

### **TITLE 3**

## **PUBLIC HEALTH AND SAFETY AND SANITATION**

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#### **Chapters:**

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## Chapter 3.01

### Utilization of the Town Dump

#### Sections:

<b>3.01.010</b>	<b>Establishment</b>
<b>3.01.020</b>	<b>Use</b>
<b>3.01.030</b>	<b>Rules</b>
<b>3.01.040</b>	<b>Removal of objects</b>
<b>3.01.050</b>	<b>Penalty</b>

**3.01.010 Establishment.** The area hitherto established as a town dump, or any other area hereafter so established, shall be considered as the town dump as the phrase is used in this ordinance. (Ord. 69-1, S1, June 18, 1969)

**3.01.020 Use.** All persons, firms, or corporations, and their agents, whose residences or places of doing business are within the corporate limits of the Town of West Baden Springs, Indiana, shall be privileged to use the facilities of the town dump for the depositing of dumping of empty cans or bottles, glass, wooden or paper boxes, crates, old metals or alloys, stone, ashes, brick, tires, and the like, originating in the Town of West Baden Springs, Indiana. No person, firm or corporation, other than those above designated shall enter into or upon the town dump or use the town dump for any purpose whatsoever and no refuse except refuse originating in the Town of West Baden Springs, Indiana, shall be placed in the town dump.

Provided, however, that any person, firm, or corporation, and their agents, whose residences or places of doing business are beyond the corporate limits of the Town of West Baden Springs, Indiana, may be privileged to use the facilities of the town dump, subject to the other provisions of this ordinance, upon application to the Board of Trustees of the Town of West Baden Springs, Indiana, for a license for the use of such facilities. Applications must be made in writing and must state an agreement to comply with all other provisions of this ordinance. Forms for licenses and applications thereof shall be prepared and kept on file by the Town Clerk-Treasurer. Each license issued shall bear the signatures of the said Board of Trustees and effective for a twelve-month period, subject to renewal. The license fee for any commercial establishment, factory, or other place of business, whether owned or operated by any person, firm, or corporation shall be Fifty Dollars (\$50.00) for a twelve-month period. The license fee for all others shall be Ten Dollars (\$10.00) for a twelve month period. The Board of Trustees shall have the right to revoke any license issued hereunder for the violation of any of the provisions of this ordinance. (Ord. 70-1, S1, March 4, 1970) (Ord. 69-1, S2, June 18, 1969)

**3.01.030 Rules.** All persons, firms and corporations, or their agents, having the right to use the facilities of the town dump as in this ordinance provided, shall abide by and conform with all the regulations herein provided, and/or with all instructions or orders of the person authorized by the Board of Trustees of the Town of West Baden Springs, Indiana, to supervise dumping operations within said town dump, and with all signs and notices posted at the town dump by order of said

Board of Trustees, or the superintendent of streets on direction of said Board of Trustees, particularly with the signs which designate where dumping operations are permitted, or prohibited in any particular area, or site within the town dump, which such signs are posted by order of said Board of Trustees, or the superintendent of streets on direction of said Board of Trustees. No person, firm or corporation, or their agents, having the right to use the town dump as in this ordinance provided, shall be permitted to enter upon or use the town dump for dumping operations except during the hours specified by notice posted at the gate at the entrance to said town dump. (Ord. 69-1, S3, June 18, 1969)

**3.01.040 Removal of objects.** No person, firm or corporation, or the agents, shall, except by permission of the Board of Trustees of the Town of West Baden Springs, Indiana, remove any article or object which has been deposited or dumped and left at the town dump. (Ord. 69-1, S4, June 18, 1969)

**3.01.050 Penalty.** Any person, firm or corporation, or their agents, violating any provision of this ordinance shall be fined not less than five dollars nor more than one hundred dollars for each offense. (Ord. 69-1, S5, June 18, 1969)

## Chapter 3.02

### Garbage Collection and Disposal

#### Sections:

<b>3.02.010</b>	<b>Residential collection</b>
<b>3.02.020</b>	<b>Container</b>
<b>3.02.030</b>	<b>Placement of garbage</b>
<b>3.02.040</b>	<b>Fines</b>
<b>3.02.050</b>	<b>Each day of noncompliance is a separate offense</b>
<b>3.02.060</b>	<b>Town may refuse to pick up materials</b>
<b>3.02.070</b>	<b>Use of services</b>
<b>3.02.080</b>	<b>Appropriated Town funds</b>
<b>3.02.090</b>	<b>Charges for the collection of garbage</b>
<b>3.02.100</b>	<b>Charges added to utility bills</b>
<b>3.02.110</b>	<b>Items not collected</b>
<b>3.02.120</b>	<b>Direct billing to non-utility customers</b>
<b>3.02.130</b>	<b>Failure to pay/discontinuance/penalties</b>
<b>3.02.140</b>	<b>Separate fund</b>

**3.02.010 Residential collection.** The Town of West Baden Springs, by its employees and agents, shall in a regular and orderly manner collect from the residences of the Town, and properly dispose of, all garbage, ashes and trash found within the limits of such Town. (Ord. 1964-1, March 16, 1964)

**3.02.020 Container.** To promote orderly and proper collection of such material, all such material so to be collected shall be kept by the owner thereof in a tightly covered metal container having a volume of not to exceed 25 gallons. All garbage is to be securely wrapped. (Ord. 1964-1, March 16, 1964)

**3.02.030 Placement of garbage.** Such material in such containers shall be placed by the owner thereof on the tree-line, or utility strip, adjoining a public street, on the day and only on the day announced as pick-up day. At all other times such material shall be kept in safe and sanitary containers upon the property of the owner. (Ord. 1964-1, March 16, 1964)

**3.02.040 Fines.** Failure to comply with the requirements of this ordinance shall constitute a public nuisance, punishable by a fine of \$5.00, to be enforced as other public nuisances are enforced. (Ord. 1964-1, March 16, 1964)

**3.02.050 Each day of noncompliance is a separate offense.** Each day on which this Chapter is violated, shall constitute a separate offense punishable by such fine. (Ord. 1964-1, March 16, 1964)

**3.02.060 Town may refuse to pick up materials.** In addition to penalty above prescribed for violations of this ordinance, the Town may refuse to pick up such material for any resident failing to comply with the requirements of this ordinance.

(Ord. 1964-1, March 16, 1964)

**3.02.070 Use of services.** Nothing in this chapter shall require or compel any resident of the Town of West Baden Springs to use the services so furnished by the Town, or interfere in any way with the right of and such resident properly to dispose of his garbage, ashes and trash. (Ord. 1964-1, March 16, 1964)

**3.02.080 Appropriated Town funds.** That the burden imposed by this ordinance upon the Town of West Baden Springs shall be subject to availability of properly appropriated funds. (Ord. 1964-1, March 16, 1964)

**3.02.090 Charges for the collection of garbage.** There is hereby imposed on each owner, tenant or occupant of residential or commercial property in the Town of West Baden Springs, Indiana, to whom municipal refuse and garbage collection is made available by said Town directly, or through any person, firm or corporation with which the Town may contract for the furnishing of such service, a service charge for the collection and garbage according to the following schedule:

- A. For a one-family dwelling \$9.00 per month.
- B. For a multi-family or apartment dwelling, per dwelling unit per month.
- C. For mobile home or trailer court, \$9.00 per dwelling unit per month.
- D. For commercial establishments, the following rates will apply:
  - 1. Dumpsters . . . . . \$16.00 once a week pick-up  
Barrels . . . . . \$ 8.00 once a week pick-up  
Bags . . . . . \$12.00 once a week pick-up  
Miscellaneous . . . . . \$20.00 a month/once a week pick-up  
(Not placed in dumpsters, barrels or bags)  
  
Extra pick-up that is setting around dumpsters, etcetera, will be an additional \$5.00 per week charge.
  - 2. The above rates will be multiplied according to number of pick-ups per week.
  - 3. Those who use the ton truck for pick-up per load will be charged \$47.50. If the use of the tractor is involved an additional \$15.00 will be charged.
- E. All residents and/or businesses who have other independent contractors will be assessed the flat rate of \$9.00 per month. No exclusions. (Ord. 92-10, S1, Dec. 15, 1992) (Ord. 88-5, S1, May 19, 1988) (Ord. 86-5, S1, Dec. 4, 1986) (Ord. 85-2, S1, June 1, 1985) (Ord. 82-1, S1, Jan. 21, 1982)

**3.02.100 Charges added to utility bills.** Service charges as specified above, shall be added to the utility bill charges and shall be payable as are bills for sanitation service (sewage). (Ord. 92-10, S2, Dec. 15, 1992) (Ord. 88-5, S2, May 19, 1988) (Ord. 86-5, S2, Dec. 4, 1986) (Ord. 85-2, S2, June 1, 1985) (Ord. 82-1, S2, Jan. 21, 1982)

**3.20.110 Items not collected.** Said garbage service shall not include any of the following:

- A. Any items not in containers
- B. Any garbage not drained of free liquid or wrapped in several thicknesses of paper.
- C. Hot ashes.
- D. Any liquids.
- E. No tree limbs.
- F. Any broken concrete, asphalt, building materials or earth.
- G. Hot water heaters, auto parts, furniture, or any other extraordinary items. (Ord. 92-10, S3, Dec. 15, 1992) (Ord. 88-5, S3, May 19, 1988) (Ord. 86-5, S3, Dec. 4, 1986) (Ord. 85-2, S3, June 1, 1985) (Ord. 82-1, S3, Jan. 21, 1982)

**3.02.120 Direct billing to non-utility customers.** In the event any recipient of municipal refuse and garbage collection service is not a recipient of municipal sanitation service and does not therefore receive a utility bill, said recipient will be billed directly for said service and said bill will be payable on the same basis as are bills for sanitation service. (Ord. 92-10, S4, Dec. 15, 1992) (Ord. 88-5, S4, May 19, 1988) (Ord. 86-5, S4, Dec. 4, 1986) (Ord. 85-2, S4, June 1, 1985) (Ord. 82-1, S4 Jan. 21, 1982)

**3.02.130 Failure to pay/discontinuance/penalties.** Failure to pay service charges for refuse and garbage collection shall be grounds for discontinuance of refuse and garbage collection service, and in addition the Town may pursue any one of the following remedies.

- A. If said service charge or any part thereof shall not be paid within thirty (30) days after the payment is due, the amount thereof, together with a penalty of ten (10%) percent and a reasonable attorney's fee, may be recovered by the Town in a civil action in the name of the Town, and provided in Indiana Code 36-9-30-21.
- B. If any service charge remains unpaid for a period of six (6) months, said charges may be certified to the Auditor of Orange County for placement upon the tax duplicate by the Auditor and collection as taxes are collected, as provided by Indiana Code. (Ord. 92-10, S5, Dec. 15, 1992) (Ord. 88-5, S5, May 19, 1988) (Ord. 86-5, S5, Dec. 4, 1986) (Ord. 85-2, S5,

June 1, 1985) (Ord. 82-1, S5, Jan. 21, 1982)

**3.02.140 Separate fund.** Revenue from service charge collections will be deposited in a separate fund. Only payments of costs incident to the service will be made from this fund. Any surplus accumulating in this fund will be retained to apply to any increases in the cost of providing the service, or to permit reduction in service charges, by action of the Board of Trustees when feasible. (Ord. 92-10, S6, Dec. 15, 1992) (Ord. 88-5, S6, May 19, 1988) (Ord. 86-5, S6, Dec. 4, 1986) (Ord. 85-2, S6, June 1, 1985) (Ord. 82-1, S6, Jan. 21, 1982)



## **Chapter 3.03**

### **Transportation of Certain Wastes**

#### **Sections:**

<b>3.03.010</b>	<b>Transportation of certain wastes</b>
<b>3.03.020</b>	<b>Violations and Penalties</b>

**3.03.010 Transportation of certain wastes.** It shall be unlawful for any person, firm, or corporation to transport any waste paper, rags, or excelsior on or over the streets or other public ways of the Town of West Baden Springs, Indiana, unless such waste paper, rags, or excelsior is so transported in accordance with any one of the following approved methods:

- A. In a totally enclosed vehicle, or
- B. In crates totally enclosed or lined with either cardboard, corrugated or heavy paper, plywood or hardware cloth, and with the open side of such crates covered with one of such materials, tied so that no loose paper, rags, or excelsior may sift or leak out of said crates, and loaded on trucks or trailers in such manner that the open side of such crates face the inside of such trucks or trailers, or
- C. The truck or trailer covered with a tarpaulin or tarpaulins, tied down in such manner as to prevent littering or scattering of the waste paper, rags, or excelsior.

Provided however, that materials consisting exclusively of corrugated or cardboard paper may be transported in unlined crates or compressed bales. (Ord. 67-8, S1, Sept. 20, 1967)

**3.03.020 Violations and penalties.** Any person, firm, or corporation that shall fail to comply with or violate the provisions of this ordinance shall be deemed guilty of a misdemeanor, punishable by a fine of not less than \$25.00 nor more than \$100.00 for each occurrence. All prosecutions for violations shall be brought in the name of the Town before the Justice of the Peace Court or the Orange Circuit Court. (Ord. 67-8, S2, Sept. 20, 1967)

## Chapter 3.04

### Wild growth and refuse removal

#### Sections:

<b>3.04.010</b>	<b>Definitions</b>
<b>3.04.020</b>	<b>Responsibility</b>
<b>3.04.030</b>	<b>Public nuisance</b>
<b>3.04.040</b>	<b>Complaint</b>
<b>3.04.050</b>	<b>Notice</b>
<b>3.04.060</b>	<b>Hearing</b>
<b>3.04.070</b>	<b>Penalty for violation</b>

**3.04.010 Definitions.** When used in this ordinance the following terms shall be defined as follows:

- A. Private property means real estate which is not owned or leased by the United States, the State of Indiana, Orange County, or the Town of West Baden Springs, Indiana.
- B. Owner means the holder of fee simple title to real estate and the life tenant (if there be one). For purposes of notice to the "owner", the owner shall be presumed to be the persons or entities shown as owner on the current property tax duplicate in the Office of the Auditor of Orange County, Indiana; notice shall be deemed given to the actual owner of mail addresses as indicated by the said tax duplicate.
- C. Board means the duly elected, qualified, and acting Board of Trustees of the Town of West Baden Springs, Indiana. (Ord. 88-7, S1, Aug. 17, 1988) (Ord. 70-2, S1, June 3, 1970)

**3.04.020 Responsibility.** It shall be the duty of all owners of private property within the corporate limits of the Town of West Baden Springs, Indiana, to remove or cause to be abated any public nuisance as specified in Section 3.04.030 of this Chapter. (Ord. 88-7, S2, Aug. 17, 1988) (Ord. 70-2, S2, June 3, 1970)

**3.04.030 Public nuisance.** Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon, including, but not solely limited to, waste paper, rags, cans, bottles, boxes, lumber, metal, garbage, or disused or inoperable motor vehicles, trailers, or any other machinery, or appliances or furniture thereon, unless specifically authorized under existing laws and regulations, or to allow a rank growth of grass, weeds, or other vegetation to remain thereon, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity or offensive to the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance. (Ord. 88-7, S3, Aug. 17, 1988) (Ord. 70-2, S3, June 3, 1970)

**3.04.040 Complaint.** The Board upon receiving a complaint concerning an alleged public nuisance as defined by Section 3.04.030, shall give notice in accordance with Section 3.04.050. (Ord. 88-7, S4, Aug. 17, 1988) (Ord. 70-2, S3, June 3, 1970)

**3.04.050 Notice.** The notice required by Section 3.04.040 shall be certified mail, return receipt requested. Such notice shall state the location of the alleged public nuisance exists, state the action deemed necessary to correct the situation, and fix a date and time when the owner may be heard before the Board. The notice shall be mailed to the owner at the address appearing on the current tax duplicate in the Office of the Auditor of Orange County, Indiana, at least ten (10) days prior to the hearing. If someone other than the owner occupies the affected property, a copy of the notice shall be mailed by first class mail to the occupant in addition to the notice given the owner. (Ord. 88-7, S5, Aug. 17, 1988) (Ord. 70-2, S5, June 3, 1970)

**3.04.060 Hearing.** The hearing shall be held publicly before the Board. If the owner appears, the Board shall proceed to hear evidence and determine if such an alleged public nuisance exists. Such hearing may be continued from time to time by the Board. If on a final hearing, the Board determines that a public nuisance does exist, it shall give the owner not more than ten (10) days to remove or cause to be abated the said nuisance. In the event that the owner does not appear at the hearing, or refuses, fails, or neglects to remove or cause to be abated the public nuisance, the Board may instruct the Town Attorney to enforce this ordinance against the owner by suit in the Orange Circuit Court. In the event that the public nuisance consists of weeds or other rank vegetation, the Board may provide for the cutting and removal of the same, the expenses of such to be certified to the Auditor of Orange County, Indiana, and said expenses shall be collected as taxes on the real estate as provided in Indiana Code 36-7-10-3. (Ord. 88-7, S6, Aug. 17, 1988) (Ord. 70-2, S6, June 3, 1970)

**3.04.070 Penalty for violation.** Any person, firm, or corporation causing any public nuisance, as hereinabove defined, in violation of any provision of this ordinance, shall be fined not less than one dollar (\$1.00) nor more than twenty-five hundred dollars (\$2,500.00) for each violation thereof, and in the event of a continuing nuisance of any public nuisance defined in this ordinance, any person, firm, or corporation so causing said nuisance shall be fined not less than the sum of one dollar (\$1.00) nor more than twenty-five hundred dollars (\$2,500.00); and if said public nuisance continues, each day's operation of said public nuisance or the operation thereof on any part of each day shall be deemed to be a separate violation and for each day's maintenance of said nuisance, said person, firm, or corporation shall suffer the penalty herein set out. (Ord. 88-7, S7, Aug. 17, 1988) (Ord. 70-2, S7, June 3, 1970)

## **Chapter 3.05**

### **Open Burning**

#### **Sections:**

<b>3.05.010</b>	<b>Open fires</b>
<b>3.05.020</b>	<b>Fines for violation</b>
<b>3.05.030</b>	<b>Prosecution for violation</b>

**3.05.010 Open fires** No person shall kindle or maintain an open fire on the surface of any improved public street, alley, road, or other public ground of the Town, nor shall any such fire be kindled or maintained in such proximity to any such public street, alley, road, or public ground as to tend to damage same or to interfere with the full use of same by the public. (Ord. 66-6, S1, Sept. 21, 1966)

**3.05.020 Fines for violation.** The violation of this ordinance shall constitute a misdemeanor, punishable by a fine of not less than \$1.00 nor more than \$25.00 for each occurrence. (Ord. 66-6, S2, Sept. 21, 1966)

**3.05.030 Prosecution for violation.** Any person violating this ordinance shall be prosecuted in the name of the Town before the Justice of the Peace Court or the Circuit Court in Orange County, Indiana. (Ord. 66-6 Sept. 21, 1966)

## **Chapter 3.06**

### **Fire Protection**

#### **Sections:**

##### **3.06.010**

##### **Fire limits established**

**3.06.010 Fire limits established.** That the entire incorporated area of the Town of West Baden Springs, Indiana, is hereby declared to be and is hereby established as a Fire District for the application of the regulations included in the "Uniform Building Code, Short Form, 1964 Edition" published by the International Conference of Building Officials. (Ord. 67-1, S3, Feb. 15, 1967)

## **Chapter 3.08**

### **Uniform Housing Code**

#### **Sections:**

##### **3.08.010**

#### **Adoption of Housing Code**

**3.08.010 Adoption of Housing Code** That a certain document, three (3) copies of which are on file in the office of the Town Clerk-Treasurer of the Town of West Baden Springs, Indiana, being marked and designated as "Uniform Housing Code, 1964 Edition" published by the International Conference of Building Officials, and as from time to time amended, be and the same is hereby adopted as the housing code of the Town of West Baden Springs, Indiana, providing for the minimum requirements of all buildings, or portions thereof used, or designated or intended to be used, for human habitation in the Town of West Baden Springs, Indiana; for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of such buildings; providing for penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions, and terms of such "Uniform Housing Code, 1964 Edition", published by the International Conference of Building Officials, and as from time to time amended, on file in the office of the Town Clerk-Treasurer are hereby referred to, adopted, and made apart hereof as if fully set out in this Ordinance. (Ord. 67-3-AA, S1, Feb. 15, 1967)

## **Chapter 3.12**

### **Curfew for Minors**

#### **Sections:**

<b>3.12.010</b>	<b>Unlawful for minors to loiter</b>
<b>3.12.020</b>	<b>Penalty for violation</b>

**3.12.010 Unlawful for minors to loiter.** It is hereby made unlawful for any parent, guardian or other person having the authorized custody, care and control of any minor person, to permit such minor, if under the age of eighteen years, and it is also unlawful for such minor, to loiter, idle, congregate, stroll, play or remain in or upon any of the streets, alleys, parks or public places, either on foot or in vehicles of any type, within the corporate limits of the Town of West Baden Springs, Indiana, Orange County, Indiana, between the hours of 11:00 o'clock P.M. EST and 5:00 o'clock A.M. EST of any day. Provided however, that the above provision shall not apply to any such minor when accompanied by his or her parent or guardian, or other person having the authorized custody, care and control of such minor; or if such minor be then engaged in the performance of a lawful errand, or employment, if authorized and/or directed by such parent, guardian, or other person having the authorized care and custody of such minor or when returning home from school and church sponsored activities or other legal and authorized assemblages, when such minor's presence was authorized by his or her parent, guardian or such person having authorized custody of such minor. However, such minor is not permitted to loiter during prohibited hours in returning to his or her home from such activities and assemblages. (Ord. 69-3, S1, Dec. 17, 1969)

**3.12.020 Penalty for violation.** Any person violating the terms and provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined not less than Ten (\$10.00) nor more than One Hundred (\$100.00) Dollars. (Ord. 69-3, S2, Dec. 17, 1969)