

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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HEALTH, PEACE, SAFETY AND SANITATION

Chapters:

- 6.01 Food service establishment regulations
- 6.04 Public intoxication
- 6.12 Obstruction of Justice
- 6.16 Destruction of property
- 6.19 Fireworks
- 6.22 Unlawful Discharge of Firearms
- 6.26 Property Maintenance
- 6.28 Salvage Yards/Burning of tires
- 6.29 Open Burning
- 6.31 Curfew for juveniles
- 6.33 Skateboards, Roller Skates, Roller Blades, Scooters or Bicycles
- 6.38 Rules and Regulations for Parks and Other Recreational Areas
- 6.39 Fees for Use of the Boat Dock
- 6.40 Prohibited Activities at Grandview Community Park, Boat ramp, and boat dock
- 6.41 All-Terrain vehicles prohibited at Grandview Parks and Cemeteries
- 6.50 Spencer County Multi-Hazard Mitigation Plan

Chapter 6.01

FOOD SERVICE ESTABLISHMENT REGULATIONS

Sections:

6.01.010	Definitions
6.01.020	Guidelines for inspection
6.01.030	Permits, license and license fee
6.01.040	Inspections
6.01.050	Health certificates
6.01.060	Penalties
6.01.070	Repeal and date of effect
6.01.080	Ordinance in force

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

- (1) "Eating and drinking establishment" shall mean restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, private and semiprivate club kitchens, as well as kitchens in which food is prepared for sale elsewhere. (Ord. 1971-1, S101, Feb. 15, 1971)
- (2) "Food" as used herein shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. (Ord. 1971-1, S102, Feb. 15, 1971)
- (3) "Itinerant eating and drinking establishment" shall mean one operating for a temporary period, in connection with a fair, carnival, circus, public exhibition, or other similar gatherings, such as, fraternal organizations, service clubs, religious, educational, and charitable institutions. (Ord. 1971-1, S103, Feb. 15, 1971)
- (4) "Employee" shall mean any person who handles food or drink during the preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food or drink is prepared or served. (Ord. 1971-1, S104, Feb. 15, 1971)
- (5) "Utensils" shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment of any kind or nature, which food or drink comes in contact during storage, preparation or serving. (Ord. 1971-1, S105, Feb. 15, 1971)
- (6) "Health Officer" shall mean the Health Officer of Spencer County or his authorized representative. (Ord. 1971-1, S106, Feb. 15, 1971)

- (7) "Person" shall mean any person, firm, corporation, or association. (Ord. 1971-1, S107, Feb. 15, 1971)

6.01.020 Guidelines for inspection. Guidelines for regulating the sanitation of all Food Service Establishments shall be obtained from the rules and regulations of HFD 17 of the Indiana State Board of Health. Copies of said Bulletin HFD 17 are herewith incorporated by reference as part of this section and two copies are filed in the office of the Clerk-Treasurer of Grandview and the Spencer County Health Office for public inspection. (Ord. 1971-1, S201, Feb. 15, 1971)

6.01.030 Permits, license, and license fee.

- (1) It shall be unlawful for any person to operate an eating and drinking establishment in the Town of Grandview, who does not possess an unrevoked permit from the health officer. Such permit shall be posted in a conspicuous place in such eating and drinking establishment. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. Any permit issued by the health officer shall contain the name of the person to whom the permit is granted, the address of the premises for which the same is issued, the address of the person to whom the same is issued, if such address be different than the premises for which it is issued, and such other pertinent information as may be required by the health officer. A permit shall be issued to any person who has complied with the requirements of this ordinance and no permit or renewal thereof shall be denied on arbitrary or capricious grounds. A separate permit shall be required for each eating and drinking establishment operated or to be operated by any person. (Ord. 1971-1, S301, Feb. 15, 1971)
- (2) Such a permit may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this ordinance, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violation. (Ord. 1971-1, S302, Feb. 15, 1971)
- (3) It shall be unlawful for any person to operate an eating and drinking establishment in the Town of Grandview, who does not possess a valid license for the operation of such an establishment. Any person operating an eating and drinking establishment shall, within five days after securing a permit from the health officer, obtain from the Grandview Clerk-Treasurer a license for an eating and drinking establishment. Such license shall be provided by the Clerk-Treasurer, if there is presented at his office an unrevoked permit from the health officer, together with \$12 if the application for license is made between the 1st day of January, and on or before the 31st day of March of any year; or \$9 if the application is made on the 1st day of April, and on or before the 30th day of June of any year; or \$6 if the application is made on the 1st day of July, or on or before the 30th day of September of any year; or \$3 if the application is made on the 1st day of October, or on or before the 31st day of December of any year. (Ord. 1971-1, S303, Feb. 15, 1971)

- (4) Every person operating an eating and drinking establishment shall pay annually to the Clerk-Treasurer, at his office, a fee for the renewal of such license, in the amount of \$12 and such renewal license shall be issued, provided the applicant presents to the Clerk-Treasurer said fee, together with an unrevoked permit from the health officer. If such renewal fee is not paid by the 31st day of January of each year, succeeding the year in which the original license was issued, then any permit which the applicant holds from the health officer shall be deemed to be automatically revoked and cancelled, and no license shall then be granted by the Clerk-Treasurer, until a new permit from the health officer has been obtained and presented to his office. (Ord. 1971-1, S304, Feb. 15, 1971)
- (5) Any person who desires to operate an itinerant eating and drinking establishment in the Town of Grandview may do so without obtaining a health permit or license, but said establishment must comply with the rules and regulations of HFD 17 of the Indiana State Board of Health. Also, employees of such establishments are subject to the same requirements as stated in Article 5, section 501. Said establishments are subject to inspection at any time by the Health Officer or his representative. (Ord. 1971-1, S305, Feb. 15, 1971)

6.01.040 Inspections.

- (1) The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at all reasonable times for the purposes of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this ordinance. (Ord. 1971-1, S401, Feb. 15, 1971)
- (2) At least once every 12 months the health officer shall inspect every eating and drinking establishment located within the Town of Grandview. In case the health officer discovers the violation of any item of sanitation required he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied. Any violation of the same item of this ordinance on such second inspection shall call for immediate suspension or revocation of permit. (Ord. 1971-1, S402, Feb. 15, 1971)

- (3) One copy of the inspection report shall be filed with the owner or operator of the establishment and a second copy shall be filed with the Spencer County Health Department. (Ord. 1971-1, S403, Feb. 15, 1971)
- (4) Any eating and drinking establishment may at any time make application for reinstatement of the permit. (Ord. 1971-1, S404, Feb. 15, 1971)
- (5) Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of this ordinance have been complied with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and in case the findings indicate compliance shall reinstate the permit. (Ord. 1971-1, S405, Feb. 15, 1971)
- (6) The person operating the eating and drinking establishment shall upon request of the health officer permit access to all parts of the eating and drinking establishment and shall permit copying any or all records of food purchased. (Ord. 1971-1, S406, Feb. 15, 1971)
- (7) Samples of food, drink, and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated. (Ord. 1971-1, S407, Feb. 15, 1971)

6.01.050 Health certificates. No person shall be permitted to work in an eating and drinking establishment or an itinerant eating and drinking establishment who does not have a health certificate issued by a licensed physician. Such certificates shall be renewed annually and shall include any test deemed necessary by the physician to determine whether or not such employee has, or is a carrier of, any infectious or contagious disease. He shall also show proof of having a current negative Tuberculin Skin Test or proof of a current Chest X-ray. (Ord. 1971-1, S501, Feb. 15, 1971)

6.01.060 Penalties. Any person who violates any of the provisions of this ordinance or who refuses to comply with any lawful orders, rules, or regulations of the health officer, as provided in this ordinance shall upon conviction, be punished for the first offense by a fine of not less than ten dollars or more than fifty dollars; for the second offense by a fine of not less than fifty dollars nor more than one hundred dollars; and for the third and subsequent offenses by a fine of two hundred dollars and imprisonment in the county jail for not less than thirty days nor more than ninety days. Each day of operation in violation of the provisions of this ordinance shall constitute a distinct and separate offense. (Ord. 1971-1, S601, Feb. 15, 1971)

6.01.070 Repeal of date of effect. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law. (Ord. 1971-1, S701, Feb. 15, 1971)

6.01.080 Ordinance in force. Passed and adopted by the Trustees of the Town Board of Grandview, Spencer County, State of Indiana, on this 15th day of February 1971. Whereunto the Board of Trustees of the Town of Grandview have hereunto set their hands and seals this 15th day of February, 1971, at a regular meeting of said Trustees of Town Board duly convened and held as provided by law. (Ord. 1971-1, S801, Feb. 15, 1971)

Chapter 6.04

PUBLIC INTOXICATION

Sections:

- 6.04.010** **Public intoxication**
- 6.04.020** **Penalty for violation**

6.04.010 Public intoxication. Be it ordained by the Board of Trustees of the Town of Grandview in the State of Indiana, that it shall be unlawful for any person to drink any spirituous, vinous, or malt liquor, or any intoxicating liquor as a beverage in or on any public street, alley or sidewalk in the said Town of Grandview. (Ord. No. 20, S1, Sept. 19, 1910) (Ord. No. 3, S1, No date)

6.04.020 Penalty for violation. Any person violating the provisions of this Ordinance will be deemed guilty of disorderly conduct, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than one nor more than ten dollars for each offense. (Ord. No. 20, S2, Sept. 19, 1910) (Ord. No. 3, S1, No date)

Chapter 6.12

OBSTRUCTION OF JUSTICE

Sections:

6.12.010 Obstruction of Justice

6.12.010 Obstruction of Justice. Every person who shall obstruct, hinder or molest any officer of the Town of Grandview in the discharge of any duty pertaining to his office, shall be deemed guilty of disorderly conduct, and upon conviction thereof shall be fined in any sum not exceeding ten dollars nor less than one dollar for each offense, with cost of prosecution. (Ord. No. 3, S7, No date)

Chapter 6.16

DESTRUCTION OF PROPERTY

Sections:

6.16.010 Destruction of property

6.16.010 Destruction of property. Every person who shall wantonly injure any private building, market house, school house, church or any edifice or fence whatever, or any shade or ornamental tree planted or growing in any public place or grounds, or along any street or alley within the Town of Grandview, shall be deemed guilty of disorderly conduct, and upon conviction thereof shall be fined not exceeding ten dollars nor less than one dollar for each offense and cost of prosecution. (Ord. No. 3, S9, No date)

Chapter 6.19

FIREWORKS ORDINANCE

Sections:

- 6.19.010 Discharge of fireworks prohibited**
- 6.19.020 Sale of fireworks prohibited**
- 6.19.030 Storage of fireworks prohibited**
- 6.19.040 Penalty for violation**
- 6.19.050 Town Marshal to direct removal of fireworks**

6.19.010 Discharge of fireworks prohibited. The discharge, firing or use of all fire crackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed and intended for pyrotechnic display, and of all pistols, canes, cannons, or other appliances, using blank cartridges or caps containing chlorate of potash mixture, or other explosives, is hereby prohibited within the corporate limits of the Town of Grandview, Indiana, or within two miles thereof. (Ord. 39, S1, June 4, 1917) (Ord. 32, S1, July 6, 1914) (Ord. unnumbered, Nov. 21, 1908)

6.19.020 Sale of fireworks prohibited. The sale of fireworks at retail is prohibited within the corporate limits of the Town of Grandview, Indiana. (Ord. 39, S2, June 14, 1917) (Ord. 32, S2, July 6, 1914)

6.19.030 Storage of fireworks prohibited. The storage or sale of fireworks at wholesale is prohibited within the corporate limits of the Town of Grandview, Indiana. (Ord. 39, S3, June 14, 1917) (Ord. 32, S3, July 6, 1914)

6.19.040 Penalty for violation. Any person, firm or corporation violating any of the provisions of this Ordinance as regards the storage and sale of fireworks shall be deemed guilty of a misdemeanor and be fined not less than ten (\$10) dollars nor more than twenty-five (\$25) dollars for each day's neglect of compliance. Provided also, that violation of other sections of this Ordinance shall be considered a misdemeanor punishable by a fine not exceeding ten (\$10) dollars. (Ord. 39, S4, June 14, 1917) (Ord. 32, S5, July 6, 1914)

6.19.050 Town Marshal to direct removal of fireworks. Town Marshal may, at his discretion, remove or have removed, at the owner's expense, all stocks of fireworks or other combustibles exposed for sale, or held in stock in violation of this Ordinance. (Ord. 39, S5, June 14, 1917) (Ord. 32, S6, July 6, 1914)

Chapter 6.22

UNLAWFUL DISCHARGE OF FIREARMS

Sections:

- 6.22.010 Discharge of Firearms
- 6.22.020 Exemptions
- 6.22.030 Penalty, Costs, Attorney Fees

6.22.010 Discharge of Firearms. No person shall discharge any firearm within the Town of Grandview or in such a manner that a firearm projectile is fired into the Town. (Ord. 2002-5-05, S6.22.010, May 6, 2002)

6.22.020 Exemptions. This Chapter shall not apply to authorized law enforcement or military officials or to any person using a firearm in a reasonable manner as an act of self-defense. (Ord. 2002-5-05, S6.22.020, May 6, 2002)

6.22.030 Penalty, Costs, Attorney Fees. A violation of this Chapter shall subject the violator to a penalty and fine of One Hundred Dollars (\$100.00), plus the Town's costs and attorney fees expended to enforce this Chapter. Each discharge of a firearm shall constitute a separate violation. In addition to recovery of payment of fines, the Town may also seek injunctive relief to prevent future violations. (Ord. 2002-5-05, S6.22.030, May 6, 2002)

Chapter 6.26

PROPERTY MAINTENANCE

Sections:

6.26.010	Definitions
6.26.020	Trash and Junk
6.26.030	Weeds and Rank Vegetation
6.26.040	Abandoned and Junk Vehicles
6.26.050	Investigation
6.26.060	Violations
6.26.070	Notice of Violation
6.26.080	Hearing Authority
6.26.090	Penalties, Fines and Remedies
6.26.100	Enforcement by Other Means
6.26.111	Severability
6.26.112	Repeal and Date of Effect

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

- (1) "Abandoned Vehicle" means the following:
 - A. Any vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
 - B. A vehicle that is mechanically inoperable, and left on private property continuously in a location visible from public property for more than twenty (20) days.
- (2) "Accumulate" as pertains to junk and trash means any one of the following:
 - A. Improperly collecting junk and trash in an inappropriate storage container; or
 - B. Collecting junk and trash in an accumulation greater than three (3) cubic yards.
- (3) "Compost" - the product produced by the process of composting vegetative matter and other types of organic material.
- (4) "Composting" - the biological treatment process by which microorganisms decompose the organic components of vegetative matter and other types of organic material under controlled conditions to produce a usable product.
- (5) "The Town" - The Town of Grandview, Spencer County, State of Indiana.

- (6) "Hearing Authority" - shall be the Town Council or any person(s) designated as such by the Council under authority of I.C. 36-7-9-2
- (7) "Highway or Road" - shall mean that portion of the State or Town public highway or road system so designated on the General Highway and Transportation Map as amended, which are kept by the Indiana Department of Transportation and the Town of Grandview.
- (8) "Junk" - refers to combustible and non-combustible waste materials except trash; the term shall include paper; rags; tin; metals; residue from burning; household goods including, but not limited to, mattress, furniture, major appliances, clothing and other household items not intended for exposure to rain and other inclement weather.
- (9) "Junk Vehicle" - vehicles that are inoperable or incapable of movement by their own locomotion or power, or vehicles without a valid current state registration and license plate.
- (10) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (11) "Public Nuisance" as defined under IC 32-30-6-6: Nuisance described and considered subject to an action, whatever is:
 - A. injurious to health;
 - B. offensive to the senses;
 - C. an obstruction to the free use of property; or
 - D. condition which causes or tend to cause substantial diminution in the value of property in the neighborhood in which such premises are located; so as to essentially interfere with the comfortable enjoyment of life or property, is a nuisance, and the subject of an action.
- (12) "Rank Vegetation" refers to any plant growth, which is or may be harmful to the senses, health or well being of citizens of the Town of Grandview.
- (13) "Residential Zone" means the zone used for single family or multi-family dwellings per the Town of Grandview Zoning Ordinance.
- (14) "Second Violation" - a violation that is committed by a person within the year of a previous violation.
- (15) "Standard Container" - Sturdy, tied plastic bags; durable metal, plastic, or similarly constructed container designed for the storage of garbage.

Food scraps and other household trash that attracts animals rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid.

- (16) "Trash" - the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (17) "Visible" - shall mean capable of being seen by a person of normal visual activity using the State Highway, Town Road or from his/her own real property.
- (18) "Weeds" - refers to any growth of vegetation, other than trees, bushes, shrubs, ornamental plants, or agricultural plants cultivated in an orderly manner for the purpose of producing food and/or feed. (Ord. 2010-12-10, S1, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.020, May 6, 2002)

6.26.020 Trash and Junk.

- (1) No person shall permit the accumulation of trash and/or junk -
 - A. In a Residential/Commercial Zone(s) per the Town of Grandview Zoning Ordinance; or
 - B. Within 100 feet of any single-family residence; or
 - C. Where such material is visible from any public road or right-of-way.
- (2) It shall be a violation of this Ordinance for the owner, or anyone having a substantial property interest in real property, including open or vacant property, within the Town of Grandview to deposit or allow to remain on that real property any trash or junk, as defined above, which items might provide food or harborage for insects, rodents, or pests, pose a fire safety hazard, or pose a nuisance.
- (3) No person shall permit junk or trash to be situated on his or her property so that the material can be carried, by wind, to any highway, right-of-way, easement, or upon the property of any other person.
- (4) Nothing in this Ordinance shall be deemed to apply to Town owned or operated recycling or salvage operations or any other operation that is in compliance with the Town of Grandview Zoning Ordinance.
- (5) Nothing in the Ordinance shall be deemed to apply to compost and composting.
- (6) Nothing in the Ordinance shall be deemed to apply to the use of standard containers or dumpsters for the temporary containment of trash or junk awaiting disposal. Trash that attracts animals or rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid. Such

containers shall be constructed, handled, and placed in a way that will not promote a public nuisance. (Ord. 2010-12-10, S2, Dec. 10, 2010) (Ord. 2000-4-5, S1, Apr. 5, 2000)

6.26.030 Weeds and Rank vegetation.

- (1) No person or business shall permit the growth of grass or weeds in excess of eight (8) inches in height:
 - A. In a Residential/Commercial Zone(s) per the Town of Grandview Zoning Ordinance; or
 - B. Within 100 feet of any single-family residence.
- (2) No person shall permit the growth of rank vegetation upon the property
 - A. In a Residential/Commercial Zone(s) per the Town of Grandview Zoning Ordinance; or
 - B. Within 100 feet of any single-family residence.
- (3) Nothing in the Ordinance shall be deemed to apply to agricultural plants or crops including hay and pasture, unless such growing crops create an unreasonable unsafe obstruction of the sight lines of vehicles at an intersection (Ord. 2010-12-10, S3, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.010, May 6, 2002).

6.26.040 Abandoned and Junk Vehicles.

- (1) It shall be unlawful for any person to keep, park or store any junk or abandoned vehicle(s) or parts thereof, on public or private property, if such vehicle(s), or parts thereof, are not kept in a garage or other enclosure.
- (2) A vehicle shall not be considered an abandoned or junk vehicle if it is:
 - A. Duly licensed and operable with all main components attached; or
 - B. Stored in a garage or other building or within a fenced area which blocks the vehicle from being visible; or
 - C. Covered with a cover designed for automobiles.
- (3) A garage or other building does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle. A garage or other building as contemplated in this section is given its ordinary meaning.
- (4) Nothing contained in this Ordinance shall be construed to apply to farm machinery.

- (5) Nothing contained in this Ordinance shall be construed to apply to vehicle(s) located within areas that are properly zoned, as defined in the Town of Grandview Zoning Ordinance, in which vehicles or parts of vehicles are kept, stored or parked as an incident to conducting business.
- (6) Nothing contained in this Ordinance shall be construed to apply to vehicle(s) screened by natural objects, plantings, fences or other appropriate means so as not to be visible. (Ord. 2010-12-10, S4, Dec. 10, 2010) (Ord. 2000-4-5, S2, S3, Apr. 5, 2000)

6.26.050 Investigation.

- (1) It shall be the duty of the authorized enforcement agents to evaluate a report or complaint of a violation of this ordinance for proper enforcement procedures.
- (2) Authorized enforcement agents shall provide an "Inspection Report" to the Grandview Town Council, Clerk-Treasurer and, if feasible, to the property owner. (Ord. 2010-12-10, S5, Dec. 10, 2010)

6.26.060 Violations.

- (1) Trash and Junk
 - A. In cases of actions violating Section 6.26.020 of this Chapter a "Notice of Violation" shall be issued requiring the violator to remove and properly dispose of the trash and/or junk from the premises within fifteen days (15) from the date of the notice.
- (2) Weeds and Rank Vegetation
 - A. In cases of actions violating Section 6.26.030 of this Chapter a "Notice of Violation" shall be issued requiring the violator to cut and remove the accumulation of weeds and rank vegetation from the premises within ten days (10) from the date of the notice.
- (3) Abandoned and Junk Vehicles
 - A. In cases of actions violating Section 6.26.040 of this Chapter a "Notice of Violation" shall be issued requiring the violator to remove the abandoned and/or junk vehicle(s) from the premises within fifteen days (15) from the date of the notice. (Ord. 2010-12-10, S6, Dec. 10, 2010)

6.26.070 Notice of Violation.

- (1) Any persons found to be in violation of any provision of this Ordinance

shall be served with a written "Notice of Violation", either in person or by certified or registered mail.

- (2) The Clerk Treasurer shall be responsible for issuing the "Notice of Violation".
- (3) The "Notice of Violation" shall state:
 - A. The date and location of the violation.
 - B. The nature of the violation.
 - C. The time period for correcting the violation.
 - D. The fine and fines for subsequent violation(s).
 - E. The procedures if the violation is not corrected in the time specified on the Notice.
 - F. The name, address and telephone number of the person to contact regarding the correction of the violation.
 - G. The date, time and location for the hearing before the Grandview Town Council to present evidence and arguments as to why the Notice of Violation was issued in error. (Ord. 2010-12-10, S7, Dec. 10, 2010) (Ord. 2000-4-5, S5, Apr. 5, 2000)

6.26.080 Hearing Authority.

- (1) Per the "Notice of Violation", if the recipient of the Notice of Violation believes he or she has received the notice in error, the recipient is entitled to appear at the Grandview Town Council Meeting to present evidence and arguments as to why the Notice of Violation was issued in error.
- (2) If the recipient of the "Notice of Violation" does not appear at the Council Meeting and/or the violation is not corrected, the Town Council will conduct a hearing to review all evidence associated with the violation.
- (3) The Town Council can affirm, modify or rescind "Notice of Violation".
- (4) If the "Notice of Violation" is affirmed or modified by the Town Council, the recipient has the right, pursuant to I.C.36-7-9-8, to appeal the Town Council's decision by filing a verified complaint, including the findings of facts and the action taken by the Hearing Authority with the Spencer County Circuit Court within 10 days after the date when the action was taken. (Ord. 2010-12-10, S8, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.060, May 6, 2002)

6.26.090 Penalties, Fines and Remedies

- (1) Penalties and fines.
 - A. Upon the failure or refusal of an owner, occupant, agent or person in possession of the premises (who was the recipient(s) of the "Notice of Violation") to correct the violation as stated in the "Notice of Violation", he and/or she shall be subject to a \$ 100.00 fine for a first violation. For the second violation and subsequent violation(s) that are committed, he and/or she shall be subject to an additional \$ 100.00 fine for each violation.
 - B. The Clerk Treasurer shall issue an Order for Payment to the owner(s) of the property for the fine associated with the violation(s) of this Ordinance. All fines are due no later than 30 days following the date of the Order.
 - C. The Town Council may authorize the removal of the trash, junk, weeds, abandoned and/or junk vehicles as listed in the Notice of Violation. The removal of trash, junk, weeds or rank vegetation can be performed either by the Town's own workers and equipment or by a contractor hired by the Town for this purpose. Abandoned and/or junk vehicle violations will be handled by the Spencer County Sheriffs Department.
 - D. The Clerk Treasurer shall issue an invoice to the owner(s) of the property for the total costs incurred by the Town to bring the property into compliance with this ordinance plus any fines that have not been paid. Payment is due no later than 30 days following the date of the invoice.
 - E. If the fine and the costs incurred by the Town are not paid when due, they may be added to the property taxes and/or be a lien against the property.
- (2) Remedies
 - A. The Town of Grandview may bring actions in the Circuit Court of Spencer County for mandatory or injunctive relief for the enforcement of, and to secure compliance with, any order or orders to otherwise provide for the enforcement of this Ordinance.
 - B. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Town may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this Ordinance including, but not limited to, reasonable attorney's fees.

(Ord. 2010-12-10, S9, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.040, S6.23.050, S6.23.070, May 6, 2002)(Ord. 2000-4-5, S4, S6, Apr. 5, 2000)

6.26.100 Enforcement by Other Means. The Town of Grandview may enforce this Ordinance through any other means provided by law, including but not limited to IC 36-1-6, the Enforcement of Ordinances. (Ord. 2010-12-10, S10, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.030, May 6, 2002)

6.26.111 Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect. (Ord. 2010-12-10, S11, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.080, May 6, 2002)

6.26.112 Repeal and Date of Effect. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon this adoption and its publication as provided by law. (Ord. 2010-12-10, S12, Dec. 10, 2010) (Ord. 2002-5-06, S6.23.090, May 6, 2002)

Chapter 6.28

SALVAGE YARDS/BURNING OF TIRES

Sections:

6.28.010	Unlawful to own or operate an automobile salvage yard
6.28.011	Unlawful to burn tires
6.28.020	Abandoned or dilapidated vehicle defined
6.28.030	Any violation declared a public nuisance
6.28.040	Penalty for violation
6.28.050	Liability for losses or damages
6.28.060	Separability of provisions

6.28.010 Unlawful to own or operate an automobile salvage yard. It shall be unlawful for any person, firm or corporation to own, maintain or operate what is commonly known as an automobile salvage yard or junk yard within the corporate limits of the Town of Grandview, Indiana, upon which premises abandoned or dilapidated motor vehicles or other vehicles are kept, parked, stored or maintained, for the purposes of salvaging the same or parts therefrom. (Ord. 1964-2, pt. S1, Jan. 6, 1964)

6.28.011 Unlawful to burn tires. It shall further be unlawful hereafter for any person, firm or corporation to burn or cause to be burned or to destroy by burning, or to otherwise destroy, any automobile tires, rubber tires of and kind or any abandoned or dilapidated motor vehicles or other vehicles within the corporate limits of the said Town of Grandview, Indiana. (Ord. 1964-2, pt. S1, Jan. 6, 1964)

6.28.020 Abandoned or dilapidated vehicle defined. For the purpose of this Ordinance (Chapter), the phrase “abandoned or dilapidated motor vehicles or other vehicles” shall be deemed and construed to mean, any and all motor vehicles or other vehicles of any kind or character which are, for any reasons, no longer used or useful upon the public highways in the manner for which said vehicle or vehicles were originally manufactured or designed. (Ord. 1964-2, S2, Jan. 6, 1964)

6.28.030 Any violation declared a public nuisance. Any violation of this Ordinance (Chapter) is hereby declared and shall constitute a public nuisance. (Ord. 1964-2, S3, Jan. 6, 1964)

6.28.040 Penalty for violation. Any person, firm or corporation who violates any provision of this Ordinance (Chapter) is guilty of misdemeanor and on conviction shall be fined in any amount not exceeding One Hundred Dollars (\$100.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (Ord. 1964-2, S4, Jan. 6, 1964)

6.28.050 Liability for losses or damages. Any person violating any provision hereof shall be liable for any losses or damages occasioned to any property owner or the said Town of Grandview. (Ord. 1964-2, S5, Jan. 6, 1964)

6.28.060 Separability of provisions. The invalidity of any section, clause, sentence or provision of this Ordinance (Chapter) shall not affect the validity of any remaining portion of this Ordinance (Chapter) which can be given effect without such invalid parts or part. (Ord. 1964-2, S6, Jan. 6, 1964)

Chapter 6.29

OPEN BURNING

Sections:

6.29.005	Joint Ordinance
6.29.010	Title
6.29.020	Purpose
6.29.030	Applicability
6.29.040	Definitions
6.29.050	Acts Prohibited
6.29.060	Acts Allowed
6.29.070	Variances
6.29.080	Burning Guidelines
6.29.090	Ordinance Enforcement Authority
6.29.100	Investigation
6.29.110	Enforcement
6.29.120	Penalties and Fines
6.29.130	Indirect Liability
6.29.140	Spencer County Illegal Burning Fund
6.29.150	Severability
6.29.160	Applicability and Effective Date

THIS IS AN ORDINANCE to control unsafe and improper burning of wastes, to define trash burning, to establish violations thereof, and to protect the citizens of Spencer County from the health threats associated with the burning of trash.

WHEREAS, the burning of residential trash has traditionally been tolerated as acceptable means of disposal;

WHEREAS, in recent years public awareness has greatly increased with regard to the source of pollutants in our environment;

WHEREAS, it is quite evident that burning in general generates smoke which by its nature contains pollutants and contaminates the environment, in turn, causing harm to human and animal life;

WHEREAS, said pollutants are a danger to the health, safety and welfare of all the citizens of Spencer County; and

WHEREAS, the health and safety factors far outweigh the traditional tolerance of burning as a means of trash disposal.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SPENCER COUNTY, INDIANA, THE SPENCER COUNTY SOLID WASTE DISTRICT BOARD OF DIRECTORS AND PARTICIPATING INCORPORATED

COMMUNITIES as follows: (Ord. 2005-6, Sept. 06, 2005-Spencer County Commissioners adoption; Sept. 12, 2005-Spencer County Solid Waste Management District adoption; Nov. 3, 2005-Town of Grandview adoption)

6.29.010 Title. This ordinance is titled "Joint Spencer County Illegal Trash Burning Ordinance. (Ord. 2005-6, S1, Nov. 3, 2005)

6.29.020 Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Spencer County, Indiana due to the air pollution and fire hazards of outdoor burning and burning trash. (Ord. 2005-6, S2, Nov. 3, 2005)

6.29.030 Applicability. This ordinance applies to all outdoor burning and trash burning within Spencer County. If a provision in a city or town ordinance in Spencer County covers a provision contained in this ordinance, the city or town ordinance controls.

- (1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane, natural gas in cooking or grilling appliances.
- (2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device unless the material being burned includes trash as defined in 6.29.040 of this ordinance.
- (3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating construction or maintenance activities. (Ord. 2005-6, S3, Nov. 3, 2005)

6.29.040 Definitions.

- (1) "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- (2) "Emergency Situation" - refers to any situation that because of: a) the type of material being burned (i.e. hazardous or noxious materials), b) the atmospheric conditions during the burning, or c) the careless nature in which the burning is occurring; poses a threat to the public health, the safety of public or private property, or the welfare of the environment.
- (3) "Exemption" - defined under 326 IAC 4-1-0.5: Exemptions include, but are not limited to, allowances for open burning to occur when burning clean untreated wood and natural wood products (including leaves), charcoal and other traditional food cooking fuels, vegetation from a farm, an orchard, a nursery, a tree farm, or a drainage ditch as well as fires used for recreational or ceremonial purposes, such as school pep rally fires or the celebration of scout activities, unless prohibited by a burn ban or local ordinance.

- (4) "Hazardous Materials" - means any waste that because of its quantity; concentration; or physical, chemical, or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or, b) pose a substantial present or potential hazard to health or the environment when improperly treated, stored, transported, handled, disposed of or otherwise managed; or c) be nondegradable or persistent in the environment; or d) be biologically magnified; or e) cause or tend to cause cumulative effects; or f) be defined in 40 CFR 261.3 and any future amendments.
- (5) "Noxious Materials" - are defined as materials that when burned produce by-products that may be injurious to human health or the environment. This list of materials shall include, but not be limited to, tires, roofing material, treated lumber, waste oil, oil contaminated products, herbicide/pesticide products and their containers.
- (6) "Open Burning" - defined under 326 IAC 4-1-0.5 (6) 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."
- (7) "Predominantly Wooden Structure" defined as a "clean wood" structure with no coatings, wiring, plumbing fixtures, or other non-wood items.
- (8) "Person" - for the purposes of this ordinance, shall be defined by the definition in IC 13-11-2-158 as any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.
- (9) "Solid Waste" - shall mean any garbage, refuse, sludge, or other discard or disposed materials including solid, liquid or semi-solid or contained gaseous materials resulting from any operation, activity or source. For the purposes of this ordinance this definition excludes hazardous materials as defined above.
- (10) "Stack" - means a duct, chimney, flue, or other conduit arranged for the purpose of emission or channeling of air pollutants into the atmosphere.
- (11) "Trash" - means any waste material except clean wood products and leaves.
- (12) "Unattended Burning" - means the burning of materials without a person in attendance. This definition shall include, but not be limited to, leaving the property where open burning is occurring, being outside of visual sight of where the open burning is occurring, going indoors while open burning, and leaving a fire before it is fully extinguished.

- (13) "Variance" - a permit allowing open burning with the approval of the Indiana Air Pollution Control Board or its designated agent or agents. (Ord. 2005-6, S4, Nov. 3, 2005)

6.29.050 Acts Prohibited.

- (1) Burning of all hazardous materials and all noxious materials, as defined within this ordinance or as defined by any state or federal laws, rules or regulations.
- (2) Burning of household trash either on the ground or in a burn barrel including but not limited to food waste, packaging, newspaper, corrugated cardboard, container board, office paper, plastic containers, polystyrene and disposable diapers.
- (3) Wood products that are painted, varnished, or stained including, but not limited to, plywood, composite wood products.
- (4) Unattended burning that creates or could create an emergency situation.
- (5) Any burning not exempt as provided herein or allowed by a variance. (Ord. 2005-6, S5, Nov. 3, 2005)

6.29.060 Acts Allowed. All acts as defined by IC 13-17-9-1 subject to the conditions of IC 13-17-9-3 and as amended, including exemptions as defined herein.

- (1) Burning of clean wood, leaves, weeds, brush, stumps and any other vegetative debris.
 - A. If the brush pile is **More Than** one hundred twenty-five (125) cubic feet (for example 5 ft. long, 5 ft. wide, 5 ft. high) Spencer County Dispatch must be notified at 649-2286 before igniting.
- (2) Recreational or ceremonial fires that meet the following conditions:
 - A. Only clean untreated wood or charcoal shall be used. Paper products can be used for ignition purposes only.
 - B. If the pile is **More Than** one hundred twenty-five (125) cubic feet (for example 5 ft. long, 5 ft. wide, 5 ft. high) Spencer County Dispatch must be notified at least twenty-four (24) hours prior to any burning.
 - C. The fire shall not be ignited more than two (2) hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

- D. The pile to be burned shall be less than one thousand (1,000) cubic feet (For example: 10 ft. long, 10 ft. wide and 10 ft. high.)
 - E. The fires shall not be used solely for disposal purposes.
 - F. Fires shall not take place within five hundred (500) feet of any fuel storage area or pipeline.
- (3) Burning of predominantly wood structures on real property or wood remnants of the demolition of a predominantly wooden structure originally located on real property.
- A. The Spencer County Solid Waste Management District must be notified 72 hours (3 days) before the planned burn.
 - B. All wood structures or remnants of the demolition of wooden structures must be inspected and a notice of approval must be issued before the planned burn.
 - C. The notice of approval shall be made available at the burning site to state or local officials upon request.
- (4) All Allowed Acts and Variances are subject to and shall adhere to the Illegal Trash Burning Ordinance Policies and Guidelines as adopted by the Spencer County Solid Waste Management District Board. (Ord. 2005-6, S6, Nov. 3, 2005)

6.29.070 Variances. Variances must be obtained from the Indiana Air Pollution Control Board or its designated agent or agents for the following circumstances.

- (1) Burning of refuse consisting of material resulting from a natural disaster.
- (2) Burning for the purpose of fire training.
- (3) Burning of natural growth derived from a clearing operation or removal of natural growth for change in the use of the land. (Ord. 2005-6, S7, Nov. 3, 2005)

6.29.080 Burning Guidelines. All Allowed Acts and Variances must follow these guidelines (defined in 326 IAC 4-1-3):

- (1) Only wood products or other pre-approved material may be burned.
- (2) Fires shall be attended at all times until completely extinguished and all cold.
- (3) Burning shall occur only in daylight hours with the exception of rallies and recreational or ceremonial fires.

- (4) If a fire creates an air pollution problem, a nuisance or a fire hazard, it shall be extinguished.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
- (6) All persons during burning shall have sufficient fire suppression equipment present.
- (7) Burning must be in compliance with any state and/or local burn bans.

Any granted variance cannot violate the provisions of the 326 I.A.C. 4-1-3 et seq. and as amended, or I.C. 13-17-9. (Ord. 2005-6, S8, Nov. 3, 2005)

6.29.090 Ordinance Enforcement Authority. The following shall be authorized enforcement agents in the enforcement of this ordinance within the limits of Spencer County, Indiana: Area law enforcement officials serving the County, the Spencer County Health Department and the Spencer County Solid Waste Management District. (Ord. 2005-6, S9, Nov. 3, 2005)

6.29.100 Investigation.

- (1) It shall be the duty of the authorized enforcement agents to evaluate any report or complaint of a violation of this ordinance for proper enforcement procedures.
- (2) Authorized enforcement agents shall provide a written "Illegal Burning Case Report" of all reported burning violations to the Solid Waste Management District.
- (3) The Solid Waste Management District shall be responsible for issuing the violator a "Notice of Violation for Illegal Burning" and, if necessary, enforcement of penalties or fines as set forth herein.
- (4) If access to property is granted, the investigation shall proceed on a voluntary basis. If access is needed to proceed with any investigation, but is denied, the authorized enforcement agents may seek any necessary authorizations, including a search warrant, to enter the property; provided, however, in cases of a visible emergency situation a access to property shall be deemed granted.
 - A. Any pertinent evidence may be considered to determine whether a violation of this ordinance has occurred and the identity of any violator. (Ord. 2005-6, S10, Nov. 3, 2005)

6.29.110 Enforcement.

- (1) If a condition violating this ordinance exists on real property, the authorized enforcement agents may take the following actions:
 - A. In cases of actions violating this Ordinance a certified "Notice of Violation" shall be issued by the Solid Waste Management District to all owner(s) of record at their last known mailing address.
 - B. In cases of an emergency situation, an authorized enforcement agent, as set forth herein, may take immediate action to suppress the fire. If action to suppress the fire and bring the property into compliance is taken; the costs of these actions may be recovered as set forth in this ordinance.
- (2) It shall be a violation of this ordinance to interfere with any authorized enforcement agent while in the performance of their duties hereunder.
- (3) The owner(s) of property on which illegal burning acts have occurred may be included as a party in an enforcement action against a person who committed the violation.
- (4) A notice of ordinance violation shall state the name of the person(s) to whom the notice is being issued, the nature of the violation, the specific section of this ordinance that has been violated, the date of the notice, and the fine imposed, if warranted, for the violation in accordance with this ordinance. The notice of ordinance violation shall direct the person to whom it is issued to respond to the Director of the Spencer County Solid Waste Management District and submit an acceptable clean-up plan specifying dates and an acceptable plan for any future solid waste disposal. (Ord. 2005-6, S11, Nov. 3, 2005)

6.29.120 Penalties and Fines.

- (1) Class "C" Violation. Any person who violates any of the provisions of this ordinance, except the burning of noxious materials and/or hazardous materials, and whose violation is a first violation, commits a Class "C" violation of this ordinance. Class "C" violations have no fines. Person(s) responsible for a Class "C" violation shall:
 - A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.
 - B. Pay for the costs of fire-suppression - if the fire department was required to extinguish the fire.
 - C. Provide evidence/receipts that the site of the illegal burn, including the burn barrel, has been cleaned up and the waste has been properly

disposed or reimburse the authorized enforcement agents for all costs related to the clean-up.

D. Provide an acceptable plan for any future trash disposal.

(2) Class "B" Violation. Any person who violates any of the provisions of this ordinance, except the burning of noxious materials and/or hazardous materials, and whose violation is a second violation or any other subsequent violation, commits a Class "B" violation of this ordinance. Person(s) responsible for a Class "B" violation shall:

A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.

B. Pay a fine of One Hundred Dollars (\$100.00).

C. Pay for the cost of fire suppression, if the fire department was required to extinguish the fire.

D. Provide evidence/receipts that the site of the illegal burn, including the burn barrel, has been cleaned up and the waste has been properly disposed or reimburse the authorized enforcement agents for all costs related to the clean-up.

E. Provide an acceptable plan for any future trash disposal.

(3) Class "A" Violation. Any person whose acts violate this ordinance by the burning of noxious materials and/or hazardous materials commits a Class "A" violation of this ordinance. Person(s) responsible for a Class "A" violation shall:

A. Contact the Spencer County Solid Waste Management District within the permitted time on the Notice of Violation.

B. Pay a fine of Two Hundred Fifty Dollars (\$250.00).

C. Pay for the cost of fire suppression, if the fire department was required to extinguish the fire.

D. Provide receipts evidencing all costs related to the clean-up of the waste and proper disposal of any waste related to the violation; or reimburse the authorized enforcement agents for all cost related to the clean-up.

E. Provide an acceptable plan for any future waste disposal.

(4) If further actions in violation of this ordinance occur, or if no action to bring a property into compliance by the property owner(s) occurs within the

permitted time, litigation may be pursued in the County Circuit Court, or any successor court.

- A. The County Attorney, the Solid Waste Management District Attorney, or a designated agent of these, may pursue litigation of this ordinance in the County Circuit Court, or any successor court.
- (5) Upon adjudication or admission of any violation of this ordinance in Spencer County Circuit Court, or any successor court, the violator shall be subject to the following fines and penalties:
- A. Any person who has committed a Class "C" violation of this ordinance shall be fined by the Court a sum of not less than One Hundred Dollars (\$100.00) and not greater than Five Hundred Dollars (\$500.00) per violation.
 - B. Any person who has committed a Class "B" violation of this ordinance shall be fined by the Court a sum of not less than Two Hundred Fifty Dollars (\$250.00) and not greater than One Thousand Dollars (\$1,000.00) per violation.
 - C. Any person who has committed a Class "A" violation of this ordinance shall be fined by the Court a sum of not less than Five Hundred Dollars (\$500.00) and not greater than Two Thousand Five Hundred Dollars (\$2,500.00) per violation.
 - D. Any person found to be in violation of any provision of this ordinance, whether by admission or adjudication, shall, in addition to any fines as set forth above, be required to provide an acceptable plan for any future solid waste disposal, be assessed all costs and expenses of the fire suppression, investigation, clean-up and removal of waste connected with the violation, and shall, in addition, be liable for all reasonable attorney fees, court costs, and other costs incurred by the County or District in connection with the enforcement of the ordinance.
 - E. Failure or refusal to bring property into compliance with this ordinance after adjudication of a violation shall constitute a Class "A" violation of this ordinance. Each day a noncompliance continues shall constitute a separate violation of this ordinance. (Ord. 2005-6, S12, Nov. 3, 2005)

6.29.130 Indirect Liability.

- (1) Any person who allows the accumulation or existence of combustible material(s) which constitutes or contributes to a fire causing air pollution may not refute liability for the violation of this ordinance on the basis that said

fire was set by vandals, accidental, and/or act of God, pursuant to 326 I.A.C. 4-1.

- (2) A property owner cannot direct another person to carry out actions in violation of this ordinance or knowingly allow another person to carry out actions in violation of this ordinance on their property.

Violating this provision constitutes a violation of the ordinance and carries the equivalent sanctions and penalties as the violation. (Ord. 2005-6, S13, Nov. 3, 2005)

6.29.140 Spencer County Illegal Trash Burning Fund.

- (1) All fines, penalties, and clean-up costs paid pursuant to this ordinance shall be deposited into the Spencer County Illegal Trash Burning Fund.
- (2) The funds collected in the Spencer County Illegal Trash Burning Fund shall be administered under the direction of the Spencer County Solid Waste Management District Board of Directors after a public meeting notice has been sent to all affected Spencer County taxing authorities.
- (3) The funds collected within the Spencer County Illegal Trash Burning Fund shall be used for the following purposes:
 - A. Reimbursement to area fire departments for costs related to the suppression of fires.
 - B. Clean-up and disposal cost of materials collected at illegal burn sites.
 - C. Court fees and attorney fees related to the prosecution of burn violations.
 - D. Educational materials to inform residents of and the publicizing of the Trash Burning Ordinance.
 - E. Other expenditures as deemed appropriate by the Spencer County Solid Waste Management District Board of Directors and affected Spencer County taxing authorities. (Ord. 2005-6, S14, Nov. 3, 2005)

6.29.150 Severability. If any part of this ordinance shall be deemed invalid its invalidity shall not affect the remaining parts of this ordinance. (Ord. 2005-6, S15, Nov. 3, 2005)

6.29.160 Applicability and Effective Date.

- (1) This ordinance shall apply to the entirety of Spencer County, Indiana. Enforcement shall include incorporated cities and towns that adopt this ordinance, unless such areas currently enforce a more stringent ordinance.

Incorporated Cities mid Towns, without a burn ordinance, may enter into an inter-local agreement with the Solid Waste Management District to delineate enforcement and investigation procedures of this ordinance.

- (2) All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance shall become effective from and after its adoption and publication as required by law. (Ord. 2005-6, S16, Nov. 3, 2005)

Chapter 6.31

CURFEW FOR JUVENILES

Sections:

- 6.31.010** **Curfew for under age 18**
- 6.31.020** **Penalty for violation**

6.31.010 Curfew for under age 18. It shall be unlawful for any boy or girl under the full age of eighteen (18) years to wander about the streets of the Town of Grandview or be in or about any highway or public place in the Town of Grandview between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M. without being on any lawful business or occupation, except returning home or to his place of abode after attending a religious or educational meeting or social function sponsored by a church or school. (Ord. No. 1978-4, S1, Sept. 18, 1978)

6.31.020 Penalty for violation. Any boy or girl violating this ordinance is a delinquent child as defined by the statutes of the State of Indiana and shall be referred to the Juvenile Division of the Spencer Circuit Court for appropriate action by that court. (Ord. No. 1978-4, S2, Sept. 18, 1978)

Chapter 6.33

SKATEBOARDS, ROLLER SKATES, ROLLER BLADES, SCOOTERS OR BICYCLES

Sections:

- 6.33.010 Use on Public Streets Prohibited
- 6.33.020 Crossing Streets
- 6.33.030 Use on Public Sidewalks
- 6.33.040 Yielding Right of Way to Other Pedestrians
- 6.33.050 Use by Handicapped Person
- 6.33.060 Sanctions
- 6.33.070 Confiscation of Equipment

6.33.010 Use on Public Streets Prohibited. Use of skateboards, roller skates, in-line skates, coasters, scooters, toy vehicles, and similar devices is prohibited on all public streets, except that the laws governing pedestrians crossing streets shall apply to any person crossing a street on a skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or similar device. (Ord. 2008-9-4-1, S1, Sept. 4, 2008)

6.33.020 Crossing Streets. Any person crossing a street on a skateboard, roller skates, in-line skates, a coaster, scooter, toy vehicle or similar device shall yield the right-of-way to pedestrians at all crosswalks, and shall only cross at crosswalks, and shall not travel too fast for existing conditions. (Ord. 2008-9-4-1, S2, Sept. 4, 2008)

6.33.030 Use on Public Sidewalks. The use of skateboards, roller skates, in-line skates, coasters, scooters, toy vehicles, and similar devices shall be permitted on public sidewalks as a means of travel only. However, no person shall use such devices for jumping onto or from items such as, but not limited to, railings, stairs, bicycle racks, planters, benches, curbs or similar items, and the waxing of such items or similar items on public property shall not be permitted, and shall be permitted on private property only with the permission of the owner of the property. Congregation on public property for the purpose of using any of the above equipment or doing any of the above cited acts, or traveling back and forth repeatedly upon the same public sidewalk, is prohibited. (Ord. 2008-9-4-1, S3, Sept. 4, 2008)

6.33.040 Yielding Right of Way to Other Pedestrians. No one shall erect or place ramps or other items intended to be jumped or used as a means of propelling a person who is using a skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar device on a public sidewalk, in a public parking lot or on public property, nor shall such items be placed on private property that does not belong to the user of said devices without the express permission of the owner of the property. (Ord. 2008-9-4-1, S4, Sept. 4, 2008)

6.33.050 Use by Handicapped Person. This section does not apply to mobility handicapped persons using a motor-driven, wheeled device on a sidewalk or in a parking lot. (Ord. 2008-9-4-1, S5, Sept. 4, 2008)

6.33.060 Sanctions. Whoever violates any portion of this section shall be fined not less than \$10.00 for the first offense and \$20.00 for each subsequent offense. Said enforcement shall be enforced by the Town Manager. (Ord. 2008-9-4-1, S6, Sept. 4, 2008)

6.33.070 Confiscation of Equipment. If a minor (a person under the age of 18) is cited for a violation of this ordinance, the Town Manager or his designate 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 Town Hall and requests its return, whichever occurs first. If a person over the age of eighteen (18) is cited for a violation, the officer citing the offender may take possession of the skateboard, roller skates, in-line skates, coaster, scooter, toy vehicle or other similar device and secure it until the ordinance violation is resolved. (Ord. 2008-9-4-1, S7, Sept. 4, 2008)

Chapter 6.38

RULES AND REGULATIONS FOR PARKS AND OTHER RECREATIONAL AREAS

Sections:

6.38.010	Purpose
6.38.020	Parks and Other Recreations Defined
6.38.030	Park Hours
6.38.040	Vehicles Left in Parks after Closing Hours
6.38.050	Disposal of Rubbish, Refuse, and Garbage
6.38.060	Altering or Removing Signs, Structures, Fixtures, and Other Improvements Prohibited
6.38.070	Disturbing, Injuring, or Removing Wildlife and Vegetation Prohibited
6.38.080	Swimming Prohibited
6.38.090	Pet Supervision Required
6.38.100	Camping Prohibited
6.38.110	Fires and Fireworks Prohibited
6.38.120	Solicitations, Commercial Sales, and Commercial Photography Prohibited
6.38.130	ATV/UTV and Motorized Vehicles Prohibited
6.38.140	Other Prohibited Activity
6.38.150	Possession Consumption, and Sale of Alcohol Beverages Prohibited
6.38.160	Deadly Weapons Prohibited
6.38.170	Discharge of Firearm Prohibited
6.38.180	Prohibited Persons
6.38.190	Shelter and Ball Field Rentals
6.38.200	Penalties
6.38.210	Remedies
6.38.220	Saving Claus
6.38.230	Repealer
6.38.240	Effective Date

6.38.010 Purpose. The purpose of this chapter is to establish reasonable rules for those individuals who use the parks and other recreational areas owned and operated by the Town of Grandview. This chapter is necessary to insure that residents full enjoy leisure and recreational activities in Grandview parks and other recreational areas and to protect the health and safety of persons using the parks and other recreational areas. (Ord. 2017-05-04-01, S1, May 4, 2017)

6.38.020 Parks and Other Recreations Defined. The words “parks and other recreational areas” shall include but not be limited to, any lands, buildings, structures, waters, and parks in the Town of Grandview, Indiana that are under the jurisdiction and control of the Town of Grandview and the Grandview Parks and Recreation Department. (Ord. 2017-05-04-01, S2, May 4, 2017)

6.38.030 Park Hours. No person shall enter or remain in any park after the park recreational area is closed to the public. Parks and other recreational areas in the Town of Grandview are open to the public at 6:00 am and close at 11:00 pm or at the conclusion of the department programming or park approved activities, whichever is later. (Ord. 2017-05-04-01, S3, May 4, 2017)

6.38.040 Vehicles Left in Parks after Closing Hours. No person shall leave a vehicle within any park or other recreational area in the Town of Grandview after the location has closed to the public, except in cases of an emergency or with consent of the Town Manager or Town Council. The registered owner of a vehicle shall be responsible for the vehicle being within any park or other recreational area after the location has closed. (Ord. 2017-05-04-01, S4, May 4, 2017)

6.38.050 Disposal of Rubbish, Refuse, and Garbage. No person shall take into, carry through, or put into any park or other recreation area any rubbish, refuse, garbage, or other material except any refuse or garbage resulting from properly using the parks and recreation areas which shall be deposited in receptacles provided. Where receptacles or adequate receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation area by the person responsible for its presence and disposed of elsewhere. (Ord. 2017-05-04-01, S5, May 4, 2017)

6.38.060 Altering or Removing Signs, Structures, Fixtures, and Other Improvements Prohibited. No person shall damage, deface, remove or otherwise alter any sign, structure, fixture, or other improvement in any park or other recreational area in the Town of Grandview. The signs, structures, fixtures, or other improvements shall include, but not limited to, any monument, statue, grill, table, bench, fence, gate, disc basket, playground equipment, and recreational equipment. (Ord. 2017-05-04-01, S6, May 4, 2017)

6.38.070 Disturbing, Injuring, or Removing Wildlife and Vegetation Prohibited.

- (1) No person shall harass, hurt, trap, injure, remove (except for recreational fishing) or otherwise disturb any wildlife located in any park or other recreational area in the Town of Grandview without the express written permission of the Town Council of the Town of Grandview. The term “wildlife” shall mean any wild mammal, bird, reptile, amphibian, mollusk, crustacean, or other wild animal or any part, product, egg, offspring, or the dead body parts of the wild animal.
- (2) Except for those persons participating in the Parks and Recreation Department programs or Town of Grandview approved activities and adhering to the rules and regulations for participation in the program, no person shall harvest, cut, break, set afire, remove or otherwise disturb or damage any plant, flower, bush, tree, or other vegetation growing in any park or other recreational area in the Town of Grandview. No person shall attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure. (Ord. 2017-05-04-01, S7, May 4, 2017)

6.38.080 Swimming Prohibited. No person shall swim or bathe in any waters that are within any park. (Ord. 2017-05-04-01, S8, May 4, 2017)

6.38.090 Pet Supervision Required. No person shall bring any pet into a park or other recreational area in the Town of Grandview unless the person shall continuously supervise such pet, including preventing or promptly repairing any damages caused by the pet and picking-up and disposing of any excrement dropped by the pet upon any park property. All pets are to be kept on short leashes at all times. (Ord. 2017-05-04-01, S9, May 4, 2017)

6.38.100 Camping Prohibited. No person shall erect or maintain a tent or other shelter, or otherwise camp within any park or other recreational area in the Town of Grandview without express written permission of the Grandview Town Council. Permission must be conspicuously posted at the campsite. (Ord. 2017-05-04-01, S10, May 4, 2017)

6.38.110 Fires and Fireworks Prohibited. No person shall build, kindle, maintain or use fire within any park or other recreational area in the Town of Grandview unless the person properly contains such fire in facilities designed for that purpose. Any fire shall be continuously monitored and under the care and direction of a competent person from the time it is kindled until it is extinguished. A permit from the Grandview Town Council is required for any bonfire or fires for cooking not utilizing a grill. Discharging of fireworks is prohibited in any park or property owned or maintained by the Town of Grandview. (Ord. 2017-05-04-01, S11, May 4, 2017)

6.38.120 Solicitations, Commercial Sales, and Commercial Photography Prohibited. Except for persons complying with Grandview Parks and Recreation Facilities Fund-Raising, Canvassing, Soliciting, Vending and Advertising Policy, no person shall solicit, advertise, sell, photograph or promote for sale and commercial product or event within any park or other recreational area in the Town of Grandview without the express written permission of the Grandview Town Council. The person must conspicuously post such permission at the site of such activity. Distribution or posting of flyers, brochures or other written material is prohibited in parks and other recreational area within the Town of Grandview. (Ord. 2017-05-04-01, S12, May 4, 2017)

6.38.130 ATV/UTV and Motorized Vehicles Prohibited. No person shall operate any motorized vehicle, ATV/UTV, motorized bicycle or other similar device in the parks or recreation areas in the Town of Grandview, except persons with a disability, as defined by the American With Disabilities Act who may operate the specialized motorized equipment designed for their transportation. (Ord. 2017-05-04-01, S13, May 4, 2017)

6.38.140 Other Prohibited Activity. Users must comply with posted rules, regulations, and guidelines. Activities listed as follows are **prohibited** within all parks and other recreational areas in the Town of Grandview:

- (1) Littering
- (2) Parking vehicles on grass

- (3) Use of park equipment, apparatus, structures, and buildings in any manner inconsistent with their intended purposes
- (4) Swimming in Schroeder Park Y-Pond or Goose Hollow
- (5) Entering an area posted as “closed to the public”
- (6) Engaging in threatening, abusive, insulting or indecent language or engaging in any conduct or behavior tending to breach the public peace
- (7) Fundraising unless being done in compliance Section 6.38.120
- (8) Bicycles, roller blades, skates or skateboards are not allowed on concrete areas, basketball court, or veteran’s memorial. (Ord. 2017-05-04-01, S14, May 4, 2017)

6.38.150 Possession, Consumption, and Sale of Alcohol Beverages Prohibited. No person shall possess, consume, sell, offer for sale, barter or exchange any alcoholic beverage in any park or other recreational area in the Town of Grandview. The term “alcoholic beverage” means a liquid or solid that is or contains one-half percent (0.5%) or more alcohol by volume; is fit for human consumption; and is reasonably likely, or intended to be used as a beverage. (Ord. 2017-05-04-01, S15, May 4, 2017)

6.38.160 Deadly Weapons Prohibited. Deadly weapons are prohibited in the Grandview Parks or other recreational areas in the Town of Grandview. “Deadly Weapons” means a sword of any length; an electronic stun gun; a fixed blade knife; or a knife with a folding blade of four (4) inches or more. (Ord. 2017-05-04-01, S16, May 4, 2017)

6.38.170 Discharge of Firearm Prohibited. Except when acting in self-defense, as that term is defined under Indiana Law, no person shall discharge a firearm within the Grandview Park and Recreation areas or in any public place owned by or being used for a public purpose by the Town of Grandview. (Ord. 2017-05-04-01, S17, May 4, 2017)

6.38.180 Prohibited Persons. Individuals listed on **State of Indiana Sex Offender Registry** published and disseminated by the Indiana Criminal Justice Institute are prohibited from all parks and other recreational areas of the Town of Grandview. (Ord. 2017-05-04-01, S18, May 4, 2017)

6.38.190 Shelter and Ball Field Rentals. Any person or group renting shelters, golf course or baseball fields shall conform to Parks and Recreation Department published fees, rules, and regulations. (Ord. 2017-05-04-01, S19, May 4, 2017)

6.38.200 Penalties.

- (1) Any person who violates Section 6.38.030 through and including 6.38.140 and 6.38.170 of this Chapter shall be fined Twenty-five Dollars (\$25.00) for the first offense and Fifty Dollars (\$50.00) for each offence thereafter. A

separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur

- (2) Any person who violates Section 6.38.150 and 6.38.160 of this Chapter shall be fined One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.
- (3) In addition to, or in lieu of, a fine as provided for in subsections 1 or 2 of the Chapter, any person who violates any provision of the Chapter may be restricted from being on any part or all of the Parks and Recreation Areas of the Town of Grandview. This restriction may be for a period of five (5) days to one (1) year depending on the circumstances of the violation. The time period and area of the restriction will initially be made by Clerk-Treasurer or Town Manager who shall send the notice of restriction to the offender by registered mail, return receipt requested. Any restriction may be appealed with a written request to Grandview Town Council.
- (4) In addition to penalties contained herein, any person who damages park property is subject to payment of restitution in an amount equal to the Town of Grandview's cost to repair or replace said park property. (Ord. 2017-05-04-01, S20, May 4, 2017)

6.38.210 Remedies. Employees of the Town of Grandview or other agents authorized by the Grandview Town Council may, in the name of the Town of Grandview, bring actions to the Circuit of Superior Courts of Spencer County, Indiana for violations and enforcement of the ordinance. (Ord. 2017-05-04-01, S21, May 4, 2017)

6.38.220 Saving Claus. If any section, provision, or part of this chapter shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional. (Ord. 2017-05-04-01, S22, May 4, 2017)

6.38.230 Repealer. All ordinances and parts of ordinances including, but not limited to, Ordinance 2017-05-04-01 AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR PARKS AND OTHER RECREATIONAL AREAS IN THE TOWN OF GRANDVIEW, INDIANA, in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this Chapter. Ord. 2017-05-04-01, S23, May 4, 2017)

6.38.240 Effective Date. This chapter shall be in full force and effect from and after its adoption by the Town Council and upon publication as provided by law. (Ord. 2017-05-04-01, S24, May 4, 2017)

Chapter 6.39

FEES FOR THE USE OF THE BOAT DOCK

Sections:

6.39.005	Purpose
6.39.010	Daily Passes
6.39.020	Season Passes
6.39.030	Effective Date

6.39.010 Purpose.

- (1) The Town of Grandview, Indiana operates and maintains the boat dock along the Ohio River for the use and enjoyment of the citizens and visitors of the town; and
- (2) The Town strives to ensure the safety of all visitors to the park, and therefore must regulate the activity of dock users when necessary to promote public welfare; and
- (3) The Town now desires to impose a usage fee for the boat dock at the Grandview Community Park. (Ord. 2017-4-6-1, Whereas, Apr. 6, 2017)

6.39.020 Daily Passes. The Town of Grandview shall issue daily passes for a fee of \$5.00 per day for the use of the boat dock. (Ord. 2017-4-6-1, S1, Apr. 6, 2017)

6.39.030 Season Passes. Season passes for the use of the boat dock from April through October during the year the pass is purchased shall be made available to the public for a fee of \$50.00. (Ord. 2017-4-6-1, S2, Apr. 6, 2017)

6.39.040 Effective Date. This Chapter shall be in full force and effect upon passage and publication pursuant to Indiana Law. (Ord. 2017-4-6-1, S3, Apr. 6, 2017)

Chapter 6.40

GRANDVIEW COMMUNITY PARK, BOAT RAMP, AND BOAT DOCK

Sections:

- 6.40.010 Prohibited Activities**
- 6.40.060 Penalty for Violation**

6.40.010 Prohibited Activities. Swimming, diving, fishing, and all other substantially similar activities are prohibited at the dock and boat ramp at the Grandview Community Park owned and maintained by the Town of Grandview. (Ord. 2013-4-4, S1, April 4, 2013)

6.40.060 Penalty for Violation. Persons found to be in violation of the ordinance shall be fined in an amount of \$50.00 for a first offense. Any and all subsequent violations shall be fined at the rate of \$100.00 per offense. (Ord. 2013-4-4, S2, April 4, 2013)

Chapter 6.41

ALL-TERRAIN VEHICLES PROHIBITED AT GRANDVIEW PARKS AND CEMETERIES

Sections:

6.41.010	Prohibited
6.41.020	Exceptions
6.41.030	Penalty

6.41.010 Prohibited. All-terrain vehicles and motorized dirt bikes shall not be permitted in the Town of Grandview's parks or cemeteries. (Ord. 2016-8-4-1, S1, 2016)

6.41.020 Exceptions. This ordinance shall not apply to any such vehicles owned or used by the Town of Grandview or any emergency management entity. (Ord. 2016-8-4-1, S2, 2016)

6.41.030 Penalty. An initial violation of this ordinance shall incur a penalty of \$50.00. Any and all subsequent violations shall incur a penalty of \$100.00 per violation. (Ord. 2016-8-4-1, S3, 2016)

Chapter 6.50

SPENCER COUNTY MULTI-HAZARD MITIGATION PLAN

Sections:

6.50.010 Adoption

6.50.010 Adoption. 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. 2012-2-2-1, S1, Feb. 2, 2012)