, July 17, 1918)

6.22.010 Unlawful to be found loafing. It shall be unlawful for any person over the age of 18 years and under 50 years, and physically able to perform manual labor, who has not made reasonable effort to secure some useful employment, or who has refused to labor for compensation when some useful labor is offered, to be found in idleness or in loafing, or in a state of vagrancy. (Ord. No. 6, S1, July 17, 1918)

6.22.020 Penalty for violation. That any person violating any of the provisions of this Chapter, shall upon conviction thereof, be fined and pay over to the Town of French Lick, Indiana, the sum of Twenty-Five Dollars, for each and every offense. (Ord. No. 6, S2, July 17, 1918)

Chapter 6.25

LOITERING

Sections:

- 6.25.010 **Loitering unlawful**
- 6.25.020 **Penalty**

6.25.010 Loitering unlawful. It shall be unlawful for persons to collect, assemble, or group together, and after being so collected, assembled, or grouped together, to stand or loiter on any doorway, sidewalk, parking area, or any street corner, or at any place in the Town, to the hindrance or obstruction of free passage or access of any person passing on or along any sidewalk or street in the Town. (Ord. 76-4, S1, May 3, 1976)

6.25.020 Penalty. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00). (Ord. 76-4, S2, May 3, 1976)

Chapter 6.26

SMOKING AND USE OF TOBACCO IN ALL TOWN OWNED PLACES

Sections:

- 6.26.010 Findings and Purpose
- 6.26.020 Definitions
- 6.26.030 Smoking Prohibited
- 6.26.040 Employer Responsibility
- 6.26.050 Enforcement
- 6.26.060 Violation and Penalty

6.26.010 Findings and Purpose. The Town Council of the Town of French Lick hereby finds that:

- (1) Numerous studies have found that tobacco smoke is a major contributor to indoor pollution;
- (2) The U.S. Environmental Protection Agency has determined that second-hand smoke is a Class-A carcinogen for which there is no safe exposure level;
- (3) Reliable studies have shown that breathing second hand smoke is a particular health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (4) Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;
- (5) The simple separation of smokers and nonsmokers within the same airspace may reduce, but does not eliminate, the exposure of nonsmokers to second-hand smoke;
- (6) Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places;
- (7) The Surgeon General has determined that cigarettes and other forms of tobacco are as addictive as drugs such as heroin and cocaine;
- (8) With certain exceptions, state law prohibits smoking inside an enclosed place of employment;
- (9) State law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision of school district employees.

- (10) It is the intent of the Town Council of the Town of French Lick in enacting this chapter to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco use around non-tobacco users; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family atmosphere of the Towns public places. (Ord. 15-11, S1, Nov. 16, 2015)

6.26.020 Definitions. In this chapter:

- (1) EMPLOYEE means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- (2) EMPLOYER means a person who employs the services of one or more individuals.
- (3) ENCLOSED AREA means a space that is enclosed on all sides by solid walls that extend from the floor to the ceiling, exclusive of windows and doors.
- (4) OPERATOR means the owner or person in charge of public place or workplace, including an employer.
- (5) PARK means the outdoor areas of land dedicated and used as parkland, or city-owned land used for a park or recreational purpose that is under the administrative control of the Parks and Recreation Department.
- (6) SMOKING means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.
- (7) WORKPLACE means an enclosed area in which employees work or have access during the course of their employment. (Ord. 15-11, S2, Nov. 16, 2015)

6.26.030 Smoking Prohibited.

- (1) A person commits an offense if the person smokes in or on Town of French Lick owned property, breezeway at Town Green area or in a park.
- (2) A person commits an offense if the person smokes in an enclosed area in a building or facility owned, leased, or operated by the Town of French Lick.
- (3) A person commits an offense if the person smokes in an enclosed area of a workplace.
- (4) A person commits an offense if the person smokes within 8 feet from an entrance or openable window of an enclosed area in which smoking is prohibited.

- (5) The owner or operator of a public place commits an offense if the person fails to take necessary steps to prevent or stop another person from smoking in an enclosed area in a public place or within 8 feet of a doorway.

A. Exemptions:

1. The smoking area is designated by the Town of French Lick to prevent smoke from entering a non-smoking area; and
2. No one under the age of 18 is admitted to the smoking area;
3. Temporary designated smoking areas in a park or Town of French Lick property for special events where Director recommends approval of, and the Town Council has approved, the temporary designated smoking area. In making the recommendation in Ordinance 15-11, the Street Superintendent will consider the impact on the surrounding neighborhood and other park patrons, any problem related to smoking that granting the exemption might create, a clean-up agreement made by the person requesting the exemption, and citizen input determined relevant by the Street Superintendent. (Ord. 15-11, S3, Nov. 16, 2015)

6.26.040 Employer Responsibility.

- (1) Except as provided in Subsection (2), an employer shall provide a smoke-free area in the Town of French Lick owned properties for employees.
- (2) If an employer requires employees to work in an area described in this chapter, the employer shall make reasonable accommodations for an employee who requests assignment to a smoke-free area.
- (3) An employer shall notify each employee and applicant for employment in writing that:
 - A. smoking in the Town of French Lick owned areas is prohibited; or
 - B. smoking is permitted in an area in the workplace, see (Exemptions). (Ord. 15-11, S4, Nov. 16, 2015)

6.26.050 Enforcement.

- (1) This section is cumulative of other laws providing enforcement authority.
- (2) A person may report a violation of this chapter to the Town of French Lick Police Department.

- (3) The Street Superintendent or Fire Chief may authorize a Town employee conducting an inspection under any provision of the Code to also inspect for compliance with this chapter and have the French Lick Police Department issue a citation for a violation of this chapter. (Ord. 15-11, S5, Nov. 16, 2015)

6.26.060 Violation and Penalty.

- (1) A person who violates the provisions of this chapter commits a violation of the Town of French Lick Ordinance 15-11, punishable by a fine not to exceed \$25.00.
- (2) The Zoning Administrator may suspend or revoke a permit or license issued to the operator of a public place or workplace where a violation of this chapter occurs.
- (3) Each day an offense occurs is a separate violation. (Ord. 15-11, S6, Nov. 16, 2015)

Chapter 6.28

CURFEW

Sections:

- 6.28.010** **Curfew**
- 6.28.020** **Penalty for violation**

6.28.010 Curfew. It is hereby made unlawful for any parent, guardian or other person having the authorized custody, care and control of any minor person, to permit such minor, if under the age of eighteen years, and it is also unlawful for such minor, to loiter, idle, congregate, stroll, play or remain in or upon any of the streets, alleys, parks or public places, either on foot or in vehicles of any type within the corporate limits of the Town of French Lick, Indiana, Orange County, Indiana, between the hours of 11:00 o'clock P.M. EST and 5:00 o'clock A.M. EST of any day. Provided, however, that the above provision shall not apply to any such minor when accompanied by his or her parent or guardian, or other person having the authorized custody care and control of such minor; or if such minor be then engaged in the performance of a lawful errand, or employment, if authorized and/or directed by such parent, guardian, or other person having the authorized care and custody of such minor when returning home from school and church sponsored activities or other legal and authorized assemblages, when such minor's presence was authorized by his or her parent, guardian of such person having authorized custody of such minor. However, such minor is not permitted to loiter during prohibited hours in returning to his or her home from such activities and assemblages. (Ord. 1-5-70, S1, Dec. 17, 1969) (Ord. 1, S1, Oct. 5, 1944)

6.28.020 Penalty for violation. Any person violating the terms and provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. (Ord. 1-5-70, S2, Dec. 17, 1969) (Ord. 1, S2, Oct. 5, 1944)

Chapter 6.30

NOISE CONTROL

Sections:

6.30.010	Loud and unnecessary noise prohibited
6.30.020	Enumeration of certain prohibited acts concerning the use of property
6.30.030	Enumeration of certain prohibited acts concerning the use of motorized vehicles
6.30.040	Enumeration of certain acts concerning the producing or reproducing of sound on or from a motor vehicle
6.30.050	Standards
6.30.060	Exemptions
6.30.070	Prosecution
6.30.080	Penalty
6.30.090	Permitted Exceptions

6.30.010 Loud and unnecessary noise prohibited.

- (1) It shall be a violation of this section for a person to make any loud, improper, unreasonable, offensive, or unusual noise, which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Town.
- (2) It shall be unlawful to use, maintain, or operate any portable entertainment appliance, radio, phonograph, tape, or compact disc player, or other sound emitting device which sounds are magnified unnecessarily and made audible which causes discomfort or annoyance to any reasonable person of normal sensitiveness over any public street or public place in the Town of French Lick, Indiana. (Ord. 99-8, S1, July 19, 1999)

6.30.020 Enumeration of certain prohibited acts concerning the use of property. The following acts, among others, are declared to be loud or disturbing noises in violation of this section, but such enumeration shall not be deemed exclusive:

- (1) Using, operating, or permitting to be played, used or operated, any radio receiving set, phonograph, or other machine or device for the producing or reproducing of inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, phonograph, machine, or device, in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk, or vehicle shall be prima facie evidence of a violation of this section.

- (2) Using, operating, or permitting to be played, used or operated, any radio receiving set, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. (Ord. 99-8, S2, July 19, 1999)

6.30.030 Enumeration of certain prohibited acts concerning the use of motorized vehicles.

- (1) The use of any automobile, motorcycle, truck, or other motorized vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling, or other noise. It shall be unlawful for any person to operate, cause to operate, or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified muffler and/or exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving, tire squeal or jake brakes. (Ord. 99-8, S3, July 19, 1999) (Ord. No. 1, 1916, S2, Jan. 3, 1916)

6.30.040 Enumeration of certain acts concerning the producing or reproducing of sound on or from a motor vehicle.

- (1) It shall be unlawful for any person to produce or reproduce any sound so as to cause excessive noise levels as a result of the operation of audio devices such as but not limited to radios, phonographs, C.D. players, and cassette players on or from motor vehicles within the Town of French Lick. (Ord. 99-8, S4, July 19, 1999)

6.30.050 Standards. The standards which shall be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of the inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;

- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent, or noncommercial activity.

6.30.060 Exemptions. The following are exempted from the provisions of this section:

- (1) Sound emitted from sirens of authorized emergency vehicles.
- (2) Lawn mowers, garden tractors, and similar home power tools, when properly muffled.
- (3) Celebrations on legal holidays and celebrations in connection with duly authorized parades.
- (4) School band practice.
- (5) Railroad trains
- (6) Sound emitted from devices in homes or in private pleasure vehicles, when operated in such a manner as not to be audible at a distance of fifty (50) feet or less from the vehicle or home. (Ord. 99-8, S6, July 19, 1999)
- (7) Sound that would otherwise constitute a violation of 6.30.020, but for which a Permit has been granted by the Town of French Lick in accordance with 6.30.090, but only if the sounds complies with all of the conditions and limitations stated on the permit. (Ord. 19-05, S3, July 15, 2019)

6.30.070 Prosecution.

- (1) In any prosecution for a violation of this Chapter, the Court may admit any evidence of a noise level as tested by a sound level meter, testimony of the police officer who investigated the violation, or testimony of a subpoenaed witness or complaining witness who had the opportunity to evaluate the noise level.
- (2) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer issues a citation for any violation of the provisions of this subchapter, he or she shall take down the name, address, and/or the operator's license number, if it applies, and shall issue to the alleged violator in writing on the form provided by the Town Clerk/Treasurer, a citation for a violation of any provisions of this subchapter. (Ord. 99-8, S7, July 19, 1999)

6.30.080 Penalty. Whoever violates any provisions of this Chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than \$2,500.00 and not less than \$50.00. Each day any violation shall continue shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the Ordinances of the Town of French Lick, the

Town Attorney may elect under which to proceed, but not more than one recovery shall be paid against the same person for the same offense. (Ord. 99-8, S8, July 19, 1999)

6.30.090 Permitted Exceptions. Applications for a permit for an exemption from the regulations contained in this Chapter, Noise Control, shall be made in writing to the Town Council for the Town of French Lick, or the Council's duly authorized representative(s). The Council, or its authorized representative(s), may prescribe reasonable conditions or requirements deemed necessary to minimize adverse effects of permitted sounds upon the community or surrounding areas. A permit granted by the Town Council or its representative(s) must be in writing and contain all conditions and requirements under which the permit is being issued. The Council may, by resolution, designate one or more authorized representatives for purposes of issuing permits under this Section. Applications for a permit under this section shall be accompanied by a permit fee of \$20.00. (Ord. 19-05, S2, July 15, 2019)

Chapter 6.33

DISCHARGE OF FIREARMS

Sections:

- 6.33.010** **Unlawful to discharge any firearm**
- 6.33.020** **Penalty**

6.33.010 Unlawful to discharge any firearm. It shall be unlawful to discharge any firearm or airgun, beebee gun, or any toy gun, projecting lead or any similar metal projectile, within the corporate limits of the Town of French Lick, Indiana, excepting in a regularly established shooting gallery; providing that this Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property. (Ord. 75-4, S1, Apr. 7, 1975)

6.33.020 Penalty. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00). (Ord. 75-4, S2, Apr. 7, 1975)

Chapter 6.53

SALE OF MILK AND MILK PRODUCTS

Sections:

- 6.53.010 Health Officer shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and milk products sold in French Lick
- 6.53.020 Standards to be followed
- 6.53.030 Sale of ungraded milk or milk products prohibited
- 6.53.040 Permit required
- 6.53.045 Permit fees
- 6.53.050 Suspension of permit for noncompliance
- 6.53.060 Qualified inspectors
- 6.53.065 Inspector salary and expenses
- 6.53.070 Penalty for violation

6.53.010 Health Officer shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and milk products sold in French Lick. The Health Officer having jurisdiction within the territorial limits of the Town of French Lick, Indiana, or his authorized representative shall have supervision over the production, transportation, processing, handling, sampling, examination, labeling, and sale of all milk and milk products sold at retail or wholesale within the Town of French Lick, Indiana or its police jurisdiction; the inspection of dairy herds, dairies and milk plants; and the issuing and revocation of permits to milk producers, milk haulers, and distributors. (Ord. unnumbered, S1, Sept. 4, 1956)

6.53.020 Standards to be followed. Grade A Milk Ordinance – The Health Officer having jurisdiction within the territorial limits of the Town of French Lick, Indiana in the performance of his duties under Section 6.53.010 of this Chapter, shall adopt as standards to be followed, the provision in paragraph HDP4H entitled “Grade A Milk and Milk Products” of regulations of the Indiana Board of Health duly passed on September 13, 1945, and filed with the Secretary of State, October 18, 1945, as amended by the State Board of Health on February 19, 1954, and filed with the Secretary of State on March 17, 1954, of the regulations of the State Board of Health entitled, “Regulations Relating to Dairy Products including Definitions and Standards of Identity”.

Grade A Milk and Milk Products, as referred to in the aforesaid regulation shall in this Chapter be taken to mean and include; Raw and Pasteurized milk, extra rich milk, Jersey milk, Guernsey milk, homogenized milk, flavored milk, skimmed milk, flavored skimmed milk, buttermilk, creamed milk fat, light cream, whipping cream, a mixture of milk and cream, cottage cheese, creamed cottage cheese, concentrated milk, and any other product made by the addition of any substance to milk or to any of these products and used for similar purposes and designated as a milk product by the Health Officer.

For the purpose of interpreting the aforesaid requirements until January 1, 1957, the unabridged form of Public Health Bulletin No. 220 entitled "The 1939 Edition of the Milk Ordinance and Code Recommended by the U.S. Public Health Service", shall be used. After that date the unabridged form of the Public Health Service publication #229 entitled "The 1953 Milk Ordinance and Code Recommended by the Public Health Service", shall be used. Two copies of said Regulations of the Indiana State Board of Health and said publication in effect shall be on file in the Office of the Health Officer for public inspection. (Ord. unnumbered, S2, Sept. 4, 1956)

6.53.030 Sale of ungraded milk or milk products prohibited. No person shall within the municipality of French Lick, Indiana, or its police jurisdiction, produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is upgraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any upgraded milk or milk product: PROVIDED, that in an emergency the sale of upgraded pasteurized milk or pasteurized milk products may be authorized by the Health Officer, upon the approval of the State Health authority, in which case they shall be labeled "Ungraded". (Ord. unnumbered, S3, Sept. 4, 1956)

6.53.040 Permit required. It shall be unlawful for any person to bring into, send in to, or receive into the municipality of French Lick, Indiana, or its police jurisdiction, for sale, or to sell, or offer for sale therein or to have in storage where milk or milk products are sold or served, and milk or milk products defined in this Chapter, who does not possess a permit from the Health Officer of the municipality of French Lick, Indiana.

Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this Chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with the respect to persons and/or locations.

Such a permit may be temporarily suspended by the Health Officer upon violation by the holder of any of any terms of this Chapter, or for interference with the Health Officer in the performance of his duties, or may be revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violations. Any person, firm or corporation shall have the right to take an appeal from any decision of the Health Officer to the Circuit Court of Orange County, as in other civil cases. (Ord. unnumbered, S4, Sept. 4, 1956)

6.53.045 Permit fees. The permit fee for the sale or disposal of milk or milk products in the Town of French Lick, Indiana, shall be as follows:

All milk plants engaged in the processing and distribution of pasteurized fluid milk or milk products shall pay a permit fee of four cents per hundred weight (4¢ cwt) on all milk received for such purposes.

Fees referred to above shall be paid on or before the 15th day of the month for the previous month, the first payment being due thirty (30) days after the effective date of this Chapter. The original weight sheets and other shall be made available once each month to the Town Clerk-Treasurer for determination of these fees. All plants operating under the provision above shall purchase; milk by weight or its equivalent by volume. Any dairy selling direct to any other dairy or dairies which purchasing dairy or dairies pay the permit fee on the hundred

weight as above set out on the milk so produced shall not be required to pay the aforesaid permit fees. Provided, further, that any person, firm, or corporation having a permit issued by the Health Officer of any other municipality or other unit of government operating under the standards required by this Chapter shall be exempt from paying permit fees required in Section 6.53.040. Provided, however, every such person, firm or corporation shall, in lieu of such permit fees, pay a flat license fee of \$25.00 per year for each truck or other vehicle used in transporting or delivering milk or other dairy products to distributors or ultimate consumers within the corporation of said Town and every such truck or vehicle shall display a suitable license tag issued by the Town evidencing the payment of such license.

These fees shall be paid to the Town Clerk-Treasurer of the Town of French Lick, Indiana, and shall be used only for the salary, expenses and supplies of an enforcement officer. (Ord. unnumbered, S4A, Sept. 4, 1956)

6.53.050 Suspension of permit for noncompliance. From and after November 1, 1956 and due publication as herein below set out, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments, except Grade A Pasteurized milk or milk products as defined in the standards required to be adopted by this Chapter; provided that then any milk distributor fails to qualify for the above grade, the Health Officer is authorized to suspend his permit and/or institute court action. (Ord. unnumbered, S5, Sept. 4, 1956)

6.53.060 Qualified inspectors. Such sanitary police and inspectors shall be persons qualified and approved by the Indiana State Board of Health for the performance of said duties and shall be paid such sum as may be agreed upon by the President of the Town Board and the Health Officer having jurisdiction out of such funds as may hereafter be appropriated by the Town Board. (Ord. unnumbered, S6, Sept. 4, 1956)

6.53.065 Inspector salary and expenses.

For the year 1957 \$250.00
(Ord. unnumbered, Feb. 5, 1957)

6.53.070 Penalty for violation. Any person, firm or corporation violating any provisions of this Chapter shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than thirty (30) days or both such fine and imprisonment at the discretion of the court. Each and every violation of the provisions of this Chapter shall constitute a separate offense. (Ord. unnumbered, S7, Sept. 4, 1956)

Chapter 6.60

UNATTENDED SIGNAGE ON PUBLIC PROPERTY

Sections:

- 6.60.010 Definitions
- 6.60.020 Purpose
- 6.60.030 Declaration of Nuisance
- 6.60.040 Violations
- 6.60.050 Courtesy Hold
- 6.60.060 Effective Date

6.60.010 Definitions. For purposes of this Chapter, the following terms shall have the meaning ascribed below:

- (1) “Public Property” shall mean real estate or personal property owned or leased by the Town. The term does not include the Town’s non-possessory property interests in real estate or personal property such as rights in unimproved right of ways, fee ownership of real estate or personal property leased to others, or remainder interests.
- (2) “Sign” shall have the meaning set forth in Section II of Ordinance 19-03 of the Town (a/k/a the French Lick Zoning Code) and the meaning shall be broadly interpreted to give effect to the purpose of this Chapter.
- (3) “Unattended Signage” shall mean any Sign placed on Public Property and left on the Public Property after the owner of the Sign has left the vicinity of the Sign. The term excludes:
 - A. Signs owned by the Town
 - B. Signs owned by another public entity and placed on the Public Property with permission of the Town or in a valid right of way; or
 - C. Other Signs placed on Public Property with permission from the Town. (Ord. 19-07, S1, Sept. 16, 2019)

6.60.020 Purpose. The purpose of this Chapter is to prevent Unattended Signage placed on Public Property from becoming an eyesore while still allowing the public to freely assemble on Public Property to engage in constitutionally protected speech, which often includes the use of signage. (Ord. 19-07, S2, Sept. 16, 2019)

6.60.030 Declaration of Nuisance. Unattended Signage on Public Property is hereby declared a public nuisance and is prohibited. (Ord. 19-07, S3, Sept. 16, 2019)

6.60.040 Violations. Unattended Signage left on Public Property in violation of this Chapter will be removed from the Public Property and disposed of by an agent or employee of the

Town. The Town Council shall designate the agent or employee responsible for enforcing this Chapter, which may vary from time to time. (Ord. 19-07, S4, Sept. 16, 2019)

6.60.050 Courtesy Hold. The Town will hold Unattended Signage removed from Public Property up to thirty days before disposal, in order to provide the owner of the Unattended Signage an opportunity to reclaim it. However, the Town will not be responsible for the preservation or safekeeping of the Unattended Signage while it is in the Town's custody, nor will the Town compensate owners of Unattended Signage for loss or damage while the Unattended Signage is in the Town's custody. Further, the thirty day length of the courtesy hold referenced herein is aspirational and intended only as a guide, and the Town will not be responsible for keeping records of the length of time Unattended Signage has been under courtesy hold, nor will the Town compensate the owner of Unattended Signage if it is disposed of sooner than thirty days. Owners of Unattended Signage that has been removed from Public Property may claim their signs by inquiring at the Town Hall during normal business hours. (Ord. 19-07, S5, Sept. 16, 2019)

6.60.060 Effective Date. This Chapter shall become effective upon its adoption and publication in accordance with Indiana Law. (Ord. 19-07, S6, Sept. 16, 2019)

Chapter 6.66

TRASH COLLECTION

Sections:

6.66.010	Collection of trash
6.66.020	Collection schedule
6.66.030	Trash containers
6.66.040	Placement of container
6.66.050	Failure to comply
6.66.060	Each day is a separate offense
6.66.070	Refusal to pick up trash for violators
6.66.080	Not mandatory to participate
6.66.090	Service dependent upon available funding
6.66.100	Title
6.66.110	Repeal of former Ordinances
6.66.120	Effective when
6.66.200	Schedule of service charges
6.66.210	Charges added to utility bill
6.66.220	Garbage refused to be collected
6.66.230	If not a municipal utility user, billing will be forwarded directly
6.66.240	Failure to pay
6.66.250	Separate fund for revenues

6.66.010 Collection of trash. The Town of French Lick, by its employees and agents, shall in a regular and orderly manner collect from the residents of the Town, and properly dispose of, all garbage, ashes and trash found within the limits of the Town. (Ord. 64-1, paragraph 1, Sept. 15, 1964) (Minutes, Jan. 5, 1948)

6.66.020 Collection schedule. Such collection shall be made upon the regular day of the week, to be determined and announced as pick-up day by the Board of Trustees of the Town. (Ord. 64-1, paragraph, Sept. 15, 1964)

6.66.030 Trash containers. To promote orderly and proper collection of such material, all such material so to be collected shall be kept by the owner thereof in a tightly covered metal container having a volume of not to exceed 25 gallon. All garbage is to be securely wrapped. (Ord. 64-1, paragraph 3, Sept. 15, 1964) (Ord. 46, S3, June 1, 1914)

6.66.040 Placement of container. Such material in such containers shall be placed by the owner thereof on the tree-line, or utility strip, adjoining a public street, on the day and only on the day announced as pick-up day. At all other times such material shall be kept in safe and sanitary containers upon the property of the owner. (Ord. 64-1, paragraph 4, Sept. 15, 1964)

6.66.050 Failure to comply. Failures to comply with the requirements of this Chapter shall constitute a public nuisance, punishable by a fine of \$5.00, to be enforced as other public nuisances are enforced. (Ord. 64-1, paragraph 5, Sept. 15, 1964)

6.66.060 Each day is a separate offense. Each day on which this Chapter is violated, shall constitute a separate offense punishable by such fine. (Ord. 64-1, paragraph 6, Sept. 15, 1964)

6.66.070 Refusal to pick up trash for violators. In addition to penalty above prescribed for violations of this Chapter, the Town may refuse to pick up such material for any resident failing to comply with the requirements of this Chapter. (Ord. 64-1, paragraph 7, Sept. 15, 1964)

6.66.080 Not mandatory to participate. Nothing in this Chapter shall require or compel any resident of the Town of French Lick to use the service so furnished by the Town, or interfere in any way with the right of any resident properly to dispose of his garbage, ashes and trash. (Ord. 64-1, paragraph 8, Sept. 15, 1964)

6.66.090 Service dependent upon available funding. The burden imposed by this Chapter upon the Town of French Lick shall be subject to availability of properly appropriated funds. (Ord. 64-1, paragraph 9, Sept. 15, 1964)

6.66.100 Title. This Chapter may be referred to as the Garbage Pick-Up Ordinance. (Ord. 64-1, paragraph 10, Sept. 15, 1964)

6.66.110 Repeal of former Ordinances. That any existing Ordinance or Ordinances in conflict with this Chapter are hereby repealed to the extent of such conflict. (Ord. 64-1, paragraph 11, Sept. 15, 1964)

6.66.120 Effective when. This Chapter shall be in full force and effect from and after the 1st day of November, 1964. (Ord. 64-1, paragraph 12, Sept. 15, 1964)

6.66.200 Schedule of service charges. There is hereby imposed on each owner, tenant or occupant of residential or commercial property in the Town of French Lick, Indiana, to whom municipal refuse and garbage collection is made available by said Town directly or through any person, firm or corporation with which the Town may contract for the furnishing of such service, a service charge for the collection and removal of refuse and garbage according to the following schedule:

- (1) For all residential dwellings there will be a minimum \$9.00 monthly charge.
- (2) For a multi-family or apartment dwelling, there will be a minimum \$9.00 monthly charge per dwelling.
- (3) Commercial establishment rates will vary depending upon the size of business, type of business, number of shoppers, number of pick-ups per week/month, amount of refuse, etc. Present rates will range from \$15.00 to \$300.00 per month. (Ord. 91-5, Sept. 16, 1991) (Ord. 88-2, S1, June 20, 1988) (Ord. 87-2, S1, Jan. 19, 1987) (Ord. No. 2, S1, Jan. 18, 1982)

6.66.210 Charges added to utility bill. Service charges as specified above, shall be added to the utility bill charges and shall be payable as are bills for sanitation service (sewage). (Ord. 88-2, S2, June 20, 1988) (Ord. No. 2, S2, Jan. 18, 1982)

6.66.220 Garbage refused to be collected. Said garbage service shall not include any of the following:

- (1) Any item not in containers.
- (2) Any garbage not drained of free liquid or wrapped in several thickness of paper.
- (3) Hot ashes.
- (4) Any liquids.
- (5) No tree limbs.
- (6) Any broken concrete asphalt building materials or earth.
- (7) Hot water heaters, auto parts, furniture or any other extraordinary items. (Ord. 88-2, S3, June 20, 1988) (Ord. No. 2, S3, Jan. 18, 1982)

6.66.230 If not a municipal utility user, billing will be forwarded directly. In the event any resident of municipal refuse and garbage service is not a recipient of municipal sanitation service and does not therefore receive a utility bill, said recipient will be billed directly for said service and said bill will be payable on the same basis as are bills for sanitation service. (Ord. 88-2, S4, June 20, 1988) (Ord. No. 2, S4, Jan. 18, 1982)

6.66.240 Failure to pay. Failure to pay service charges for refuse and garbage collection shall be grounds for discontinuance of refuse and garbage collection service and in addition the Town may pursue any one of the following remedies:

- (1) If said service charge or any part thereof shall not be paid within thirty (30) days after the payment is due, the amount thereof, together with a penalty of ten (10) percent and a reasonable attorney's fee, may be recovered by the Town in a civil action in the name of the Town, and provided in Indiana Code 36-9-30-21.
- (2) If any service charge remains unpaid for a period of six (6) months, said charges may be certified to the Auditor of Orange County for placement upon the tax duplicate by the Auditor and collection as taxes are collected, as provided by Indiana Code. (Ord. 88-2, S5, June 20, 1988) (Ord. No. 2, S5, Jan. 18, 1982)

6.66.250 Separate fund for revenues. Revenue from service charge collections will be deposited in a separate fund. Only payments of costs incident to the service will be made from this fund. Any surplus accumulating in this fund will be retained to apply to any increase in the cost of providing the service, or to permit reduction in service charges, by action of the Board of Trustees when feasible. (Ord. 88-2, S6, June 20, 1988) (Ord. No. 2, S6, Jan. 18, 1982)

Chapter 6.68

DEBRIS WITHIN PUBLIC RIGHT-OF-WAY

Sections:

6.68.010 Prohibition

6.68.020 Removal of Violation

6.68.030 Collection of Fines and Costs

6.68.010 Prohibition. For purpose of this chapter, any person who:

- (1) Causes grass clippings, shrubs, hedges, weeds, and other vegetation to be discharged into public streets, sidewalks, parking lots, or trails, either through mowing, trimming, use of a power blower, or through any other means, and who fails to immediately remove the same from the public street, sidewalk, parking lot, or trail upon completion of their yard maintenance; or
- (2) Interferes with, obstructs, or renders dangerous for passage or use, any public right-of-way or easement, sidewalk, or other public facility; or
- (3) Does any other act or omission declared by law or this chapter to be a public nuisance.

will be considered to cause a public nuisance and be in violation of this Chapter and subject to the enforcement and penalties as set forth herein. (Ord. 18-06, S1, Oct. 1, 2018)

6.68.020 Removal of Violation.

- (1) Remedies for Violation. The Town may fine the violator Fifty and 00/100 Dollars (\$50.00) for the first violation; One Hundred Fifty and 00/100 (\$150.00) for a second violation, dated one year or less from the date of the most recent prior violation; and Three Hundred and 00/100 (\$300.00) for each subsequent violation, dated one year or less from the date of the most recent prior violation. (Ord. 18-06, S2, Oct. 1, 2018)

6.68.030 Collection of Fines and Costs.

- (1) The Town shall send to the violator written notice of the amount due for the fine, costs of correction and administrative fee within five (5) business days of the accrual of the fine. The notice shall advise the violator where and in what manner payment may be made, and that payment is due within thirty (30) days of issuance of the notice.
- (2) If an owner fails to pay the amount due within the time allowed, the Town may initiate an action in a court of competent jurisdiction to collect the amounts due. The violator shall be responsible for the Town's costs and reasonable attorney's fees in an action.

- (3) If the Court determines that no violation existed, the notice to correct shall be deemed void and the owner shall be liable for a fine, costs, or the Town's attorney's fees. (Ord. 18-06, S3, Oct. 1, 2018)

Chapter 6.70

MULTI-HAZARD MITIGATION PLAN

Sections:

- 6.70.010 Recognition of natural hazards**
- 6.70.020 Mitigation actions prior to a disaster**
- 6.70.030 Requirement for grant funding**
- 6.70.040 Development of plan**
- 6.70.050 Adoption of plan**
- 6.70.060 Approval**

6.70.010 Recognition of natural hazards. French Lick recognizes the threat that natural hazards pose to people and property. (Ord. 06-03, Aug. 24, 2006)

6.70.020 Mitigation actions prior to a disaster. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars. (Ord. 06-03, S1, Aug. 24, 2006)

6.70.030 Requirement for grant funding. An adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects. (Ord. 06-03, S2, Aug. 24, 2006)

6.70.040 Development of plan. French Lick participated jointly in the planning process with the other local units of government within the County to prepare a Multi-Hazard Mitigation Plan. (Ord. 06-03, S3, Aug. 24, 2006)

6.70.050 Adoption of plan. French Lick hereby adopts the Orange County Multi-Hazard Mitigation Plan as an official plan. (Ord. 06-03, S4, Aug. 24, 2006)

6.70.060 Approval. The Orange County Emergency Management Agency will submit on behalf of the participating municipalities the adopted Multi-Hazard Mitigation Plan to the Indiana Department of Homeland Security and the Federal Emergency Management Agency for final review and approval. (Ord. 06-03, S5, Aug. 24, 2006)