

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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Chapter 6.05

DANGEROUS AND UNSANITARY DWELLINGS

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6.05.010 Definitions.

- (1) Unfit for Human Habitation. A dwelling is unfit for human habitation when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation, or the construction, infection with a contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling. (Ord. 1-88, S1(a), June 15, 1988) (Ord. 9, S1, Nov. 1, 1872)
- (2) Public Nuisance. A public nuisance is an unoccupied dwelling which is unfit for human habitation and further property which contains garbage, rubbish, ashes, street cleanings, food waste, or other such items which make such property dangerous or detrimental to life or health due to such unsanitary condition and which substantially interferes with material enjoyment of adjoining properties. (Ord. 1-88, S1(b), June 15, 1988)

6.05.020 Declaring nuisance. The Board of Town Trustee may declare, for good cause shown, property, or a part thereof, a public nuisance and order the condition which constitutes a public nuisance to be removed, abated, suspended, altered, improved or purified any dwelling, structure, excavation, business, or thing in or about a dwelling or its lot. (Ord. 1-88, S2, June 15, 1988)

6.05.030 Order to abate nuisance. Any such order by the Board of Town Trustees shall be served on the tenant and owner or his rental agent of such property by certified mail, return receipt requested, or personally by the Town Marshal. The order shall state one or more of the reasons for the order. (Ord. 1-88, S3, June 15, 1988)

6.05.040 Right to review. Any person aggrieved by any order of the Board of Town Trustees made under the provisions of this ordinance may within ten (10) days after service of the order file with the Clerk-Treasurer of the Town of Troy, a request requesting a review of the order. Such aggrieved person shall then appear and be heard at the next regular meeting of the Board of Town Trustees of the Town of Troy. (Ord. 1-88, S4, June 15, 1988)

6.05.050 Failure to remove public nuisance. If such public nuisance, after the aforementioned hearing and final order of the Board of Town Trustees declaring such a public nuisance, is not removed, abated, expended, altered, improved or purified, then the Board of Town Trustees may so remove, abate, suspend, alter, improve or purify such public nuisance and hold such tenant and/or owner responsible for the incurred expenses. After such expenses are incurred by reason of the tenant's and/or owner's refusal of the Board of Town Trustees' order, then the trustees shall cause the Clerk-Treasurer to forward a bill listing such expenses to the tenant and/or owner of the subject premises. The tenant and/or owner shall make full payment within thirty (30) days of receipt of the bill from the Clerk-Treasurer. (Ord. 1-88, S5, June 15, 1988) (Ord. 9, S2, Nov. 1, 1872)

6.05.060 Appeal. Any person aggrieved by any order of the Board of Town Trustees after a hearing, may appeal the same to the circuit or superior court of this county. However, the person appealing to the circuit or superior court shall file with the court a bond in an amount to be fixed by the court with sureties to be approved by the court conditioned to pay the cost chargeable to such aggrieved party by reason of the Board of Town Trustees' order. (Ord. 1-88, S6, June 15, 1988)

6.05.070 Effective when. This ordinance shall take effect June 15, 1988, upon passage by the Board and publication as required by law. (Ord. 1-88, S7, June 15, 1988)

6.05.080 Penalty for violation. It shall be unlawful for any person, firm, household or business to violate any of the terms of this ordinance and any person, firm, household or business who violates any provision of this ordinance shall be deemed upon conviction to commit an offense hereafter deemed to be an infraction and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation plus court costs and other costs incurred by the Town of Troy in prosecuting such violation including reasonable attorney fees for the attorney representing this action on behalf of the Town of Troy. Each separate violation of this ordinance shall be deemed as a separate and distinct offense. (Ord. 1-88, S8, June 15, 1988) (Ord. 9, S3, Nov. 1, 1872)

Chapter 6.09

GRASS CLIPPINGS, LEAVES AND VEGETATION

Sections:

- 6.09.010** **Unsightly grass clippings, leaves, tree limbs, and other vegetation prohibited**
- 6.09.020** **Fine for violation**

6.09.010 Unsightly grass clippings, leaves, tree limbs, and other vegetation prohibited. That residents of the Town and other persons are prohibited from placing grass clippings, leaves, tree limbs and other vegetation along the street curbs, sidewalks and streets of the Town of Troy. (Ord. 2005-2, S1, Jan. 12, 2005)

6.09.020 Fine for violation. Any person who violates this ordinance shall be fined in the sum of \$50.00. Each day that the violation continues is deemed a separate offense. (Ord. 2005-2, S2, Jan. 12, 2005)

Chapter 6.12

DISCHARGE OF FIREARMS

Sections:

- 6.12.010 Prohibited
- 6.12.020 Penalty for violation

6.12.010 Prohibited. Be it ordained by the Board of Trustees of the Town of Troy, Indiana, that hereafter it shall be unlawful for any person to discharge any kind of firearms within the Town of Troy, or to set off or to fire any kind of fireworks within the Town of Troy, Indiana. (Ord. 89, S1, Dec. 4, 1908)

6.12.020 Penalty for violation. Any person who may be found guilty of the violation of the first section of this Ordinance shall be deemed guilty of disorderly conduct, and upon conviction shall be fined in any sum not to exceed five dollars and cost of prosecution. (Ord. 89, S2, Dec. 4, 1908)

Chapter 6.15

USE OF SIRENS

Sections:

6.15.010	Prohibited when
6.15.020	Intended use
6.15.030	Penalty for violation

6.15.010 Prohibited when. It shall be unlawful for any person to install or operate a siren on a bicycle, motor-bike, motorcycle, or any other vehicle other than for the purpose of police protection, fire equipment or emergency equipment. (Ord. 2-60, S1, Oct. 3, 1960)

6.15.020 Intended use. That the intended use of a siren is for warning and/or emergency clearance of right of way, and that any person using a siren on any vehicle is liable for life, limb, and property ensuing from such other than that prescribed by state law. (Ord. 2-60, S2, Oct. 3, 1960)

6.15.030 Penalty for violation. Any person violating the provisions of this ordinance shall upon conviction, be fined in an amount prescribed by state law. (Ord. 2-60, S3, Oct. 3, 1960)

Chapter 6.26

FIREWORKS

Sections:

- 6.26.010 **Fireworks prohibited-exceptions**
- 6.26.020 **Penalty for Violation**

6.26.010 Fireworks prohibited-exceptions. The use of fireworks within the Town of Troy is prohibited except on the following dates at the following times:

- (1) between 5:00 P.M. and 11:30 P.M. from June 29 through July 3 and July 5 through July 9;
- (2) between 10:00 A.M. and Midnight on July 4;
- (3) between 10:00 A.M. on December 31 and 1:00 A.M. on January 1.
- (4) between 3:00 P.M. and Midnight at special town events. (Ord. 2008-3, July 16, 2008)

6.26.020 Penalty for Violation. Any person who uses fireworks at any time besides the times set out above shall be fined in the sum of not less than \$50.00 and not more than \$2000.00. (Ord. 2008-3, July 16, 2008)

Chapter 6.30

OPEN BURNING

Sections:

6.30.010	Definitions
6.30.020	Open burning prohibited
6.30.030	Exceptions to prohibition on open burning
6.30.040	General requirements
6.30.050	Penalty for violation
6.30.060	Effective when

6.30.010 Definitions. The following terms shall have the following meaning:

- (1) "Open burning", all fires of any kind located within the Town and outside of a permanent building structure. (Ord. 4-3-95, S1A, Apr. 12, 1995)
- (2) "Wood products", material consisting of, or wholly derived from, wood or vegetation. (Ord. 4-3-95, S1B, Apr. 12, 1995)

6.30.020 Open burning prohibited. No person, firm or corporation shall openly burn any material within the Town except as allowed by this ordinance. (Ord. 4-3-95, S2, Apr. 12, 1995)

6.30.030 Exceptions to prohibition on open burning:

- (1) Open burning of wood products, except for leaves, shall be allowed for the following:
 - A. school prep 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. (Ord. 4-3-95, S3A, Apr. 12, 1995)
- (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 a permit issued by the Town Council of the Town. The Town Council of the Town is hereby authorized to review any such applications and issue permits at public

meetings before the Town Council of the Town. (Ord. 4-3-95, S3B, Apr. 12, 1995)

- (3) Open burning of wood products may be allowed by special permit issued by the Town Council of the Town upon conditions established by such 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. 4-3-95, S3C, Apr. 12, 1995)

6.30.040 General requirements. All open burning shall conform to this section unless exempted by the Town Council of the Town.

- (1) Fires shall be attended at all times by appropriate personnel until completely extinguished. (Ord. 4-3-95, S4A, Apr. 12, 1995)
- (2) All fires shall be contained so as not to create a hazard to adjoining property. (Ord. 4-3-95, S4B, Apr. 12, 1995)
- (3) The fires shall be allowed to burn only under favorable weather conditions such as when there is no 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. (Ord. 4-3-95, S4C, Apr. 12, 1995)
- (4) No fires shall be kindled or maintained on a public right-of-way. (Ord. 4-3-95, S4D, Apr. 12, 1995)
- (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. 4-3-95, S4E, Apr. 12, 1995)

6.30.050 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. 4-3-95, S5, Apr. 12, 1995)

6.30.060 Effective when. This ordinance shall be in full force and effect as of May 1, 1995 after its passage by the Town Council, and publication in accordance with Indiana law. (Ord. 4-3-95, S6, Apr. 12, 1995)

Chapter 6.33

NOISE ORDINANCE

Sections:

- 6.33.010 Unreasonable noise
- 6.33.020 Penalty for violation
- 6.33.030 Indiana Code powers

6.33.010 Unreasonable noise. 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 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, should be prohibited. (Ord. 2005-3, Whereas, Jan. 12, 2005)

6.33.020 Penalty for violation. Any person who creates or maintains a nuisance by unreasonable noises as set out above shall be fined in the sum of not less than \$50.00 and not more than \$200.00. Each instance that the nuisance occurs shall be deemed a separate offense. (Ord. 2005-3, S1, Jan. 12, 2005)

6.33.030 Indiana Code powers. The Town of Troy shall also have the power, instead of, or in addition to, the fine, to abate such nuisance, under Indiana Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2005-3, S2, Jan. 12, 2005)

Chapter 6.37

OPERATION OF TRAINS

Sections:

6.37.010	Speed limit
6.37.020	Blowing whistle/Ringing bell
6.37.030	Cars left standing on crossings prohibited
6.37.040	Penalty for violation

6.37.010 Speed limit. Be it ordained by the Board of Trustees of the Town of Troy, Indiana, that it shall be unlawful for any owner, agent, contractor, engineer, or other person running or managing any locomotive or locomotive with car or train of cars attached to run said locomotive or locomotive with car or train of cars attached, or suffer the same to be run into or through the corporate limits of said Town of Troy, at a greater rate of speed than four miles per hour. (Ord. 50, S1, June 2, 1888)

6.37.020 Blowing whistle/Ringing bell. It shall be unlawful for any person or persons running or managing trains, locomotives with cars attached to enter the corporation of the said Town of Troy going east or west with any locomotive, locomotive with cars attached or train of cars without first having blown two shrill blasts from the engine whistle at least three hundred feet from corporation line and it shall be the further duty of such conductor or engineer to cause the bell of the locomotive to be rung continually while passing through said Town. (Ord. 50, S2, June 2, 1888)

6.37.030 Cars left standing on crossing prohibited. It shall be unlawful for any locomotive or locomotive with cars attached, or any empty cars of any kind to be left or allowed to stand across any crossing of any street within the Town of Troy for a longer time than five minutes at any one time. (Ord. 50, S3, June 2, 1888)

6.37.040 Penalty for violation. Any person or persons violating the provisions of this ordinance or any part thereof shall be deemed guilty of disorderly conduct, and upon conviction thereof shall be fined in any sum not more than ten (\$10.00) dollars and costs of prosecution. (Ord. 50, S4, June 2, 1888)

Chapter 6.43

BATHING IN THE OHIO RIVER

Sections:

- 6.43.010 Bathing in the Ohio River prohibited
- 6.43.020 Penalty for violation

6.43.010 Bathing in the Ohio River prohibited. It is a finable offense for any person or persons to bathe in the Ohio River in or opposite the corporation limits during day light hours with their clothes off so as to expose their nakedness to view. (Ord. 6, July 7, 1871)

6.43.020 Penalty for violation. Any person or persons violating this or any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined one dollar and costs of prosecution for every offense with an additional fine of one dollar and costs for each repetition of said offense and the Marshal is hereby authorized to prosecute and collect such fines at once. (Ord. 6, July 7, 1871)

Chapter 6.45

PROHIBITING NUISANCES

Sections:

6.45.010	Definitions
6.45.020	Illustrative Enumeration of Nuisances
6.45.030	Nuisances Prohibited
6.45.040	Abatement Procedures and Fees
6.45.050	Collection Fees
6.45.060	Infraction for Violation
6.45.070	Other Powers of the Town Council
6.45.080	Article to be Supplemental
6.45.090	Separability

6.45.010 Definitions.

- (1) Nuisances Defined. For the purposes of this Article, the word NUISANCE is hereby defined as the doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting of any condition or thing to be or exist, which act, omission, condition or thing either:
- A. Injures or endangers the comfort, repose, health or safety of others; or
 - B. Offends decency; or
 - C. Is offensive to the senses; or
 - D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
 - E. In any way renders other persons insecure in life or the use of property; or
 - F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
(Ord. 2012-01, Part S1, Sept. 12, 2012)

6.45.020 Illustrative Enumeration of Nuisances. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or constructed to be conclusive, limiting or restrictive:

- (1) Vegetation which has attained a height of ten (10) inches or more and has not been cut, mowed, or otherwise removed from private property; vegetation planted for some useful or ornamental purpose is excepted from this definition.
- (2) Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement.
- (3) A condition which causes property to become a health or safety hazard, unless specifically authorized under existing laws and regulations.
- (4) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (5) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (6) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located. Indiana Code §36-7-9-1 et seq. is hereby adopted by reference; administration and enforcement shall be exercised by the Town Council.
- (7) All unnecessary or unauthorized noises and annoying vibrations.
- (8) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (9) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (10) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances.
- (11) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (12) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (13) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

- (14) The unauthorized obstruction of any public street, road or sidewalk.
- (15) Any abandoned vehicle. (See Ordinance No. 2-81). (Ord. 2012-01, Part SI, Sept. 12, 2012)

6.45.030 Nuisances Prohibited. It shall be unlawful for any property owner or occupant or other person to allow a nuisance to exist. (Ord. 2012-01, Part SII, Sept. 12, 2012)

6.45.040 Abatement Procedures and Fees.

- (1) The Town Council may at any time require the owner and/or occupant of any property upon which a nuisance exists as herein defined to do all things necessary to remove the nuisance from such property by giving the owner and/or occupant written notice of the existence of the nuisance. The notice as herein required shall state the nature of the alleged nuisance and the action deemed necessary to correct the condition and shall fix a date not sooner than ten (10) days from the date of mailing of the notice when said property owner and/or occupant may appear before the Town Council to be heard on the question of the nuisance. All notices as herein required shall be sent by first class U.S. mail, postage prepaid, to the occupant or owner at the address of the property, if it be a dwelling, or to the last known address of the owner as reflected in the tax rolls of Troy, Troy Township, or Perry County. Upon the failure of the owner and/or occupant to cause the abatement of the nuisance within thirty (30) days, and after notice and opportunity for hearing before the Town Council, the Council shall proceed at once to cause the nuisance to be abated and charge the cost thereof against such owner and/or occupant of said property. The liability created herein shall be joint and several as to the owners and any occupants or tenants.
- (2) In the event that the Town Council, or its designee, shall cause to be abated a nuisance on any property, then as compensation to the Town for its services in causing the abatement, the owner and/or occupant shall be charged the following fees:
 - A. Twenty Dollars (\$20.00) for each inspection necessary to determine compliance with the provisions of this Article.
 - B. Twenty Dollars (\$20.00) for determining private property ownership when necessary.
 - C. Twenty Dollars (\$20.00) for each time a first class letter is written to the occupant or owners.
 - D. Twenty Dollars (\$20.00) per man hour, or fraction thereof, for labor necessary to abate the nuisance.
 - E. Fifty Dollars (\$50.00) per machine hour, or fraction thereof, for the use of any piece of equipment used in abating the nuisance. (Ord. 2012-01, Part SIII, Sept. 12, 2012)

6.45.050 Collection Fees ^I The Town Council shall, upon completion of all acts necessary to abate the nuisance, send a statement to the owner and/or occupant of the property notifying said owner and/or occupant of the fees and charges owing to the Town for its services. Upon the failure of the owner and/or occupant to pay said fees and charges in full within thirty (30) days, the Town Council then may cause such charges and fees to be placed upon the tax duplicate and collected the same as taxes. The Town Council may, in the alternative, refer said charges and fees to the Town Attorney who shall forthwith collect the fees and charges by civil process. (Ord. 2012-01, Part SIV, Sept. 12, 2012)

^I *IC.*, 36-1-6-2 authorizes the Town to enter onto real property and correct Ordinance violations and obtain a lien for the same.

6.45.060 Infraction for Violation. Any person or corporation, whether a principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance shall have committed a class C infraction and upon judgment shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for each offense, such fine to inure to the Town. A separate offense shall be deemed committed on each day during or on which violation occurs or continues. (Ord. 2012-01, Part SV, Sept. 12, 2012)

6.45.070 Other Powers of the Town Council. The Town Council shall, where necessary, designate individuals and institute procedures to carry into force and effect this Article. (Ord. 2012-01, Part SVI, Sept. 12, 2012)

6.45.080 Article to be Supplemental. The provisions of this Article are hereby declared to be supplemental to all other ordinances of the Town. (Ord. 2012-01, Part SVII, Sept. 12, 2012)

6.45.090 Separability. Each section and each provision or requirement of any section of this ordinance shall be considered separable, the invalidity of any portion of this ordinance shall not affect to the validity or enforceability of any other portion. (Ord. 2012-01, Part SVIII, Sept. 12, 2012)

Chapter 6.55

ABANDONED VEHICLES

Sections:

6.55.010	Purpose of Ordinance
6.55.020	Authority for Ordinance on Abandoned Vehicles
6.55.030	Abandoned Vehicles Declared a Nuisance
6.55.040	Definition of Abandoned Vehicle
6.55.050	Definition of Vehicle
6.55.060	Definition of Other Terms
6.55.070	Visibility of Abandoned Vehicle from Public Premises
6.55.080	Responsibility of Owner
6.55.090	Notice Tag Prepared by Officer or Other Designated Individual
6.55.100	Disposition of Vehicle Less than \$750.00
6.55.110	Disposition of Vehicle \$750.00 or more
6.55.120	Abandoned Vehicle Report
6.55.130	Disposal of Vehicle by Town
6.55.140	Exempt from Liability
6.55.150	Incorporation of State Statute into Ordinance

6.55.010 Purpose of Ordinance. It is the purpose of this ordinance to provide for the disposal of abandoned vehicles, which are discarded or otherwise permitted to remain in any place where they are visible from a public place in the Town of Troy, Indiana. (Ord. 2010-5, S1, June 18, 2010) (Ord. 2-81, S1, Mar. 11, 1981)

6.55.020 Authority for Ordinance on Abandoned Vehicles. The ordinance enacted pursuant to authorization given I.C. 9-22-1 et seq. to enact an ordinance for the removal, storage and disposal of abandoned vehicles. (Ord. 2010-5, S2, June 18, 2010)

6.55.030 Abandoned Vehicles Declared a Nuisance. Abandoned vehicles are declared a public nuisance because they are detrimental to the safety, morals and welfare of the general public, economic welfare of the Town, and a scenic blight. (Ord. 2010-5, S3, June 18, 2010) (Ord. 2-81, S2, Mar. 11, 1981)

6.55.040 Definition of Abandoned Vehicle. Abandoned vehicle is defined in I.C. 9-13-2-1 to mean the following:

- (1) A vehicle located on public property illegally.
- (2) A vehicle left on public property without being moved for twenty four (24) hours.
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right of way.

- (4) A vehicle that has remained on private property without consent of the owner or person in control of that property for more than forty-eight (48) hours.
- (5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
- (6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle removal.
- (7) A vehicle that is at least (three) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible. (Ord. 2010-5, S4, June 18, 2010) (Ord. 2-81, S3, Mar. 11, 1981)

6.55.050 Definition of Vehicle. Any automobile, motorcycle, truck, trailer, semi trailer, tractor, bus, school bus, recreational vehicle, or semi trailer used in the transportation of watercraft, a motorized bicycle, or parts of the foregoing items. (See I.C. 9-13-2-196) (Ord. 2010-5, S5, June 18, 2010) (Ord. 2-81, S3, Mar. 11, 1981)

6.55.060 Definition of Other Terms:

- (1) Public Premises. Any building right of way, street, highway, alley, park or other state, county or municipally owned property.
- (2) Private Premises. All privately owned property which is not classified within the definition of public premises.
- (3) Person. All natural persons, firms, partnership and corporations.
- (4) Officer. As used in this ordinance officer means the following:
 - A. A regular member of the state police department;
 - B. A regular member of a city or town police department;
 - C. A town marshal or town marshal deputy; and,
 - D. A regular member of the county police force. (Ord. 2010-5, S6, June 18, 2010) (Ord. 2-81, S3, Mar. 11, 1981)

6.55.070 Visibility of Abandoned Vehicle from Public Premises. No person shall abandon a vehicle on any public or private premises in a location which is visible from

public premises within the limits of the Town of Troy, Indiana. (Ord. 2010-5, S7, June 18, 2010) (Ord. 2-81, S4, Mar. 11, 1981)

6.55.080 Responsibility of Owner.

- (1) Except as provided in subsection (3) below, the person who owns an abandoned vehicle or part is:
 - A. responsible for the abandonment; and
 - B. liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts under this chapter.
- (2) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500.00).
- (3) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.
- (4) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale shall be returned to the previous owner of the vehicle if the previous owner is known. (See I.C. 9-22-1-4) (Ord. 2010-5, S8, June 18, 2010) (Ord. 2-81, S5, Mar. 11, 1981)

6.55.090 Notice Tag Prepared by Officer or Other Designated Individual. An officer who locates or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after twenty-four (24) hours if located on the right of way of a state highway or within seventy-two (72) hours for all other vehicles or parts.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours if located on the right of way of a state highway or within seventy-two (72) hours for all other vehicles or parts. (See I.C. 9-22-1-11) (Ord. 2010-5, S9, June 18, 2010) (Ord. 2-81, S6, Mar. 11, 1981)

6.55.100 Disposition of Vehicle Less than \$750.00. If in opinion of the officer, the market value of an abandoned vehicle or parts determined in accordance with I.C. 9-22-1-13 is less than seven hundred and fifty dollars (\$750.00) the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau. A towing service may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. (Ord. 2010, S10, June 18, 2010)

6.55.110 Disposition of Vehicle \$750.00 or more. If in the opinion of the officer the market value of the abandoned vehicle or parts determined in accordance with this ordinance is:

- (1) \$750.00 or more, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.
- (2) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service. (Ord. 2010-5, S11, June 18, 2010)

6.55.120 Abandoned Vehicle Report.

- (1) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under I.C. 9-22-1-5, I.C. 9-22-1-13, I.C. 9-22-1-14, or I.C. 9-22-1-16, the public agency or towing service shall do the following.
 - A. Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:
 1. The make.
 2. The model.
 3. The identification number.
 4. The number of the license plate.
 - B. Conduct a search of national data bases, including a date base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.
- (2) Notwithstanding I.C. 9-22-1-4, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle has been removed as required by subsection (1), the public agency or towing service:

- A. may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
 - B. subject to subsection (3), may collect further reimbursement only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.
- (3) if the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (1) B, within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

- A. name;
- B. address; and
- C. telephone number,

of the public agency or towing service. Notwithstanding I.C. 9-22-1-4 and subsection (2) B, a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth above may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (1) B.

- (4) A towing service may not collect reimbursement under both subsections (2) and (3) for storage costs incurred during a particular period for one (1) vehicle. (See I.C. 9-22-1-19) (Ord. 2010-5, S12, June 18, 2010)

6.55.130 Disposal of Vehicle by Town.

- (1) This section applied to a town.
- (2) Except as provided in subsection (3), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under I.C. 9-22-1-19, the unit may sell the vehicle or parts by either of the following methods:
 - A. The unit may sell the vehicle or parts to the highest bidder at public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
 - B. The unit may sell the vehicle or part as unclaimed property under I.C. 36-1-11 et seq. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision. (See I.C. 9-22-1-23) (Ord. 2010-5, S13, June 18, 2010)

6.55.140 Exempt from Liability. The following are not liable for loss damage or parts occurring during the removal, storage, or disposition of a vehicle or parts:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed;
- (2) A public agency;
- (3) A towing service;
- (4) An automobile scrap yard;
- (5) A storage yard; and
- (6) An agent of a person or entity listed in subdivision 1-5. (See I.C. 9-22-1-32) (Ord. 2010-5, S14, June 18, 2010) (Ord. 2-81, S7, Mar. 11, 1981)

6.55.150 Incorporation of State Statute into Ordinance. The provisions of I.C. 9-22-1-1 through 9-22-1-32 are incorporated into and made a part of this Ordinance. If any provision of this Ordinance is not in accord with the foregoing cited statutes of the State of Indiana, the State Statute shall prevail. (Ord. 2010-5, S15, June 18, 2010)

Chapter 6.57

USE OF TOWN DUMP

Sections:

6.57.010	Designation
6.57.020	Fee for non-residents
6.57.030	Hours of use
6.57.040	Separation of waste
6.57.050	Supervision
6.57.060	Fine for violation of regulations
6.57.070	Separability

6.57.010 Designation. That the area owned and designated by the Town of Troy, Perry County, Indiana, for use in deposits of wastes, refuse, other discarded materials and substances is hereby established and designated as the "Town Dump of Troy, Indiana" and use thereof shall be subject to the regulations herein; provided, use shall include depositing of aforesaid items and entering on the premises of said area for any purpose. (Ord. 4-64, S1, Sept. 24, 1964)

6.57.020 Fee for non-residents. Free use of said dump shall be and is hereby restricted to residents of the Town of Troy, Indiana; provided, non-residents may be granted a permit to use said dump for an annual fee of \$6.00 same to be paid in advance to the Clerk-Treasurer of the Troy Town Board and payable on a calendar year basis; provided further, no commercial hauling firms shall use said dump. (Ord. 4-64, S2, Sept. 24, 1964)

6.57.030 Hours of use. Hours of use of said dump shall be at times and between the hours designated and set by resolution of the Town Board of Trustees, as adopted by a majority assembled at any meeting of said board, which times shall be posted at said dump and for public view at the office of the town board. (Ord. 4-64, S3, Sept. 24, 1964)

6.57.040 Separation of waste. Items for disposal and deposit at said dump shall be separated into burnable, unburnable, garbage and such other classes as may from time to time be designated by posting at said dump and at the office of the town board. (Ord. 4-64, S4, Sept. 24, 1964)

6.57.050 Supervision. Supervision of said dump is hereby vested in the Town Marshal, subject to orders of the Town Board of Trustees, as may be made from time to time by resolution adopted by a majority at a meeting of said board. (Ord. 4-64, S5, Sept. 24, 1964)

6.57.060 Fine for violation of regulations. Each violation of the regulations hereof or the directions for use of said dump, as directed by proper authority, shall be punishable by a fine of Ten Dollars (\$10.00) and each separate visit to or use of said dump shall be a separate offense. (Ord. 4-64, S6, Sept. 24, 1964)

6.57.070 Separability. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect. (Ord. 4-64, S7, Sept. 24, 1964)

Chapter 6.59

REFUSE COLLECTION

Sections:

6.59.010	Definitions
6.59.020	Refuse collection fee
6.59.030	Fee to be included upon utility bill
6.59.040	Revenue to be placed in "Refuse Collection Fund"
6.59.050	Effective when
6.59.060	Out of town refuse not collected
6.59.070	Penalty for violation

6.59.010 Definitions.

- (1) "Refuse" within the meaning of this Ordinance shall be interpreted to mean garbage, rubbish, ashes, street cleanings, and other food wastes attending the preparation, use, cooking or storing of meat, fish, fowl, food or vegetable and shall include and refer to the accumulation thereof at any dwelling unit, household, business, tavern or public or private place within the corporate limits of the Town of Troy. (Ord. 3-86, S1A, Nov. 12, 1986)
- (2) "Household" within the meaning of this Ordinance shall be interpreted to mean a building or portion thereof used primarily as a place of abode for one or more human beings intended to be occupied by one family only, but not including hotels, motels or some type of lodging house. (Ord. 3-86, S1B, Nov. 12, 1986)
- (3) "Business" within the meaning of this Ordinance shall be interpreted to mean an entity operating as a proprietorship, partnership or corporation or other similar form not falling within the definition of household. (Ord. 3-86, S1C, Nov. 12, 1986)

6.59.020 Refuse collection fee. The Town of Troy hereby assesses a refuse collection fee of \$1.00 per week per household or business and a service fee of \$8.00 per month per household or business for the collection by the Town of Troy of one bag of refuse from each household or business within the corporate limits of the Town of Troy. The refuse must be properly and securely contained in a thirty-three (33) gallon trash bag that does not exceed twenty-five (25) pounds in weight. Each additional bag collected above the one bag allowed each customer shall cost an additional \$1.00 per bag. (Ord. 2009-3, S1, Dec. 16, 2009) (Ord. 2006-4, Aug. 16, 2006) (Ord. 2005-1, Jan. 12, 2005) (Ord. 1-90, Feb. 14, 1990) (Ord. 3-86, S2, Nov. 12, 1986)

6.59.030 Fee to be included upon utility bill. The refuse collection fee shall be assessed by the Town of Troy on a weekly basis for services rendered with payment on a monthly basis and the Town of Troy shall bill this fee on the Troy utility bill for each household or business and such fee shall be payable on the due date of the utility bill which is the 10th day of the month immediately following the month of provision of such refuse collection services by the Town of Troy. A failure to pay this fee when due shall be deemed a violation of this Ordinance. The deed owner of the real estate on which each household or business is located shall be the party to whom or to which the Town of Troy shall bill this service and who shall be legally liable for payment of this fee. Of course, the owner of such property can make agreements with any business or household located on its real estate as to reimbursement for the fee. (Ord. 3-86, S3, Nov. 12, 1986)

6.59.040 Revenue to be placed in "Refuse Collection Fund". The revenue obtained from the assessment of the refuse collection fee shall be placed in a fund designated as the "Refuse Collection Fund" and shall be expended therefrom for refuse collection expenses, partial payment of the Town Marshall's salary to enforce this refuse collection ordinance, and payment of landfill costs, all of which expenses are being incurred by the Town of Troy. (Ord. 2009-3, S2, Dec. 16, 2009) (Ord. 3-86, S4, Nov. 12, 1986)

6.59.050 Effective when. This Ordinance shall take effect December 1, 1986 upon passage by the board and publication as required by law. (Ord. 3-86, S5, Nov. 12, 1986)

6.59.060 Out of town refuse not collected. The Town of Troy does not intend for a household or business located outside its corporate limits to avail itself of this refuse collection service. However, if the Town of Troy discovers that either a household or business outside the corporate limits of the Town of Troy has delivered certain refuse within the corporate limits of the Town of Troy and the Town of Troy collects such refuse, such household or business shall be billed in the same manner as the households or businesses within the corporate limits of the Town of Troy for this service. Upon its learning of the same, the Town of Troy shall discontinue the collection of such refuse for out of town households or businesses. (Ord. 3-86, S6, Nov. 12, 1986)

6.59.070 Penalty for violation. It shall be unlawful for any person, firm, household or business to violate any of the terms of this Ordinance and any person, firm, household or business who violates any provisions of this Ordinance shall be deemed upon conviction to commit an offense hereafter deemed to be an infraction and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation plus court costs and other costs incurred by the Town of Troy in prosecuting such violation including a reasonable attorney's fee for the attorney prosecuting this action on behalf of the Town of Troy. Each separate violation of this Ordinance shall be deemed as a separate and distinct offense. (Ord. 3-86, S7, Nov. 12, 1986)

Chapter 6.70

CURFEW

Sections:

- 6.70.010** Curfew hours for minors
- 6.70.020** Exceptions to curfew violation

6.70.010 Curfew hours for minors. Pursuant to I.C. 31-37, 3-4, it is a curfew violation for a child less than 15 years of age to be in a public place after 10:00 P.M. or before 5:00 A.M. on any day. (Ord. 2001-4, S1, Aug. 15, 2001)

6.70.020 Exceptions to curfew violation. This Ordinance does 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) participating in, going to, or returning from:
 - A. lawful employment;
 - B. a school sanctioned activity; or
 - C. a religious event. (Ord. 2001-4, S2, Aug. 15, 2001)