

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

Chapters:

- 6.06 Privies and fertilizer
- 6.07 Hog pens
- 6.08 No Dumping on Streets, Roadway, Alley or Right-of-Way
- 6.12 Deposit of trash, garbage into streets, alleys, public places, etc. prohibited
- 6.13 Accumulation of trash on private property
- 6.15 Permit for refuse collection and disposal
- 6.16 Exclusive right for solid waste collection
- 6.17 Open burning
- 6.18 Cycling on sidewalks
- 6.20 Speed of trains
- 6.35 Weed abatement
- 6.40 Unsafe buildings
- 6.42 Regulating the Sale, Possession and use of Synthetic Cannabinoid
- 6.45 Curfew
- 6.47 Conduct on Blue River Bridge
- 6.48 Conduct on Mill Lot
- 6.50 Discharge of firearms
- 6.60 Crawford County Multi-Hazard Mitigation Plan
- 6.61 Designation of the National Incident Management System (NIMS)

Chapter 6.06

PRIVIES AND FERTILIZER

Sections:

6.06.010	Unlawful for privies and fertilizer upon premises
6.06.020	Determination that public nuisance exists
6.06.030	Notice of violation
6.06.040	Penalty for violation
6.06.050	Payment of costs and fees
6.06.060	Rights of appeal
6.06.070	Reservation of all other rights
6.06.080	Provisions severable
6.06.090	Effective date

6.06.010 Unlawful for privies and fertilizer upon premises. It shall be unlawful for any person or persons, within the corporate limits of the Town of Milltown to maintain, keep or permit upon his her on their premises, privy, fertilizer or any other nuisance or thing whatsoever, injurious to the health of the citizens of said town or offensive to the senses, in preventing the free use of property by the owners or occupants thereof, or to prevent the comfortable enjoyment of life on property. (Ord. No. 28, April 4, 1921) (Ord. 5, S1, July 6, 1903)

6.06.020 Determination that public nuisance exists. The Town Council shall make an initial determination that the keeping of fertilizer, privy or some other thing or the conduct of some activity constitutes a sufficiently public common nuisance of a serious enough nature to warrant use of the Town's police power to penalize or abate the nuisance. As part of its determination, the Town will seek to avoid involvement in private nuisances affecting single or limited property owners. (Ord. 2010-002, S6.06.020, Feb. 8, 2010)

6.06.030 Notice of violation. Upon a determination of the existence of a public nuisance, the Town Marshall or his designated representative shall send a written notice of violation of this Chapter along with a copy of the Chapter. Such notice shall be sent to the owners and addresses as listed in the office of the County Treasurer and may also be mailed or delivered as the Town Marshall determines, including service by the Town Marshall or other Town employee upon owners or other parties with an interest in the property. If the owners do not correct the violation within ten (10) days of notice being issued or otherwise request a reasonable abatement time frame, the Town Marshall may cause Town employees or contractors to enter upon the property and correct the violation. (Ord. 2010-002, S6.06.030, Feb. 8, 2010)

6.06.040 Penalty for violation. Any property owners in violation of this Chapter shall pay a penalty for violation in the sum of One Hundred and 00/100 Dollars (\$100.00), which penalty amount will be noted in the written notice of violation, and shall be payable within ten (10) days of issuance. All property owners shall be jointly and severally liable for payment of such penalty. (Ord. 2010-002, S6.06.040, Feb. 8, 2010) (Ord. 5, S2, July 6, 1903)

6.06.050 Payment of costs and fees. The Clerk Treasurer shall issue a bill for all costs incurred in correcting a violation of this Chapter, including removal costs and administrative costs. Issuance of such a bill shall be to property owners in the same manner as notice of violation. If such bill is not paid within ten (10) days of issuance, the Clerk-Treasurer shall file a lien against the property for the costs of removal plus any administrative costs incurred. (Ord. 2010-002, S6.06.050, Feb. 8, 2010)

6.06.060 Rights of appeal. Property owners or other responsible parties shall have the right to appeal the issuance of a notice of violation, penalty, or issuance of a bill, provided they file a written appeal with the Clerk-Treasurer within ten (10) days of the issuance of a notice or bill. All appeals will be scheduled and heard by the Town Council. The Town Council may modify, condition or withdraw the notice of violation, penalty, or bill in any manner they deem appropriate. (Ord. 2010-002, S6.06.060, Feb. 8, 2010)

6.06.070 Reservation of all other rights. Nothing in this Chapter shall be constructed to limit the Town's enforcement of this Chapter, including the Town's right to seek immediate injunctive relief in emergencies or to respond to repeated violations. The Town may pursue all or some of its remedies as allowed by law, and no failure on the part of the Town to pursue some or all of its remedies for any particular violation shall affect its rights or remedies as to any future violation related to the same or different owners or the same or different property. The Town may recover its attorney fees and costs expended to enforce or defend its enforcement activities. (Ord. 2010-002, S6.06.070, Feb. 8, 2010)

6.06.080 Provisions severable. If any section or part of this Chapter is declared invalid or unconstitutional by any court of competent jurisdiction, such section or part shall be deemed separate, distinct and independent and such holding shall not affect the validity of any remaining sections or parts which can be given full force and effect. (Ord. 2010-002, S6.06.080, Feb. 8, 2010)

6.06.090 Effective date. This Chapter shall be in full force and effect upon its passage and thirty (30) days after its publication as provided by law. (Ord. 2010-002, S6.06.090, Feb. 8, 2010)

Chapter 6.07

HOG PENS

Sections:

- 6.07.010** **Location of hog pens/Inspection by Health Officer**
- 6.07.020** **Penalty for violation**

6.07.010 Location of hog pens/Inspection by Health Officer. It shall be unlawful for any person or persons within the corporate limits of the Town of Milltown, Crawford and Harrison Counties, to build keep or permit any hog pen on his or her premises within 100 feet of any residence, and further, any hog pens within said town shall be under the inspection of the Health Officer of said town. (Ord. 28, S1, April 4, 1921) (Ord. 5, S1, July 6, 1903)

6.07.020 Penalty for violation. Any person or persons violating the provisions of this Ordinance shall be liable to a fine of One Hundred and 00/100 Dollars for each and every day said person or persons, violate the provisions of this Ordinance or permits any nuisance to remain upon his or her premises within the corporate limits of said town, after having been duly notified in writing by the Marshal of said town, to remove or discontinue the same. The same to be recovered according to law. (Ord. 2010-002, Feb. 8. 2010) (Ord. 28, S2, April 4, 1921) (Ord. 5, S2, July 6, 1903)

Chapter 6.08

NO DUMPING ON STREETS, ROADWAY, ALLEY OR RIGHT-OF-WAY

Sections:

6.08.010	No Dumping
6.08.020	Penalty

6.08.010 No Dumping. It shall be unlawful for any person, firm, corporation or unincorporated association to dump, track or deposit, or permit or cause to be dumped, tracked or deposited any mud, gray, rocks, concrete or other debris upon any street, roadway, alley or right-of-way in the Town of Milltown. (Ord. 2004-03, S1, July 12, 2004)

6.08.020 Penalty. Any person, firm, corporation or unincorporated association found in violation the terms of this ordinance shall be fined \$300.00 (Three Hundred Dollars) for each violation. The personnel of the police department of the Town of Milltown, upon finding a violation of this ordinance, shall deliver a Violation Notice to the violator setting forth the amount of the fine, which shall be paid to the Clerk-Treasurer within seventy-two (72) hours of said notice. If the fine is not paid within 72 hours, the Town of Milltown shall have the authority to file said violation in the appropriate court for prosecution or collection, including court cost. (Ord. 2004-03, S2, July 12, 2004)

Chapter 6.12

DEPOSIT OF TRASH, GARBAGE, INTO STREETS, ALLEYS, PUBLIC PLACES, ETC. PROHIBITED

Sections:

6.12.010 Debris and rubbish in streets prohibited; fine

6.12.010 Debris and rubbish in streets prohibited; fine. That whoever puts, throws, dumps or leaves any tin cans, old iron, brush, rubbish, tools, machinery, brick, wood, logs, glass, glassware, glass bottles, glass jars, broken glass, broken glassware, broken china, dead animals, fowls, garbage or debris of any kind or character whatsoever, in, upon, or within the limits of any public street, alley or public property or within the limits of the property of any person without consent of the owner, shall upon conviction be fined not less than Fifty Dollars (\$50.00) for the first offense, nor more than One Hundred Dollars (\$100.00) for any second or subsequent offense. (Ord. 2010-002, S6.12.010, Feb. 8, 2010) (Ord. 1-1968, No date) (Ord. 6, S1 & 2, July 6, 1903)

Chapter 6.13

ACCUMULATION OF TRASH ON PRIVATE PROPERTY

Sections:

6.13.010	Violation defined
6.13.015	Inoperable vehicle defined
6.13.020	Removal notice
6.13.030	Abatement
6.13.040	Lien for expenses to abate public nuisance
6.13.050	Foreclosure for nonpayment of lien

6.13.010 Violation defined. From and after the effective date of this ordinance, it shall be unlawful for any person, organization, corporation or other entity to accumulate or to allow to accumulate trash, debris, junk, garbage, inoperable vehicles, salvage of any other refuse within 300 feet of their property lines which adjoin a public street, highway, alley and any other public thoroughfare and within 200 feet of all other property lines, unless said debris is contained within a fully enclosed structure. Such accumulation is a serious hazard to the public health and safety and the general welfare of the community and is a public nuisance. (Ord. 1-1987, S1, April 6, 1987)

6.13.015 Inoperable vehicle defined. For purposes of this ordinance an Inoperable vehicle shall be defined as a vehicle that is not capable to being able to travel upon the public roads and/or a vehicle that is not licensed. (Ord. 1-1987, Amendment, April 6, 1987)

6.13.020 Removal notice. Notice required under this is considered received by the owner of person in possession of the real estate if said notice is sent by mail, on the earlier of: the date of signature of receipt of the mailing or three 3 business days after the mailing; or if served personally, on the date of delivery.

With regard to inoperable vehicles, the affixing of an orange sticker on said inoperable vehicle by the Marshal or his/her designee shall constitute sufficient notice to the owner of the inoperable vehicle of the violation of this chapter and sufficient notice to abate the public nuisance (Ord. 2010-002, S6.13.020, Feb. 8, 2010) (Ord. 1-1987, S2, April 6, 1987)

6.13.030 Abatement. If the person so served does not abate the public nuisance within ten (10) days from the date of said notice, the Town of Milltown may proceed to abate such nuisance, keeping an account of the expenses of the abatement and such expenses shall be charged to the owner of said property pursuant to I. C. 36-1-6-2 and any amendments thereto. (Ord. 1-1987, S3, April 6, 1987)

6.13.040 Lien for expenses to abate public nuisance. Expenses for such debris removal, including a municipal administrative fee of Twenty-five Dollars (\$25.00) per nuisance abatement, shall be a lien upon the property. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the Clerk-Treasurer may file with the Recorder of the County in which said real estate shall lie, a statement of lien claim. This

statement shall contain a legal description of the premises, the expenses and cost incurred and the date the work was completed and a notice that the Town of Milltown claims a lien for said amount. Notice of such lien claim shall be mailed to the owner of the premises, if the owner's address is known; provided, however, that failure of the Clerk-Treasurer to record such lien claim, or to mail such notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 6.13.050. (Ord. 2010-002, S6.13.040, Feb. 8, 2010) (Ord. 1-1987, S4, April 6, 1987)

6.13.050 Foreclosure for nonpayment of lien. The property subject to a lien for unpaid charges as aforesaid shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure actions shall be brought in the name of the Town of Milltown. The town attorney is authorized and directed to institute such proceedings in any court having jurisdiction of such matters, against any property for which the bill has remained unpaid sixty (60) days after the filing of the notice of lien as aforesaid. (Ord. 1-1987, S5, April 6, 1987)

Chapter 6.15

PERMIT FOR REFUSE COLLECTION AND DISPOSAL

Sections:

- 6.15.010 Permit**
- 6.15.020 Fee for permit**

6.15.010 Permit. Anyone that engages in the business of collecting garbage and refuse and disposal of same, for hire, from the Corporate limits of the Town of Milltown, Indiana, must have a permit issued by the Board of Trustees. (Ord. 8-72, S1, Aug. 28, 1972)

6.15.020 Fee for permit. The permit to so operate will require a fee of \$100.00 annually. (Ord. 8-72, S2, Aug. 28, 1972)

Chapter 6.16

EXCLUSIVE RIGHT FOR SOLID WASTE COLLECTION

Sections:

- 6.16.010 Ordinance established**
- 6.16.020 Sealed bids for exclusive right to provide solid waste collection services**
- 6.16.030 Costs/Billing**
- 6.16.040 Late charge**
- 6.16.050 Solid Waste Collection and Disposal Fund**

6.16.010 Ordinance established. There is hereby established an ordinance for the delivery of solid waste collection and disposal to and for the Incorporated Town of Milltown. (Ord. 2000-1, S1, Feb. 12, 2000)

6.16.020 Sealed bids for exclusive right to provide solid waste collection services. Upon review of sealed bids submitted to the Incorporated Town of Milltown, Rumpke of Indiana, LLC was awarded the exclusive right to provide solid waste collection services for residential and commercial units within the Incorporated Town of Milltown. (Ord. 2000-1, S2, Feb. 12, 2000)

6.16.030 Costs/Billing. The total cost of weekly collection and disposal of solid waste residential and small business unit/s is established at Nine and 50/100 Dollars (\$9.50), i.e., (\$7.00 for collection and disposal, \$1.75 for use of 90 gallon wastewheeler and \$0.75 for administrative costs incurred by the Town of Milltown) per month with said cost billed to the residential and small business unit/s, by the Town of Milltown, as a municipal utility service, e.g. water and sewer service. (Ord. 2000-1, S3, Feb. 12, 2000)

6.16.040 Late charge. Failure to make timely payment for said solid waste collection and disposal shall result in a monthly late charge in the amount of ninety-five cents (0.95) which shall appear on the residential and/or commercial municipal utility service monthly billing statement. (Ord. 2000-1, S4, Feb. 12, 2000)

6.16.050 Solid Waste Collection and Disposal Fund. In order to insure the delivery of solid waste collection and disposal to and for the Incorporated Town of Milltown, to properly administer and account for payment received and disbursed and to comply with any requirements of the Indiana State Board of Accounts a Solid Waste Collection and Disposal Fund is hereby established in the operating budget of the Incorporated Town of Milltown. See also Chapter 1.42. (Ord. 2000-1, S5, Feb. 12, 2000)

Chapter 6.17

OPEN BURNING

Sections:

6.17.010	Definitions
6.17.020	Open burning prohibited
6.17.030	Exceptions to prohibition on open burning
6.17.040	General Requirements
6.17.050	Penalty for violation

6.17.010 Definitions.

- (1) Open burning - all fires of any kind located within the incorporated Town of Milltown, Indiana and outside of a permanent building structure.
- (2) Wood products - material consisting of, or wholly derived from, wood or vegetation. (Ord. 96-004, S1, July 8, 1996)

6.17.020 Open burning prohibited. No person, firm or corporation or not-for-profit organization shall openly burn any material within the Town of Milltown except as allowed by this ordinance. (Ord. 96-004, S2, July 8, 1996)

6.17.030 Exceptions to prohibition on open burning.

- (1) Open burning of wood products, except for leaves, shall be allowed for the following:
 - A. school pep rallies;
 - B. fires used for cooking purposes;
 - C. fires used in scouting activities;
 - D. fires for purposes of fire training by a fire department;
 - E. upon permit from the Town Council.
- (2) Open burning of non-wood products shall only be allowed pursuant to a permit issued by the Indiana Air Pollution Control Board, the Indiana Department of Environmental Management, and permit issued by the Town Council. The Town Council is hereby authorized to review any such applications and issues these only a public meetings before the Town Council.

- (3) Otherwise non-allowed burning shall be allowed by special permit issued by the Town Council upon conditions established by the Council and the payment of a special permit fee not to exceed \$250.00 by the applicant which shall be paid to the Clerk-Treasurer. (Ord. 96-004, S3, July 8, 1996)

6.17.040 General Requirements. All allowable open burning shall conform to this section unless exempted by the Town Council.

- (1) Fires shall be attended at all times by appropriate personnel until completely extinguished.
- (2) All fires shall be contained so as not to create a hazard to adjoining property.
- (3) The fires shall be allowed to burn only under favorable weather conditions such as when there is not wind or only relatively calm winds are blowing, when smoke is not to be carried toward heavily populated areas, and when there is no thermal inversion.
- (4) No fires shall be kindled or maintained on a public right-of-way.
- (5) All allowable fires shall be located at least 50 feet away from any building, except that fires used for cooking purposes shall only be maintained at a safe distance from any structure. (Ord. 96-004, S4, July 8, 1996)

6.17.050 Penalty for violation. Any violation of this ordinance shall be punishable by a civil fine not to exceed \$150.00. Each event of noncompliance shall constitute a separate violation. (Ord. 96-004, S5, July 8, 1996)

Chapter 6.18

CYCLING ON SIDEWALKS

Sections:

- 6.18.010** **Unlawful to ride bicycle on sidewalk**
- 6.18.020** **Penalty for violation**

6.18.010 Unlawful to ride bicycle on sidewalk. That it shall be unlawful for any person to ride a bicycle on the sidewalks of the town of Milltown, Indiana. (Ord. 21, S1, May 5, 1913.)

6.18.020 Penalty for violation. Any person violating Section 6.18.010 of this Chapter shall be liable to a fine of not less than \$5.00 nor more than \$25.00. (Ord. 21, S2, May 5, 1913.)

Chapter 6.20

SPEED OF TRAINS

Sections:

- 6.20.010 **Maximum speed limit**
- 6.20.020 **Penalty for violation**

6.20.010 Maximum speed limit. It shall be unlawful for any person, firm or corporation, to operate any railroad train, in or through any part of the Incorporated Limits of said Town at a speed greater than twenty-five miles per hour, and this ordinance shall and does apply to any full train, of engine and cars, or any part thereof, operating upon any main or side-track. (Ord. unnumbered, S1, Feb. 5, 1940)

6.20.020 Penalty for violation. Any person, firm or corporation who shall violate any part of this ordinance, shall be fined in any sum not less than Five Dollars nor more than Twenty-five Dollars, for each offense. (Ord. unnumbered, S2, Feb. 5, 1940)

Chapter 6.35

WEED ABATEMENT

Sections:

6.35.005	Purpose
6.35.010	Weed height
6.35.020	Determination that public nuisance exists
6.35.030	Notice of violation
6.35.040	Penalty for violation
6.35.050	Payment of costs and fees
6.35.060	Rights of appeal
6.35.070	Reservation of all other rights
6.35.080	Provisions severable

6.35.005 Purpose. The Council of the Town of Milltown, Indiana, has the responsibility and jurisdiction to prevent the existence of nuisances with said Town and to eliminate conditions which might be harmful to public health and safety. The Town Council finds it to be in the best interest of the health and safety of the citizens of the Town of Milltown, that certain weeds, grasses and plants to be controlled pursuant to IC 38-7-10-1-3. (Ord. 03-1998, Whereas, Mar. 10, 1998)

6.35.010 Weed height. It is unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve inches in any residential or business area within the Town of Milltown. Plants or weeds exceeding such height are hereby declared to be a nuisance. This ordinance does not however apply to agriculture crops, but shall include abandoned farm fields. (Ord. 03-1998, S1, Mar. 10, 1998)

6.35.020 Determination that public nuisance exists. The Town Council shall make an initial determination that the keeping of fertilizer, privy or some other thing or the conduct of some activity constitutes a sufficiently public common nuisance of a serious enough nature to warrant use of the Town's police power to penalize or abate the nuisance. As part of its determination, the Town will seek to avoid involvement in private nuisances affecting single or limited property owners. (Ord. 2010-002, S6.35.020, Feb. 8, 2010)

6.35.030 Notice of violation. Upon a determination of the existence of a public nuisance, the Town Marshall or his designated representative shall send a written notice of violation of this Chapter along with a copy of the Chapter. Such notice shall be sent to the owners and addresses as listed in the office of the County Treasurer and may also be mailed or delivered as the Town Marshall determines including service by the Town Marshall or other Town employee upon owners or other parties with an interest in the property. If the owners do not correct the violation within ten (10) days of notice being issued or otherwise request a reasonable abatement time frame, the Town Marshall may cause Town employees or contractors to enter upon the property and correct the violation. (Ord. 2010-002, S6.35.030, Feb. 8, 2010)

6.35.040 Penalty for violation. Any property owners in violation of this Chapter shall pay a penalty for violation in the sum of One Hundred and 00/100 Dollars (\$100.00), which penalty amount will be noted in the written notice of violation, and shall be payable within ten (10) days of issuance. All property owners shall be jointly and severally liable for payment of such penalty. (Ord. 2010-002, S6.35.040, Feb. 8, 2010)

6.35.050 Payment of costs and fees. The Clerk Treasurer shall issue a bill for all costs incurred in correction a violation of this Chapter including removal costs and administrative costs. Issuance of such a bill shall be to property owners in the same manner as notice of violation. If such bill is not paid within ten (10) days of issuance, the Clerk-Treasurer shall file a lien against the property for the costs of removal plus any administrative costs incurred. (Ord. 2010-002, S6.35.050, Feb. 8, 2010)

6.35.060 Rights of appeal. Property owners or other responsible parties shall have the right to appeal the issuance of a notice of violation, penalty, or issuance of a bill, provided they file a written appeal with the Clerk-Treasurer within ten (10) days of the issuance of a notice or bill. All appeals will be scheduled and heard by the Town Council. The Town Council may modify, condition or withdraw the notice of violation, penalty, or bill in any manner they deem appropriate. (Ord. 2010-002, S6.35.060, Feb. 8, 2010)

6.35.070 Reservation of all other rights. Nothing in this Chapter shall be constructed to limit the Town's enforcement of this Chapter, including the Town's right to seek immediate injunctive relief in emergencies or to respond to repeated violations. The Town may pursue all or some of its remedies as allowed b law and no failure on the part of the Town to pursue some or all of its remedies for any particular violation shall affect its rights or remedies as to any future violation related to the same or different owners or the same or different property. The Town may recover its attorney fees and costs expended to enforce or defend its enforcement activities. (Ord. 2010-002, S6.35.070, Feb. 8, 2010)

6.35.080 Provisions severable. If any section or part of this Chapter is declared invalid or unconstitutional by any court of competent jurisdiction such section or part shall be deed separate, distinct and independent and such holding shall not affect the validity of any remaining sections or parts which can be given full force and effect. (Ord. 2010-002, S6.35.080, Feb. 8, 2010)

Chapter 6.40

UNSAFE BUILDINGS

Sections:

6.40.010	Establishing Unsafe Building Law
6.40.020	Indiana Code adopted by reference
6.40.030	Nuisance declared
6.40.040	Proceedings for repair or removal
6.40.050	Enforcement
6.40.060	Unsafe building defined
6.40.070	Substantial property interest defined
6.40.080	Reconstruction work in good workman-like manner
6.40.090	Unsafe Building Fund
6.40.100	Penalty for violation
6.40.110	Separability of provisions

6.40.010 Establishing Unsafe Building Law. Under the provisions of Indiana Code 36-7-9, there is hereby established the Town of Milltown Unsafe Building Law. (Ord. 2000-3, S1, Nov. 13, 2000)

6.40.020 Indiana Code adopted by reference. Indiana Code 36-7-9-1 through 36-7-9-28, as amended or recodified, is hereby adopted by reference as the Town of Milltown Unsafe Building Law. All proceedings within the Town of Milltown for the inspection, repair, removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28 then the provisions of the state statute shall control. (Ord. 2000-3, S2, Nov. 13, 2000)

6.40.030 Nuisance declared. All buildings or portions thereof within the Town of Milltown which are determined after inspection by the building commissioner to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. (Ord. 2000-3, S3, Nov. 13, 2000)

6.40.040 Proceedings for repair or removal. The Common Council or any person designated by the Common Council shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. (Ord. 2000-3, S4, Nov. 13, 2000)

6.40.050 Enforcement. Whatever in the building regulation of the Town of Milltown or Town of Milltown Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Common Council, or any other officer of the Town of Milltown, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as

to what such regulation or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. 2000-3, S5, Nov. 13, 2000)

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

- (1) Unsafe Building. Any building or structure which any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.
 - A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic. (Ord. 2000-3, S6(a), Nov. 13, 2000)
 - B. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location. (Ord. 2000-3, S6(b), Nov. 13, 2000)
 - C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location. (Ord. 2000-3, S6(c), Nov. 13, 2000)
 - D. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property. (Ord. 2000-3, S6(d), Nov. 13, 2000)
 - E. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings. (Ord. 2000-3, S6(e), Nov. 13, 2000)
 - F. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in

the case of similar new construction. (Ord. 2000-3, S6(f), Nov. 13, 2000)

- G. Whenever the building or structure, or any portion thereof because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse. (Ord. 2000-3, S6(g), Nov. 13, 2000)
- H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used. (Ord. 2000-3, S6(h), Nov. 13, 2000)
- I. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that the plumb line passing through the center of gravity does not fall inside the middle one-third of the base. (Ord. 2000-3, S6(i), Nov. 13, 2000)
- J. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings. (Ord. 2000-3, S6(j), Nov. 13, 2000)
- K. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purposes of committing unlawful acts. (Ord. 2000-3, S6(k), Nov. 13, 2000)
- L. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specified requirement or prohibition applicable to such building or structure provided by building regulations of the Town, or of any law or ordinance of this state or the Town of Milltown relating to the condition, location, or structure of buildings. (Ord. 2000-3, S6(l), Nov. 13, 2000)
- M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location. (Ord. 2000-3, S6(m), Nov. 13, 2000)

- N. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Official to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease. (Ord. 2000-3, S6(n), Nov. 13, 2000)

- O. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause is determined by the fire official to be a fire hazard. (Ord. 2000-3, S6(o), Nov. 13, 2000)

- P. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 2000-3, S6(P), Nov. 13, 2000)

6.40.070 Substantial property interest defined. The definition of "substantial property interest" set forth in I.C. 36-7-9-2, as amended or recodified, is hereby incorporated by reference herein as if copied in full. (Ord. 2000-3, S7, Nov. 13, 2000)

6.40.080 Reconstruction work in good workman-like manner. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workman-like manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Common Council (or its designee) of the Town of Milltown, Indiana. (Ord. 2000-3, S8, Nov. 13, 2000)

6.40.090 Unsafe Building Fund. An Unsafe Building Fund is hereby established in the operating budget of the Town of Milltown in accordance with I.C. 36-7-9-14. (Ord. 2000-3, S9, Nov. 13, 2000)

6.40.100 Penalty for violation. No person, firm, or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Town. Any person violating the provisions of this ordinance or I.C. 36-

7-9-28 shall commit a Class C infraction for each day such violation continues. (Ord. 2000-3, S10, Nov. 13, 2000)

6.40.110 Separability of provisions. 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 be severed from the invalid portion and shall remain in full force and effect. (Ord. 2000-3, S11, Nov. 13, 2000)

Chapter 6.42

REGULATING THE SALE, POSSESSION, AND USE OF SYNTHETIC CANNABINOID

Sections:

- 6.42.010 Definitions
- 6.42.020 Sale of synthetic cannabinoids prohibited
- 6.42.030 Enforcement
- 6.42.040 Defenses

6.42.010 Definitions. Synthetic Cannabinoid. As used in this chapter, the term "synthetic cannabinoid" means any of the following:

- (1) All or parts of the plant presently classified botanically as *Salvia divinorum*, whether growing or not, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or its extracts.
- (2) HU-210, a substance also known as (6aR, 10aR)-9-(Hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol;
- (3) JWH-018, a substance also known as Naphthalen-1-yl-(1-pentylindol-3-yl) methanone;
- (4) JWH-073, a substance also known as Naphthalen-1-yl-(butylindol-3-yl) methanone;
- (5) TFMPP, a substance also known as 1-[3-(trifluoromethyl) phenyl] piperazine;
- (6) Cannabicyclohexanol, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol;
- (7) CP47,497, a substance also known as 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol;
- (8) JWH-250, a substance also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone;
- (9) Structural analogs of any of these substances; and
- (10) Any herbal-based substance sold under the name of K2, Spice, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire "N" Ice, Pulse, Solitude, or Voodoo, or any other herbal-based substance containing any of the foregoing described substances. (Ord. 2010-03, S8.01, Dec. 30, 2010)

6.42.020 Sale of synthetic cannabinoids prohibited. A person may not sell, barter, give, publicly display for sale, or attempt to sell, give, or barter, or possess any synthetic cannabinoid. (Ord. 2010-03, S8.02, Dec. 30, 2010)

6.42.030 Enforcement.

- (1) The Milltown Police Department is responsible for the interpretation and civil enforcement of this chapter.
- (2) Enforcement personnel from the Milltown Police Department may seize and destroy synthetic cannabinoids that are in violation of this chapter.
- (3) A person in violation of this chapter shall be fined two hundred fifty (\$250.00). Each day a violation occurs or continues constitutes a separate offense. (Ord. 2010-03, S8.03, Dec. 30, 2010)

6.42.040 Defenses.

- (1) It is a defense under this Chapter that a person otherwise in violation is acting at the direction of an authorized agent of the Town of Milltown to enforce or ensure compliance with this Chapter.
- (2) It is a defense under this Chapter that a person otherwise in violation is acting, with respect to the violation, under the direction or prescription of a person who holds an unlimited license to practice medicine under Indiana Code 22-22.5 or a license to practice dentistry under Indiana Code 25-14.
- (3) It is a defense under this Chapter that a person otherwise in violation is acting, with respect to the violation, in connection with a bone fide research or scientific endeavor funded by public entities or non-profit organizations. (Ord. 2010-03, S8.040, Dec. 30, 2010)

Chapter 6.45

CURFEW

Sections:

- 6.45.010 Children age 15, 16, or 17
- 6.45.020 Children under the age of 15
- 6.45.030 Exceptions

6.45.010 Children age 15, 16, or 17. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place: after 11:00 p.m. and before 6:00 a.m., local time, on any day of the week. (Ord. 96-007, S(a), May 13, 1996)

6.45.020 Children under the age of 15. It is a curfew violation for a child under the age of fifteen (15) years of age to be in a public place after 10:00 p.m. or before 6:00 a.m., local time, on any day of the week. (Ord. 96-007, S(b), May 13, 1996)

6.45.030 Exceptions. Said curfew times do not apply to a child who is:

- (1) accompanied by his parent, guardian, or custodian;
- (2) accompanied by an adult specified by his parent, guardian, or custodian; or
- (3) participating in, going to, or returning from:
 - A. lawful employment
 - B. a school sanctioned activity; or
 - C. a religious event

(Ord. 96-007, S(c), May 13, 1996)

Chapter 6.47

CONDUCT ON BLUE RIVER BRIDGE

Sections:

- 6.47.010 **Conduct on Bridge**
- 6.47.020 **Penalty for violation**

6.47.010 Conduct on Bridge. The Town Council finds that congregating, diving, loitering, jumping into said river from county Bridge 123 is prohibited. The Bridge is used for vehicle traffic, foot travel, support of water, sewage and gas lines for said town and counties. (Ord. 96-008, Aug. 12, 1996)

6.47.020 Penalty for violation. There shall be a fine of fifty (50) dollars levied on each person charged and admitting guilt. Contested violations shall be referred to the County Court having jurisdiction. All fines are payable at the Town Hall to the Fines Clerk and all money from such fines deposited into the General Fund. (Ord. 96-008, Aug. 12, 1996)

Chapter 6.48

CONDUCT ON MILL LOT

Sections:

- 6.48.010 Rules of Conduct
- 6.48.020 Penalty for violation

6.48.010 Rules of Conduct. There has been misconduct of various kinds on certain property belonging to the Town of Milltown and know as the “Mill Lot”, be it therefore ordained that with respect to the following described real estate situate in the Town of Milltown, Indiana;

All that part of Mill Lot lying west of the bridge crossing Big Blue River and bounded on the west by a line extending through the alley between Mill Street and Main Street to said river; on the north by the road leading from Milltown to New Albany; on the south by Big Blue River at the line dividing Crawford and Harrison Counties, but excepting therefrom a tract 95 feet by 66 feet sold to Merritt Wilkins and described as follows: starting 20 feet from the Wm. F. Boldt property line, thence running with the said Milltown and New Albany Road, with a frontage of 95 feet, thence southwest with granary location to stake at end of small building location, 66 feet from end of the granary location, thence northwest to within 20 feet of the said Wm. F. Boldt property line; the 20 feet set out above being a public alley, thence with the line to the road to the place of beginning,

It shall be an offense:

- (1) To bring upon, to possess or to abandon on the above described property any alcoholic beverage;
- (2) To loiter on the said real estate between the hours of 11:00 p.m. and 7:00 a.m., Eastern Standard Time.

(Ord. 15-1980, No date)

6.48.020 Penalty for violation. Any person violating any provision of this ordinance may be fined in an amount not to exceed \$25.00. (Ord. 15-1980, No date)

Chapter 6.50

DISCHARGE OF FIREARMS

Sections:

6.50.010	Definitions
6.50.020	Discharge of firearm prohibited
6.50.030	Exceptions to prohibition on discharging firearm
6.50.040	Penalty for violation

6.50.010 Definitions.

- (1) Firearm - means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion. (Ord. 96-003, S1, July 8, 1996)

6.50.020 Discharge of firearm prohibited. It shall be unlawful for any person to discharge a firearm within the town limits of the incorporated Town of Milltown, Indiana. (Ord. 96-003, S2, July 8, 1996)

6.50.030 Exceptions to prohibition on discharging firearm.

- (1) Marshals, Sheriffs or Law enforcement officers who, during the course of his/her duties, discharges a firearm within the town limits, of the incorporated Town of Milltown;
- (2) Military Rites conducted within the town limits of the incorporated Town of Milltown;
- (3) Persons or organizations who or which conduct shooting matches or other events involving the discharge of firearms with the town limits of the incorporated Town of Milltown shall petition the Town Board for a waiver from enforcement of Ordinance 96-003. Said petition shall be presented to the Town Board at the Boards regular monthly meeting not less than sixty (60) days prior to the event. The petitioning party must be bonded or carry liability insurance in an amount not less than \$100,000.00.

The petitioning patty shall execute a release of liability which shall indemnify and hold the incorporated Town of Milltown, members of the Town Board and town employees harmless from any and all liability relative to the event in which firearms are discharged. (Ord. 96-003, S3, July 8, 1996)

6.50.040 Penalty for violation. Any person, firm, corporation or not-for-profit organization who or which, in violation of Ordinance No: 96-003, discharges a firearm within the town limits of the incorporated Town of Milltown shall be subject to the following penalties

- (1) a civil fine not to exceed \$150.00; and/or
- (2) forfeiture of the firearm or firearms discharged.

(Ord. 96-003, S4, July 8, 1996)

Chapter 6.60

CRAWFORD COUNTY MULTI-HAZARD MITIGATION PLAN

Sections:

- 6.60.010 Natural Hazards**
- 6.60.020 Pre-disaster migration actions**
- 6.60.030 Future funding for mitigation projects**
- 6.60.040 Participation by Town**
- 6.60.050 Adoption**
- 6.60.060 Submission of Mitigation Plan to IDHS and FEMA**

6.60.010 Natural Hazards. Milltown recognizes the threat that natural hazards pose to people and property. (Res. 2006-5, Whereas, July 10, 2006)

6.60.020 Pre-disaster migration actions. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars. (Res. 2006-5, Whereas, July 10, 2006)

6.60.030 Future funding for mitigation projects. An adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects. (Res. 2006-5, Whereas, July 10, 2006)

6.60.040 Participation by Town. Milltown participated jointly in the planning process with the other local units of government within the County to prepare an Multi-Hazard Mitigation Plan. (Res. 2006-5, Whereas, July 10, 2006)

6.60.050 Adoption. Milltown hereby adopts the Crawford County Multi-Hazard Mitigation Plan as an official plan. (Res. 2006-5, S1, July 10, 2006)

6.60.060 Submission of Mitigation Plan to IDHS and FEMA. The Crawford 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. 2006-5, S2, July 10, 2006)

Chapter 6.61

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Sections:

6.61.010	Establishment
6.61.020	NIMS Operations
6.61.030	Prior Ordinances
6.61.040	Separability
6.61.050	Effective Date

6.61.010 Establishment. That the Town Board of Milltown, Indiana does hereby establish the National Incident Management System (NIMS) as the town's official incident response system and as its standard for incident management. (Ord. 2007-3, S1, Sept. 17, 2007)

6.61.020 NIMS Operations. That all incident managers and response organizations under the jurisdiction and control of the Town Board shall train, exercise and use NIMS in their response operations. (Ord. 2007-3, S2, Sept. 17, 2007)

6.61.030 Prior Ordinances. All ordinances and/or parts of ordinance in conflict herewith are hereby repealed. (Ord. 2007-3, S3, Sept. 17, 2007)

6.61.040 Separability. If any section, sub-section, sentence, clause, phase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions there under. (Ord. 2007-3, S4, Sept. 17, 2007)

6.61.050 Effective Date. The Ordinance shall be in full force and effect from and after the passage by the Town Board of Milltown, Indiana and completion of any other legal requirements, all in the manner as provided by law. (Ord. 2007-3, S5, Sept. 17, 2007)