

**TITLE 4**

**HEALTH AND SANITATION**

## **TITLE 4**

### **HEALTH AND SANITATION**

#### **Chapters:**

- 4.02 Board of Health**
- 4.04 Duties of Town Health Office and Town Marshall**
- 4.06 Regulating the production, transportation, processing, handling, sampling, examination, grading, labeling, regrading, and sale of milk and milk products**
- 4.08 Weeds**
- 4.15 Open burning**

## Chapter 4.02

### BOARD OF HEALTH

#### Sections:

<b>4.02.010</b>	<b>Established</b>
<b>4.02.020</b>	<b>Licensed Physician</b>
<b>4.02.030</b>	<b>Powers</b>
<b>4.02.040</b>	<b>Certificate of Appointment/Vacancy</b>
<b>4.02.050</b>	<b>Emergency</b>

**4.02.010 Established.** Be it ordained by the Board of Trustees, of the town of Holland, Dubois County, Indiana, that a Board of Health, consisting of three members, be and is hereby established, for the town of Holland, Indiana, and that the board be constituted and the members thereof be appointed by the Board of Trustees of said Town, and who shall serve until their successors are appointed and qualified, and provided that no more than two members of the said board shall be of the same political party. (Ord. 7, S1, April 22, 1929)

**4.02.020 Licensed Physician.** That one member of said Board shall be a licensed physician of good standing and well informed in sanitary science and who shall be the Secretary of said Board, shall be a reputable resident householder of said Town, and his salary shall be fixed by the Board of Trustees. (Ord. 7, S2, April 22, 1929)

**4.02.030 Powers.** That the Board of Health hereby established shall have power to make such rules and regulations as may be necessary from time to time, for the public health and prevention of disease and such orders and regulations after having been duly passed by the Board of Trustees of said Town, such Board shall have power to purchase all supplies necessary in treatment or prevention of diseases and shall have charge of all matters pertaining to the public health, plumbing and sanitation, and shall report annually, or as often as the Board of Trustees may require their doings as such Board. (Ord. 7, S3, April 22, 1929)

**4.02.040 Certificate of Appointment/Vacancy.** The Town-Clerk-Treasurer shall under his hand and under the corporate seal of said town issue the proper certificate of appointment and deliver the same within 48 hours after the passage of this ordinance, to the person or persons thereto entitled and such person or persons so appointed and so notified shall within 5 days thereafter, or so appointed to fill any vacancy occurring on said Board appear before some Officer authorized to administer oaths, then take and subscribe an oath, endorsed upon his certificate of appointment, under the usual form and that he will honestly, and faithfully, discharge his duties as such health officer to the best of his ability, and file such certificate with the Clerk-Treasurer of said Town. (Ord. 7, S4, April 22, 1929)

**4.02.050 Emergency.** An emergency existing for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage and approval. (Ord. 7, S5, April 22, 1929)

## Chapter 4.04

### DUTIES OF TOWN HEALTH OFFICER AND TOWN MARSHALL

#### Sections:

<b>4.04.010</b>	<b>Nuisance injurious to health</b>
<b>4.04.020</b>	<b>Waste prohibited</b>
<b>4.04.030</b>	<b>Garbage receptacles/weeds</b>
<b>4.04.040</b>	<b>Town Health Officers powers</b>
<b>4.04.050</b>	<b>Prevention of Infectious Diseases</b>
<b>4.04.060</b>	<b>Town Marshall duties</b>
<b>4.04.070</b>	<b>Penalties for violations</b>

**4.04.010 Nuisance injurious to health.** It shall be unlawful for any person, persons, company, or corporation, to erect, construct, cause, permit, keep or maintain within the limits of said Town, anything whatsoever which is injurious to health, or indecent or offensive to the senses of any of the inhabitants of said Town, or any obstruction to the free use of property by any such inhabitant, and any person, or person maintaining any such nuisance above referred to is thereby declared to be the author and maintainer of a nuisance. (Ord. 9, S1, Aug. 5, 1929)

**4.04.020 Waste prohibited.** It shall be unlawful for any person, persons, company, or corporation to throw or deposit, or suffer to be thrown or deposited, or suffer or permit any child, servant, member of the family or any other person under his, her or their control, to throw or deposit any manure, human excrement, urine, rubbish, slops, putrid, or unsound animal or vegetable matter, or anything filthy, noisome or unwholesome liquid or slops, or any liquid or slops or substances that are liable to become unwholesome, in or into or upon any street, lane, alley, sidewalk, gutter, crossing, lot, cellar, premises or common and it shall also be unlawful for any one to allow rank weeds to grow or to make a business of slaughtering poultry or animals within the corporation of said Town. (Ord. 9, S2, Aug. 5, 1929)

**4.04.030 Garbage receptacles/weeds.** All kitchens shall be provided with metal garbage receptacles, which shall be tightly covered and emptied frequently enough to prevent fermentation and bad odors; and garbage receptacles and vaults shall be cleaned, emptied, and disinfected, and weeds shall be cut and hauled away at any time upon the written order of the health officer; said officer shall fix a reasonable time limit in his order when said garbage receptacles or vaults shall be emptied, cleaned and disinfected, and when weeds shall be cut and hauled away; and if any owner or lessee, being duly ordered as herein provided, shall fail or refuse to obey said order, it shall be the duty of the Town Marshall, upon notice from the Health Officer, to cause the garbage receptacles and vaults to be cleaned, emptied and disinfected, or the weeds to be cut and hauled away, and said Marshall shall keep an accurate account of the expenses thereof, which shall be paid from the town treasury upon sworn vouchers of the Town Marshall,

and said expenses shall be a lien on the property and collected by law and turned into the town treasury. And it shall be unlawful to fill up vaults or sinks without first emptying the same. (Ord. 9, S3, Aug. 5, 1929)

**4.04.040 Town Health Officers powers.** The Secretary of the town board of Health, who is also the town health officer, and all deputy health officers and the town marshal and deputies shall have full power and authority to enter into or upon any street, lot, alley, premises or grounds for the purpose of making a sanitary survey of the same, and if a nuisance or any unsanitary condition are found, it shall be the duty of the town health officer, when informed of the existing of the same, to immediately notify the person or persons so offending, in writing, fixing the time limit to abate the nuisance. If such person shall fail or refuse to abate the nuisance within the time specified, it shall be the duty of the Town Marshall, upon notice of the health officer, to cause the same to be abated, keeping an accurate account of the expenses thereof, which shall be paid from the town treasury upon the sworn voucher of the town marshal, and said expenses shall be a lien on the property, and collected as taxes are collected, and turned into the town treasury. (Ord. 9, S4, Aug. 5, 1929)

**4.04.050 Prevention of Infectious Diseases.** If at any time the work of the prevention of the spread of infectious or contagious diseases is more than can be reasonably expected of the town health officer, he may, with the consent of the chairman of the Town Board, employ one or more intelligent men to act as deputies to establish quarantine, remove patients to the special hospital and conduct disinfections. All houses wherein infectious and contagious diseases may exist, or have existed, shall at the proper time be thoroughly disinfected according to the rules of the state Board of Health, by the health officers or his deputies, at the expense of the town, as the work is obviously for the benefit of the people. A complete record of all disinfections, all vaccinations and all other health work done shall be kept by the health officer in the minute book of the town Board of Health. (Ord. 9, S5, Aug. 5, 1929)

**4.04.060 Town Marshall duties.** It shall be the duty of the Town Marshall at all times to aid the town Health Officer in the work of enforcing this ordinance upon demand of said health officer. (Ord. 9, S6, Aug. 5, 1929)

**4.04.070 Penalties for violations.** Any person or persons violating any of the provisions of this ordinance, upon conviction thereof, except as otherwise provided, shall be fined for each offense in any sum not less than \$5.00 or more than \$25.00 and be imprisoned for not more than ten days, at the option of the court, and each day's violation shall constitute a separate offense. (Ord. 9, S7, Aug. 5, 1929)

## Chapter 4.06

### REGULATING THE PRODUCTION, TRANSPORTATION, PROCESSING HANDLING, SAMPLING, EXAMINATION, GRADING LABELING, REGRADING AND SALE OF MILK AND MILK PRODUCTS

#### Sections:

<b>4.06.010</b>	<b>Supervision</b>
<b>4.06.020</b>	<b>Grade A milk ordinance</b>
<b>4.06.030</b>	<b>The sale of adulterated, misbranded, or ungraded milk or milk products prohibited</b>
<b>4.06.040</b>	<b>Permits</b>
<b>4.06.045</b>	<b>Permit fees</b>
<b>4.06.050</b>	<b>Sale of milk and milk products</b>
<b>4.06.060</b>	<b>Enforcement</b>
<b>4.06.070</b>	<b>Penalties</b>

**4.06.010 Supervision.** The Dubois County Health Officer shall have supervision over the production, transportation, processing, handling, sampling, examination, grading, regrading, labeling, and sale of all milk and milk products sold for ultimate consumption within the Town of Holland, Indiana, or its police jurisdiction; the inspection of dairy herds, dairies, and milk plants; the issuing and revocation of permits to milk producers, distributors and haulers. (Ord. 104-57, S1, 1957) (Ord, 103, S1, 1949)

**4.06.020 Grade A milk ordinance.** The health officer having jurisdiction within the territorial limits of the Town of Holland, Indiana, in the performance of his duties under Section 4.06.010 of this chapter, shall adopt as standards to be followed, the provision in paragraph HDP4H entitled "Grade A Milk and Milk Products" of regulations of the Indiana State Board of Health duly passed on September 13, 1945, and filed with the Secretary of State on October 18, 1945, as amended by the State Board of Health on February 19, 1954, and filed with the Secretary of State on March 17, 1954, of the regulations of the State Board of Health entitled "Regulations Relating to Dairy Products Including Definitions and Standards of Identity," which Regulations are hereby made a part of this Ordinance by reference thereto, the same as if incorporated herein in their entirety.

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

For the purpose of interpreting the aforesaid requirements, the unabridged form of the Public Health Service publication #229 entitled, "1953 Recommendations of the Public Health Service Milk Ordinance and Code, Third Printing." shall be used. In reference thereto, the average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average. Average reduction time, average cooling temperature shall be taken to mean the arithmetic average of the respective test results of the last four consecutive samples, taken on separate days. Provided that the 3-out of-4 method as specified in the said Milk Ordinance and Code for determining compliance of coliform counts, may be used in lieu of the averaging method for determining compliance of bacterial plate counts, direct microscopic counts or cooling temperatures. Two copies of said Regulations of the Indiana State Board of Health and said publication in effect shall be on file in the office of the health officer for public inspection. (Ord. 104-57, S2, 1957) (Ord. 103, S2, 1949)

**4.06.030 The sale of adulterated, misbranded, or ungraded milk or milk products prohibited.** No person shall within the Town of Holland, Indiana, or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product. (Ord. 103, S3, 1949)

**4.06.040 Permits.** It shall be unlawful for any person to bring into or receive into the Town of Holland, Indiana, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this ordinance who does not possess a permit from the health officer of the Town of Holland, Indiana.

Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance. Any person, firm, or corporation shall have the right to take an appeal from any decision of the health officer to the Dubois County Circuit Court, as in other civil cases. (Ord. 103, S4, 1949)

**4.06.045 Permit fees.** The permit fee for the sale or disposal of graded milk or milk products as herein before defined, in the Town of Holland, Indiana, shall be as follows:

All milk plants engaged in the processing and distribution of pasteurized fluid milk or milk products shall pay a permit fee of three and one-half cents per hundred weight on all milk or milk products received and processed as graded milk or milk products; or such amount as may from time to time be determined to be necessary to pay the expenses of the enforcement of this ordinance.



Fees referred to above shall be paid on or before the 15th day of the month for the previous month, the first payment being due thirty (30) days after the effective date of this ordinance. The original weight sheets and other records shall be made available once each month to the City Clerk for determination of these fees. All plants operating under the provision above shall purchase milk by weight or its equivalent by volume. Any dairy selling direct to any other dairy or dairies which purchasing dairy or dairies pay the permit fee on the hundred weight as above set out on the milk so produced shall not be required to pay the aforesaid permit fees. Provided, further, that any person, firm, or corporation having a permit issued by the health officer of any municipality or other unit of government operating under the standards required by this ordinance shall be exempt from paying permit fees required herein.

These fees shall be paid to the Town Clerk of the Town of Holland, Indiana, and shall be used only for the salary, expenses, and supplies of an enforcement officer. (Ord. 104-57, S4A, 1957) (Ord. 103, S4A, 1949)

**4.06.050 Sale of milk and milk products.** From and after the date on which this ordinance takes effect no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except Grade A Pasteurized or Certified Pasteurized milk or milk products as defined in the standards required to be adopted by this chapter. (Ord. 104-57, S4, 1957) (Ord. 103, S5, 1949)

**4.06.060 Enforcement.** It shall be the duty of the Town Board of Trustees to employ such sanitary police and inspectors, with the approval of the County Health Officer and State Board of Health, as may be necessary for the enforcement of this ordinance and who shall be the authorized representative of the County Health Officer to perform such duties of inspection and reports as may be necessary for the full enforcement of this ordinance. Provided further that the County Health Officer is hereby authorized to cooperate with the City Boards of Health of Huntingburg and Boonville, Indiana, to join with them in the employment of such sanitary police and inspectors who shall be authorized representatives of the boards of health of all units cooperating therein to perform like duties for all such units. The salary of such employees to be paid by the several units in such proportion as may be agreed upon by them at the time of such employment.

Such sanitary police and inspectors shall be persons well qualified for the performance of said duties and shall be paid such sum as may be agreed upon by the Town Board of Trustees and the County Health Officer out of such funds as may hereafter be appropriated therefor by the Town Board of Trustees, provided that any funds so appropriated must be only from money collected from Permit Fees. (Ord. 103, S6, 1949)

**4.06.070 Penalties.** Any person, firm or corporation violating any provision of this ordinance shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment at the discretion of the court. Each and every violation of the provisions of this ordinance shall constitute a separate offense. (Ord. 103, S7, 1949)

## Chapter 4.08

### WEEDS

#### Sections:

<b>4.08.010</b>	<b>Nuisance</b>
<b>4.08.020</b>	<b>Removal</b>
<b>4.08.030</b>	<b>Notice</b>
<b>4.08.040</b>	<b>Accumulation of trash and debris</b>
<b>4.08.050</b>	<b>Penalties</b>
<b>4.08.060</b>	<b>Payment of fine</b>
<b>4.08.070</b>	<b>Failure to comply with penalties and fines</b>

**4.08.010 Nuisance.** Whereas, it is detrimental to the health and safety to permit the uncontrolled growth of weeds and brush on any real property located within the Town of Holland, the growth of such weeds and brush is declared to be a nuisance. (Ord. 30-77, SIII-1, 1977)

**4.08.020 Removal.** The owners of all real property situated within the Town limits, are required to cut and dispose of all weeds and other wild growth now or hereafter growing on such property. (Ord. 30-77, SIII-2, 1977)

**4.08.030 Notice.** Upon the failure of any property owner to abide by the requirements of this Chapter, the property owners shall be given notice in writing signed by the Clerk-Treasurer to cut and dispose of weeds, wild growth and brush on his property within a reasonable time, not to exceed thirty (30) days. If, after notice is duly given, the weeds, wild growth and brush have not been properly cut and disposed of by the property owner, the street commissioner is hereby authorized and directed to cause such weeds and brush to be cut and disposed and the property owner shall be charged for this service. (Ord. 30-77, SIII-3, 1977)

**4.08.040 Accumulation of trash and debris.** The accumulation of trash, rubbish, debris, and other refuse upon the real property within the limits of the Town of Holland is offensive to the sights and senses and detrimental to the health and safety and is hereby declared to be a nuisance and subject to fine as hereinafter set forth. The provisions of this Chapter require the cutting of weeds and removal of brush from properties situated within the limits of the Town, shall apply with equal force and effect to the removal of trash, rubbish, debris and other refuse from such lots. (Ord. 30-77, SIII-4, 1977)

**4.08.050 Penalties.** Any person, firm, association or corporation failing to comply with a notice issued pursuant to the above provisions pertaining to the removal of weeds, trash, and other materials shall be subject to fine and penalties as hereinafter set forth. (Ord. 30-77, SIII-5, 1977)

Any person, firm, association or corporation found to be violating any of the provisions of this Chapter, shall upon conviction or plea of guilty, be fined in a

sum not to exceed Twenty-five (\$25.00) for each offense or violation of this Chapter. (Ord. 30-77, S VI §1, 1977)

**4.08.060 Payment of fine.** Any person, firm, association or corporation charged with a violation under this Chapter may mail or deliver to the Town Clerk-Treasurer, Holland, Indiana, the sum of Five Dollars (\$5.00) for each offense charged, together with a copy of the ticket, which shall indicate that the person charged wishes to enter a guilty plea to the violation charged, and accepts the sum of Five Dollars (\$5.00) for the fine for such violation. The Clerk-Treasurer, shall upon the receipt of such sum or sums from the person charged, issue a written receipt to such person acknowledging the payment of the agreed fine. (Ord. 30-77, S VI §2, 1977)

**4.08.070 Failure to comply with penalties and fines.** Failure of any person charged to comply with the provisions of the above Section 4.08.060 within fifteen (15) days of the date of the charging of the offense will result in a formal affidavit charging the violation of this Chapter being filed in the Court having appropriate jurisdiction. (Ord. 30-77, S VI §3, 1977)

## Chapter 4.15

### OPEN BURNING

#### Sections:

<b>4.15.005</b>	<b>Indiana Code citation</b>
<b>4.15.010</b>	<b>Conditions to be complied with for open burning</b>
<b>4.15.200</b>	<b>Penalty for non-compliance</b>

**4.15.005 Indiana Code citation.** The Holland Town Council desires to regulate open burning in the Town of Holland, Indiana, pursuant to I.C. §13-17-9-1 and I.C. §13-17-9-3. (Ord. 00-2, June 7, 2000)

#### **4.15.010 Conditions to be complied with for open burning.**

- (1) Open burning of vegetation and wood (I.C. §13-17-9-1)
  - A. Subject to the conditions of this ordinance for open burning, a person may open burn the following for maintenance purposes:
    1. Vegetation from a farm, orchard, nursery, tree farm, cemetery, or drainage ditch;
    2. Wood products derived from pruning or clearing a roadside by a County Highway and/or Town Street Department;
    3. Wood products derived from the initial clearing of a public utility right-of-way;
    4. Unless prohibited below, any and all paper products.
  - B. Prohibited:
    1. Wood structures on real property, or;
    2. Wood remnants of the demolition of a predominantly wooden structure located on real property;
    3. Disposable diapers.
  - C. Conditions for open burning:
    1. All open burning that is allowed under this chapter must comply with the following conditions:

- (a) A person who open burns any material shall extinguish the fire if the fire creates a nuisance or fire hazard.
- (b) Burning may not be conducted during unfavorable meteorological conditions including, but not limited to, high winds, temperature inversions, or air stagnation.
- (c) All fires must be attended at all times during burning until completely extinguished.
- (d) All asbestos, tar, rubber, plastic, treated wood and like materials shall not be burned.
- (e) Asbestos containing materials shall not be burned.
- (f) Accept as provided under the previous section of this code, all burning must comply with State and Federal laws.
- (g) The burning shall occur in a non-combustible container no larger than 3 ft. by 3 ft. and 5 ft. that is vented to induce adequate primary air combustion and has enclosed sides, a bottom, and a mesh covering or an incinerator with the same dimensional requirements.
- (h) The open burning permit shall be immediately produced by the open burner at the request of the ordinance enforcer.

D. A person who is allowed to open burn under sub-section A.1 or A.4 and meets the conditions of sub-section B. is required to obtain:

- 1. An annual \$5.00 permit from the Town of Holland before conducting the open burning.

E. The Town of Holland reserves the right to refuse and/or cancel a permit under this ordinance for persons who violate the ordinance on more than 3 occasions or fail to pay their fine(s). (Ord. 00-2, June 7, 2000)

**4.15. 200 Penalty for non-compliance:**

- (1) The above open burning ordinance shall be enforced by the Holland Town Marshall or if the Holland Town Marshall is unavailable an

appointed member of the Holland Volunteer Fire Department and the violating person shall be subject to the following penalty:

- A. A written warning shall be issued for the first violation.
- B. The second violation shall constitute a **\$50.00** fine.
- C. The third violation and all subsequent violations shall constitute a **\$100.00** fine. (Ord. 00-2, June 7, 2000)