

TITLE 7

PUBLIC PEACE, HEALTH AND SAFETY

Title 7

PUBLIC PEACE, HEALTH AND SAFETY

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Chapter 7.07

LITTER

Sections:

7.07.010	Definition
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7.07.030	Enforcement

7.07.010 Definition. Any man-made or man-used waste which includes, but is not limited to, garbage; trash; refuse; debris; grass clippings, or other lawn or garden waste; paper products; glass, metal, plastic or paper containers; motor vehicle parts; furniture and appliances; carcasses of dead animals; or any other waste material of an unsightly, unsanitary, nauseous, or offensive nature.

Parts, machinery, and supplies which are the personal property of, located on, and used in, a lawful business on the premises, are not considered litter under this Ordinance. (Ord. 1997-6, Chapter I, S1, Oct. 20, 1997)

7.07.020 Acts and Conditions Prohibited.

- (1) The placing, causing or allowing to be thrown or disposed of, any litter along or on any public place, except in authorized litter receptacles, maintained on such public place or public property, including from a passenger or truck or other vehicle, which permits its load to fall from or be blown from, the vehicle.
- (2) The placing, causing or allowing to be thrown or disposed of, or the accumulation of, litter on private premises, such that the litter, or deterioration or decomposition therefrom, can be carried or deposited by the elements upon any public place or other private premises. This subsection shall into apply to parts, machinery, and supplies which are the personal property of, and are used in, a lawful business on the premises. (Ord. 1997-6, Chapter I, S2, Oct. 20, 1997)

7.07.030 Enforcement. Any person who creates or maintains any nuisance prohibited by Section 7.07.020, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 7.32, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The City of Petersburg shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1997-6, Chapter I, S3, Oct. 20, 1997)

Chapter 7.08

GARBAGE AND WASTE MATERIALS

Sections:

7.08.010	Definitions
7.08.020	Uncovered Garbage
7.08.030	Wind-blown Refuse
7.08.040	Deposits on Streets
7.08.050	Consent of Owners
7.08.060	Disposal
7.08.090	Penalty

7.08.010 Definitions. As used in this Ordinance, the words "garbage", "refuse", and "ashes", have the following meanings:

- (1) Garbage. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- (2) Refuse. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations, such as food processing wastes, boilerhouse cinders, lumber, scraps and shavings.
- (3) Ashes. Residue from fires used for cooking and for heating buildings. (Ord. 1972-2, S1, Apr. 17, 1972)

7.08.020 Uncovered Garbage. It shall be unlawful to place or permit to remain anywhere in the City, any garbage or other material subject to decay, other than leaves or grass, except in a tightly covered metal, or plastic container. Said container may only be placed "curbside" or outside of the immediate vicinity of a structure, within 24 hours of its pickup or disposal by a disposal service. (Ord. 2012-16, Sept. 17, 2012) (Ord. 1972-2, S2, Apr. 17, 1972)

7.08.030 Wind-blown Refuse. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a materiel that it can be blown away by the wind anywhere in the City excepting in a covered container. (Ord. 1972-2, S3, Apr. 17, 1972)

7.08.040 Deposits on Streets. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City; provided, that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container of metal, plastic, or plastic bags, so long as the same is properly sealed, preparatory to having such material collected and disposed of by a private company providing such service, so long as the same is not placed prior to 16 hours before collection. (Ord. 2008-19, Dec. 15, 2008) (Ord. 1972-2, S4, Apr. 17, 1972)

7.08.050 Consent of Owner. It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the City without the consent of the owner of such premises. (Ord. 1972-2, S5, Apr. 17, 1972)

7.08.060 Disposal. It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the City excepting in an incinerator, or disposal device, properly constructed and operated or in a lawfully established garbage or refuse dump. Such material not so properly disposed of shall be placed in containers for collection by the City as hereinafter prescribed. (Ord. 1972-2, S6, Apr. 17, 1972) (Ord. Mar. 3, 1924)

7.08.090 Penalty. Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than five dollars nor more than two hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

The fact that garbage, refuse or ashes remains on any occupancy's premises in the City in violation of this Ordinance shall be prima facie evidence that the occupant of such premises is responsible for the violation of this Ordinance occurring. (Ord. 1972-2, S9, Apr. 17, 1972)

Chapter 7.09

REGULATING TRASH DUMPSTERS IN RESIDENTIAL DISTRICTS

Sections:

7.09.010	Dumpster defined
7.09.020	Dumpsters Not Permitted
7.09.030	Temporary dumpster
7.09.040	Permanent exemption
7.09.050	Penalty
7.09.060	Effective date

7.09.010 Dumpster defined. This ordinance applies to those areas of the City zoned as residential districts, where a dumpster is located within 150 feet of a dwelling. A Dumpster is defined as any trash receptacle exceeding 100 gallon capacity. (Ord. 2009-6, S1, Sept. 21, 2009)

7.09.020 Dumpsters Not Permitted. Dumpsters will not be permitted, except as hereinafter provided, on any property zoned as a residential district where said dumpster is located within 150 feet of a dwelling (Ord. 2009-6, S2, Sept. 21, 2009)

7.09.030 Temporary dumpster. Dumpsters will be allowed in residential districts on a temporary basis under the following provisions:

- (1) Prior to delivery of the dumpster, the landowner must apply at City Hall for a permit that will allow the placement of the dumpster for 90 days. There shall be no charge for this 1st permit.
- (2) Prior to the expiration of the first permit, if additional time for the placement of the dumpster is sought by the landowner, a 2nd permit will be issued for the placement of the dumpster for an additional 30 days at a cost of \$10.00.
- (3) Renewals of a permit after the second permit issued, will require approval of the Board of Public Works and Safety and will cost \$10.00 for each additional 30 day permit.
- (4) The renewal fee will not be charged if it has been at least 90 days since a dumpster was last placed on the property, and this will begin again the permitting process. (Ord. 2009-6, S3, Sept. 21, 2009)

7.09.040 Permanent exemption. A permanent exemption may be granted for any apartment building having 4 or more units or a home based business lawfully operating in compliance with current zoning. Application for the permanent exemption shall be made at City Hall, and will require action and approval by the Board of Public Works and

Safety. The Board of Public Works and Safety may necessitate size, shielding from view, placement, and frequency of disposal requirements in granting the permanent exemption. (Ord. 2009-6, S4, Sept. 21, 2009)

7.09.050 Penalty. Violators of this ordinance may be assessed a fine of \$10 per day for violation hereof. (Ord. 2009-6, S5, Sept. 21, 2009)

7.09.060 Effective date. This ordinance shall be effective 60 days after its passage and publication, but temporary and permanent exemption requests may be made and approved prior to the effective date. (Ord. 2009-6, S6, Sept. 21, 2009)

Chapter 7.10

DANGEROUS TREES, WALLS, POLES

Sections:

- 7.10.010 Acts and Conditions Prohibited**
- 7.10.020 Enforcement**

7.10.010 Acts and Conditions Prohibited. The causing or permitting of any tree, wall, pole, or similar object or structure, to remain standing upon any premises, in such a condition that it shall, if the condition is permitted to continue, endanger the life, limb, or property, or cause hurt, damage or injury to person or property, upon the public streets, or public ways, adjacent thereto, by the falling thereof, or of any parts thereof. (Ord. 1997-6, Chapter II, S1, Oct. 20, 1997) (Ord. June 3, 1913)

7.10.020 Enforcement. The City of Petersburg shall have the power to abate the nuisance described in Section 7.10.010, under Indiana Code 36-1-6-2, by notifying all persons who have a substantial interest in the property and giving them a reasonable opportunity to abate the nuisance; and if they do not do so, the City shall have the power to enter upon the offending property, and cut, dismantle, demolish, and/or remove the dangerous object constituting the nuisance, and cause the cost of such abatement to be made in lien on the real estate. (Ord. 1997-6, Chapter II, S2, Oct. 20, 1997)

Chapter 7.12

WEED ABATEMENT

Sections:

- 7.12.010** **Conditions Prohibited**
- 7.12.020** **Enforcement**
- 7.12.030** **Limited Authorization to enter**

7.12.010 Conditions Prohibited. Permitting the growing of thistles, burdock, jimson weeds, ragweeds, milk weeds, poison ivy, poison oak, iron weeds and all other noxious weeds or rank vegetation in excess of the height of 12 inches, on any private premises. (Ord. 1997-6, Chapter V, S1, Oct. 20, 1997) (Ord. 1979-6, Sept. 18, 1979) (Ord. May 20, 1920)

7.12.020 Enforcement. The City of Petersburg shall have the power to abate the nuisance described in Section 7.12.010, under Indiana Code 36-7-10.1-3, by notifying all persons who have a substantial interest in the property and giving them a reasonable opportunity to abate the nuisance; and if they do not do so, the City shall have the power to enter upon the offending property, and cut and/or remove the growth constituting the nuisance, and cause the cost of such abatement to be made a lien on the real estate. Said violation of 7.12.010 may also be subject to a \$50 fine, in addition to the following abatement costs:

Description of item used	Unit Price
Man Hours: Total Personnel	\$30.00 each man
Chain Saw	\$5.00
Vacuum Truck/Sweeper	\$75.00
Fire Truck	\$100.00
Tractor	\$45.00
Push Mower	\$10.00
Lawn Mower (Riding)	\$20.00
Trimmer (Weedeater)	\$5.00
Mower (Bush Hog) or Brush Cutter	\$20.00
Backhoe	\$50.00
Truck (1/2 Pickup)	\$30.00
Truck (1 Ton Dump)	\$35.00
Truck (2 Ton Dump)	\$40.00

Leased Equipment: Billed at actual rate plus 3% administrative fee.

City Equipment Damaged during abatement, billed at actual repair/replacement rate

Administrative Fee	\$25.00
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Minimum Fee for Nuisance Abatement \$200.00

Further, pursuant to 36-7-10.1-3(d), so long as an initial notice of Weed Abatement is properly served on the owner of the real property by **first class mail** or equivalent service, further violations, in the same calendar year, only require the posting of a “Continuous Abatement Notice” on the property, for proper service of notice to the owner, that each subsequent violation that year, may be abated by the City, or its contractors, and the cost of each abatement may be made a lien on the real estate. An affected landowner may appeal a notice of violation or a bill issued under this ordinance to the City Council, by making a written request to the Clerk Treasurer, which Clerk-Treasurer shall then cause the matter to be an agenda item for hearing, at the next meeting of the City Council. (Ord. 2016-11, June 6, 2016) (Ord. 2013-6, Aug. 5, 2013) (Ord. 2012-12, July 16, 2012) (Ord. 1997-6, Chapter V, S2, Oct. 20, 1997) (Ord. 1979-6, Sept. 18, 1979) (Ord. May 20, 1920)

7.12.030 Limited Authorization to enter.

- (1) In accordance with I.C. 34-30-26-5(a), LIMITED AUTHORIZATION TO ENTER SUSPECTED VACANT OR ABANDONED REAL PROPERTY; LIMITED IMMUNITY, except as provided in division (4) of this section, a person who is not the owner of real property or who is a creditor, and who suspects that the property may be vacant or abandoned, may enter upon the premises of the real property to do the following:
 - A. Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be vacant or abandoned.
 - B. Perform any of the following actions:
 - 1. Secure the real property.
 - 2. Remove trash or debris from the grounds of the real property.
 - 3. Landscape, maintain, or mow the grounds of the real property.
 - 4. Remove or paint over graffiti on the real property.

- (2) A person who:
 - A. Enters upon the premises of real property to visually inspect the property, as permitted under division (1) A of this section; and
 - B. After inspecting the real property, determines that the real property may be vacant or abandoned; may notify the appropriate enforcement authority of the suspected vacant or abandoned status

of the property and request that the enforcement authority inspect the property to determine whether the property is in fact vacant or abandoned.

- (3) A person that enters upon the premises of real property as permitted under this section:
 - A. Is immune from civil liability for an act or omission related to the entry or to any action described in division (1)B of this section, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
 - B. Shall be held harmless from and against all claims of civil or criminal trespass.
- (4) In the case of real property that is subject to a mortgage, the creditor in the mortgage transaction may not enter upon the premises of the real property under division (1) of this section if entry is barred by an automatic stay issued by a bankruptcy court. (Ord. 2017-3, S1, Feb. 21, 2017)

Chapter 7.16

UNREASONABLE NOISE

Sections:

- 7.16.010 Acts Prohibited**
- 7.16.020 Enforcement**

7.16.010 Acts Prohibited. The making of noise of a nature or volume, such that it is enough to significantly interfere with the ordinary comforts of the occupants of adjoining property, or of other property in the immediate vicinity; including, but not limited to:

- (1) Unnecessary sounding of horns;
- (2) Racing the motor or causing the screeching or squealing of tires on a vehicle;
- (3) Operating vehicles with noise-making apparatus;
- (4) Operating sound tracks or public address systems;
- (5) Playing radios, phonographs, disc or tape players, or television unnecessarily loudly. (Ord. 1997-6, Chapter III, S1, Oct. 20, 1997)

7.16.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 7.16.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 7.32, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The City of Petersburg shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1997-6, Chapter III, S2, Oct. 20, 1997)

Chapter 7.18

OPEN HOLES

Sections:

- 7.18.010 Acts and Conditions Prohibited**
- 7.18.020 Enforcement**

7.18.010 Acts and Conditions Prohibited. Causing or maintaining any open or uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault upon private premises, in any open or unfenced lot or place. (Ord. 1997-6, Chapter IV, S1, Oct. 20, 1997)

7.18.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 7.18.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 7.32, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The City of Petersburg shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1997-6, Chapter IV, S2, Oct. 20, 1997)

Chapter 7.20

BURNING ON PUBLIC RIGHTS OF WAY

Sections:

- 7.20.010 Acts Prohibited**
- 7.20.020 Enforcement**

7.20.010 Acts Prohibited. The burning of any trash, leaves or other matter, upon any street or alley in the City. (Ord. 1997-6, Chapter VIII, S1, Oct. 20, 1997)

7.20.020 Enforcement. Any person who creates or maintains a nuisance prohibited by Section 7.20.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 7.32, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The City of Petersburg shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1997-6, Chapter VIII, S2, Oct. 20, 1997)

Chapter 7.22

OPEN BURNING ON PRIVATE RESIDENTIAL PROPERTY

Sections:

7.22.010	Comply with State Law
7.22.020	Definitions
7.22.030	Scope
7.22.040	Permissible Open Burning
7.22.050	Conditions for Permissible Open Burning
7.22.060	Enforcement

7.22.010 Comply with State Law. The purpose of this Chapter is to incorporate Indiana statutes and regulations concerning open burning on private residential property, in this Ordinance, to clarify for Petersburg residents what open burning is legally permitted on private residential property. No provision in this Chapter shall be construed to conflict with Indiana statutes or regulations governing the same subject matter, and this Chapter 7.22 shall be deemed amended, to comply with Indiana statutes and regulations, as those statutes and regulations may subsequently be amended. (Ord. 2000-1, Chapter IX, S1, Apr. 3, 2000) (Ord. 1997-6, Chapter IX, S1, Oct. 20, 1997)

7.22.020 Definitions.

- (1) "Open burning" as defined in 326 IAC 4-1-0.5, means the burning of any material wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.
- (2) "Clean petroleum products" as defined in 326 IAC 4-1-0.5, means an uncontaminated, refined petroleum product, such as kerosene or diesel fuel, not previously used in any application. (Ord. 2000-1, Chapter IX, S2, Apr. 3, 2000)

7.22.030 Scope. This Chapter is specifically addressed only to open burning on private residential property. Any other open burning which is permitted by Indiana law under the conditions, and with the approval, of the Indiana Air Pollution Control Board, continues to be permitted under this Ordinance. Reference is hereby made to Indiana Code 13-17-9, and 326 IAC 4-1, and as they may hereafter be amended, to determine what open burning is permitted under Indiana law, and under what conditions. (Ord. 2000-1, Chapter IX, S3, Apr. 3, 2000)

7.22.040 Permissible Open Burning. Open burning on private residential property is permitted for only the following materials, and none other:

- (1) Wood products, including vegetation, that are not coated with stain, paint, glue, or other coating material. "Vegetation" includes leaves.
- (2) Charcoal or clean petroleum products.

Provided, however, burning is prohibited in apartment and condominium complexes and mobile home parks. (Ord. 2000-1, Chapter IX, S4, Apr. 3, 2000)

7.22.050 Conditions for Permissible Open Burning.

- (1) Burning shall be done only in a non-combustible container that is sufficiently vented to induce adequate primary combustion and has enclosed sides and an enclosed bottom. No burning is permitted on the ground.
- (2) Fires must be attended at all times, and until completely extinguished.
- (3) If at any time a fire creates:
 - (a) a pollution problem;
 - (b) a threat to public health;
 - (c) a nuisance; or
 - (d) a fire hazardit shall be extinguished.
- (4) No burning shall be conducted during unfavorable meteorological conditions such as:
 - (a) high winds, temperature inversions or air stagnation; or
 - (b) when a pollution alert or ozone action day has been declared.
- (5) Adequate fire fighting equipment shall be on-site for extinguishing purposes during burning times.
- (6) Burning shall be conducted during day-light hours only and all fires shall be extinguished prior to sunset.
- (7) All burning shall comply with federal and state laws and regulations. (Ord. 2000-1, Chapter IX, S5, Apr. 3, 2000)

7.22.060 Enforcement. Any person who creates or maintains the nuisance of open burning on private residential property, in violation of this Chapter 7.22, and who fails and refuses to abate such nuisance as required by the notice given under Chapter 7.32, shall be fined in the sum of fifty dollars (\$50.00). Each day the nuisance continues after the date in the notice, shall be deemed a separate offense.

The City of Petersburg shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2000-1, Chapter IX, S6, Apr. 3, 2000) (Ord. 1997-6, Chapter IX, S2, Oct. 20, 1997)

Chapter 7.23

PROHIBITING OUTDOOR WOOD AND OTHER FIRED FURNACES

Sections:

7.23.010	Definition
7.23.020	Nuisance
7.23.030	Prohibition
7.23.040	Notice
7.23.050	Enforcement
7.23.060	Effective Date

7.23.010 Definition. Outdoor fired furnaces include outdoor furnaces, stoves or boilers fired by wood, or any other flammable material, and the term "outdoor fired furnaces" applies to all such outdoor fired devices. (Ord. 2005-5, S1, June 20, 2005)

7.23.020 Nuisance. Outdoor fired furnaces are hereby declared to be a public nuisance. (Ord. 2005-5, S2, June 20, 2005)

7.23.030 Prohibition. No person shall install, use or maintain an outdoor fired furnace in the City of Petersburg, Indiana. (Ord. 2005-5, S3, June 20, 2005)

7.23.040 Notice. Any person who violates this ordinance shall be given notice to abate the nuisance as provided by Petersburg Municipal Code Title 7, Chapter 7.32. (Ord. 2005-5, S4, June 20, 2005)

7.23.050 Enforcement

- (1) Any person who violates this ordinance and who fails or refuses to abate the nuisance after having been given notice under Chapter 7.32, shall be fined in the sum of \$50.00. Each day the nuisance continues after the deadline date in the notice shall be deemed a separate offense. Pursuant to Ind. Code Section 34-28-5-1, the violation may be referred to a Pike County Deputy Prosecuting Attorney to file suit against the violator in the Pike Circuit Court, to request the Court to fine the violator.
- (2) Persons who abate the nuisance after the deadline date, and who elect to admit a violation of this ordinance, may admit such violation and pay such fine to the VIOLATIONS CLERK of the Petersburg Ordinance Violations Bureau, as provided by Petersburg Municipal Code, Title 1, Chapter 1.42.
- (3) The City of Petersburg shall also have the power, instead of or in addition to the \$50.00 fine, to bring a civil action against the violator pursuant to

Ind. Code Section 36-1-6-4, and request the Pike Circuit Court to order the violator to abate the nuisance. (Ord. 2005-5, S5, June 20, 2005)

7.23.060 Effective Date. This ordinance shall become effective upon its publication as provided by law. (Ord. 2005-5, S6, June 20, 2005)

Chapter 7.25

BANNING SMOKING IN OR AROUND CITY PROPERTY

Sections:

- 7.25.010 No Smoking in Public Places**
- 7.25.020 No Smoking Near Public Places**
- 7.25.030 Notification to Employees and Prospective Employees**
- 7.25.040 Notification to All Others**
- 7.25.050 Enforcement**
- 7.25.060 Effective**

7.25.010 No Smoking in Public Places. Smoking is prohibited in any city owned building, as all City buildings are either;

- (1) A public place, and/or
- (2) A place of employment

Further, smoking is prohibited in any vehicle owned, leased, or operated by the City if the vehicle is being used for a governmental function. (Ord. 2012-11, S1, June 18, 2012)

7.25.020 No Smoking Near Public Places. Smoking is prohibited in the area within eight (8) feet of a public entrance to any City Building as all City buildings are either;

- (1) a public place, and/or
- (2) place of employment

(Ord. 2012-11, S2, June 18, 2012)

7.25.030 Notification To Employees And Prospective Employees. The City of Petersburg shall inform each of the City's employees and prospective employees of the smoking prohibition applying to the City buildings and their place of employment. Further, the City shall remove ashtrays or other smoking paraphernalia from areas of the City Buildings where smoking is prohibited. (Ord. 2012-11, S3, June 18, 2012)

7.25.040 Notification To All Others. The City of Petersburg shall post conspicuous signs at each public entrance to any City Building that reads "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language. Further, "No Smoking" signs shall be conspicuously placed inside every City owned. (Ord. 2012-11, S4, June 18, 2012)

7.25.050 Enforcement. The Police Department of the City of Petersburg, and any other law enforcement officer, and/or any other entity so empowered by said State law, may enforce this Ordinance by the issuance of Citations or other remedies, as therein provided. (Ord. 2012-11, S5, June 18, 2012)

7.25.060 Effective. This Ordinance shall be in full force and effect from and after its publication as provided by law. (Ord. 2012-11, S6, June 18, 2012)

Chapter 7.27

STANDING / STAGNANT WATER

Sections:

7.27.010	Condition prohibited
7.27.020	Enforcement
7.27.030	Effective date

7.27.010 Condition prohibited. The accumulation of stagnant water on private property, in which mosquitoes, flies, or other insects can multiply. (Ord. 2006-3, S1, June 5, 2006)

7.27.020 Enforcement. The City of Petersburg shall have the power to abate the above described nuisance under I. C. 36-1-6-2, by notifying all persons who have a substantial interest in the property, and giving them a reasonable opportunity to abate the nuisance; and if they do not do so, the City shall have the power to enter upon the offending property, to abate the nuisance in a reasonable manner, and to cause the cost of such abatement to be made a lien on the real estate. (Ord. 2006-3, S2, June 5, 2006)

7.27.030 Effective date. This ordinance shall become effective upon its passage by the Petersburg City Council, as provided by law. (Ord. 2006-3, S3, June 5, 2006)

Chapter 7.30

NUISANCES CREATED BY OTHERS

Sections:

7.30.010 Liabe Parties

7.30.010 Liabe Parties. For the purposes of Ordinance 1997-6, the owner or operator of the affected property shall be liable for the conduct or conditions created or contributed to by its agents, representatives, licensees, invitees, guests or other public who enter upon the property. (Ord. 1997-6, Chapter X, S1, Oct. 20, 1997)

Chapter 7.31

INSPECTION OF PREMISES TO EXAMINE NUISANCE

Sections:

7.31.010 Reporting Violations

7.31.010 Reporting Violations. For the purpose of carrying out the provisions of this Ordinance, it is hereby made the duty of all officers and employees of the City of Petersburg, to report the existence of nuisances to the Petersburg City Council, or the Petersburg Police Department and for this purpose, the Petersburg Police Department, or other employees designated by the City Council, shall be permitted, upon 5 days notice given to the person in possession of the real estate, to enter into or upon any building, lot, grounds or premises, within the limits of the City, to ascertain and discover any such nuisances and make examination thereof. (Ord. 1997-6, Chapter XI, S1, Oct. 20, 1997)

Chapter 7.32

ABATEMENT OF NUISANCES

Sections:

7.32.010	Notice
7.32.020	Refusal or Neglect to Abate
7.32.030	Manager of Notification
7.32.040	Enforcement Fees

7.32.010 Notice. Except as hereinafter provided, in any case where any nuisance may be found to exist, the Petersburg Police Department or Petersburg Code Enforcement Officer shall cause notice to be served upon the owner or occupant of the premises where such nuisance exists, or upon any other person so causing such nuisance, with said notice to request that person to abate such nuisance by the date specified in the notice; PROVIDED, HOWEVER, if, in the opinion of the Petersburg Police Officer or Petersburg Code Enforcement Officer, the nuisance is one which needs to be abated immediately, or as promptly as can reasonably be accomplished, because of danger to property or public health, safety, and welfare of the citizens of Petersburg, then in that event, no notice period is required to be given to the violator, and the Petersburg Police Officer or Petersburg Code Enforcement Officer may require the ordinance violator to abate the nuisance without undue delay.

In determining the specified date for abatement in the notice, where notice is to be given, the Petersburg Police Officer or Petersburg Code Enforcement Officer shall consult with the Chief of Police of the City of Petersburg, and the two shall take into consideration the degree of threat to public health, safety and welfare, and the means required to abate such nuisance, in setting such date. It shall not be necessary for the Petersburg Police Department or Petersburg Code Enforcement Officer to designate in said notice the manner in which any nuisance shall be abated, unless the Chief of Police of the City of Petersburg deems it advisable to do so. (Ord. 2017-2, Jan. 17, 2017) (Ord. 2005-7, S1, July 5, 2005) (Ord. 1997-6, Chapter XII, S1, Oct. 20, 1997)

7.32.020 Refusal or Neglect to Abate. If the owner, occupant, or other person who is a violator, promptly abates the nuisance in cases where no notice period is required; or, if the nuisance is abated in the time designated where notice is given, then the City shall not seek further penalty for that specific incident of violation. If the owner, occupant, or other person does not promptly abate the nuisance as required by the Petersburg Police Officer or Petersburg Code Enforcement Officer, in cases where no notice period is required; or if the owner, occupant, or other person served with a notice to abate the nuisance shall refuse or neglect to abate such nuisance within the time designated in said notice, the City may proceed to enforce this ordinance as provided by Indiana statute and the applicable enforcement Section for that violation. (Ord. 2017-2, Jan. 17, 2017) (Ord. 2005-7, S2, July 5, 2005) (Ord. 1997-6, Chapter XII, S2, Oct. 20, 1997)

7.32.030 Manner of Notification. This requirement for service of notice under the provisions of Section 7.32.010 of this Chapter 7.32, shall be complied with by first attempting personal service of a written notice by the Petersburg Police Department or Petersburg Code Enforcement Officer on the owner, occupant or other person suspected of causing the nuisance; and if personal service cannot be accomplished, then by mailing such notice by registered or certified mail to the last known address of the person sought to be notified or the address of the property where the nuisance exists. (Ord. 2017-2, Jan. 17, 2017) (Ord. 1997-6, Chapter XII, S3, Oct. 20, 1997)

7.32.040 Enforcement Fees. The City of Petersburg shall have the power to abate the nuisances described in Chapter 7.32 and Chapter 14.24, under Indiana Code by notifying all persons who have a substantial interest in the property and giving them a reasonable opportunity to abate the nuisance or condition; and if they do not do so, the City shall have the power to enter upon the offending property, and abate the nuisance or violation and cause the cost of such abatement to be made a lien on the real estate for weeds, and added to the tax on real estate for unsafe buildings. The following is a schedule of abatement costs:

- (1) Administrative Fee: Billed for all violations \$45.00.
- (2) Man hours: Billed at actual hours straight time rate or overtime rate plus administrative fee.
- (3) Equipment Rates:

Chain Saw	\$ 10.00/HR
Vacuum/Pressure Washer Trailer	\$ 100.00/HR
Fire Truck	\$ 150.00/HR
Push Mower	\$ 15.00/HR
Riding Mower	\$ 25.00/HR
Trimmer/Weed Eater	\$ 10.00/HR
Bush Hog Mower	\$ 50.00/HR
Back Hoe	\$ 200.00/HR
Truck (Pick Up)	\$ 45.00/HR
Truck (1 Ton Dump)	\$ 60.00/HR
Truck (Service)	\$ 55.00/HR
Flat Trailer	\$ 25.00/HR
Street Sweeper	\$ 100.00/HR
Portable Pump	\$ 20.00/HR

Portable Generator (Small)	\$ 25.00/HR
Portable Generator (Large Trailer)	\$ 100.00/HR
Sewer Jetter Trailer	\$ 100.00/HR
Mini Excavator	\$ 175.00/HR

- (4) Any rented or leased equipment and or contracted service will be at actual rate + 10%
- (5) City equipment broken or damaged through normal use during the abatement will be billed at actual replacement cost of the equipment.
- (6) If after proper notice the city enters your property and makes any repairs, removes trash, mows vegetation, or abates any nuisance described or noted your violation form

the minimum fee for the alleviation costs is \$150.00

All provisions of the City Code not in conflict herewith, shall remain in full force and effect. (Ord. 2020-3, Mar. 2, 2020)

Chapter 7.34

ORDINANCE VIOLATIONS BUREAU / PAYMENT OF FINES

Sections:

7.34.010 Payment of Fines

7.34.010 Payment of Fines. Persons who elect to admit a violation or violations of Ordinance 1997-6, the penalty for which is a fine, as provided by the applicable enforcement Section for that violation, may admit such violation and pay such fine to the Violations Clerk of the Petersburg Ordinance Violations Bureau, as provided by Petersburg Ordinance No. 1989-2, found in Chapter 1.42. (Ord. 1997-6, Chapter XIII, S1, Oct. 20, 1997) (Ord. 1989-2, June 3, 1989)

Chapter 7.50

CURFEW HOURS FOR MINORS

Sections:

- 7.50.010 Curfew Hours for Children Sixteen and Seventeen Years of Age**
- 7.50.020 Curfew Hours for Children Younger than Sixteen Years of Age**
- 7.50.030 Application**
- 7.50.040 Enforcement**
- 7.50.050 Curfew; Responsibility of Parent, Guardian or Custodian; Enforcement**
- 7.50.060 Saving Clause**

7.50.010 Curfew Hours for Children Sixteen and Seventeen Years of Age. It is unlawful for a child sixteen (16) or seventeen (17) years of age to be in a public place in the City at any time during the following curfew hours:

- (1) Between one o'clock (1:00) AM and five o'clock (5:00) AM on Saturday or Sunday.
- (2) After eleven o'clock (11:00) PM on Sunday, Monday, Tuesday, Wednesday or Thursday; or
- (3) Before five o'clock (5:00) AM on Monday, Tuesday, Wednesday, Thursday or Friday. (Ord. 2000-9, S1, Dec. 18, 2000) (Ord. Oct. 1, 1896)

7.50.020 Curfew Hours for Children Younger than Sixteen Years of Age. It is unlawful for a child younger than sixteen (16) years of age to be in a public place in the City after eleven o'clock (11:00) PM or before five o'clock (5:00) AM on any day. (Ord. 2000-9, S2, Dec, 18, 2000)

7.50.030 Application. Sections 7.50.020 and 7.50.030 of this Ordinance do not apply to a child who is:

- (1) Accompanied by the child's parent, guardian or custodian;
- (2) Accompanied by an adult specified by the child's parent, guardian, or custodian, or,
- (3) With the consent of the child's parent, guardian, or custodian, either participating in, going to, or returning from:

- (a) lawful employment;
- (b) a school-sanctioned activity; or,
- (c) an expressive, religious, or associational activity protected by either federal or state law, including but not limited to, the free exercise of religion, freedom of speech, and the right of assembly. (Ord. 2000-9, S3, Dec. 18, 2000)

7.50.040 Enforcement. A child who commits a curfew violation under this Ordinance is subject to the enforcement procedures provided in IC 34-28-5-1. Whenever a complaint is filed against a child for a violation of this Ordinance, the City shall direct a copy of the complaint to the child's parent, guardian, or custodian, if such person is known or can be identified by a reasonable inquiry. (Ord. 2000-9, S4, Dec. 18, 2000)

7.50.050 Curfew; Responsibility of Parent, Guardian or Custodian; Enforcement. It is unlawful for a parent, guardian or custodian of a child under the age of eighteen (18) years, to knowingly allow that minor child to commit a curfew violation under this Ordinance. A parent, guardian, or custodian who knowingly allows a curfew violation under this Ordinance is subject to the enforcement procedures provided in IC 34-28-5-1-. (Ord. 2000-9, S5, Dec. 18, 2000)

7.50.060 Saving Clause. Should any provision (section, paragraph, sentence, clause, or any other portion) of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this Ordinance. To this end the provisions of this Ordinance are severable. (Ord. 2000-9, S6, Dec. 18, 2000)

Chapter 7.60

FIREARMS

Sections:

7.60.010 Discharge

7.60.010 Discharge. It shall be unlawful for any person to use, discharge or shoot with firearms of any kind, or to shoot with air guns, or flobert guns of any kind, within the corporate limits of the City of Petersburg, and any person violating the provisions of this Ordinance shall be fined the sum of one-hundred dollars (\$100.00) for each violation. (Ord. 2008-17, Dec. 15, 2008) (Ord. June 17, 1892)

Chapter 7.65

FIREWORKS

Sections:

7.65.010	Time Parameters
7.65.020	Public Display Permits
7.65.030	Effective Date

7.65.010 Time Parameters. The time parameters for use and display of consumer Fireworks be established by the following and limited to only the following pursuant to the statute and local ordinance, being:

- (1) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
- (2) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
- (3) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1;
- (4) between the hours of 5:00 p.m. and two (2) hours after sunset on the weekends of Memorial Day and Labor Day for the days of Friday, Saturday, Sunday, and Monday of said Holiday Weekends. (Ord. 2020-5, S1, Sept. 8, 2020)

7.65.020 Public Display Permits. Public Display Permits sought by Qualified Operators for non-consumer grade fireworks pursuant to I.C. 22-11-14-2, pertaining to displays for associations, groups of individuals and others are preferred to also follow the schedule above, but each such requested permit will be handed on a case by case basis by the Petersburg Fire Territory Chief as set out in the State Statute. (Ord. 2020-5, S2, Sept. 8, 2020)

7.65.030 Effective Date. This section shall be in full force and effect from and after its passage. (Ord. 2020-5, S3, Sept. 8, 2020)

Chapter 7.92

ROLLER SKATES AND COASTER WAGONS

Sections:

7.92.010 Upon Sidewalks Prohibited

7.92.010 Upon Sidewalks Prohibited. It shall be unlawful for any person to ride people or use in any manner upon any sidewalk within the corporation limits of said City of Petersburg any bicycle, push cart, coaster wagon, roller skates or any vehicle whether used for exercise, business or pleasure. Any person or persons violating the provisions of this Ordinance shall upon conviction be fined in any sum not exceeding twenty-five dollars together with all costs of prosecution and any person as fined shall be committed to jail until such fine is paid and costs are paid or replevied provided that the provisions of this Ordinance shall not apply to baby buggies. (Ord. Nov. 2, 1911) (Ord. Nov. 29, 1920 {cannot find})

Chapter 7.95

PIKE COUNTY MULTI-HAZARD MITIGATION PLAN

Sections:

7.95.010	Development of Plan
7.95.020	Risk Assessment
7.95.030	Mitigation Strategy
7.95.040	Maintenance or Implementation Process
7.95.050	Approval
7.95.060	Requirement for Grant Funding
7.95.070	Adoption of Plan

7.95.010 Development of Plan. The City of Petersburg has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000.

- (1) The Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan.
- (2) The Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses. (Ord. 2018-5, Sept. 17, 2018)

7.95.020 Risk Assessment. The Pike County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends. (Ord. 2018-5, Sept. 17, 2018)

7.95.030 Mitigation Strategy. The Pike County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs. (Ord. 2018-5, Sept. 17, 2018)

7.95.040 Maintenance or Implementation Process. The Pike County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Pike County will maintain public participation and coordination. (Ord. 2018-5, Sept. 17, 2018)

7.95.050 Approval. The Plan has been shared with the Indiana Department of Homeland Security and the Federal Emergency Management Agency for review and comment. (Ord. 2018-5, Sept. 17, 2018)

7.95.060 Requirement for Grant Funding. The Pike County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants. (Ord. 2018-5, Sept. 17, 2018)

7.95.070 Adoption of Plan.

- (1) Pike County All-Hazard Mitigation Plan updates the existing Multi-Hazard Mitigation Plan adopted in April, 2018.
- (2) This is a multi-jurisdictional plan and cities and towns that participated in the planning process may choose to also adopt the Pike County Plan. (Ord. 2018-5, Sept. 17, 2018)