

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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Chapter 6.06

DISCHARGE OF FIREARMS

Sections:

- 6.06.010 Unlawful to discharge firearms/Exception**
- 6.06.020 Penalty for violation**

6.06.010 Unlawful to discharge firearms/Exception. It shall be unlawful for any person to discharge a firearm of any kind or airgun or catapult, within the corporate limits of Gentryville, Indiana except for the purpose of killing hogs or beeves. (Ord. 10, Jan. 3, 1901)

6.06.020 Penalty for violation. Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00) in addition to costs in such suit. (Ord. 10, Jan. 3, 1901)

Chapter 6.07

FIRING RANGE CLOSED TO THE GENERAL PUBLIC

Sections:

- 6.07.010 Firing Range Access and Use**

6.07.010 Firing Range Access and Use.

- (1) Access and use of the firing range property owned by the Town of Gentryville is closed to the general public
- (2) Town of Gentryville law enforcement, other law enforcement officers engaged in training exercises with Town officers, and duly authorized town employees shall be permitted use of the firing range.
- (3) Others may be granted limited permission by Town Council after verifying that such permission will not create liability problems under insurance carried by the Town at that time.
- (4) Those not granted permission under this ordinance shall be considered trespassers if found upon the property. (Ord. 2014-03, Jan. 8, 2014)

Chapter 6.10

DISORDERLY CONDUCT

Sections:

6.10.010	Disorderly conduct
6.10.020	Congregating in public places
6.10.030	Disturbing place of worship or meetings
6.10.040	Minor curfew
6.10.050	Interference with Officials
6.10.060	Civil emergencies
6.10.070	Penalty

6.10.010 Disorderly conduct. It is unlawful for any person or persons, to disturb the peace and quiet of the Town or of its inhabitants by loud talking or by the making of unusual noises, or by the crying of any alarm without good cause, or by threatening any person or challenging him to fight or menacing him with physical injury or pecuniary loss, or by accosting or approaching any person of the opposite sex unknown to such person and by word, sign or gesture attempting to speak to or become acquainted with such person against his or her will except in the transaction of legitimate business. (Ord. unnumbered, S1, Nov. 4, 1969)

6.10.020 Congregating in public places. It is unlawful for any person to congregate or cause to be congregated a crowd of three or more persons upon any public street, alley, sidewalk, parking lot, school or school grounds, building, or any other public place within the Town so as to obstruct the same or as to hinder or annoy passers-by or occupants of adjacent premises, or as to interfere with the activities normally carried on on the premises. (Ord. unnumbered, S2, Nov. 4, 1969)

6.10.030 Disturbing place of worship or meetings. It shall be unlawful for any person or persons within the Town by any loud or unnecessary talking or shouting or by any threatening, abusive, profane or obscene language or violent action, or by any other rude behavior, to interrupt, molest, annoy or disturb any group of persons convened for the purpose of worship, or in like manner to interrupt, molest, annoy or disturb any meeting of persons met together for any lawful purpose. (Ord. unnumbered, S3, Nov. 4, 1969)

6.10.040 Minor curfew. It shall be unlawful for any person under the age of sixteen (16) years to be upon the public streets, alleys, public places, public grounds, or public thoroughfares of the Town during the hours from 10:00 PM official Town time to 5:00 AM official Town time. It shall also be unlawful for any parent, guardian or other adult person having the care of custody of any person under the age of sixteen (16) years knowingly to permit such minor person to be upon the streets, alleys, public places, public grounds, or public thoroughfares of the Town during the above mentioned hours. The provisions of this section shall not apply when such minor person is accompanied by parent, guardian or other adult person having care or custody of such person, or while such minor is engaged in

some necessary business. Ord. Unnumbered, S4, Nov. 4, 1969) (Ord. 15, S1 and 2, No date)

6.10.050 Interference with Officials. It shall be unlawful for any person or persons to intentionally impede or interfere, or attempt to impede or interfere with any policeman, fireman or any other town official in the performance of his duty or emergency functions as a fireman, policeman or town official. (Ord. unnumbered, S5, Nov. 4, 1969)

6.10.060 Civil emergencies.

(1) Definitions

A. A civil emergency is hereby defined to be:

1. A riot of unlawful assembly characterized by the use of actual force of violence or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law; or
2. Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the town during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

(2) Proclamation by Town Council President. When in the judgment of the town council president a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same. In case of the absence of the Town Council President from the town, the Town Marshal shall be authorized to act in his stead.

(3) Imposition of Curfew. After proclamation of a civil emergency by the Town Council President, he may order a general curfew applicable to such geographical areas of the town or to be town as a whole, as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

- (4) Additional regulations. After proclamation of a civil emergency, the Town Council President may also in the interest of public safety and welfare make any or all of the following orders:
- A. Order the closing of all retail liquor stores.
 - B. Order the closing of all taverns.
 - C. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
 - D. Order the discontinuance of the sale of beer.
 - E. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
 - F. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
 - G. Order the discontinuance of selling, distributing, dispensing or giving away of firearms and/or ammunition.
 - H. Issue such other orders as are imminently necessary for the protection of life and property.
- (5) Emergency powers. During the period of a declared state of emergency, the Town Council President shall have the power to invoke any or all of the following provisions:
- A. Alcoholic beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.
 - B. Weapons. No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the persons or property of another.
 - C. Incendiary missiles. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb or other incendiary missile.

- D. Restricted areas. No person shall enter any area designated by the Town Council President as a restricted area unless in the performance of official duties or with written permission from the Town Council President or his duly designated representative, or such person shall prove residence therein. (Ord. unnumbered, S6, Nov. 4, 1969)

6.10.070 Penalty. Any person violating any provision of this ordinance or any order made by the Town Council President of the Town in accordance with the terms of this ordinance shall be punished by a fine of not more than five hundred dollars (\$500), and/or imprisonment in the county jail for a period not to exceed six (6) months. (Ord. unnumbered, S7, Nov. 4, 1969)

Chapter 6.14

USE OF SKATEBOARDS, ROLLER SKATES AND SIMILAR DEVICES

Sections:

6.14.010	Prohibited
6.14.020	Penalty

6.14.010 Prohibited. No person shall ride upon any roller skate, rollerblade, in-line skate, skateboard, scooter, or any type of coaster in the following areas within the town:

- (1) On the sidewalks, streets, alleys or public parking lots inside the town limits;
- (2) In or around any public buildings owned or operated by the town;
- (3) In the following areas of town owned parks or lands: shelter house, basketball courts, tennis courts, on picnic tables, benches or playground equipment
- (4) On any private property without the express permission of the owner (Ord. 2009-03, SA, Dec. 2, 2009)

6.14.020 Penalty. Any person violating this ordinance shall be liable for a fine in the amount of \$20.00 for the first offense, \$40.00 for the 2nd offense and \$60.00 for the 3rd or subsequent offense occurring within the same calendar year.

- (1) **CONFISCATION OF EQUIPMENT:** If a minor (a person under the age of 18) is cited for a violation of this ordinance, the police officer citing the offender may take possession of the skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar equipment and secure it until the ordinance violation is resolved or the parent or guardian of the minor appears at police headquarters and requests its return, whichever occurs first. If a person over the age of eighteen (18) is cited for a violation, the officer citing the offender may take possession of the skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar device and secure it until the ordinance violation is resolved. (Ord. 2009-03, SB, Dec. 2, 2009)

Chapter 6.18

WEEDS AND RANK VEGETATION

Sections:

6.18.010	Statement of Intent
6.18.020	Definitions
6.18.030	Public nuisance
6.18.040	Administration
6.18.050	Notice to Property Owners
6.18.060	The Clerk-Treasurer as fiscal officer
6.18.070	Notice of Appeal
6.18.080	Exemptions
6.18.090	Actions to enforce
6.18.100	Separability

6.18.010 Statement of Intent. The height of weeds and rank vegetation within the Town of Gentryville, Indiana, substantially affects such matters as the health and safety by providing habitat for unwanted animals or other pests and the general appearance of the Town. The Town is duly authorized to regulate such in accordance with Indiana Code 36-7-10.1. Therefore, it is hereby found and determined that the height of weeds and rank vegetation are matters of town-wide concern over which the Town must exercise the control set forth in this Ordinance. (Ord. 2013-04, S1, Aug. 7, 2013)

6.18.020 Definitions.

- (1) Inhabited lot or parcel shall mean any lot or parcel or real estate located within the Town of Gentryville that has a structure located thereon.
- (2) Vacant lot or parcel shall mean any lot or parcel located within the Town of Gentryville that does not have a structure located thereon.
- (3) Weeds and rank vegetation means any grass or vegetation exceeding 12 inches in height, or the accumulation of dead weeds, grass or brush. Such rank growth of grass and vegetation or accumulation of dead weeds, grass or brush may constitute a fire hazard or allow debris to be hidden. Trees, shrubbery, garden areas and agricultural crops that are reasonably maintained are not included in this definition. (Ord. 2013-04, S2, Aug. 7, 2013)

6.18.030 Public Nuisance. It is hereby declared to be unlawful, a public nuisance and a violation of this ordinance for the owner of property within the corporate limits of the Town of Gentryville, Indiana to permit the growth of weeds and rank vegetation in excess of twelve (12) inches in height upon a lot or parcel with a structure located thereon the property. It is hereby declared to be unlawful, a public nuisance and a violation of this

ordinance for the owner of property within the corporate limits of the Town of Gentryville, Indiana to permit the growth of weeds and rank vegetation in excess of 16 (sixteen) inches in height upon a vacant lot or parcel of property. In addition to the remedies hereinafter set forth, any such nuisance may be charged as such and may be abated in such manner as nuisances are now, or may hereafter be abated under existing law. (Ord. 2013-04, S3, Aug. 7, 2013) (Ord. unnumbered, June 28, 1971) (Ord. 32, S1, no date)

6.18.040 Administration. The Town of Gentryville, Street Department shall have responsibility for the administration of this article and shall have complete power to abate a violation of this article if the owner fails to abate the violation pursuant to notice. (Ord. 2013-04, S4, Aug. 7, 2013)

6.18.050 Notice to Property Owners. The Town of Gentryville shall notify the property owner who is in violation of this ordinance by certified mail at the address listed on the tax records, or by posting a notice on the property in a conspicuous place setting forth the requirements of this article. Failure to comply with these requirements will result in the Town entering the offending property to abate the violation. Any offending property owner so notified shall be given ten (10) days to comply, which notice shall remain effective for the remainder of the calendar year in which it is given. (Ord. 2013-04, S5, Aug. 7, 2013)

6.18.060 The Clerk-Treasurer as fiscal officer. The Clerk-Treasurer of the town shall determine the actual cost of abating the violation including administrative costs as well as cutting and/or removal costs and shall bill the violator forthwith. The cost of abatement by Town Employees or its agents shall not be less than \$30.00 per hour with a one hour minimum charge. If the violator fails to pay any bill issued pursuant to this article within thirty (30) days from the billing date, the Clerk- Treasurer of the town shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the town. (Ord. 2013-04, S6, Aug. 7, 2013)

6.18.070 Notice of Appeal. Any property owner who receives a notice of violation of this ordinance or a bill issued under this ordinance may appeal it by filing a notice of appeal with the Clerk-Treasurer within ten (10) days of the date on either the notice or bill requesting a hearing at the next Town Council meeting; and said matter will be heard at the next Town Council meeting. (Ord. 2013-04, S7, Aug. 7, 2013)

6.18.080 Exemptions.

- (1) Areas located within the corporate town limits which are lawfully used for agricultural purposes.
- (2) Ornamental or other decorative grasses or garden plants specifically planted for landscape or human consumption purposes and reasonably maintained for such. (Ord. 2013-04, S8, Aug. 7, 2013)

6.18.090 Actions to enforce. If the owner of real property fails to pay a bill issued pursuant to this article within thirty (30) days from the billing date, the Town may bring an action in an appropriate court to collect the amount of the bill, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the Town obtains a judgment under this subsection, the Town may obtain a lien in the amount of the judgment on any real or personal property of the owner. (Ord. 2013-04, S9, Aug. 7, 2013) (Res. 1987-3, June 3, 1987) (Ord. unnumbered, June 28, 1971) (Ord. 32, S2, no date)

6.18.100 Separability. If any section, sub section, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2013-04, S10, Aug. 7, 2013)

Chapter 6.22

UNSAFE BUILDINGS

Sections:

6.22.010	Adoption
6.22.020	Responsibility
6.22.030	Definitions
6.22.040	Limitation of Powers of Enforcement Authority
6.22.045	Standard of Work Performed
6.22.050	Unsafe Building Fund
6.22.060	Penalties

6.22.010 Adoption. Indiana Code §36-7-9-1 through 36-7-9-28 as currently enacted as is hereafter amended is hereby incorporated by reference in the Town of Gentryville Unsafe Building Law. All proceedings within the Town of Gentryville for the inspection, repair and removal of unsafe buildings shall be governed by said law and the provisions of this Ordinance. In the event the provisions of this Ordinance conflict with the provisions of Indiana Code §36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. 2010-4, S6.22.010, Aug. 4, 2010)

6.22.020 Responsibility. All buildings or portions thereof within the Town of Gentryville which are determined after inspection by the Building Commissioner to be unsafe as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. (Ord. 2010-4, S6.22.020, Aug. 4, 2010) (Ord. 1977-1, S1, March 7, 1977)

6.22.030 Definitions.

- (1) **Enforcement Authority.** The Town of Gentryville Building Commissioner, as chief administrative officer of the Building Department, shall be the "Enforcement Authority" as defined under IC §36-7-9-2 and is hereby authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
- (2) **Hearing Authority.** The Town Council of the Town of Gentryville shall designate by separate resolution the "Hearing Authority" as defined in IC §36-7-9-2, which shall hear evidence and enter findings pursuant to IC §36-7-9-7 regarding orders of the Enforcement Authority. In absence of separate resolution, the Town Council shall be deemed to be the "Hearing Authority".

- (3) Unsafe Building. The description of an unsafe building contained in Indiana Code §36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Gentryville, Indiana, by adding the following definition:

UNSAFE BUILDING means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.
- E. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- G. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

- H. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member of members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- L. Whenever the building or structure has been so damaged fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- M. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Town of Gentryville, or if any law or Ordinance of the State or Town of Gentryville relating to the condition, location, or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by

the (Health Official) to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the (Fire Official) to be a fire hazard.

Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

- (4) Substantial Property Interest. The definition of "substantial property interest" set forth in IC §36-7-9-2 is hereby incorporated by reference herein as if copied in full. (Ord. 2010-4, S6.22.030, Aug. 4, 2010) (Ord. 1977-1, S1, March 7, 1977)

6.22.040 Limitation of Powers of Enforcement Authority. Wherever in the building regulations of the Town of Gentryville or the Town of Gentryville Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Town of Gentryville, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by this Ordinance have been complied with, and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by Ordinance, or to enforce Ordinance provisions in an arbitrary or discretionary manner. (Ord. 2010-4, S6.22.040, Aug. 4, 2010) (Ord. 1977-1, S2, March 7, 1977)

6.22.045 Standard of Work Performed. All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC §22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission (675 IAC), including 675 IAC 12-4-9 and 675 IAC 12-4-11(a), shall be considered standard and acceptable practice for all matters covered by this Ordinance or orders issued pursuant to this Ordinance by the Building Commissioner of the Town of Gentryville, Indiana. (Ord. 2010-4, S6.22.045, Aug. 4, 2010)

6.22.050 Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the Town of Gentryville in accordance with the provisions of IC §36-7-9-14. (Ord. 2010-4, S6.22.050, Aug. 4, 2010) (Ord. 1977-1, S3, March 7, 1977)

6.22.060 Penalties.

- (1) As provided in IC §36-7-9-7, the hearing authority which affirms the order of the enforcement authority may impose civil penalties in an amount of up to Five Thousand

Dollars (\$5,000.00) where the hearing authority finds that there has been a willful failure to comply with the order.

- (2) As provided in IC §36-7-9-19, civil penalties may be imposed by a Court acting under IC §36-7-9-17 against any person if the conditions of IC §36-7-9-18 are met, in an amount not to exceed Five Thousand Dollars (\$5,000.00).
- (3) In addition as provided in IC §36-7-9-28, a person who:
 - A. remains in, uses or enters a building in violation of an order made in this Chapter (IC §36-7-9);
 - B. knowingly interferes with or delays the carrying out of an order made under this Chapter (IC §36-7-9);
 - C. knowingly obstructs, damages, or interferes with person engaged on property used in performing any work or duty under this Chapter (IC §36-7-9); or
 - D. fails to comply with (IC §36-7-9-27);

commits a Class C Infraction. Each day that the violation continues constitutes a separate offense.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reasons, the remainder of said Ordinance shall not be affected thereby.

This Ordinance will be in full force and effect upon adoption and publication as required by Indiana Law. (Ord. 2010-4, S6.22.060, Aug. 4, 2010)

Chapter 6.24

MINIMUM HOUSING STANDARDS

Sections:

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6.24.040	Scope
6.24.050	Adoption of rules by reference
6.24.060	Application for permits
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6.24.120	Inspection Assistance
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6.24.170	Violations
6.24.180	Right of Appeal
6.24.190	Remedies
6.24.200	Penalties
6.24.210	Repeal and Effective Date

6.24.010 Title. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of Gentryville, Indiana", may be cited as such, and will be referred to herein as "this code". (Ord. 1990-1, S1, Feb. 7, 1990)

6.24.020 Purpose. The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare and for the conservation of energy in the design and construction of buildings and structures. (Ord. 1990-1, S2, Feb. 7, 1990) (Ord. 1977A, S1, No date)

6.24.030 Authority. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code and in that capacity is acting on behalf of the governmental entity of the Town of Gentryville, as set forth in I.C. 34-4-16.5-2(b). Whenever in this code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Town, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not

prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. (Ord. 1990-1, S3, Feb. 7, 1990)

6.24.040 Scope. The provisions of this code apply to the construction, alterations, repair, use occupancy, maintenance and additions to all buildings and structures, other than fences and agricultural structures, within the incorporated areas of the Town of Gentryville. (Ord. 1990-1, S4, Feb. 7, 1990)

6.24.050 Adoption of rules by reference.

(1) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this ordinance and shall include later amendments to those Articles as the same are published in this Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

A. Article 13 - Building Codes

1. Fire and Building Safety Standards
2. Indiana Building Code
3. Indiana Building Code Standards
4. Indiana Handicapped Accessibility code

B. Article 14 - One and Two Family Dwelling codes

1. Council of American Building Officials One and Two Family Dwelling Code
2. CABO One and Two Family Dwelling Code: Amendments
3. Standard for Permanent Installation of Manufactured Homes

C. Article 16 - Plumbing Codes

1. Indiana Plumbing code

D. Article 17 - Electrical codes

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

- E. Article 18 - Mechanical Code
 - 1. Indiana Mechanical Code
 - F. Article 19 - Energy Conservation Codes
 - 1. Indiana Energy Conservation Code
 - 2. Modification to the Model Energy Code
 - G. Article 20 - Swimming Pool Codes
 - 1. Indiana Swimming Pool Code
- (2) Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner. (Ord. 1990-1, S5, Feb. 7, 1990) (Ord. 1977A, S3, S4, S5, No date)

6.24.060 Application for permits. No building permit shall be issued for the foregoing purpose, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing property boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release. (Ord. 1990-1, S6, Feb. 7, 1990)

6.24.070 Permit required. A permit shall be obtained before;

- (1) Beginning any new construction of a building or structure the cost of which exceeds \$2,000.00; or
- (2) Beginning any alteration or repair of any building or structure the cost of which exceeds \$5,000.00; or
- (3) Beginning any electrical, plumbing or mechanical construction the cost of which exceeds \$750.00; or
- (4) Beginning installation of any heating system in a building or structure.

All fees required by this Code shall be paid to Spencer County, Indiana. (Ord. 1990-1, S7, Feb. 7, 1990)

6.24.080 Other Ordinances. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances. (Ord. 1990-1, S8, Feb. 7, 1990)

6.24.090 Fees and required inspections. Permits required by Section 6.24.070 shall be issued upon prior payment of permit fees according to the following schedule;

TYPE OF CONSTRUCTION	REQUIRED Inspections	Single Inspection Fee	Permit Fee
1 or 2 Family Dwelling, detached	3	\$25.00	\$10.00
Apartments, Hotels, Motels, ea. Unit	3	\$25.00	\$10.00
Manufactured Homes	2	\$25.00	\$10.00
Business, Commercial, Public	6	\$25.00	\$10.00
Educational, Institutional, Church	6	\$25.00	\$10.00
Industrial, Warehouse, Bulk Storage	4	\$25.00	\$10.00
Mobile Homes, Temporary Structures	1	\$25.00	\$10.00
Accessory Buildings (residential use)	1	\$25.00	\$10.00
Additions/Alterations (all occupancies)	2	\$25.00	\$10.00
Swimming Pools	2	\$25.00	\$10.00

The minimum permit fee for any permit shall be \$10.00. For unusually large or complex buildings or structures the Building Commissioner shall have the power to increase the number of required inspections by fifty percent (50%). The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. The proposed foundation will be inspected prior to the pouring of concrete. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. However, for unusually large or complex buildings or structures, the Building Commissioner shall have the right to make the inspections in the manner and at the times appropriate for such large or complex buildings or structures. The architect or engineer for any building requiring an architect or engineer under state law or regulation shall make available his inspection reports to the Building Commissioner. Where additional inspections are required due to failure to permit holder to have work ready for inspection at a designated stage of construction, the Building Commissioner shall have the power to assess a reinspection fee of \$25.00 for each such additional inspection. Reinspection fees shall be paid to Spencer County prior to the issuance of a certificate of occupancy.

The Building Commissioner shall submit an annual report to the Town Board and Board of Commissioners of the County of Spencer which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary. (Ord. 1992-6, Dec. 30, 1992) (Ord. 1990-1, S9, Feb. 7, 1990)

6.24.100 Review of Application. Prior to the issuance of any building permit, the Building Commissioner shall;

- (1) Review all building permit application to determine full compliance with the provisions of this code.
- (2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- (3) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair;
 - A. uses construction materials and utility equipment that are resistant to flood damage, and
 - B. uses construction methods and practices that will minimize flood damage.
- (4) Review of building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes);
 - A. is protected against flood damage,
 - B. is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and
 - C. uses construction methods and practices that will minimize flood damage. (Ord. 1990-1, S10, Feb. 7, 1990)

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

Any builder herein shall schedule an appointment for said inspections with at least 24 hours prior notice to the Building Commissioner. In the event that the Building Commissioner shall not be in attendance within 2 hours of the appointed time, then the builder or permit holder shall be authorized to proceed with construction absent said Building Commissioner, if the appointment has been made in compliance with this ordinance. The failure of the Building Commissioner to inspect as provided by this ordinance does not excuse compliance with Section 6.24.050 of this chapter. The Building Inspector will within 24 hours with the exception of Sundays and holidays notify the builder in writing of the findings of the findings of his inspection including the date and time of the inspection. (Ord. 1990-1, S11, Feb. 7, 1990)

6.24.120 Inspection Assistance. The Chief of the Fire Department serving, or their designated representatives, may assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and may provide reports of such inspection to the Building Commissioner. (Ord. 1990-1, S12, Feb. 7, 1990)

6.24.130 Entry. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the county of Spencer to perform any duty imposed upon him by this code. (Ord. 1990-1, S13, Feb. 7, 1990)

6.24.140 Stop Order. Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work. (Ord. 1990-1, S14, Feb. 7, 1990)

6.24.150 Certificate of Occupancy. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this ordinance. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. The Building Inspector will make final inspection within 24 hours of notification that the structure is completed with the exception of Sundays and holidays, and within 24 hours thereafter with the exception of Sundays and holidays will issue to the applicant either a certificate of occupancy or written reason(s) for rejection. (Ord. 1990-1, S15, Feb. 7, 1990) (Ord. 1977A, S6, No date)

6.24.160 Workmanship. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workman like manner according to accepted standards and practices in the trade. (Ord. 1990-1, S16, Feb. 7, 1990)

6.24.170 Violations. It shall be unlawful for any person firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, or improve any building or structure in the Town of Gentryville or cause or permit the same to be done, contrary to or in violation of the provisions of this code. (Ord. 1990-1, S17, Feb. 7, 1990)

6.24.180 Right of Appeal. All persons shall have the right to appeal the Building Commissioner's decision first through the Board of Trustees of the Town of Gentryville and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21-5-3-7. Such appeals shall be filed in writing with the County Auditor within twenty (20) days of the Building Commissioner's decision. The Board of Trustee shall conduct a hearing on any appeal within ten (10) days after it is filed and shall render its decision within seven (7) days after the conclusion of the hearing. (Ord. 1990-1, S18, Feb. 7, 1990)

6.24.190 Remedies. The Building Commissioner shall in the name of the Town of Gentryville and the County of Spencer bring actions to the Circuit Court of Spencer County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance. (Ord. 1990-1, S19, Feb. 7, 1990)

6.24.200 Penalties. If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. 1990-1, S20, Feb. 7, 1990)

6.24.210 Repeal and Effective Date. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law. (Ord. 1990-1, S21, Feb. 7, 1990)

Chapter 6.28

HOUSE NUMBERS

Sections:

- 6.28.010 **Assignment of numbers**
- 6.28.020 **Placement of numbers**

6.28.010 Assignment of numbers. House numbers will be assigned to property in the Town of Gentryville. All Town lots in Gentryville will be issued numbers, whether currently vacant or having existing structures. (Res. 2-1987, April 1, 1987)

6.28.020 Placement of numbers. Each property owner will be responsible for placement of standard size numbers on their structures. (Res. 2-1987, April 1, 1987)

Chapter 6.33

DISPOSAL OF TRASH AND GARBAGE

Sections:

6.33.010	Statement of Intent
6.33.020	Definitions
6.33.030	Deposit in public places unlawful
6.33.040	Container and Dumpster Requirements
6.33.050	Enforcement
6.33.060	Notice to Property Owners
6.33.070	Penalty
6.33.080	The Clerk Treasurer as fiscal officer
6.33.090	Notice of Appeal
6.33.100	Separability

6.33.010 Statement of Intent. The proper disposal of trash and garbage within the Town of Gentryville, Indiana, substantially affects such matters as the health and safety by emitting foul odors and providing habitat for unwanted animals or other pests and detracting from the general appearance of the Town of Gentryville. Therefore, it is hereby found and determined that the disposal of trash and garbage are matters of town-wide concern over which the Town must exercise the control set forth in the Ordinance. (Ord. 2016-03, S1, May 10, 2016) (Ord. 2008-04, S1, Aug. 6, 2008)

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

- (1) "Trash" shall mean all rubbish and refuse including, but not limited to, glass bottles, used disposable food containers of any material, broken glass, beer and soft drink cans, rubber products, metals, rags, disposable diapers and other personal products, household appliances and furniture, construction debris, and automotive parts.
- (2) "Garbage" means all organic household waste, offal, animal and vegetable matter prepared or intended for use as food.
- (3) "Town" shall mean those areas which are under the jurisdiction of the Town of Gentryville, Indiana.
- (4) "Container" within meaning of this ordinance, shall mean a ninety (90) gallon or less storage container to be used for the collection of trash and/or garbage by a resident or independent hauler.
- (5) "Dumpster" within the meaning of this ordinance, shall mean a mechanically emptied storage container larger than ninety (90) gallons in capacity to be

used for the collection of trash and/or garbage by an independent hauler.

- (6) "Town Council" shall mean the Town Council of Gentryville.
- (7) "Yard wastes" shall mean, but not limited to, grass clippings, weeds, leaves, tree limbs and branches, organic matter of any kind. (Ord. 2016-03, S2, May 10, 2016) (Ord. 2008-04, S2, Aug. 6, 2008)

6.33.030 Deposit in public places unlawful. It is hereby declared to be unlawful, a public nuisance and a violation of this ordinance for any person to throw or deposit any trash, garbage or yard wastes of any kind upon any street, sidewalk, gutter, alley or other public place within the Town of Gentryville or to permit any such articles to accumulate upon any lot or parcel, public, or private in the Town of Gentryville. (Ord. 2016-03, S3, May 10, 2016) (Ord. 2008-04, S3, Aug. 6, 2008)

6.33.040 Container and Dumpster Requirements.

- (1) All trash or garbage must be placed and stored in a container or dumpster as defined herein.
- (2) No trash or garbage shall be placed along the curbs, roadways or alley ways of the Town of Gentryville for pickup for final disposal unless the same has been placed in a container to contain the contents from being distributed in such a manner as to constitute a nuisance or littering.
- (3) No containers as described herein, shall be permitted to remain along curbs, roadways, or alley ways of the Town of Gentryville for a period longer than (24) twenty-four hours. (Ord. 2016-03, S4, May 10, 2016) (Ord. 2008-04, S4, Aug. 6, 2008)

6.33.050 Enforcement. The Town Council of Gentryville, Indiana or its designated employees or agents shall have the responsibility for the administration of this article and shall have complete power to enter into and upon any street, alley way, right-of-way, lot or parcel, public or private, for the purpose of examining the same as to whether a violation of this ordinance exists. (Ord. 2016-03, S5, May 10, 2016) (Ord. 2008-04, S5, Aug. 6, 2008)

6.33.060 Notice to Property Owners. The Town of Gentryville shall notify the property owner who is in violation of this ordinance by certified mail at the address listed on the tax records, or by posting a notice on the property in a conspicuous place setting forth the requirements of this article. Failure to comply with these requirements will result in the Town entering the offending property to abate the violation. Any offending property owner so notified shall be given (10) ten days to comply, which notice shall remain effective for the remainder of the calendar year in which it is given. (Ord. 2016-03, S6, May 10, 2016) (Ord. 2008-04, S6, Aug. 6, 2008)

6.33.070 Penalty. Failure to timely abate the violation shall result in a penalty of One Hundred Dollars (\$100.00) for the first violation, a penalty of Two Hundred Dollars (\$200.00) for the second violation, and Three Hundred Dollars (\$300.00) for a third or subsequent violation in any calendar year in addition to the costs of abating the violation. (Ord. 2016-03, S7, May 10, 2016)

6.33.080 The Clerk Treasurer as fiscal officer. The Clerk Treasurer of the Town of Gentryville, Indiana shall determine the actual cost of abating the violation including administrative costs as well as removal and hauling costs and any appropriate penalty, and shall bill the violator forthwith. If the violator fails to pay any bill issued pursuant to this article within (30) thirty days from the billing date, the Clerk Treasurer of the Town shall certify to the Spencer County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the Town. (Ord. 2016-03, S8, May 10, 2016) (Ord. 2008-04, S7, Aug. 6, 2008)

6.33.090 Notice of Appeal. Any property owner who receives a notice of violation of this ordinance, or a bill issued under this ordinance, may appeal it by filing a notice of appeal with the Clerk Treasurer within (10) days of the date on either the notice or bill requesting a hearing at the next Town Council meeting; and said matter will be heard at the next Town Council meeting. (Ord. 2016-03, S9, May 10, 2016) (Ord. 2008-04, S8, Aug. 6, 2008)

6.33.100 Separability. If any section, sub-section, clause, phrase or portion of this ordinance shall be for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions there under. (Ord. 2016-03, S10, May 10, 2016) (Ord. 2008-04, S9, Aug. 6, 2008)

Chapter 6.36

ABANDONED, INOPERABLE, AND UNLICENSED VEHICLES

Sections:

6.36.010	Public Nuisance
6.36.020	Time Period
6.36.030	Issuance of Removal Order on Public Property
6.36.040	Issuance of Removal Order on Private Property
6.36.050	Exceptions
6.36.060	Penalty for Violation
6.36.070	Separability Provisions

6.36.010 Public Nuisance. Because of the danger to health from vermin and insects and because of the danger to the safety of children attracted by such vehicles, abandoned and junked motor vehicles are hereby declared to be nuisances, except in lawfully operated junk yards. (Ord. 2014-09, S1, Sept. 3, 2014)

6.36.020 Time Period. It shall be unlawful for any person to store or to allow to remain in the open upon public or private property within the Town of Gentryville, Indiana, any disassembled, or inoperable or unlicensed, or any junked, wrecked or abandoned motor vehicle for a period of five (5) or more days on public property, or for a period of fifteen (15) or more days on private property, unless it is in connection with an automotive sales or repair business enterprise. (Ord. 2014-09, S2, Sept. 3, 2014)

6.36.030 Issuance of Removal Order on Public Property. Whenever a police officer of the Town of Gentryville, Indiana, shall find any such vehicle placed or stored in the open upon public property within the corporate limits of the Town of Gentryville, Indiana, he shall issue an order to the owner of such vehicle to remove such vehicle within three (3) days. Notice of such order shall be placed upon said vehicle. If such vehicle is not removed within three (3) days pursuant to said order and notice, the Building and Premises Standards Officers or police officer shall cause such vehicle to be removed by a junk or salvage yard or wrecker service the cost and expense of such removal by the junk or salvage yard or wrecker service to be paid by the owner of such vehicle. (Ord. 2014-09, S3, Sept. 3, 2014)

6.36.040 Issuance of Removal Order on Private Property. Whenever a police officer of the Town of Gentryville, Indiana, shall find any such vehicle placed or stored in the open upon private property within the corporate limits of the Town of Gentryville, Indiana, he shall issue an order to the owner of such vehicle to remove such vehicle within ten (10) days. For the purposes of this section, any vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be “in the open.” Notice of such order shall be placed upon such vehicle and copies of such notice shall be served upon any adult occupying the real estate on which the vehicle is located and also upon the owner of the vehicle, if his name and whereabouts are known. If no occupant of the real estate or owner of such vehicle can be found, a notice affixed to any building on the real estate shall

constitute notice to the owner and occupant of the real estate and to the owner of the vehicle. If there is no building on the real estate said notice may be affixed elsewhere on the real estate. If such vehicle is not removed within ten (10) days pursuant to said order and notice, and if said order is not stayed by the issuing officer pursuant to written request showing good cause for a permanent or temporary stay, a police officer of the Town of Gentryville, Indiana, shall cause such vehicle to be removed by a junk or salvage yard or wrecker service, the cost and expenses of such removal by the junk or salvage yard or wrecker service to be paid by the owner of such vehicle. (Ord. 2014-09, S4, Sept. 3, 2014)

6.36.050 Exceptions. The provisions of this chapter shall not apply to auto salvage yards and/or junk yards that are duly operated as a commercial business. (Ord. 2014-09, S5, Sept. 3, 2014)

6.36.060 Penalty for Violation. Any person, firm or corporation who violated any of the provisions of this chapter or who interferes in any way whatsoever with the due process of enforcement of any of the provisions of this chapter or who does not obey within the time fixed any order issued pursuant to this chapter, and who shall be found guilty thereof, shall be subject to a fine and penalty in the amount of Fifty Dollars (\$50.00) payable to the Town Clerk-Treasurer. Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues. (Ord. 2014-09, S6, Sept. 3, 2014)

6.36.070 Separability Provisions. If any clause, sentence, paragraph, section, or portion of this chapter for any reason shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this chapter directly involved in the controversy in which judgment was rendered. (Ord. 2014-09, S7, Sept. 3, 2014)

Chapter 6.40

MULTI-HAZARD MITIGATION PLAN

Sections:

6.40.005	Purpose
6.40.010	Adoption
6.40.020	Submission of Plan to State and Federal Authorities

6.40.005 Purpose. Whereas, Gentryville recognizes the threat that natural hazards pose to people and property; and

Whereas, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and;

Whereas, an adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

Whereas, Gentryville participated jointly in the planning process with the other local units of government within the County to prepare an Multi-Hazard Mitigation Plan. (Res. 2012-01, Jan. 4, 2012) (Res. 1-2006, June 7, 2006)

6.40.010 Adoption. Gentryville hereby adopts the Spencer County Multi-Hazard Mitigation Plan as an official plan. (Res. 2012-01, Jan. 4, 2012) (Res. 1-2006, June 7, 2006)

6.40.020 Submission of Plan to State and Federal Authorities. The Spencer 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. (Res. 2012-01, Jan. 4, 2012) (Res. 1-2006, June 7, 2006)